



Australian Government

Migration Review Tribunal · Refugee Review Tribunal

**MINUTES OF THE WESTERN AUSTRALIA COMMUNITY LIASION
COMMITTEE MEETING
12:30pm 24 November 2011
Hearing Room 3, AAT, Level 4, 111 St Georges Terrace, Perth**

Attendee	Organisation
Amanda MacDonald (Chair)	Deputy Principal Member, MRT-RRT
Denis O'Brien	Principal Member, MRT-RRT
Peter Murphy	Senior Member, MRT-RRT
Rachel Smith (minutes)	Victorian District Registrar, MRT-RRT
Vanessa Moss	Member, MRT-RRT
Bill Thomas	CASE for Refugees
Frank Pelusey	St Vincent De Paul
Lloyd Kelbrick	Migration Institute of Australia
Marnie Williams	Association for Services to Torture and Trauma Survivors
Steph Toohey	Department of Immigration and Citizenship
Trevor Charter	Administrative Appeals Tribunal

1. Welcome

Amanda MacDonald welcomed participants and thanked them for attending. Ms MacDonald acknowledged the traditional owners of the land. Introductions were made around the table for the benefit of new participants.

2. Apologies

Amanda MacDonald noted the following apologies:

Apology	Organisation
Arpad Ollari-Hazy	Law Society of Western Australia
Debbie Cole	Western Australian Bar Association
Janette McCahon	Legal Aid Commission of WA
Jeremy Hooper	Migration Alliance

Justin Stevenson	Legal Aid Western Australia
Kirsty Fentiman	SCALES
Lisbeth Lord	Australian Red Cross
Maria Saraceni	Ethnic Communities Council of WA
Rosemary Hudson-Miller	Coalition for Asylum Seekers Refugees and Detainees

3. Minutes of previous meeting and business arising

The minutes of the last meeting held in Perth on 12 May 2011 were accepted as an accurate record.

4. Tribunals' report

Denis O'Brien provided an update on new initiatives and developments at the tribunals since the last meeting in May.

Member recruitment

Denis O'Brien updated the attendees on the tribunals' recent recruitment round to appoint new members. As a result of the selection exercise the tribunals appointed 23 new members from 1 July 2011, comprising one senior member, 10 full-time members and 12 part-time members. In addition four full-time members were promoted to senior members. In the Melbourne office there are now three senior members, 14 full-time members and 18 part-time members. The new membership has increased the tribunals' capacity across the country, particularly in the smaller Brisbane and Adelaide offices. Denis O'Brien noted that no new members were appointed in Perth.

New member induction

Denis O'Brien informed the attendees about the induction program for new members. The program has assisted new members to understand their role as a member of the tribunals, including the expectations and requirements for performance, standards of behaviour and general conduct.

The first four days of induction in July focussed on providing the members with an overview of the tribunals and an introduction to migration law. A further four days of induction training was delivered in October to provide an introduction to the RRT and protection visa refusals. New members have now taken on both MRT and RRT cases. Their caseload will

gradually increase in volume and complexity with support from their mentors, senior members and the tribunals' ongoing professional development program.

Members' professional development

Denis O'Brien advised that the tribunal are preparing a training package for members on applying the *Migration Amendment (Complementary Protection) Act 2011*, which passed on 19 September 2011 and is expected to commence in late March 2012.

Mr O'Brien invited the committee to provide suggestions at any time on professional development that would be of benefit to tribunal members. Amanda MacDonald will continue to update the committee on member professional development through the monthly Community Liaison updates.

Fee changes

Denis O'Brien informed the committee about changes introduced through the 2011-12 Budget to MRT and RRT application fees. The fees increased by 10% from 1 July 2011, from \$1,400 to \$1,540. Under the new arrangements, 50% of the MRT application fee rather than the full application fee is refunded if the MRT sets aside, varies or remits the primary decision. A reduced fee of 50% is payable for MRT applicants in severe financial hardship, rather than a full waiver. There is no change to the process for paying RRT post-decision fees under the new fee structure.

Mr O'Brien advised the increase in fees was necessary to offset increased costs faced by the tribunals. The MRT application fee had not increased since the MRT was established in 1999 and the RRT application fee had not increased since 2003. The tribunals' caseload has increased substantially and the organisation has been incurring operating losses. The increase in fees will offset losses this financial year and in forward years.

