



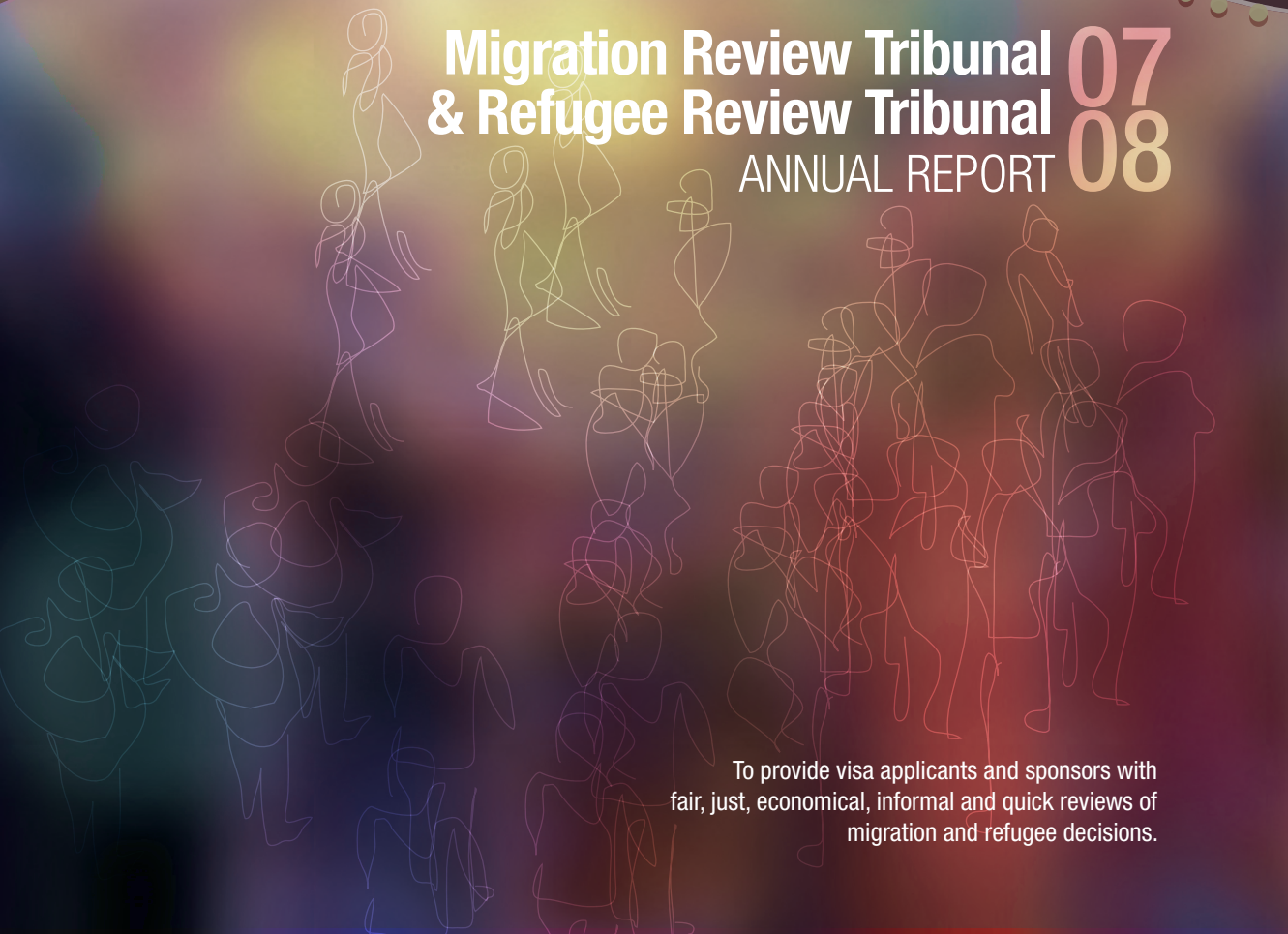
Australian Government

Migration Review Tribunal • Refugee Review Tribunal



Migration Review Tribunal
& Refugee Review Tribunal
ANNUAL REPORT

07
08



To provide visa applicants and sponsors with fair, just, economical, informal and quick reviews of migration and refugee decisions.



Australian Government

Migration Review Tribunal • Refugee Review Tribunal

**Migration Review Tribunal
& Refugee Review Tribunal** 07
ANNUAL REPORT 08

To provide visa applicants and sponsors with fair, just, economical, informal and quick reviews of migration and refugee decisions.

Migration Review Tribunal and Refugee Review Tribunal Annual Report 2007-08

Published by the Migration Review Tribunal and the Refugee Review Tribunal.

Design, artwork and printing by Blue Star Print Group, Canberra.

Contact officer for this report

For all enquiries contact Rhys Jones, Deputy Registrar, Migration Review Tribunal and Refugee Review Tribunal, GPO Box 1333, Sydney NSW 2001; or by telephoning (02) 9276 5060 or faxing (02) 9276 5099.

© Commonwealth of Australia 2008

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600 or posted at <http://www.ag.gov.au/cca>.

ISSN 1833-8518 (Print)
ISSN 1834-2183 (Online)
ISBN 0-9751136-8-2 (Print)
ISBN 0-9751136-9-0 (Online)

Contact details

The Tribunals have registries in Sydney and Melbourne, open from 9.00am to 4.30pm on working days. The Principal Registry address is GPO Box 1333, Sydney NSW 2001.

New South Wales

Street address
Level 11, 83 Clarence Street, Sydney NSW 2000
Telephone: (02) 9276 5000
Fax: (02) 9276 5599
Postal address
GPO Box 1333 Sydney NSW 2001

Victoria

Street address
Level 12, 460 Lonsdale Street, Melbourne VIC 3000
Telephone: (03) 8600 5900
Fax: (03) 8600 5801
Postal address
PO Box 14158 Melbourne VIC 8001

Applications for review may also be lodged at the Administrative Appeals Tribunal registries in Adelaide, Brisbane and Perth:

Adelaide

11th Floor, Chesser House, 91 Grenfell Street, Adelaide SA 5000

Brisbane

Level 4, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000

Perth

Level 5, 111 St Georges Terrace, Perth WA 6000

National telephone enquiry number

For further information contact the Tribunals on their information line 1300 361 969. Local call charges apply from anywhere within Australia. Not available from mobile telephones.

Translating and Interpreting Service

To inquire about interpreting services for non-English speakers telephone 131 450 from anywhere in Australia 24 hours a day, 7 days a week.

Website

<http://www.mrt-rrt.gov.au/>

E-mail

enquiries@mrt-rrt.gov.au

Letter of Transmittal



Australian Government

Migration Review Tribunal • Refugee Review Tribunal

23 October 2008

Senator the Hon. Chris Evans
Minister for Immigration and Citizenship
Parliament House
CANBERRA ACT 2600

Dear Minister

I have pleasure in presenting to you this Annual Report on the operations of the Migration Review Tribunal and the Refugee Review Tribunal for the year ending 30 June 2008.

The Report has been prepared in accordance with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act bodies*, which were approved by the Joint Committee of Public Accounts and Audit under subsections 63(2) and 70(2) of the *Public Service Act 1999* and issued by the Department of the Prime Minister and Cabinet in June 2008.

A handwritten signature in black ink, appearing to read 'Denis O'Brien'.

Denis O'Brien
Principal Member

Contents

Contact information.....	ii
Letter to Minister	iii
The Tribunals at a glance.....	viii
About this Report.....	x
PART 1 — Principal Member’s report.....	3
PART 2 — Registrar’s report.....	7
PART 3 — The role of the Tribunals	13
Merits review	13
Applying for review	13
The conduct of reviews	15
Decision-making	16
Matters reviewed by the MRT	17
Matters reviewed by the RRT	18
Vision, purpose and values.....	19
Membership.....	20
Staff organisational chart.....	21
PART 4 — Performance report	25
Performance framework	25
Financial performance	26
Overview of caseload	27
Lodgements.....	28
Cases on hand	30
Conduct of reviews.....	31
Cases decided.....	32
Outcomes of review.....	33
Timeliness.....	34
Judicial review	36
Social justice and equity	39
Complaints	41
Community and interagency liaison.....	43
Major reviews.....	44
Significant changes in the nature of functions or services.....	44
Developments since the end of the year	44
PART 5 — Management and accountability	47
Senior management	47
Corporate and operational plans.....	48
Ethical standards	49

Risk management	49
Implementation of Australian National Audit Office recommendations.....	50
External scrutiny	51
Human resources	52
Members.....	52
Member professional development and performance.....	53
Staff	54
Workforce planning	55
Training and development	55
Executive remuneration.....	56
Australian Workplace Agreements	56
Certified Agreement	56
Occupational health and safety.....	57
Workplace diversity	58
Disability strategy.....	58
Ecologically sustainable development and environmental performance	59
Purchasing.....	60
Assets management	60
Consultancy services	60
Purchaser/provider arrangements	61
Discretionary grants	62
Advertising and market research	62
Correction of material errors in previous Annual Reports	62
PART 6—Financial statements	65
Auditor’s report and opinion.....	65
Statement on financial statements	67
Table of contents to financial statements	69
Financial statements	70
Appendix 1 — The Tribunals’ Plan	107
Appendix 2 — Service Charter	113
Appendix 3 — Members of the Tribunals	119
Appendix 4 — Additional staffing statistics	141
Appendix 5 — Freedom of Information	145
Appendix 6 — Legal services expenditure	151
Appendix 7 — Compliance index.....	155
Glossary of terms and abbreviations	159
Index.....	171

List of figures and tables

Part 4 — Performance report

Figure 4.1 – Lodgements, decisions and cases on hand	27
Figure 4.2 – MRT lodgements by case type	29
Figure 4.3 – RRT lodgements by country of reference	29
Figure 4.4 – Number and age of cases on hand	31
Table 4.1 – Performance information and results	25
Table 4.2 – Price of outputs	26
Table 4.3 – Overview of caseload	27
Table 4.4 – Lodgements	28
Table 4.5 – Cases on hand	30
Table 4.6 – Cases decided	32
Table 4.7 – Outcomes of review	33
Table 4.8 – Set aside rates	34
Table 4.9 – Timeliness of reviews	35
Table 4.10 – Judicial review applications and outcomes	36
Table 4.11 – Report against service standards	40
Table 4.12 – Complaints	42
Table 4.13 – Complaints to the Commonwealth Ombudsman	43

Part 5 — Management and accountability

Table 5.1 – Implementation of ANAO recommendations	50
Table 5.2 – Membership as at 30 June 2008	53
Table 5.3 – Staff as at 30 June 2008	55
Table 5.4 – Salary range pay points (as at 30 June 2008)	57
Table 5.5 – Disability action plan	59
Table 5.6 – Consultancy services let during 2007-08 (of \$10,000 or more)	61
Table 5.7 – Annual expenditure on consultancy contracts	61
Table 5.8 – Advertising services	62

Appendix 4 — Additional staffing statistics

Table A4.1 – Ongoing and non-ongoing staff	141
Table A4.2 – Members and staff by location 30 June 2008	141
Table A4.3 – Members and staff by age 30 June 2008	141

The Tribunals at a glance

The Migration Review Tribunal (the MRT) and the Refugee Review Tribunal (the RRT) provide final independent merits reviews of visa-related decisions made by the Minister for Immigration and Citizenship or by officers of the Department of Immigration and Citizenship, acting as delegates of the Minister.

A visa is required by anyone who is not an Australian citizen and who wishes to travel to, or remain lawfully in, Australia.

The Tribunals are established under the *Migration Act 1958*. The Tribunals' jurisdictions, powers and procedures are set out in the Migration Act and the Migration Regulations 1994.

The Tribunals are required to deliver a mechanism of review that is fair, just, economical, informal and quick. Members and staff aim to meet government and community expectations in discharging their responsibilities.

We want to be known for:

- being highly competent Tribunals delivering fair, just and timely reviews
- our fairness and professionalism
- the quality, integrity and consistency of our decisions
- helping people understand our procedures
- listening and responding to feedback
- being courteous and respectful
- being open and accountable
- having a productive, supportive and safe workplace
- ensuring our Members and staff have an influence on our day to day operations
- meeting professional performance and ethical standards as set out in Member and staff Codes of Conduct
- our commitment to good client services as set out in our Service Charter.

The Tribunals at a glance	MRT	RRT
Legislation		<i>Migration Act 1958</i> Migration Regulations 1994
Established	1999	1993
Principal Member		Denis O'Brien
Registrar		John Lynch
Cases lodged	6,325	2,284
Cases decided	5,219	2,318
Cases on hand	4,640	548
% of primary decisions set aside	50%	18%
% of primary decisions affirmed	36%	72%
% of cases withdrawn or otherwise resolved	14%	10%
Average time taken to decide a case	35 weeks	12 weeks
% of decided cases where applicant represented	68%	45%
Number of hearings held	3,218	1,831
% of decided cases where hearing held	61%	70%
% of hearings where interpreter was required	68%	89%
Number of languages and dialects		84
% of cases taken to judicial review	5%	45%
% of cases set aside on judicial review	37%	14%
Members (as at 30 June 2008)		92
Staff		283
Cost		\$37.8m

About this report

This report is on the operations of the Migration Review Tribunal and the Refugee Review Tribunal for the financial year 2007-08. The Tribunals are separately established under the *Migration Act 1958*, but are administratively amalgamated, and since 1 July 2006, have been prescribed as a single agency for the purpose of the *Financial Management and Accountability Act 1997*.

When developing this Annual Report, we set out to meet our parliamentary reporting requirements, and to have careful regard to continuity from previous Annual Reports. We also set out to produce a report that is readable and useful to all those with an interest in the operations of the Tribunals.

The Annual Report is presented in 6 main parts:

Part 1 is a report by the Principal Member. It includes a review of the Tribunals' performance and a summary of significant developments.

Part 2 is a report by the Registrar. It summarises significant corporate and organisational developments.

Part 3 is an overview of the Tribunals and describes how the Tribunals operate and the nature of cases that are dealt with by the Tribunals.

Part 4 contains the performance report. It includes a summary of overall performance results, a summary of financial resources and an overview of activity over the year, including case statistics.

Part 5 contains information on management, organisational and accountability issues.

Part 6 contains the Tribunals' audited financial statements for the year.

The **Appendices** set out a range of additional information.

Aids to access information

The contents page is located at page v. A glossary of terms and abbreviations is located at page 159.

An index of compliance with the *Requirements for Annual Reports for Departments, Executive Agencies and FMA Act bodies* issued by the Department of the Prime Minister and Cabinet in June 2008 is located at page 155.

Statistics

All statistics used in this report are of 'cases'. Multiple applications for review are counted as a single case where the legislation provides that the applications for review can be combined, usually when members of a family unit have applied for the grant of visas at the same time.



Part 1
Principal Member's Report

Part 1—Principal Member's report



I am pleased to provide this report on the Tribunals' operations for the financial year 2007-08. The report is a key part of the accountability framework applying to the Tribunals.

I was appointed as the Principal Member of both Tribunals last September. From a personal and professional perspective, it has been an interesting, challenging and rewarding time.

My aim, following appointment, was to better understand the operations of the Tribunals and to lift our performance in several respects. I was aware that the legislation set out procedures for the conduct of reviews, that there was a high level of judicial and community scrutiny of our operations and that there were concerns expressed by some practitioners about the

fairness, quality and consistency of some of our decision making. I also knew that the Tribunals had a cohort of members who were committed to the work they do in the interests of applicants and the people of Australia. It was important that I gained first hand experience of the jurisdiction by personally dealing with a range of MRT and RRT cases and that I engaged with persons within and outside the Tribunals about how the Tribunals were operating.

One of the most striking things about the Tribunals is the extent to which the review procedures are prescribed. The level of prescription was no doubt intended to ensure that the Tribunals provided reviews which were fair and just. In practice, I believe there has been too much of a focus on procedural steps rather than on the overall fairness of the process.

Not long before I was appointed, the *Migration Amendment (Review Provisions) Act 2007* made amendments to the *Migration Act 1958* which were designed to provide a discretion for the Tribunals to put adverse information orally to applicants at hearings and to invite responses or comment. Some may have thought these amendments to be surprising; they would have assumed that the putting of adverse material to applicants at hearings was sufficient. However, the amendments were made following a series of court judgments which found that the prescriptive code in the Migration Act required that an invitation to comment or respond to adverse information had to be made in writing and that merely to have put such information orally at a hearing would result in the Tribunal decision being overturned. In a number of these judgments it was recognised that the applicant had been given what would otherwise be regarded as an appropriate and fair opportunity to comment or respond to adverse information, and that no practical injustice had occurred.

More recently there have been problematic court decisions in relation to the Tribunals' seeking information from applicants and third parties. The Tribunals may obtain 'information' by whatever method is considered appropriate but can only obtain 'additional information' by making a request in writing which is sent to an address provided for the purposes of the review and for which there is a prescribed period for a response. If any information so obtained is adverse to the applicant, the Tribunals will put the information to the applicant and give him or her an opportunity to respond. That opportunity was given in the cases the subject of the court decisions in question. However, the mandatory nature of the obligations under the code resulted in findings that the Tribunal's processes had miscarried for not seeking the additional information in writing.

These decisions will potentially have a significant impact on the timeliness of reviews and I have drawn the Department's attention to legislative measures which I believe are necessary to ameliorate the position.

I am pleased that the Minister has recently stated in the Parliament that he believes there is a case for a major overhaul of the Migration Act.

In the meantime, the Tribunals strive to comply with the legislation as it stands and as it has been interpreted by the courts. We also seek to ensure that we make fair and just decisions. During the year I issued a new Principal Member Direction on the *Conduct of hearings*, and a policy guideline *Guiding principles for quality decision making*. These documents seek to strengthen the conduct of reviews by the Tribunals. The documents are publicly available on the Tribunals' website.

The new Government has made changes to immigration detention arrangements, abolished temporary protection visas and made changes to selection arrangements for Member and Senior Member appointments to the Tribunals. The Government also introduced a Bill to make changes to the legislative framework relating to the Tribunals, including the establishment of an office of Deputy Principal Member for the MRT, and the removal of the provisions relating to the handing down of Tribunal decisions.

The Tribunals completed 5,219 MRT reviews and 2,318 RRT reviews during the year. The numbers were fewer than in 2006-07, reflecting a reduction in RRT lodgements, an increase in the complexity of reviews, the loss of a number of experienced Members from the end of June 2007 and the time taken for an intake of new Members to become familiar with the Tribunals' work.

While the number of decisions increased substantially in the second half of the year, further Member resources are required to improve the level of compliance with the statutory 90 day time limit for RRT reviews and to deal with the growth in MRT cases. Both the number of MRT cases lodged and the number of MRT cases on hand increased over the year. With some changes I have made to case allocation arrangements, I am hopeful that the MRT on hand caseload will decline in 2008-09. However, resources are an issue. I have raised with the Government the need for an increase in the number of Members and in the proportion of Members who are appointed on a full-time basis.

I thank Members and staff for the commitment to their work which they have demonstrated over the year. I also thank them for making me feel so welcome as the new Principal Member.

Denis O'Brien
Principal Member



Part 2
Registrar's Report

Part 2—Registrar's report

This year has been an interesting period of both consolidation and change for the Tribunals.

The Tribunals were pleased that the Minister for Immigration and Citizenship, Senator Chris Evans, was able to deliver in February this year - so soon after his appointment - a keynote address to Members at their National Conference in Melbourne. The Minister's visit in May to the Tribunals' Principal Registry and NSW Registry, where he met Board members and legal, country research and registry staff, was also very warmly received. An effective working relationship with the Minister's office was established early in 2008.

The operational challenges facing the Tribunals continued this year with strong efforts being made by senior management, Members and staff to address them. From his appointment in September last year as Principal Member, Mr Denis O'Brien initiated a number of important changes affecting corporate governance, case allocation policy, caseload management and other key areas of Tribunal operations.

An initial step was a review of the membership, business and responsibilities of the Joint Management Board, the Senior Management Group and the Member Professional Development Committee. The review has delivered a more strategic and effective level of governance and an increased focus on Member professional development. Mrs Mary Urquhart, the RRT's Deputy Principal Member and acting MRT Senior Member, who is based in Melbourne, was allocated national responsibility for the professional development of MRT and RRT Members.

Following the completion of the co-location and administrative amalgamation of the Tribunals in 2005, cases of both Tribunals were evenly allocated to all Members who, being cross-appointed, were expected to develop proficiency on both Tribunals' cases. However, case law and legislative developments and a dynamic caseload have made decision making on each Tribunal progressively more complex and time consuming.

To accommodate these factors, progressive changes during the year to the caseload and constitution policy have ensured that Members with the requisite experience, proficiency and interest in particular visa classes have been allocated such cases. More selective case allocation, along with other strategies, such as the 'batching' of like MRT cases to Members and the transfer of 'older' Victorian MRT cases to New South Wales Members have resulted in more efficient and earlier resolution of these cases.

I believe these strategies have generated efficiencies, an improved corporate culture, better communications between Members, staff and senior management and better relationships with applicants and community practitioners.

Strong efforts were also made during the year to increase the level of compliance with the requirement for RRT reviews to be conducted in 90 days. Following a close review by Board members and the Senior Management Group of all aspects of the conduct of RRT reviews, including a performance comparison of the NSW and VIC registries, the Principal Member has recently issued a policy guideline to Members and staff on ways reviews can be better managed to reduce the time taken to complete cases.

Much attention has been paid during the year to revising how the Tribunals can deal more efficiently and sensitively with reviews, particularly those concerning applicants in detention. Improved file management, enhanced internal monitoring and reporting and Principal Member Directions have led to greater priority and effort in dealing with such matters.

The working relationship and communications between the Department's State Offices, the Villawood and Maribyrnong Detention Centres and the Tribunals' NSW and VIC Registries were much improved during the year, along with a better understanding by Members and registry staff of applicants' circumstances and needs when they attend hearings.

A very pleasing development has been the improved flow of business intelligence to the Joint Management Board enabling far more targeted and effective allocation of cases to Members than has been previously possible. The Case Management Section is to be commended for their achievements in this area. Credit must also be given to CaseMate – the Tribunals' case management system and its managers and developers.

Effective case management is important to meeting Government and community expectations of the Tribunals. CaseMate has proved to be an outstanding system for effective case management by Members and staff and for case allocation purposes. CaseMate provides for the processing and management of cases by both Members and staff.

Examples of some of its features are: individual Member case progress reports and Member case finalisation and performance reports can be generated as well as all registry client letters and forms. It electronically stores case documents and is heavily used for statistical reporting purposes. It also enables the storage of digital audio recordings of hearings, which is a major efficiency as the record of hearings can be replayed by Members on their office personal computers.

During the year, a review of CaseMate was conducted by the CaseMate Review Committee comprising Members and staff. The Committee conducted a survey of Members and staff and conducted a number of focus sessions. In a very thorough and thoughtful report, the Committee made recommendations to the Joint Management Board in relation to improvements and enhancements which could be made to CaseMate, and in relation to training, procedures and support arrangements.

While the Board had not, at year's end, settled a position on the review, future CaseMate developments that have been proposed include the on-line lodgement and filing of documents through a secure web site, extending the current document storage and management capability to a full archival record, and on-line access to case information.

The Tribunals' relationship with the Department remained operationally very effective. Cooperation continued on a number of fronts to achieve greater efficiencies between the agencies. For example, a statutory obligation exists for the Department to provide the Tribunals with the documentation required for a review. The Tribunals and the Department are reviewing arrangements in relation to the timely identification, checking and transfer of documents to the Tribunals, including documents held electronically.

In this regard, an important issue that will be discussed further with the Department during financial year 2008-09 is the Tribunals' proposal that applicants should receive a copy of the relevant Departmental decision making papers at the same time as the Department provides these papers to the Tribunals. The Tribunals consider that the provision to all applicants of early access to all relevant papers would speed up the review processes and put applicants in a better position to understand and respond to issues. It would provide applicants with what is the norm for applicants before other tribunals and reduce delays as many applicants make FOI requests to the Department for their files during Tribunal reviews.

The decisions made by the Tribunals, and particularly those made by the RRT, are subject to a high level of scrutiny by the courts. More than 45% of the decisions made by the RRT in 2007-08 were appealed. This is a much higher appeal rate than for any other similar Australian Government agency. However, the number of cases overturned by the Courts is low compared to the overall number of cases decided. Only 4.8% of 38,002 decisions made by the Tribunals over the last 4 years have been set aside by the Courts.

As far as the Tribunals' financial performance is concerned, positive discussions were held with the Department of Finance as part of a review of the Tribunals' funding arrangements, which were last reviewed in 2004. Since then, changes in case law and legislation have progressively increased the complexity of reviews. This has had the effect of reducing the number of cases that a Member can decide over the course of a year.

As the Tribunals' funding is currently linked to an estimate of the number of decisions made each year, this reduction in the number of cases finalised, along with efficiency measures applied across agency budgets, contributed to the Tribunals having an operating loss. The Tribunals have introduced a number of measures seeking to reduce expenditure, consistent with adjustments to funding levels and are hopeful of achieving a funding agreement that reflects the true costs of delivering reviews that are fair, just, economical, informal and quick.

The Tribunals' staff certified agreement is due to expire in November 2008. Negotiations with the CPSU and APESMA, representing staff, were in progress at the end of the financial year. The Tribunals are seeking a variation and extension of the agreement.

In closing, I would like to express my thanks and appreciation to Members and staff of the Tribunals for working together so cooperatively in a demanding, fast moving and complex operational environment. Their hard work, commitment and sensitivity to client needs and expectations served to promote the professional reputation of the Tribunals.

John Lynch
Registrar



Part 3
The Role of the Tribunals

Part 3—The role of the Tribunals

The Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT) are statutory bodies providing a final, independent merits review of visa and visa-related decisions made by the Minister for Immigration and Citizenship or by officers of the Department of Immigration and Citizenship, acting as delegates of the Minister.

The Tribunals are established under the *Migration Act 1958*. The Tribunals' jurisdictions, powers and procedures are set out in the Migration Act and the Migration Regulations 1994. The Tribunals comprise Members (appointed by the Governor-General under the Migration Act for fixed terms) and staff (appointed under the Migration Act and employed under the *Public Service Act 1999*).

All Members and staff are cross-appointed to both Tribunals and the Tribunals operate as a single agency for the purposes of the *Financial Management and Accountability Act 1997*.

The MRT reviews a wide range of decisions in relation to visas other than protection visas. The RRT reviews decisions in relation to protection visas.

A visa is required by anyone who is not an Australian citizen and who wishes to travel to, or remain in, Australia. The Migration Act and the Migration Regulations set out the criteria for visas. There are usually criteria specific to a visa, as well as general criteria such as those relating to health and character.

A visa may be refused if a decision-maker is not satisfied that a person covered by the application meets the criteria for the visa. A visa may be cancelled if, for example, it was obtained by making false statements or if the visa holder has not abided by the conditions of the visa.

The Tribunals are required to provide a mechanism of review that is fair, just, economical, informal and quick.

Merits review

Merits review is an administrative reconsideration of a case. The principal objective of merits review is to ensure that the correct or preferable decision is reached on the facts before the review body. The decision and reasons of the review body should also improve the general quality and consistency of decision making, and enhance openness and accountability of the particular area of government decision making.

The Tribunals make decisions within the same legislative framework as the primary decision-maker, and may exercise all the powers and discretions conferred on the primary decision-maker, in addition to the Tribunals' specific powers.

The Tribunals reconsider each case in light of the facts before them, the law and Government policy (to the extent that it is not inconsistent with the law).

