

Principal Member's Opening Address
Senate Legal and Constitutional Affairs Committee
Supplementary Budget Estimates Hearing
19 October 2010

The Migration Review Tribunal and the Refugee Review Tribunal last appeared before the Committee in May 2010. By way of opening, I would like to highlight some of the more significant developments since that appearance.

Workload

The highlight statistics for 2009-10:

MRT

- 8,332 lodgements (an increase of 12% over the previous year) 10 603
- 7,580 decisions (an impressive increase of 31% over the previous year) 9737
- 7,048 cases on hand at the end of the year (an increase of 12% over the previous year). 7786

RRT

- 2,271 lodgements (a decrease of 11% over the previous year)
- 2,157 decisions (a decrease of 12% over the previous year)
- 738 cases on hand at the end of the year (an increase of 18% over the previous year)
- 69% of cases decided within 90 days

Current position

For the first quarter of this year, the feature has been the very significant increase in RRT lodgements (up 47% on the figure for the first quarter of 2009-10). The increase, combined with the priority we must give to RRT cases, is having an adverse effect on the MRT caseload, which is both growing and getting older. As at 30 September 2010, the Tribunals had 8,996 cases on hand (MRT: 8,103; RRT: 866).

Judicial review trends

A very pleasing development during 2009-10 was the large decline in the number and percentage of tribunal decisions taken to judicial review. Judicial review applications were lodged in relation to 730 tribunal decisions (7.7% of decisions made) made in 2009-10. In the previous year 13.2% of decisions were the subject of judicial review applications.

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A further very positive feature of judicial review outcomes for 2009-10 was the marked drop in the proportion of tribunal decisions set aside by the courts. In relation to the RRT, only 10.4% of judicial review applications resolved resulted in the tribunal decision being set aside, down from 14.1% and 15.5% respectively in the two previous years:

New Members

43 Members were appointed from 1 July 2010. Of these, 25 were reappointments and 18 were new appointments. One Member subsequently resigned.

Annual Report

Our Annual Report should be tabled in the Parliament ~~later~~ ^{early next month} this month.

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