



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

PO Box A147
Sydney South
NSW 1235
Australia

alhr@alhr.asn.au
www.alhr.asn.au

Senate Legal and Constitutional Committee
Parliament House
Canberra ACT 2600

13 February 2007

Dear Secretary

Migration Amendment (Review Provisions) Bill 2006

Thank you for the opportunity to comment on the transcript of the Hansard for hearings on the Migration Amendment (Review Provisions) Bill 2006.

Our comments about the transcript are as follows:

1. Page 8, the answer by Mr Murphy to Senator Trood now must be qualified by a reference to the recent High Court decision of *SZBEL v MIMIA*[2006]HCA63 of 15 December 2006. This decision provides there is a requirement for a Tribunal to set out the issues in accordance with the rules of procedural fairness. This is independent of the statutory requirements of s424A.
2. Page 31, Mr Lynch's answer, reference ought be made to s420A which states that failure to comply with a guideline of the principal member does not render the decision invalid, so it is not really as strong as 'the force of law'.
3. page 41, Mr Lynch's answer – Mr Murphy has not been employed at Craddock Murray Neumann since January 2006 and we do not believe that it is appropriate to comment on another practitioner.

If we can be of any further assistance please do not hesitate to contact me on 0412 008 039 or Craig Lenehan from the National Executive, on (02) 8257 2540

Yours sincerely,

Simeon Beckett
President