

## **NOTES OF SYDNEY MRT-RRT COMMUNITY LIAISON MEETING**

**2pm Friday 21 May 2010**

**Level 11 Training Room**

**Present:** Denis O'Brien – Principal Member, Migration Review Tribunal and Refugee Review Tribunal; Amanda MacDonald – Deputy Principal Member, Migration Review Tribunal and Refugee Review Tribunal; Rhys Jones – Deputy Registrar, Migration Review Tribunal and Refugee Review Tribunal; Giles Short – Senior Member, Migration Review Tribunal and Refugee Review Tribunal; John Cipolla – Acting Senior Member, Migration Review Tribunal and Refugee Review Tribunal; Jonathan Willoughby-Thomas – NSW District Registrar, Migration Review Tribunal and Refugee Review Tribunal; Farid Ahmed – Ethnic Communities' Council; Elizabeth Biok – Legal Aid Commission of NSW; David Bitel – International Commission of Jurists; Victoria Kuek – Law Society of NSW; Kerry Murphy – Australian Lawyers for Human Rights; Mark Papallo – Immigration Advice and Rights Centre; Lucy Morgan on behalf of Paul Power – Refugee Council of Australia; Heather Sare – NSW Bar Association; Christine Sykes – The Office of the MARA; Graham Thom – Amnesty International; Andrew Wilson – Law Society of NSW.

**Chair:** Amanda MacDonald, Deputy Principal Member

**Notes:** Elvir Tupkovic, Assistant Team Leader

### **1. Welcome and introduction of the new Deputy Principal Member**

The Deputy Principal Member Amanda MacDonald welcomed participants to the community liaison meeting in Sydney and advised that on 1 April 2010, the Governor-General appointed her as a Deputy Principal Member of the Migration Review Tribunal and Refugee Review Tribunal for a five year term.

The Deputy Principal Member reminded participants that the purpose of these meetings is to facilitate the distribution and exchange of material in relation to the Tribunals' processes and caseload, to provide updates on relevant legislative developments and corporate developments and to provide attendees with the opportunity to put items on the agenda for discussion.

### **2. Apologies**

Apologies were received from Helen Fleming – Office of the Commonwealth Ombudsman; Prabha Gulati – Asylum Seekers Centre of NSW; Sister Aileen Crowe – NSW Social Justice Committee; Fr Bermudez-Goldman - Jesuit Refugee Service; Kevin Lane – Migration Institute of Australia; and Paul Power – Refugee Council of Australia.

### **3. Notes of previous meeting 27 November 2009 and business arising**

The notes of the previous meeting were accepted as a true and correct record of that meeting. They are available on the Tribunals' website at <http://www.mrt-rrt.gov.au/liaison.asp>.

The Deputy Principal Member ran through the business arising from the last meeting of 27 November 2009. She reported that at the last meeting it was stated that the Tribunals would develop a proposal on using e-mail communication for case correspondence and circulate a paper to community liaison members to seek their feedback on this proposal. The Deputy Principal Member advised that the Tribunals are developing a detailed plan which will be circulated to the group in the near future.

The Deputy Principal Member also reported that the Tribunals are looking into the possibility of providing documentation under S362A or Freedom of Information Access by CD or e-mail, where possible. She also noted that there will be an option on the 'Access to Documents' form.

### **4. Executive Report**

The Principal Member highlighted some of the Tribunals' key achievements and developments since the last meeting of the group.

#### **Member appointments and recruitment**

The Principal Member advised Member positions were advertised in the national press on 7 November 2009. The Principal Member also advised that interviews were conducted by a Selection Committee comprising himself; Ms Felicity Hand, Deputy Secretary of DIAC; Mr John Gibson, a community representative and President of the Refugee Council of Australia; Ms Annwyn Godwin, Merit Protection Commissioner, Australian Public Service Commission during February and March. The Principal Member advised that the selection exercise is yet to be finalised and that the matter is currently under consideration by the Cabinet.

#### **Role of the Deputy Principal Member**

The Principal Member said that, with Amanda MacDonald's appointment as Deputy Principal Member, this was the first time that the Tribunals had a Deputy Principal Member across both Tribunals. He also reported that in the Deputy Principal's role, there are a number of national responsibilities, including Member professional development and stakeholder engagement.

#### **New Web Page for Representatives and authorised recipients**

The Principal Member reported the Tribunals have published a new web page designed specifically for representatives and authorised recipients. The Principal Member advised that the page provides information, policies and forms of relevance to representatives and authorised recipients. He also advised

that the page includes PDF fillable versions of frequently used forms that can be edited and saved electronically, as well as a link to a separate page containing answers to frequently asked questions. The Principal Member advised that another key feature of the web page includes links to Tribunal research information, Tribunal decisions and legislation. The webpage was demonstrated on the screen for the benefit of meeting attendees.

The Principal Member advised that the new page is an enhancement to the information available on the Tribunal's website and implements one of the recommendations set out in the Tribunals' Stakeholder Engagement Plan 2010-11.

The Principal Member advised that the contents of the web page will be regularly reviewed and updated. He also advised that a comprehensive 'Guide for Representatives' is under development and will be published on the Tribunal's website in the near future. He noted that any suggestions or feedback would be gratefully received and can be directed to the Tribunals' A/g Director of Policy and Procedures, Marina Osmo.

Mr David Bitel suggested that guidance on how to complete forms would also be of benefit. He further noted that the Tribunals continued to write to agents despite advice that they have ceased acting for an applicant. The Deputy Principal Member advised that due to the statutory obligations the Tribunals were required to formally write to authorised recipients until an applicant confirmed that they had changed their authorised recipient. She also confirmed that, when agents advise that they are no longer acting, the Tribunals write to applicants inviting them to provide the Tribunals with an update of authorised recipient details.

Ms Elizabeth Biok suggested that when applications were raised for court remittals, it would be helpful to have a form which confirmed who the representative or authorised recipient was. The A/g Registrar advised that with court remittals the Tribunals are not aware of who is acting for the parties involved. He explained that, as part of the regular process for court remittals, Registry officers write to parties inviting them to update the information.

### **Stakeholder Engagement Plan 2010-11**

The Principal Member reported the Tribunals' Stakeholder Engagement Plan for 2010-11 was now available on the Tribunals' website. He reported that the objectives of the plan are:

- to enable better access to justice in the conduct of merit review of migration and refugee decisions by improving the Tribunals' communication with stakeholders and the information

provided about the Tribunals' procedures.

- inform the Tribunals' strategic direction, policy and operations through an improved understanding of the Tribunals' stakeholder perspectives and needs
- shape the Tribunals' knowledge, attitudes and behaviours through communication with Tribunals' stakeholders.

