



M i g r a t i o n   R e v i e w   T r i b u n a l

2 October 2001

The Hon Philip Ruddock MP  
Minister for Immigration and Multicultural Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

I have pleasure in presenting the print edition of the Tribunal's Annual Report for the year ending 30 June 2001.

The Report has been prepared in accordance with the "Guidelines for Presentation of Ministerial Statements, Reports and Government Responses to the Parliament", issued by the Department of Prime Minister and Cabinet in March 2001.

The requirements for Annual Reports issued by the Department of Prime Minister and Cabinet in June 2001 have also been complied with to the extent that they are relevant to the Tribunal's operations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Karas', is written over a light blue horizontal line.

Steve Karas  
Principal Member

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## MRT Registry Contacts

For further information, please contact the Tribunal on its information line 1300 361 969. Local call charges apply from anywhere in Australia.

The Tribunal's registries are open from 9 a.m. to 4.30 p.m. on weekdays. Registries in Queensland, South Australia and Western Australia are co-located with the Administrative Appeals Tribunal.

New South Wales	Victoria	A.C.T., Tasmania and N.T.
Level 3, AXA Centre 44 Market Street SYDNEY NSW 2000  <b>Ph:</b> (02) 9290 7222 <b>Fax:</b> (02) 9262 5660	Level 13, Citipower Building 628 Bourke Street MELBOURNE VIC 3000 (PO Box 14158 Melbourne Mail Centre VIC 8001 <b>Ph:</b> (03) 9672 1800 <b>Fax:</b> (03) 9672 1801	Level 1, Colombia House 101 Northbourne Avenue TURNER ACT 2612 (GPO Box 3001 CANBERRA ACT 2601) <b>Ph:</b> (02) 6245 9999 <b>Fax:</b> (02) 6245 9966
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## **MRT Internet Home Page Address for MRT Annual Report, copies of MRT/IRT decisions and Other MRT Publications.**

### **Annual Report**

A copy of this Annual Report is available from the MRT's Internet site at <http://www.mrt.gov.au> in HTML format.

Access to Tribunal decisions is also available via the Internet at the AUSTLII and SCALEPLUS sites at [www.austlii.edu.au/au/cases/cth/MRTA](http://www.austlii.edu.au/au/cases/cth/MRTA).

### **Other MRT Publications**

The following MRT publications are also available on the MRT's Internet site at <http://www.mrt.gov.au>:

- Interpreters Handbook
- MRT's Service Charter

### **Other useful Internet addresses**

*Administrative Appeals Tribunal* <http://www.aat.gov.au>

*Administrative Review Council* <http://www.law.gov.au/arc>

*Australian Institute of Administrative Law* <http://www.aial.asn.au>

*Commonwealth Ombudsman Office* <http://www.comb.gov.au>

*Department of Immigration and Multicultural Affairs* <http://www.immi.gov.au>

*Refugee Review Tribunal* <http://www.rrt.gov.au>

### **Migration Agents Registration Authority**

If you wish to seek independent advice regarding a migration agent, you can obtain information from the Migration Agents Registration Authority in Sydney on (02) 9211 8212 or from their homepage at <http://www.themara.com.au/mara/register/>

## Introduction by Principal Member

2000/01 was a year of consolidation for the MRT. At the beginning of the reporting period, the MRT's infrastructure was largely in place and this has continued to be further developed in order to support an increased number of members and staff and the increased throughput of cases coming into the MRT and being finalised.

The number of applications being lodged with the MRT has continued to grow. This has meant that despite achieving a substantial increase in the number of review applications being finalised, the on hand caseload has increased further, though at a much slower rate than during the previous reporting period.

A major milestone during the year has been the implementation of the MRT's new case management system (CMS) which has opened up a range of new opportunities for more productive use of the information contained within the CMS.

A further milestone was the appointment of additional members in December 2000, which increased the MRT's capacity to finalise cases before it.

Throughout much of the period, the staff and members of the MRT have had to deal with the uncertainties associated with the proposed establishment of the Administrative Review Tribunal, initially planned for commencement on 1 February 2001, then 1 July 2001 and subsequently deferred due to the enabling legislation not being agreed to by the Senate. However, despite the associated uncertainties, staff and members have remained focussed on the MRT's core business of providing a merit review process that is "fair just, informal, economical and quick".

Consistent with the Minister's request that the two migration tribunals work closely together and achieve administrative efficiencies, a number of initiatives have been commenced. Among these is a joint conference of Members of both tribunals to be held in Sydney in November 2001. This will provide an excellent opportunity for Members to get together to discuss all aspects of their work and ways of improving decision-making. A committee of Members of both tribunals is working on the conference program.

The Registrars of both tribunals have been working closely together to identify administrative efficiencies through sharing of resources, exchange of information and the like. Corporate services managers in particular are working closely together. Efficiencies can be gained very simply through such means as one tribunal undertaking responsibility for a task and then sharing the knowledge gained and procedures, policies and so on, with the other. In areas such as information technology, close co-operation between the managers of each tribunal can lead to savings in, for example, software licensing fees, and the benefit of shared problem-solving.

A number of new Members are expected to be appointed around early October 2001 and a comprehensive induction program will be conducted for them. This will significantly further enhance the productivity of the Tribunal.

I am looking forward to the coming year. Its challenges, as always, will be many and in the context of an ever-changing environment. I am confident that the Tribunal will continue to meet those challenges.

I wish to thank all members and staff of the MRT for their continued commitment to the work of the Tribunal. This report is a tribute to their hard work.

Steve Karas  
Principal Member

## **Part 1: MRT Overview**

### **1.1 Overview description of the MRT**

The Tribunal is an independent merits review body established under the *Migration Act 1958*. Its jurisdiction, powers and statutory procedures are set out in that Act and the Migration Regulations 1994.

The MRT's way of operating is set out in section 353 of the Act and is to 'provide a mechanism of review that is 'fair, just, economical, informal and quick', that is 'not bound by technicalities, legal forms or rules of evidence'. The Tribunal is to 'act according to substantial justice and the merits of the case'.

The MRT's core function is to conduct merit review of certain decisions made by the Minister (or a delegate of the Minister). These include decisions to refuse visas to applicants in Australia, decisions to refuse visas to applicants overseas where there is an Australian connection through a nominator, sponsor or close family, visa cancellations within Australia (other than cancellations on character or conduct grounds). The MRT also has statutory authority to review certain business nomination, sponsorship and surety decisions (see Appendix B for further details).

In conducting a review, the Tribunal must reconsider the case and make a decision that is correct in law. It has the power to overturn decisions and to substitute another decision or return a case for reconsideration with directions.

There are statutory procedures, which cover such matters as a right of access to the written materials before the Tribunal and the opportunity to present evidence to and to appear before the Tribunal, which are designed to ensure that reviews are conducted fairly.

### **1.2 Merit review of certain migration decisions**

External independent merits review within the Immigration portfolio originally came into being in December 1989 with the creation of:

- the Migration Internal Review Office (MIRO) within the Department to provide a first tier of internal merits review, and
- the IRT to provide a second tier of independent review.

### **1.3 Transition to the MRT**

On coming into office in April 1996, the Government announced that it would undertake a major review of immigration decision making which would among other things, look at the effectiveness of the two tiers of merit review for certain migration decisions. In March 1997, the Minister for Immigration and Multicultural Affairs, the Hon Philip Ruddock MP announced that the existing two tiers of merit review would be replaced by a single tier, namely the Migration Review Tribunal (the MRT).

On 1 June 1999 the MRT commenced operations with recruitment of staff and members either finalised or in train, office refurbishment substantially complete, arrangements in place with the AAT to accept MRT applications at its registries in Brisbane, Adelaide and Perth and the IT upgrade substantially completed.

The creation of the MRT provided an opportunity to introduce new procedures for streamlining review procedures while maintaining the best features of the IRT and MIRO. In particular it has retained a strong client focus and attention to fair and just review.

The legislation setting up the MRT, apart from providing a single tier of merits review, had the effect of:

- clarifying the authority of the Principal Member to give directions to facilitate the efficient conduct of reviews (s.353A).
- expanding the capacity of the Principal Member to reconstitute the Tribunal (s. 355A);
- empowering the Tribunal to proceed where an applicant has not appeared or has failed to respond (s.359C, s.360 and s.362B);
- ensuring that applicants are given the opportunity to comment on adverse information (s.359A);
- making provision for the handing down of decisions (s.368B); and
- requiring that records be kept of the date of dispatch of key communications with applicants.

#### **1.4 The Tribunal's procedures**

The Tribunal is not a court. Its task is not to decide whether the decision under review was in error so much as to reconsider the case anew. The general features of MRT review processes are that:

- The Minister is not represented before the Tribunal.
- The Department's role is limited to providing relevant documents in the Department's possession. It may sometimes make written submissions to the Tribunal.
- The applicant:
  - ◆ may be represented by another person, other than when appearing before the Tribunal (unless exceptional circumstances apply);
  - ◆ may have access to, or a copy of, any written material given to the Tribunal;
  - ◆ must be informed of, and have the opportunity to comment on, the particulars of information that the Tribunal considers would be the reason for affirming the decision;
  - ◆ other than in specific circumstances, must be given the opportunity to appear before the Tribunal to give evidence and present arguments;
  - ◆ may nominate other persons or sources that the applicant thinks the Tribunal should obtain evidence from.
- The Tribunal may obtain any information it considers relevant; it may take evidence on oath or affirmation; give information to the applicant and the Department; require the Department to conduct investigations; and summons persons or documents.
- Proceedings are generally open to the public but the Tribunal can decide to conduct proceedings in private where it is in the public interest to do so.
- The Tribunal engages qualified interpreters where a person is not proficient in English.

- The Tribunal is required to prepare a written statement of its decisions and reasons and provide copies to the Department and the applicant.
- Tribunal decisions may be published. Those that are published are available on the Internet.

Details of which decisions under the *Migration Act 1958* can be reviewed by the MRT, who can apply and how to apply are set out at Appendix B.

## 1.5 MRT's Priorities

At 30 June 2000, the Tribunal had 7552 cases on hand. It is therefore clear that not all applications can be dealt with immediately and that differing levels of priority need to be set to provide guidance to staff and members as to the order in which cases should be processed.

During the year the MRT's case allocation priorities were reviewed as changes to the pattern of lodgements and the availability of Tribunal resources meant that unacceptable delays were beginning to occur in respect of the processing of the lower priority caseload.

The aim of the review was to achieve priority groupings that recognised:

- the legislative requirements to deal with certain cases immediately,
- the need to give priority to Federal Court remittals,
- the undesirability of excessive processing delays for certain "onshore" cases,
- the duration of stay sought in relation to temporary "onshore" visas,
- cases which by their very nature warrant priority, and
- the availability of resources to deal with the overall caseload.

As a result, the following revised case allocation priorities were implemented from 1 January 2001.

### Priority 1 (highest priority)

- Cases to which the Tribunal is required to give priority by law. These include cases involving persons being held in immigration detention and visa cancellation cases. Also included are certain "offshore" visitor visa cases.

### Priority 2

- Cases where the Principal Member, or a member or officer authorised by the Principal Member, decides that the case should be given priority because of special circumstances of a compelling or compassionate nature. Such circumstances may include where further delay would result in the continuing separation of a child from a parent, or of a carer, and cases where domestic violence is involved.
- Cases remitted from the Federal Court for the Tribunal to reconsider.

### Priority 3

- Temporary 'onshore' visa cases where the visa applicant is in Australia and the period sought for the visa would otherwise expire before the Tribunal completed its review.
- Cases identified as being able to be finalised quickly with minimal impact on delays experienced by other review applicants (e.g. where a case can be resolved quickly on the available evidence or because significant new evidence becomes available).
- Cases that are identified for processing through a taskforce or targeted approach (e.g. arrangements to deal with enrolment peaks for student visas, assigning case teams or members to deal with a batch of cases that require specialised knowledge).

