

**Principal Member's O
Senate Legal and Constitutio
Additional Estima**

Tabled Document 1
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MRT - RRT

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The Migration Review Tribunal and the Refugee Review Tribunal last appeared before the Committee in October 2010. By way of opening, I would like to highlight some of the more significant developments since then.

Workload in the financial year to 31 January 2011

Our workload is increasing: lodgements in both the MRT and RRT have increased significantly. And compared to last year, RRT decisions have increased and MRT decisions have decreased. The details as at 31 January 2011 are:

RRT

- 1646 lodgements (an increase of 32% when compared with the same period in 2009-10)
- 1555 decisions (an increase of 31% when compared with the same period in 2009-10)
- 75% of cases decided within 90 days (average time taken to decide reviews was 95 days)
- 829 active cases (an increase of 20% when compared with the same period in 2009-10)

MRT

- 5919 lodgements (an increase of 26% when compared with the same period in 2009-10)
- 3237 decisions (a decrease of 28% when compared with the same period in 2009-10)
- 9731 active cases (an increase of 49% when compared with the same period in 2009-10)

Whilst lodgements increased across a number of MRT case categories (including bridging, visitor and permanent business visa refusals and student cancellations), there has been a particular increase in applications to review decisions to refuse student visas. Student refusal lodgements are up 129%, with around 1000 more student refusal applications lodged this financial year compared to the same period last year. The principal reason for this appears to be an increase in primary refusals following the introduction of legislative amendments aimed at strengthening the integrity of the student visa program.

The decrease in MRT decision output, despite the increase in lodgements, is principally due to the substantial increase in our RRT work, to which we must give priority.

Our resource difficulties have been exacerbated by the recent loss of a number of experienced RRT members to the Department's Independent Protection Assessment (formerly known as Independent Merits Review) for irregular maritime arrivals. Eight Tribunal members have taken leave of absence to undertake assessments for Independent Protection Assessment.

Judicial review applications

The number of new judicial review applications in relation to both MRT and RRT decisions continue to decline, and application rates remain at much lower levels than previous years. Court remittals also remain low for both Tribunals, consistent with recent trends.

Of the 3238 MRT decisions made to 31 January 2011, 2.7% (89) have been the subject of an application for judicial review. 125 judicial review applications were finally determined. The judicial review application was dismissed in 95 (76%) of these cases.

In the same period, of the 1555 RRT decisions made, 15.6% (243) have been the subject of an application for judicial review. 331 judicial review applications were finally determined. The judicial review application was dismissed in 305 (92.1%) of these cases.

Strategies to deal with the increased workload

The range of things we are doing to seek to make inroads into the MRT caseload include these:

- establishment of a taskforce in Victoria, which includes 3 members, to deal exclusively with recently lodged student visa refusal applications;
- increasing to 7 the team of members in NSW who are focusing exclusively for a period of time on MRT cases.

Action is also underway to recruit additional members. Subject to Cabinet processes, I am hopeful that we will have additional members on board by the middle of this year.

My colleagues and I are happy to elaborate on any of these matters or answer any questions the Committee may have.