



Australian Government

Migration Review Tribunal • Refugee Review Tribunal

24 February 2015

Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au

Dear Ms Dunstone

Inquiry into the Tribunals Amalgamation Bill 2014

Thank you for your invitation to provide a submission to the inquiry into the Tribunals Amalgamation Bill 2014.

The Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) were consulted on the drafting of the Bill, in conjunction with the other affected tribunals and the related portfolio agencies.

Under the terms of the Bill, the work of the MRT and RRT will be transferred to the newly created Migration and Refugee Division (MR Division). While this Division will be part of the Administrative Appeals Tribunal (AAT), our understanding is that its procedures and membership will continue to have the distinct features that currently define it. Existing MRT-RRT members will be transferred to the MR Division on commencement, and future members must be specifically assigned to the Division by the Attorney-General in consultation with the Minister for Immigration and Border Protection.

The Bill will result in the alignment, with other tribunals, of some of the MRT-RRT processes – specifically, the direction-making power of the head of the tribunals, constitution of matters to a tribunal, the broad principles under which the tribunal will operate, and some confidentiality requirements. These harmonised arrangements are similar in character to the corresponding powers and obligations that currently exist under the *Migration Act 1958*.

We understand that the bulk of the procedures that currently apply to the review of decisions by the MRT and the RRT remain unchanged under the Amalgamation Bill. Aside from amendments to reflect the change in titles, the provisions in Part 5 and 7 of the *Migration Act* which govern the conduct of the reviews will continue in similar form.

We are aware that some provisions are being omitted from the *Migration Act*, and not being preserved in the *Administrative Appeals Tribunal Act 1975*. These relate to the treatment of some pre-1993 visa applications, and the power to refer certain matters to the AAT. In our view, the repeal of these provisions should not impact on applicants to the tribunal. They deal with matters that are redundant, either because of the passage of time or the effect of the amalgamation itself.

Please do not hesitate to contact me if you need any more information about the matters raised in this letter or if we can be of any further assistance to the Committee.

Yours sincerely

Kay Ransome
Principal Member