The Tribunals have the power to affirm the primary decision, vary the primary decision, set aside the primary decision and substitute a new decision, or remit (return) a matter to the Department for reconsideration with specific directions. For example, a matter may be 'remitted' if a Member is satisfied that a visa applicant meets one or more of the requirements for the visa. The Department may then need to undertake further processing in relation to other requirements for the visa.

Applying for review

The Migration Act and the Migration Regulations specify which decisions the Tribunals can review, who may seek a review, how an application for review must be made, the time limits within which applications for review must be lodged and whether an application fee is payable. The rules vary depending on the type of matter.

The Tribunals cannot accept an application for review which has been lodged outside the relevant time limit or which has been lodged by a person who is not entitled to apply for review. Depending on the decision under review, the person applying for review must be the visa applicant, the former visa holder, the sponsor or a close relative.

The time limits for lodging an application to the MRT vary from 2 working days for some immigration detention cases to 7 working days for cancellation decisions and other immigration detention cases, 21 calendar days for other cases where the visa applicant is in Australia, and 70 calendar days for cases where the visa applicant is outside Australia. A fee of \$1,400 is payable for all MRT applications other than for the review of decisions to refuse to grant or to cancel a bridging visa in relation to a person in immigration detention. Payment of the fee may be waived if payment would cause severe financial hardship.

The time limits for lodging an application to the RRT are 7 working days for persons in immigration detention, and 28 calendar days for all other cases. There is no application fee when applying to the RRT, but a \$1,400 fee becomes payable if the Tribunal affirms the primary decision.

The MRT and RRT application forms contain detailed information about lodging an application for review, who can apply for review and the time limits. These are available from the Tribunals' website or from the Tribunals' registries.

Form M1 is the general MRT application form. Form M2 is the MRT application form for persons in immigration detention. Form R1 is the RRT application form.

The MRT deals with large numbers of partner visa cases. In many cases, the relationship had only existed for a short time at the time of the primary decision. At the time of the MRT's decision there is often further information to consider.

Anne lives in Melbourne with her daughter. She planned to have a holiday to Turkey and used the Internet to establish some local contacts. She met Mehmet through a dating site on the Internet and they moved from exchanging messages to regularly talking by phone. Anne arranged to meet Mehmet, and they married 3 weeks after she arrived in Turkey.

Mehmet's application for a visa to Australia was refused as the delegate was not satisfied that the relationship was genuine. The delegate noted that Mehmet's family had not attended the wedding, that it was unusual in Turkey for a man to marry a woman who is 10 years older and divorced and that there were some inconsistencies and a lack of documentary evidence. Anne applied to the MRT for a review of the decision.

Anne attended the MRT hearing and Mehmet gave evidence by telephone. Both talked at length about their relationship and their plans. Anne said that she had met Mehmet's family the week before the civil ceremony. The ceremony was arranged at short notice before she had to return to Australia and the intention was to have a larger ceremony at a later date.

In finding that Mehmet should be granted a visa, the Member noted that Anne had subsequently been back to Turkey on 3 occasions and had spent more than 3 months with Mehmet. There was also documentary evidence of daily phone contact.

The conduct of reviews

RRT reviews are conducted by a single Member. MRT reviews are usually constituted by a single Member. The Tribunals' procedures are designed to provide a review process which is fair and just, and to ensure that an applicant can fully put his or her case.

An applicant is entitled to:

- be informed of, and be given an opportunity to comment upon, adverse information;
- appear before the Tribunal to give oral evidence and present arguments on the issues arising in the review;
- make written submissions or provide documentary evidence;
- ask the Tribunal to take oral evidence from other persons; and
- be provided with a written statement of reasons for the decision.

Unless a favourable decision can be made on the papers, an applicant must be invited to a hearing. The hearing is an opportunity for the applicant to appear before the Tribunal to give oral evidence and present arguments on the issues arising in the review. The applicant may arrange for other persons to attend the hearing to give evidence and may be accompanied to the hearing by a friend, relative or other support person.

Hearings are usually held in person at the Tribunals' offices, but may be held in other places or through video or telephone links. The Migration Act requires that proceedings of the MRT be generally open to the public. The Migration Act requires all proceedings of the RRT to be held in private. An interpreter is engaged if a person is not sufficiently proficient in English.

Hearings are inquisitorial in nature and the Member takes an active role in asking questions of the persons appearing before the Tribunal.

An applicant may appoint a representative to assist with his or her case. A representative can forward written submissions and written evidence to the Tribunals, contact the Tribunals on the applicant's behalf and may accompany the applicant to any meeting or hearing arranged by the Tribunals. At a hearing, the Member will ordinarily invite a representative to present arguments or submissions or to make comments on specific matters. With very limited exceptions, only a registered migration agent may provide immigration assistance.

The Minister or the Department is not represented in Tribunal proceedings, but the Department may provide written submissions.

A significant proportion of applicants are not represented and the Tribunals' procedures, and the information available for applicants, are aimed at assisting applicants who proceed without representation.

The Member may in some cases make an oral decision at the end of a hearing. In all cases, the Member is required to provide a written decision statement, setting out findings and reasons.

The MRT and the RRT are required to publish decisions that are considered to be of 'particular interest'. In determining what is of particular interest, the Tribunals take account of the views of representatives and others interested in the work of the Tribunals. The requirement to publish decisions is subject to certain restrictions. The identity of applicants and relatives cannot be disclosed when publishing RRT decisions, and a Member may decide that publication of an MRT decision is to be restricted on public interest grounds. If a restriction applies, the decision to be published is edited so as not to contain the information which cannot be published. Published decisions are available on the AustLII website at <http://www.austlii.edu.au/>.

The RRT deals with cases where doubts may arise whether the claims made by applicants are true. These are particularly difficult cases where Members have to make a decision largely based on the applicant's claims and evidence, taking into account factors which may affect the consistency and detail of the evidence given by the applicant.

Ms Z is a Chinese citizen who travelled to Australia as a tourist. After her visitor visa expired, she applied for a protection (refugee) visa. She said her mother had been a Christian and that she had become involved with a group of Christians which met in private homes after she and her husband had divorced. She said that she and other members of the group had been detained and tortured for a week in 2004. She and her daughter had subsequently moved to another city where she had not come to the attention of authorities but where she had no freedom to be a Christian. She had received assistance from other Christians to travel to Australia. Her daughter remained in China and had been placed in a boarding school.

The delegate interviewed Ms Z and was not satisfied that she had been detained or that she would be persecuted if she returned to China. The delegate noted that Ms Z had travelled to Malaysia previously and did not appear to have had any problems leaving or returning to China. The protection visa was refused and Ms Z applied to the RRT.

Ms Z told the Tribunal Member about her experiences in China and her religious beliefs. She said that she had never attended any church services in China as all churches were controlled by the government. She said that she did not know there were underground churches.

At the hearing, and subsequently in writing, the Member advised Ms Z that he had doubts about whether she was a Christian and whether she had been involved in religious activities in China, or had been detained by the authorities. He asked why she had not mentioned at any earlier stage her evidence that her mother was being harassed by police seeking to find her and that she had been preaching in China.

Ms Z responded by saying that she is a committed Christian. She said that while she did not attend church regularly, she read the Bible and prayed every day. She said she suffered memory problems following her detention and had found it difficult to answer the Member's questions about her beliefs. She said she did not preach like a pastor but spread the Gospel by simply telling people to love Jesus Christ.

In affirming the delegate's decision, the Member found that that Ms Z did not have a genuine interest in Christianity and that she had made up claims in order to obtain residency in Australia.

Decision making

Members are required to conduct an independent review and to reach an independent decision on the case. A Member must apply the correct law and is bound by relevant court decisions. A decision made by a Member in one case does not bind Members in other cases. However, consistency is highly desirable and it is generally expected that a decision in a particular case would be consistent with other lawful decisions in like matters.

Members need to maintain knowledge of changes in relevant legislation, country information, case law and policy, and regularly attend and participate in professional development activities, conferences, training courses and peer discussions. The Tribunals place a high priority on the sharing of information across the

organisation, primarily through the Tribunals' intranet, the delivery of professional development and training and promoting discussion of issues between Members at national and local levels.

The Legal Services Section provides Members with relevant, current and authoritative legal information, and updates, organises and indexes holdings of information for maximum accessibility. Legal officers are available to provide oral and written advice to Members on case specific and migration, refugee and administrative law issues.

The Research and Information Section provides Members with relevant, current and authoritative country and general information. Research officers respond to queries from Members, and also update, organise and index holdings of information for maximum accessibility. Generally, all country and general information used in decision making must be able to be cited and made publicly available.

An important resource is information provided by overseas missions of the Department of Foreign Affairs and Trade.

Members have access to a wide range of information available in the Tribunals' library, to Government, intergovernmental and non-government sources of country information; and to specialist journals and international newswire services. All Members have electronic access to a range of external and internal information products, including:

- consolidations of migration legislation, Ministerial directions, legislative instruments and Departmental policy manuals;
- commentaries on legislative amendments and court cases;
- a database of relevant court decisions;
- a database of all Tribunal decisions;
- all Tribunal policies, procedures, guidelines and advices; and
- databases containing country research information and legal commentary; including the Department's CISNET country information database.

Matters reviewed by the MRT

The MRT can review decisions relating to a wide range of visas. Reviewable decisions include decisions to refuse to grant visas, to cancel visas, to refuse to approve sponsors, and to refuse to approve a nominated position or business activity.

Bridging visas are granted to provide temporary lawful status to non-citizens in Australia, for example while a temporary entrant is awaiting the outcome of an application for permanent residence. Visitor visas are granted to tourists and to persons visiting relatives in Australia. Student visas are granted to persons enrolled at schools, colleges and universities in Australia. Temporary business visas are granted for four years to persons whose proposed employment or business activities will contribute to the creation or maintenance of employment within Australia, the expansion of Australian trade, an improvement in links with international markets and/or greater competitiveness in the economy.

Permanent business visas are granted to successful business people who obtain a substantial ownership interest in a new or existing business in Australia and actively participate in that business at a senior management level. Skilled visas are granted to persons in skilled occupations who have the education, skills and employability to contribute to the Australian economy.

Partner visas are granted to partners of Australian citizens or permanent residents. Family visas are granted to children, parents, remaining relatives (persons who have limited family contacts other than relatives living in Australia), aged dependent relatives (elderly overseas relatives who have been financially supported by a close Australian relative for a reasonable period) and carers (persons who are able and willing to provide assistance needed by a relative in Australia).



A typical hearing room. The Tribunals conducted 5,049 hearings during the year. Most hearings are held in person. Video conferencing was used for 14% of hearings.

Matters reviewed by the RRT

The RRT reviews decisions made within Australia to refuse to grant or to cancel protection visas. The review of these decisions usually involves a consideration of whether or not the applicant is a person to whom Australia has protection obligations. This involves consideration of whether he or she is a 'refugee' within the meaning of the 1951 United Nations Convention Relating to the Status of Refugees (as amended by the 1967 UN Protocol Relating to the Status of Refugees) (the Convention).

The Convention was drafted between 1948 and 1951 with the principal aim of creating a regime to cope with the large numbers of people who had been displaced by the Second World War. The original definition permitted a person to be declared a refugee as a result of events occurring in Europe before 1 January 1951. However, the 1967 UN Protocol Relating to the Status of Refugees (the Protocol) removed the time and geographical limitation in the Convention's definition of a refugee. The Convention now extends to all persons who are refugees because of events occurring at any time in any place. Australia became a signatory to the Refugees Convention in 1954 and to the Protocol in 1973.

The term 'refugee' is defined in Chapter 1, Article 1 of the Convention. In particular, Article 1A(2) of the Convention, as amended by the Protocol, defines a refugee as a person who:

... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it ...

Other provisions of the Convention may be relevant to an assessment of the entitlement to a protection visa.

A number of provisions of the Migration Act expressly qualify certain aspects of the Convention. These provisions focus principally on the concepts of persecution and the nature and seriousness of certain crimes relevant to the determination of whether Australia has protection obligations to an asylum seeker. Many aspects of the Convention, however, are not specifically defined by the legislation and must be interpreted in accordance with established legal principles.

Vision, purpose and values

The Tribunals provide an independent and final merits review of decisions. The review must be fair, just, economical, informal and quick. We seek to treat all those with whom we deal with courtesy, respect and dignity.

The Tribunals' Plan, Member Code of Conduct, Service Charter and Interpreters' Handbook promote these values. All of these documents are available on the Tribunals' website. Staff are also bound by the Australian Public Service Values and Code of Conduct, as set out in the Public Service Act.

Membership as at 30 June 2008

<p>Denis O'Brien Principal Member</p> <p>Mary Urquhart RRT Deputy Principal Member and A/g MRT Senior Member</p>
--

<p>Rea Hearn Mackinnon Senior Member VIC</p>	<p>Mary Urquhart RRT Deputy Principal Member and A/g MRT Senior Member VIC</p>	<p>Bruce MacCarthy Senior Member NSW</p>	<p>Irene O'Connell A/g Senior Member NSW</p>	<p>Giles Short Senior Member NSW</p>
---	---	---	---	---

<p>Full-time Members Paul Fisher George Haddad</p> <p>Part-time Members John Atkins Danica Buljan Nicole Burns Mary Cameron Tim Connellan Jennifer Ellis Adolfo Gentile Genevieve Hamilton Megan Hodgkinson Diane Hubble Deborah Jordan Peter Katsambanis Kay Kirmos Gary Ledson Dominic Lennon David Mitchell Noel Pullen Greg Robinson Louise Spieler David Thomas Irene Tsiakas</p>	<p>Full-time Members Rosa Gagliardi</p> <p>Part-time Members Wendy Boddison Bernadette Cremean Alan Gregory Deborah Morgan Sydelle Muling Karen Synon Peter Tyler Lisa Ward David Young</p>	<p>Full-time Members Antoinette Younes</p> <p>Part-time Members Diane Barnetson Samuel Blay Catherine Carney John Cipolla Sue Crosdale Gabrielle Cullen Johnathon Duignan Luke Hardy Rodney Inder Christine Long Susannah McNeil Andrew Mullin Ann O'Toole Pauline Pope Phillippa Wearne Robert Wilson Hugh Wyndham</p>	<p>Full-time Members Ann Duffield</p> <p>Part-time Members Jennifer Ciantar David Connolly Richard Derewlany Dione Dimitriadis David Dobell Namoi Dougall Kerry-Anne Hartman Ricky Johnston Jane Marquard Louise Nicholls Steve Norman Christopher Packer Susan Pinto Don Smyth Linda Symons</p>	<p>Full-time Members Bronwyn Forsyth Shahyar Roushan</p> <p>Part-time Members Bronwyn Connolly Michael Cooke Angela Cranston Ted Delofski Suseela Durvasula Mary-Anne Ford Mila Foster Andrew Jacovides Suzanne Leal Patricia Leehy Amanda MacDonald Wendy Machin Rosemary Mathlin Philippa McIntosh Lilly Mojsin Kira Raif James Silva</p>
--	---	---	--	---

Staff Organisational Chart as at 30 June 2008





Part 4
Performance Report

Part 4—Performance report

This Part provides a detailed picture of the operations of the Tribunals over 2007-08.

The Tribunals continued to contribute to Australia's migration and refugee determination programs during the year through the provision of quality and timely reviews of decisions. The Tribunals completed 7,537 reviews, making decisions favourable to applicants in 40% of the cases resolved.

Performance framework

The Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT) provide an independent merits review of decisions made in relation to visas to travel to, enter or stay in Australia. The Tribunals are established under the *Migration Act 1958* and the Tribunals' jurisdictions and powers are set out in the Migration Act and in the Migration Regulations 1994. All Members and staff are cross-appointed to both Tribunals and the Tribunals operate as a single agency for the purposes of the *Financial Management and Accountability Act 1997*.

There is a Statement of Expectations and a Statement of Intent, and the Tribunals' funding and performance expectations are set out annually in portfolio budget statements. During 2007-08, the Tribunals had one outcome:

To provide visa applicants and sponsors with fair, just, economical, informal and quick reviews of migration and refugee decisions.

Table 4.1 summarises the Tribunals' performance against the indicators and measures that were set out in the 2007–08 portfolio additional estimates statements.

Table 4.1 — Performance information and results

Measure	Result
Effectiveness in delivering outcomes	
Extent to which the MRT and the RRT contribute to the quality and consistency of administrative decision making.	<p>A written statement of decision is prepared in each case. The statement sets out the reasons for the decision, the findings on any material questions of fact, and refers to the evidence or any other material on which the findings of fact were based.</p> <p>In addition to providing the decisions to applicants and the Department of Immigration and Citizenship, decisions of particular interest are published on the Internet. These decisions provide guidance for applicants, representatives and decision makers.</p> <p>The Tribunals also publish a range of materials aimed at improving the quality and consistency of migration and refugee decision making. These include the Guide to Refugee Law, Guidance on the Assessment of Credibility, Guiding Principles for Quality Decision Making, the Interpreters' Handbook and Principal Member Directions on the conduct of reviews.</p>
Professional and effective working relationships with stakeholders.	<p>Regular community liaison meetings are held and the Tribunals consulted widely on the development of a number of key documents.</p> <p>Regular liaison meetings with the Department of Immigration and Citizenship are held to discuss operational issues, the impact of court decisions and trends and quality issues in decision making.</p>

Measure	Result
Quality of outputs	
Level of and outcomes of appeals against Tribunal decisions.	5% of MRT decisions and 45% of RRT decisions were appealed to the courts. In terms of outcomes, 37% of the MRT decisions appealed and 14% of the RRT decisions appealed were set aside by the courts.
Number of complaints received.	The Tribunals received 28 complaints, 19 in relation to the MRT, and 9 in relation to the RRT. This represents less than 5 complaints per 1,000 cases decided.
Extent to which time standards are met.	93% of bridging visa (detention cases) were decided within 7 working days; 70% of RRT cases were decided within 90 calendar days; 41% of general MRT cases were decided within 250 days; and 27% of MRT visa cancellations were decided within 90 calendar days.
Quantity of outputs	
8,100 MRT cases and 3,050 RRT cases.	The Tribunals decided 5,219 MRT cases and 2,318 RRT cases. The level of MRT and RRT lodgements, an increased complexity in decision making, and Members taking on new caseloads following cross-appointment, had an effect on the total number of cases decided.

Financial performance

The MRT and the RRT are prescribed as a single agency, the 'Migration Review Tribunal and Refugee Review Tribunal' (the MRT-RRT) for the purposes of the *Financial Management and Accountability Act 1997* (the FMA Act).

The Tribunals' funding is based on a funding agreement with the Department of Finance and Deregulation which takes into account the number of cases decided and an assessment of fixed and variable costs. The Tribunals were funded to decide 8,100 MRT cases and 3,050 RRT cases in 2007-08. The Tribunals decided 5,219 MRT cases and 2,318 RRT cases, and the Tribunals' revenue as set out below takes into account an adjustment to appropriation based on the number of cases decided.

The Tribunals' revenue from ordinary activities totalled \$37.9m and expenditure totalled \$40.4m, resulting in a net loss of \$2.5m.

Table 4.2 sets out the budgeted and actual costs to Government in 2007-08, and the budgeted costs for 2008-09.

Table 4.2 — Price of outputs

	Budget 2007-08 \$'000	Actual 2007-08 \$'000	Budget 2008-09 \$'000
Price of outputs			
Independent merits review			
Revenue from Government (appropriation)	40,139	37,815	39,791
Revenue from other sources	60	56	60
Total price of outputs	40,199	37,871	39,851
Average staffing levels*	340	312	333

* Actual as at 30 June, includes Members and staff.

The Tribunals administer application fees on behalf of Government. For the MRT, an application fee of \$1,400 is payable at lodgement for most applications for review. The fee is refunded if the MRT makes a decision favourable to the applicant. For the RRT, a post-decision fee of \$1,400 is payable if the Tribunal affirms the decision under review. Details of administered revenue are set out in the financial statements.

The financial statements for 2007-08, which are set out in Part 6, have been audited by the Australian National Audit Office and received an unqualified audit opinion.

Overview of caseload

The Tribunals received 8,609 cases during the year, and decided 7,537 cases.

The MRT received 6,325 cases, decided 5,219 cases and had 4,640 active cases at the end of the year.

The RRT received 2,284 cases, decided 2,318 cases and had 548 active cases at the end of the year.

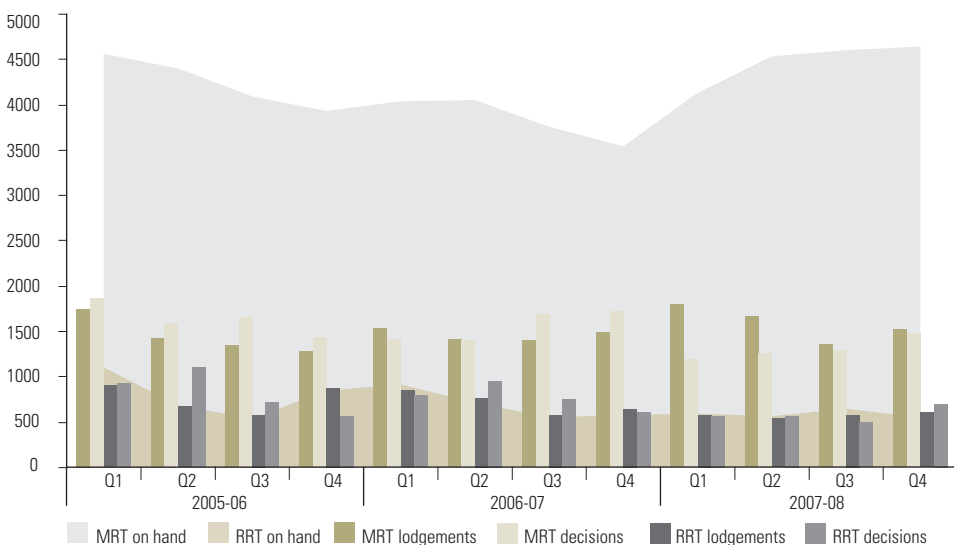
Table 4.3 sets out the number of cases lodged and decided over the last 3 years, and the number of cases on hand at the end of each year.

Table 4.3 — Overview of caseload

	2007-08	2006-07	2005-06
Migration Review Tribunal			
On hand at start of year	3,534	3,927	4,685
Lodged	6,325	5,810	5,774
Decided	5,219	6,203	6,532
On hand at end of year	4,640	3,534	3,927
Refugee Review Tribunal			
On hand at start of year	582	849	1,115
Lodged	2,284	2,835	3,021
Decided	2,318	3,102	3,287
On hand at end of year	548	582	849

The trends in lodgements, cases decided and cases on hand are shown by quarters in Figure 4.1.

Figure 4.1 — Lodgements, decisions and cases on hand



Lodgements

The MRT has jurisdiction to review a wide range of visa, sponsorship and other decisions relating to migration and temporary entry visas. The Department deals with very large numbers of migration and temporary entry visa applications (approximately 100,000 partner and family visa applications, 150,000 temporary residence visa applications, 300,000 student visa applications and 3 million visitor visa applications in a year). In the majority of cases, the visa applicant is granted a visa. For those cases where a visa is not granted, there is a right of review to the MRT if the visa applicant is within Australia, or if there is an Australian sponsor or nominator where the visa applicant is outside Australia.

The RRT has jurisdiction to review protection (refugee) visa decisions made within Australia. The Department deals with around 4,000 protection visa applications each year. All protection visa applicants have a right of review if a protection visa is not granted.

Lodgements of applications for review have fluctuated between years, affected by changes and trends in primary applications and in primary decision making, as well as changes to visa criteria and review rights. Table 4.4 sets out the number and types of cases lodged with each Tribunal, with MRT cases categorised by the type of decision under review, and RRT cases categorised by country of reference.

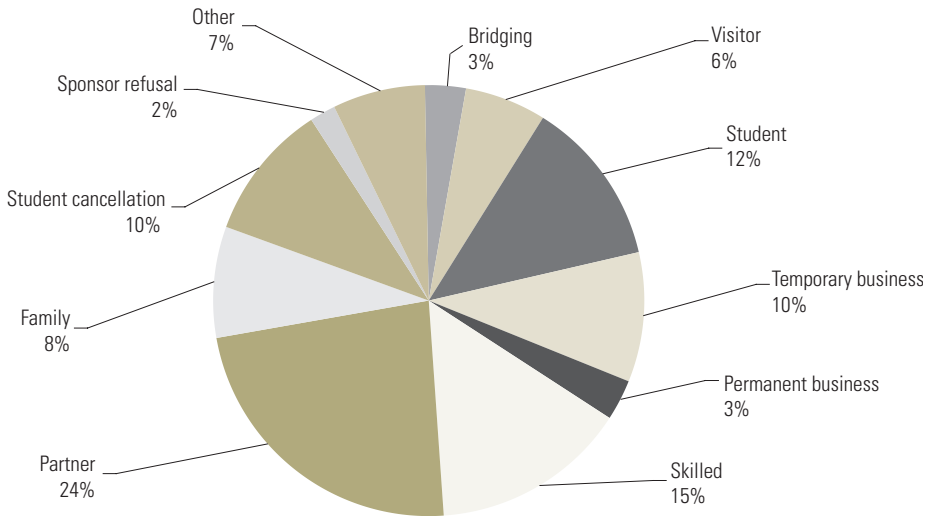
Table 4.4 — Lodgements

Migration Review Tribunal	2007-08	2006-07	2005-06
Visa refusal — Bridging	177	138	323
Visa refusal — Visitor	389	289	165
Visa refusal — Student	781	415	366
Visa refusal — Temporary business	626	243	246
Visa refusal — Permanent business	182	148	136
Visa refusal — Skilled	933	671	571
Visa refusal — Partner	1,474	1,927	1,948
Visa refusal — Family	537	559	554
Cancellation — Student	653	1,009	840
Sponsor approval refusal	113	52	87
Other	460	359	538
Total	6,325	5,810	5,774
Refugee Review Tribunal	2007-08	2006-07	2005-06
China (PRC)	890	1,081	1,035
India	215	364	305
Indonesia	164	171	153
Bangladesh	157	193	199
Malaysia	126	86	140
Pakistan	67	57	88
Lebanon	51	56	40
Nepal	48	58	70
Sri Lanka	47	102	152
Korea, Republic of	41	43	47
Other	478	624	792
Total	2,284	2,835	3,021

For the MRT, lodgements were 9% higher than the previous year. There were proportionally fewer partner, family and student cancellation lodgements, and an increased proportion of visitor, skilled, temporary business, permanent business and student refusal lodgements. Figure 4.2 shows the MRT lodgements

across case categories in 2008-09.

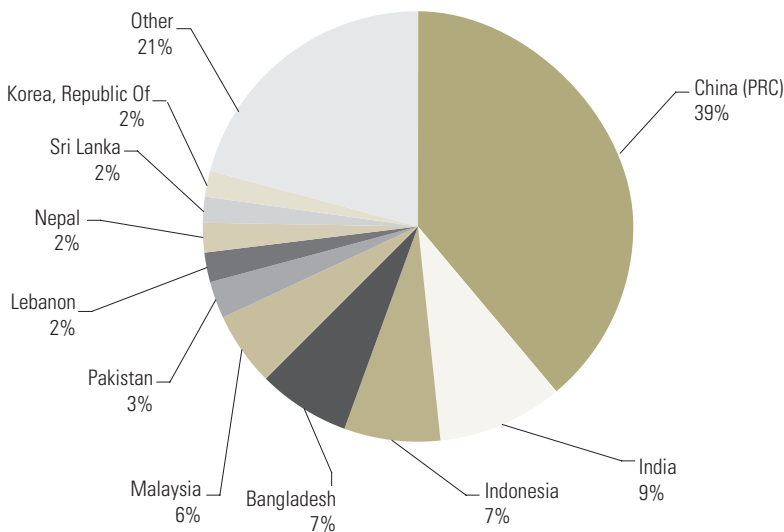
Figure 4.2 — MRT lodgements by case type



About 60% of MRT lodgements related to persons in Australia seeking a further visa or the review of a decision to cancel a visa. The MRT's jurisdiction in relation to visas applied for outside Australia depends on whether there is a requirement for an Australian sponsor or close relative, and these cases are mainly in the skilled, visitor, partner and family categories.

