

The Hon. Philip Ruddock MP

Minister for Immigration and Multicultural Affairs

Minister Assisting the Prime Minister for Reconciliation

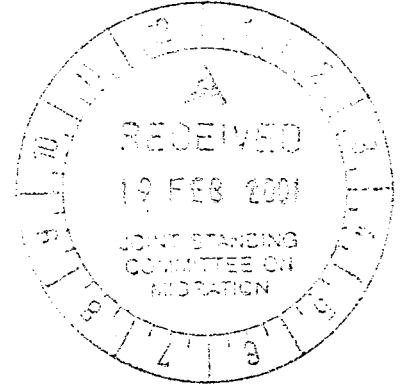


Parliament House, Canberra ACT 2600

Telephone: (02) 6277 7860

Facsimile: (02) 6273 4144

The Chairperson
Joint Standing Committee on Migration
Parliament House
CANBERRA ACT 2600



Dear Chairperson

I am writing to provide the Government's response to the Joint Standing Committee on Migration's (JSCM) report on its review of the Migration Legislation Amendment Bill (No 2) 2000 (the Bill), which was tabled on 9 October 2000.

I note that the Committee has recommended that the Bill proceed subject to the qualification in recommendations 2 and 7. The Government has considered the Committee's recommendations and accepts them, subject to the following comments in relation to three of the recommendations:

"Recommendation 2: That, in view of the alleged unintended consequences of section 486B, the section be reviewed to clarify that the test cases are not precluded and that multiple party actions in other jurisdictions are not affected by the Bill."

The Government has examined the proposed sections and Explanatory Memoranda and believes that proposed section 486B will not preclude test cases, nor will it stop multiple party actions in other jurisdictions. I will clarify this further during the House of Representatives debate on the Bill.

"Recommendation 3: that DIMA:

- Actively examine judicial appeals to identify issues in common which may be resolved through test cases;
- Be proactive in seeking resolution of issues through test cases; and
- Publicise the test cases to maximise the number of applicants to be bound by the outcomes; and thus use the courts efficiently."

All court matters are analysed by the centralised litigation unit within my Department to ensure such matters are identified. My Department attempts to have issues resolved through test cases, however, any submission made by my

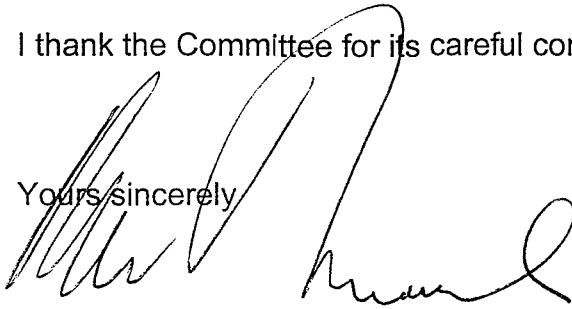
Department to the Court that matters should be run as test cases is subject to the views of the court and the applicants in the matters in question.

"Recommendation 7: That applicants be allowed a period of 35 days as the time limit in which appeals to the High Court in migration matters may be lodged."

The Government will move amendments during the second reading debate to implement this recommendation.

I thank the Committee for its careful consideration of the Bill.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Philip Ruddock', written in a cursive style.

Philip Ruddock

07 FEB 2001