

**MRT-RRT Principal Member's Opening Statement**  
**Senate Legal and Constitutional Affairs Committee**

Budget Estimates Hearing

25/26 May 2015

**Opening statement**

The tribunals last appeared before the committee in February and so it is opportune to update you on some matters that have occurred since then.

**Caseload statistics**

The tribunals have finalised close to 19 500 cases so far this financial year and will reach our target of finalising 21 000 cases for the year.

The most MRT cases <sup>which</sup> were <sup>were</sup> finalised in the student refusal, partner, and temporary work case categories, while for the RRT cases finalised were highest for applicants from Sri Lanka, China, and India.

Two key objectives of the tribunals are to reduce the number of active cases and to reduce the age of those cases. Active cases are those for which an application for review has been lodged with the tribunals and remains undecided. We have made a lot of headway in getting our active caseload down. From a high of 22 000 active cases two and a half years ago [Dec 2012], we now have just over 14 000 cases on hand. We have managed to achieve this without any diminution in the quality of our decisions or the fairness of our processes.

Processing times for MRT cases have also improved, in some cases significantly. The time it takes from when an applicant lodges an application to when they receive a decision for MRT cases has improved by 20% in the past 12 months, from 368 days to 295 days. The most significant improvements in

processing times are for student refusal, permanent business, student cancellation and nomination/sponsor approval cases.

These are both very good outcomes. What these numbers mean for our applicants is that they are receiving a consistently high level of service and speedier finalisation of their cases.

The dedicated staff and members of the tribunals have achieved these outcomes through a range of new work practices like expanding the hearing list format in the MRT caseload, continued use of member specialisation, and changes to decision writing. An online lodgement facility launched in 2014 is now the most preferred mode of lodgement for new applications at around 65%.

Further innovations and efficiencies are being pursued in 2015, with initiatives including extending the use of hearing lists to new parts of the caseload, greater electronic communication with applicants, and increasing the functionality of the online lodgement facility, and updating our case management system.

### **Legislative changes**

Further efficiencies are also expected following the commencement last month of the Migration Amendment (Protection and Other Measures) Act. The Act gives the tribunals several new powers which will assist us in achieving our statutory objectives of providing fair, just, economical, informal and quick merit reviews.

### **Immigration Assessment Authority**

As Senators will be aware, the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 establishes a fast track assessment process to assess the claims of the some 30,000 people who arrived in Australia by boat between August 2012 and December 2014. This Act, which came into effect on 18 April, establishes a new form of merits

review for persons within this cohort whose claims for protection are rejected by the department.

The Immigration Assessment Authority has been established as an independent statutory office within the Refugee Review Tribunal. The IAA is headed by me as the Principal Member of the Refugee Review Tribunal and comprises a Senior Reviewer and a number of reviewers. The IAA is tasked with providing a limited form of merits review with restrictions on applicants being able to raise new claims or provide new evidence at the review stage.

We have done considerable work to date in establishing the new office, including the development of procedures, fact sheets for applicants about the new process and a new case management system. Following a selection process and consent of the Minister for Immigration and Border Protection, the Senior Reviewer is to be appointed shortly with reviewers to follow. It is expected that the first cases will flow through to the IAA early in the new financial year.

### **Amalgamation**

This is the last time that I will appear before the Committee as the Principal Member of the MRT and RRT.

Senators will be aware that the parliament recently passed the Tribunals Amalgamation Bill 2015 which brings together the MRT and RRT and the Social Security Appeals Tribunals with the Administrative Appeals Tribunal.

From 1 July the tribunals will become a division in the Administrative Appeals Tribunal. It will be known as the Migration and Refugee Division. Most of the procedures that currently apply to the MRT and RRT will apply to the new Migration and Refugee Division and, with some exceptions, the Migration Act

will remain as the legislation setting out the processes, including the code of procedure. We are expecting that the most important and innovative aspects of the MRT-RRT will be retained in the new amalgamated AAT as it forges its identity in the years ahead.

The Attorney General's Department is the agency responsible for administration of the amalgamation and so they can provide the most up to date information on the amalgamation. I can say that planning is progressing well and the amalgamated tribunal will be in a position to commence operations by 1 July.

Before I finish I would like to acknowledge very briefly the contributions that the MRT and the RRT have made. The RRT started in 1993 and has finalised close to 93 000 cases, while the MRT began in 1999 and has finalised 145 000 cases. Together this amounts to around 240 000 cases decided and represents a significant contribution in the provision of administrative justice in Australia. This is a credit to the many staff and members who have worked at the tribunals over the past 21 years.

My colleagues and I are happy to elaborate on any matters that I have just highlighted, or answer any other questions the committee may have.