For the RRT, lodgements were 19% lower than the previous year. While over 55% of the RRT's lodgements involved cases from just 3 countries, the People's Republic of China, India and Indonesia, there were lodgements from 100 countries in total. Compared to lodgements in 2006-07, the Republic of Korea replaced the Philippines in the list of top ten countries. Figure 4.3 shows the RRT lodgements by country of reference (the country to which the applicant is seeking not to return).

Figure 4.3 — RRT lodgements by country of reference



Applicants to both Tribunals tend to be located in the larger metropolitan areas. 56% of all applicants resided in New South Wales, mostly in the Sydney region. Approximately 25% of applicants reside in Victoria, 7% in Queensland, 7% in Western Australia, 3% in South Australia, 1% in the Australian Capital Territory and Northern Territory and less than 1% in Tasmania.

Detention cases comprised less than 5% of the cases lodged with the Tribunals. Most of the non-citizens with whom the Tribunals deal hold a bridging visa or other visa during the course of the review.

Cases on hand

The number of MRT cases on hand increased over the year, while the number of RRT cases on hand fell to a record level. There was an increase in MRT lodgements which the Tribunals are seeking to address through the allocation of additional Member resources to the MRT caseload.

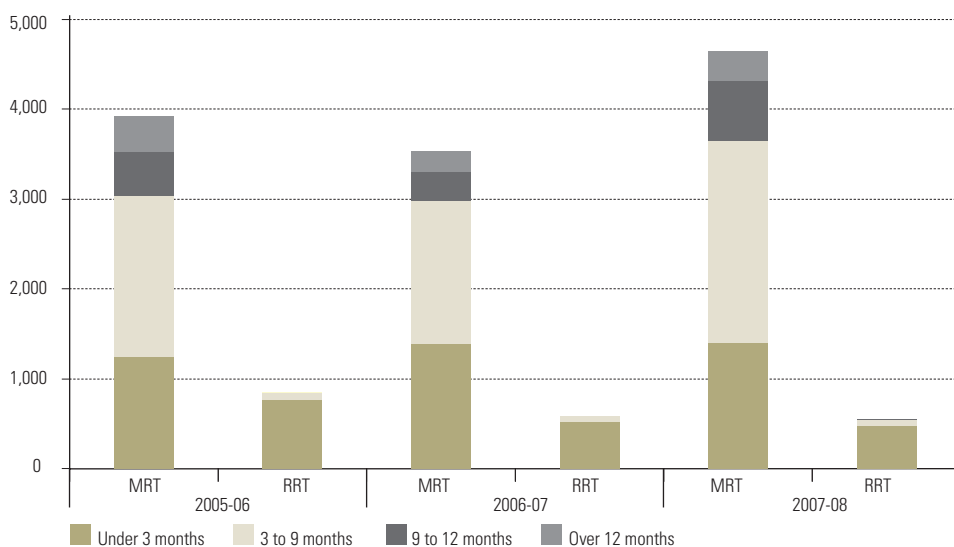
Table 4.5 sets out the number of cases on hand as at 30 June over the last 3 years.

Table 4.5 — Cases on hand

Migration Review Tribunal	2007-08	2006-07	2005-06
Visa refusal — Bridging	18	10	15
Visa refusal — Visitor	254	158	89
Visa refusal — Student	571	250	193
Visa refusal — Temporary business	525	196	187
Visa refusal — Permanent business	173	123	137
Visa refusal — Skilled	815	459	503
Visa refusal — Partner	1,279	1,273	1,608
Visa refusal — Family	460	437	495
Cancellation — Student	135	333	362
Sponsor approval refusal	100	40	69
Other	310	255	269
Total	4,640	3,534	3,927
Refugee Review Tribunal	2007-08	2006-07	2005-06
China (PRC)	215	191	299
India	48	133	129
Indonesia	31	21	43
Bangladesh	38	33	69
Malaysia	28	14	23
Pakistan	11	14	22
Lebanon	14	13	11
Nepal	14	9	21
Sri Lanka	13	20	34
Korea, Republic of	11	2	8
Other	125	132	190
Total	548	582	849

Figure 4.4 indicates the number and average age of cases at the end of each of the last 3 years.

Figure 4.4 — Number and age of cases on hand



Conduct of reviews

The Tribunals are usually constituted by a single Member. The Member usually has carriage of the case from the time the Member is allocated the case until a decision is made. The Member must ensure the review is fair and just, and that the applicant is given the opportunity to fully put his or her case, and to respond to any information which may lead to an adverse decision.

Unless a favourable decision can be made on the papers, an applicant must be invited to a hearing. The applicant may arrange for other persons to attend the hearing to give evidence and may be accompanied to the hearing by a representative or a support person.

Applicants appointed a representative to assist or represent them in 68% of MRT cases decided and in 45% of RRT cases decided. In more than 90% of cases, the representative was a registered migration agent. Those cases where a representative is appointed have higher set aside rates. For the MRT, the set aside rate in represented cases was 54%, compared to an average set aside of 50%. For the RRT, the set aside rate in represented cases was 31%, compared to an average set aside of 18%.

Hearings were arranged in 3,685 or in 71% of the 5,219 MRT cases decided, and were held in 3,176 of these cases. Hearings were arranged in 2,070 or in 89% of the 2,318 RRT cases decided, and were held in 1,627 of these cases. Hearings did not proceed where applicants declined or did not respond to the invitation to appear, in cases where the application was withdrawn prior to the hearing date, and in cases where a decision favourable to the applicant was made prior to the hearing date. Hearings were held using video facilities in 14% of hearings.

Interpreters were used in 68% of MRT hearings and 89% of RRT hearings, with more than 80 languages and dialects used.

Amendments to the Migration Act which applied to applications for review lodged on or after 29 June 2007 permitted Members to put adverse information orally to an applicant at a hearing without being required to also put that information in writing to the applicant after the hearing. The Migration Act requires that Members provide clear particulars of the information, and advise the applicant that he or she may request additional time to comment or respond. Requests for additional time were made in 19% of MRT hearings and in 24% of RRT hearings, with more than 90% of requests granted. Written requests for information or to comment or respond to information continued to be used - in 40% of MRT cases and in 26% of RRT cases.

Cases decided

The MRT decided 5,219 cases over the year, and the RRT decided 2,318 cases. Table 4.6 sets out the number of cases decided over the last 3 years, by case category for MRT cases, and by country for RRT cases.

Table 4.6 — Cases decided

Migration Review Tribunal	2007-08	2006-07	2005-06
Visa refusal — Bridging	169	142	338
Visa refusal — Visitor	294	232	214
Visa refusal — Student	459	361	461
Visa refusal — Temporary business	294	237	273
Visa refusal — Permanent business	131	172	233
Visa refusal — Skilled	577	728	405
Visa refusal — Partner	1,468	2,267	2,416
Visa refusal — Family	517	622	581
Cancellation — Student	853	1,041	808
Sponsor approval refusal	55	78	127
Other	402	323	676
Total	5,219	6,203	6,532

Refugee Review Tribunal	2007-08	2006-07	2005-06
China (PRC)	866	1,189	1,034
India	300	359	206
Indonesia	154	193	121
Bangladesh	152	230	165
Malaysia	112	95	134
Pakistan	70	65	81
Lebanon	50	54	49
Nepal	43	70	58
Sri Lanka	55	116	151
Korea, Republic of	32	49	52
Other	484	682	1236
Total	2,318	3,102	3,287

The Tribunals are required to provide a written statement of decision and reasons in each case. These statements give both the applicant and the Department a clear understanding of the basis of a decision.

Outcomes of review

The MRT set aside or remitted the primary decision in 50% of cases decided and affirmed the primary decision in 36% of cases decided. The remaining 14% of cases were either withdrawn by the applicant or were cases where the Tribunal decided it had no jurisdiction to conduct the review.

The RRT set aside or remitted the primary decision in 18% of cases decided and affirmed the primary decision in 72% of cases decided. The remaining 10% of cases were either withdrawn by the applicant or were cases where the Tribunal decided it had no jurisdiction to conduct the review.

Table 4.7 sets out the decisions made by the Tribunals over the last 3 years.

Table 4.7 — Outcomes of review

Migration Review Tribunal	2007-08	2006-07	2005-06
Primary decision set aside or remitted	2,611	3,290	3,366
Primary decision affirmed	1,875	2,138	2,321
Application withdrawn by applicant	369	386	481
No jurisdiction to review*	364	389	364
Total	5,219	6,203	6,532
Refugee Review Tribunal	2007-08	2006-07	2005-06
Primary decision set aside or remitted	422	649	982
Primary decision affirmed	1,661	2,202	2,069
Application withdrawn by applicant	33	52	70
No jurisdiction to review*	202	199	166
Total	2,318	3,102	3,287

* No jurisdiction decisions include applications not made within the prescribed time limit. The Tribunals' procedures provide for an applicant to be given an opportunity to comment on any jurisdiction issue before a decision is made. Some cases raise complex questions as to whether a matter is reviewable and whether a person has been properly notified of a decision and of review rights.

The primary migration caseload is characterised by very high volumes and high visa grant rates, with decisions made in a large number of locations in Australia and at overseas posts.

The fact that a decision is set aside by the MRT is not necessarily a reflection on the quality of the primary decision, which may have been a sound decision at the time of the decision. The Department deals with a very large volume of cases and most are decided favourably. Where an unfavourable decision is made, the applicant is provided with written reasons for the decision, and advised of appeal rights.

Applicants who apply to the MRT typically respond to the concerns of the primary decision maker by providing submissions and further evidence to the Tribunal. By the time of the Tribunal's decision, there is often considerable further information before the Tribunal. There may also have been court judgments or legislative changes which affect the outcome of the case.

The primary refugee caseload is characterised by relatively small volumes and a strong interest by visa applicants to pursue all avenues of appeal. Although the Department invests very significant resources into primary decision making in refugee cases, more than 90 percent of persons refused a protection visa apply to the RRT.

A RRT review typically involves a thorough reassessment of the applicant's claims and evidence, and of any developments in relation to country circumstances. Higher RRT set aside rates have usually reflected a change in country circumstances, as was the case in relation to Nepal during 2007-08, with the RRT setting aside 47% of the decisions reviewed.

Table 4.8 shows set aside rates across case categories and countries.

Table 4.8 — Set aside rates

Migration Review Tribunal	2007-08	2006-07	2005-06
Visa refusal — Bridging	25%	18%	22%
Visa refusal — Visitor	48%	44%	53%
Visa refusal — Student	49%	37%	44%
Visa refusal — Temporary business	37%	27%	34%
Visa refusal — Permanent business	47%	47%	42%
Visa refusal — Skilled	53%	62%	58%
Visa refusal — Partner	62%	69%	68%
Visa refusal — Family	43%	45%	45%
Cancellation — Student	51%	44%	41%
Sponsor approval refusal	36%	29%	33%
Other	32%	31%	40%
Average	50%	53%	51%

Refugee Review Tribunal	2007-08	2006-07	2005-06
China (PRC)	22%	22%	14%
India	5%	6%	3%
Indonesia	3%	7%	7%
Bangladesh	11%	11%	10%
Malaysia	1%	2%	2%
Pakistan	24%	20%	15%
Lebanon	24%	15%	31%
Nepal	47%	16%	31%
Sri Lanka	31%	49%	30%
Korea, Republic of	3%	4%	0%
Other	26%	35%	58%
Average	18%	21%	30%

Timeliness

The Tribunals aim for a speedy resolution of cases consistently with conducting a thorough review and making quality decisions. Members actively manage their caseloads from the time of allocation until decision. Members are expected to quickly identify the relevant issues in a review and the necessary courses of action to enable the review to be conducted as effectively and efficiently as possible.

The time it takes to decide a case has a considerable impact on the persons involved. Applicants may be in immigration detention or separated from their family or partner, and employers may not be able to fill positions or expand their business. In many cases, it is difficult for the persons involved to make any settled plans until their status is resolved.

On the other hand, some applicants seek to use the review process to prolong their stay in Australia. Both the MRT and the RRT deal with a proportion of cases where no claims are made or no action is taken to seek review of related decisions and where the applicant does not respond to letters or attend the hearing when scheduled. The Tribunals do not have power to dismiss such cases, and must make a decision on the merits of the case and provide a formal statement of decision and reasons.

The following time standards were applied by the Tribunals in 2007-08:

- Bridging visa (detention) cases - 7 working days from lodgement to decision.
- Protection visa cases - 90 calendar days from receipt of the Department's documents to decision.

- MRT visa cancellation cases - 90 calendar days from lodgement to decision.
- All other MRT cases – 250 calendar days from lodgement to decision.

Table 4.9 sets out the average time taken to decide cases, and performance against the above time standards. The number of days is taken from lodgement for MRT cases, and from receipt of the Department's documents for RRT cases, consistent with provisions of the Migration Act and Migration Regulations.

Table 4.9 — Timeliness of reviews

Average time taken in calendar days	2007-08	2006-07	2005-06
Bridging (detention) cases (MRT)	7	11	12
Visa cancellations (MRT)	136	146	158
All other MRT cases	284	288	310
Protection visa cases	86	80	97
Percentage decided within time standards*			
Bridging (detention) cases (MRT) — 7 working days	93%	82%	83%
Visa cancellations (MRT) - 90 calendar days	27%	26%	23%
All other MRT cases — 250 calendar days	41%	44%	-
Protection visa cases — 90 calendar days	70%	77%	58%

* Comparable figures provided for 2005-06, where applicable.

In some cases it is not possible to decide a case within the relevant time standard. These include cases where hearings need to be rescheduled because of illness or the unavailability of an interpreter, cases where the applicant requests further time to comment or respond to information, cases where new information becomes available, and cases where another body or agency is required to provide a report or an assessment.

There is still some way to go in improving MRT processing times. While the number of MRT cases on hand has been reduced from over 8,000 cases in 2002, there are still delays before cases can be allocated to a Member. During 2007-08, 57% of MRT visa cancellation cases were decided within 90 days of allocation to a Member, and 80% of all other MRT cases were decided within 200 days of allocation to a Member.

For the RRT, the Principal Member provides reports every 4 months to the Minister for Immigration and Citizenship for tabling in Parliament in relation to the operation of the 90 day period for RRT reviews. The reports set out the reasons cases have taken more than 90 days to decide. In many cases there are several reasons. The most significant reasons in 2007-08 were providing time for applicants to respond to adverse information (69% of cases), the need to consider additional information provided by applicants after cases had been heard (30% of cases), further investigations or reports (37% of cases), and rescheduled hearings (26% of cases).

A review cannot commence until the Department's documents are provided to the Tribunals. The average time to receive the Department's documents for MRT cases was 24 days in 2007-08. This includes cases where documents needed to be provided from overseas. The average time for RRT cases was 6 days.

At the end of a review, the Tribunals have been required in most cases to invite the applicant and the Department to the handing down of the decision. In 2007-08, this process meant that most decisions were not given or sent to the applicant or the Department until 2 weeks after the decision was made. Legislation recently passed by Parliament will remove this requirement, and enable the Tribunal to directly notify the applicant and the Department of decisions without any delay.

Judicial review

Both MRT and RRT decisions are subject to judicial review by the courts. There are two avenues of judicial review available. One is to the Federal Magistrates Court for review under section 476 of the Migration Act. The other is to the High Court pursuant to paragraph 75(v) of the Commonwealth Constitution.

New applications for judicial review decreased for the MRT and the RRT compared with last year. Judicial review applications in relation to RRT decisions continued at a much higher level than those in relation to MRT decisions. As at the end of August, applications for judicial review had been filed in respect of 239 MRT decisions and 1,044 RRT decisions made during 2007-08. This comprises 4.6% of the 5,219 MRT cases decided, and 45.3% of the 2,318 RRT cases decided.

Both the applicant and the Minister for Immigration and Citizenship may seek judicial review of a Tribunal decision. Most applications for judicial review are made by applicants.

The applicant and the Minister are generally the parties to a judicial review of a Tribunal decision. Although required to be joined as a party to proceedings, the Tribunals do not take an active role in litigation. As a matter of course, the Tribunals enter a submitting appearance, consistently with the principle that an administrative tribunal should generally not be an active party in judicial proceedings challenging its decisions.

52 MRT and 58 RRT decisions were set aside and remitted for reconsideration during the year (relating to decisions made during 2007-08). The majority of these were remitted by consent, that is, by order of the court following an agreement between the parties. Table 4.10 sets the out judicial review applications and outcomes in relation to the Tribunal decisions made over the last 3 years.

Table 4.10 — Judicial review applications and outcomes

	MRT			RRT		
	2007-08	2006-07	2005-06	2007-08	2006-07	2005-06
Tribunal decisions	5,219	6,203	6,532	2,318	3,102	3,287
Court applications	239	353	401	1,044	1,554	1,315
% of Tribunal decisions	5%	6%	6%	45%	50%	40%
Court outcomes:	141	328	450	424	1,386	1,304
Tribunal decision not set aside	89	218	293	366	1,171	941
Tribunal decision set aside	52	110	104	58	215	363
% of appealed Tribunal decisions unchanged	63%	66%	65%	86%	84%	72%
% of total Tribunal decisions unchanged	99%	98%	99%	98%	93%	89%
Unresolved court applications	98	25	4	620	168	11

* The outcome of judicial review applications is reported on completion of all court appeals against a Tribunal decision. Previous years' figures are affected if a further court appeal is made in relation to a case previously counted as completed.

In the majority of cases decided by the courts, the Tribunal decision was not set aside. In 86% of the judicial review applications resolved in relation to RRT decisions made in 2007-08, the Tribunal decision was not set aside. The proportion for MRT decisions, at 63%, was lower. A number of student visa cases were remitted by consent following the Full Federal Court's judgment in *Dai v MIAC*. This judgment effectively concluded that student visa condition 8202(3)(b) (relating to satisfactory academic performance) was not valid.

If a decision is remitted by a court, the matter is returned to the MRT or the RRT for reconsideration by the Tribunal (usually constituted by a different Member). The reconstituted Tribunal is not bound by the findings of the previously constituted Tribunal and makes a fresh decision. There may be further evidence or changed circumstances to consider. In about 30% of RRT cases and 50% of MRT cases, the reconstituted Tribunal remits the application for reconsideration by the Department.

Decision making under the Migration Act remains an area where the level of court scrutiny is very intense and where the same Tribunal decision or same legal point may be upheld or overturned at successive levels of appeal.

A summary of some of the most significant judicial decisions over the year is set out below. These decisions had an impact on the Tribunals' decision making or procedures, or on the operation of judicial review in relation to Tribunal decisions.

There are restrictions on identifying applicants for protection visas, and letter codes or reference numbers are used by the courts. The Minister for Immigration and Citizenship is formally a party in most cases, and 'MIAC', 'MIMA' or 'MIMIA' is used to identify the Minister in the abbreviated citations provided:

SZFDE v MIAC & Anor [2007] HCA 35 — The applicants, Lebanese nationals, applied for protection visas claiming to fear persecution by reason of one of the applicant's published views questioning the position of women in the Islamic tradition. The RRT affirmed a decision to refuse the applicants protection visas after the applicants declined to attend a hearing before the Tribunal. The applicants claimed that they had acted on the fraudulent advice of their migration agent. In a unanimous judgment, the High Court held that fraudulent conduct by a third party that precludes a Tribunal from exercising its imperative statutory functions will constitute a fraud perpetrated on the Tribunal as well as on the applicants. In this case, the advice given by a deregistered migration agent and solicitor to the visa applicants not to attend the Tribunal hearing constituted such fraud.

SZATV v MIAC [2007] HCA 40 and SZFDV v MIAC [2007] HCA 41 — The visa applicants were a journalist from the Ukraine and a trade unionist from India. The RRT had affirmed decisions to refuse the visa applicants protection visas, finding that harm they faced was localised in one area of their home country, and that it was reasonable for them to relocate to another part of the country. The High Court upheld the principle of relocation as an element of assessing well-founded fear, but indicated that because the Refugees Convention is concerned with 'persecution' and not, for example, living standards, in assessing the reasonableness of relocation, the RRT should focus on whether the conduct or attribute of the applicant which attracts the apprehended persecution would receive different treatment in another part of the country so as to remove the basis for a well-founded fear. Whether it is reasonable or practicable to relocate to another part of the country depends upon the particular circumstances and the impact upon the person of relocation.

MIAC v SZKKC [2007] FCAFC 105 — In July 1999, the RRT made a decision refusing the visa applicant a protection visa. A copy of that decision was sent to the visa applicant's migration agent who was authorised to act on her behalf. In 2007, the visa applicant applied for judicial review of the RRT's decision. She gave evidence to the Federal Magistrates Court that she was told of the decision but not physically given a copy of the written statement of reasons until March 2007. The Full Court of the Federal Court considered the requirements and time limits for applying for judicial review in the Federal Magistrates Court under section 477 of the Migration Act. Noting the provisions which otherwise provide for decisions to be conveyed by mail or through an authorised recipient, the Court held that the time limits for applying for judicial review contained in section 477 only apply where the written statement of the Tribunal's decision has been physically delivered to the applicant personally.

SZGSI v MIAC [2007] FCAFC 110 — The visa applicants were Chinese nationals who applied for protection visas claiming the primary visa applicant had a well founded fear of persecution in China for reasons of her Christian religion. In affirming the decision to refuse the primary visa applicant the visa, the Tribunal relied upon oral evidence given by her husband, in the applicant's presence. The Full Federal Court unanimously held that section 424A of the Migration Act applies to each applicant in a combined application for review. The Tribunal was

obliged under section 424A to provide particulars of the oral evidence that had been given in her presence, to the primary visa applicant, and to invite her to comment, in writing.

Dai v MIAC [2007] FCAFC 199 — The appellant was a student in hotel and tourism management. She failed to maintain a satisfactory academic performance as required by her visa conditions, and was placed on academic probation. Her education provider notified her that her enrolment had been cancelled as a result of unsatisfactory academic progress and advised the Department of Immigration and Citizenship, which cancelled her visa for breach of condition 8202. The Tribunal affirmed the decision to cancel the visa. The Full Federal Court set aside the Tribunal decision and held that condition 8202, relating to satisfactory academic performance as in force immediately prior to 1 July 2007, was not valid.

Sok v MIAC [2008] FCAFC 18 — The visa applicant applied for a partner visa on the basis of his marriage to an Australian citizen. His application for the visa was refused by a delegate of the Minister on the basis that the spousal relationship was not genuine and continuing. On review before the Tribunal, the visa applicant claimed for the first time that the relationship had broken down due to domestic violence committed against him. The Tribunal found that the relationship between the applicant and his wife had ceased and, relying on an independent expert opinion from a social worker, that the applicant had not suffered relevant domestic violence. The Full Court of the Federal Court held that a 'non-judicially determined' claim of domestic violence could only be made at the time the visa application was being considered by the Minister, and as such the legislative regime providing for the seeking of the opinion of an independent expert was not available to the Tribunal in conducting a review.

SZKTI v MIAC [2008] FCAFC 83 — The visa applicant applied for a protection visa on the basis that he feared persecution in China for reason of his religion. In support of his application, the visa applicant provided to the RRT a letter from two church elders attesting to his activities with the church in Australia. A telephone number for one of the church elders was provided, together with an invitation from the applicant to contact the elders if the RRT had any questions. A Tribunal officer telephoned the elder and questioned him about the visa applicant. The RRT then wrote to the visa applicant under section 424A of the Migration Act, seeking his comments on the additional information. The Tribunal affirmed the decision to refuse the visa. The Full Court of the Federal Court, in setting aside a judgment of the Federal Magistrates Court upholding the RRT's decision, held that if the Tribunal requires 'additional information' as distinct from 'information' to be provided by a person, it must do so under subsection 424(2), and issue a written invitation. The telephone call to the church elder meant that the RRT had made a jurisdictional error. This judgment was followed in *SZKCQ v MIAC [2008] FCAFC 119* and *SZLFX v MIAC [2008] FMCA 451*.

SZJGV v MIAC [2008] FCAFC 105 — The visa applicant applied for a protection visa claiming to have a well founded fear of persecution in China as a result of his practice of Falun Gong in China and later in Australia. The RRT affirmed the decision not to grant the visa. It found that under subsection 91R(3) of Migration Act, the visa applicant's Falun Gong related activities in Australia were to be disregarded as it had found that they were engaged in for the purpose of strengthening his claim to protection. The Tribunal relied in part upon this conclusion to also reject the visa applicant's claim to have been a Falun Gong adherent in China. Setting aside the RRT decision, the Full Court of the Federal Court held that once the Tribunal has found it is not satisfied that a visa applicant's conduct was undertaken for a purpose other than that of enhancing his or her claim to be a refugee, such conduct cannot lawfully be brought into account to assess the remainder of the claims. The Court also held that inaction can constitute conduct within the meaning of subsection 91R(3).

MIAC v SZKPO [2008] FCAFC 21 — The visa applicant applied for a protection visa in December 2003. A delegate of the Minister refused the application in March 2004, and the visa applicant was sent the decision on the same day. The accompanying letter sent under section 66 of the Migration Act was sent by post and the envelope addressed to his nominated “authorised recipient”. The address block on the letter, however, was that of the visa applicant. The visa applicant’s application for review was lodged some three years later, and the RRT concluded that the application was not filed within the statutory time periods and was thus not valid. Overturning a decision of the Federal Magistrates Court, the Full Court of the Federal Court held that there is no basis for importing a requirement that documents given for the purposes of section 66 of the Act must contain a particular address. So long as the document is posted to the authorised recipient at the authorised recipient’s address, the statutory notification requirement is met. It was irrelevant that an address other than the address of an applicant’s authorised recipient was included in notification documents.

SZHKA v MIAC [2008] FCAFC 138 — The visa applicant had unsuccessfully sought a protection visa on the basis of a fear of persecution in China arising from his practice of Falun Gong. The RRT conducted a hearing and affirmed the decision, but that decision was quashed by the Federal Magistrates Court, and the matter returned to the RRT for reconsideration. On reconsideration, a differently constituted Tribunal affirmed the decision to refuse the visa without inviting the visa applicant to a further hearing. A majority of the Full Court of the Federal Court held that on remittal from the Court, a reconstituted Tribunal must invite an applicant to a further hearing.

Applicant Y v MIAC [2008] FCA 367 — The visa applicant applied for a partner visa that was refused by a delegate of the Minister because she did not meet the health criteria in Item 4007 of Schedule 4 to the Migration Regulations. The delegate had refused the visa on the basis of an opinion of the Medical Officer of the Commonwealth (the MOC) of May 2003 which concluded that the appellant did not satisfy the requirements of Item 4007 as she had been diagnosed as HIV positive, was receiving therapy and the cost of her health care would be significant. On review, the visa applicant indicated to the Tribunal that she did not wish to obtain a new MOC assessment, but provided additional reports from her own doctors that her prognosis was generally very good. In April 2005 the Tribunal affirmed the decision under review. On appeal, the Federal Court held that whilst the Tribunal was required to take the opinion of the MOC to be correct such opinion should be current at the time of the Tribunal’s consideration. The Tribunal should take into account the amount of time that has elapsed since the MOC’s report, and any evidence of change in the applicant’s health, and if necessary, obtain a further MOC report.

Social justice and equity

The role of the Tribunals is to enable people affected by Government decisions to have access to a review process that is fair, just, economical, informal and quick. How strongly this is embedded in our culture is reflected in how we interact with our clients and stakeholders and in the outcomes of reviews.