The Principal Member reported the Plan also sets out how the Tribunals' will engage with stakeholders and the engagement activities planned for 2010-11 and beyond. The Principal Member thanked community representatives for their valuable comments and contributions made during the process of shaping the Plan.

### **Gender Guidelines**

The Principal Member reported that the Tribunals have published Gender Guidelines. The Principal Member advised that wide consultation was conducted on the document and thanked community representatives for their valuable comments and contributions made during the process of shaping the policy. The document is now available on the Tribunals' website.

### **Amended Principal Member Direction**

The Principal Member reported that in November 2009 he issued an amended Principal Member Direction on putting adverse information orally to applicants. The amendments reflect caselaw developments. The Directions seeks to ensure that the statutory procedural fairness code governing the conduct of Tribunal reviews is given full effect and that hearings of the Tribunals are conducted fairly and justly. Principal Member Directions are public documents and are available on the Tribunals' website.

### **Referral for Ministerial Intervention**

The Principal Member reported that, following revisions made by the Minister to his Ministerial guidelines, he reissued Tribunal guidance on referrals for Ministerial intervention during February 2010. The revised policy included the following advice:

- it is generally no longer appropriate to refer cases to the Minister if it appears that an applicant may be eligible to apply for a partner visa onshore. Members are advised that if it appears that a pathway may exist for an applicant to apply for a further visa onshore, the Member may suggest to the applicant that he or she seek migration advice;
- if an applicant indicates that he or she does not wish to attend a hearing but will be seeking Ministerial intervention, a Member should note this in the statement of decision and reasons and leave it to the applicant to seek such intervention;

- cases in which the Tribunal determines that it has no jurisdiction to conduct the review should not be referred to the Department as the Minister has no power to intervene.

The Guidance is publicly available on the Tribunals' website.

### **Publication of Tribunal decisions and country of origin information**

The Principal Member reported that as at 28 February 2010, 49% of all substantive decisions made during 2009-10 have been published (48% of MRT and 51% of RRT). He also noted the Tribunals regularly invite stakeholders to provide input into the types of cases of particular interest to the community.

The Principal Member further advised, that since commencing publication of country advice in January 2009, 882 country advices have been published covering the top 50 RRT source countries from 2004 to mid-2009. He noted that an update to the technology behind the MRT-RRT website in February 2010 has made it easier for the public to search for, locate and retrieve country advice sorted by topic, relevance and currency. He welcomes comments on this service, they can be sent directly to [Research.Feedback@mrt-rrt.gov.au](mailto:Research.Feedback@mrt-rrt.gov.au).

Mr David Bitel suggested a thematic search option to be added. The Principal Member advised that currently country advice can be sorted by topic, however, not by legal topic. A/g Senior Member John Cipolla suggested that links to the AustLII website could be added as an option.

### **Memorandum of Understanding with DFAT**

The Principal Member reported that in December 2009, the acting Secretary of the Department of Foreign Affairs and Trade (DFAT) and the Principal Member signed a Memorandum of Understanding (MoU) that formalises the information sharing and liaison relationship between the two agencies.

DFAT assists the Tribunals by providing advice and undertaking overseas enquiries related mainly to RRT cases, but also relating to an increasing number of MRT matters. The MoU sets out the arrangements governing these requests, including target turnaround times and the procedures for requesting assistance from DFAT posts overseas. Requests to DFAT, including all requests to overseas posts, are coordinated centrally through the People Smuggling, Refugee and Immigration Section in Canberra.

The MoU also provides for information sharing through such things as briefings for DFAT officers before they depart for overseas postings, and for DFAT graduate trainees. Selected DFAT Heads of Mission also visit the Tribunals during mid-term consultations to speak with Members and Country Advice on issues relevant to MRT and RRT reviews.

### **Member professional development**

The Principal Member reported that professional development and training is essential to the delivery of quality reviews and there has been a substantial investment in learning and development activities by the Tribunals. The Principal Member advised all Members are expected to participate in development and training activities on a regular basis and undertake development and training identified in performance appraisal processes.

Recent sessions in Sydney have included:

- Skilled Visas
- Effective use of electronic records such as ICSE
- Laws of general application in the context of refugee status determination
- Time Limited Reviews
- Visa Cancellations including student visa cancellations (new members)
- section 91R(3) focus group
- Advanced partner cases (new members).

Members also benefited from sessions provided by external presenters including:

- During March, Dr. Ida Kaplan and Guy Coffey, from the Victorian Foundation for Survivors of Torture, presented a session on dealing with victims of torture and trauma.
- Judge Phillip Williams from the Baltimore Immigration Court (US) gave a presentation to the majority of the membership on the topic 'Making Credibility Determinations of Refugee Claims: The US Model'.
- During February, Tribunals hosted eight delegates from the New Zealand Refugee Status and Appeals Authority (RSAA). Senior Members Martin Treadwell, Andrew Molloy, Bruce Burson and Martha Roche gave interesting presentations and participated in an open panel discussion with Tribunal Members. Three topics were covered in the course of the afternoon: common claims from Chinese nationals, particular social group claims (homosexuality) and recent claims from Iranian nationals (political/protest claims).

Mr Graham Thom enquired whether the Tribunals have responded to recent negative press concerning the current Member recruitment round. The Principal Member advised that Mr Paul Power of the Refugee Council and DIAC Secretary Andrew Metcalfe had had response letters published. He noted that the Minister had also recently issued a press release, seeking to set the record straight.

### **5. Caseloads and statistics**

The MRT and RRT caseload report as at 30 April 2010 was distributed at the outset of the meeting.

## **5.1 MRT**

The A/g Senior Member John Cipolla provided a brief overview of the MRT caseload as per the caseload report at Attachment A.

Mr Farid Ahmed raised a concern regarding inconsistent decision-making by Members on matters with similar circumstances. The Principal Member asked Mr Ahmed to provide details of the matters in question out-of-session. The Principal Member further advised that, under the Member Code of Conduct, Members are obliged to be consistent in their decision making in like circumstances. However, facts were often different, leading to different results. The Deputy Principal Member added that case precedents are not possible in a review on the merits jurisdiction.

Mr Ahmed enquired as to the time taken by the MRT to process no jurisdiction matters and refund of fees paid in such matters. The Deputy Principal Member advised that the Tribunals have a process in place where jurisdiction issues are identified upfront and those cases are dealt with as a matter of priority. The Deputy Principal Member also advised that fees paid are refunded in matters finalised as no jurisdiction.

During discussion, Mr David Bitel raised a concern about length of time taken to process partner cases. Ms Elizabeth Biok suggested that cases involving domestic violence should be assigned a higher priority. The Deputy Principal Member advised that cases where domestic violence has been noted on file are allocated Priority 1 status as per the Principal Member Direction 1/2009.