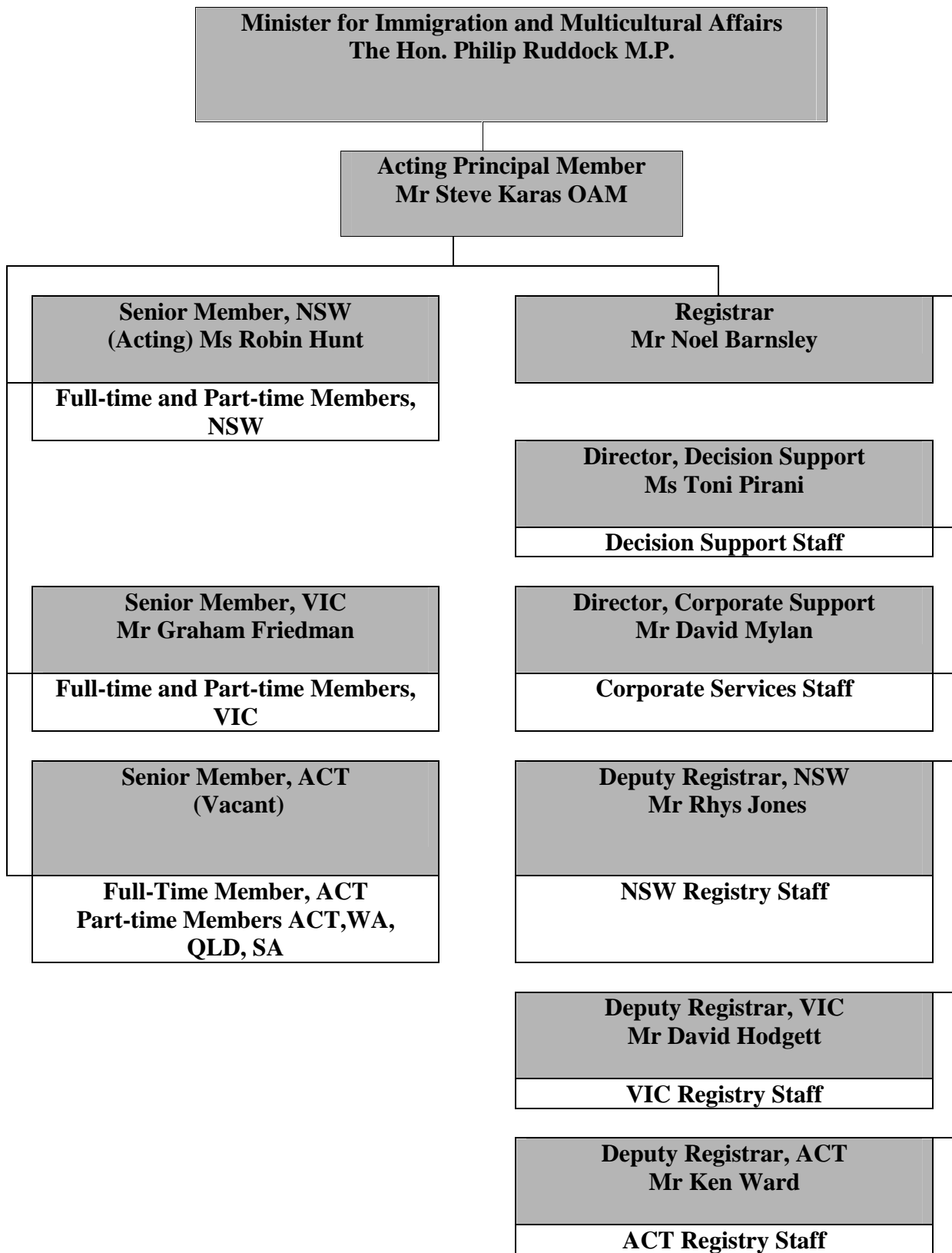
### Priority 4 (lowest priority)

- Cases relating to an application for a visa that, if granted, would be granted within Australia - in order of the date of lodgement of the review application.
- Cases relating to an application for a visa that, if granted, would be granted outside Australia - in order of the date of lodgement of the review application, less 6 months (180 days).

(Priority 4 effectively provides that where a backlog of cases exists, an "onshore" case will be allocated up to 6 months earlier than an "offshore" case lodged on the same day.)

Unfortunately, this still means that some applicants are having to wait for extended periods before their review application is considered. While the Tribunal remains very aware of this situation and is doing everything possible to reduce waiting periods, increased application rates limit the capacity of the Tribunal to reduce the size of the on hand caseload and thus reduce the amount of time applicants have to wait for a decision.

### Migration Review Tribunal Top Structure Chart as at 30 June 2001



## 1.6 Outcome and output structure

The Portfolio Budget Statement for 2000/2001 identifies the Tribunal as having a single outcome, which is to ‘Contribute to ensuring that the administrative decisions of Government are correct and preferable in relation to non-humanitarian entrants.’ It is also identified as having one output, which supports this outcome namely the ‘Independent merits review of certain decisions concerning applicants for non-humanitarian entry and stay.’

When the Tribunal commenced operation on 1 June 1999 it adopted this outcome and output structure.

## 1.7 Tribunal structure

The MRT consists of:

- The Principal Member, Senior Members and Members appointed under the *Migration Act 1958*; and
- The Registrar, Deputy Registrars and other officers of the Tribunal appointed under the *Migration Act 1958* who are also employed under the *Public Service Act 1999*.

The Principal Member is Chief Executive of the Tribunal for the purposes of the *Migration Act 1958*. The Principal Member is also Chief Executive of the Tribunal for the purposes of the *Financial Management and Accountability Act 1997*.

Senior Members provide guidance and leadership to all members in their registry. In performing this role they allocate cases, monitor and, where necessary, implement measures to enhance the performance of members and staff. As members of the senior management team, they participate in strategic planning and general management of the Tribunal with the Principal Member, Registrar and Deputy Registrars, Corporate Manager and Director of Decision Support. They have a direct role in monitoring the decision making of members of their registry and providing feedback through their performance assessments on the quality of member’s decision making. In acknowledgment of this function they have a reduced caseload compared to full-time members.

Senior Members and Members are expected to follow Principal Member directions, meet productivity targets, and generally conduct themselves in a manner appropriate to holders of statutory office. They are also expected to fully use information available on the MRT’s Intranet and to prepare their decision records.

Details of member numbers are set out in the table below:

**Table 1.1: Number of MRT Members**

	30 June 2000	30 June 2001
Principal Member	1	1
Senior Members	4	2
Members (Full-time)	5	8
Members (Part-time)	23	28
<b>TOTAL</b>	<b>33</b>	<b>39</b>

A short “Curriculum Vitae” for all Members as at 30 June 2001 is at Appendix A. Member appointment details are at Appendix C.

## 1.8 Registries of the Tribunal

The MRT has registries staffed by MRT staff in Sydney, Melbourne and Canberra. MRT applications can also be lodged at AAT registries in Brisbane, Adelaide and Perth. The Tribunal’s Principal Registry is in Canberra.

Case teams are located in the three main registries. The ACT Registry is responsible for dealing with applications originating in Western Australia, South Australia, Queensland, Northern Territory, Tasmania and the ACT. It provides support to members located in Canberra, Brisbane, Adelaide and Perth.

By having case teams operate from only three locations, available resources have been able to be used more effectively and information shared more readily. This assists with consistency. Regular use has been made of video and phone hook-ups between registries to facilitate discussion on case and management issues. All registries see themselves as part of a national organisation with a national focus and an emphasis on consistency in decisions and service delivery.

Staff of the Principal Registry provide corporate management and support services to the Tribunal in the areas of research and information, policy and procedures, administrative planning and co-ordination, personnel, finance and information technology.

## 1.9 Case Management Model

The case management model adopted by the MRT is significantly different from that of the former IRT. Under the MRT case management model, case officers play a much more significant role in preparing a case for a members’ consideration and in working with the presiding member to progress the case through to finalisation. The features of the MRT’s case management model are as follows:

- When the Tribunal receives an application for review, it is assessed by registry staff to ensure it meets eligibility requirements. The DIMA file in relation to the application is obtained.
- The case is referred to a case team led by a senior case officer. The senior case officer assesses the relative priority of the case.

- When the case is next in turn for processing, the case is referred to a case officer who examines the files, assembles relevant documents, seeks additional relevant information from the applicant and third parties and prepares what is referred to as a “first examination” document. This document:
  - draws together the facts of the case,
  - highlights the relevant law,
  - identifies key issues,
  - sets out information available to the Tribunal that may lead to the decision going against the applicant, and
  - recommends to the member what action is required to progress the case.
- The files with the accompanying first examination then go to a member who looks at the files and the first examination and advises the case officer what the next step(s) in the process should be. The member may:
  - decide that there is sufficient evidence to find for the applicant and immediately proceed to make a decision on the papers,
  - clear a letter to the applicant providing adverse information for comment, or
  - request further information be obtained, that a submission be sought from DIMA, or that a hearing be arranged.
- The case officer sends out an invitation to comment on adverse information and/or invites the provision of further information by the applicant or third parties.
- If required, the applicant and any witnesses are invited to a hearing. Hearings are held in person, by video or by telephone link.
- The member then makes his/her decision.
- The applicant is invited to the handing down of the decision.

## **1.10 The Tribunal’s Computer Network**

The Tribunal’s Information Technology system comprises a Wide Area Network (WAN) connecting the Canberra, Sydney and Melbourne Registries. In total, approximately 200 personal computers (PCs) are connected through this network. Both network servers and PCs utilise the MS Windows NT operating system. High-speed frame relay connections between Canberra and Sydney and Canberra and Melbourne allow information to be exchanged quickly and effectively. From Canberra a further encrypted ISDN connection to DIMA provide access to Departmental mainframe applications and resources.

Additionally, Tribunal members in Brisbane, Adelaide and Perth are also permanently connected to Canberra using frame relay network technology.

The main server based applications used by the Tribunal’s administrative staff are:

- MRT Case Management System
- SAP (Financial Management Information System), and
- Nomad (HRM and pay system)

The Tribunal utilises the MS Office suite of applications. Word processing is provided by MS Word.

The MRT's corporate Intranet delivers the following services:

- Case Management System;
- An 'Expert System' delivering advice on visa class/sub-classes, legislation, and decisions of the courts;
- ISYS – allowing full text search of the MRT's document databases;
- TRIM – allowing access to the administrative file management system;
- HORIZON – allowing access to the MRT's library resources to locate books, serials and other documents;
- Quick Links – quick and easy access to commonly used Internet sites;
- Statistics – allowing access to a range of reports on the performance of the Tribunal;
- Corporate Information – providing access to a wide range of corporate policy and procedural documents;
- Procedures – providing access to registry policy and procedural documents.

2000-2001 saw many changes to the MRT's IT environment:

- Transfer of new Case Management System to fully operational status;
- Upgrade of the wide area network to a more responsive and efficient technology;
- Addition of IT Help Desk staff in Sydney, Melbourne and Canberra;
- Addition of Web Manager to Corporate Services.

### **1.11 Development and Implementation of a New Case Management System (CMS)**

During 2000/2001 the MRT finalised the development and implementation of a new Case Management System (CMS). This involved moving the data and functionality of the case system from an Adabas based system on a DIMA mainframe, to a Sybase relational database held on an NT Server within the Tribunal.

The Tribunal working closely with Information Builders of Sydney, (the developers of the new CMS), developed a system which mirrored the mainframe system in capability but with the added advantage of a GUI interface. The new CMS went live for all users on 5 March 2001. In the post implementation weeks, paper records were kept of all cases entered, but it soon became apparent that the system was robust and reliable enough to handle MRT requirements.

One of the main advantages of the new CMS is that in being graphic and browser-based it is a familiar environment for most users and can be easily picked up - this has meant that users required minimal training to use the system effectively. The CMS has also provided a real-time reporting environment. The up-to-date information available on individual cases through to the entire Tribunal caseload has enabled management to better monitor work performance and plan to achieve targets.

After going live, the Tribunal entered a three-month 'support' phase in which fixes and minor enhancements requested by users were assessed and implemented. Future enhancements in a second phase are currently being considered.

## Part 2: Report on Performance

### 2.1 Review of performance

The following brief description compares the Tribunal at the beginning and end of this reporting period. It reflects that the Tribunal:

- started the year with a large on hand caseload,
- achieved a substantial increase in the number of case finalisations,
- received a significantly increased number of new applications, and
- ended the year with an increased on hand caseload.

As at 30 June 2000, the MRT had:

- 104 ongoing staff and 33 members,
- received 6,480 new applications during the 1999/00 financial year,
- finalised 4144 cases during the 1999/00,
- 7,552 cases on hand, of which 1938 were being worked on by staff and/or members.

As at 30 June 2001, the MRT had:

- 145 ongoing staff and 39 members,
- received 7,211 new applications during the 2000/01 financial year,
- finalised 6579 cases during the 2000/01 financial year,
- 8,184 cases on hand, of which 2567 were being worked on by staff and/or members.

### 2.2 New applications

7,211 new review applications were received in 2000/2001. This was an increase of 731 or 11.3% compared to the previous year's figure of 6480 and significantly higher than the anticipated number of new applications. Much of the increase was due to taskforce or targeted processing of certain subclass applications, such as Students and Temporary Business visas, within DIMA.

The major categories of review applications were as follows:

**Table 2.2: Applications by category 2000/2001**

	ACT	ACT	NSW	NSW	VIC	VIC	TOTAL	TOTAL
Category	99/00	00/01	99/00	00/01	99/00	00/01	99/00	00/01
Bridging	55	64	422	448	48	80	525	592
Visitor	154	112	330	222	190	194	674	528
Student	153	144	691	1100	243	409	1087	1653
Temp business	111	84	568	727	240	143	919	954
Perm business	49	77	87	152	41	44	177	273
Skill linked	138	87	215	135	178	108	531	330
Partner	249	295	645	707	381	428	1275	1430
Family	109	148	586	403	219	459	914	1010
Other	119	104	161	239	98	98	378	441
TOTAL	1137	1115	3705	4133	1638	1963	6480	7211

- Note that the major categories of review applications have changed since the Tribunal's previous report, to coincide with the implementation of the new CMS and the review of the Tribunal's statistical reporting tools.

Trends observed in respect of application rates include:

- an increased level of activity by DIMA compliance staff has resulted in a growing number of bridging visa cases where the applicant is in immigration detention. The impact of this has been most marked in the Sydney registry from the beginning of this calendar year.
- a reduction in the number of visitor visa cases due to the greater use of a visa condition that substantially limits the range of visas that visitor visa holder can apply for while in Australia.
- a substantial increase in the number of student visa cases due to the growing number of overseas students within Australia.
- an increased number of permanent business visa cases as holders of Business (Long Stay) visas seek to remain in Australia as permanent residents

In May and June 2001 there was a significant increase in the number of applications lodged due to increased activity levels in DIMA offices in Australia and overseas. Indications from DIMA are that during 2001/02 the Department will be focussing on the clearance of backlogs in all offices, which may result in a further significant increase in the number of applications being lodged with the Tribunal. This will need to be closely monitored during 2001/02 and new strategies developed to deal with the increased workload should this eventuate.

## 2.3 Cases finalised

The Tribunal's target for case finalisations during 2000/2001 was 6500. This was revised down from an initial target of 7200 when the appointment of new members was delayed from October until December 2000. The Tribunal achieved 6579 finalisations in 2000/01, 79 more than the target, and a 59 % increase on last year's total of 4144.