The Tribunals’ Service Charter expresses our commitment to providing a professional and courteous service to review applicants and other persons with whom we deal. It sets out general standards for client service covering day to day contact with the Tribunals, responding to correspondence, arrangements for attending hearings, the use of interpreters and the use of clear language in decisions.

Table 4.11 sets out the Tribunals’ performance during the year against service standards contained in the Service Charter.

Table 4.11— Report against service standards

Service standard	Report against standard for 2007-08	Outcome
1. Be helpful, prompt and respectful when we deal with you	New Members and staff attend induction training emphasising the importance of providing quality service to clients. During the year, 34 staff attended Values and Code of Conduct training as part of their induction and 34 staff attended Cross Cultural Communication training.	Achieved
2. Use language that is clear and easily understood	Clear English is used in correspondence and forms. Staff use the Translating and Interpreting Service to communicate with clients from non-English speaking backgrounds. There is a language register listing staff available to speak to applicants in their language.	Achieved
3. Listen carefully to what you say to us	The Tribunals book interpreters for hearings whenever they are requested by applicants. Interpreters were booked for 79% of hearings (68% MRT and 89% RRT) in 2007-08. The Tribunals employ staff from diverse backgrounds who speak a total of 32 languages. Staff use the Translating and Interpreting Service to communicate with clients from non-English speaking backgrounds. Wherever possible, accredited interpreters are used in hearings. The Tribunals make audio recordings of all hearings.	Achieved
4. Acknowledge applications for review in writing within 2 working days	In 2007-08 97% of applications for review (96% MRT and 99% RRT) were acknowledged in writing within 2 working days.	Achieved
5. Include a contact name and telephone number on all our correspondence	Standard letters include a Tribunal contact name and telephone number.	Achieved
6. Help you to understand our procedures	The Tribunals provide applicants with information about the Tribunals' procedures at several stages during the review process. The Tribunals' website includes a significant amount of information, including forms and factsheets. Tribunal case officers are available in each Registry to explain procedures over the counter or the telephone. There is an email inquiries address where applicants can seek general information about procedures.	Achieved
7. Provide information about where you can get advice and assistance	The Tribunals' website, Service Charter and application forms provide information about where applicants can get advice and assistance. Factsheet MR2: Immigration Assistance notifies applicants of organisations and individuals who can provide them with immigration assistance. Factsheet MR4: Multilingual Advice explains in 34 community languages how applicants may contact the Translating and Interpreting Service.	Achieved
8. Engage interpreters for hearings, where required	The Tribunals book interpreters for hearings whenever they are requested by applicants. Interpreters were booked for 79% of hearings (68% MRT and 89% RRT) in 2007-08.	Achieved
9. Attempt to assist you if you have special needs	The Tribunals employ a range of strategies to assist applicants with special needs. Our offices are wheelchair accessible and hearing loops are available for use in hearing rooms. Wherever possible, requests for interpreters of a particular gender, dialect, ethnicity or religion are met. Hearings can be held by video. A national enquiry number is available from anywhere in Australia. A total of 629 applications to waive the MRT application fee were considered, and the \$1,400 application fee was waived in 354 cases.	Achieved
10. Provide written reasons when we make a decision	Copies of the written record of the Tribunal's decision and its reasons for the decision are provided to the review applicant and to the Department.	Achieved

Service standard	Report against standard for 2007-08	Outcome
11. Publish and adhere to guidelines relating to the priority to be given to particular cases	Guidelines relating to the priority to be given to particular cases are published in Principal Member Directions which are available on the Tribunals' website. The Tribunals' procedures require that the Principal Member be provided with a report each week on priority cases which have not been allocated to Members within specified timeframes.	Achieved
12. Publish the time standards within which we aim to complete reviews	Time standards are set out in Principal Member Direction 1/2008 and are published on the Tribunals' website.	Achieved
13. Abide by the Australian Public Service Values and Code of Conduct (staff)	New staff attend induction training, including in Values and the Code of Conduct. Ongoing staff complete refresher training at regular intervals. 34 staff attended Values and Code of Conduct training during the year. There was 1 investigation into a suspected breach of the Code of Conduct in 2007-08.	Achieved
14. Abide by the Member Code of Conduct (Members)	New Members attend induction training, including on the Code of Conduct. Members complete annual conflict of interest declaration forms and undergo performance appraisals by Senior Members.	Achieved

The Tribunals are particularly conscious that a high proportion of clients have a language other than English as their first language. Clear language in letters and forms and the availability of staff to assist applicants are important to ensuring that applicants understand their rights and our procedures and processes. Interpreters are used extensively, being present in more than 68% of MRT hearings and 89% of RRT hearings. The Tribunals' Interpreters Working Group reports to the Joint Management Board on the Tribunals' use of interpreters and training for Members and staff in the use of interpreters.

The Service Charter is available on the Tribunals' website, along with the Tribunals' Plan, the Member Code of Conduct, the Interpreters' Handbook and Principal Member Directions relating to the conduct of reviews.

The Tribunals' website is a significant information resource for applicants and others interested in the work of the Tribunals. The publications and forms available on the website are regularly reviewed to ensure that information and advice are up-to-date and readily understood by clients.

The Tribunals have offices in Sydney and Melbourne which are open between 9.00am and 4.30pm on working days. There is an arrangement with the Administrative Appeals Tribunal (the AAT) for documents to be lodged and for hearings to be held at AAT offices in Brisbane, Adelaide and Perth. Our offices are wheelchair accessible and hearing loops are available in hearing rooms. The Tribunals also have a national enquiry number - 1300 361 969 - available from anywhere in Australia (calls are charged at the cost of a local call - not available from mobile telephones). Persons who need the assistance of an interpreter can contact the Translating and Interpreting Service (TIS) on 131 450 for the cost of a local call.

The Tribunals have a Disability Action Plan and Workplace Diversity Program. Further information about these strategies and plans is in Part 5.

Complaints

As mentioned above, the Tribunals' Service Charter sets out the standards of service that clients can expect. It also sets out how clients can comment on or complain about the services provided by the Tribunals.

On 1 July 2008 the Tribunals issued more comprehensive guidance on complaints handling to Members and staff, thereby fulfilling a recommendation of the ANAO Audit Report No. 44 2006-07.

A person who is dissatisfied with how we have dealt with a matter or with the standard of service they have received, and who has not been able to resolve this by contacting the office or the officer dealing with their case, can forward a written complaint marked 'confidential' to the Complaints Officer. A complaints and compliments page is on the Tribunals' website.

The Tribunals will acknowledge receipt of a complaint within 5 working days. A Senior Member or officer will investigate the complaint and the Tribunals aim to provide a written response to the complaint within 20 working days of receipt of the complaint.

The Tribunals investigated and provided a written response to 28 complaints during the year, 19 in relation to MRT cases and 9 in relation to RRT cases. 100% of complaints were responded to within 20 working days. Table 4.12 sets out the number of complaints finalised over the last 3 years.

TABLE 4.12 — Complaints

Migration Review Tribunal	2007-08	2006-07	2005-06
Complaints resolved	19	20	17
Cases decided	5,219	6,203	6,532
Complaints per 1,000 cases	3.6	3.2	2.6
Refugee Review Tribunal			
Complaints resolved	9	9	8
Cases decided	2,318	3,102	3,287
Complaints per 1,000 cases	3.9	2.9	2.4

The majority of complaints related to the conduct of the review process, while smaller numbers were about the timeliness of the review, or the decisions made or requested the case be constituted to another Member. The Tribunals considered that 21% of the complaints made during the year related to matters that could have been handled more appropriately. The Tribunals have responded to specific issues through changes to procedures and through training and development activities. The Tribunals' complaints policy provides that management and Members will receive systematic feedback on complaints in order to further improve service to clients.

Set out below are examples of cases where complaints were upheld or where action was taken in response to complaints during the year.

Case 1 — The applicant felt the Member treated his representative and witness discourteously during a hearing and an apology was sought. The complaint was upheld and an apology was made.

Case 2 — The applicant was concerned about the delay in the conduct of his review. The case was given a higher priority and re-allocated to a Member who had the capacity to proceed more quickly.

Case 3 — The applicant asked the Tribunal to issue a corrigendum to correct an error in the decision record. A corrigendum was issued.

Case 4 — The applicant felt the Tribunal gave short notice of a hearing postponement and new hearing time. The case was re-allocated to another Member who could conduct the hearing at a more suitable time for the applicant.

Case 5 — During an adjournment of a hearing the audio recorder continued to run, and recorded a conversation between the applicant and his representative. An apology was made and procedures for adjournments were reinforced.

The Commonwealth Ombudsman resolved 28 complaints and made 2 findings of administrative deficiency against the Tribunals during 2007-08 (see Table 4.13).

TABLE 4.13 — Complaints to the Commonwealth Ombudsman

	2007-08	2006-07	2005-06
New complaints	31	30	30
Complaints resolved	28	30	32
Administrative deficiency found	2	0	2

Over 62% of applicants had a person acting as their representative during the review. With limited exceptions, a person acting as a representative is required to be a registered migration agent. Registered migration agents are covered by a Code of Conduct and are required to conduct themselves in accordance with the code. The Migration Agents Registration Authority (MARA) is responsible for the registration of migration agents, monitoring the conduct of registered migration agents, and investigating complaints about, and taking appropriate disciplinary action against registered migration agents who breach the Code of Conduct or otherwise behave in an unprofessional or unethical way. The Tribunals referred 4 matters to MARA during 2007-08 relating to the conduct of migration agents.

Community and interagency liaison

The Tribunals hold regular community liaison meetings to provide a forum for the Tribunals to meet, exchange information and consult with interested stakeholders. Representatives who attend the meetings are from migration and refugee advocacy groups, migration agents associations, human rights bodies and other government agencies.

The aim of the meetings is to facilitate the distribution and exchange of information in relation to the Tribunals' procedures and caseloads, to provide participants with updates on relevant developments and to consult with them regarding these matters.

The Tribunals place great importance on maintaining regular contact with key stakeholders in migration, refugee and advocate organisations. During the year the Tribunals met and consulted with senior representatives from a number of peak bodies, including the UNHCR Regional Office for Australia, New Zealand, Papua New Guinea and the South Pacific and Amnesty International Australia. The NSW District Registrar delivered presentations at continuing professional development seminars conducted by the Migration Institute of Australia (MIA) in Sydney, and the Principal Member presented a paper on effective advocacy at the MIA's Immigration Law Conference, and the Migration Law CPD Intensive sessions. A Member of the Tribunals delivered a lecture in the Migration and Refugee Law Unit for the LLB students at Deakin University on the topic of Convention Grounds and Persecution. Members also presented sessions at the University of NSW and Macquarie University.

The Tribunals also hold regular high level and local liaison meetings with DIAC to discuss policy, operational and general business issues. There is also ongoing operational contact between the agencies. A joint Memorandum of Understanding (MOU) with DIAC reflects the statutory and operational relationships between the agencies. The MOU, which is under review, is available on the Tribunals' website.

In May 2008, the Minister for Immigration and Citizenship, Senator Chris Evans, visited the Tribunals' Principal and NSW Registries and met with the senior leadership team of the Tribunals.

Reflecting the value the Tribunals place on networking with like organisations, Members and senior officers of the Tribunals continued an active participation in several bodies concerned with the operations of tribunals, including the national and state chapters of the Council of Australasian Tribunals, the Australasian Institute of Judicial Administration (AIJA), the Australian Institute of Administrative Law (AIAL) and the International Association of Refugee Law Judges (IARLJ).

Commensurate with the high regard in which the Tribunals are held there have been numerous requests for briefings by the Tribunals and information from the Tribunals over the last year. For example, in May 2008

the Tribunals hosted a visit by a Japanese judge from the Yokohama Court and a Japanese Professor from the Graduate School of Law, Kyoto University. In December 2007, the Tribunals briefed a visiting member of the Immigration Law Committee of the UK Law Society. The Assistant Secretary Onshore Protection Branch, DIAC and Assistant Secretary, Review Coordination Branch, DIAC spent several days observing the Tribunals' operations during January and March 2008.

The Tribunals value and benefit from interacting and exchanging information and ideas with colleagues, academics and researchers. Ten Members attended the International Conference on Best Practices for Refugee Status Determination: Principles and Standards for State Responsibility in Prato, Italy, during May 2008. Five Members including the Principal Member delivered papers at the Conference. The purpose of this conference was to bring together practitioners, academics, decision makers and policy makers from common law and civil law jurisdictions, to consider the question of 'best practices' for refugee status determination in the current global asylum context.

The Principal Member and a number of Members and staff attended the 11th Annual AIJA Tribunals Conference in June 2008 where the Principal Member delivered a paper on the subject of *Issues for Merits Review Tribunals: Perspectives from the MRT and the RRT*.

Kristen Walker, a barrister and former Associate Professor at the University of Melbourne and Jamie Gardiner, a Member of the Victorian Equal Opportunity and Human Rights Commission visited the Tribunals and conducted seminars with Members in Melbourne and Sydney on sexuality and refugee status. In February 2008, a Uyghur delegation, comprising a Nobel Peace Prize Nominee, Mrs Rebiya Kadeer of the World Uyghur Congress, Dolkun Isa (General Secretary), Alim Seytoff (Chairman), Omer Kanat from the World Uyghur Congress Association and Graham Thom, Amnesty International's Refugee Coordinator, provided a briefing to Sydney Members on human rights in Xinjiang Province in western China. During March 2008, Paul White, former RRT Member and Senior United Nations Protection Officer, visited the Tribunals and conducted seminars on Female Genital Mutilation/Cutting and Protection by Presence in Darfur. Dr Michelle Foster, Senior Lecturer and Director of the International Refugee Law research programme in the Institute for International Law and the Humanities of Melbourne University Law School, conducted a seminar on International Human Rights Law, the Refugee Convention and section 91R.

During the year the Tribunals discussed the Tribunals' operations and caseloads with senior Australian diplomats, including the Australian Ambassador Designate to Burma, the Australian Ambassador to Lebanon and the Australian Ambassador to Jordan.

Major reviews

There were no major reviews of the Tribunals during 2007-08.

Significant changes in the nature of functions or services

The *Migration Amendment (Review Provisions) Act 2007* made amendments to the Migration Act in relation to the provision of information to applicants during hearings. These amendments applied to all applications lodged with the Tribunals on or after 29 June 2007. Principal Member Direction 3/2007: *Conduct of hearings* was issued on 21 September 2007 to provide guidance to Members of the Tribunals about the provision of information to applicants during hearings of the Tribunals.

Developments since the end of the year

There were no significant developments since the end of the year.



Part 5
Management and Accountability

Part 5—Management and accountability

The Tribunals' policies, practices and structure have been designed with sound corporate governance principles in mind. This Part sets out what the Tribunals have done to ensure that appropriate management and planning processes are in place.

Senior management

Mr Denis O'Brien is the Principal Member of the Tribunals. He was appointed from 3 September 2007 for a term to 30 June 2012. Mrs Mary Urquhart is the Deputy Principal Member of the RRT and is also appointed as an acting Senior Member of the MRT.

Sections 397 and 460 of the *Migration Act 1958* provide that the Principal Member is 'the executive officer' of the Tribunals and is responsible for their overall operation and administration, including 'monitoring the operations' of the Tribunals 'to ensure that those operations are as fair, just, economical, informal and quick as practicable'. Sections 353A and 420A provide that the Principal Member may give written directions as to the operation of the Tribunals and the conduct of reviews by the Tribunals.

Senior Members of the Tribunals provide leadership and guidance to full-time and part-time Members. The Senior Members are Ms Rea Hearn Mackinnon (Vic), Mr Bruce MacCarthy (NSW), Dr Irene O'Connell (NSW) (Acting) and Mr Giles Short (NSW).

Sections 407 and 472 of the Act provide that the Registrar, the Deputy Registrar and other officers of the Tribunals have such duties, powers and functions as are provided by the legislation, and such other duties and functions as the Principal Member directs. Mr John Lynch is the Registrar and Mr Rhys Jones is the Deputy Registrar.

As at 30 June 2008, the administrative framework for the Tribunals was as follows:

- A Joint Management Board (JMB), consisting of the Principal Member, the Deputy Principal Member of the RRT, the Registrar and the Senior Members. The JMB meets monthly.
- A Senior Management Group (SMG), comprising the Registrar, the Deputy Registrar and the Executive Level 2 managers. The SMG meets monthly and deals with management and planning issues. It reports to the JMB and proposes matters for JMB decision.
- The Registrar is the general manager of the Tribunals' operations and also the chief financial officer. He is assisted by the Deputy Registrar.
- The District Registrars (NSW and Victoria) manage their respective registries and report to the Registrar.
- An Audit and Risk Management Committee, which normally meets every quarter, includes a representative of the Australian National Audit Office (ANAO), and oversees the engagement and work program of the Tribunals' internal auditors.
- A Joint Security Committee (JSC) responsible for reviewing security risk exposure and security risk management measures. The JSC meets every six months, or more frequently, if circumstances warrant it.
- A Joint Consultative Committee (JCC) established under the staff Certified Agreement provides a forum for consultation on matters including the Certified Agreement and HR policies. The JCC consists of management, staff and union representatives.
- A Member Professional Development Committee (MPDC), comprising the Principal Member, the Deputy Principal Member of the RRT, the Senior Members and two Member representatives. The MPDC is chaired by the Deputy Principal Member of the RRT and normally meets bimonthly.

- A Learning and Development Steering Committee (LDSC) comprising managers and staff and union representatives. The LDSC identifies learning and development priorities and activities for staff.
- A service delivery agreement with the Administrative Appeals Tribunal (the AAT) for the AAT to provide accommodation and support services to part-time Members who are based in Adelaide, Brisbane and Perth.



The Joint Management Board. From left to right, Giles Short, Senior Member; Rea Hearn Mackinnon, Senior Member; Denis O'Brien, Principal Member; Irene O'Connell, Senior Member; Mary Urquhart, Deputy Principal Member RRT and A/g Senior Member MRT; John Lynch, Registrar; Bruce MacCarthy, Senior Member.

Corporate and operational plans

The structure, jurisdiction and powers of the MRT and the RRT are set out in the *Migration Act 1958*.

The operations of the Tribunals are funded through annual appropriations made by the Australian Parliament. Agency Budget Statements are prepared bi-annually and set out the proposed appropriations to Government outcomes. The budget statements state that the MRT-RRT is expected to provide visa applicants and sponsors with fair, just, economical, informal and quick reviews of migration and refugee decisions. The budget statements include performance indicators, and a report against these is set out in Part 4 of this Report.

The Tribunals' Plan 2007-2010 states that we want to be known among other things for being highly competent Tribunals delivering fair, just and timely reviews, for our fairness and professionalism, for the quality, integrity and consistency of our decisions, and for being courteous and respectful. The Tribunals' Plan is at Appendix 1.

The Tribunals' caseload and constitution policy is reviewed annually and issued as a Principal Member Direction. The policy sets out operational strategies which take into account current and anticipated caseloads and the priorities to be given to cases. All Principal Member Directions are publicly available.

Ethical standards

Members are required to act in accordance with a Member Code of Conduct and staff are required to act in accordance with the Australian Public Service (APS) Values and APS Code of Conduct.

All Members of the Tribunals sign a performance agreement. The first part of the agreement requires that they will act in their role as a Member of the Tribunals in accordance with the principles set out in the Member Code of Conduct. The Code provides that Members should behave with integrity, propriety and discretion, and should treat applicants, representatives, interpreters, staff and other persons with respect, courtesy and dignity. The Member Code of Conduct is available on the Tribunals' website.

The Tribunals promote adherence to the respective codes of conduct and take appropriate action if a suspected breach of the code occurs. Induction and training programs provide information on the codes and values, while performance and recruitment guidelines and documents identify expectations in relation to values and conduct.

Risk management

The Tribunals have an Audit and Risk Management Committee (ARMC) which generally meets every quarter. All ARMC meetings are attended by senior Tribunal management, representatives from the Australian National Audit Office (ANAO), and from Deloitte Touche Tohmatsu, in their capacity as the provider of internal audit services to the Tribunals. The role of the ARMC is to consider matters that it deems appropriate and which relate to the financial affairs and risk management issues of the Tribunals and matters referred to it by the Joint Management Board.

The Tribunals have a Fraud Control Plan which details the Tribunals' strategic approach to fraud prevention, detection, investigation and prosecution in accordance with the Commonwealth Fraud Control Guidelines. Annual fraud data is collected and reported to the Attorney-General's Department. The following certification is provided:

I, Denis O'Brien, certify that I am satisfied that for the financial year 2007-08, the Migration Review Tribunal and Refugee Review Tribunal have had:

- appropriate fraud risk assessments and a fraud control plan prepared that comply with the Commonwealth Fraud Control Guidelines;
- appropriate fraud prevention, detection, investigation and reporting procedures and processes in place; and
- annual fraud data that has been collected and reported in compliance with the Commonwealth Fraud Control Guidelines.

Denis O'Brien
Principal Member
September 2008

A Business Risk Assessment Internal Audit Plan review was conducted in 2007 with the assistance of the internal auditors, Deloitte Touche Tohmatsu. The review involved managers identifying and reassessing key business risks and risk management processes. This was used as a basis to develop a new three year strategic internal audit plan. Reviews of the Tribunals' Fraud Control and Security plans are scheduled for 2008-09.

The Tribunals' business continuity plan is supported by memoranda of understanding with DIAC and with other federal merits review tribunals (the AAT, the SSAT and the VRB) to provide assistance to each other in the event of a disruption to services or facilities.

Implementation of Australian National Audit Office recommendations

Between 2005 and 2007, the Australian National Audit Office (the ANAO) conducted a detailed performance audit on the management of the Tribunals' operations. The report of the audit was tabled in Parliament on 14 June 2007 - Audit Report No.44 of 2006-07: Management of Tribunal Operations – Migration Review Tribunal and Refugee Review Tribunal. The report concluded that the Tribunals' operations were effectively managed, that the Tribunals had successfully implemented a series of proposals to achieve operational efficiencies, and that the Tribunals had established sound governance arrangements.

The ANAO made 5 recommendations related to strengthening planning, reporting and communication with applicants, representatives and stakeholders. The Tribunals agreed with all 5 recommendations. Table 5.1 sets out the progress made in relation to each recommendation.

Table 5.1 — Implementation of ANAO recommendations

Item	Recommendation	Progress
R1	<p>The ANAO recommends that, to enhance their planning and performance monitoring capability, the Tribunals:</p> <ul style="list-style-type: none"> develop an annual operational plan which identifies priorities for major business activities and initiatives, and allocates responsibilities and specifies timeframes for their implementation; and prepare an annual performance information framework which consolidates details of Tribunal performance information which is required to be collected and reported for accountability purposes. 	<p>The Tribunals' Plan 2007-2010 was issued on 30 July 2007. The Plan is set out in Appendix 1 to this Report. The Tribunals' caseload and constitution policy is reviewed annually and sets out operational strategies which take into account current and anticipated caseloads and the priorities to be given to cases.</p> <p>A Governance and Reporting Requirements Table has been developed and is maintained on the Tribunals' intranet.</p>
R2	<p>The ANAO recommends that the Tribunals strengthen their outcomes and outputs frameworks set out in their Portfolio Budget Statements (PBS), by:</p> <ul style="list-style-type: none"> articulating the basis on which the Tribunals assess their contribution to the quality and consistency of decision-making concerning migration and temporary entry visas and protection visas and their professional and effective working relationships with stakeholders; and specifying appropriate targets or other bases of comparison for quality indicators for measuring the efficiency of Tribunal outputs, in terms of case processing timeliness, complaints and appeals against decisions. 	<p>The outcomes and outputs information set out in the Portfolio Budget Statements has been strengthened.</p> <p>The 2008-09 PBS statements included specific information in relation to quality indicators and the Tribunals' outputs. There are specific measures for case processing timeliness, complaints and appeals against Tribunal decisions.</p>

Item	Recommendation	Progress
R3	<p>The ANAO recommends that the Tribunals strengthen external reporting through their Annual Reports by:</p> <ul style="list-style-type: none"> • addressing the impact of their outputs and their contribution to outcomes; and • including clear assessments of output performance, reporting performance results against PBS targets; and providing more comprehensive analysis of factors affecting performance. 	<p>The ANAO's recommendations were taken into account in the design of the 2006-07 Annual Report and of this Report.</p> <p>In Table 4.1 of this Report, there is an assessment of performance against the PBS targets.</p>
R4	<p>The ANAO recommends that the Tribunals enhance internal management reporting, by introducing:</p> <ul style="list-style-type: none"> • an overarching 'balanced scorecard' type management report which covers their full range of PBS performance indicators; and • common formats, across both Tribunals and both Registries, for management reports on particular areas of Tribunal performance. 	<p>The adoption of a 'balanced scorecard' is to be further considered in 2009.</p> <p>Common formats have been implemented for monthly management reports for the Senior Management Group and the Joint Management Board.</p>
R5	<p>The ANAO recommends that the Tribunals enhance the quality of services to applicants and their representatives, by:</p> <ul style="list-style-type: none"> • committing to regular review of the joint service charter, more widely promoting the charter, and making information about overall time targets for the completion of reviews more accessible to applicants; • reviewing application forms to improve the quality of guidance to applicants and the user friendliness of their structure and format; • issuing more comprehensive guidance on complaints handling and providing Members with more systematic complaints feedback; and • conducting regular surveys of the satisfaction of applicants and their representatives with Tribunal service performance. 	<p>A review of the Service Charter will be conducted in 2009. Time targets are set out in Principal Member Direction 1/2008 which is published on the Tribunals' website. The time targets are also set out on the Service Charter page.</p> <p>A consultant has been engaged to assist with a review of application forms. An application forms reference group, chaired by a Senior Member, has been established by the Joint Management Board.</p> <p>A comprehensive policy on complaints handling was issued by the Principal Member on 1 July 2008.</p> <p>A surveys reference group was established by the Joint Management Board in April 2008.</p>

External scrutiny

The Tribunals are subject to external scrutiny through the publication of decisions, appeals to the courts, Annual Reports to Parliament, appearances before Parliamentary Committees, complaints to and enquiries by the Commonwealth Ombudsman and reports and enquiries by the Australian National Audit Office (ANAO) and other bodies. The Tribunals interact with agencies like the ANAO on compliance issues, and closely monitor Parliamentary Committee reports and other reports across the public sector. Hearings of the MRT are generally open to the public.

Section 440A of the Migration Act requires the Principal Member to give the Minister for Immigration and Citizenship a report every 4 months on the conduct of RRT reviews not completed within 90 days and requires the Minister to table these reports in Parliament in a specified period. During the year reports were tabled in September (for March – June 2007), March (for July - October 2007) and May (for November 2007 - February 2008).

In August 2007 the Commonwealth Ombudsman published a report titled Lessons for public administration: Ombudsman investigation of referred immigration cases (Report No. 11, 2007). This report identified ten lessons that were relevant to all areas of government from the eight reports on referred immigration cases which were published by the Ombudsman in 2006 and 2007. It concluded that the administrative problems and errors it exposed were not unique to immigration administration but rather were a risk in all areas of

administration. Tribunal staff attended seminars in Sydney and Melbourne in early 2008 on the ten lessons which were conducted by the Senior Assistant Commonwealth Ombudsman.

The MRT and RRT were among 7 tribunals scrutinised by Commonwealth Ombudsman Report No. 12, 2007 (August 2007) *Commonwealth courts and tribunals: Complaint-handling processes and the Ombudsman's jurisdiction*. This report, which contains a summary of the Tribunals' complaint-handling processes and some comments on common themes, concluded the Ombudsman does have jurisdiction over the administrative actions of the MRT and RRT, but not over merits review decision making.