## **5.2 RRT**

Senior Member Giles Short provided a brief overview of the RRT caseload.

Mr David Bitel remarked that the Tribunals may experience a massive increase in RRT applications as recent government changes may encourage more students and skilled applicants to seek permanent residency via the protection visa route.

## **6. Tribunals' issue paper on constitution policy for 2010-2011**

The Principal Member reported that the Principal Member Direction 1/2009, which took effect on 31 July 2009, contains the Tribunals' current caseload and constitution policy. He advised that the Direction was under review, noting that the Tribunals had recently circulated an issues paper for the group's consideration with areas of possible change in the constitution policy for 2010-11. The Principal Member opened the item for discussion, seeking comments from the group.

Ms Biok suggested that cases should not be constituted without a DIAC file. The A/g Registrar advised that negotiations on file transfer time standards are currently under consideration. He noted that the

Tribunals constituted files in order of priority and date of lodgement. He further advised that offshore cases may have a time delay, however, the Tribunals were exploring arrangement for electronic documents. The NSW District Registrar confirmed that the Tribunals requested scanned DIAC files wherever possible.

Ms Biok also suggested that:

- processing timeframe information should be given to applicants when they receive acknowledgement letters from the Tribunals; and
- the current statement that “it may be appropriate for a particular review to be conducted by a Member of a particular gender” now needed to be sharpened up in the light of the Tribunals’ Gender Guidelines.

Mr Bitel suggested the Tribunals publish information on expedition of cases, which cases get priority and what requirements are necessary in order to get priority.

Mr Ahmed enquired about priority being granting to visitor visa cases particularly when there were significant family events. The Deputy Principal Member advised that all visitor visa matters were accorded Priority 1 status. She further advised that Members considered the purpose of the visit, including the date of any events and attempt to resolve matters as soon as possible wherever possible.

The Deputy Principal Member invited stakeholders to provide any additional comments in writing by 4 June 2010.

## **7. Availability of Migration Agents due to Christmas Island Commitments**

The Deputy Principal Member reported that in light of the large caseload on Christmas Island Members were confronting problems with availability of migration agents and interpreters. As a result of their commitments migration agents were seeking adjournments of hearings and extensions of time to respond to statutory correspondence.

At its April meeting, the Management Board considered that Members should always balance efficiency with the obligation to be fair and just and must carefully consider whether fairness requires that a hearing be adjourned or an extension of time granted. It was noted that Members should not refuse adjournments or extension of time requests solely on the basis that they would not be able to comply with the 90 day time limit.

Mr Bitel reported that the granting of adjournments can be inconsistent between Members. The Deputy

Principal Member advised practitioners to submit their requests for adjournments as soon as possible.

Mr Thom observed that in excess of 500 cases were affected by Government policy suspending Sri Lankan and Afghan claims, noting that this may result in a shortage of agents when the suspension was lifted.

#### **8. Structure and timing of community liaison meetings**

The Deputy Principal Member canvassed stakeholders' views on the structure and timing of the meetings. It was generally agreed that afternoons were a preferred option for these meetings.

#### **9. Other business**

Ms Biok raised the issue of availability of interpreters prior to and after hearings. She noted that Legal Aid lawyers have experienced problems when seeking interpreters to translate a few questions or comments just prior to or just after Tribunal hearings. Interpreters have indicated that they are hired by the Tribunal and so are not to assist the legal representative.

The Deputy Principal Member advised that as per the *Tribunals' Interpreters' Handbook* interpreters are advised to refrain from assisting applicants before and after hearings. Advisors and applicants may wish to use the free TIS National interpreting service to assist with their communication before or after Tribunal hearings.

Mr Thom advised of the need for speaking with an interpreter prior to the hearing so they understand the type of issues that may be involved in the case. The Deputy Principal Member confirmed that the Tribunals advised in advance the interpreting agency of the type of issues that may be involved in a particular matter.

Mr Bitel raised a concern regarding instances where interpreters struggled to perform. The Deputy Principal Member advised this should be raised with Members during a hearing and that the Members have the option to adjourn the hearings when necessary.

Ms Biok suggested the Tribunals' glossary of religious terms be available on the Tribunals' website. Mr Kerry Murphy raised a concern about limited availability of Cambodian interpreters. The Deputy Principal Member noted that the Tribunals source interpreters through different agencies to ensure availability. She advised that this issue would be referred to the Tribunals' Interpreter Advisory Group.

#### **10. Date of next meeting**

The Deputy Principal Member thanked attendees for their participation and contribution to discussion on important issues. She closed the meeting at 3:50pm. The next meeting will be on a Friday afternoon in November 2010, at the same location, at a date to be advised.

**ACTION ARISING FROM SYDNEY MRT-RRT COMMUNITY LIASION  
MEETING OF 21 MAY 2010**

**3. New web page for Representatives and authorised recipients**

*Action Item:* Members of the Community Liaison group will provide any comments or feedback on the Tribunals' *New web page for Representatives* to the Tribunals' A/g Director of Policy and Procedures, Marina Osmo.

**5. MRT Caseloads and Statistics**

*Action Item:* Mr Farid Ahmed of the Ethnic Communities' Council to provide the Principal Member with details of cases where alleged inconsistencies have occurred.

**6. Tribunals' issue paper on constitution policy for 2010-2011**

*Action Item:* Members of the Community Liaison Group will provide written comments on the *Tribunals' issue paper on constitution policy for 2010-2011* to Elly Fleming, Executive Officer by 4 June 2010.

**9. Other Business**

*Action Item:* The Deputy Principal Member will refer concerns about limited availability of Cambodian interpreters to the Tribunals' Interpreter Advisory Group.

# MRT-RRT Caseload Report

## 30 April 2010

### Summary of lodgements, decisions and cases on hand

MRT													
Reg	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
<b>Lodgements</b>													
NSW	615	467	431	326	282	373	260	316	388	386			3,844
VIC	347	310	281	272	247	289	205	256	331	266			2,804
Total	962	777	712	598	529	662	465	572	719	652			6,648
<b>Decisions</b>													
NSW	274	374	422	445	461	419	344	349	406	342			3,836
VIC	182	217	263	273	293	319	196	272	313	265			2,593
Total	456	591	685	718	754	738	540	621	719	607			6,429
<b>Active</b>													
NSW	4,009	4,107	4,117	3,998	3,822	3,775	3,692	3,660	3,642	3,687			3,687
VIC	2,793	2,881	2,898	2,897	2,848	2,819	2,827	2,810	2,828	2,828			2,828
Total	6,802	6,988	7,015	6,895	6,670	6,594	6,519	6,470	6,470	6,515			6,515

The MRT clearance rate in April was 93% (89% in NSW and 100% in Victoria). The clearance rate for the year-to-date is 97% (100% in NSW and 92% in Victoria).

