

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 23-24 MAY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(BE11/0009) Program: Portfolio Tribunals (MRT-RRT)

Senator Boyce asked:

Under Section 440A of the Migration Act all Refugee Review Tribunal reviews are to be completed within 90 days. On the 22nd of March, 2011 a document was tabled being a review for the period 1 July 2010 to 31 October 2010 of the "Refugee Review Tribunal Reviews not completed within 90 days." The document claimed that 51.3% were not resolved in the statutory period. Could you tell us why your department has failed to fulfil its statutory requirements in over half the cases that have gone to the Tribunal?

Answer:

The 90 day report for the period 1 July to 31 October 2010, which was tabled on 22 March 2011, states that 77% of the RRT cases decided were within 90 days. The figure of 51.3% does not appear in the report. A copy of the report is attached for the information of the Senate.

The reasons that cases may not be decided within 90 days include: the increase in lodgements of MRT and RRT cases; the movement of some members to the Independent Protection Assessment Office (IPAO); and specific issues associated with individual cases. These specific issues include hearing scheduling, provision of information, applicant and member availability, compliance with procedural requirements and others.

In most cases there are multiple reasons for reviews taking longer than 90 days. Specific reasons within each category are noted against each case in the report. These fall in the general categories of compliance with statutory procedural requirements, applicant or advisor related, tribunal responsibility and third party responsibility.