



Australian Government

Migration Review Tribunal · Refugees Review Tribunal

Senate Legal and Constitutional Affairs Committee
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MRT / RRT

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Principal Member's Opening Address
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The Migration Review Tribunal and the Refugee Review Tribunal last appeared before the Committee in February. By way of opening, I would like to highlight some of the more significant developments since then.

Workload in the financial year to 30 April 2011

Our workload has continued to increase: lodgements in both the MRT and RRT have continued their upward rise. As at 30 April, the details for both lodgements and decisions are:

RRT

- 2368 lodgements (an increase of 29% when compared with the same period in 2009-10)
- 2144 decisions (an increase of 19% when compared with the same period in 2009-10)
- 962 active cases (an increase of 46% when compared with the same period in 2009-10)

MRT

- 8367 lodgements (an increase of 26% when compared with the same period in 2009-10)
- 5035 decisions (a decrease of 22% when compared with the same period in 2009-10)
- 10381 active cases (an increase of 59% when compared with the same period in 2009-10)

While lodgements continue high across a number of MRT case categories (including bridging, visitor and permanent business visa refusals and student visa cancellations), the notable increase continues to be in the area of student visa refusals.

The decrease in MRT decision output is principally due to the substantial increase in our RRT work, to which we must give priority. In general RRT cases are more complex and time consuming.

As I advised you in my February statement, our capacity difficulties have been exacerbated, by the loss of a number of experienced RRT members to the Department's Independent Protection Assessment office which assess the claims of irregular maritime arrivals. Eight Tribunal members have taken leave of absence to do this work.

Judicial review applications

The number of judicial review applications continues to be much fewer than in previous years. Court remittals also remain low for both Tribunals, consistently with recent trends.

Of the 5035 MRT decisions made to 30 April 2011, 2.9% (144) have been the subject of an application for judicial review. 184 judicial review applications were finally

determined. The judicial review application was dismissed in 142 (77.2%) of these cases.

In the same period, of the 2144 RRT decisions made, 18.0% (385) have been the subject of an application for judicial review. 507 judicial review applications were finally determined. The judicial review application was dismissed in 471 (92.9%) of these cases.

Strategies to deal with the increased workload

At the last Estimates Hearings I let you know about a range of strategies we had put in place to deal with the increased MRT workload. Those strategies included the establishment of task forces to deal with particular cohorts of cases and greater use of allocations to members of batches of cases of a similar kind. The strategies are working. We will finish the year very strongly in terms of MRT output. I look forward to our next appearance before the Committee when I can give Senators solid data about this.

Member Recruitment

I mentioned at our last appearance that action was underway to recruit additional members and senior members in order to address our capacity problems. The Selection Advisory Committee's recommendations are now with government. Subject to Cabinet processes, I am hopeful that we will have additional members on board in July.

Resourcing arrangements

The 2011-12 budget proposes increased appropriations (\$13.9 million over the four years of the forward estimates) for the Tribunals, which will be offset by increases in the MRT and RRT application fees from 1 July 2011. The fee changes will be reflected in the Migration Regulations and will involve:

- Increases in application fees by 10%, from \$1400 to \$1540 with future biennial CPI increases;

- Modifications to fee waiver and fee refund arrangements for the MRT, imposing a reduced fee of \$770 in financial hardship cases, and refunding 50% of the fee if a favourable decision is made.

The tribunals' resourcing arrangements were last reviewed in 2004, and we have been under financial pressure over the last few years given the impact of cost increases, increased complexity resulting from court judgments and the large increases in lodgements.

The \$1400 application fee has not been increased since 1999 for the MRT and since 2003 for the RRT. I should mention that the changes do not affect current arrangements for the RRT under which no application fee is paid up front and only becomes payable if the person is found not to be a refugee.

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