RRT													
Reg	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
<b>Lodgements</b>													
NSW	121	121	122	131	136	156	149	136	174	175			1,421
VIC	39	46	59	41	34	50	46	32	32	38			417
Total	160	167	181	172	170	206	195	168	206	213			1,838
<b>Decisions</b>													
NSW	149	129	121	116	123	100	115	162	164	152			1,331
VIC	42	52	37	49	51	56	44	36	56	47			470
Total	191	181	158	165	174	156	159	198	220	199			1,801
<b>Active</b>													
NSW	402	393	395	411	424	482	514	487	497	504			504
VIC	191	186	207	198	181	173	177	174	150	157			157
Total	593	579	602	609	605	655	691	661	647	661			661

The RRT clearance rate in April was 93% (87% in NSW and 124% in Victoria). The clearance rate for the year-to-date is 98% (94% in NSW and 113% in Victoria).

# Lodgements

The Tribunals received 865 cases in April (MRT - 652; RRT - 213). A total of 8,486 cases have been received so far this financial year (MRT - 6,648; RRT - 1,838).

<b>MRT</b>				
Case category	Total	%	% NSW	%Vic
Student refusal	1,271	19%	19%	20%
Skill linked refusal	1,067	16%	15%	17%
Partner refusal	971	15%	15%	14%
Student cancellation	718	11%	11%	11%
Family refusal	604	9%	10%	7%
Visitor refusal	584	9%	9%	8%
Temporary business refusal	469	7%	7%	7%
Permanent business refusal	233	4%	2%	6%
Sponsor approval refusal	165	2%	3%	2%
Bridging refusal	106	2%	2%	1%
Other	460	7%	6%	8%
<b>Total</b>	<b>6,648</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

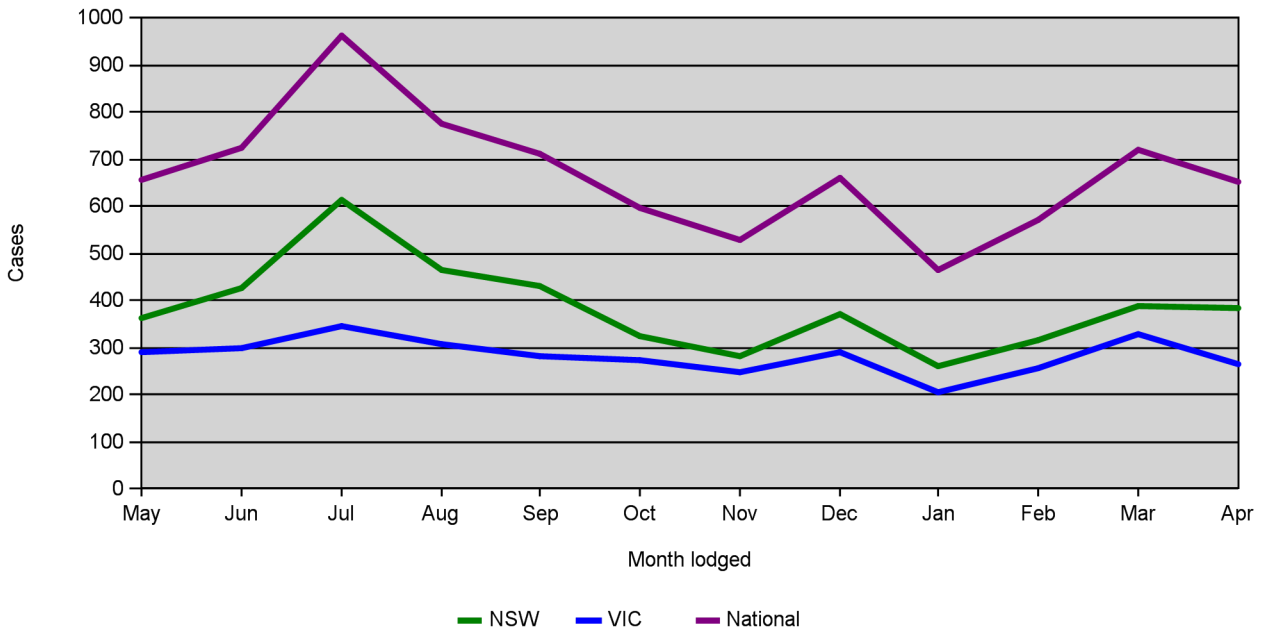
<b>RRT - Top 10 nationally</b>		
Country	Total	%
China (PRC)	618	34%
Malaysia	167	9%
Fiji	163	9%
India	118	6%
Indonesia	105	6%
Lebanon	74	4%
Sri Lanka	46	3%
Pakistan	44	2%
Zimbabwe	40	2%
Egypt	39	2%
Other	424	23%
<b>Total</b>	<b>1,838</b>	<b>100%</b>

The Tribunals have received the following monthly court remittals:

Reg	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
<b>MRT</b>													
NSW	3	1	12	4	4	2	1	3	9	9			48
VIC	1	3	0	2	2	1	2	1	3	3			18
Total	4	4	12	6	6	3	3	4	12	12			66
<b>RRT</b>													
NSW	11	6	5	9	7	3	6	0	2	4			53
VIC	8	2	5	3	1	0	3	2	3	2			29
Total	19	8	10	12	8	3	9	2	5	6			82