Commonwealth Ombudsman Report No. 06, 2008 (June 2008) *Timeliness of decision making under the Freedom of Information Act 1982* examined difficulties faced by DIAC in administering the FOI Act, the strategies it had developed to address these, areas for further reform, and issues of broader relevance to government. The report noted that DIAC and the Tribunals had been cooperating to improve document transfer processes, including the use of electronic documents, to speed up processing of FOI requests. The recommendations included a recommendation that DIAC and the Tribunals explore and implement strategies aimed at streamlining access to information for clients.

Human resources

The Tribunals comprise Members (appointed under the Migration Act) and staff (appointed under the Migration Act and employed under the *Public Service Act 1999*).

The Tribunals recognise that it is through our Members and staff that we achieve the Tribunals' objectives and the outcomes expected by Government. The Tribunals seek to create an environment where Members and staff are supported and encouraged to be professional and courteous, to deliver quality services, to uphold values and codes of conduct and to contribute to organisational improvements.

The Tribunals are committed to providing a workplace that:

- encourages good workplace behaviour;
- values diversity;
- identifies and addresses health and safety issues; and
- assists Members and staff to balance work, family, community and lifestyle choices.

The work of the Tribunals is recognised as important, challenging and stimulating. Remuneration and conditions are commensurate with responsibilities.

Members

Members are appointed by the Governor-General for fixed terms on a full-time or part-time basis.

The remuneration of Members is determined by the Remuneration Tribunal, and their terms and conditions of employment are determined by the Minister for Immigration and Citizenship. The Remuneration Tribunal's determinations are available on its website at www.remtribunal.gov.au.

As at 30 June 2008 the membership of the Tribunals comprised 92 Members. All Members are appointed to both Tribunals.

The membership as at 30 June 2008 is set out in Table 5.2, and a full list of Members and their appointment periods is available in Appendix 3 of this Report. Approximately 40% of Members are men, and 60% are women.

Table 5.2 — Membership as at 30 June 2008

	Women	Men	Total
Principal Member	–	1	1
Deputy Principal Member*	1	–	1
Senior Members	2	2	4
Full-time Members	4	3	7
Part-time Members	48	31	79
Total	55	37	92

* The Deputy Principal Member of the RRT is also appointed an acting Senior Member of the MRT.

Persons appointed as Members of the Tribunals have typically worked in a profession or have had extensive experience at senior levels in the private or public sectors. More than 86% of Members work on a part-time basis.

Member professional development and performance

The Tribunals have a highly competent and professional membership supported by continuing professional development and legal, research and administrative staff. All Members take part in the professional development program and have a performance agreement, with appraisals conducted by Senior Members. The quality of decisions, the timeliness of reviews, productivity expectations and participation in professional development and mentoring activities are all factors that are taken into account in performance appraisals.

Although experienced in other fields Members on appointment do not necessarily have detailed knowledge of migration and refugee law, or experience in the conduct of hearings or working with interpreters, or in the preparation of statements of decisions and reasons. For this reason, induction courses for new Members provide a thorough grounding, supported by a program of mentoring and further training over several months.

Even those Members who are proficient and experienced, need continuing education. Members are called upon to determine a wide range of different cases and issues, some of which may arise only occasionally. While there is an obligation upon each Member to be properly informed and prepared when dealing with a case, participation in continuing professional development supports the self-directed research and learning which is part of a Member's work. Most importantly professional development provides the opportunity for knowledge to be shared and built on with colleagues.

The scope of professional development covers legal knowledge and decision-making, but also includes dealing with applicants, representatives and interpreters; understanding gender and cultural differences; effective case management, and dealing with the stress and demands of conducting hearings and writing decisions. Participation in appropriate external conferences also forms part of the program. Members are expected to participate in professional development and training activities on a regular basis and to undertake any development and training requirements identified through the performance appraisal process.

A Member Professional Development Committee is chaired by the Deputy Principal Member of the RRT and comprises the Principal Member, all Senior Members and two other Members. The focus for the Committee over 2007-08 was on strengthening a culture of continuing professional development, and on ensuring that the professional development program met the needs of Members in a way which was consistent with the role and independence of Members. This is fundamental not only to the quality of reviews and consistency of decision making, but also to maintaining Member efficiency and morale and enhancing confidence among stakeholders in Tribunal decision making.

The Tribunals consider it important to include perspectives from inside and outside the Tribunals in relation to these topics. For this reason, external speakers including academics, lawyers and journalists regularly present in the professional development program.

Internal professional development sessions are held monthly. These sessions are coordinated by the Legal Services Section. Seminars, workshops and focus groups aimed at providing Members with an opportunity to address specific topics are scheduled on an ad hoc basis. Members are encouraged through their Senior Members to identify and attend courses, conferences or seminars of relevance to their individual development needs.

A national Members' Conference is held every 12 to 18 months which all Members attend. The conferences are usually held over two days, and typically comprise a mixture of plenary sessions with external and internal speakers, and a number of parallel working sessions. The conference held in Melbourne in February 2008 had a practical and client-focused program. There were sessions on assessing and evaluating mental health expert evidence, listening to the evidence given at hearing and understanding cultural diversity. A decision writing workshop conducted by the Principal Member at the conference resulted in the development and publication of a Guideline setting out guiding principles for quality decision-making which is now available on the Tribunals' website.

Members also attend external conferences, seminars and courses. Priority is given to opportunities which meet the ongoing development and training needs of Members and which are of direct benefit to the Tribunals.

Staff

An important role of staff is the provision of Member and client services. Professional staff support to Members is vital to the efficient and lawful conduct of reviews. Staff are the point of contact when applicants or their representatives lodge review applications or deal with the Tribunals on issues in relation to the progress of reviews. Efficient and effective dealings by staff with all stakeholders are essential for good Tribunal performance and are important to our professional reputation. Important values are understanding and responding to client needs and seeking to improve services for individuals, families, businesses and the community.

Staff are employed under the Public Service Act and are appointed as Tribunal officers under the Migration Act. As at 30 June 2008, the Tribunals employed 283 APS employees comprising:

- 237 ongoing full-time employees;
- 33 ongoing part-time employees;
- 12 non-ongoing full-time employees; and
- 1 casual employee.

Table 5.3 sets out the number of staff employed as at 30 June 2008. Approximately 37% of employees are men, and 63% are women. These proportions remain consistent for Executive Level 1 officers and above.

Table 5.3 — Staff as at 30 June 2008

APS Level	NSW		Victoria		Total
	Women	Men	Women	Men	
APS 1	0	0	0	0	0
APS 2	4	8	3	2	17
APS 3	24	10	9	5	48
APS 4	35	20	15	2	72
APS 5	22	11	12	6	51
APS 6	20	15	6	3	44
Legal Officer	6	2	5	3	16
Executive Level 1	9	4	1	2	16
Senior Legal Officer	5	1	1	3	10
Executive Level 2	2	4	1	0	7
Principal Legal Officer	1	0	0	0	1
SES B2	0	1	0	0	1
Total	128	76	53	26	283

Further staffing statistics are set out in Appendix 4.

Workforce planning

The Tribunals continue to review strategies to attract and retain quality staff. A wide range of skills and expertise is required, from general administrative staff, to lawyers, to accountants, to IT professionals. Staff are employed across 11 sections: the Executive Support Section, the Policy and Procedures Section, the Legal Services Section, the Research and Information Services Section, the Caseload Management Section, the NSW Registry, the Victorian Registry, the Human Resources Section, the Technology Services Section, the Finance Section and the Business Services Section.

The Tribunals participate and take a close interest in the annual State of the Service survey conducted on behalf of the Australian Public Service Commission. This survey across APS agencies and employees provides valuable information on employees' views on a range of issues including attraction and retention. The survey results are available on the APSC website and identify areas where APS agencies perform well and areas where there is a need for improvement or review.

With changes in the availability of skills, and changing expectations about the length of time a person may stay in one job, the Tribunals are conscious of the need to be flexible in our approach and expectations. The ways in which vacancies are advertised, the nature of the work, the workplace environment, training, personal development and advancement, and remuneration and flexibility of conditions are all factors which affect our capacity to attract and retain quality staff.

Training and development

A changing work practice environment requires us to do our core business well, to define roles, standards and expectations clearly and to identify good performance. A focus for training during this year was on expanding the knowledge of the Registry staff in relation to the legislative framework, jurisdiction issues, performance management, management and supervisory skills, cross cultural communication, fair decision making, security and time management.

Individual development and training needs are identified through a 'plan on a page' performance agreement system. The objectives of the performance agreement system are:

- providing a clear link between individual performance and organisational priorities and plans;
- improving communication between employees and supervisors;
- determining learning and development needs and appropriate activities, and
- defining supervisor and employee responsibilities and expectations.

The Tribunals have a studies assistance scheme. A total of 35 staff undertook approved courses of study, taking a total of 236 days study leave and being reimbursed \$75,639 in course fees.

Executive remuneration

The Tribunals have one Senior Executive Service (SES) officer. Remuneration and conditions were determined through an Australian Workplace Agreement (AWA), taking into account current APS remuneration levels and the market demand for the skills of the particular officer. The AWA made provision for performance pay at a level consistent with other similarly qualified officers in the APS.

Australian Workplace Agreements

Seven non-SES employees have AWAs. The terms and conditions of the AWAs were determined taking into account APS remuneration levels and the skills of the particular employees. Six AWAs provide a responsibility allowance and one provides for the use of an agency-leased car. One AWA provides a retention allowance. The AWAs are comprehensive agreements which provide a similar range of non-salary benefits to those that are set out below in relation to the Tribunals' Certified Agreement.

Seven agreements provide for performance-linked bonuses. These were in respect of one SES officer, one Principal Legal Officer and 5 Executive Level 2 officers. An aggregate amount of \$98,189 was paid in performance-linked bonuses during 2007-08 in respect of performance in calendar year 2007 (compared to an aggregate amount of \$64,103 in respect of performance in calendar year 2006).

Certified Agreement

The current Certified Agreement covers all other non-SES employees and was certified by the Australian Industrial Relations Commission on 29 November 2005 and the nominal expiry date is 29 November 2008. Negotiations are underway to vary and extend the current Certified Agreement for a period of up to 3 years.

The objectives set out in the Agreement are:

- to attract and retain quality people by having an affordable and attractive package of pay and conditions;
- to ensure our employment conditions continue to meet the needs of the Tribunals and our employees;
- to contribute to the achievement of, and be consistent with, the Tribunals' corporate objectives; and
- to improve productivity through greater efficiency and flexibility in the way that the Tribunals implement Government policy.

Table 5.4 sets out the salary range as at 30 June 2008. This reflects the last salary increase in the Certified Agreement, which was 4.3% from 1 September 2007.

Table 5.4 — Salary range pay points as at 30 June 2008

Level	Lowest	Highest
APS 1	\$21,296	\$39,198
APS 2	\$40,132	\$44,474
APS 3	\$45,672	\$49,271
APS 4	\$50,869	\$55,209
APS 5	\$56,707	\$60,114
APS 6	\$61,230	\$70,337
Legal Officer	\$50,869	\$70,337
EL 1	\$78,417	\$84,682
Senior Legal Officer	\$78,417	\$95,391
EL 2	\$90,416	\$102,523
Principal Legal Officer	\$105,953	\$108,663

The Certified Agreement does not provide for performance pay. Salary advancement through pay points at each classification level occurs where an employee is assessed as satisfactory under the performance management system.

The Certified Agreement provides for a range of non-salary benefits, including:

- access to an employee assistance programme;
- study assistance;
- a public transport loan scheme;
- influenza vaccination and eyesight testing;
- contributions towards promoting good health; and
- additional family care costs.

Occupational health and safety

The Occupational Health and Safety (OHS) policies for the Tribunals have been developed through consultation and agreement with Members and staff. The policies will continue to be applied until consultation on and development of Health and Safety Management Arrangements (HSMA) is completed in accordance with the *Occupational Health and Safety Act 1991* (the OHS Act).

The aims are to:

- provide and maintain a healthy and safe work environment;
- provide financial and other resources to ensure that necessary OHS programs and activities are established and maintained;
- provide a forum for consultation and co-operation on OHS matters;
- implement the requirements of the OHS legislation in all aspects of the Tribunals' business;
- make all levels of management within the Tribunals accountable for OHS; and
- ensure that all employees and Members are aware of their obligations and that they have the necessary skills to meet these obligations.

The Tribunals' Health and Safety Representatives are elected as required by the OHS Act. All Health and Safety Representatives attend a five day training course that covers their responsibilities under the OHS Act.

OHS Committees in Sydney and Melbourne meet quarterly. No investigations were conducted under the OHS Act, nor were any directions or notices given.

The Tribunals' focus is on reducing the social and financial cost of occupational injury and illness through timely intervention, promoting prevention activities and improving OHS capability. OHS and prevention activities undertaken in the Tribunals during 2007-08 included:

- providing office and workstation assessments by professional occupational therapists and physiotherapists;
- facilitating instruction and education by occupational therapists and physiotherapists of Members and staff in correct ergonomic practices and injury prevention;
- providing influenza vaccinations in the workplace; and
- improving awareness of health and safety issues for managers and staff through training.

Workplace diversity

The Tribunals value a workplace free from discrimination and harassment, and strive to ensure that employment decisions are based on merit. Through the Certified Agreement, the Tribunals emphasise flexibility and choice for employees to enable balance between work, family, community and lifestyle choices.

The Tribunals' Workplace Diversity Program was implemented in February 2006. The Program focuses on strategies to facilitate an understanding of workplace diversity (WD) principles and to ensure fairness and inclusiveness are applied in all business activities, and in human resource policies and practices.

The principles underlying the Program are:

- treating each other with respect and dignity;
- making judgments based on equity and merit;
- recognising people as individuals and valuing their diversity;
- using the contributions that people can make to the Tribunals;
- taking appropriate action to identify and deal with discrimination and harassment; and
- providing a safe, secure and healthy working environment.

The WD Steering Committee, comprising management and staff representatives, undertook an evaluation of the WD Program and surveyed all staff in June 2007 to determine how effectively the Tribunals are performing in providing a fair and inclusive workplace. Overall, the responses to the survey reflected that a strong majority of staff considered that the principles of fairness and equity are well applied in the Tribunals. The outcome of the evaluation resulted in enhancements to the Workplace Diversity Program and other Tribunal policies.

Disability strategy

The Tribunals' Disability Action Plan sets out how the MRT and the RRT comply with the *Disability Discrimination Act 1992* (the DD Act) and the Commonwealth Disability Strategy (CDS). The CDS provides a framework for identifying and developing strategies that will improve access to services and facilities.

The plan commits the Tribunals to ensuring that people with disabilities are not disadvantaged when accessing the services provided by the Tribunals. The plan encompasses the activities of the Tribunals as a service provider and purchaser. The plan is reviewed annually and is reinforced by other planning documents, including the Tribunals' Plan, the Service Charter and the Workplace Diversity Program.

In line with April 2008 advice from the Department of Families, Housing, Community Services and Indigenous Affairs, the Tribunals' activities as an employer are no longer reported in the plan. This data and performance information was included, as required, in the Tribunals' response to the Australian Public

Service Commission's State of the Service agency survey.

The Tribunals' Disability Action Plan is set out in Table 5.5.

Table 5.5 — Disability Action Plan

Service Provider role		
Performance indicator	Performance measure	Outcomes for 2007-08
1. A Service Charter which addresses accessibility of services for people with disabilities.	1. Service Charter addresses the needs of people with disabilities.	1. The Service Charter advises of facilities which are available for people with disabilities, including wheelchair accessibility of offices and hearing loops in hearing rooms. Hearings have been conducted outside the office for applicants with special needs. A face-to-face interpreter was provided by the Tribunals for a partially deaf applicant unable to use a telephone interpreter.
2. Premises and facilities are accessible and useable by people with a disability.	2. Degree to which premises and facilities are accessible and useable by people with a disability.	2. The Tribunals are located in buildings which provide level street access and are close to transport links. The general fit out and disabled facilities are consistent with relevant laws and building codes.
3. Complaints and grievance mechanisms.	3. Established complaints and grievance mechanisms, including access to external mechanisms, in operation.	3. No complaints about disability related issues were received.

Purchaser role		
Performance indicator	Performance measure	Outcomes for 2007-08
1. Purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the DD Act.	1. Percentage of tender specifications and contracts for goods and services that specify that tenderers must comply with the DD Act.	1. All requests for tender and draft contracts issued included a clause requiring compliance with the DD Act.
2. Tender specification and contract information for potential tenderers is available in accessible formats on request.	2. Percentage of tender specifications and contracts provided in electronic or other formats.	2. All requests for alternative formats were met.

Ecologically sustainable development and environmental performance

Section 3A of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) sets out the principles of ecologically sustainable development (ESD). The Tribunals review these principles in relation to Tribunal activities on an annual basis.

The Tribunals have office accommodation in Sydney and Melbourne. Although it is considered that the Tribunals' activities have a limited impact on the environment, Members and staff are encouraged to contribute to reducing this impact and this is reflected in a range of strategies including:

- establishment of a Green Committee;
- introduction of general waste recycling;
- recycling office waste paper;

- use of double-sided printing;
- promoting awareness about the use of electricity and water;
- use of energy compliant computer monitors;
- encouraging the use of E10 fuel in agency cars (11% of fuel purchased in 2007-08);
- participation in the 2008 Earth Hour initiative; and
- increasing the range of documents available electronically.

Purchasing

The Tribunals' purchasing arrangements with suppliers include contracts and purchase orders for the supply of consultancies, interpreting and translation services, communication services, rental of property and other goods and services. All purchases over \$10,000 are gazetted and the Tribunals also ensure compliance with the Senate Order on Departmental and Agency Contracts by maintaining on the Tribunals' website a list of contracts exceeding \$100,000 in value.

All purchasing is conducted in accordance with the Commonwealth Procurement Guidelines and Chief Executive Instructions. In line with these policies, the Tribunals conduct procurement with value for money as the core principle. This is achieved through:

- encouraging competition;
- the efficient, effective and ethical use of resources;
- accountability and transparency in decision making; and
- consideration of the Commonwealth coordinated procurement contract framework.

No contracts or offers were exempted from publication in AusTender on the basis that publication would disclose exempt matters under the *Freedom of Information Act 1982*. The Tribunals use a standard contract proforma with provisions providing for access by the Auditor-General.

The Tribunals have not let any contract during 2007-08 of \$100,000 or more (inclusive of GST) that does not provide for the Auditor-General to have access to the contractor's premises.

Assets management

The Tribunals manage over 900 assets with a combined value of \$6.1 million. The major asset categories include fit-out, office machines, furniture and fittings, IT equipment and intangible assets (software). Assets are depreciated at rates applicable for each asset class.

The Finance Section prepares accrual-based monthly reports on the progress of purchases against capital plans and depreciation against the budget in order to achieve effective asset management.

An annual stock-take is performed to update and verify the accuracy of asset records. In line with international accounting standards, an independent valuation of plant and equipment was conducted in June 2008.

Consultancy services

Many individuals, partnerships and corporations provide services to agencies. However, not all such contractors are consultants. Consultants are distinguished from other contractors by the nature of the work they perform. A consultant is an individual, a partnership or a corporation engaged to provide professional, independent and expert advice or services that will assist with agency decision-making. The Tribunals engage the services of consultants when:

- there is a need for specialist knowledge or skills;

- an independent assessment or opinion is desirable;
- the proposed consultancy meets corporate objectives or will bring about productivity savings; and
- alternatives to the use of a consultant have been fully considered.

In determining whether contracts are for consultancy or non-consultancy services, the Tribunals have regard to guidelines published by the Department of Finance and Deregulation.

During 2007-08, 9 new consultancy contracts were entered into involving total actual expenditure of \$35,045. In addition, 1 ongoing consultancy contract was active during the 2007-08 year, involving total actual expenditure of \$65,513.

Table 5.6 sets out the 1 new consultancy that the Tribunals entered into in 2007-08, where the contract price exceeded \$10,000.

Table 5.6 — Consultancy services let during 2007-08 (of \$10,000 or more)

Consultant Name	Description	Contract Price	Selection Process ¹	Justification ²
Perform Information Solutions	Redesign of Tribunal forms	\$10,309	Direct sourcing	A
Total		\$10,309		

1 Explanation of selection process terms: Open Tender: A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are sought from the marketplace using national and major metropolitan newspaper advertising and the Australian Government AusTender internet site. Select Tender: A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders. Tenders are invited from a short list of competent suppliers. Direct Sourcing: A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought. Panel: An arrangement under which a number of suppliers, usually selected through a single procurement process, may each supply property or services to an agency as specified in the panel arrangements. Tenders are sought from suppliers that have pre-qualified on the agency panels to supply to the government. This category includes standing offers and supplier panels where the consultant offers to supply goods and services for a pre-determined length of time, usually at a pre-arranged price.

2 Justification for decision to use consultancy:
 A — skills currently unavailable within agency.
 B — need for specialised or professional skills.
 C — need for independent research or assessment.

The total annual expenditure on consultancy contracts over the last 3 years is set out in Table 5.7.

Table 5.7 — Annual expenditure on consultancy contracts

	2007-08	2006-07	2005-06
Expenditure	\$100,558	\$82,302	\$30,872

Information on expenditure on contracts and consultancies is also available on the AusTender website www.tenders.gov.au.

Purchaser/provider arrangements

All agencies are required to report on purchaser/provider arrangements. Purchaser/provider arrangements relate to arrangements where the outputs of one agency are purchased by another agency to contribute to outcomes. Purchaser/provider arrangements can occur between Commonwealth agencies or between Commonwealth agencies and State/Territory government or private sector bodies. The Tribunals have no purchaser/provider arrangements.

The MRT and RRT have a service delivery agreement with the Administrative Appeals Tribunal (the AAT) for the AAT to provide accommodation, registry and support services in Brisbane, Adelaide and Perth. The Tribunals have part-time Members based in each of those locations.

Discretionary grants

All agencies are required to report on discretionary grants. Discretionary grants are payments where discretion is used to determine whether or not a particular body receives a grant. The Tribunals did not provide or receive any discretionary grants during 2007-08.

Advertising and market research

All agencies are required to report on advertising and market research. During 2007-08, the Tribunals spent \$61,832 (inclusive of GST) on advertising services. The Tribunals did not engage any market research services.

Table 5.8 — Advertising services

Vendor	Amount	Description
HMA Blaze Pty Ltd	\$61,832	Employment advertising
Total	\$61,832	

Correction of material errors in previous Annual Reports

No material errors have been identified in last year's Annual Report.



Part 6
Financial Statements



INDEPENDENT AUDITOR'S REPORT

To the Minister for Immigration and Citizenship

Scope

We have audited the accompanying financial statements of the Migration Review Tribunal and Refugee Review Tribunal for the year ended 30 June 2008, which comprise: a Statement by the Principal Member and Chief Financial Officer; Income Statement; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Administered Items, and Notes to the Financial Statements.

The Responsibility of the Principal Member for the Financial Statements

The Tribunal's Principal Member is responsible for the preparation and fair presentation of the financial statements in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, and Australian Accounting Standards including Australian Accounting Interpretations. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on our audit. Our audit has been conducted in accordance with Australian National Audit Office Auditing Standards, which incorporate Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Migration Review Tribunal and Refugee Review Tribunal's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Migration Review Tribunal and Refugee Review Tribunal's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Tribunal's Principal Member, as well as evaluating the overall presentation of the financial statements.

PO Box A456 Sydney South NSW 1235
130 Elizabeth Street
SYDNEY NSW
Phone (02) 9367 7100 Fax (02) 9367 7102

I believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting the audit, we have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion, the financial statements of the Migration Review Tribunal and Refugee Review Tribunal;

- (a) have been prepared in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, and Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Migration Review Tribunal and Refugee Review Tribunal's financial position as at 30 June 2008 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



P Hinchey
Senior Director
Delegate of the Auditor-General

Sydney
30 September 2008

Statement by the Principal Member and the Chief Financial Officer

In our opinion, the attached financial statements for the year ended 30 June 2008 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.

Signed 

Denis O'Brien
Principal Member

30 September 2008

Signed 

John Lynch
Chief Financial Officer

30 September 2008

Financial statements—Table of contents

	Page
Income statement	70
Balance sheet	71
Statement of changes in equity	72
Cash flow statement.....	73
Schedule of commitments	74
Schedule of contingencies.....	75
Schedule of administered items.....	76
Note 1: Summary of significant accounting policies	78
Note 2: Events after the balance sheet date	87
Note 3: Income.....	87
Note 4: Expenses	88
Note 5: Financial assets	89
Note 6: Non-financial assets.....	90
Note 7: Payables.....	93
Note 8: Interest bearing liabilities	93
Note 9: Provisions.....	94
Note 10: Restructuring.....	94
Note 11: Cash flow reconciliation.....	95
Note 12: Contingent liabilities and assets.....	95
Note 13: Senior executive remuneration	95
Note 14: Remuneration of auditors.....	96
Note 15: Financial Instruments	96
Note 16: Income administered on behalf of Government.....	98
Note 17: Expenses administered on behalf of Government	98
Note 18: Assets administered on behalf of Government	99
Note 19: Liabilities administered on behalf of Government.....	100
Note 20: Administered reconciliation table	100
Note 21: Administered contingent assets and liabilities	100
Note 22: Administered financial instruments	101
Note 23: Appropriations	102
Note 24: Compensation and debt relief	102
Note 25: Reporting of outcomes	103

Income Statement

for the period ended 30 June 2008

	Notes	2008 \$'000	2007 \$'000
INCOME			
Revenue			
Revenue from Government	3A	37,815	38,686
Total revenue		<u>37,815</u>	<u>38,686</u>
Gains			
Other gains	3B	56	66
Total gains		<u>56</u>	<u>66</u>
Total income		<u>37,871</u>	<u>38,752</u>
EXPENSES			
Employee benefits	4A	29,823	27,858
Suppliers	4B	8,473	8,902
Depreciation and amortisation	4C	1,687	1,545
Finance costs	4D	167	191
Write-down and impairment of assets	4E	235	0
Losses from asset sales	4F	0	15
Total expenses		<u>40,385</u>	<u>38,511</u>
Surplus (Deficit) attributable to the Australian Government		<u>(2,514)</u>	<u>241</u>

The above statement should be read in conjunction with the accompanying notes.

Balance Sheet

as at 30 June 2008

	Notes	2008 \$'000	2007 \$'000
ASSETS			
Financial assets			
Cash and cash equivalents	5A	188	191
Trade and other receivables	5B	13,588	17,412
Total financial assets		13,776	17,603
Non-financial assets			
Land and buildings	6A,E	2,396	2,409
Infrastructure, plant and equipment	6B,E	757	1,035
Intangibles	6C,F	2,977	2,919
Other non-financial assets	6D	238	88
Total non-financial assets		6,368	6,451
Total assets		20,144	24,054
LIABILITIES			
Payables			
Suppliers	7A	673	2,048
Other payables	7B	2,324	2,500
Total payables		2,997	4,548
Interest bearing liabilities			
Leases	8A	2,830	3,251
Total interest bearing liabilities		2,830	3,251
Provisions			
Employee provisions	9A	5,330	4,754
Total provisions		5,330	4,754
Total liabilities		11,157	12,553
Net assets		8,987	11,501
EQUITY			
Contributed equity		10,876	10,876
Reserves		384	384
Retained surplus (accumulated deficit)		(2,273)	241
Total Equity		8,987	11,501
Current assets		14,014	17,691
Non-current assets		6,130	6,363
Current liabilities		7,365	8,525
Non-current liabilities		3,792	4,028

The above statement should be read in conjunction with the accompanying notes.

