

## QUESTION TAKEN ON NOTICE

### SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(SE14/055) – PROGRAMME – Migration Review Tribunal–Refugee Review Tribunal**

Senator Carr (Written) asked:

How will the IAA be encompassed within the new amalgamated tribunal?

- a. Has there been consultation regarding this?
- b. If so, how extensive was it?
- c. If not, why not?
- d. How will complementary protection be assessed under the new IAA model?

*Answer:*

Subject to the passage of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014, access to the Refugee Review Tribunal (RRT) for illegal maritime arrivals (*referred to as unauthorised maritime arrivals in the Migration Act 1958*)

who are subject to the fast track assessment process will be removed and replaced with access to a new review body, the Immigration Assessment Authority (IAA).

The IAA will be established as a separate office within the RRT and will be independent of the department. The Government anticipates that the IAA will be amalgamated along with the Migration Review Tribunal (MRT) and RRT into a new single Commonwealth merits review tribunal. Should the IAA become amalgamated, it would retain its function of conducting a limited form of merits review.

a. Yes.

b. The Attorney-General's Department (AGD) and the MRT-RRT were consulted extensively regarding the proposal for the IAA and during the drafting of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014.

The department continues to work closely with AGD as the lead agency for the tribunals' amalgamation, the Department of Social Services and other key stakeholders including the MRT-RRT to establish a new amalgamated Commonwealth merits review tribunal.

c. Not applicable.

d. The IAA will be required to have regard to all current law in effect at the time that the IAA reviews a decision, including the *Migration Act 1958*.

This will include a consideration of the complementary protection provisions, should the Migration Legislation Amendment (Regaining Control of Australia's Protection Obligations) Bill 2013 not pass through Parliament.