# 8

## Conclusion

8.1 The Committee noted comment on the Bill's broad aim of restricting access to judicial review. The Committee's attention was drawn to the fact that there had been previous attempts to narrow judicial review, but nevertheless, the number of appeals to the courts had increased.[1]

8.2 DIMA noted that in 1992, when reforms to the legislation to restrict access to judicial review were examined, it was intended to examine further options if the initial changes did not achieve the aim of inhibiting applications.[2] At that time the Committee supported moves to curtail the trend to migration litigation in the higher courts.[3]

8.3 From 401 applications for judicial review of migration decisions in 1994/95, the number had increased to 1,139 in 1998/99.[4] Over the same period the number of migration matters filed in the Federal Court increased from 89 to 864.[5]

8.4 The Committee considered that although the increasing numbers of appeals may mirror a trend in litigation generally, continuing efforts to minimise migration litigation were warranted.

8.5 The Committee concluded that that the Bill should proceed, subject to the recommendations concerning:

- unintended consequences of section 486B (Recommendation 2);

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1 RILC, Submission, pp. 35-36; DIMA, Submission, p. 47.

2 DIMA, Evidence, pp. 20-21.

3 Joint Standing Committee on Migration, *Asylum, Border Control and Detention*, 1994, p. 104.

4 DIMA, Submission, p. 47.

5 Federal Court of Australia, *Annual Report 1998/99*, Appendix 6.

- High Court time limits in subsection 486A(2) (Recommendation 7).

8.6 It also concluded that additional measures should be pursued in relation to:

- closer supervision of migration agents activities (Recommendation 4); and
- use of test cases (Recommendation 3).