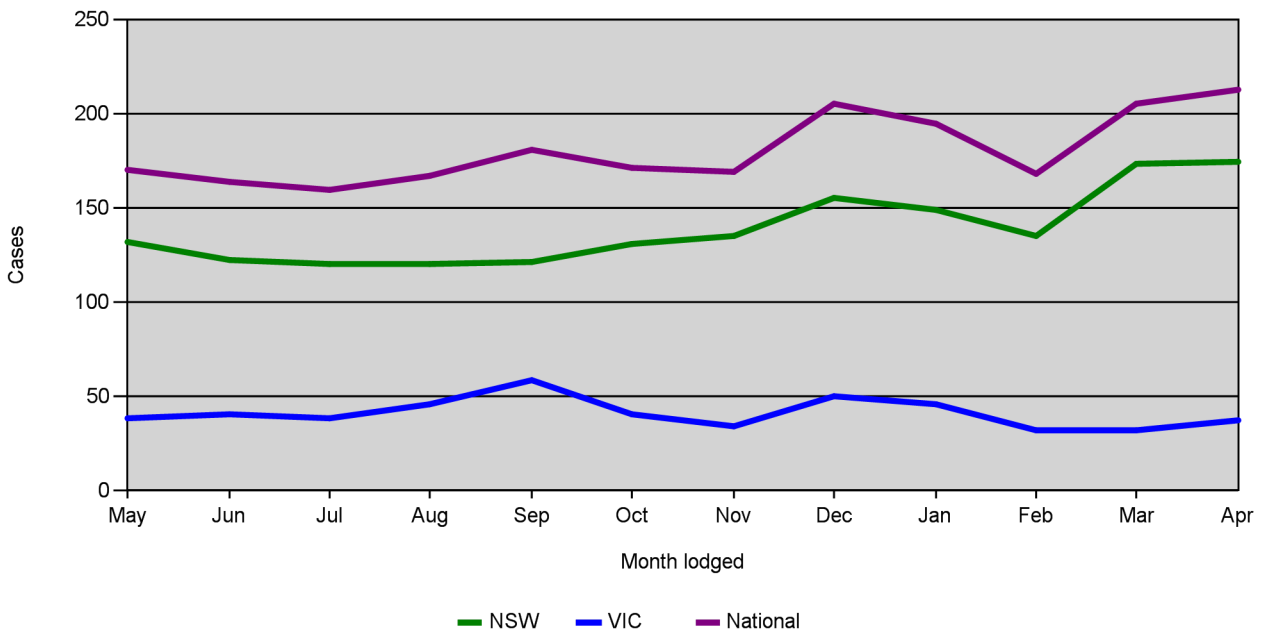
In the previous financial year (2008/09), the MRT received a total of 95 court remittals (57 in NSW and 38 in Victoria) and the RRT received a total of 224 court remittals (188 in NSW and 36 in Victoria).

### MRT lodgements in the last 12 months by registry and month



MRT lodgements are up 10% this year compared to the same period last year. 58% of cases were lodged in NSW and 42% were lodged in Victoria (compared to 58% for NSW and 42% for Victoria during the same period last year).

### RRT lodgements in the last 12 months by registry and month



RRT lodgements are down 17% this year compared to the same period last year. 77% of cases were lodged in NSW and 23% were lodged in Victoria (compared to 79% for NSW and 21% for Victoria during the same period last year).

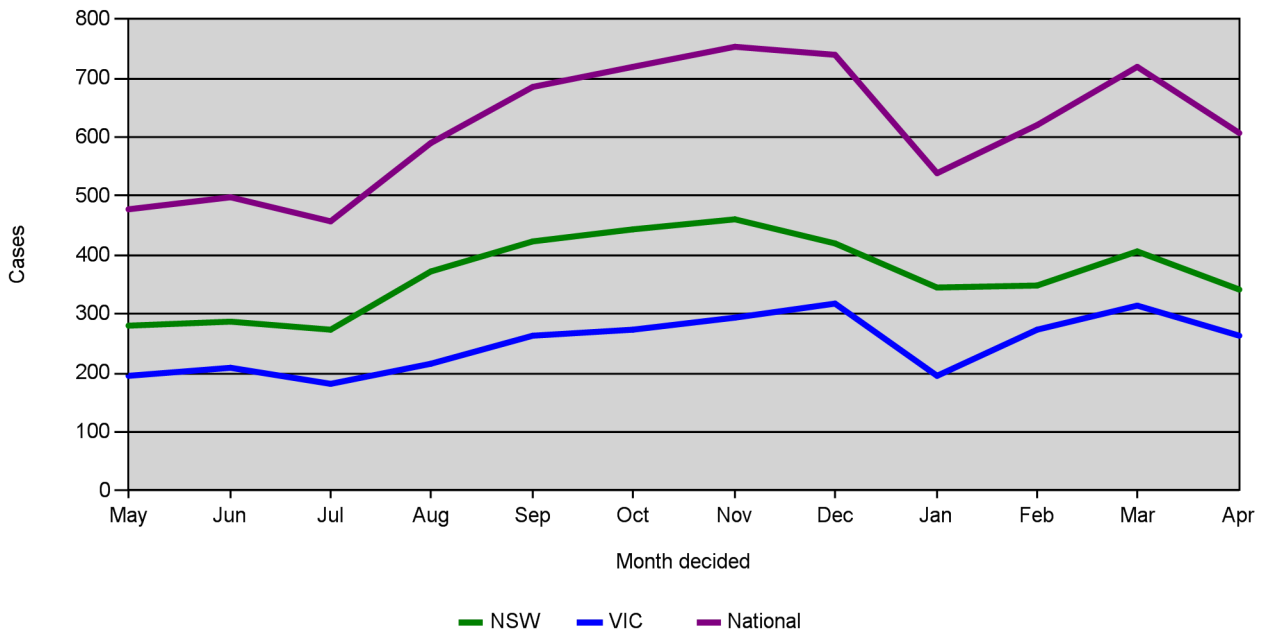
# Decisions

The Tribunals decided 806 cases in April (MRT - 607; RRT - 199). A total of 8,230 cases have been decided so far this financial year (MRT - 6,429; RRT - 1,801).

MRT				
Case category	Total	%	% NSW	%Vic
Skill linked refusal	1,730	27%	27%	26%
Partner refusal	1,071	17%	14%	21%
Student cancellation	687	11%	12%	9%
Student refusal	627	10%	11%	8%
Visitor refusal	568	9%	10%	8%
Temporary business refusal	471	7%	7%	8%
Family refusal	449	7%	7%	7%
Permanent business refusal	196	3%	2%	4%
Sponsor approval refusal	128	2%	2%	2%
Bridging refusal	118	2%	3%	1%
Other	384	6%	6%	6%
<b>Total</b>	<b>6,429</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

RRT (Top 10 nationally)		
Country	Total	%
China (PRC)	650	36%
India	156	9%
Malaysia	152	8%
Indonesia	97	5%
Fiji	94	5%
Lebanon	65	4%
Sri Lanka	58	3%
Zimbabwe	49	3%
Pakistan	41	2%
Bangladesh	39	2%
Other	400	22%
<b>Total</b>	<b>1,801</b>	<b>100%</b>

MRT decisions in the last 12 months by registry and month



The set aside rate for cases reconsidered following court remittals so far this financial year is 69% for MRT decisions and 40% for RRT decisions.