Finalisations for 1999/2000 and 2000/2001 are set out in the table below:

**Table 2.3: Finalisations by category 1999/2000 and 2000/2001**

	ACT	ACT	NSW	NSW	VIC	VIC	TOTAL	TOTAL
	99/00	00/01	99/00	00/01	99/00	00/01	99/00	00/01
Category								
Bridging	54	70	425	413	62	72	541	555
Visitor	169	145	335	270	275	203	779	618
Student	99	169	163	1004	140	364	402	1537
Temp business	50	162	241	477	123	203	414	842
Perm business	20	35	23	54	33	59	76	148
Skill linked	46	173	47	66	58	96	151	335
Partner	145	259	399	520	335	533	879	1312
Family	35	113	457	360	193	331	685	804
Other	68	174	54	93	95	161	217	428
TOTAL	686	1300	2144	3257	1314	2022	4144	6579

**Note:** 'Bridging' refers to those cases relating to certain persons in Australia who are seeking a temporary visa to maintain their legal status, while pursuing permanent residence, extension of their stay or who are making arrangements to depart Australia. Most bridging visa cases dealt with by the Tribunal involve persons held in immigration detention because a bridging visa has been refused.

The number of cases lodged, finalised and in progress by each month is set out in the table below:

**Table 2.3.1: Lodgments, finalisations and cases in progress 2000/2001**

	Lodgements	Finalisations	Cases in progress
Month			
July	645	363	7834
August	580	605	7809
September	536	518	7827
October	542	434	7935
November	543	522	7956
December	577	433	8100
January	585	472	8213
February	565	472	8306
March	522	635	8193
April	490	567	8116
May	812	754	8174
June	814	804	8184

The outcome of cases finalised can be summarised as follows:

- where case was finalised by decision of a member:
  - set aside and another decision substituted 317
  - remitted to DIMA to reconsider 2531
  - DIMA decision affirmed 2498
  - Total number decided by members **5346**
  -
- where case finalised by other than decision of member:
  - application withdrawn 702
  - application found to be ineligible 349
  - cases otherwise resolved 182
  - Total finalised other than by decision **1233**

For cases finalised by decision, the decision of the delegate remained unchanged in 47% of cases. If withdrawn applications are included, the decision of the delegate remained unchanged in 53% of cases. In those cases where the delegate's decision was changed, the Tribunal usually remitted the application for a visa to the Department with a direction that one or more visa criteria had been met. The success rate for applicants for review (based on the number of cases decided by members) varied between visa types, for example from 70% for a visitor visa refusal to 26% for a bridging visa refusal.

Further information on set aside rates by category is provided in the table below.

**Table 2.3.2: Remit and set aside rate by category 1999/2000 and 2000/2001**

Type and Category	1999/2000		2000/2001	
	No. of cases remitted/ set aside	%	No. of cases remitted/ set aside	%
Visa refusal - Bridging	98	23	103	26.5
Visa refusal - Visitor	416	71.8	348	70
Visa refusal - Student	48	51.1	689	68.1
Visa refusal - Temp business	22	14.4	143	30.7
Visa refusal - Perm business	17	58.6	49	45
Visa refusal - Skill linked	70	72.2	141	49.8
Visa refusal - Partner	453	66.6	748	68.2
Visa refusal - Family	125	21.9	226	33.6
Visa refusal - Other	44	36.1	126	48.3
Cancellation - Bridging	12	33.3	21	39.6
Cancellation - Visitor	19	79.2	6	35.3
Cancellation - Student	81	45	148	55.2
Cancellation - Temp business	2	25	14	58.3
Cancellation - Perm business	0	0	1	100
Cancellation - Partner	8	80	16	57.1
Cancellation - Family	1	100	3	42.9
Cancellation - Other	2	50	4	66.7
Temp business sponsorship	2	7.4	47	34.8
Other	2	66.7	15	65
TOTAL	1422	46.7	2848	53.3

**Table 2.3.3: Applications received, finalised and on-hand by registry 1999/2000 and 2000/2001**

	On hand 1 July 2000	Received 00/01	Finalised 00/01	On hand 30 June 2001
Registry				
ACT	1283	1115	1300	1392
NSW	4330	4133	3257	4567
Vic	1939	1963	2022	2225
TOTAL	7552	7211	6579	8184

## 2.4 Processing times

The length of time that some applicants have to wait to have their application decided continues to be longer than desirable. This situation has continued to exist due to a combination of factors:

- the increased number of applications being lodged, particularly in relation to bridging visas (Priority Group 1) and students visas (Priority Group 3).
- the delay in the appointment of additional members.

- regulation changes to the bridging visa provisions that extended the jurisdiction of the Tribunal and made issues required to be dealt with more complex and thus more time consuming.
- decisions of the Federal Court that have made the consideration of student visa cancellations more complex.

The overall effect of these factors has resulted in increased resources having to be used to deal with higher priority cases at the expense of lower priority cases.

Action is in train to seek the appointment of additional members for all registries with the view to expanding the capacity of the Tribunal to deal with its caseload more quickly and reduce the number of unfinalised cases on hand.

The following table provides information relating to the age of cases at the time they are finalised by the Tribunal.

**Table 2.4: Mean time taken for finalisations from lodgement to finalisation for 1 July 2000 to 30 June 2001**

Type and Category	Cases	Mean time taken in days
Visa refusal - Bridging	476	20
Visa refusal - Visitor	591	199
Visa refusal - Student	1219	245
Visa refusal - Temp business	694	437
Visa refusal - Perm business	143	476
Visa refusal - Skill linked	328	627
Visa refusal - Partner	1273	422
Visa refusal - Family	794	478
Visa refusal - Other	321	439
Cancellation - Bridging	73	71
Cancellation - Visitor	27	123
Cancellation - Student	313	132
Cancellation - Temp business	28	210
Cancellation - Partner	33	418
Temp business sponsorship	211	372
Other	55	212
<b>TOTAL</b>	<b>6579</b>	

## 2.5 Unfinalised Cases on Hand

At 30 June 2001 the Tribunal had 8,184 unfinalised cases on hand, an increase of 632 or 8.4% compared to 30 June 2000. This has occurred despite a significant increase in the number of cases being finalised. The reasons for this increase are set out elsewhere in this report. However, it is encouraging to note that since the end of December 2000, the on hand caseload has only grown by 84 cases, a most encouraging trend.

There is however concern that any further significant growth in the Tribunal's incoming caseload will limit its capacity to reduce its on hand caseload.

The following table provides information as to the category of unfinalised cases on hand.

**Table 2.5: Unfinalised cases on hand 1999/2000 and 2000/2001**

	99/00	00/01	Variation
Category			
Bridging	24	61	+37
Visitor	325	182	-143
Student	878	994	+116
Temp business	1245	1357	+112
Perm business	251	376	+125
Skill linked	1364	1359	-5
Partner	1652	1770	+118
Family	1365	1571	+206
Other	448	514	+66
TOTAL	7552	8184	+632

## 2.6 MRT Purchasing Agreement

As required by Government, a Purchasing Agreement between the Minister for Immigration and Multicultural Affairs and the Minister for Finance and Administration, in respect of the Migration Review Tribunal, was developed. The agreement outlines workload outputs the Tribunal agrees to produce. This Agreement also covers arrangements to adjust resourcing for the Tribunal in accordance with final end of year productivity achievements.

This Agreement covers the periods 1999-2000, 2000-2001, 2001-2002 and 2002-2003, or until the Tribunal is amalgamated into the new Administrative Review Tribunal (ART). The case finalisation targets in the agreement are set out below:

Year	1999/2000	2000/2001	2001/2002	2002/2003
<b>Total Cases Finalised</b>	4,500	5,000	5,445	5,770

The actual level of funding for the Tribunal is adjusted at Additional Estimates each year for actual total case finalisations achieved in the previous year. This provision operates to provide additional resourcing where the total number of cases finalised exceeds the targets or a reduction in resourcing or where the total number of cases finalised falls short of the targets.

The maximum level of funding in any one year is capped such that the total number of funded cases does not exceed the number of new cases received by more than 20%.

During 2000/01, the MRT fully utilised this agreement in order to allow it to finalise 6579 cases, 1579 cases more than that set as the target when the agreement was originally entered into. An adjustment to the Tribunal's funding base will be made during 2001/02.

The following table outlines the agreed cost per finalised case to be used in adjusting resourcing for the Tribunal.

Year	1999/2000	2000/2001	2001/2002	2002/2003
Cost Per Finalised Case	\$2,400	\$2,100	\$1,879	\$1,775

The Tribunal will need to renegotiate its Purchasing Agreement during 2001/02 in order to better reflect the number of case finalisations being achieved and to review the data relied on to set the cost per case for 2001/02 and future years.

## 2.7 Factors influencing MRT performance

### 2.7.1 *The Administrative Review Tribunal (ART)*

The planned creation of the Administrative Review Tribunal (ART) during 2001 has again posed a significant challenge for the MRT in a number of areas. While the ART is not now expected to commence operations in the immediate future, it remains apparent that the uncertainties associated with the ART have inhibited to some extent the Tribunal's ability to attract and retain staff and members.

Longer term expenditure planning has also continued to be made more complicated given that decisions have had to be made keeping in mind that returns on investments in infrastructure may only be available to the Tribunal over a limited period.

### 2.7.2 *Impact of trends in DIMA decision making*

Changes in the rate of DIMA decision-making (e.g. establishment of task forces within DIMA to clear backlogs) has an immediate effect on the make up and number of new applications to the MRT. Changes to legislation relating to MRT reviewable decisions also almost immediately impact on the MRT, whereas previously when the Immigration Review Tribunal (IRT) existed, there was usually an extended period before applications flowed from decisions of officers providing internal review.

This has meant that the MRT has been subjected to substantial fluctuation in application rates during 2000/01. The number of applications lodged in any one month ranged from 490 in April 2001 to 812 and 814 in May and June 2001 respectively. While this placed considerable strain on client services staff, particularly in the Sydney registry, the processes in place and available resources enabled the influx of new applications to be dealt with satisfactorily.

The MRT has continued to liaise with DIMA in order to be able to better predict variations in application rates and to ensure that it has sufficient notice of legislative changes that may impact on the Tribunal.

### **2.7.3 Caseload management**

As discussed at 2.5 (Unfinalised Cases on Hand), management of the Tribunal's on hand caseload is a significant challenge. While the number of cases on hand has continued to grow, this growth has been substantially slowed.

The number of cases on hand continues to put Tribunal staff and members under considerable pressure. Relative priorities have had to be assigned to applications with the inevitable result that some applicants have waited, and will continue to wait in the future, for an extended period before their application is decided.

The Tribunal accepts that this is not an acceptable situation and is doing everything it can to reduce waiting periods and the overall number of the cases awaiting consideration. In order to reduce waiting times within the Sydney registry, 678 cases were transferred out of that registry to the Canberra and Melbourne registries for processing. Low volume caseloads have also been transferred to a single registry to allow a greater degree of specialisation by registries. In the main, Canberra and Melbourne registries were allocated these cases to further reduce the pressure on the Sydney registry. As mentioned at 1.5, the Tribunal implemented revised case allocation priorities in January 2001.

### **2.7.4 Future directions**

The main focus will be on continuing to review decisions quickly, fairly and efficiently with the goal of reducing how long applicants have to wait for the review application to be decided, while at the same time reducing the on hand caseload. Technology will continue to assist with this through expanding the functionality of the Tribunal's case management system and through greater use of Intranet and Internet technologies.

During 2001/02, the Tribunal will examine its work practices for progressing cases to finalisation in order to ensure that the most effective use is being made of staff and member resources.

## **2.8 Significant changes**

No major changes in the MRT functions and services are expected in the next financial year. However, with the appointment of Mr Steve Karas as Principal Member of both the MRT and the Refugee Review Tribunal (RRT) from 1 July 2001, the two Tribunals will be identifying areas of operations where efficiencies can be achieved through working more closely together.

During 2001/02 the Tribunal will also be working with the Attorney-General's Department, the Administrative Appeals Tribunal (AAT), Social Security Appeals Tribunal (SSAT) and the RRT to identify efficiencies that can be achieved in the longer term for example through co-location of registries.

## 2.9 Ethical standards

The Tribunal follows prescribed codes of conduct for members and staff. The APS Values and APS Code of Conduct as set out in the *Public Service Act 1999* apply to members and staff. Members also have a code of conduct as part of their members' performance agreements. The Tribunal believes that the application of ethical standards within the organisation flows onto to the application of ethical standards in dealings with clients.

## 2.10 Client Service Charter

*The MRT has published its Client Service Charter which sets out the standards of service MRT clients can expect. A copy is available from our website at <http://www.mrt.gov.au>.*

Comments or suggestions about Tribunal operations are welcomed. If anyone considers that the Tribunal has failed to comply with the standards set out in its Charter, they may provide feedback by contacting, or writing to, one of our Tribunal Registry offices.

## 2.11 Social justice and equity impacts

The MRT fosters and promotes review procedures that are informal, accessible and non-legalistic. It is also not bound by technicalities, legal forms or rules of evidence and acts according to substantial justice and the merits of each case. Its procedures are non-adversarial and ensure procedural fairness for applicants.

## 2.12 Discussion and analysis of the MRT's financial performance

During the 2000-2001 financial year, the Tribunal recorded an operating deficit from ordinary activities of \$97,000. This compares to a deficit in the previous year of \$1,247,000. The operating result for the 2000-2001 financial year reflects high costs relating to the Tribunal's rapid growth. The organisation's average staffing level increased from 114 in the previous financial year to 169, creating significant additional costs relating to salaries, rent and office equipment. The Tribunal also needed to train its new staff and members. As the Tribunal's funding is based upon case finalisations, there is some lead time between recruiting new staff and members, and having that growth reflected in productivity and therefore revenue. While the Tribunal exceeded its target for case finalisations in 2000-2001, its expenses exceeded the revenue earned by these finalisations. The Tribunal expects that it will gain significant improvements in productivity in the 2001-2002 financial year from additional staff and member resources, and from the investment in training and infrastructure.