Statement of changes in equity

for the period ended 30 June 2008

	Retained surplus		Asset revaluation reserves		Contributed equity/capital		Total equity	
	2008	2007	2008	2007	2008	2007	2008	2007
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Opening balance	241	-	384	-	10,876	-	11,501	0
Balance carried forward from previous period								
Income and expenses	-	-	-	384	-	-	0	384
Income and expenses recognised directly in equity								
Sub-total income and expenses recognised directly in equity	-	-	-	384	-	0	-	384
Surplus (Deficit) for the period	(2,514)	241	-	-	-	-	(2,514)	241
Total income and expenses	(2,514)	241	0	384	0	0	(2,514)	625
Contributions by owners								
Restructuring	-	-	-	-	-	10,876	-	10,876
Sub-total transactions with owners	0	0	0	0	0	10,876	0	10,876
Closing balance at 30 June	(2,273)	241	384	384	10,876	10,876	8,987	11,501

The above statement should be read in conjunction with the accompanying notes.

Cash Flow Statement

for the period ended 30 June 2008

	Notes	2008 \$'000	2007 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		37,639	39,659
Net GST received		–	51
Other cash received		1	–
Total cash received		37,640	39,710
Cash used			
Employees		29,247	27,931
Suppliers		9,958	8,237
Net GST paid		22	–
Cash transferred to OPA		(3,861)	2,136
Total cash used		35,366	38,304
Net cash flows from or (used by) operating activities	11	2,274	1,406
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		–	4
Other cash received		–	1
Total cash received		0	5
Cash used			
Purchase of property, plant and equipment		1,689	1,504
Total cash used		1,689	1,504
Net cash flows from or (used by) investing activities		(1,689)	(1,499)
FINANCING ACTIVITIES			
Cash received			
Contributed equity - restructuring		–	872
Total cash received		0	872
Cash used			
Repayment of lease incentive		588	588
Total cash used		588	588
Net cash flows from or (used by) financing activities		(588)	284
Net increase or (decrease) in cash held		(3)	191
Cash and cash equivalents at the beginning of the reporting period		191	–
Cash and cash equivalents at the end of the reporting period	5A	188	191

The above statement should be read in conjunction with the accompanying notes.

Schedule of Commitments

as at 30 June 2008

	2008	2007
	\$'000	\$'000
BY TYPE		
Commitments receivable		
GST recoverable on commitments	(2,683)	(3,078)
Total Commitments Receivable	(2,683)	(3,078)
Other commitments		
Operating leases	29,515	33,863
Total other commitments	29,515	33,863
Net commitments by type	26,832	30,785
BY MATURITY		
Other commitments receivable		
One year or less	(412)	(402)
From one to five years	(2,037)	(2,146)
Over five years	(234)	(530)
Total other commitments receivable	(2,683)	(3,078)
Commitments payable		
Operating lease commitments		
One year or less	4,531	4,417
From one to five years	22,402	23,612
Over five years	2,582	5,834
Total operating lease commitments	29,515	33,863
Net commitments by maturity	26,832	30,785

NB: Commitments are GST inclusive where relevant.

On 1 September 2003, the two tribunals re-located in new premises in Melbourne with a lease for a period of 10 years.

The commitment at 30 June 2008 is \$9.5m.

On 1 May 2005, the two tribunals re-located in new premises in Sydney with a lease for a period of 10 years. The commitment at 30 June 2008 is \$20.0m.

Operating leases included are effectively non-cancellable and comprise:

Nature of lease	General description of leasing arrangement
Leases for office accommodation	Lease payments are subject to annual increase in accordance with the terms of the lease agreements.
Agreements for the provision of motor vehicles to senior executive officers	No contingent rentals exist. There are no renewal or purchase options available to the Tribunal.

Schedule of Contingencies

as at 30 June 2008

	TOTAL	
	2008	2007
	\$'000	\$'000
Contingent assets		
Balance from previous period	–	–
New	–	–
Total contingent assets	0	0

	TOTAL	
	2008	2007
	\$'000	\$'000
Contingent liabilities		
Balance from previous period	–	–
New	–	–
Total contingent liabilities	0	0
Net contingent assets (liabilities)	–	–

The above schedule should be read in conjunction with the accompanying notes.

Schedule of Administered Items

as at 30 June 2008

	Notes	2008 \$'000	2007 \$'000
Income administered on behalf of Government for the period ended 30 June 2008			
Revenue			
Other revenue	16A	10,244	9,727
Total non-taxation revenue		10,244	9,727
Total revenues administered on behalf of Government		10,244	9,727
Expenses administered on behalf of Government for the period ended 30 June 2008			
Write-down and impairment of assets	17A	1,970	2,137
Other expenses	17B	3,756	4,800
Total expenses administered on behalf of Government		5,726	6,937

This schedule should be read in conjunction with the accompanying notes.

	Notes	2008 \$'000	2007 \$'000
Assets administered on behalf of Government as at 30 June 2008			
Financial assets			
Cash and cash equivalents	18A	26	16
Receivables	18B	236	212
Total financial assets		262	228
Total assets administered on behalf of Government		262	228
Liabilities administered on behalf of Government as at 30 June 2008			
Payables			
Other payables	19A	-	-
Total payables		-	-
Total liabilities administered on behalf of Government		-	-

This schedule should be read in conjunction with the accompanying notes.

Schedule of Administered Items

as at 30 June 2008 (continued)

	Notes	2008 \$'000	2007 \$'000
Administered Cash Flows for the period ended 30 June 2008			
OPERATING ACTIVITIES			
Cash received			
Fees		8,249	7,865
Total cash received		8,249	7,865
Cash used			
Other		3,756	4,916
Total cash used		3,756	4,916
Net cash flows from or (used by) operating activities		4,493	2,949
Net Increase (Decrease) in Cash Held		4,493	2,949
Cash and cash equivalents at the beginning of the reporting period		16	–
Cash from Official Public Account for:			
Appropriations		3,756	4,916
		3,772	4,916
Cash to Official Public Account for:			
Appropriations		8,239	7,849
		8,239	7,849
Cash and cash equivalents at the end of the reporting period	18A	26	16
This schedule should be read in conjunction with the accompanying notes.			

	Notes	2008 \$'000	2007 \$'000
Administered Commitments as at 30 June 2008			
There are no administered commitments at 30 June 2008			

	Notes	2008 \$'000	2007 \$'000
Administered Contingencies as at 30 June 2008			
There are no administered commitments at 30 June 2008			

Notes to and forming part of the financial statements

Note 1: Summary of significant accounting policies

1.1 Objectives of the MRT-RRT

The Migration Review Tribunal (the MRT) and the Refugee Review Tribunal (the RRT) are statutory bodies established under the Migration Act 1958.

The Financial Management and Accountability Regulations were amended with effect from 1 July 2006 to establish a single prescribed agency, the 'Migration Review Tribunal and Refugee Review Tribunal' (MRT-RRT) for the purposes of the Financial Management and Accountability Act 1997 (the FMA Act).

The MRT-RRT has one outcome:

Outcome 1: To provide visa applicants and sponsors with fair, just, economical, informal and quick reviews of migration and refugee decisions.

The MRT-RRT activities contributing toward these outcomes are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, revenues and expenses controlled or incurred by the MRT-RRT in its own right. Administered activities involve the management or oversight by the MRT-RRT, on behalf of the Government, of items controlled or incurred by the Government.

Departmental activities are identified under Output 1.

The continued existence of the MRT-RRT in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the MRT-RRT's administration and programs.

1.2 Basis of preparation of the financial report

The Financial Statements and notes are required by section 49 of the Financial Management and Accountability Act 1997 and are a General Purpose Financial Report.

The Financial Statements and notes have been prepared in accordance with:

- Finance Minister's Orders (or FMOs) for reporting periods ending on or after 1 July 2007; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial report has been prepared on an accrual basis and is in accordance with the historical cost convention, except for certain assets at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial report is presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an Accounting Standard or the FMOs, assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow to the MRT-RRT or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an Accounting Standard. Liabilities and assets that are unrealised are reported in the Schedule of Commitments and the Schedule of Contingencies.

Unless alternative treatment is specifically required by an accounting standard, revenues and expenses are recognised in the Income Statement when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for departmental items, except where otherwise stated at Note 1.19.

Notes to and forming part of the financial statements

1.3 Significant accounting judgements and estimates

In the process of applying the accounting policies listed in this note, the MRT-RRT has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of buildings and plant and equipment has been taken to be the market value as determined by an independent valuer.

1.4 Statement of compliance

Australian Accounting Standards require a statement of compliance with International Financial Reporting Standards (IFRSs) to be made where the financial report complies with these standards. Some Australian equivalents to IFRSs and other Australian Accounting Standards contain requirements specific to not-for-profit entities that are inconsistent with IFRS requirements. The MRT-RRT is a not-for-profit entity and has applied these requirements, so while this financial report complies with Australian Accounting Standards including Australian Equivalents to International Financial Reporting Standards (AEIFRSs) it cannot make this statement.

Adoption of new Australian Accounting Standard requirements

No accounting standard has been adopted earlier than the application date as stated in the standard. The following new standard is applicable to the current reporting period:

Financial instrument disclosure

AASB 7 Financial Instruments: Disclosures is effective for reporting periods beginning on or after 1 January 2007 (the 2007-08 financial year) and amends the disclosure requirements for financial instruments. In general AASB 7 requires greater disclosure than that previously required. Associated with the introduction of AASB 7 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]. These changes have no financial impact but will affect the disclosure presented in future financial reports.

The following new accounting standards (including reissued standards/erratum/interpretations) are applicable to the 2007-08 financial year and have no material impact on the MRT-RRT:

AASB 101	Presentation of Financial Statements (issued October 2006)
AASB 1048	Interpretation and Application of Standards (reissued September 2007)
AASB 2007-1	Amendments to Australian Accounting Standards arising from AASB interpretation 11
AASB 2007-4	Amendments to Australian Accounting Standards arising from ED 151 and other amendments
AASB 2007-5	Amendments to Australian Accounting Standards—Inventories Held for Distribution by Not-for-Profit Entities [AASB 102]
AASB 2007-7	Amendments to Australian Accounting Standards [AASB 1, 2, 3, 5, 107, 128]
AASB 2008-4	Amendments to Australian Accounting Standards—Key Management Personnel Disclosures by Disclosing Entities [AASB 124]
ERR Erratum	Proportionate Consolidation [AASB 102, AASB 107, AASB 121, AASB 127, Interpretation 113]
Interp 10	Interim Financial Reporting and Impairment
Interp 11	AASB 2 Group and Treasury Share Transactions
Interp 1003	Australian Petroleum Resource Rent Tax

Notes to and forming part of the financial statements

Future Australian Accounting Standard requirements

The following new standards, amendments to standards or interpretations have been issued by the Australian Accounting Standards Board but are effective for future reporting periods. It is estimated that the impact of adopting these pronouncements when effective will have no material financial impact on future reporting periods.

AASB 3	Business Combinations
AASB 8	Operating Segments
AASB 101	Presentation of Financial Statements (issued September 2007)
AASB 123	Borrowing Costs
AASB 127	Consolidated and Separate Financial Statements
AASB 1004	Contributions
AASB 1049	Whole of Government and General Government Sector Financial Reporting
AASB 1050	Administered Items
AASB 1051	Land Under Roads
AASB 1052	Disaggregated Disclosures
AASB 2007–2	Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127 AASB 131 & AASB 139]
AASB 2007–3	Amendments to Australian Accounting Standards arising from AASB 8
AASB 2007–6	Amendments to Australian Accounting Standards arising from AASB 123
AASB 2007–8	Amendments to Australian Accounting Standards arising from AASB 101
AASB 2007–9	Amendments to Australian Accounting Standards arising from the Review of AASs 27, 29 and 31 [AASB 3, AASB 5, AASB 8, AASB 101, ASB 114, AASB 116, AASB 127 & AASB 137]
AASB 2008–1	Amendments to Australian Accounting Standard— Share based Payments: Vesting Conditions and Cancellations [AASB 2]
AASB 2008–2	Amendments to Australian Accounting Standards— Puttable Financial Instruments and Obligations arising on Liquidation [AASB 7, AASB 101, AASB 132, AASB 139 & Interpretation 2]
AASB 2008–3	Amendments to Australian Accounting Standards arising from AASB 3 and AASB 127 [AASBs 1, 2, 4, 5, 7, 101, 107, 112, 114, 116, 121, 128, 131, 132, 133, 134, 136, 137, 138 & 139 and Interpretations 9 & 107]
Interp 1	Changes in Existing Decommissioning, Restoration and Similar Liabilities
Interp 4	Determining Whether an Arrangement Contains a Lease
Interp 12	Service Concession Arrangements
Interp 13	Customer Loyalty Programmes
Interp 14	AASB 119— The Limit on a Defined Benefit Asset, Minimum Funding Requirements and their Interaction
Interp 129	Service Concession Arrangements Disclosures
Interp 1038	Contributions by Owners Made to Wholly-owned Public Sector Entities

Notes to and forming part of the financial statements

1.5 Revenue

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue when the MRT-RRT gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government Agency or Authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- The risks and rewards of ownership have been transferred to the buyer;
- The seller retains no managerial involvement nor effective control over the goods;
- The revenue and transaction costs incurred can be reliably measured; and
- It is probable that the economic benefits associated with the transaction will flow to the MRT-RRT.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- The amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- The probable economic benefits with the transaction will flow to the MRT-RRT.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement.

1.6 Gains

Other Resources Received Free of Charge

Resources received free of charge are recognised as gains when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government Agency or Authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Notes to and forming part of the financial statements

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Sale of Assets

Gains from disposal of non-current assets are recognised when control of the asset has passed to the buyer.

1.7 Transactions with the Government as owner

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) are recognised directly in Contributed Equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Australian Government Agency or Authority under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

1.8 Employee benefits

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for 'short-term employee benefits' (as defined in AASB 119) and termination benefits due within twelve months of balance date are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities are measured at the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the MRT-RRT is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration, including the MRT-RRT's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2008. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Superannuation

Most staff and members of the MRT-RRT are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), Australian Government Employees Superannuation Trust (AGEST) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes. The PSSap is a defined contribution scheme. AGEST is an industry super fund.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

Notes to and forming part of the financial statements

The MRT-RRT makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the MRT-RRT's employees. The MRT-RRT accounts for the contributions as if they were contributions to defined contribution plans.

From 1 July 2005, new employees are eligible to join the PSSap scheme.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased non-current assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where a non-current asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets.

1.10 Borrowing costs

All borrowing costs are expensed as incurred.

1.11 Cash

Cash and cash equivalents includes notes and coins held and any deposits in bank accounts. Cash is recognised at its nominal amount.

1.12 Financial assets

The MRT-RRT classifies its financial assets in the following category:

- 'Loans and Receivables'.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Loans and receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. They are included in current assets, except for maturities greater than 12 months after the balance sheet date. These are classified as non-current assets. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Notes to and forming part of the financial statements

Impairment of financial assets

Financial assets are assessed for impairment at each balance date.

- Financial assets held at amortised cost - If there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the Income Statement.

1.13 Financial liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities.

Financial liabilities are recognised and derecognised upon 'trade date'.

Financial liabilities at fair value through profit or loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

Other financial liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.14 Contingent liabilities and contingent assets

Contingent Liabilities and Contingent Assets are not recognised in the Balance Sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.15 Acquisition of assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

Notes to and forming part of the financial statements

1.16 Property, plant and equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the Balance Sheet, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

Revaluations

Fair values for each class of asset are determined as shown below:

Asset Class	Fair Value Measured at:
Leasehold Improvements	Depreciated replacement cost
Plant and Equipment	Market selling price

Following initial recognition at cost, property, plant and equipment are carried at fair value less accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised through operating result. Revaluation decrements for a class of assets are recognised directly through operating result except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the MRT-RRT using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

	2008	2007
Leasehold improvements	Lease term	Lease term
Plant and Equipment	3 to 10 years	3 to 5 years

Impairment

All assets were assessed for impairment at 30 June 2008. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

Notes to and forming part of the financial statements

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the MRT-RRT were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

1.17 Intangibles

The MRT-RRT's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the MRT-RRT's software are 3 to 5 years (2006-07: 3 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2008.

1.18 Taxation

The MRT-RRT is exempt from all forms of taxation except fringe benefits tax (FBT) and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST:

- except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- except for receivables and payables.

1.19 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the Schedule of Administered Items and related Notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for Departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the MRT-RRT for use by the Government rather than the MRT-RRT is Administered Revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the MRT-RRT on behalf of the Government and reported as such in the Administered Cash Flows in the Schedule of Administered Items and in the Administered Reconciliation Table in Note 20. The Schedule of Administered Items largely reflects the Government's transactions, through the MRT-RRT, with parties outside the Government.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the MRT-RRT on behalf of the Australian Government.

Revenue is generated from fees charged for MRT applications when lodged and RRT applications once the decision has been made (post-decision fee). Administered fee revenue is recognised when invoiced (RRT fees) or received (MRT fees).

Loans and Receivables

Where loans and receivables are not subject to concessional treatment, they are carried at amortised cost using the effective interest method. Gains and losses due to impairment, derecognition and amortisation are recognised through surplus and deficit.

Notes to and forming part of the financial statements

Note 2: Events after the balance sheet date

There has not been any event occurring after balance date that has not been brought to account in the 2008 Financial Report.

Note 3: Income

	2008	2007
	\$'000	\$'000
Revenue		
Note 3A: Revenue from Government		
Appropriations:		
Departmental outputs	<u>37,815</u>	38,686
Total revenue from Government	<u>37,815</u>	<u>38,686</u>
Note 3B: Other gains		
Resources received free of charge	55	65
Other	<u>1</u>	<u>1</u>
Total other gains	<u>56</u>	<u>66</u>

Notes to and forming part of the financial statements

	2008	2007
	\$'000	\$'000
Note 4A: Employee benefits		
Wages and salaries	22,133	21,372
Superannuation:		
Defined benefit plans	3,129	2,850
Defined contribution plans	550	501
Leave and other entitlements	3,993	3,135
Separation and redundancies	18	–
Total employee benefits	29,823	27,858
Note 4B: Suppliers		
Provision of goods – external parties	574	518
Rendering of services – related entities	1,080	1,926
Rendering of services – external parties	3,686	3,451
Operating lease rentals:		
Minimum lease payments	2,535	2,437
Workers compensation premiums	598	570
Total supplier expenses	8,473	8,902
Note 4C: Depreciation and amortisation		
Depreciation:		
Infrastructure, plant and equipment	283	546
Buildings	397	328
Total depreciation	680	874
Intangibles:		
Computer Software	1,007	671
Total amortisation	1,007	671
Total depreciation and amortisation	1,687	1,545
Note 4D: Finance costs		
Finance leases	167	191
Total finance costs	167	191
Note 4E: Write-down and impairment of assets		
Asset Write-Downs from		
Revaluation of plant and equipment	235	–
Total write-down and impairment of assets	235	0
Note 4F: Losses from assets sales		
Infrastructure, plant and equipment		
Proceeds from sale	–	(4)
Carrying value of assets sold	–	19
Total losses from assets sales	0	15

Notes to and forming part of the financial statements

Note 5: Financial assets

	2008	2007
	\$'000	\$'000
Note 5A: Cash and cash equivalents		
Cash on hand or on deposit	188	191
Total cash and cash equivalents	<u>188</u>	<u>191</u>
Note 5B: Trade and other receivables		
Appropriations receivable:		
for existing outputs	13,301	17,162
Total appropriations receivable	<u>13,301</u>	<u>17,162</u>
GST receivable from the Australian Taxation Office	204	226
Other:		
Other receivables	83	24
Total other receivables	<u>287</u>	<u>250</u>
Total trade and other receivables (gross)	<u>13,588</u>	<u>17,412</u>
Less Allowance for doubtful debts:		
Other	-	-
Total trade and other receivables (net)	<u>13,588</u>	<u>17,412</u>
Receivables are represented by:		
Current	13,588	17,412
Total trade and other receivables (net)	<u>13,588</u>	<u>17,412</u>
Receivables are aged as follows:		
Not overdue	13,588	17,412
Total receivables (gross)	<u>13,588</u>	<u>17,412</u>

Notes to and forming part of the financial statements

Note 6: Non-Financial assets

	2008	2007
	\$'000	\$'000
Note 6A: Land and buildings		
Leasehold improvements		
– fair value	3,976	3,592
– accumulated depreciation	(1,580)	(1,183)
Total leasehold improvements	<u>2,396</u>	<u>2,409</u>
Total land and buildings (non-current)	<u>2,396</u>	<u>2,409</u>

\$2,396K (2007: \$2,409K) of total leasehold improvements refers to fitout, which may not be disposed of without prior ministerial approval.

No indicators of impairment were found for land and buildings.

Note 6B: Infrastructure, plant and equipment

Infrastructure, plant and equipment:		
- gross carrying value (at fair value)	757	3,457
- accumulated depreciation	–	(2,422)
Total infrastructure, plant and equipment (non-current)	<u>757</u>	<u>1,035</u>

All revaluations are conducted in accordance with the revaluation policy stated at Note 1. In 2007-08, an independent valuer, Australian Valuation Office, conducted the revaluation of plant and equipment. The revaluation of plant and equipment, resulting in a decrement of \$235K, was expensed (2007: \$Nil).

Revaluation for leasehold improvements were conducted in 2007, and \$384K was credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet.

No indicators of impairment were found for infrastructure, plant and equipment.

Note 6C: Intangibles

Computer software at cost:		
Externally developed	592	592
Internally developed – in use	4,238	3,173
Total Computer Software	<u>4,830</u>	<u>3,765</u>
Accumulated amortisation	(1,853)	(846)
Total intangibles (non-current)	<u>2,977</u>	<u>2,919</u>

No indicators of impairment were found for intangible assets.

Note 6D: Other non-financial assets

Prepayments	238	88
Total other non-financial assets	<u>238</u>	<u>88</u>

All other non-financial assets are current assets.

No indicators of impairment were found for other non-financial assets.

Notes to and forming part of the financial statements

Note 6: Non-Financial assets(continues)

Note 6E: Analysis of property, plant and equipment

TABLE A – Reconciliation of the opening and closing balances of property, plant and equipment (2007-08)

	Buildings \$'000	Other IP & E \$'000	Total \$'000
As at 1 July 2007			
Gross book value	3,592	3,457	7,049
Accumulated depreciation/amortisation and impairment	(1,183)	(2,422)	(3,605)
Net book value 1 July 2007	2,409	1,035	3,444
Additions:			
by purchase	384	240	624
Depreciation/amortisation expense	(397)	(283)	(680)
Impairments recognised in the operating result	–	(235)	(235)
Disposals:			
Other disposals	–	–	–
Net book value 30 June 2008	2,396	757	3,153
Net book value as of 30 June 2008 represented by:			
Gross book value	3,976	757	4,733
Accumulated depreciation/amortisation and impairment	(1,580)	–	(1,580)
	<u>2,396</u>	<u>757</u>	<u>3,153</u>

TABLE B – Reconciliation of the opening and closing balances of property, plant and equipment (2006-07)

	Buildings \$'000	Other IP & E \$'000	Total \$'000
As at 1 July 2006			
Gross book value	–	–	–
Accumulated depreciation/amortisation and impairment	–	–	–
Net book value 1 July 2006	–	–	–
Additions:			
result of restructuring	2,228	1,354	3,582
by purchase	125	246	371
Depreciation/amortisation expense	(328)	(546)	(874)
Revaluations	384	–	384
Disposals:			
Other disposals	–	(19)	(19)
Net book value 30 June 2007	2,409	1,035	3,444
Net book value as of 30 June 2007 represented by:			
Gross book value	3,592	3,457	7,049
Accumulated depreciation/amortisation and impairment	(1,183)	(2,422)	(3,605)
	<u>2,409</u>	<u>1,035</u>	<u>3,444</u>

Notes to and forming part of the financial statements

Note 6: Non-Financial assets(continues)

Note 6F: Intangibles

Table C: Reconciliation of the opening and closing balances of intangibles (2007-08).

Item	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2007			
Gross book value	3,173	592	3,765
Accumulated depreciation/amortisation and impairment	(558)	(288)	(846)
Net book value 1 July 2007	2,615	304	2,919
Additions:			
by purchase or internally developed	1,065	–	1,065
Amortisation	(850)	(157)	(1,007)
Disposals:			
Other disposals	–	–	–
Net book value 30 June 2008	2,830	147	2,977
Net book value as of 30 June 2008 represented by:			
Gross book value	4,238	592	4,830
Accumulated depreciation/amortisation and impairment	(1,408)	(445)	(1,853)
	<u>2,830</u>	<u>147</u>	<u>2,977</u>

Table D: Reconciliation of the opening and closing balances of intangibles (2006-07).

Item	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2006			
Gross book value	–	–	–
Accumulated depreciation/amortisation and impairment	–	–	–
Net book value 1 July 2006	–	–	–
Additions:			
result of restructuring	2,015	442	2,457
by purchase or internally developed	1,114	19	1,133
Amortisation	(514)	(157)	(671)
Disposals:			
Other disposals	–	–	–
Net book value 30 June 2007	2,615	304	2,919
Net book value as of 30 June 2007 represented by:			
Gross book value	3,173	592	3,765
Accumulated depreciation/amortisation and impairment	(558)	(288)	(846)
	<u>2,615</u>	<u>304</u>	<u>2,919</u>

Notes to and forming part of the financial statements

Note 7: Payables

	2008 \$'000	2007 \$'000
Note 7A: Suppliers		
Trade creditors	673	2,048
Operating lease rentals	-	-
Total supplier payables	673	2,048
Supplier payables are represented by:		
Current	673	2,048
Non-current	-	-
Total supplier payables	673	2,048
Settlement is usually made net 30 days.		
Note 7B: Other payables		
Other - Owning to Government	2,324	2,500
Total Other Payables	2,324	2,500

Note 8: Interest bearing liabilities

	2008 \$'000	2007 \$'000
Note 8A: Leases		
Finance leases	2,830	3,251
Total finance leases	2,830	3,251
Payable:		
Within one year		
Minimum lease payments	610	612
Deduct: future finance charges	(163)	(190)
In one to five years		
Minimum lease payments	2,657	3,053
Deduct: future finance charges	(326)	(488)
In more than five years		
Minimum lease payments	52	264
Deduct: future finance charges	-	-
Finance leases recognised on the balance sheet	2,830	3,251
A finance lease exists in relation to the fitout of the Melbourne office. The lease is non-cancellable and for a fixed term of 10 years commencing 1 September 2003. The interest rate in the lease is 9.31%. There are no contingent rentals.		

