

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 23-24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0019) Program: Portfolio Tribunals (MRT-RRT)

Senator Boyce asked:

Turning now to your statistics, for cases, still being considered after 90 days and listed as still not decided. The average time for the eventual resolution of matters taking longer than 90 days was 165 days. This is way beyond not only the statutory limit but way beyond what anyone could think reasonable. Can you provide a detailed explanation of why these matters are taking so long for the Department to resolve?

Answer:

There are cases which reasonably can take much longer than 90 days to decide. While 90 days is a statutory period there are other statutory requirements which seek to ensure that procedural fairness is afforded to the applicant. There are requirements to hold hearings and to invite applicants to comment or respond to adverse information, and which set prescribed periods for applicants to respond to invitations, and for extensions of time.

In 51% of cases, contributing reasons for the cases taking more than 90 days included applicants requesting extensions of time, requesting the rescheduling of hearings or being unavailable due to illness or other reasons.