### 2.12.1 Discussion of any significant changes from the prior year or from budget

The Tribunal's initial budget reflected the expected or anticipated creation of the Administrative Review Tribunal (and abolition of the Migration Review Tribunal) from 1 February 2001. This did not occur, and accordingly the Tribunal requested and received additional funding through the additional estimates process. The Tribunal also finalised more cases than it was funded for through the budget, and than it finalised during 1999-2000. Accordingly, it recorded a significant increase in revenue and expenses from the budgeted projections.

### **2.12.2 Performance of purchaser/provider arrangements**

#### ***Department of Immigration and Multicultural Affairs***

The Tribunal purchases some corporate services from DIMA (financial management information and human resource management systems).

In the 2000-2001 financial year, the amount charged to the Tribunal for the SAP financial management information system was \$117,231.10 including GST. This system was used for processing of financial transactions by the Tribunal, as well as provision of financial information. The Tribunal's principal transactions by volume, accounts for payment and refunds to vendors, accounted for 7,545 transactions during the year dealing with a total of \$8,427,693.97.

In the 2000-2001 financial year, the amount charged to the Tribunal for the NOMAD human resource management system was \$24,787.91 including GST. This system was used in supporting and paying the Tribunal's staff (average staffing level during the year was 169).

The Tribunal is currently considering its options relating to provision of these systems, and liaising with other Tribunals which are proposed to become part of the Administrative Review Tribunal with the aim of determining common requirements and common systems solutions.

#### ***Administrative Appeals Tribunal***

The Administrative Appeals Tribunal (AAT) provides office space and support for the MRT, in Adelaide, Brisbane and Perth. The MRT paid the AAT \$243,006.87 for this support in 2000-2001.

### **2.13 Summary resource table by outcomes**

#### ***Outcome and Output structure***

The Migration Review Tribunal has a single outcome, which is to "Contribute to ensuring that the administrative decisions of Government are correct and preferable in relation to non-humanitarian entrants". It also has one output supporting this outcome, namely "Independent merits review of certain decisions concerning applicants for non-humanitarian entry and stay".

The following table shows how 2000-2001 appropriations for the Tribunal were used in producing this output.

	Budget 2000-2001 \$ ('000)	Actual expenses 2000-2001 \$ ('000)	Budget 2001-2002 \$ ('000)
Price of Departmental Outputs	10,242	14,020	12,066
Revenue from Government - Departmental	10,494	13,888	11,976
Revenue from other sources - Departmental	52	35	108
Total revenue from Government and other sources Departmental	10,546	13,923	12,084

	2000-2001	2001-2002
Staff years (number)	169	143

### Performance information for Outcome 1

<b>Effectiveness – Overall Achievement of the Outcome</b>	
Decisions are correct and preferable	As measured by outcome of applications for judicial review.
<b>Performance Information for Departmental Outputs</b>	
Output Component 1.1.1 Independent Merits Review	<p>Quality: Outcome of applications for judicial review – extent to which decisions are upheld.</p>
	<p>During the 2000-2001 financial year, outcomes were reached in relation to 173 Tribunal decisions which were appealed to the Federal and High Courts (the Tribunal finalised a total of 6579 cases, and so the finalised appeals relate to a total of 2.6% of Tribunal finalisations for the year). Of appeals to courts during 2000-2001 which were finalised 7 were by judgment in favour of the applicant, and a further 35 were not contested by the Commonwealth.</p>
	<p>Quantity: Purchasing Agreement targets are met. 5,000 cases are finalised.</p>
	<p>The Tribunal finalised a total of 6,579 cases in 2000-2001 (1999-2000 – 4,144). This was 1,579 more than estimated in the Tribunal’s budget, as provided for in the Tribunal’s Purchasing Agreement, which delivers funding for up to 120% finalisations over applications received. The Tribunal received 7,211 applications for review in the same period.</p> <p>The Tribunal’s Purchasing Agreement provided a cost per finalised case of \$2,100 (1999-2000 \$2,400).</p>

## Overview of MRT Registries

### Challenges in 2000/2001

As mentioned elsewhere, the MRT has its main registries in Sydney, Melbourne and Canberra. The registries vary in size and workload. The Canberra registry is somewhat different from other registries in that it also provides support to members located in Perth, Adelaide and Brisbane.

2001/2002 was the second full year of operation for the Tribunal. It was a year of consolidation with many staff and members having been with the Tribunal since the early days of it commencing operations. Recruitment and training of members and staff continued.

The level of experience of staff and members has continued to increase, with all MRT registries making steady but significant progress in improving productivity and output. The appointment of additional members in December 2000 and their commencement in January 2001 had an almost immediate impact on the capacity of the Tribunal to achieve an increased number of case finalisations.

The following outlines provide an overview of the work of each registry. It needs to be noted that the figures quoted in the overview may vary from those contained elsewhere as not all applications are lodged, dealt with or finalised by the registry in the applicant's own state or the registry responsible for the applicant's state/territory.

### New South Wales Registry

#### *Registry Structure and Operations*

A further round of member appointments were made half way through the year but, mainly as a result of uncertainties to do with the proposed Administrative Review Tribunal, a number of member vacancies have yet to be filled. This resulted in an increase in the backlog of cases despite the productivity levels achieved by members and staff. During 2000/2001, 1113 more cases were finalised than in 1999/2000.

#### *Performance*

On 1 July 2000, the NSW Registry had 4330 cases in progress. 4133 cases were lodged during the year and 3257 cases were finalised. With the transfers of cases between offices, 4567 cases remained in progress on 30 June 2001.

The range of cases dealt with by the NSW registry was wide - over 70 different visa subclasses in addition to a range of visa cancellation, sponsorship and nomination decisions.

The largest categories were:

- Student visa refusals. 973 cases were lodged during the year. A typical circumstance would be an existing student in Australia seeking a visa for a further course of study, where there are questions or inadequate documentation on whether the student had previously complied with work restrictions or attendance and course progress

- requirements, or in respect to the student's financial resources. Taking into account withdrawals, the percentage of cases where there was an outcome favourable to the applicant was 62%. This reflects the number of cases where the visa applicant had failed to supply adequate or complete information to the Department, and the impact of several Federal Court decisions.
- Partner visa refusals. 695 cases were lodged during the year (spouse, prospective spouse and interdependency cases involving visa applicants inside and outside Australia). A typical circumstance would be a relationship that formed only shortly before that visa application, and there are doubts about the genuineness of the relationship. Taking into account withdrawals, the percentage of cases where there was an outcome favourable to the applicant was 60%. An important factor is that a year or more may have elapsed since the primary decision, and there is quite often considerable further evidence of the genuineness of the relationship (e.g. children or joint ownership of property or a business).
- Temporary business visa refusals. 635 cases were lodged during the year (172 cases relating to business sponsorship and nomination decisions were also lodged). A typical circumstance would be a person in Australia on a short-term business visa seeking a 4-year visa on the basis of a nomination by an Australian business. Taking into account withdrawals, the percentage of cases where there was an outcome favourable to the applicant was 18%. In many cases, the business had been unable to gain approval as a business sponsor (which requires a consideration of whether the proposed employment will contribute to the creation or maintenance of employment within Australia, an expansion of Australian trade, improved links with international markets, or to the competitiveness of the economy).
- Bridging visa refusals. 403 cases were lodged during the year. A bridging visa is usually granted to provide temporary lawful status while another matter is resolved. A typical circumstance would be a person who started some other action after being detained as unlawful, and the issue is whether, with or without a security bond, the person will abide by the conditions of a bridging visa. Taking into account withdrawals, the percentage of cases where the Tribunal made a decision favourable to the applicant was 24%.
- Family visa refusal cases. 400 cases were lodged during the year (mainly special need relative, carer, parent and child cases - involving visa applicants inside and outside Australia). A typical circumstance would be a visitor seeking a family visa to remain as a 'special need relative', or carer, to a relative in Australia, where the question to be decided is whether there is a permanent need for assistance that could not be met by community services or family already in Australia. Taking into account withdrawals, the percentage of cases where there was an outcome favourable to the applicant was 23%.
- Visitor visa refusals. 212 cases were lodged during the year. Typical circumstances would be an extension of a visit for a person already in Australia, or the refusal of a visitor visa to a person outside Australia to whom the visitor 'risk factor' applies (i.e. the person falls within a nationality/age/gender profile for which statistics indicate a high overstay rate). The issues are typically whether a genuine visit is intended and the likelihood of overstaying. Taking into account withdrawals, the percentage of cases where there was an outcome favourable to the applicant was 64%. One of the features of these cases is the very high volumes and the expedited decision-making at the primary level. The Tribunal receives very few cases and has the capacity to consider each applicant's individual circumstances.
- Visa cancellations. 204 cases were lodged during the year. A typical circumstance would be a visa cancelled on the basis that the visa holder was not complying with visa conditions in relation to work restrictions or meeting study requirements. Taking into account withdrawals, the percentage of where there was an outcome favourable to the applicant was 56%. 122 of the cancellation cases were for student visas, and a large

number of these were set aside on the basis of Federal Court decisions during the year which required that compliance with course requirements had to be considered over the full course.

Overall, for cases finalised by decision or withdrawn by the applicant, the decision of the delegate of the Minister remained unchanged in 55% of cases. In most of the remaining 45% of cases, the Tribunal returned or remitted the application for the visa to the Department for reconsideration with a direction that one or more of the visa criteria had been met, or on the basis that significant further information had been received. Further investigations are generally required and there is no certainty that the visa applicant will meet the remaining criteria for the visa.

Incorrect decision-making at the primary level is not considered to be a large factor in the proportion of cases where a decision is made favourable to the applicant. As the preceding paragraphs show, a number of factors are at work: the time that elapses between the primary and review decisions and the scope this provides for further evidence and for cases to be affected by court decisions and legislative and policy changes; under-preparation by applicants and or their agents at the primary level; and the disparity between volumes, productivity expectations and resourcing between the primary and review levels.

The number of cases on-hand remains the most significant challenge for the Tribunal in 2001/2002. Cases are held in a pool of 'unallocated' cases until assigned to a case team under allocation priorities determined by the Principal Member. At the end of June 2001, cases in the high priority groups were being constituted within days of lodgement. The oldest 'offshore' case (visa applicant outside Australia) awaiting allocation to a case team was lodged in July 1999. The oldest 'onshore' case (visa applicant in Australia) was lodged in April 2000. The allocation priority arrangements allow for a case to be given higher priority where the case raises special circumstances of a compelling or compassionate nature.

### ***Decision Monitoring***

The quality and consistency of decision making in the NSW registry is monitored, reviewed and evaluated. A particular focus in 2001/2002 will be to improve the quality of decisions.

### ***Member and Staff Interchange***

There are regular visits to the NSW registry by the Principal Member, Registrar and other members and senior staff. Sydney staff travel to other registries for training, senior management meetings and meetings of the National Staff Consultative Forum.

### ***Outreach***

The Senior Member and other members, and the Deputy Registrar, represented the Tribunal at a range of functions and meetings throughout the year.

### ***Language Proficiencies of NSW staff***

A number of officers in the NSW Registry speak a language in addition to English. The languages covered include: Arabic, Cantonese, Croatian, German, Hindi, Hokkien, Japanese, Lithuanian, Macedonian, Malay, Mandarin, Persian, Polish, Punjabi, Russian, Serbian, Sinhalese, Spanish, Tamil, Tagalog, Telugu, Turkish and Urdu.

## **Victorian Registry**

### ***Registry Structure and Operations***

The Melbourne office of the Migration Review Tribunal operated with a Senior Member, two Full Time Members and nine Part Time members for most of the financial year.

The average number of staff in the Melbourne office for the 2000/01 financial year was 35. Five staff were employed in the Client Services section; 26 were employed in the Case Management Teams; and the remaining 4 were employed as a Deputy Registrar, a Case Team Manager, an Information Officer and a Case Team Support Officer.

### ***Performance***

The number of lodgements for the 2000/01 financial year was 1963. The monthly number of new review applications rates ranged from a high of 282 in May 2001 to a low of 115 in July 2000, with the average monthly lodgements being 163 per month.

The number of finalisations for the 2000/01 financial year was 2022, giving an average monthly finalisation rate of 168. The monthly finalisation rates ranged from a low of 118 in January 2001 to a high of 235 in June 2001.

### ***Decision Monitoring***

The quality and consistency of decision making in the Victorian Registry is monitored, reviewed and evaluated by the Senior Member who reviews the majority of decisions. Any issues are taken up with the member. The Decision Support Section and the Principal Member, who give feedback to the Senior Member, complement this process at the national level by a selective review of decisions.

### ***Member and Staff Interchange***

The Victorian Registry sees member and staff interchange between registries as a useful way to encourage 'best practices'. During the year interstate members and staff visited the Victorian Registry to undertake training and development and to compare work practices and procedures.

### ***Outreach***

During the financial year, Melbourne members and staff conducted a number of outreach activities and Community education programs. An important part of the MRT's work is to

ensure that potential applicants are aware of its existence, role and functions. Broadly speaking, the Melbourne office's community education and outreach activities aim to create an awareness in potential applicants and to inspire confidence in it as a fair and independent mechanism of review. Presentations were made about the Tribunal, its jurisdiction and operations and information products about the tribunal were distributed. Some of these outreach activities included:

- facilitating the attendance of observers at Tribunal hearings, including students and members of other Commonwealth Tribunals;
- a number of queries received via the MRT Internet Web page are responded to including the provision of information about the Tribunal; and
- distribution of information products to the Victorian Migrant Resource Centres.

### ***Language Proficiencies of Victorian staff***

Six staff in the Victorian Registry speak a language other than English. The languages covered are Turkish, Tamil, Sinhalese, Italian, Afrikaans, Russian, Ukrainian and other Slavic languages.

## **Australian Capital Territory Registry**

### ***Registry Structure and Operations***

The ACT Registry commenced operations in 2000/2001 with a Senior Member, and five part time members. Members are based in Canberra, Brisbane, Perth and Adelaide. In early 2001, a full time member, and an additional part time member were appointed and based in Canberra. On 1 February 2001, Mr Steve Karas, previously Senior Member, Brisbane was commenced as acting Principal Member.