Caseload and Constitution Policy

Denis O'Brien reported that the 2011-12 Principal Member Direction on Caseload and Constitution sets an objective for the tribunals to finalise at least 11,500 cases in 2011-12. This target is 25% higher than the finalisations achieved in 2010-11 and represents the tribunals' commitment to slowing the growth of cases on hand.

Annual report

Denis O'Brien informed the committee that the tribunals' 2010-11 annual report was tabled in Parliament on 14 October. The report highlights significant issues and factors influencing the tribunals' performance during the 2010-11 financial year, and the outlook for 2011-12.

Mr O'Brien recommended committee members read the annual report if they have the opportunity and suggested they may be interested in the summaries of notable judicial decisions which have impacted the tribunals' decision making or procedures. A link to the annual report was included the October Community Liaison update and hard copies were also available at the meeting.

Interpreters' handbook

Denis O'Brien advised that the tribunals had recently revised its interpreters' handbook. The handbook is produced for interpreters and sets out the tribunals' requirements for interpreting at hearings, the procedural aspects of the hearing, the role and responsibilities of interpreters, and information about the specialised nature of the tribunals' work. The new handbook is available on the tribunals' website and a link will be included in the next Community Liaison update.

Events at the tribunals

Denis O'Brien updated the committee on significant events held at the tribunals since the last meeting in April:

- During Refugee Week in June the Refugee Review Tribunal held open days in Melbourne and Sydney. The tribunal members and staff gave short presentations and conducted a mock hearing to give participants an insight into the work of the tribunal and how hearings are conducted.
- In June the Victorian Registry also hosted a visit from the Parliamentary Secretary for Immigration and Citizenship, the Hon Senator Kate Lundy.
- In July Mr Ian McConville the High Commissioner to Nigeria visited the tribunals. Mr McConville spoke to tribunal members and country advice staff about issues affecting the region, and also his experiences from Pakistan, where he worked previously.

5. Caseloads and statistics

The MRT and RRT caseload report as at 31 October 2011 was distributed at the outset of the meeting. Peter Murphy provided the committee with an overview of the RRT and MRT caseload for the financial year to 31 October.

Peter Murphy noted that some matters in Western Australia will need to be heard by interstate members either by video link or members travelling to Perth to hear matters.

6. Practitioner issues

Bill Thomas asked when a machine fillable application form might be available. Rachel Smith noted that the forms are currently being tested and it is anticipated they will be released in early 2012.

7. Other business

7.1 Publication of tribunal decisions

Amanda MacDonald introduced matters highlighted in the issues paper circulated with the agenda regarding the publication of tribunal decisions. The tribunals commit to publish at least 40% of decisions to ensure the openness and accountability of decision-making. Ms MacDonald discussed how published decisions are selected, the removal of identifying information and the challenges around publishing decisions. Ms MacDonald invited the committee to provide feedback on the publication of decisions.

Steph Toohey asked whether the tribunals undertake any analysis of decisions as this would be of interest to DIAC in areas with high remit rates. Denis O'Brien noted that the tribunals provide decisions to DIAC, but really only undertake an analysis of court remittals to feed into the tribunals practice. Amanda MacDonald noted that the department undertake analysis intermittently, for example, in the partner caseload. The department found that the key issues seem to be the lapse of time between the primary decision and review and the provision of outstanding documents. Amanda MacDonald also noted that member discussion is held regularly to promote consistent decision making and a consistent interpretation of country information.

Lloyd Kelbrick suggested an occasional focus on areas of interest would be useful. This was noted.

Amanda MacDonald invited the committee to email through any further suggestions to Melissa van Rossum.

7.2 Publication of *Précis*

Amanda MacDonald introduced matters highlighted in the issues paper circulated with the agenda regarding the publication of *Précis*. The tribunals produce a monthly bulletin called *Précis*, which provides a wider perspective on the factors that influence the tribunals' decisions and processes. Amanda MacDonald gave an overview of the content of *Précis*, the selection of decisions and judgements, and the inclusion of country advice. Amanda MacDonald invited the committee to provide feedback on *Précis*.

Attendees noted that it was a very useful publication and well presented.

Bill Thomas suggested the addition of a "letters to the editor" section.

Amanda MacDonald invited the committee to email through any further suggestions to Melissa van Rossum.

7.3 2012 meeting calendar

Amanda MacDonald invited the committee to comment on the 2012 meeting schedule circulated with the agenda. The schedule was agreed by the committee.

8. Date of next meeting

The next meeting will be held on Thursday 10 May from 1:00pm in the same location.

Amanda MacDonald thanked everyone for their attendance and contribution, and closed the meeting.