## Timeliness of decisions

Case type	Cases	Time standard	Average days			% Within standard		
			NSW	Vic	Tot	NSW	Vic	Tot
<b>MRT</b>								
Bridging visas (detention)	99	7 working days from lodgement <sup>1</sup>	7	7	7	91%	78%	89%
Visa cancellations	819	150 calendar days from lodgement	114	124	118	80%	76%	78%
		90 calendar days from constitution	87	92	89	62%	61%	62%
All other cases	5,511	350 calendar days from lodgement	306	306	306	52%	55%	53%
		150 calendar days from constitution	82	95	87	86%	80%	84%
<i>MRT total</i>	<i>6,429</i>	<i>Calendar days since lodgement</i>	<i>273</i>	<i>284</i>	<i>277</i>	<i>56%</i>	<i>57%</i>	<i>57%</i>
<b>RRT</b>								
Protection visas	1,801	90 calendar days from receipt of Dept file <sup>2</sup>	92	123	100	73%	55%	68%

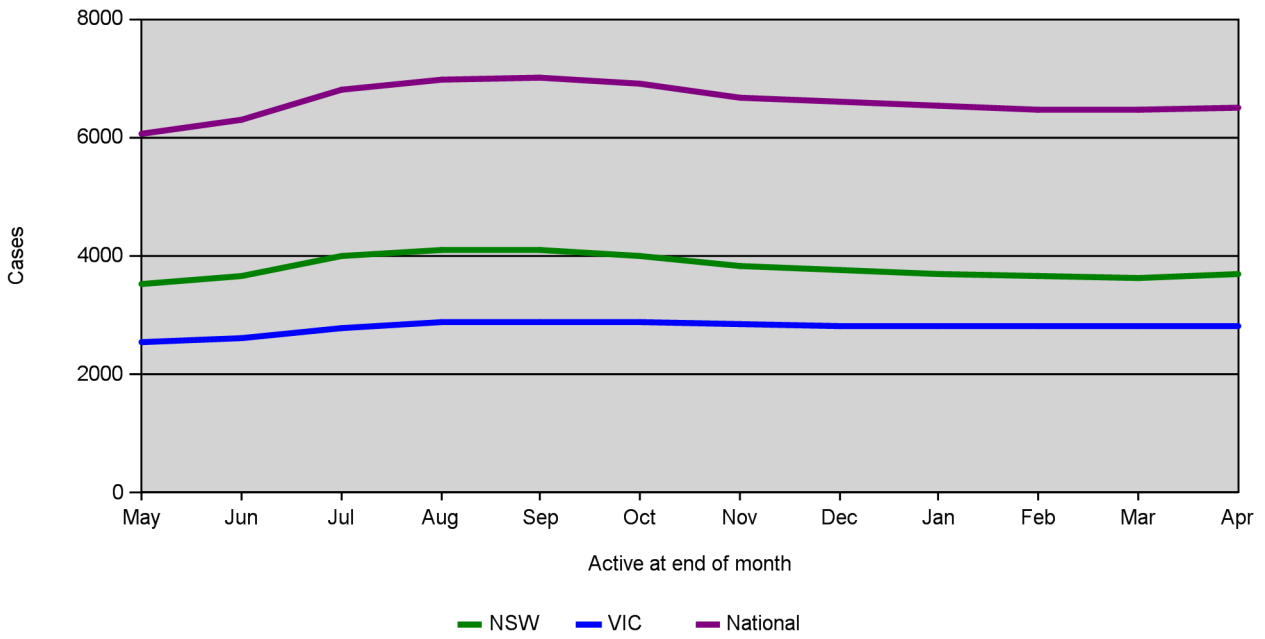
<sup>1</sup>Pursuant to s.367(2) of the Migration Act 1958, the Tribunal may, with the agreement of the applicant, extend this period for the purposes of a particular application. This may lead to higher compliance rates for Bridging visa cases. <sup>2</sup>90 calendar days from the date the Department's file is received or from the date of lodgement, whichever the later. The time taken to decide a case is taken from the date of constitution if the Department file received date is not available in CaseMate.

## Cases on hand

A total of 7,176 cases were on hand as at 30 April 2010.

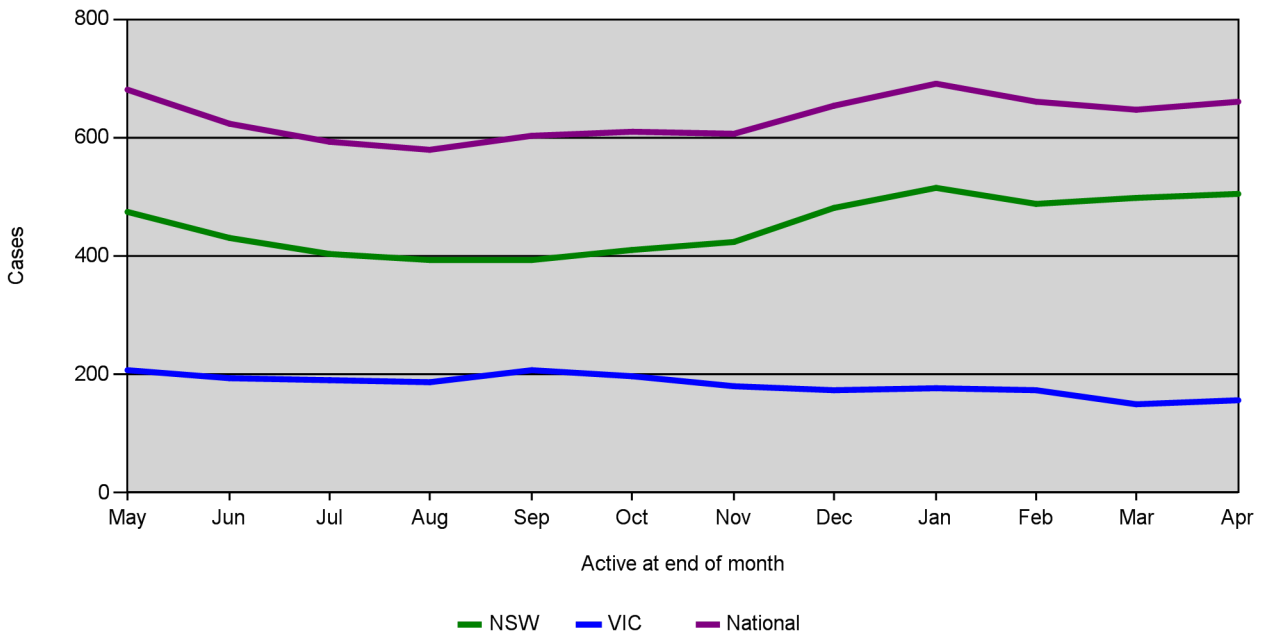
<b>MRT</b>					<b>RRT</b>				
Case category	Total	%	% NSW	%Vic	Case category	Total	%	% NSW	%Vic
Student refusal	1,343	21%	21%	20%	China (PRC)	197	30%	35%	15%
Partner refusal	1,331	20%	23%	17%	Fiji	83	13%	11%	17%
Skill linked refusal	1,084	17%	14%	20%	Malaysia	42	6%	8%	2%
Temporary business refusal	647	10%	11%	8%	India	32	5%	4%	7%
Family refusal	594	9%	10%	8%	Indonesia	25	4%	4%	2%
Permanent business refusal	358	5%	3%	9%	Lebanon	24	4%	3%	6%
Sponsor approval refusal	258	4%	4%	3%	Sri Lanka	20	3%	3%	4%
Student cancellation	256	4%	3%	5%	Egypt	18	3%	3%	3%
Visitor refusal	194	3%	3%	3%	Pakistan	18	3%	2%	4%
Bridging refusal	12	0%	0%	0%	Bangladesh	17	3%	3%	0%
Other	438	7%	6%	8%	Other	185	28%	24%	41%
<b>Total</b>	<b>6,515</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>Total</b>	<b>661</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**MRT cases on hand by registry and month**



The MRT caseload is up 11% compared to the 5,889 cases that were on hand as at the same time last year.