At 30 June 2001, the ACT Registry had six part time members, and 1 full time member, as follows:

Adelaide	1 part time
Brisbane	1 part time
Canberra	3 (1 full time & 2 part time)
Perth	2 part time

At 30 June 2001, the ACT Registry employed 23 staff, comprising of the Deputy Registrar, Assistant Registrar, 15 case officers, and 6 client services officers.

The ACT Registry is responsible for handling applications lodged in all areas of Australia other than New South Wales and Victoria. The Administrative Appeals Tribunal (AAT) registries in Adelaide, Brisbane and Perth are also identified registries of the MRT. Under a Service Delivery Agreement, the three AAT registries receive review applications, and carry out a range of administrative functions on behalf of the ACT Registry, including on-site administrative support for members, and making arrangements for Tribunal hearings.

### ***Performance***

The number of ACT cases in progress at 1 July 2000 was 1283. During the year, 423 cases were transferred from the other registries, bringing the figure to 1706. At 30 June 2001, there

were 1392 ACT cases in progress. This represents a net reduction in the number of ACT unfinalised cases of around 18%. The capacity of the ACT registry to finalise more cases than are being lodged will enable it to take on the processing of a significant number of applications lodged in Sydney during 2001/02.

A total of 1115 cases were lodged in 2000/2001, representing an average of 93 cases lodged per month. A total of 1300 cases were finalised (a 90% increase over the 1999/2000 figure of 686), representing an average finalisation rate of 108 cases per month. The monthly finalisation rates ranged from a low of 50 in July 2000, to a high of 192 in May 2001.

### ***Decision Monitoring***

The quality and consistency of decision making in the ACT Registry is monitored, reviewed and evaluated by the Acting Principal Member, with assistance from the Deputy Registrar and case teams. The Decision Support Section and Deputy Registrar also monitor decisions, provide feedback to members and report to the Principal Member on quality issues.

### ***Member and Staff Interchange***

ACT members and staff work closely together to maximise outcomes, and there is a strong team approach to the efficient conduct of review. Members located in Adelaide, Brisbane and Perth visit Canberra as necessary for training and briefings. These visits are also used as opportunities for ACT members and staff to meet and discuss common issues, refine processes, and develop appropriate solutions.

During 2000/2001:

- ACT members and staff spent time in the NSW and Victoria registries for training, and to share information and ideas on how to achieve 'best practice';
- the Deputy Registrar visited the Perth members to review and evaluate services provided by the AAT under the Service Delivery Agreement;
- the Assistant Registrar visited the member in Adelaide to evaluate local service support issues, and recommend ways in which better efficiencies could be achieved;
- the client services team leader visited the NSW Registry to discuss decision making procedures for requests for waiver of application fees, and ensure a consistent approach in the ACT.

### ***Outreach***

During the financial year, members and staff conducted a number of outreach activities and Community education programs. At a range of functions, presentations were made about the Tribunal, its jurisdiction and operations and information products about the Tribunal were distributed. For example:

- Senior Member and Registrar gave presentations at seminars conducted by the Migration Institute of Australia in Adelaide, Brisbane, and Perth;
- Deputy Registrar and case team leaders conducted an information seminar for officers of the Commonwealth Ombudsman's Office in Canberra;

- Registrar and Deputy Registrar gave presentations on the role, jurisdiction and work of the Tribunal at Overseas Training Courses conducted by the Department of Immigration and Multicultural Affairs (DIMA). These courses are aimed at officers who have been selected for posting to overseas DIMA offices as decision makers and managers.

ACT staff regularly respond to general inquiries received via the MRT Internet website, and electronically provide information about Tribunal's products and services. The Tribunal's information products are regularly distributed to migration agents, electoral officers, migrant resource centres, and community organisations.

### *Language Proficiencies of ACT Staff*

Twelve out of 23 staff in the ACT Registry have a better than basic proficiency in a language other than English, and covering some 17 languages and dialects. The languages covered are Austrian, Bosnian, Bulgarian, Cantonese, Croatian, French, German, Indonesian, Japanese, Korean, Macedonian, Mandarin, Russian, Serbian, Slovenian, Spanish, and Vietnamese.

## **Information Services and Decision Support**

The Decision Support Section provides a wide range of legal, information, policy and advice services to Tribunal Members and Staff in relation to the Tribunal's core business of making decisions.

The Tribunal's Decision Support Section is comprised of three components as follows:

- Information
- Policy and Procedures
- Legal.

The information network is comprised of information officers and information collections located in the Principal, Melbourne and Sydney registries. In Brisbane, Perth and Adelaide members have access to AAT libraries. The information network provides a range of services to members and staff including general reference and research assistance, collection maintenance and development, training, inter-library loans and regular electronic newsletters on recent developments. The information area also arranges for the publication of Tribunal decisions on the Internet and maintains the Tribunal's database of decisions.

The policy and procedures team formulates, consults on and implements national policies and procedures relating to Tribunal case management. The team also provides advice and training to members and staff on the application of policies and procedures in order to ensure high quality and consistency in decision making. It is also responsible for generating statistics relating to the Tribunal's performance.

The legal team is also responsible for the maintenance and development of the Tribunal's electronic collection of legal information including case law, legislation and advice relevant to matters coming before the Tribunal. The legal team also monitors the progress and outcome of cases appealed to the Federal Court to ensure that cases remitted for reconsideration are considered in a timely manner.

## **Part 3: Management Accountability**

### **3.1 Management of Human Resources**

#### **3.1.1 Tribunal Members**

On 1 December 2000 the Minister announced the appointment of four full time members and nine part time members until 30 June 2001. On 31 January 2001 the Minister announced the appointment of Mr Steve Karas as acting Principal Member from 1 February 2001.

Details of member appointments as at 30 June 2001 are at Appendix C. Biographical details are at Appendix A.

As at 30 June 2001, the MRT had the following members:

	ACT	NSW	VIC	QLD	WA	SA	Total
Principal Member	1						1
Senior Member		1	1				2
Full-Time Member	1	4	3				8
Part-Time Member	2	12	9	2	2	1	28
Total	4	17	13	2	2	1	39

### **3.2 Tribunal Staff**

#### **3.2.1 APS employees**

The organisation structure of the MRT was developed in early 1999 to facilitate the placement of existing IRT and MIRO staff and for the recruitment of additional staff required to meet the needs of the new Tribunal. Since that time only a number a relatively minor changes have been made. Details of this structure are shown at Appendix D.

Unlike other Commonwealth tribunals, the MRT's case management model requires the much greater involvement of staff in the case management processes. This is described at 1.9. Due to the increased number of applications being lodged and the number of additional members requiring support, staff numbers have increased during the year.

At 30 June 2001 the Tribunal had 145 ongoing employees.

Tribunal staff are employed under the *Public Service Act 1999*.

Appendix D provides further information about the composition of the MRT's staffing. However, as the MRT had a relative small number of staff, privacy considerations preclude tabulations showing the representation of EEO groups within salary levels and occupational groups.

The Tribunal does not use broad-banding in classification.

### 3.2.2 Remuneration of APS employees

Remuneration of APS employees within the Tribunal is determined by a Certified Agreement. At 30 June 2001, 162 ongoing and non-ongoing employees were covered by the Certified Agreement.

### 3.2.3 Pay rates

Level	Pay Points				
	1	2	3	4	5
APS Level 1	\$27,196	\$28,110	\$28,870	\$30,058	
APS Level 2	\$30,779	\$31,626	\$32,456	\$33,300	\$34,131
APS Level 3	\$35,057	\$35,968	\$36,883	\$37,838	
APS Level 4	\$39,072	\$40,315	\$41,363	\$42,425	
APS Level 5	\$43,581	\$44,946	\$46,211		
APS Level 6	\$47,070	\$48,241	\$49,563	\$52,053	\$54,070
Executive Level 1	\$60,282	\$65,097			
Executive Level 2	\$69,506	\$73,330	\$78,812		
Legal Officer	\$41,363	\$44,946	#\$47,070	#\$54,070	
Senior Legal Officer	\$60,282	\$65,097	#\$73,330		
Principal Legal Officer	#\$81,449	#\$83,533			

# salary points only accessible by staff with a professional/mandatory qualification

### 3.2.4 Non-salary benefits

APS employees up to and including APS Level 6 are entitled to use flex leave. Employees are able to carry up to 40 hours of flex at any time.

All employees receive 2 additional days leave, termed 'Tribunal Leave'. These days are usually taken between Christmas to New Year. These days were granted in recognition for the additional nine minutes per day required of employees as part of revised conditions implemented in accordance with the Tribunal's Certified Agreement.

### 3.2.5 Performance Pay

Performance pay is not used in the agency.

### 3.2.6 Senior Executive Service officers

The Tribunal only has one Senior Executive Service officer who is occupying the position of Registrar as an acting SES officer. He is currently appointed to the position until 30 June 2002.

### 3.2.7 Senior Executive

As at 30 June 2001, the Senior Executive comprised:

Principal Member – Mr Steve Karas

Mr Karas is a delegate of the Secretary of the Department of Immigration and Multicultural Affairs for the purposes of the Public Service Act 1999. He also has power under section 353A of the Migration Act 1958 to give written directions as to the operation of the Tribunal and the conduct of reviews by the Tribunal.

Senior Members - Ms Robin Hunt (Acting) (NSW), Mr Graham Friedman (Victoria)

Senior Members act as decision-makers and manage the workload and case allocation to Members. They also provide supervision and guidance to Members.

Registrar – Mr Noel Barnsley

Mr Barnsley is responsible for corporate direction and goal setting and for providing strategic leadership to staff.

Deputy Registrars - Mr Rhys Jones (New South Wales), Mr David Hodgett (Victoria), Mr Ken Ward (Australian Capital Territory)

Deputy Registrars are responsible for the strategic management of their registry.

Director, Decision Support - Ms Toni Pirani

The Director, Decision Support is responsible for strategic management of the legal advice, legal and procedural training, and policy and procedures. Information management also sits within Decision Support.

Corporate Manager - Mr David Mylan

The Corporate Manager is responsible for providing direction and strategic management for all corporate services. These are: Human Resources; Information Technology; Finance; and Office Services.

## 3.3 Senior Management committees and their roles

### 3.3.1 MRT Staff Consultative Forum

Senior management is represented on the Staff Consultative Forum along with staff and union representatives. Meetings are usually held three times per year.

### 3.3.2 Senior management committees

The MRT has two senior management committees as follows:

**SSM Committee – meets monthly and consists of the Principal Member, Registrar, Corporate Manager, Deputy Registrars and senior staff of the three MRT Registries, and Secretariat officer.**

**SSMM Committee – meets bi-monthly and consists of the Principal Member, Senior Members, Registrar, Corporate Manager, Deputy Registrars and senior staff of the three MRT Registries and a Secretariat officer.**

These meetings are generally held by teleconference. However, if the need arises, meetings are held in person.

### **3.4 Management of Human Resources Issues**

#### ***3.4.1 Workforce planning, staff retention and turnover***

Detailed workforce planning will be carried out during the 2001-2002 reporting year. Staff retention and turnover has continued to be adversely affected by the uncertainty caused by the proposed merger of the Tribunal with other administrative tribunals to form the Administrative Review Tribunal.

#### ***3.4.2 Main features of Certified Agreements and Australian Workplace Agreements***

The Tribunal entered into its first Certified Agreement in December 2000. The agreement expires on 22 December 2001.

The Agreement offered a 5.5% pay increase on certification. Two bonus payments of \$750 were also made available as a retention incentive. Two productivity measures were identified in the Certified Agreement – the new Case Management System and an increase in working hours of 9 minutes per day.

The Tribunal is in the process of developing Australian Workplace Agreements for a limited number of senior and key staff.

#### ***3.4.3 Training and development strategies***

During 2001/02, the Tribunal will be developing a comprehensive training strategy to support the achievement of the goals of the Strategic Plan which is scheduled for development early in new financial year.

Currently, employees and their supervisors identify training needs. Training priorities are included in performance and learning agreements.

#### ***3.4.4 Occupational health and safety performance***

There was one occupational health and safety incident during the reporting year. Fumes and smoke entered part of the Tribunal's Canberra premises, requiring that part of the building to be evacuated. The incident was the result of repairs being made to the air-conditioning system. A full report was submitted to Comcare.

The Tribunal has trained Health and Safety representatives and First Aid officers in each location.

### **3.5 Internal audit arrangements**

Corporate Services maintains a Financial Accountability Tool (known as FACTS). Each area of Corporate Services is required to report against a number of indicators where risk

management has been deemed necessary. These risks include payments made to staff no longer with the organisation and flex sheet audits.

### 3.6 Risk management

The Migration Review Tribunal has taken a proactive approach to managing its operational and strategic risks. The Tribunal has prepared a Fraud Control Plan, which is currently being evaluated by the Law Enforcement Division of the Attorney General's Department.

A draft Risk Management Plan has been developed by the Tribunal, and endorsed by Comcover.

The Tribunal engaged Acumen Alliance as its internal auditor during 1999-2000, and has continued this relationship during 2000-2001.

The Tribunal has an Audit Committee that meets at least three times each year. This committee is comprised of the Tribunal's internal auditor, external auditor, Principal Member, Corporate Manager, Finance and Office Services Manager and Accountant.

### 3.7 Purchasing

The Tribunal adheres to the *FMA Act 1997* and the Government's core purchasing policies and principles in its purchasing arrangements. It has included specific purchasing requirements in its Chief Executive Instructions, to ensure that it espouses Commonwealth policies in relation to purchasing.

### 3.8 Consultants and Competitive Tendering and Contracting

The Tribunal has not undertaken any process of competitive tendering and contracting (CTC) in the last financial year. It decided not to perform these activities, due to the expected commencement of the Administrative Review Tribunal (ART).

