

**Principal Member's Opening Address**  
**Senate Legal and Constitutional Affairs Committee**  
**Budget Estimates Hearing**

21 May 2012

The Migration Review Tribunal and the Refugee Review Tribunal last appeared before the Committee in February this year. 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 2012**

Our workload has continued to increase as lodgements in both the MRT and RRT have continued to increase significantly. At the same time, I am pleased to advise Senators that the Tribunals have responded to the challenge by increasing the output of decision in the financial year to date. As at 30 April, the details for both lodgements and decisions are:

**MRT**

- 10,882 lodgements (an increase of 30% when compared with the same period in 2010-11)
- 6,405 decisions (an increase of 27% when compared with the same period in 2010-11)
- 15,265 active cases (an increase of 47% when compared with the same period in 2010-11)

**RRT**

- 2,626 lodgements (an increase of 11% when compared with the same period in 2010-11)
- 2,203 decisions (an increase of 3% when compared with the same period in 2010-11)
- 1,526 active cases (an increase of 59% when compared with the same period in 2010-11)

Senate Legal and Constitutional Affairs Committee  
Budget Estimates 2012-13, 21-24 May February 2012

Tabled Document

By: Mr Denis O'Brien  
MRT - RRT

Date: 21 May 2012

A total of 3,117 student visa refusal applications have been lodged with the Tribunal so far this financial year, representing 29% of the total lodgements.

As I advised you in my February statement, our capacity difficulties in dealing with the rise in lodgements have been exacerbated by the loss of a number of experienced RRT members to the Department's Independent Protection Assessment Office which assesses the claims of irregular maritime arrivals. However, despite the loss of those members, I expect that we will come close to achieving 10,800 decisions across both tribunals this financial year. Total decision output in 2010-11 was 9,181. The government's decision to transfer to the RRT reviews for irregular maritime arrivals will result over the coming months in the return of our members from the Independent Protection Assessment Office.

#### **Irregular maritime arrivals caseload**

As you are aware, the Minister announced in November 2011 a single protection visa process will now apply both to irregular maritime arrivals and applicants who arrive by other means. He further announced in mid-March that the reviews for those offshore entry applicants who had not had their primary interview by 24 March would be undertaken by the RRT.

Additional funds of \$8.6m were provided to the tribunals in the recent Budget for 2012-13 to fund this increase in caseload for the RRT.

Since the Minister's announcement the tribunals have been preparing for the new caseload. The RRT received the first two irregular maritime arrival cases on 8 and 10 May and we will see more in coming weeks. A considerable amount of effort has gone into preparing for these cases and I would like to publicly express my thanks to the staff and members who have been instrumental in the planning.

## **Strategies to deal with the increased workload**

We have put in place a range of strategies to deal with the increased MRT and RRT 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.

## **Member recruitment**

Action is under way to appoint additional members and senior members in order to address our capacity problems and to enable us to deal with the new RRT irregular maritime arrivals caseload. The Selection Advisory Committee's recommendations are now with government. Subject to Cabinet processes, I am hopeful that the Tribunals will have additional members on board in July.

## **Key performance indicators**

### ***Judicial review applications***

Despite the increase in quantity of decisions, quality continues to be maintained. The number of judicial review applications continues to be fewer than in previous years. Court remittals also remain low for both tribunals, consistent with recent trends. Of the 8,608 decisions made to 30 April 2012, less than 1% have been overturned on judicial review.

### ***RRT 90 day compliance***

The growth in the RRT caseload, the loss of experienced RRT members I have mentioned and our resulting inability to constitute cases to members as quickly as we have done in the past have meant a decline in the percentage of RRT cases completed within 90 days from receipt of the department's file. At 30 April 2012 we met the 90 day requirement in 34% of cases. At the time of our Senate Estimates appearance in May last year the compliance rate was 72%.

## Final words

On a personal note, this will be my last appearance before the Committee in my capacity as the Principal Member of the Tribunals. Deputy Principal Member Amanda MacDonald will next month act in the position until a new Principal Member takes up duty.

Over the past five years, some very significant work changes have been made in the Tribunals. I have sought to lift the quality of tribunal decisions and to ensure fair outcomes. At the same time, I have also sought to maintain a high volume of decision making to match the high volume of applications.

It is interesting to note that the position concerning the MRT at the time of our May 2007 appearance before this Committee was:

- MRT lodgements for the year were 4,812 - 44% less than they are today
- MRT decisions for the year were 5,027 - 22% less than they are today.

While in the position of Principal Member I have been pleased to oversee a substantial drop in both the quantum of judicial review applications by the courts and in the overturn of tribunal decisions. I have also been pleased to oversee an expansion of the tribunals' liaison with external stakeholders. With the publication of our country advice reports and the substantial increase in the percentage of our decisions published on *AustLii*, the tribunals operate in a much more transparent way than they did in the past.

I thank all the members and all the staff of the Tribunals for their great support and assistance in enabling us to achieve our good outcomes over the past five years.

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