Notes to and forming part of the financial statements

Note 9: Provisions

	2008	2007
	\$'000	\$'000
Note 9A: Employee provisions		
Salaries and wages	408	364
Leave	4,263	4,003
Superannuation	659	387
Total employee provisions	5,330	4,754
Employee provisions are represented by:		
Current	3,921	3,555
Non-current	1,409	1,199
Total employee provisions	5,330	4,754

The classification of current includes amounts for which there is not an unconditional right to defer settlement by one year, hence in the case of employee provisions the above classification does not represent the amount expected to be settled within one year of reporting date. Employee provisions expected to be settled in twelve months from the reporting date are \$2,631K (2007: \$2,431K), and in excess of one year \$2,699K (2007: \$2,323K)

Note 10: Restructuring

Note 10A: Departmental restructuring

The MRT-RRT was established as a prescribed agency for the purposes of the FMA Act with effect from 1 July 2006. Previously, the MRT and RRT were separately prescribed as agencies for the purposes of the FMA Act. With the establishment of the MRT-RRT, the appropriations, assets, liabilities and commitments of the MRT and the RRT were transferred to the MRT-RRT. (Refer Note 1.1)

In respect of functions assumed, the net book values of assets and liabilities transferred to the MRT-RRT for no consideration and recognised as at the date of transfer were:

	2008	2007
	\$'000	\$'000
Total assets recognised	-	22,481
Total liabilities recognised	-	(11,605)
Net assets assumed	-	10,876
Net increase (decrease) in net assets during the year	-	10,876

Note 10B: Administered restructuring

The MRT-RRT was established as a prescribed agency for the purposes of the FMA Act with effect from 1 July 2006. Previously, the MRT and RRT were separately prescribed as agencies for the purposes of the FMA Act. With the establishment of the MRT-RRT, the appropriations, assets, liabilities and commitments of the MRT and the RRT were transferred to the MRT-RRT. (Refer Note 1.1)

In respect of functions relinquished, the following assets and liabilities were transferred by the MRT-RRT:

	2008	2007
	\$'000	\$'000
Total assets recognised	-	371
Total liabilities recognised	-	-
Net assets assumed	-	371
Net increase (decrease) in administered net assets during the year	-	371

Notes to and forming part of the financial statements

Note 11: Cash flow reconciliation

	2008	2007
	\$'000	\$'000
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Report cash and cash equivalents as per:		
Cash Flow Statement	188	191
Balance Sheet	188	191
Difference	–	–
Reconciliation of operating result to net cash from operating activities:		
Operating result	(2,514)	241
Depreciation /amortisation	1,687	1,545
Net write down of non-financial assets	235	–
Loss on disposal of assets	–	14
Increase in net assets on restructuring	–	3,965
(Increase) / decrease in net receivables	3,824	(17,412)
(Increase) / decrease in prepayments	(150)	(88)
Increase / (decrease) in employee provisions	576	4,754
Increase / (decrease) in interest bearing liabilities	167	3,839
Increase / (decrease) in supplier payables	(1,375)	2,048
Increase / (decrease) in other payables	(176)	2,500
Net cash from / (used by) operating activities	2,274	1,406

Note 12: Contingent liabilities and assets

Quantifiable contingencies

There are no contingent liabilities and assets as at 30 June 2008.

Unquantifiable contingencies

At 30 June 2008, the MRT-RRT had no legal claims against it.

Note 13: Senior executive remuneration

	2008	2007
The number of senior executives who received or were due to receive total remuneration of \$130,000 or more:		
\$175 000 to \$189 999	2	1
\$190 000 to \$204 999	1	–
\$220 000 to \$234 999	–	1
\$265 000 to \$279 999	1	–
\$295 000 to \$309 999	1	–
\$340 000 to \$354 999	–	1
Total	5	3
The aggregate amount of total remuneration of senior executives shown above.	\$1,129,224	\$754,626
The aggregate amount of separation and redundancy/termination benefit payments during the year to executives shown above.	\$99,697	–

Notes to and forming part of the financial statements

Note 14: Remuneration of auditors

	2008	2007
	\$'000	\$'000
Financial statement audit services are provided free of charge to the agency.		
The fair value of the services provided was:	<u>55</u>	<u>65</u>
	<u>55</u>	<u>65</u>
No other services were provided by the Auditor-General.		

Note 15: Financial instruments

	2008	2007
	\$'000	\$'000
15A Categories of financial instruments		
Financial assets		
Cash	<u>188</u>	191
	<u>188</u>	191
Loans and receivables financial assets		
Receivables for goods and services	<u>13,588</u>	17,412
	<u>13,588</u>	17,412
Carrying amount of financial assets	<u>13,776</u>	17,603
Financial liabilities		
At amortised cost		
Finance lease liabilities	2,830	3,251
Other liabilities		
- Suppliers	673	2,048
- Other	<u>2,324</u>	2,500
	<u>2,997</u>	4,548
Carrying amount of financial liabilities	<u>5,827</u>	7,799
	2008	2007
	\$'000	\$'000
15B Net income and expense from financial liabilities		
Financial liabilities — at amortised cost		
Interest expense	<u>167</u>	191
Net gain/(loss) financial liabilities — at amortised cost	<u>167</u>	191
Net gain/(loss) from financial liabilities	<u>167</u>	191

Notes to and forming part of the financial statements

Note 15: Financial instruments

15C Fair value of financial instruments

	Carrying amount 2008 \$'000	Fair value 2008 \$'000	Carrying amount 2007 \$'000	Fair value 2007 \$'000
FINANCIAL ASSETS				
Cash at bank	188	188	191	191
Receivables for goods and services	13,588	13,588	17,412	17,412
Total	13,776	13,776	17,603	17,603
FINANCIAL LIABILITIES				
Finance lease	2,830	2,697	3,251	3,105
Other – Suppliers	673	673	2,048	2,048
– Other	2,324	2,324	2,500	2,500
Total	5,827	5,694	7,799	7,653

Valuation method used for determining the fair value of financial instruments

The following table identifies for those assets and liabilities carried at fair value (above) whether fair value was obtained by reference to market prices or by a valuation technique that employs observable market transactions, or one that uses non-observable market inputs to determine a fair value.

	Valuation technique utilising			
	Market values \$'000	Market inputs \$'000	Non- market inputs \$'000	Total \$'000
Financial assets at fair value				
Cash at bank	188	–	–	188
Receivables for goods and services	13,588	–	–	13,588
Financial assets at fair value	13,776	–	–	13,776
Financial liabilities at fair value				
Finance lease	2,697	–	–	2,697
Other – Suppliers	673	–	–	673
– Other	2,324	–	–	2,324
Financial liabilities at fair value	5,694	–	–	5,694

Notes to and forming part of the financial statements

Note 15: Financial instruments (continues)

15D Credit risk

The MRT-RRT's maximum exposure to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Balance Sheet.

The MRT-RRT has no significant exposures to any concentrations of credit risk.

All figures for credit risk referred to do not take into account the value of any collateral or other security.

This note also applies to MRT-RRT's administered financial instruments and is therefore not reproduced at Note 22.

15E Liquidity risk

The MRT-RRT financial liabilities are payables, loans from government and finance leases. The exposure to liquidity risk is based on the notion that the Agency will encounter difficulty in meeting its obligations associated with financial liabilities. This is highly unlikely due to appropriation funding and mechanisms available to the MRT-RRT (e.g. Advance to the Finance Minister) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

15F Market risk

The MRT-RRT holds a fixed lease at 9.31% for leasehold property and is not exposed to market risks. The MRT-RRT is not exposed 'Currency risk' or 'Other price risk'.

Note 16: Income administered on behalf of Government

	2008	2007
	\$'000	\$'000
Revenue		
Non-taxation revenue		
Note 16A: Other revenue		
Other - MRT application fees	7,757	7,056
Other - RRT post-decision fees	2,487	2,671
Total other revenue	10,244	9,727

Note 17: Expenses administered on behalf of Government

	2008	2007
	\$'000	\$'000
Expenses		
Note 17A: Write-down and impairment of assets		
Asset write-downs from		
provision for bad debts - RRT post-decision fees	1,970	2,137
Total write-down and impairment of assets	1,970	2,137
Note 17B: Other expenses		
Other - Refund of fees	3,756	4,800
Total other expenses	3,756	4,800

Notes to and forming part of the financial statements

Note 18: Assets administered on behalf of Government

	2008 \$'000	2007 \$'000
Financial assets		
Note 18A: Cash and cash equivalents		
Cash on hand or on deposits	26	16
Total cash and cash equivalents	26	16
Note 18B: Receivables		
Other receivables:		
Fees	543	519
Total receivables	543	519
Less: Allowance for doubtful debts:		
Other receivables	307	307
Total receivables (net)	236	212
Receivables are aged as follows:		
Not overdue	46	–
Overdue by:		
Less than 30 days	320	93
30 to 60 days	162	173
61 to 90 days	4	160
More than 90 days	11	93
Total receivables (gross)	543	519
The allowance for doubtful debts is aged as follows:		
Not overdue	–	–
Overdue by:		
Less than 30 days	197	44
30 to 60 days	103	81
61 to 90 days	1	132
More than 90 days	6	50
Total allowance for doubtful debts	307	307
Goods and services receivables are with entities external to the Australian Government. Credit terms are net 30 days (2007: 30 days).		
Reconciliation of the allowance for doubtful debts:		
Movements		
	Other	Other receivables 2007 \$'000
Opening balance	307	–
Restructuring	–	427
Amounts written off	1,970	2,137
Amounts recovered and reversed	(1,970)	(2,257)
Closing balance	307	307

Notes to and forming part of the financial statements

Note 19: Liabilities administered on behalf of Government

	2008	2007
	\$'000	\$'000
Payables		
Note 19A: Other payables		
Other	—	—
Total other payables	—	—

Note 20: Administered reconciliation table

	2008	2007
	\$'000	\$'000
Opening administered assets less administered liabilities as at 1 July	228	—
Plus: Administered income	10,244	9,727
Less: Administered expenses	(5,726)	(6,937)
Administered transfers to/from Australian Government:		
Transfers to OPA	(4,484)	(2,933)
Restructuring	—	371
Closing administered assets less administered liabilities as at 30 June	262	228

Note 21: Administered contingent assets and liabilities

Unquantifiable administered assets and contingencies

At 30 June 2008, the MRT-RRT had no contingent assets.

At 30 June 2008, the MRT-RRT had no legal claims against it.

Notes to and forming part of the financial statements

Note 22: Administered financial instruments

22A Fair value of financial instruments

	Carrying amount 2008 \$'000	Fair value 2008 \$'000	Carrying amount 2007 \$'000	Fair value 2007 \$'000
FINANCIAL ASSETS				
Cash	26	26	16	16
Fees Receivable (gross)	543	543	519	519
Total	569	569	535	535
FINANCIAL LIABILITIES				
Other	–	–	–	–
Total	–	–	–	–

22B Credit risk

The MRT-RRT is not exposed to credit risk at reporting date in relation to each class of recognised financial assets.

22C Liquidity risk

The MRT-RRT has no financial liabilities and is not exposed to liquidity risk.

22D Market risk

The MRT-RRT is not exposed to market risk.

Notes to and forming part of the financial statements

Note 23: Appropriations

Table A: Acquittal of authority to draw cash from the Consolidated Revenue Fund for ordinary annual services appropriations

Particulars	Departmental outputs	
	2008 \$'000	2007 \$'000
Balance brought forward from previous period	14,853	–
Appropriation Act:		
Appropriation Act (No.1) 2007-08	40,313	40,474
Appropriation Act (No.3) 2007-08	(2,674)	(815)
Adjustment to appropriation	176	(973)
Reductions of appropriations (Appropriation Act section 9)		
Administered appropriation lapsed (Appropriation Act section 8)	–	–
Advance to the Finance Minister (Appropriation Act section 11)	–	–
Comcover receipts (Appropriation Act section 12)	–	–
FMA Act:		
Refunds credited (FMA section 30)	–	–
Appropriations to take account of recoverable GST (FMA section 30A)	(22)	51
Annotations to 'net appropriations' (FMA section 31)	1	5
Adjustment of appropriations on change of entity function (FMA section 32)	–	14,371
Total appropriation available for payments	52,647	53,113
Cash payments made during the year (GST inclusive)	41,482	38,260
Appropriations credited to Special Accounts (excluding GST)	–	–
Balance of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations	11,165	14,853
Represented by		
Cash at bank and on hand	188	191
Departmental appropriations receivable	13,301	17,162
Departmental appropriations to be returned to Official Public Account	(2,324)	(2,500)
Total	11,165	14,853

Departmental and non-operating appropriations do not lapse at financial year end.

Note 24: Compensation and debt relief

	2008 \$	2007 \$
Administered		
One 'Act of Grace' expense was incurred during the reporting period (2007: one).	1,400	1,400
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the <i>Financial Management and Accountability Act 1997</i> . (2007: No waivers)	–	–
353 waivers of amounts owing to the Australian Government were made pursuant to Regulation 4.13(4) of the Migration Regulations 1994. (2007: 304 waivers)	494,200	425,600

Notes to and forming part of the financial statements

Note 25: Reporting of outcomes		
Note 25A: Net cost of outcome delivery		
	Outcome 1	
	2008	2007
	\$'000	\$'000
Expenses		
Administered	5,726	6,937
Departmental	40,385	38,511
Total expenses	46,111	45,448
Costs recovered from provision of goods and services to the non government sector		
Administered	10,244	9,727
Departmental	–	–
Total costs recovered	10,244	9,727
Other external revenues		
Administered	–	–
Departmental	–	–
Total other external revenues	–	–
Net cost/(contribution) of outcome	35,867	35,721
Note 25B: Major classes of departmental revenues and expenses by output groups and outputs		
Outcome 1	Outcome 1 Total	
	2008	2007
	\$'000	\$'000
Departmental expenses		
Employees	29,823	27,858
Suppliers	8,473	8,902
Depreciation and amortisation	1,687	1,545
Other Expenses	402	206
Total departmental expenses	40,385	38,511
Funded by:		
Revenues from Government	37,815	38,686
Total departmental revenues	37,815	38,686
Note 25C: Major classes of administered revenues and expenses by outcomes		
	Outcome 1	
	2008	2007
	\$'000	\$'000
Administered income		
Other non-taxation revenue	10,244	9,727
Total administered income	10,244	9,727
Administered expenses		
Write-down and impairment of assets	1,970	2,137
Other expenses - refund of application fees	3,756	4,800
Total administered expenses	5,726	6,937
Outcome 1 is described in Note 1.1.		



Appendix 1
The Tribunals' Plan

Appendix 1—The Tribunals' Plan 2007-2010

The Members and staff of the MRT and RRT are here to:

- provide final independent merits review of migration and refugee decisions
- meet government and community expectations in discharging our responsibilities

We want to be known for:

- being highly competent Tribunals delivering fair, just and timely reviews
- our fairness and professionalism
- quality, integrity and consistency of decisions
- helping people understand our procedures
- listening and responding to feedback
- being courteous and respectful
- being open and accountable
- having a productive, supportive and safe workplace
- ensuring our Members and staff have an influence on our day to day operations
- meeting professional performance and ethical standards as set out in Member and staff Codes of Conduct
- our commitment to good client services as set out in our Service Charter

Our context

We provide final independent merits reviews of visa-related decisions made by the Minister for Immigration and Citizenship (the Minister) or by the Minister's delegates in the Department of Immigration and Citizenship (the Department). We are established by, and our jurisdiction, powers and procedures are set out in, the *Migration Act 1958* and in the Migration Regulations 1994. We are separate Tribunals under the Migration Act. However, all Members and staff are cross-appointed to both Tribunals and we are a single agency for financial management and staff employment purposes.

To be successful, the Tribunals must be resilient yet flexible and prepared to adapt our work practices to meet ongoing challenges in our decision making environment. We have developed an efficient and effective Membership and staff work force and organisational structure. We have a strong knowledge base, integrated and reliable business systems and sound work practices. Our reputation depends on professional, effective and courteous dealings with applicants, their representatives and supporters. We need to maintain quality, integrity and consistency of decision making. Members and staff need to have the necessary skills and expertise to properly undertake their responsibilities on both Tribunals. Professional staff support services contribute to the conduct by Members of efficient, quality reviews. Continued investment in information resources, in procedural development, in training and professional development of Members and staff is necessary to ensure fair reviews, quality processes and decisions. We regard effective corporate governance, including defining accountabilities and measuring performance, as important for our future.

Maintaining independence in decision making is most important to us and vital to retain the respect of our stakeholders and the credibility of our review processes and decisions. The Tribunals strive to maintain a culture that is supportive and respectful of the people with whom we deal and that seeks to consult, inform and meaningfully engage with our stakeholders. Relationships need to be clearly defined and set out in the

Service Charter and in agreements with other bodies.

The Tribunals operate in a labour market that is highly competitive and pursue effective strategies to recruit and retain high quality Members and staff. We are distinctive as an employer that offers very interesting and diverse work that requires good professional skills, knowledge and compassion to successfully understand and interact effectively with our clientele. We are known for our excellent terms and conditions of employment for both Members and staff and we have a reputation for being a supportive and caring employer. The Tribunals need to continue to invest in the development of all Members and staff and to ensure that working for the Tribunals is both stimulating and challenging.

The strategic agenda

Maintaining a reputation for delivering consistent, high quality reviews and decisions is fundamental to the success of the Tribunals into the future. This requires an ongoing strategic focus within the Tribunals and the investment of sufficient competent and appropriately trained resources.

The strategic framework for the Tribunals is drawn from: the Migration Act; the outcome and output structure that has been agreed with Government; the Minister's Statement of Expectations; and the Tribunals' Statement of Intent.

The Migration Act states that the Tribunals are required to 'pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick'. The Tribunals, as government agencies, are required to plan, budget and report under an outcomes structure. The Tribunals' outcome structure provides two key effectiveness indicators for the Tribunals:

- extent to which the MRT and the RRT contribute to the quality and consistency of administrative decision making
- professional and effective working relationships with stakeholders

This Plan identifies four key strategic imperatives:

- Decision making
- People
- Governance
- Relationships

A number of specific strategies and actions have been developed with input from Members and staff of the Tribunals. The strategies and actions are summarised in the following tables.

Our Decisions

Our objective is to be known for our fair conduct of hearings and for the timeliness, quality, integrity, consistency, fairness and justness of our decisions.

Strategic priorities	Priority actions	Measures of success
<p>Establish standards for fair and quality decisions</p> <p>Ensure high quality legal, country research and library services are available to underpin decision making</p> <p>Invest in professional development to ensure decision makers are fully equipped to fulfil their obligations</p> <p>Establish time standards</p> <p>Provide effective administrative support for decision makers</p> <p>Maintain effective engagement and consultation with practitioners</p>	<p>Develop Principal Member guidelines setting standards for quality decision making and for hearings, including fair treatment of applicants and representatives</p> <p>Undertake regular performance appraisal of decision makers</p> <p>Monitor judicial review outcomes to identify trends and issues in decision making</p> <p>Maintain ongoing professional development programs for Members, legal officers and researchers</p> <p>Review time standards</p> <p>Review support services for Members</p> <p>Improve consultation on what decisions are 'of particular interest' to practitioners with a view to increasing publication of such decisions</p>	<p>Stakeholder feedback and judicial review outcomes affirm quality of decision making and conduct of fair reviews</p> <p>Reduction in the number of complaints</p> <p>Reduction in the extent of administrative errors</p> <p>Level of attendance at professional development opportunities</p> <p>Extent to which time standards are met</p> <p>Member satisfaction with support provided and the currency and quality of information</p> <p>Increased level of satisfaction of practitioners with greater access to published decisions of particular interest</p>

Our People

Our objective is to build a skilled workforce to deliver and support the conduct of reviews.

Strategic priorities	Priority actions	Measures of success
<p>Invest in continuous training and development to meet changing strategic priorities</p> <p>Build a culture that values and respects collaboration, responsiveness, participation, diversity and different roles</p> <p>Focus on improved personal and organisational performance</p> <p>Celebrate achievements on an ongoing basis</p> <p>Maintain a safe and supportive workplace which takes into account work / life balance</p> <p>Monitor workforce trends to inform recruitment and retention strategies</p>	<p>Conduct annual surveys to test Member and staff satisfaction</p> <p>Identify competency and skill sets required at level and for career development</p> <p>Review recruitment processes including advertising, selection and evaluation</p> <p>Conduct regular forums with Members and staff on strategic and policy issues as they arise</p> <p>Conduct leadership and supervision training</p> <p>Review performance management framework</p>	<p>Level of attendance at training and development opportunities</p> <p>Member and staff survey results indicate improved levels of satisfaction</p> <p>Unplanned absences are declining</p> <p>Staff turnover is reduced</p> <p>Workers compensation premium is reduced</p> <p>Reduction in the extent of administrative errors</p>

Our Governance

Our objective is to be open and accountable and for our governance framework to be robust and aligned to support our operations.

Strategic priorities	Priority actions	Measures of success
Ensure our governance arrangements are consistent with our agency status	Conduct a review of agency governance obligations to ensure compliance	Stakeholder feedback indicates governance obligations have been met
Ensure our accountability and reporting obligations are met in a timely and comprehensive manner	Finalise structure and classification reviews	Structure and classification reviews are completed and implemented
Identify and reliably capture all key information required for quality case management and decision making	Map information and data holdings across the Tribunals against business needs and records management requirements	Information and data holdings are mapped
Ensure our primary business and information systems are integrated, aligned and robust	Conduct an information and data holdings gap analysis	Members and staff have all information readily available to support their work
Ensure our procedures and processes take into account the needs of people coming before the Tribunals	Prepare an information technology strategy	Information technology plan in place and all key business systems reviewed and mapped
Ensure our structures and classifications are aligned with our work	Document and review all key business systems	New payroll system implemented
	Review data integrity on a continuous basis	All Members and staff are clear about the strategic direction of the Tribunals
	Develop or replace payroll system	

Our Relationships

Our objective is to build relationships that are based on principles of respect, openness, responsiveness and integrity.

Strategic priorities	Priority actions	Measures of success
Set out what clients can expect when dealing with the Tribunals and our service aims in a Service Charter	Develop a communications and consultation strategy to address both internal and external requirements	Extent to which service aims in Service Charter are met
Provide timely and accurate information to applicants about the Tribunals' procedures and the status of their case	Conduct regular liaison forums with key agencies and interest groups, and participate in opportunities to liaise with key agencies and interest groups	Communication and consultation strategy developed and implemented
Ensure client interests and needs are met in developing policies and procedures	Conduct a client survey, and a survey of key agencies and interest groups to obtain feedback on the Tribunals' performance in conducting reviews and the level of courtesy and respect afforded to applicants and representatives during hearings	Surveys completed, analysed and feedback actioned
Seek to achieve greater respect from applicants and representatives of Member and staff performance	Hold regular meetings to provide updates on key issues and to determine that key messages have been received and understood	Program of liaison forums established and conducted
Be open and accountable and promote greater understanding of, and encourage feedback on, the Tribunals' operations through increased engagement with key agencies and interest groups		Quality of interpreters
Senior management and all supervisors to encourage involvement in the development of policies and procedures and senior management to provide regular feedback to Members and staff on strategic and operational issues		Feedback from the community, applicants, practitioners, Members and staff indicates that key messages are being received
Ensure internal communications are effective and that messages are received well		Number of complaints



Appendix 2 Service Charter

Appendix 2—Service Charter



Australian Government

Migration Review Tribunal - Refugee Review Tribunal

SERVICE CHARTER

The Migration Review Tribunal and the Refugee Review Tribunal provide a final and independent merits review of visa-related decisions made by the Minister for Immigration and Citizenship (the Minister) and by officers of the Department of Immigration and Citizenship (the Department) acting as delegates of the Minister.

The Tribunals are established under the *Migration Act 1958*. The Principal Member is the chief executive officer and is responsible for the overall operation and administration of the Tribunals. The Members are persons appointed by the Governor-General for fixed terms, and the Tribunals are normally constituted by a single Member when dealing with a particular case. Registry staff perform a wide range of services and deal with most case and other enquiries.

Persons who are dissatisfied with a relevant decision of the Minister or a delegate initiate a review by lodging an application for review with the relevant Tribunal.

In conducting reviews, the Tribunals are required to provide a mechanism of review that is fair, just, economical, informal and quick. The Tribunals can fully reconsider a case and can replace a decision under review. Proceedings in relation to protection (refugee) visa matters are always held in private while hearings in relation to other matters may be open to the public. There is a requirement to publish decisions of particular interest. Any decision which relates to a person who has applied for a protection visa is published in a way that does not identify the persons involved.

This service charter expresses our commitment to providing a professional and courteous service to review applicants and other persons with whom we deal. It sets out what our service standards are, and how to make suggestions or complaints.

Communicating with us

We have offices in Sydney and Melbourne which are open between 9.00am and 4.30pm on working days. There is no need to make an appointment to make an inquiry, lodge an application, or lodge other documents. If you are invited to a hearing, you will be notified of the time and place of the hearing in advance. Our offices are wheelchair accessible and hearing loops are available in hearing rooms. The contact details for our offices are:

New South Wales Registry

Level 11, 83 Clarence Street
Sydney NSW 2000
(Mail: GPO Box 1333
Sydney NSW 2001)
Phone : (02) 9276 5000
Fax: (02) 9276 5599

Victoria Registry

Level 12, 460 Lonsdale Street
Melbourne VIC 3000
(Mail: PO Box 14158
Melbourne VIC 8001)
Phone: (03) 8600 5900
Fax: (03) 8600 5801

Our national inquiry number is 1300 361 969. This number is available from anywhere in Australia, except from mobile telephones. Calls are charged at the cost of a local call. If you need assistance in your language, you may contact the Translating and Interpreting Service (TIS) on 131 450 for the cost of a local call. An interpreter will then help you contact us.

You may lodge letters, forms, documents and submissions in person, by post, or by facsimile. There is no requirement for a copy of documents sent by facsimile to also be sent by post, unless you are submitting original documents or certified copies of documents (such as birth certificates, marriage certificates or educational qualifications).

Further information about our operations and procedures, and application forms and other forms can be obtained from one of our offices or from www.mrt.gov.au or www.rrt.gov.au.

MR9 Service Charter

February 2007

Our service standards

We aim to make timely and lawful decisions and treat with courtesy, respect and dignity all those with whom we deal. We will:

- ❖ be helpful, prompt and respectful when we deal with you
- ❖ use language that is clear and easily understood
- ❖ listen carefully to what you say to us
- ❖ acknowledge applications for review in writing within 2 working days
- ❖ include a contact name and telephone number on all our correspondence
- ❖ help you to understand our procedures
- ❖ provide information about where you can get advice and assistance
- ❖ engage interpreters for hearings, where required
- ❖ attempt to assist you if you have special needs
- ❖ provide written reasons when we make a decision
- ❖ publish and adhere to guidelines relating to the priority to be given to particular cases
- ❖ publish the time standards within which we aim to complete reviews
- ❖ abide by the Australian Public Service Values and Code of Conduct (staff)
- ❖ abide by the Member Code of Conduct (Members)

You have a right to:

- ❖ courteous and professional service
- ❖ a fair hearing
- ❖ information about the progress of your case
- ❖ information about our procedures
- ❖ seek advice and assistance from another person (with very limited exceptions, a person must be registered as a migration agent to provide advice and assistance)
- ❖ request access to your case file and to an audio recording of a hearing
- ❖ have personal information handled confidentially in accordance with the law
- ❖ have any complaint dealt with fairly and quickly
- ❖ be informed of further appeal rights

It is important that you:

- ❖ let us know immediately of any change in your contact details
- ❖ tell us if your circumstances change
- ❖ quote your file number in all your dealings with us
- ❖ reply to correspondence accurately, thoroughly and in a timely manner
- ❖ let us know if you need an interpreter
- ❖ treat our Members and staff with courtesy

Suggestions and complaints

We would welcome and value any comments or suggestions you may make on the standard of our service or on this charter. If you have been pleased with your dealings with us, or you think that we can improve our service, please let us know. Written suggestions or comments can be forwarded to:

District Registrar

Migration Review Tribunal and
Refugee Review Tribunal
GPO Box 1333
Sydney NSW 2001
Fax: (02) 9276 5599

District Registrar

Migration Review Tribunal and
Refugee Review Tribunal
PO Box 14158
Melbourne VIC 8001
Fax: (03) 8600 5801

If you are not satisfied with how we have dealt with a matter or with the standard of service you have received, and have not been able to resolve this by contacting the office or officer dealing with your case, you may forward a written complaint marked 'confidential' to:

Complaints Officer

Migration Review Tribunal and
Refugee Review Tribunal
GPO Box 1333
Sydney NSW 2001

We will acknowledge receipt of a complaint within 5 working days. We will fully investigate all complaints and provide a written response as quickly as possible. Anonymous complaints can be made, but this may limit our capacity to investigate and respond to the complaint.