The Tribunal has engaged two consultants during 2000-2001:

Name of consultant	Nature and purpose	Total cost of consultancy	Publicly advertised	Selection process used	Reason
Adlinga Innovations Pty Ltd	IT strategic plan and online action plan.	\$14,480.00	No	Select tender	Gain access to specialised knowledge
Business Catalyst International Pty Ltd	Information technology facilities review.	\$12,850.00	No	Select tender	Gain access to specialised knowledge

### 3.9 Commonwealth Disability Strategy

The Tribunal was to merge with other tribunals to form the Administrative Review Tribunal. Given the limited resources of the Tribunal, the Commonwealth Disability Strategy was not implemented. Work has now commenced on the Strategy.

### 3.10 Maintenance of appropriate ethical standards

As an agency administering administrative law the Tribunal is deeply imbued with the principles of fairness, natural justice and transparency. These principles are applied to all internal processes in the Tribunal and flow on to dealings with clients. The member and staff codes of conduct inform behaviour. The Chief Executive Instructions also codify appropriate behaviour in respect of expenditure of tribunal funds. The Tribunal sets high standards for itself as it sees itself as a regulator of good government decision making. Member and staff training programs have a component of ethics training. Any evidence of unethical practices is brought to the attention of the Principal Member or Registrar for appropriate action.

### 3.11 External Scrutiny

#### 3.11.1 *Judicial review of Tribunal decisions*

During 2000/2001 a full review of the Tribunal's database of applications for judicial review was conducted. This review has resulted in a slight revision to the figures reported in the Tribunal's 1999/2000 annual report. Figures for 1999/2000 and 2000/2001 are reported below.

In 1999/2000 145 appeals against MRT decisions were lodged with the Federal Court. Of these appeals one matter progressed to the Full Federal Court. During 1999/2000 74 appeals were finalised as follows:

- 34 were withdrawn by the applicant (meaning the Tribunal's decision was unchanged),
- 15 were settled by consent and returned to the Tribunal for reconsideration,
- 21 were dismissed (meaning that the Tribunal's decision was unchanged); and
- 3 were upheld and remitted to the Tribunal for reconsideration.

During 2000/2001 a further 67 of the 1999/2000 appeals were finalised as follows:

- 24 were withdrawn by the applicant (meaning the Tribunal's decision was unchanged),
- 20 were settled by consent and returned to the Tribunal for reconsideration,
- 18 were dismissed (meaning that the Tribunal's decision was unchanged); and
- 5 were upheld and remitted to the Tribunal for reconsideration.

As at 30 June 2001 four of the 1999/2000 appeals remained unresolved.

In 2000/2001 294 appeals against MRT decisions were lodged with the Federal Court and 16 were further appealed the Full Federal Court. One appeal from a Full Federal Court decision was lodged in the High Court and four appeals against MRT decisions were lodged directly in the High Court. During 2000/2001 173 of these appeals were finalised as follows:

- 70 were withdrawn by the applicant (meaning the Tribunal's decision was unchanged),
- 42 were settled by consent and returned to the Tribunal for reconsideration,

- 54 were dismissed (meaning that the Tribunal's decision was unchanged); and
- 7 were upheld and remitted to the Tribunal for reconsideration.

As at 30 June 2001 a total of 125 appeals against MRT decisions remained unresolved. Federal Court appeals lodged in respect of MRT decisions during 1999/2000 and 2000/2001 were in respect of the following visa categories:

Category	Visa Sub-classes	1999/2000.	2000/2001.
Bridging	050, 051	22	48
Business	457	8	41
Child	101, 802	4	0
Family	104, 804, 806	54	46
Spouse/relationship	100, 110, 309, 801, 814, 820	29	60
Student	560	13	60
Other	442, 676, 686, 805, 833, 976	15	58
<b>Total</b>		<b>145</b>	<b>298</b>

### 3.11.2 *Other external scrutiny*

There were no reports on the operations of the Tribunal by the Auditor General, the Commonwealth Ombudsman or Parliamentary Committees.

## **Part 4: Financial Statements**

The audited financial statements for the Tribunal are at Appendix E.

## **Part 5: Other Information**

### **5.1 Occupational health and safety (section 74 of the Occupational Health and Safety (Commonwealth Employment) Act 1991)**

The MRT is not a designated employer under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. Arrangements have therefore been put in place for the Tribunal to be included within the policy, agreement and designated workplace arrangements of the Department of Immigration and Multicultural Affairs.

### **5.2 Freedom of Information (subsection 8(1) of the Freedom of Information Act 1982)**

#### ***5.2.1 FOI procedures and initial contact for inquiries***

A valid FOI request can be made to any MRT Registry. The \$30 application fee is still required. Persons with current reviews before the MRT do not need to make a FOI request to obtain access to their personal material as section 362A of the *Migration Act* provides access to documentation before the MRT for the purposes of their review application. Initial contact can be made with the Registry responsible for the specific case. For FOI requests relating to non-personal information, contact should be made with The Director, Decision Support, Principal Registry in Canberra on (02) 6245 9950.

#### ***5.2.2 Establishment***

The MRT was established by the *Migration Act 1958* and came into existence on 1 June 1999.

#### ***5.2.3 Organisation***

The organisation of the Tribunal is described in this report at the top structure chart shown in Part 1 of this report.

#### ***5.2.4 Functions and powers***

The role and function of the Tribunal are described in Part 1 of this report.

#### ***5.2.5 Arrangements for participation***

No arrangements exist for outside participation in the Tribunal's functions.

#### ***5.2.6 Categories of documents***

The following categories of documents are maintained by the Tribunal:

- Applications for review and associated papers;
- Tribunal decisions and statements of reasons;

- Documents concerning Tribunal procedures; and
- Internal administration papers and records, including statistical records and records relating to human and financial resource management.

Access to an application for review and associated papers are also available on the MRT's Internet site to the applicant concerned and the applicant's authorised representative.

### ***5.2.7 Facilities for access and initial contact points***

Facilities for inspecting documents, and the preparation of copies if required, are available at the Migration Review Tribunal registries, the addresses of which are provided in this report. The Migration Review Tribunal's registries are open between 9.00 am and 4.30 pm daily (excluding weekends and public holidays). Applicants wishing to contact the Tribunal can ring 1300 361 969 from anywhere in Australia for the cost a local call. Initial inquiries concerning access to documents or other matters relating to freedom of information should be directed to one of the MRT registries:

## **5.3 Advertising and Market Research (Section 311A of the Commonwealth Electoral Act 1918)**

No payments were made by the MRT that are required to be reported under Section 311A *Commonwealth Electoral Act 1918*.

## **5.4 Ecologically sustainable development environmental reporting (section 516A of Environment Protection and Biodiversity Conservation Act 1999)**

No impact relevant to this provision.

## **5.5 Other**

### ***5.5.1 Discretionary Grants***

The Tribunal does not make any grants.

### ***5.5.2 Correction of material errors in previous annual report***

The Tribunal is not aware of any material errors in the previous IRT/MRT Annual Report.

## COMPLIANCE INDEX

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### 2. Annual Report Requirements for Departments

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## Appendix A

### Members of the Migration Review Tribunal

#### **Julie Bail**

*B.A.(Hons)*

*Full time Member, Sydney*

Julie Bail has broad experience at the Senior Executive Service and senior manager levels in the public sector. She has had postings overseas as Regional Migration Director (Germany, Denmark and the Netherlands) and Chief Migration Officer of DIEA (Manila). She has also been Manager of the Department's Settlement program in N.S.W. and Acting Director of the Affirmative Action Agency. Her last position was as General Manager of the Northeast Region in Comcare.

#### **Shenagh Barnes**

*LL.B (Hons), LL.M.(Hons)*

*Part time Member, Sydney*

Shenagh Barnes is a legal member of the SSAT and Chairperson and Trustee of the Financial Counselling Trust Fund. She has previously been a member of the Travel Compensation Fund Appeal Committee; a Credit Union Arbitrator; Consultant at Clayton Utz, Solicitors; Senior Lecturer and Lecturer in Law at UNSW; Law Reform Officer at the ALRC and a solicitor in London.

#### **Wendy Boddison**

*LL.B., LL.M*

*Part time Member, Melbourne*

Wendy Boddison is a part time member of the RRT and is a former part time member of the IRT. She previously practised at the Victorian Bar, in criminal and administrative law. She has been an appeals counsellor for UNHCR appearing before the Refugee Status Review Board in Hong Kong. She was a solicitor at Galbally and Rolfe, a senior legal officer at the Commonwealth DPP and worked in the Office of the Special Prosecutor.

#### **William Bowen A.M.**

*B.Buss., P.Grad. Dip. Mrktng., J.P.*

*Part Time Member Perth*

Bill Bowen has had extensive experience at Chief Executive and Corporate Board levels in the commercial sector. Including Chairman at Exicom, Managing Director APDC International, Regional Director (S.E. Asia) AAP, Managing Director Advanced Laser Medical Technologies, Executive Station Manager Channel 9 and Managing Director of affiliated Radio Stations.

**Janis Butt***B.A., LL.B.**Part time Member, Canberra*

Janis Butt has been a longstanding officer of the Department of Immigration and Multicultural Affairs and has served the Department in Adelaide, Manchester and Canberra. She brings to the Tribunal extensive experience in policy and procedures across the portfolio, including multicultural affairs. As Director, Instructions and Migration Advisings, she made a substantial contribution to the development of Legend and the production of the Procedures Advice Manual. After graduating in law from Macquarie University, she was admitted as a Barrister of the Supreme Court of New South Wales and later as a Barrister and Solicitor in the ACT. As a lawyer, she worked with the ACT Legal Aid Office, assisting the Office with the Bender Inquiry and also in the criminal law area.

**John Cipolla***B.A., LL.B.**Part time Member, Sydney*

John Cipolla is a part time Member of the Guardianship Tribunal of NSW, Residential Tribunal of NSW and part time lecturer in Welfare Law and Business law at Sydney Institute of Technology. He previously was a solicitor with the Legal Aid Commission of NSW and senior mediator with the Disability Discrimination Unit of the HREOC.

**Andrew Carson***LL.B., G.Dip., Criminology**Part time Member, Melbourne*

Andrew Carson is a part time member of the Social Security Appeals Tribunal and of the Victorian Mental Health Review Board and is contracted as a Senior Case officer to review assessments for the Child Support Agency. He is a registered mediator and was previously a registered migration agent. He has had extensive experience in the areas of criminal law, family law, administrative law, and child welfare in private practice and with former Legal Aid Commission of Victoria.

**Michael Cooke***B.A., Dip.Ed.**Part time Member, Sydney*

Michael Cooke was previously an adviser to a Federal Minister. He has been a flight attendant (international) with Qantas Airways, a steelworker, a school teacher in Western Sydney, as well as a former student at the Legal Admissions Board. Michael has a long term interest in immigration, and involvement with the Manly Warringah ethnic communities.

**Namoi Dougall***B.A., LL.M.**Part time Member, Sydney*

Namoi Dougall has served on a number of state tribunals including as a part time member of the Equal Opportunity Tribunal. She has been a solicitor (Corrs, Clayton Utz, Allens & Middletons Moore & Bevins) and Associate to Justice Morling. She has also served as a Member of the Board of the NSW Chamber of Commerce, Director of the Northern Area Health Board Policy, adviser to a federal Cabinet Minister, NSW and Victorian representative on the Prime Minister's Republic Advisory Committee.

**Jonathan Duignan***B.A., LL.M.**Part time Member, Sydney*

Jonathon Duignan has worked in the field of migration law for over twelve years. He has previously worked with the Immigration Advice and Rights Centre and was appointed to the Refugee Review Tribunal in 1993. He worked as a Training Officer with the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) and Blue Mountains Community Legal Centre prior to his appointment to the Migration Review Tribunal. He is also currently working as a part-time lecturer in law at the University of Western Sydney, Nepean.

**Maritsa Efitmiou***B.A. LL.B.**Part time Member, Sydney*

Maritsa Eftimou has been a partner at Kessels & Associates, solicitors. She has lectured on immigration law at UNSW and has been a solicitor with the Legal Aid Commission of NSW, ALAO and Inner City Legal Centre. She began her legal career at the NSW bar. She has lectured extensively on migration and refugee law.

**Jenny Ellis***B.A., LL.B. (Hons)**Full time Member, Melbourne*

Prior to joining the Tribunal Jenny Ellis was principal solicitor with the Australian Government Solicitor handling Federal Court litigation on immigration and refugee cases. She began her legal career as a solicitor (Herbert Geer & Rundle) and was Associate to Justice Vincent of the Victorian Supreme Court. Jenny was a solicitor with the Legal Aid Commission of Victoria, solicitor at the Sussex St Community Law Service in Perth and research officer with the IRT.

**Magdeline Fadjar***LL.B (Hons)**Part time Member, Perth*

Magdeline Fadjar was a Senior Member of the IRT from 1989 to 1999. She began her career as a corporate solicitor in Singapore before migrating to Australia where she also worked as a corporate solicitor and then as a manager at Phillips Fox, solicitors. After admission in Australia she was Associate to AAT Deputy President Graham McDonald before joining the IRT. She is on the Equal Opportunity Tribunal and the Gender Reassignment Board of WA and was a member of the inaugural National Alternative Dispute Resolution Advisory Council and the WA Chief Justice's Task Force on Gender Bias in the Justice System.

**Lindsay Ford***LL.B., M.I.R. and Assoc. Dip Medical Radiography**Part time Member, Melbourne*

Lindsay Ford is a lawyer. He has skills in Physics and Software Programming. He is a consultant on the National Competition Policy as it applies to Tribunals (mainly those under health legislation) and on primary physics: currently on alternative energy for hydro-electric power generation. Mr Ford can speak some Mandarin and does some business consultancy in mainland China. He is also Chairman of the Victorian Firearms Appeals Committee and a Member of the Chinese Medicine Registration Board of Victoria.