**RRT cases on hand by registry and month**



The RRT caseload is down 7% compared to the 712 cases that were on hand as at the same time last year.

## Age of cases on hand

As at 30 April 2010, 1193 MRT cases (18%) were over 365 days old and 175 RRT cases (26%) were over 90 days old.

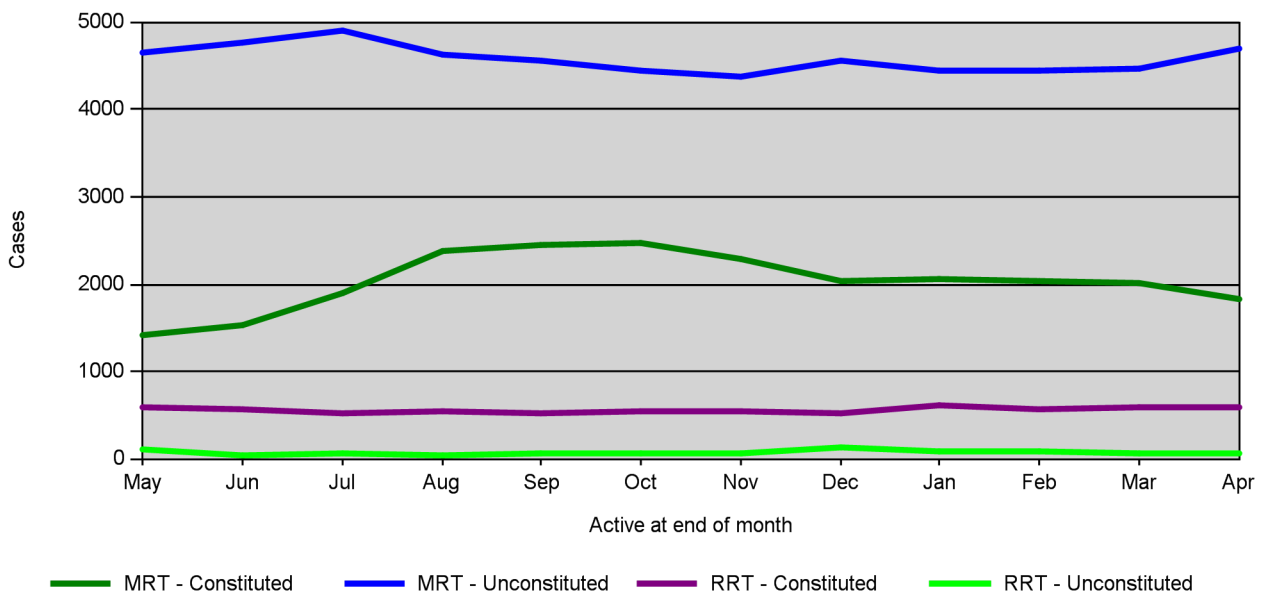
Age	NSW	Vic	Total	%
<b>MRT</b>				
90 days or less (<=3 months)	991	786	1,777	27%
91 - 183 days (3 to 6 months)	641	530	1,171	18%
184 - 274 days (6 to 9 months)	709	528	1,237	19%
275 - 365 days (9 to 12 months)	643	494	1,137	17%
366 - 547 days (12 to 18 months)	562	381	943	14%
548 days or more (>18 months)	141	109	250	4%
<b>Total</b>	<b>3,687</b>	<b>2,828</b>	<b>6,515</b>	<b>100%</b>
<b>RRT</b>				
30 days or less (<=1 month)	198	58	256	39%
31 - 60 days (1 to 2 months)	122	26	148	22%
61 - 90 days (2 to 3 months)	66	16	82	12%
91 - 183 days (3 to 6 months)	76	36	112	17%
184 - 274 days (6 to 9 months)	22	12	34	5%
275 days or more (>9 months)	20	9	29	4%
<b>Total</b>	<b>504</b>	<b>157</b>	<b>661</b>	<b>100%</b>

## Constitutions

MRT - 1,831 cases (28%) were with Members as at the end of April and 4,684 cases (72%) were awaiting constitution.

RRT - 590 cases (89%) were with Members as at the end of April and 71 cases (11%) were awaiting constitution.

MRT-RRT constituted/unconstituted active cases by month



## Constitutions by month

Reg	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Tot
<b>Potential no jurisdiction</b>													
NSW	54	62	54	50	54	52	52	52	66	46			542
VIC	37	51	38	23	41	30	36	27	36	32			351
<i>Total</i>	<i>91</i>	<i>113</i>	<i>92</i>	<i>73</i>	<i>95</i>	<i>82</i>	<i>88</i>	<i>79</i>	<i>102</i>	<i>78</i>			<i>893</i>
<b>Detention</b>													
NSW	16	14	9	14	10	20	15	14	13	11			136
VIC	1	3	1	5	6	6	8	3	3	7			43
<i>Total</i>	<i>17</i>	<i>17</i>	<i>10</i>	<i>19</i>	<i>16</i>	<i>26</i>	<i>23</i>	<i>17</i>	<i>16</i>	<i>18</i>			<i>179</i>
<b>Other Priority 1</b>													
NSW	250	257	252	244	215	201	268	227	297	269			2,480
VIC	108	107	153	132	112	114	138	127	175	162			1,328
<i>Total</i>	<i>358</i>	<i>364</i>	<i>405</i>	<i>376</i>	<i>327</i>	<i>315</i>	<i>406</i>	<i>354</i>	<i>472</i>	<i>431</i>			<i>3,808</i>
<b>Priority 2</b>													
NSW	350	389	284	280	155	165	136	169	186	61			2,175
VIC	217	261	189	210	33	171	160	116	98	109			1,564
<i>Total</i>	<i>567</i>	<i>650</i>	<i>473</i>	<i>490</i>	<i>188</i>	<i>336</i>	<i>296</i>	<i>285</i>	<i>284</i>	<i>170</i>			<i>3,739</i>
<b>Total</b>													
NSW	670	722	599	588	434	438	471	462	562	387			5,333
Vic	363	422	381	370	192	321	342	273	312	310			3,286
<i>Total</i>	<i>1,033</i>	<i>1,144</i>	<i>980</i>	<i>958</i>	<i>626</i>	<i>759</i>	<i>813</i>	<i>735</i>	<i>874</i>	<i>697</i>			<i>8,619</i>

## Unconstituted cases over time standards

Priority	Cases	Priority 1 cases over 21 days*
		Priority 2 cases over 3 months
<b>Priority 1 cases</b>		
NSW	232	16%
VIC	140	15%
<b>Priority 2 cases</b>		
NSW	2,602	74%
VIC	1,781	72%

\*Date of lodgement or date Priority 2 case given Priority 1 status.

