

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO**

**Program: Administrative Appeals Tribunal**

**Question No. AE17/158**

**Senator Pratt asked the following question at the hearing on 24 March 2017\*:**

1. How many cases are before the Administrative Appeals Tribunal at the moment?
2. How many cases were considered by the AAT in:
  - a) 2013/2014
  - b) 2014/2015
  - c) 2015/2016
  - d) 2016/2017
3. How many requests for a translator at an Administrative Appeals Tribunal were received in:
  - a) 2013/2014
  - b) 2014/2015
  - c) 2015/2016
  - d) 2016/2017
4. Of those, how many were requests made by the applicant?
  - a) 2013/2014
  - b) 2014/2015
  - c) 2015/2016
  - d) 2016/2017

\*This question was originally asked of the Immigration and Border Protection portfolio and was transferred to the Attorney-General's portfolio because the Attorney-General has portfolio responsibility for the Administrative Appeals Tribunal (AAT). The AAT sought clarification from Senator Pratt's Office about two parts of this question. Senator Pratt's Office advised that the response should be limited to matters before the AAT where DIBP is the primary decision-maker. Senator Pratt's Office also clarified that the question seeks information about interpreters, not translators.

**The answer to the honourable senator's question is as follows:**

The figures in this answer relate to applications for review of decisions made by the Minister for Immigration and Border Protection or a delegate of the Minister about:

- visas under the *Migration Act 1958*; and
- citizenship under the *Australian Citizenship Act 2007*.

Prior to 1 July 2015, applications for review of decisions relating to visas were made either to the AAT, the Migration Review Tribunal (MRT) or the Refugee Review Tribunal (RRT). Since 1 July 2015, applications for review of decisions relating to visas that were previously made to the AAT are now dealt with in the AAT's General Division and applications for review of decisions relating to visas that were previously made to the MRT- RRT are now dealt with in the AAT's Migration & Refugee Division (MRD).

Applications for review of decisions relating to citizenship have always been made to the AAT and, since 1 July 2015, are now dealt with in the AAT's General Division.

The figures do not include referrals made to the Immigration Assessment Authority.

1. The following table sets out the number of applications that were on hand in the AAT as at 31 March 2017.

<b>AAT Division</b>	<b>Number</b>
General Division	225
MRD	22,652
<b>TOTAL</b>	<b>22,877</b>

2. The following table sets out the number of applications that were finalised by the AAT, MRT or RRT in each of the stated years.

<b>Financial year</b>	<b>AAT/ General Division</b>	<b>MRT-RRT/ MRD</b>	<b>Total</b>
2013–14	248	24,729	<b>24,977</b>
2014–15	301	21,567	<b>21,868</b>
2015–16	320	16,111	<b>16,431</b>
2016–17 to 31 March 2017	323	13,432	<b>13,755</b>

3. The AAT asks applicants or their representative at different stages of the review process whether they or another person need an interpreter. When the AAT is made aware that a party or witness needs an interpreter, a record is made and the AAT then engages an interpreter for any case event. This was also the practice of the former MRT-RRT.

The following table sets out for all applications that were finalised in each of the stated years the number of applications in relation to which the AAT, MRT or RRT recorded in its electronic case management system that an interpreter was required.

<b>Financial year</b>	<b>AAT/ General Division</b>	<b>MRT-RRT/ MRD</b>	<b>Total</b>
2013–14	48	11,609	<b>11,657</b>
2014–15	91	12,342	<b>12,433</b>
2015–16	80	9,500	<b>9,580</b>
2016–17 to 31 March 2017	59	8,052	<b>8,111</b>

4. As was the case in the former MRT-RRT, the AAT does not record in its case management systems who makes a request for an interpreter. In general, requests are made by or on behalf of the applicant for the review.