**Norma Ford***LL.B, LL.M., M.Admin, Grad Dip Vis Arts**Part time Member, Melbourne*

Norma Ford was awarded the Supreme Court Prize (LL. M. Melbourne) and has practised at the Victorian Bar and as a solicitor. Norma is a part time member of the RRT and a member of the International Association of Refugee Law Judges. She is a member of the Firearms Appeals Committee. She has held part time appointments to the SSAT, IRT, the Guardianship and Administration Board and the Equal Opportunity Board. She was a Consultant to the MMBW, and Chairman of the Grievance Committee of the MMBW. She has a substantial background in a variety of community activities and has held various statutory and community appointments including as a Commissioner Victorian Post Secondary Education Commission, Commonwealth Tertiary Education Commission Advanced Education Council, Human Rights Commissioner, Chairman of Council of both CIT and State College of Victoria, Frankston, National President of both the Australian Federation of Business and Professional Women and the National Status of Women Council, and in the visual arts.

**Graham Friedman***B.Ec, .LL.B.**Senior Member, Melbourne*

Graham Friedman has been at the Victorian Bar since 1988 practising in family law, child welfare, criminal law, commercial and administrative law. He was a prosecutor with the Department of Human Services and is Chairman of the Disciplinary Appeal Committee of the Public Service Merit Protection Commission. He has been Chairman of the Grievance Review Tribunal handling appeals against decisions of the Victorian Department of Conservation and Natural Resources. He began his career as a graduate clerk in the Australian public service working in administrative law, FOI and marketing.

**James Galatas***LL.B.**Full time Member, Melbourne*

James Galatas comes to the Tribunal from the Victorian bar where he practiced in criminal law, family law, administrative law and civil law. Until 1995 he was Director of Legal Aid at the Victorian Legal Aid Commission where he had previously been a project manager and director of regional offices. He began his legal career as a solicitor before joining the Australian Legal Aid Office in 1974.

**Arthur Glass***B.A., LL.B., Ph.D.**Part time Member, Sydney*

Dr Arthur Glass is an Associate Professor at UNSW. He was a part time member of the IRT from 1995-1999. His practical legal experience has been with Geoffrey Edwards & Co, Sly & Russell and Gilbert & Tobin. He has published widely in the fields of constitutional law, immigration law and legal philosophy.

**Ellen Goodman***B.A., LL.B, LL.M.(Hons)**Part time Member, Sydney*

Ellen Goodman has been an academic at Macquarie University since 1975 and has taught a range of subjects including administrative law, family law and justice systems. She is a member of the Refugee Resettlement Advisory Council and has published several articles, including many on family law, and a book on the origins of the western legal tradition. She was a part-time member of the IRT.

**Ann Graham***B.A., LL.B., LL.M.**Part time Member, Melbourne*

Prior to studying Arts and Law at Monash University Ann served in the Australian Federal Police in all areas of federal law enforcement. Whilst studying Ann worked as a handyperson, hospital ward clerk, security officer and jillaroo. After graduating she completed her articles of clerkship with a country law firm and returned to Melbourne to become Associate to His Honour Judge Spence in the County Court. Ann then joined the Victorian Bar, where she practiced in criminal and administrative law. Ann practised successfully in all areas of criminal defense, including applications in the Court of Appeal. Ann volunteered for the Southport Community Legal Service for many years and continues to support the United World Colleges network which provides overseas scholarships for secondary students. Ann has recently completed her Master of Laws at Monash University.

**Alan Gregory AM***B.Com B.Ed. M.Ed. Ph.D.**Part time Member, Melbourne*

Alan Gregory is a part-time member of the MRT in Melbourne. Previously at Monash University, then Melbourne University, he worked in the fields of economic education, curriculum development and young people with disabilities. He has written extensively on economics and history and his recent books include *Wealth and Welfare*, *A History of Lord Somers Camp and Power House*, and *The Ever Open Door* a history of the Royal Melbourne Hospital. Chairman of the Gorman Foundation which assist groups working with disabled people, and Chairman of the Sir Robert Menzies Lecture Trust, Chairman of the Pathology Services Advisory Board of Victoria, a member of the Geographic Place Names Committee of Victoria and he is an adjunct Professor in the Graduate School at Swinburne University. He was made a member of the Order of Australia (AM) in January 1989 for services to education and the community.

**Michael Griffin***LL.B, LL.M.**Part time Member, Sydney*

Michael was recently a full-time member of the Refugee Review Tribunal in Sydney. He has also had experience as an Army Legal Officer, holding the position of Lieutenant Colonel. Michael is also a member of the International Association of Refugee Law Judges. He is a Judge-Advocate and Defence Force Magistrate in the Australian Defence Force. His legal background has had considerable exposure to cross-cultural issues, both theoretical and practical, and he is well versed in the principles and practice of administrative law.

**George Haddad**

*Full time Member, Sydney*

George Haddad has extensive and eclectic experience in the private sector as a noted restaurateur, and in developing Federal immigration policy and related legislation. As a member of the Administrative Review Council, he contributed to Better Decisions: Review of Commonwealth Merits Review Tribunals.

**Lawry Herron**

*B.A., LL.B., LL.M., Diploma of the Hague*

*Academy of International Law*

*Part time Member, Canberra*

Lawry Herron was a full time member of the RRT and joined this Tribunal in October 1999. He has extensive experience as a legal adviser in the Department of Foreign Affairs and Trade and with the International Atomic Energy Agency, Vienna. He served as Australian Ambassador and High Commissioner in Warsaw and Nairobi. He is active in the Red Cross and has other community involvement.

**Megan Hodgkinson**

*B.A., LL.B., Master of Laws (in progress)*

*Part time Member, Melbourne*

Megan Hodgkinson has been an investigator with the Australian Competition and Consumer Commission in the Telecommunications Branch. She has experience as a Legal Researcher with the Refugee Review Tribunal (RRT) in both Sydney and Melbourne where she also conducted training in refugee law and Freedom of Information. She has acted as a volunteer solicitor at the Kingsford Legal Centre and was employed as Tipstaff to the Hon. Mr Justice Sheller of the New South Wales Court of Appeal.

**Robin Hunt**

*LL.M.*

*Full time Member, Sydney*

Robin Hunt has been a taxation law writer with the Law Book Company for over three years and previously with CCH for six years. She has practised as a solicitor with Dominic Stamfords and Taylor & Scott and has lectured at Macquarie University.

**Ricky Johnston**

*Dip. Gen Nursing*

*Part time Member, Brisbane*

Ricky Johnston was the federal member for the House of Representatives seat of Canning from 1996-1998 and served on several parliamentary committees. She has been a human resource manager for Welcare Pty Ltd, divisional manager for the Australian Bureau of

Statistics and a manager and director in various companies. She is involved in several community organisations. She began her career as a registered nurse after migrating from Germany.

**Steve Karas OAM**

*LL.B.*

*Principal Member, Sydney*

Steve Karas has been a Senior Member of the IRT since it began in 1989. He was previously in the Commonwealth Attorney-General's Department doing a range of work including constitutional advisings. He was in private practice and has had extensive community involvement including with the Federation of Ethnic Community Councils. He has been a member of the Migration Agents Registration Board, the Board of NAATI and Chairman of the SBS Community Advisory Committee.

**Amanda MacDonald**

*B.SC. MALP.*

*Full time member, Sydney*

Amanda MacDonald comes to the Tribunal from the Administrative Appeals Tribunal where she held the position of Conference Registrar and previously the position of District Registrar. She was a full time member and Registrar of the Social Security Appeals Tribunal. She has worked for the Department of Social Security, the Department of Finance and on secondment with KPMG.

**James Mahoney**

*LL.B.*

*Full time Member, Melbourne*

James Mahoney was a partner with Hodgson & Finlayson solicitors and conducted a general practice. He was also a legal member of the Mental Health Review Board, Chairman of the Electrical Licensing and Registration Board of Inquiry, and the legal member of the Podiatrists Registration Board. He was Deputy Chairman of Uniting Care Community Options and also held a number of appointments as administrator appointed by the Victorian Civil and Administrative Tribunal.

**David Mitchell**

*LL.B.,LL.M.*

*Part time Member, Melbourne*

David Mitchell has been a full time member of the Victorian AAT (subsequently VCAT). Prior to his appointment to the AAT, he was the Solicitor to the Environment Protection Authority of Victoria and Assistant Solicitor at the Melbourne and Metropolitan Board of Works. He has lectured and tutored in environmental and administrative law, and is an accredited mediator and trainer. He is retained by the Environment Protection Authority of Victoria to appear as counsel in prosecutions and also provides other consultant advisory and training services. He has also been a part-time member of the Refugee Review Tribunal.

**Lilly Mojsin***B.A., LL.B., Dip. Ed.**Part time Member, Sydney*

Lilly Mojsin is a Solicitor and part time member of the RRT. She was previously a part time member of the IRT. She has been a consultant to the Ethnic Affairs Commission, part time (NSW) Commissioner for Ethnic Affairs and a legal member of the NSW Dental Technicians Registration Board. She has been a Solicitor with the Legal Aid Commission of NSW, ALAO and a conciliation officer with the Counsellor for Equal Opportunity (NSW). She has been a partner of a legal firm and a sole practitioner. She has tutored in law and has extensive experience in general legal practice with an emphasis on litigation.

**Deborah Morgan***LL.B.**Part time Member, Adelaide*

Deborah Morgan has previously lectured and tutored in law and has been a Consultant Solicitor with her main areas of practice being in family and migration law. Deborah has experience as Chair of the S.A. Psychological Board, Member of the S.A. Optometrists Board, Presiding Member of the S.A. Optical Dispensers' Registration Committee and was a registered migration agent to June 2000. Deborah is also a member of the Board of State Opera of South Australia.

**Linda Pearson***B.A., LL.B., LL.M.**Part time Member, Sydney*

Linda Pearson taught administrative law for many years at the University of Technology, Sydney, and Macquarie University. She is a part-time legal member of the Social Security Appeals Tribunal.

**David Thomas***B.A., M.A., Ph.D.**Part time Member, Melbourne*

Dr David Thomas is a Board Member of the Victoria Law Foundation and has been a Board Member of the Yarra Bend Park Trust. He is qualified company director with experience in local government and consulting. He is also the former head of the Department of Economics and Law at Swinburne University of Technology and has extensive lecturing experience as well as working as researcher and consultant in education. David has published in Australian and overseas journals, most recently in the area of equal opportunity.

**Paul Wakim**

*LL.B.*

*Part time Member, Sydney*

Paul Wakim has conducted his private practice since 1970. He is an Arbitrator of the District Court and Local Court of NSW and is, or has been honorary solicitor for a range of community organisations. He has been Secretary and President of the Australian Lebanese Association of NSW and has been involved in numerous community activities.

**Ross Wilde**

*LL.B.*

*Full time Member, Canberra*

Ross Wilde has had extensive experience in government law and management at senior manager and Senior Executive Service levels in the public sector. His initial experience was in the Commonwealth Attorney-General's Department followed by experience in administration, policy development, decision making and internal and external review in several mass decision-making agencies. He has extensive experience in the legislative process, in the provision of legal advice in constitutional, government and administrative law, and in the conduct of merits and judicial review in the AAT and in the Federal and High Courts. He also has considerable general expertise in the decision-making processes of government and in administrative law review.

**Lucinda Wright**

*B.A. LL.B.*

*Part time Member, Sydney*

Lucinda Wright has been a manager and senior consultant of visa and migration services at PriceWaterhouseCoopers. She was a local manager of the immigration section at the Australian embassy in Madrid and an officer of the Department of Foreign Affairs and Trade serving in Spain, Chile and Mexico and the International legal division in Canberra.

## Appendix B

### MRT-reviewable decisions, who can apply and how to apply

The Act and the regulations specify what kinds of decisions the Tribunal can review and who may seek a review of a decision. The general rules are:

- Decisions to refuse to grant a visa in relation to a visa application made in Australia. Only the visa applicant may apply for review and they must be in Australia when the application for review is made.
- Decisions to cancel visas, except where a visa is cancelled automatically, and decisions not to revoke a visa cancellation, while the visa holder is in Australia. Only the former visa holder, who must be in Australia when the application for review is made, may apply for review.
- Decisions to refuse to grant a visa in relation to a visa application made outside Australia where sponsorship or nomination is a criterion for the visa. Only the sponsor or nominator may apply for review.
- Decisions to refuse to grant a resident return visa or a visitor visa in relation to a visa application made outside Australia. Only a parent, spouse, child, brother or sister of the visa applicant may apply for review (in the case of a visitor visa, particulars of the relative must have been included in the visa application).
- Decisions as to the assessed score under the points system in relation to a visa application made outside Australia where sponsorship or nomination is a criterion for the visa, and where no decision has yet been made to refuse to grant the visa. Only the sponsor or nominator may apply for review.
- Decisions to refuse to grant a subclass 100 or subclass 110 visa in relation to a visa application made outside Australia, but where the decision was made when the visa applicant was in Australia and the holder of a subclass 309 or subclass 310 visa. Only the visa applicant may apply for review, and they must be in Australia when the application for review is made.
- Decisions to reject an application for approval as a pre-qualified business sponsor or as a standard business sponsor. Only the applicant for approval may apply for review.
- Decisions to refuse to renew an approval as a pre-qualified business sponsor. Only the person whose approval was not renewed may apply for review.
- Decisions to revoke the approval of a person as a pre-qualified business sponsor or as a standard business sponsor. Only the person whose approval has been revoked may apply for review.
- Decisions to refuse to approve the nomination of an activity by a business sponsor. Only the business sponsor may apply for review.
- Decisions to reject an application for approval of a nominated position (under the Employer Nomination Scheme or the Regional Sponsored Migration Scheme). Only the employer may apply for review.
- Decisions in relation to lodging a security for compliance with visa conditions. Only the visa applicant may apply for review.

