

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. SBE14/160

Senator Carr asked the following written question from the 20 November and 11 December 2014 hearings.

1. Have the stakeholder consultations begun in regards to the amalgamation of the MRT and RRT yet?
 - a) If so
 - What is the timeline for consultations?
 - Who is being consulted?
 - What has been recommended so far?
 - Have any concerns been raised in regard to this amalgamation?
 - If so, what are these concerns?
 - b) If not
 - When are consultations expected to begin?

The answer to the honourable senator's question is as follows:

1. Yes.
 - a) Consultation has been ongoing since the Government's announcement in May 2014 and will continue throughout the implementation process.

The Attorney-General's Department has consulted a range of government agencies about amalgamation. This consultation process includes ongoing engagement with the Department of Immigration and Border Protection (DIBP) and the Department of Social Services. DIBP is the portfolio department for the MRT-RRT.

The Attorney-General's Department has also consulted non-government organisations and individuals about the amalgamation. Consultation has taken the form of presentations, meetings and written input received.

DIBP has also undertaken consultation as the portfolio department for the MRT-RRT.

Stakeholders consulted include:

- MRT-RRT
- Administrative Appeals Tribunal
- DIBP-NGO Biannual Dialogue attendees
- Law Council of Australia
- Migration Institute of Australia
- National Legal Aid, including New South Wales Legal Aid and Victoria Legal Aid
- Community and Public Sector Union
- Refugee Advice and Casework Service, and
- Refugee Council of Australia

Consultations indicate broad support for the manner in which the MRT-RRT conducts merits review. Stakeholders have largely focused on how to preserve key features of the MRT-RRT in the amalgamated Tribunal. Issues of interest include:

- maintaining specialist member expertise in migration and refugee matters
- affordability and accessibility
- retaining the inquisitorial nature of migration and refugee reviews (e.g. the Tribunal is not bound by the rules of evidence and can consider all relevant material)
- retaining specialised procedures and guidelines for dealing with vulnerable applicants
- Tribunal independence
- resourcing
- appointment processes, and
- legal and other representation in migration and refugee matters.

Views expressed on relevant issues were taken into account in developing the Tribunals Amalgamation Bill 2014.

b) Not applicable.