## Workload indicators

Item	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Tot
<b>All incoming correspondence (including submissions)</b>													
NSW	2,107	2,124	2,335	2,389	2,528	2,093	1,938	2,152	2,318	1,922			21,906
SA	10	10	21	12	10	8	5	13	27	21			137
VIC	1,584	1,777	1,938	2,064	2,092	1,714	1,668	1,735	2,178	1,741			18,491
WA	0	0	3	0	0	4	0	1	1	0			9
<b>Fee waivers processed</b>													
NSW	34	34	17	61	33	39	60	38	50	48			414
VIC	26	30	32	26	41	42	33	23	25	21			299
<b>Priority letters generated</b>													
NSW	14	22	14	13	13	11	10	9	12	11			129
VIC	9	16	15	15	17	9	15	18	11	24			149
<b>FOI requests received</b>													
NSW	28	41	50	26	34	18	18	27	42	38			322

Item	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Tot
VIC	28	27	29	20	20	13	19	23	24	30			233
<b>Access requests (362A) received</b>													
NSW	111	117	80	92	84	73	58	65	83	88			851
VIC	51	75	76	48	47	47	40	55	63	46			548
<b>359/424 letters created</b>													
NSW	283	350	333	446	264	259	289	254	311	244			3,033
SA	0	4	0	2	0	0	1	0	2	3			12
VIC	110	148	129	178	110	103	112	114	135	106			1,245
WA	0	0	1	0	0	0	0	0	0	0			1
<b>Hearings held (including combined hearings)*</b>													
NSW	326	322	330	365	435	364	312	328	405	321			3,508
Vic	176	163	218	235	298	180	157	206	252	179			2,064
<b>Hearings did not proceed - Applicant related*</b>													
NSW	80	82	117	136	141	108	83	111	127	106			1,091
Vic	46	51	80	90	101	64	56	68	75	75			706
<b>Hearings did not proceed - Other*</b>													
NSW	46	47	43	67	55	40	47	35	64	42			486
Vic	33	24	31	49	50	41	28	37	45	26			364

\*Hearings held' includes hearings finalised as adjourned or completed. 'Hearings did not proceed - Applicant related' includes hearings that were declined or cancelled by the applicant or where the applicant failed to attend a hearing. 'Hearings did not proceed - Other' includes invalid hearing offers, Member cancellations, interpreter issues or unspecified hearing outcomes. Combined hearings not included in count.

## Service indicators

Year-to-date	NSW	Vic
FOI/Access timeliness	98%	100%
<b>Average days taken to receive Department files*</b>		
MRT - Decision location not stated	16	16
MRT - Onshore	18	25
MRT - Overseas	18	20
RRT	7	5
<b>Median days taken to receive Department files*</b>		
MRT - Decision location not stated	11	13
MRT - Onshore	12	17
MRT - Overseas	13	13
RRT	5	5

\*Excluding court remittals.

## State and territory cases

### Lodgements by review applicant location

Lodgement	NSW	Vic	Qld	SA	WA	Tas	ACT	NT	Oth	Total
Lodged same State/Territory	4,104	2,030	242	167	403	0	0	0	0	6,946
Lodged elsewhere	36	66	639	137	404	40	83	55	80	1,540
<b>Total</b>	<b>4,140</b>	<b>2,096</b>	<b>881</b>	<b>304</b>	<b>807</b>	<b>40</b>	<b>83</b>	<b>55</b>	<b>80</b>	<b>8,486</b>

## Lodgements received from review applicants in Qld, SA and WA

### MRT

Case category	Qld		SA		WA	
	Cases	%	Cases	%	Cases	%
Bridging refusal	3	0%	0	0%	6	1%
Visitor refusal	46	6%	31	12%	34	4%
Student refusal	105	13%	34	13%	91	12%
Temporary business refusal	89	11%	6	2%	116	15%
Permanent business refusal	25	3%	23	9%	67	9%
Skill linked refusal	99	12%	50	19%	69	9%
Partner refusal	145	18%	46	17%	83	11%
Family refusal	63	8%	30	11%	27	4%
Student cancellation	131	16%	27	10%	134	18%
Sponsor approval refusal	38	5%	0	0%	34	4%
Other	68	8%	20	7%	104	14%
<b>Total</b>	<b>812</b>	<b>100%</b>	<b>267</b>	<b>100%</b>	<b>765</b>	<b>100%</b>

### RRT - Top 10 Qld

### RRT - Top 10 SA

### RRT - Top 10 WA

Country	Cases	%	Country	Cases	%	Country	Cases	%
China (PRC)	15	22%	China (PRC)	10	27%	Zimbabwe	9	21%
Fiji	15	22%	Albania	6	16%	China (PRC)	5	12%
Vietnam	7	10%	Egypt	5	14%	Pakistan	4	10%
Zimbabwe	7	10%	Uzbekistan	4	11%	Burma (Myanmar)	3	7%
Sri Lanka	3	4%	Iran	2	5%	Fiji	3	7%
Colombia	2	3%	Lebanon	2	5%	India	3	7%
India	2	3%	Colombia	1	3%	Iran	2	5%
Nepal	2	3%	Fiji	1	3%	Iraq	2	5%
Papua New Guinea	2	3%	Indonesia	1	3%	Sri Lanka	2	5%
South Africa	2	3%	Nigeria	1	3%	Afghanistan	1	2%
Other	12	17%	Other	4	11%	Other	8	19%
<b>Total</b>	<b>69</b>	<b>100%</b>	<b>Total</b>	<b>37</b>	<b>100%</b>	<b>Total</b>	<b>42</b>	<b>100%</b>

## Caseload summary - Members based in Qld, SA and WA

Location	On hand			Decided		
	MRT	RRT	Total	MRT	RRT	Total
QLD	65	24	89	253	41	294
SA	67	8	75	111	17	128
WA	51	6	57	106	13	119
<b>Total</b>	<b>183</b>	<b>38</b>	<b>221</b>	<b>470</b>	<b>71</b>	<b>541</b>