Most decisions in relation to protection (refugee) visas are reviewable only by the Refugee Review Tribunal (RRT). Some decisions that would otherwise be MRT-reviewable or RRT-reviewable decisions are reviewable only by the Administrative Appeals Tribunal (the AAT) if the decision is made on certain grounds. For example, only the AAT can review decisions to refuse to grant or cancel visas on the ground that a person failed the character test.

None of the tribunals can review decisions to refuse to grant visas where the visa application was made outside Australia and there is no requisite relationship with a sponsor, nominator or close relative. None of the tribunals can review decisions to cancel visas held by persons outside Australia.

The rules are complicated but the Department of Immigration and Multicultural Affairs (DIMA) is required to advise persons affected by decisions of any review rights, including who can apply for review, where an application for review can be made and the period during which an application can be lodged.

An application for review must be made in writing and be lodged with the Tribunal with a \$1400 application fee, where applicable. There are two approved forms MRT01 (For applicants not in Immigration detention) and MRT02 (For applicants in Immigration detention). Both forms are available on the Tribunal's website at <http://www.mrt.gov.au> or from our offices. Other forms and information available on the website include:

- MRT 11 Application for Fee Waiver
- MRT 12 Change of Address
- MRT 13 Appointment of Representative
- MRT 14 Consent to Release of Personal Information
- MRT 15 Information about Tribunal Procedures
- MRT 16 Request for Access to Documents
- MRT 19 Request for a Hearing
- MRT 20 Withdrawal of Application for Review

An application for review may be lodged at any registry of the Tribunal. An application can be posted or sent by fax but it is not considered to be lodged until the application form and the fee, or the application form and a fee waiver application, are received by the Tribunal.

The \$1400 fee is payable in all cases other than for applications for review of decisions to refuse to grant or to cancel a bridging visa, as a result of which the applicant is in immigration detention. The fee can be paid by cash, cheque, money order or by Eftpos, Visa, Bankcard, or Mastercard. Eftpos and credit card facilities are only available in the Canberra, Melbourne and Sydney Tribunal offices. The fee will be refunded if the decision under review is set aside or varied.

Payment of the fee may be waived, or the fee refunded, if a registrar or authorised officer of the Tribunal is satisfied that payment has caused, or is likely to cause, severe financial hardship. Information about applying for a fee waiver can be obtained from any office of the Tribunal or from our website.

The time limits for lodging an application for review are:

- **2 working days:**
  - Decisions to refuse to grant, or to cancel, a bridging visa, as a result of which the visa applicant or former visa holder is being held in immigration detention. (Applications for review can be faxed to the Tribunal and no application fee is payable.)
- **2 working days, during which a 5 working day extension can be requested:**
  - Decisions to cancel a visa (other than those bridging visa cancellations where a 2 working day time limit applies).
  - Decisions not to revoke the cancellation of a visa.
  - Any case where the applicant for review is in immigration detention (other than those bridging visa decisions where a 2 working day time limit applies).
- **21 calendar days:**
  - Decisions to refuse to grant visas, where the visa was applied for and can be granted in Australia and the visa applicant is not in immigration detention.
  - Decisions to refuse to grant a subclass 100 or subclass 110 visa in relation to a visa application made outside Australia, but where the decision was made when the visa applicant was in Australia and was the holder of a subclass 309 or subclass 310 visa, and the visa applicant is not in immigration detention.
  - Decisions in relation to business sponsorships or nominated positions, and security decisions and the applicant for review is not in immigration detention.
- **70 calendar days:**
  - Decisions to refuse to grant a visa in relation to a visa application made outside Australia for a visa that could not be granted if the visa applicant is in Australia.
  - Decisions as to the assessed score under the points system.

These time limits apply if the decision was delivered personally or sent by facsimile. If the decision was sent by mail within Australia, add 7 working days from the date of the covering letter before applying the respective time limit. [Note that 'working days' exclude public holidays and weekends] If the decision was sent by mail to or from outside Australia, add 21 calendar days from the date of the covering letter before applying the respective time limit.

If you are in any doubt concerning time limits, please contact any of the Tribunal's registries. There is no discretion to accept an application for review outside the time limit.

Combined applications for review can generally be made if members of a family unit applied for and were refused visas, having previously made combined applications for visas. An application for review of a security decision can also be combined with the application for review of refusal of the relevant visa. If review applications can be combined, only one \$1400 application fee is payable. Tribunal officers can advise as to whether a combined application can be made.

## Hearings

It is at the taking of oral evidence that the Tribunal member deals directly with applicants. The formal taking of oral evidence is known within the Tribunal as a hearing. In accordance with Section 360, the Tribunal is required to invite the applicant to appear before it to give evidence and present arguments unless:

- the applicant consents to the Tribunal conducting the review without the applicant appearing before it;
- the Tribunal considers, on the basis of the material before it, that it should decide the review in favour of the applicant;
- the Tribunal has invited the applicant to provide additional information within the prescribed period and the applicant fails to provide it; and
- the Tribunal has invited the applicant to comment on information before it, that may be the reason or part of the reason for affirming the decision, and the applicant fails to comment within the prescribed period.

## Interpreters

If it is necessary, the Tribunal will arrange for an interpreter to be at the hearing. Section 366 of the *Migration Act (1958)* provides that a person appearing before the Tribunal to give evidence may request the Tribunal to appoint an interpreter for the purposes of communication between the Tribunal and the person. The interpreter will not be a Tribunal staff member, but a fully qualified interpreter from an interpreter service. The interpreter will normally be asked to swear an oath or to make an affirmation to the effect that he or she will interpret to the best of his or her skills and abilities. An interpreter should not take any part in the proceedings other than to provide direct, simultaneous (if possible) interpretation.

## Representatives

Tribunal procedures are designed to ensure that outcomes do not depend on whether applicants have obtained professional advice or assistance. However, applicants are free to seek advice and assistance and there are many organisations and individuals who can provide this. Some charge fees and some offer free services. The Tribunal does not endorse any organisation or individual and applicants are advised to ask any representative to confirm that they are a registered migration agent or otherwise legally able to assist them with their application.

Applicants may choose to be represented by another person, in most of their dealings with the Tribunal. A representative can forward written submissions and written evidence to the Tribunal, contact the Tribunal on the applicant's behalf, and accompany the applicant to any meeting or hearing arranged by the Tribunal. However **a representative cannot present oral arguments**, when the applicant appears before the Tribunal, unless the Tribunal considers that exceptional circumstances exist.

Only registered migration agents may give immigration assistance pursuant to Part 3 of the *Migration Act*. Such assistance includes preparing for proceedings before the Tribunal. The

Migration Agents Registration Authority (MARA) oversees the registration and conduct of migration agents, and has the power to refuse registration or to suspend an agent's registration. Applicants or the Tribunal can complain to MARA about the conduct of an agent. The Tribunal can provide applicants with copies of the MARA Code of Conduct and complaint forms.

### **Appeals to the Federal Court**

Once the Tribunal completes its decision it has no further power in relation to the application. Both the review applicant and the Minister may apply to the Federal Court of Australia for a review of a Tribunal decision on any one or more of the grounds set out in section 476 of the *Migration Act 1958*. An application to the Court must be lodged within 28 days of notification of a Tribunal decision.

If an applicant appeals against the Tribunal's decision to the Federal Court, the Tribunal is notified by DIMA of the appeal and the file is forwarded to a legal service provider to act for the Minister in relation to the litigation. The Tribunal member is not normally consulted about whether the decision should be defended or remitted back to the Tribunal.

If an appeal involves the Tribunal's procedures the Tribunal considers separate representation before the court or seek to appear as *amicus curiae*.



## Appendix D

### MRT Staffing Information at 30 June 2001

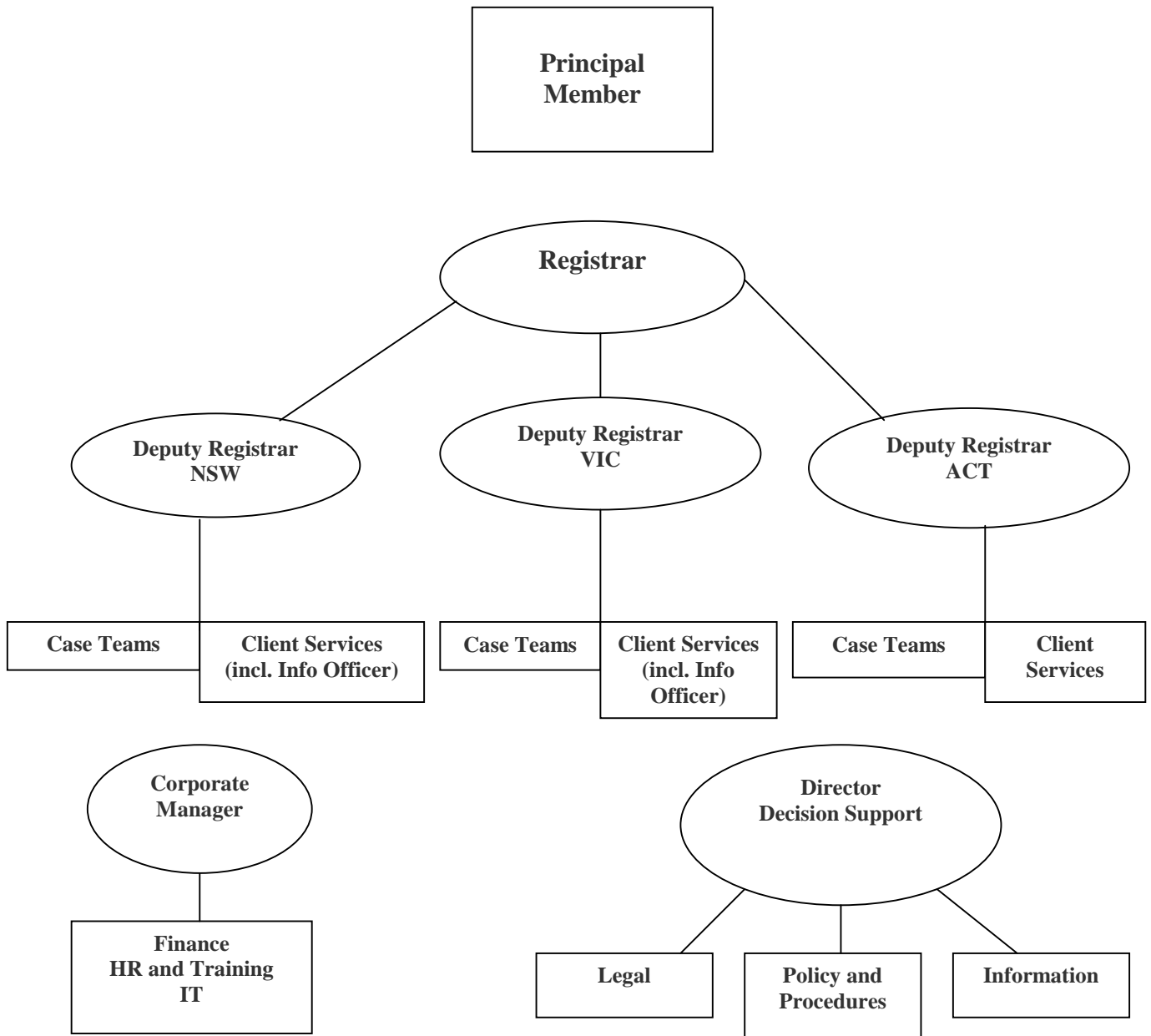
APS employees by location, employment status, classification and gender.

	CANBERRA		MELBOURNE		SYDNEY	
	Ongoing	Non-ongoing	Ongoing	Non-ongoing	Ongoing	Non-ongoing
<b>APS Level</b>	54	7	33	2	58	8
<b>APS1</b>	nil	nil	nil	nil	nil	3
<b>APS2</b>	9	3	9	2	18	5
<b>APS3</b>	2	1	2	nil	2	nil
<b>APS4</b>	16	nil	14	nil	23	nil
<b>APS5</b>	4	3	1	nil	1	nil
<b>APS6</b>	10	nil	5	nil	11	nil
<b>EL1</b>	3	nil	1	nil	2	nil
<b>EL2</b>	2	nil	1	nil	1	nil
<b>Principal Legal</b>	1	nil	nil	nil	nil	nil
<b>Senior Legal</b>	3	nil	nil	nil	nil	nil
<b>Legal</b>	3	nil	nil	nil	nil	nil
<b>SESB1</b>	1	nil	nil	nil	nil	nil
<b>Full time /</b>	53	7	31	2	56	8
<b>Part time</b>	1	nil	2	nil	2	nil
<b>Gender- Male</b>	18	1	14	1	19	4
<b>Female</b>	36	6	19	1	39	4

Staffing levels by location (as at 30 June 2001) for ongoing staff.

Location	30 June 2000	30 June 2001
<b>Canberra</b>	35	54
<b>Melbourne</b>	29	33
<b>Sydney</b>	40	58
<b>TOTAL</b>	104	145

### MRT Structure Chart



## Glossary

AAT.....	Administrative Appeals Tribunal
ARC.....	Administrative Review Council
ART.....	Administrative Review Tribunal (proposed)
DIMA .....	Department of Immigration and Multicultural Affairs
HORIZON .....	MRT's library resource catalogue
IRT .....	Immigration Review Tribunal
ISYS .....	allows full text search of the MRT's document databases
MARA.....	The Migration Agents Registration Authority
MARS .....	Migration Agents Registration Scheme
MARTIE.....	Migration Review Tribunal Information Environment
MIRO .....	Migration Internal Review Office
MRT .....	Migration Review Tribunal
NOMAD.....	Human Resources Management and pay system
PBS.....	Portfolio Budget Statements
RRT.....	Refugee Review Tribunal
SAP .....	Financial Management Information System
The Department.....	Department of Immigration and Multicultural Affairs
TRIM.....	MRT's administrative file management system

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