

APPENDIX 5

TABLE 1: FLOW ON TO JUDICIAL REVIEW¹

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Applications determined by the RRT	1682	2962	3378	4247	6506	6524
Federal Court applications*	50	193	279	410	469	653
Litigation rate (%)	3%	6.5%	8.3%	9.7%	7.2%	10%
Applications affirmed by the RRT	1436	2432	2738	3498	5312	5261
Federal Court applications*	49	189	279	401	447	633
Flow-on rate (%)	3.4%	7.8%	10.2%	11.5%	8.4%	12.0%

* DIMA explained that the difference between these two figures represents applications for judicial review filed on behalf of the Minister.

It should be noted that the task of analysing litigation figures in the courts is complicated by the inconsistency of statistics provided to the Committee by the different parties.² Figures from different sources tend to differ slightly, and so conclusions based on these figures are likely to be generalised and indicative only.

1 Statistics provided in *Submission No. 69E*, DIMA, (unbound); and Refugee Review Tribunal, *Program Reference*, Internet Homepage: <http://www.rrt.gov.au/judreview.html>, p. 1.

2 See *Submission No. 31A*, Australian Law Reform Commission, p. 293.

**TABLE 2: FEDERAL COURT RESOLUTIONS SINCE THE
1993-1994 FINANCIAL YEAR³**

Year	Applicant Withdrawal	Minister Withdrawal	Applicant Win	Minister Win	Total
1993/94	63	91	20	84	258
1994/95	136	122	14	94	366
1995/96	173	133	15	81	402
1996/97	336	116	17	202	671
1997/98	278	128	49	251	706
1998/98	255	198	74	387	914

3 Statistics derived from DIMA, *Litigation Involving Migration Decisions*, Fact Sheet 86, 28 August 1999, Internet Homepage: <http://www.immi.gov.au/facts/86litig.htm>, p. 3. It was noted that these figures had been considerably revised by DIMA since the publication of Fact Sheet 86 dated 28 August 1998.