



AUSTRALIAN SENATE

SELECT COMMITTEE ON MINISTERIAL DISCRETION IN MIGRATION MATTERS

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Terms of Reference

On 19 June 2003 the Senate agreed that a Select Committee, to be known as the Select Committee on Ministerial Discretion in Migration Matters, be appointed to inquire into and report, by 3 November 2003, on the following matters:

- a) the use made by the Minister for Immigration of the discretionary powers available under sections 351 and 417 of the *Migration Act 1958* since the provisions were inserted in the legislation;
- b) the appropriateness of these discretionary ministerial powers within the broader migration application, decision-making, and review and appeal processes;
- c) the operation of these discretionary provisions by ministers, in particular what criteria and other considerations applied where ministers substituted a more favourable decision; and
- d) the appropriateness of the ministerial discretionary powers continuing to exist in their current form, and what conditions or criteria should attach to those powers.