

# CHAPTER 1

## INTRODUCTION

### Background

1.1 On 16 March 2005, the Senate referred the provisions of the Migration Litigation Reform Bill 2005 to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 11 May 2005.

1.2 The Bill seeks to amend the *Migration Act 1958* (the Migration Act), the *Federal Court of Australia Act 1976*, the *Federal Magistrates Act 1999* and the *Judiciary Act 1903*, and aims to improve the overall efficiency of migration litigation.

1.3 The Bill is similar (although not identical) to the Migration Amendment (Judicial Review) Bill 2004 (the Judicial Review Bill) which was the subject of inquiry and report by this committee in June last year.<sup>1</sup> The 2005 Bill is far more extensive than the Judicial Review Bill, which lapsed when Parliament was prorogued for the federal election in October 2004.

1.4 In October 2003, the Federal Government commissioned the Migration Litigation Review (the Penfold Report) conducted by Hilary Penfold QC to inquire into the efficient management of migration cases. According to the Second Reading Speech, the Bill is based on recommendations from the Penfold Report.<sup>2</sup> However, the Report has not been provided to the Committee or published. Given this, the Committee has requested a copy of the Report on several occasions.

### Conduct of the inquiry

1.5 The committee advertised the inquiry in *The Australian* newspaper on 23 March 2005, and invited submissions by 1 April 2005. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to over 80 organisations and individuals.

1.6 The committee received 25 submissions which are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.7 The committee held a public hearing in Canberra on 13 April 2005. A list of witnesses who appeared at the hearing is at Appendix 2 and copies of the Hansard transcript are available through the Internet at <http://aph.gov.au/hansard>.

---

1 See Legal and Constitutional Legislation Committee, *Provisions of the Migration Amendment (Judicial Review) Bill 2004*, June 2004.

2 The Hon Philip Ruddock MP, Attorney-General, Second Reading Speech, *House of Representatives Hansard*, 10 March 2005, pp 2-3.

## **Acknowledgement**

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearing.

## **Note on references**

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.