

## **CHAPTER 2**

### **REPORTS ON THE OPERATION OF ACTS AND PROGRAMS**

2.1 Standing Order 25(20) does not provide for the consideration of reports on the implementation or operation of acts or programs. The committee is not, therefore, required to include them in its report on the examination of annual reports. However, as on previous occasions, the committee has chosen to examine such reports, specifically the:

- Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 July 2014 to 31 October 2014; and
- Australian Crime Commission Assumed Identities Annual Report 2013–2014.

#### **Report on the conduct of Refugee Review Tribunal reviews not completed within 90 days**

2.2 Section 440A of the *Migration Act 1958* (Migration Act) requires the Refugee Review Tribunal (RRT) to report on the conduct of reviews not completed within 90 days. The RRT is required to report every four months. The report reviewed by the committee covers the period 1 July 2014 to 31 October 2014.

2.3 The report was tabled in both the House of Representatives and the Senate on 16 March 2015. The report was presented and received by the minister on 20 January 2015.

2.4 The table below sets out the number of RRT reviews completed within various timeframes (for example, within or outside of the reporting period, and if within the reporting period, within or outside of the 90 day decision-making period), as well as the corresponding statistics that were recorded for the previous two reporting periods.<sup>1</sup>

2.5 The average processing time for all reviews completed during the reporting period (either within or outside the 90 day decision period) was 165 days for the period of 1 July 2014 to 31 October 2014.<sup>2</sup> This is a substantial reduction compared to

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1 *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 July 2014 to 31 October 2014*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 March 2014 to 30 June 2014*, p. 1; *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 November 2013 to 28 February 2014*, p. 1.

2 *Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 July 2014 to 31 October 2014*, p. 1

the result of 242 days for the previous reporting period of 1 March 2014 to 30 June 2014.<sup>3</sup>

2.6 Table 2.1 provides details of the number of reviews the RRT has conducted over the last three reporting periods.

**Table 2.1:**

	<b>1 July 2014 and 31 October 2014</b>	<b>1 March 2014 to 30 June 2014</b>	<b>1 November 2013 to 28 February 2014</b>
Number of RRT reviews decided <i>outside</i> of the 90 day decision-making period	1,957 (or 81% of 2,412 reviews)	1,170 (or 86% of 1,356 reviews)	879 (or 81% of 1,082 reviews)
Number of RRT reviews decided <i>within</i> the 90 day decision-making period (or RRT had no jurisdiction)	455 (or 19% of 2,412 reviews)	186 (or 14% of 1,356 reviews)	203 (or 19% of 1,082 reviews)
<b>Total number of RRT reviews completed during the reporting period</b>	<b>2,412</b>	<b>1,356</b>	<b>1,082</b>
<b>Total number of RRT reviews incomplete after the 90 day decision-making period and at the end of the reporting period</b>	<b>3,219</b> (or 75% of 4,320 active reviews on hand at 31.10.14)	<b>3,212</b> (or 61% of 5,250 active reviews on hand at 30.02.13)	<b>2,112</b> (or 49% of 4,308 active reviews on hand at 28.02.14)
<b>Total number of RRT reviews on hand at the end of the reporting period.</b>	<b>4,320</b>	<b>5,250</b>	<b>4,308</b>

2.1 The Migration Review Tribunal (MRT) and Refugee Review Tribunal (RRT) has maintained a KPI target of 70 per cent of RRT cases decided within 90 calendar days during the last three reporting periods.<sup>4</sup>

3 Report pursuant to section 440A of the Migration Act on the conduct of Refugee Review Tribunal reviews not completed within 90 days for the period 1 March 2014 to 30 June 2014, p. 1

4 Migration Review Tribunal - Refugee Review Tribunal Annual Report 2013–14, p. 15.

2.2 The committee notes that the number of RRT decisions made both within and outside of the 90 day decision-making period have increased significantly from the last two reporting periods. The total number of reviews completed between 1 July 2014 and 31 October 2014 has increased by 1,056.

### **Australian Crime Commission Assumed Identities Annual 2013–2014**

2.7 In accordance with subsection 15LD(1) of the *Crimes Act 1914*, the chief officer of a law enforcement agency at the end of each financial year must submit a report to the minister that includes the following information:

- (a) the number of authorities granted during the year;
- (b) a general description of the activities undertaken by authorised civilians and authorised law enforcement officers when using assumed identities under this Part during the year;
- (c) the number of applications for authorities that were refused during the year;
- (d) the number of authorities of which control was transferred by the chief officer under section 15KV during the year;
- (e) the number of authorities of which control was transferred to the chief officer under section 15KV during the year;
- (f) a statement whether or not any fraud or other unlawful activity was identified by an audit under section 15LG during the year;
- (g) any other information relating to authorities and assumed identities and the administration of this Part that the Minister considers appropriate.<sup>5</sup>

2.8 The Australian Crime Commission (ACC) submitted this report to the minister on 5 November 2014. The report was tabled by the minister in both the House of Representatives and the Senate on 26 November 2014, in accordance with subsection 15LD(3) of the *Crimes Act 1914*.

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5 *Crimes Act 1914*, s. 15LD(1).

2.9 In 2013–14, the ACC reported that there were 39 authorities for assumed identities granted.<sup>6</sup> This total is an increase compared to the 16 granted in 2012–2013<sup>7</sup> and 13 granted for 2011–2012.<sup>8</sup> The ACC reported that no applications were refused during the year; there were no authorities for which control was transferred to the chief officer in relation to subsection 15LD(d) and (e); no fraud or other unlawful activity was identified; and the year's review of all assumed identity authorities was undertaken in accordance with section 15KF of the *Crime Act 1914*.<sup>9</sup>

**Senator the Hon Ian Macdonald**  
**Chair**

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6 *Australian Crime Commission Assumed Identities Annual Report 2013–2014*, p. 3.

7 *Australian Crime Commission Assumed Identities Annual Report 2012–2013*, p. 3.

8 *Australian Crime Commission Assumed Identities Annual Report 2011–2012*, p. 3.

9 *Australian Crime Commission Assumed Identities Annual Report 2013–2014*, p. 3.