

Principal Member's Opening Address
Senate Legal and Constitutional Affairs Committee
Additional Estimates Hearing - February 2012

The Migration Review Tribunal and the Refugee Review Tribunal last appeared before the Committee in May last year. By way of opening, I would like to highlight some of the more significant developments since then.

Caseload

Our workload has continued to increase this financial year, with lodgements in both the MRT and RRT continuing their upward rise. As at 31 December, the details for both lodgements and decisions are:

MRT

- For the MRT, we have had 6,302 lodgements, an increase of 21% when compared with the same period in 2010-11;
- 3,600 decisions have been made, an increase of 28% when compared with the same period in 2010-11; and
- There were 13,489 active cases at 31 December, an increase of 43% when compared with the same period in 2010-11.

While increasing lodgements continue across a number of MRT case categories, the highest rate of lodgements continues to be in the area of student visa refusals. Cumulatively, student visa refusals and student visa cancellations account for 41% of current MRT lodgements.

RRT

- We have had 1,577 RRT lodgements, an increase of 6% when compared with the same period in 2010-11;
- 1,234 decisions have been made, 9% fewer than in the same period in 2010-11; and
- There were 1,446 active cases at 31 December, an increase of 68% when compared with the same period in 2010-11.

Senate Legal and Constitutional Affairs Committee
Additional Estimates 2011-12, 13 & 14 February 2012

Tabled Document 2
By: *MRT-RRT*

Date: *13-2-2012*

The decision output on the RRT has been affected by the loss of experienced RRT members to the Independent Protection Assessment Office. However, despite the loss of those members, I expect that we will come very close to achieving 11,000 decisions across both tribunals this financial year. Total decisions in 2010-11 was 9,181.

Despite members working at very high capacity levels, our active caseload continues to increase, as I have mentioned.

Key performance indicators

Judicial review applications

Despite the increase in quantity of decisions, quality continues to be maintained. The number of judicial review applications continues to be fewer than in previous years.

Court remittals also remain low for both tribunals, consistent with recent trends. Of the 4,834 decisions made to 31 December 2011, less than 1% have been ~~the subject of an~~ *overturned on* application for judicial review.

Complaints

Similarly the low number of complaints we receive are an indicator of quality decision making. At 31 December we had received less than two complaints per 1,000 cases decided this financial year.

RRT 90 day compliance

The growth in the RRT caseload, the loss of experienced RRT members I have mentioned and our resulting inability to constitute cases to members as quickly as we have done in the past have meant a decline in the percentage of RRT cases completed within 90 days from receipt of the department's file. At 31 December we met the 90 day requirement in 44% of cases. At the time of our last Senate Estimates appearance in May ~~this~~ ^{last} year the compliance rate was 72%.

Changes to RRT workload

Irregular maritime arrivals

On 25 November 2011, the Minister announced that, as part of the decision to process all irregular maritime arrivals onshore, a single review process for all asylum claims would be established through the RRT this year. This change was welcomed by the tribunals. We look forward to colleagues re-joining us from the Department's Independent Protection Assessment Office as soon as possible. We are in discussions with the Department to put in place the necessary arrangements for managing this caseload.

Complementary protection

Since the new legislation was assented to, the tribunals have been planning for the introduction of the new complementary protection arrangements next month. We have worked with Professor Jane McAdam from the University of New South Wales on the development of a training manual for our members and we held full-day training sessions for members last week. We will monitor the need for further guidance and training for our members as our experience in applying the new legislation develops.

Member recruitment

With the introduction of complementary protection and with the RRT being given jurisdiction in relation to irregular maritime arrivals, the caseload will further increase. We have advertised for new members as a result. The selection process is under way and new appointments will be announced by the Minister once approved by Cabinet. Over 500 member appointment applications and over 70 senior member appointment applications have been received.

Financial outlook for 2011-12

Additional funding of \$13.9 million for 4 years was provided to the tribunals in the 2011-12 Budget in recognition that the operating costs have increased due to increased costs from complexity in decision making arising from court judgements and from increases in lodgements. The increases in appropriation are offset by increases in revenue from increased fees and associated charges.

The tribunals still face significant financial challenges in the present financial year. In particular, we have incurred increased costs arising from the net increase in active membership and from increases in member remuneration as determined by the Remuneration Tribunal. In practice, the rise in member remuneration costs will absorb most of the increase in funding provided to the tribunals in the Budget. There have also been significant cost increases in other areas including staff salaries; property operating expenditure, including new member accommodation in Brisbane; and interpreting services.

My colleagues and I are happy to elaborate on any of these matters or answer any questions the Committee may have.