



The Migration Review Tribunal - An overview

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The Migration Review Tribunal (the Tribunal) is a statutory body which provides a final, independent, merits review of visa and visa-related decisions made by the Minister for Immigration and Citizenship (the Minister) or, in practice, by officers of the Department of Immigration and Citizenship (DIAC) acting as delegates of the Minister.

History

The Tribunal was established under the *Migration Act 1958* (the Act) and came into existence on 1 June 1999. The Tribunal's jurisdiction, powers and procedures are set out in the Act and in the Migration Regulations 1994 (the Regulations). The Tribunal does not have any more discretion than the primary decision-maker and must make its decision within the same legislative framework as the primary decision-maker. The Tribunal must have regard to Government policy and comply with Principal Member Directions and is bound by any directions made by the Minister under section 499 of the Act.

Structure

The Tribunal comprises the Principal Member, a Deputy Principal Member, Senior Members and Members who are appointed under the Act. It is also comprised of staff who are appointed under the Act and employed under the *Public Service Act 1999*. Members are appointed by the Governor-General for fixed terms of 5 years and constitute the Tribunal for deciding a particular review. All Members of the Tribunal and staff are cross-appointed. The Tribunal has its own offices and budgetary responsibilities and is accountable through the Minister to Parliament.

Executive

The Principal Member of the Tribunal is the chief executive officer and has responsibility for the overall operation and administration of the Tribunal. The Principal Member of the Tribunal and the Refugee Review Tribunal (RRT) is Mr Denis O'Brien.

Amanda MacDonald was appointed as the Deputy Principal Member of the Migration Review Tribunal (MRT) from 1 April 2010. She has also been cross-appointed as the RRT Deputy Principal Member. The Deputy Principal Member's functions include conducting the Members' professional development program and the Tribunals' community liaison arrangements.

The Principal Member is supported in his management of the Tribunals by the Registrar. The Registrar manages the day to day running of the Tribunal with responsibility for the Tribunal's operations, staff and resources and is assisted in these responsibilities by the Deputy Registrar. The Registrar and Deputy Registrar are also dual appointments to this Tribunal and to the RRT. The Registrar is Mr Colin Plowman and the Deputy Registrar is Mr Rhys Jones.

There are eight Senior Members (four in Sydney, three in Melbourne and one in Brisbane) who provide guidance and leadership to Members. In addition to undertaking a range of cases and leading by example with quality and timely reviews, the Senior Members each provide support and advice to a group of Members. The Senior Members are Ms Linda Kirk, Mr Peter Murphy, Mr Giles Short, Mr John Cipolla, Ms Kira Raif, Mr Shahyar Roushan, Mr John Billings and Mr Donald Smyth.

Management Board

The Management Board is the primary executive decision making body of the tribunals. The Board comprises the Principal Member, the Deputy Principal Member of the MRT and RRT, the Registrar, the Deputy Registrar and eight Senior Members. The Board is responsible for the strategic direction of the Tribunals.

Senior Management Group

The Senior Management Group (SMG) of the Tribunal and the RRT comprises the Registrar, the Deputy Registrar and all Senior Managers. The SMG monitors the Tribunals' operations and develops and implements strategies relating to staff support services.

Members

The Tribunal currently has 105 Members, comprising the Principal Member, the Deputy Principal Member, 8 Senior Members, 35 full-time Members and 60 part-time Members.

Members come from a broad range of backgrounds and are employed for the high level skills which they bring to the decision making process. At present, more than 50% of Members have a legal background, and many have had extensive experience at senior levels in the community or private and/or public sectors in a variety of organisations, including other tribunals.

Registries

The Principal Registry comprises the sections described below. These sections provide services to the Members and staff of this Tribunal and the RRT.

In addition to the Principal Registry, the Tribunal has two state Registries, one in Melbourne and one in Sydney. The Victorian and NSW Registries are responsible for the administration of case related matters. Each Registry is headed by a District Registrar, who assists the Registrar and manages the Registry's day to day operations. The Administrative Appeals Tribunal provides accommodation to Members and client services at its Registries in South Australia and Western Australia. In Brisbane Members are located in independent accommodation but conduct hearings at, and receive client service support from, the AAT. Applications from South Australia, Tasmania, Victoria and Western Australia are processed by the Victorian Registry and applications lodged from the Australian Capital Territory, New South Wales, the Northern Territory and Queensland are processed by the NSW Registry.

The Registries also provide administrative support to Members in the management of their caseload. The Tribunals are committed to meeting the service standards set out in the

Tribunals' Service Charter and performance against the Charter is reported upon in the Tribunals' Annual Report to Parliament.

Legal Services Section

The Legal Services Section provides immigration and administrative law advice to Members and staff on a range of substantive and procedural issues which arise in the course of conduct of a review or the administration of the Tribunal's operations. The Section also ensures that Members and staff are kept up to date with significant legal developments.

Country Advice and Information Services Section

Country Advice and Information Services staff provide analysis and advice in respect of country of origin information, which assists Members in their decision making. Country of origin information is obtained from a wide range of sources, including national governments, non-government organisations, international organisations and the news media. The Tribunal has extensive country information holdings including its own research database, which contains a range of ethnographic, historical, cultural, legal, human rights and political material collected by the Tribunal's researchers. For more information about the Country Advice Service please refer to [MR7: Country Advice](#).

The Section publishes Tribunal decisions on AustLII and reports of contemporary Tribunal decisions and relevant Court judgments in *Précis* – the MRT-RRT Monthly Decisions Bulletin which is available on the Tribunals' website at www.mrt-rrt.gov.au.

Policy and Coordination Section

The Policy area is responsible for the development, drafting, publication and maintenance of case related policies.

Executive Coordination provides high quality coordination and secretariat support to meet the governance and reporting requirements and other priorities of the Executive.

Finance and Business Services Section

Business Services is responsible for the administration of the Tribunal and the RRT's property, office services, procurement, security and risk management.

Finance staff are responsible for the processing, maintenance and reporting of the Tribunal and the RRT's financial activities including financial policies and delegations, annual financial statements, budgets, fringe benefits tax returns, BAS returns, petty cash, cabcharge and reimbursements.

Human Resources Section

The Human Resources Section manages the payroll, advises Members and staff on conditions of employment and coordinates the management, development and implementation of policies and strategies relating to workplace diversity, workplace relations, privacy and occupational health and safety. The Section coordinates recruitment, selection processes and staff training. It also provides administrative support for Member professional development and Member

performance appraisals. Human Resources officers administer the Performance Management System for staff and manage claims for worker's compensation and rehabilitation.

Information Technology Section

The Information Technology Section manages all aspects of the Tribunal and the RRT's information technology and communications resources. The Section administers, maintains and develops network, hardware and software platforms and databases and information systems, including the Case Management System, the intranet and internet site. The Section has officers in Sydney and Melbourne.

Caseload Strategy Section

This Section is responsible for providing the Tribunal's Executive with caseload intelligence and for the allocation of cases to Members.

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