

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES HEARING: 21-22 MAY 2012

#### IMMIGRATION AND CITIZENSHIP PORTFOLIO

#### **(BE12/0015) Program: Migration Review Tribunal and Refugee Review Tribunal**

Senator Cash asked:

In the financial year 2011 to 22 May 2012, what percentage of RRT cases has been completed within 90 day requirement? What are the reasons that they haven't?

*Answer:*

There were 2,415 reviews completed in the financial year 2011-2012 to 22 May 2012. Of these, 1,567 (65%) were decided outside 90 days and 848 (35%) were decided within 90 days or were cases where the Tribunal decided it had no jurisdiction.

Noting that more than one reason may apply to a case, the reasons identified for reviews taking more than 90 days to decide were:

- Tribunal processing responsibility – 1,372 or 88% of the 1,567 cases. These included reviews where there was a delay before the case could be allocated to a member after the departmental file was received (70%); reviews where the member considered it necessary to conduct further investigations or research or seek an opinion (18%); reviews where a member was unavailable to progress the review due to illness or other reason (15%); and reviews where a hearing was rescheduled otherwise than at the applicant's request (8%).
- Compliance with statutory procedural requirements - 583 or 37% of the 1,567 cases. These included reviews where the applicant was granted time to provide further information (20%); reviews involving a post-hearing invitation to provide information or comment on adverse information (13%); and reviews requiring an additional hearing or adjournment (12%).
- Adviser or applicant responsibility - 484 or 31% of the 1,567 cases. These included reviews where new material was received from the applicant after the hearing (22%); reviews where a hearing was rescheduled at the request of the applicant (12%); and reviews where the applicant was unavailable due to illness or other reason (5%).
- Third party responsibility – 10 or 0.6% of the 1,567 cases. This included reviews where a Departmental file was lost or delivery was delayed (0.5%).

The decline in the tribunal's compliance with the 90 day standard can be attributed to the combined impact of the increase in RRT and MRT lodgements and the unavailability of experienced RRT members who have been undertaking work for the Independent Protection Assessment Office (IPAO).

- a) There was a 31% increase in RRT lodgements in 2010-11, compared with 2009-10. For the financial year 2011-12 (to 22 May) there has been a 6% increase in lodgements. As a result there has been an increasing number of RRT cases where constitution has been delayed due to a lack of member capacity.
- b) There was also a 24% increase in MRT lodgements in 2010-11, coming on top of a 12% increase in lodgements in 2009-10. For the financial year 2011-12 (to 22 May) there has been a 35% increase in lodgements.
- c) Eight experienced members (including one Senior Member) transferred to IPAO in 2010-11. A further 12-13 members have been working between the tribunals and the IPAO this financial year. Given the significant loss of member capacity, the tribunal's ability to comply with the 90 day standard has been severely challenged this financial year.