We report on the number and type of complaints received, and how we have dealt with them, in our Annual Reports.

Anyone who has a complaint about an Australian Government agency which he or she has been unable to resolve can make a complaint to the Commonwealth Ombudsman. The Ombudsman has an office in every State and Territory and there is a national contact number (1300 362 072). Further information is available at www.ombudsman.gov.au.



Appendix 3
Members of the Tribunals

Appendix 3—Members of the Tribunals

The Tribunals' Members make decisions on applications for review. The Members are appointed under the *Migration Act 1958* (the Act) by the Governor-General for fixed terms on a full-time or part-time basis. The Remuneration Tribunal determines the remuneration arrangements for Members.

Persons appointed as Members to the Tribunals have typically worked in a profession or have had extensive experience at senior levels in the private or public sectors. While there are no mandatory qualifications for the appointment of Members, the following biographies indicate the depth of knowledge and experience that Members bring to the task of providing a final and independent merits review of decisions.

As at 30 June 2008 the membership of the Tribunals comprised the Principal Member, the Deputy Principal Member of the RRT, 4 Senior Members, 7 full-time Members and 79 part-time Members. All Members are appointed to both the MRT and the RRT.

On 3 September 2007, Mr Denis O'Brien was appointed as the Principal Member of the Tribunals, and Mrs Mary Urquhart was appointed as the Deputy Principal Member of the RRT. Mrs Urquhart was subsequently appointed to act as an MRT Senior Member. Amendments to the Migration Act to create a position of Deputy Principal Member of the MRT are expected to commence in 2008-09.

Denis O'Brien

Principal Member

BA, LLB, LLM

Appointed: 3 September 2007 (MRT and RRT)

Current term expires: 30 June 2012

Denis O'Brien was a partner in Minter Ellison from 1993 to 2007 practising mainly in the area of administrative law, particularly judicial and tribunal review. Before joining Minter Ellison in 1989, he had been the Director of Research of the Administrative Review Council and had previously worked in the General Counsel Division of the Commonwealth Attorney-General's Department and in the Office of Parliamentary Counsel. Denis is a former President of the Australian Institute of Administrative Law and a former chair of the Administrative Law Committee of the Law Council of Australia.

Mary Urquhart

Deputy Principal Member (RRT) and Acting Senior Member (MRT)

BEd (Art), Dip Law, BAB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2010

Mary Urquhart has qualifications in Education, Law, Dispute Resolution and the Arts. She has practised as a Barrister-at-Law in both NSW and

Victoria. She is a former Deputy President of the Victorian Civil and Administrative Tribunal, where she headed the Civil Claims jurisdiction and later the Anti-Discrimination jurisdiction in the Human Rights Division of the Tribunal. She is also a former Deputy Commissioner of the Victorian Liquor Licensing Commission.

Rea Hearn Mackinnon

Senior Member, Melbourne

BA, BSocAd, LLB (Hons)

Appointed: 1 November 2005 (MRT),
1 January 2006 (RRT)

Current term expires: 31 December 2008

Rea Hearn Mackinnon was a lawyer and senior associate with Blake Dawson from 2000 to 2005 practising in administrative law, particularly tribunal and judicial review. She has held a number of public sector positions and statutory appointments including Member of the Intellectual Disability Review Panel in Victoria, Director of Investigations with the Commonwealth Ombudsman with a particular focus on migration and refugee matters, Pre-Hearing Conference Convenor at the Melbourne Children's Court and Deputy Community Advocate for the ACT. She has also taught administrative law at Latrobe University.

Bruce MacCarthy

Senior Member, Sydney

BSc, BEc

Appointed: 30 August 1999 (RRT),
1 January 2006 (MRT)

Current term expires: 31 December 2008

Bruce MacCarthy has been a Member of the RRT since 1999 and a Senior Member since January 2003. He was appointed as a Senior Member of the MRT in January 2006. He has held a number of senior positions in the public sector, including Principal Investigation Officer in the Sydney office of the Commonwealth Ombudsman and Director (Benefits) in the NSW office of the Department of Veterans' Affairs.

Irene O'Connell

Acting Senior Member, Sydney

BSW, LLB, MA, SJD

Appointed: 28 August 2000 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2010

Dr Irene O'Connell was first appointed to the RRT as a full-time Member in August 2000. She was cross-appointed to the MRT in January 2006. Dr O'Connell acted for periods in the position of MRT and RRT Senior Member during 2007 and 2008. Her current acting Senior Member appointment expires in December 2008. Prior to joining the Tribunals, Dr O'Connell held policy research positions and various academic positions at the University of New South Wales, the University of Waikato (New Zealand) and the University of Western Sydney and the Law Extension Committee, University of Sydney. These positions included lecturing as well the co-ordination of clinical programmes. Dr O'Connell has published journal articles on legal philosophy and is an Examiner for the NSW Legal Practitioners Board.

Giles Short

Senior Member, Sydney

BA, LLB

Appointed: 28 July 1997 (RRT),
1 January 2006 (MRT)

Current term expires: 31 December 2008

Giles Short has been a Member of the RRT since July 1997 and has been a Senior Member since January 2003. He was the Director of Research with the Immigration Review Tribunal from 1990 to 1995 and from 1996 to 1997 he was Legal Counsel (South East Region) with the Civil Aviation Safety Authority.

John Atkins

Part-time Member, Melbourne

LLB, BComm

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

John Atkins worked as an articled clerk at Maddock Lonie and Chisholm in 1971 and was admitted to practice as a barrister and solicitor in 1972. He became a partner in that firm in 1974. He became a member of the Victorian Bar in 1977. In 1989 he was appointed to the Administrative Appeals Tribunal in Victoria as a part-time Member dealing with Planning Appeals. He has had broad experience at the Bar specialising in Planning, Local Government and Administrative Law. He has also served as a part-time member of the Nurses Board of Victoria.

Diane Barnetson

Part-time Member, Sydney

BA, B Leg Studies, M Industrial Relations

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Diane Barnetson is currently a Member of the NSW Mental Health Review Tribunal, the NSW Consumer Trader and Tenancy Tribunal and the Social Security Appeals Tribunal. She has held previous appointments to the Consumer Claims Tribunal, the Fair Trading Tribunal and the Residential Tribunal. She has worked as a mediator with the Building Disputes Tribunal and as a conciliator with the Human Rights and Equal Opportunity Commission. She has also worked as an Industrial Advocate for

a trade union and as a case worker with the NSW Department of Community Services and the NSW Department of Health.

Samuel Blay

Part-time Member, Sydney

LLB (Hons), LLM, PhD

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Dr Samuel Blay is a former Dean of Law at the University of Tasmania and currently Professor of Law at the University of Technology, Sydney. Apart from refugee law and practice, his main areas of professional interest are International Law, Human Rights, the Law of Torts and International Trade Law. He has published extensively and received major awards in his fields of specialisation. His awards include a United Nations Fellowship in 1988 in Geneva and an Alexander von Humboldt award in 1992 and 2003 for research work in Heidelberg, Germany. He has taught as a Visiting Professor at the University of Missouri in Kansas City and a Guest Professor at the China University of Political Science and Law in Beijing. He has extensive experience as a UNDP International Law Consultant in Somalia, Vietnam, Sudan and the Lao People's Republic. He has also served as a Consultant Advisor to the governments of Nauru and Vanuatu.

Wendy Boddison

Part-time Member, Melbourne

LLB, LLM

Appointed: 28 July 1997 (RRT), 12 July 1999 (MRT)

Current term expires: 30 June 2010

Wendy Boddison worked as an Appeals Counsellor with the United Nations High Commissioner for Refugees from 1992 to 1994. She worked for the office of the Special Prosecutor from 1983 to 1985 and in public prosecutions from 1985 to 1987. From 1987 to 1990 she worked at Messrs Galbally & Rolfe Solicitors. She joined the Victorian Bar in 1990 and transferred to the non-practising list in 2000. She was a Member of the Immigration Review Tribunal from January to May 1999. She has been a lecturer in International Law at Deakin

University. In September 2004 she was appointed a Legal Member of the Mental Health Review Board and in December 2007 she was appointed a part-time member of the Social Security Appeals Tribunal.

Danica Buljan

Part-time Member, Melbourne

BA, LLB (Hons)

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Danica Buljan has also been appointed by the Victorian Health Services Commissioner to the Investigation Review Panels list to review decisions of the health practitioner registration boards in Victoria. She has been a barrister and solicitor of the Supreme Court of the ACT, the Supreme Court of NSW, and the High Court of Australia since 1989 as well as the Victorian Supreme Court since 1996. Her public sector experience includes being the National Manager of Bankruptcy Regulation for the Insolvency Trustee Service Australia for a number of years. She has held positions as the Legal Services Director for the Social Security Appeals Tribunal, Deputy Registrar of the RRT in Melbourne and as the Assistant Director of Research at the RRT. Prior to that she worked in the Legal Branch of DIAC and as an Associate to Deputy President R K Todd of the Administrative Appeals Tribunal.

Nicole Burns

Part-time Member, Melbourne

BA (Hons), Master of Legal Studies (International Law)

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

For most of her career, Nicole Burns has worked in international development, primarily focusing on Asia. She has worked with a mix of multilateral, bilateral and international non-governmental agencies, including AusAID and the UNDP in Indonesia, and most recently with CARE International in Sri Lanka. Over the past decade, she has developed an expertise in conflict resolution and peacebuilding.

Mary Cameron

Part-time Member, Melbourne

BA, LLB (Hons)

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Mary Cameron is admitted as a barrister and solicitor of the Supreme Court of Victoria. She has most recently practised as a corporate lawyer with a major government business enterprise, primarily in commercial and administrative law. She has a background in equal opportunity and anti-discrimination law and practice, and has held a number of senior roles in both the Commonwealth and State public sectors managing equal opportunity and workforce diversity programs. She has also worked for Victoria Legal Aid.

Catherine Carney

Part-time Member, Sydney

LLB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Catherine Carney is currently a part-time Member of the NSW Consumer, Trader and Tenancy Tribunal and the Mental Health Review Tribunal. She was most recently a Registrar in the Family Court Sydney Registry. From 1998 until March 2005 she was the Principal Solicitor at Women's Legal Services, a community legal centre that services disadvantaged women and children. While at the legal centre she developed and implemented legal services to immigrant and refugee women and children in diverse ethnic communities in Western Sydney and rural NSW. She was also the NSW representative on the National Association of Community Legal Centres and Alternate Legal Aid Commissioner (NSW) Board Member of the Legal Aid Commission.

Jennifer Ciantar

Part-time Member, Sydney

BSW, Dip Admin, LLB (Hons)

Appointed: 14 July 2003 (MRT),

14 November 2005 (RRT)

Current term expires: 30 June 2009

Jennifer Ciantar previously worked as a social worker and senior policy officer. She has been a part-time Member of the Social Security Appeals Tribunal and the NSW Consumer, Trader and Tenancy Tribunal. She is the Deputy Chairperson for the NSW Housing Appeals Committee.

John Cipolla

Part-time Member, Sydney

BA, LLB

Appointed: 1 December 2000 (MRT),

1 July 2004 (RRT)

Current term expires: 30 June 2010

John Cipolla is a part-time Member of the Guardianship Tribunal of NSW and the NSW Consumer, Trader and Tenancy Tribunal. He previously was an administrative law solicitor with the Legal Aid Commission of NSW, a solicitor at the Inner City Legal Centre and a Senior Conciliator at the Human Rights and Equal Opportunity Commission.

Tim Connellan

Part-time Member, Melbourne

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Tim Connellan has a business and dispute management background. Having previously served three terms as Victorian President of the Australian Small Business Association, he was a founding board member of the Melbourne Fashion Incubator, Chairman of Jobseekers Over Forty Association and a panel member of Liquor Licensing Victoria. He is currently senior mediator with the Office of the Victorian Small Business Commissioner, and has recently completed two terms as State Chairman of the Dispute Resolution Industry body LEADR. Tim conducts dispute management training with both the public and private sectors.

Bronwyn Connolly

Part-time Member, Sydney

LLB, BA (Juris)

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Bronwyn Connolly is a Member of the Social Security Appeals Tribunal. She is admitted as a barrister and solicitor in the Supreme Courts of South Australia and New South Wales and worked as Legal Counsel for the Olympic Roads and Transport Authority and the NSW Department of Ageing, Disability and Home Care and in a number of government departments and authorities in Western Australia and South Australia in transport, disability, consumer affairs and procurement areas. She was the Registrar of the SA Commercial Tribunal for over 4 years. She is actively involved in disability groups within the community, notably as a board director of the Royal Rehabilitation Centre Sydney.

David Connolly AM

Part-time Member, Sydney

BA, DBS, FCPA

Appointed: 1 July 2002 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

David Connolly was a career diplomat from 1965 to 1974, serving in Colombo, the United Nations New York and Tel Aviv. He was a Member of the Australian Parliament between 1974 and 1996 and a consultant with the legal firm Phillips Fox from 1996 to 1998. He was a Commonwealth adviser to the South African Parliament in 1997-1998 and Australian High Commissioner to South Africa, Namibia, Botswana, Lesotho and Swaziland from 1998 to 2002. He is a Trustee Director of ARIA formerly the CSS/PSS Commonwealth superannuation funds, Chairman of Rice Warner Actuaries and a Director of the Braidwood Rural Lands Protection Board.

Michael Cooke

Part-time Member, Sydney

BA, Dip Ed

Appointed: 13 June 2000 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Michael Cooke was previously an adviser to a Federal Minister. He has also worked as a flight attendant (International) with Qantas Airways, a steel worker in Wollongong and as a school teacher in Western Sydney. He has had a long-term interest in immigration and has had an involvement with Manly Warringah ethnic communities.

Angela Cranston

Part-time Member, Sydney

BA, LLB, LLM, Grad Dip Writing

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Angela Cranston has worked in the field of migration law for over 15 years. She has previously worked as a research officer for the Immigration Review Tribunal and as the Coordinator of the Refugee Advice and Casework Service and a migration agent for the Immigration Advice and Rights Centre. She has also worked as a resettlement officer for the United Nations High Commissioner for Refugees in West Africa. She has also previously worked on the Professional Conduct Panel of the Migration Agents Registration Authority (MARA).

Bernadette Cremean

Part-time Member, Melbourne

LLB, BJuris

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Bernadette Cremean is currently a part-time Member of the Victorian Civil and Administrative Tribunal sitting mainly in the Residential Tenancies and Civil lists. Prior to which she was a Member of the Crimes Compensation Tribunal (Victoria) and the Anti-Discrimination Tribunal. Apart from Tribunal positions, she was a solicitor at the Office of the Director of Public Prosecutions (Victorian) for a number of years and a part-time lecturer at Monash University in Criminal Justice Studies.

Sue Crosdale

Part-time Member, Sydney

BMed, LLB (Hons), GDLP, LLM, FACLM, AFACHSE

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Dr Sue Crosdale has worked as a medical practitioner, health administrator and solicitor.

Gabrielle Cullen

Part-time Member, Sydney

LLB, LLM (International Law), BCom

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Gabrielle Cullen is admitted as a solicitor to the Supreme Court of NSW. She was formerly with the United Nations High Commissioner for Refugees working in Australia, and Pakistan, as their Legal/Resettlement Officer. Prior to this she worked as the Refugee Advocacy Officer with the National Council of Churches in Australia, and as a solicitor in private practice.

Ted Delofski

Part-time Member, Sydney

BA (Hons), MPhil (Economics)

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Ted Delofski has a diplomatic and public service background. Diplomatic positions he has held include Australia's Ambassador to the Netherlands, Ambassador to the World Trade Organisation in Geneva, High Commissioner to Singapore, Minister (Economic) in London, and Australia's senior official APEC representative. In Canberra, he has held the positions of First Assistant Secretary in the Department of Foreign Affairs and Trade and Assistant Secretary in the Treasury.

Richard Derewlany

Part-time Member, Sydney

BA (Hons)

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Richard Derewlany previously worked as an Investigations Manager with the Commonwealth Ombudsman's Office, specialising in matters arising from the administration of social security and child support legislation. He has worked as a migration consultant for a number of companies and has also had a number of years experience working at DIAC. He has also been a member of the Management Committee of the Immigration Advice and Rights Centre in Sydney.

Dione Dimitriadis

Part-time Member, Sydney

BA, LLB

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Dione Dimitriadis previously worked as a solicitor in private practice and as a legal officer in the Australian Legal Aid Office, the Public Solicitor's Office and the Department of Consumer Affairs. She was previously a Referee of the Consumer Claims Tribunals, a Member of the Fair Trading Tribunal, a Member of the Residential Tribunal, a Member of the NSW Consumer, Trader and Tenancy Tribunal and a Strata Schemes Adjudicator.

David Dobell

Part-time Member, Sydney

BA/LLB, Grad Dip Communications

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

David Dobell has had over 20 years experience in the community/public sector, having worked in a number of community legal centres as a solicitor/advocate and as a community educator. He has specialised in the areas of tenancy and ageing and disability, privacy and human rights policy. He was previously a Member of the Social Security Appeals Tribunal for over 11 years and has also

been a Member of the Administrative Decisions Tribunal, NSW (Community Services Division), the NSW Housing Appeals Committee and the NSW Consumer, Trader and Tenancy Tribunal.

Namoi Dougall

Part-time Member, Sydney

BA (Hons), LLB, LLM

Appointed: 12 July 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Namoi Dougall has served on a number of state tribunals including as a Member of the Equal Opportunity Tribunal. She has been a solicitor (Corrs Pavey Whiting & Byrne, Clayton Utz, Middletons Moore & Bevins, and Allen Allen & Hemsley) and an associate to Justice Morling of the Federal Court of Australia. She has also served as a Director on the Boards of the NSW Chamber of Commerce and the Northern Area Health Service, as well as being a policy adviser to a Federal Cabinet Minister and the NSW and Victorian representative on the then Prime Minister's Republic Advisory Committee.

Ann Duffield

Full-time Member, Sydney

BA (Hons)

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Ann Duffield has a background in the public service and government. She was head of the Multicultural Affairs Unit in the Victorian Department of Premier and Cabinet prior to serving 8 years as the senior adviser to a Federal Cabinet Minister.

Jonathon Duignan

Part-time Member, Sydney

BA, LLB

Appointed: 8 January 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Jonathon Duignan has worked in the field of migration law for over 17 years. He has previously worked with the Immigration Advice and Rights Centre and with the RRT. He worked as a Training Officer with the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors

and for the Blue Mountains Community Legal Centre prior to his appointment to the MRT. He has also worked as a part-time lecturer in law at the University of Western Sydney, Nepean for several years.

Suseela Durvasula

Part-time Member, Sydney

LLB, BCom, MALP

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Suseela Durvasula is also a part-time Member of the Social Security Appeals Tribunal. She has worked in a number of areas of the public sector including as a policy officer for the Australian Communications and Media Authority, a manager at the MRT, a legal advocate for Centrelink, and a policy officer for the Commonwealth Department of Health and the Department of Housing. She also has been a legal researcher for the Australian Law Reform Commission.

Jennifer Ellis

Part-time Member, Melbourne

BA, LLB (Hons)

Appointed: 15 June 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Jennifer Ellis is admitted as a barrister and solicitor in the Supreme Courts of Victoria and Western Australia. She has worked in the field of migration and refugee law since 1989. She worked as a solicitor with the Australian Government Solicitor from 1995 to 1999 specialising in administrative law particularly in the migration and refugee areas. She began her legal career as a solicitor at Herbert Geer and Rundle and was Associate to the Hon. Mr Justice Vincent of the Victorian Supreme Court. Since 1989 she has worked as a solicitor with the Legal Aid Commission of Victoria and the Sussex Street Community Law Service in Perth and was also a Legal Research Officer with the Immigration Review Tribunal for 2 years. She was a volunteer lawyer with Fitzroy Legal Service from 1986 until 2005.

Paul Fisher

Full-time Member, Melbourne

BA, LLB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Paul Fisher practised as an administrative lawyer for over 10 years, chiefly with Victoria Legal Aid. He has also performed voluntary work with a number of community legal centres. Prior to his admission to practice in 1995, he held a variety of positions in both the public and private sectors.

Mary-Anne Ford

Part-time Member, Sydney

Master of Higher Education, Dip Nurse Education, RMN, Certificate STD

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Mary-Anne Ford has held senior nursing positions for a number of years including the provision of postgraduate nurse education at The Royal Hospital for Women, St Margaret's and Sydney Hospitals and in the School of Nursing at St Vincent's Hospital Darlinghurst. Her clinical background includes coronary care, emergency, surgical nursing and midwifery. Within these contexts she has had extensive experience of working with and caring for persons from diverse cultural backgrounds. The postgraduate courses currently conducted by her attract students from Singapore and other countries in South East Asia.

Bronwyn Forsyth

Full-time Member, Sydney

LLB (Hons), BA (International Studies)

Appointed: 25 September 2006 (MRT and RRT)

Current term expires: 30 June 2009

Bronwyn Forsyth is admitted as a solicitor to the Supreme Court of NSW and has experience in the private sector, public sector, and working as an adviser to a Federal Cabinet Minister. As a lawyer in private practice she worked for Baker & McKenzie in Sydney and Singapore. She practised in employment and immigration law and was registered as a migration agent. Her public sector experience includes working as a Senior Legal

Officer for DIAC in Canberra providing advice on refugee law, judicial review and lawful decision making.

Mila Foster

Part-time Member, Sydney

BComm, LLB

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Mila Foster was admitted as a Legal Practitioner of the Supreme Court of NSW in 1997. She was working at the RRT as a Legal Officer at the time of her appointment, and had previously worked with the Anti-Discrimination Board of NSW (1995-2000) and the St George Migrant Resource Centre (1991-1995).

Rosa Gagliardi

Full-time Member, Melbourne

BA (Hons)

Appointed: 31 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Rosa Gagliardi has worked in the Australian Federal Police as a Criminal Intelligence Analyst and then in various capacities in the criminal and security law areas of the Commonwealth Attorney-General's Department. Amongst other things, she oversaw the legislation/litigation areas of the portfolio as Adviser to a Minister for Immigration and Multicultural Affairs. She also spent several years working as the Commonwealth Attorney-General's Department Liaison Officer to the Minister for Justice and Customs. During May-October 1990 she worked in Rome, Italy at Marymount International School and has taught Italian language to infant and primary school children for the Italian Embassy.

Adolfo Gentile

Part-time Member, Melbourne

BA, Dip Tertiary Education, MEd Admin

Appointed: 28 July 1997 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2010

Adolfo Gentile was a full-time Member until June 2007 when he became a part-time Member. He is

an Advanced Translator (Italian to and from English) accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). He was the Head of the School of Languages, Interpreting and Translating at Deakin University for many years. He has been Chairman of NAATI and the President of the International Federation of Translators. He is also a member of the COMITES for Victoria and Tasmania. He has published on training, practice and research in the field of interpreting and translation.

Alan Gregory AM

Part-time Member, Melbourne

BCom, BEd, MEd, PhD

Appointed: 12 July 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Dr Alan Gregory has worked at Monash University, then Melbourne University, 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) and *Strong Like Its Pillars* (a history of Melbourne High School), and in 2007 *The Sentimental Soldier*. He is Chairman of the Gorman Foundation and Chairman of the Sir Robert Menzies Lecture Trust and deputy chairman of the Melbourne High School Foundation. He was formerly a Member of the Geographic Place Names Committee of Victoria and an adjunct Professor in the Graduate School at Swinburne University.

George Haddad

Full-time Member, Melbourne

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

George Haddad was a Member of the MRT (2000-2002). He has extensive experience including in the private sector as a noted restaurateur; as adviser to a Federal Minister; and in developing immigration policy and related legislation. He was also head of the immigration section at the Australian Consulate General in Shanghai. As a member of the Administrative Review Council, he contributed to *Better Decisions: Review of Commonwealth Merits Review Tribunals*.

Genevieve Hamilton

Part-time Member, Melbourne

BA (Hons), LLB

Appointed: 28 August 2000 (RRT),
1 July 2004 (MRT)

Current term expires: 30 June 2010

Genevieve Hamilton was admitted to legal practice in Melbourne and then worked as an officer of the Department of Foreign Affairs and Trade from 1989 to 2000, including as First Secretary at the Australian Mission to the United Nations in New York 1995-1998. She was Director of the Association of South East Asian Nations Section, International Policy Division, in the Department of Defence in 2000.

Luke Hardy

Part-time Member, Sydney

BA, MA

Appointed: 15 September 1993 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2010

Luke Hardy holds an MA in Latin American Studies, his thesis addressing the Central American refugee situation in the 1980s. Prior to joining the Tribunals, he was an officer of the United Nations High Commissioner for Refugees (UNHCR) in Thailand and Indonesia. From 1986 to 1991, he was the Executive Director of the Refugee Council of Australia. In 1986, 1988 and 1990, he was the non-government member of Australia's official delegations to UNHCR's Executive Committee in Geneva. In the early 1980s, he worked with an Australian NGO resettlement program for refugees in Thailand. He has worked on TV documentaries about refugees, one made in Laos and the other on the Iran-Iraq border, and has written on refugee issues for a number of publications.

Kerry-Anne Hartman

Part-time Member, Sydney

BA, LLB, Grad Cert Dispute Resolution

Appointed: 28 July 1997 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

Kerry-Anne Hartman was admitted as a solicitor of the Supreme Court of NSW in 1975. She has worked as a solicitor in private practice and as a lecturer in law. She was a part-time Member of the Immigration Review Tribunal in 1999.

Megan Hodgkinson

Part-time Member, Melbourne

BA/LLB, LLM

Appointed: 23 March 2000 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Megan Hodgkinson is admitted as a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia, and as a Legal Practitioner of the Supreme Court of NSW. Her previous experience includes employment as a Legal Officer and an Investigator with the Australian Competition and Consumer Commission, in the Legal Section of the RRT and as a Tipstaff and Research Assistant in the NSW Court of Appeal, as well as voluntary work as a solicitor.

Diane Hubble

Part-time Member, Melbourne

BA/LLB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Diane Hubble was admitted to practise as a barrister and solicitor of the Supreme Court of Victoria in 1994, and worked as a lawyer in private practice and at Victoria Legal Aid over the next 7 years, mainly in immigration and family law. She is currently a sessional Registrar of the Federal Magistrates Court and a Senior Case Officer with the Child Support Agency. In the past, she has also served as a part-time Member of both the Social Security Appeals Tribunal and the Mental Health Review Board, and on the Professional Standards Committee of the Migration Agents Registration Authority.

Rodney Inder

Part-time Member, Sydney

BA, MA

Appointed: 1 October 2001 (RRT),

1 January 2006 (MRT)

Current term expires: 30 June 2010

Rodney Inder worked in the Australian Council for the Arts and the Department of Defence prior to holding a number of senior executive positions in DIAC including as the Assistant Secretary of the Refugees Branch, Settlement Branch, Ethnic

Affairs Branch and Citizenship & Language Services Branch. He has also served as First Secretary in the Australian Embassy in Bangkok (1980-1982) running Australia's refugee resettlement program, held a senior position in the Africa Bureau of the United Nations High Commissioner for Refugees (1983-1984), and was Counsellor at the Australian Embassy in Washington, also covering the refugee situation in Central America (1985-1987). More recently, he was the inaugural Executive Officer of the Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia and Herzegovina (1996), Special Representative of the Director-General for Project Development in Timor, International Organization for Migration (1999), and consultant to Mission Australia on refugee matters (2001).

Andrew Jacovides

Part-time Member, Sydney

BSW, Assoc Dip Comm Welfare

Appointed: 19 September 1993 (RRT),

1 July 2004 (MRT)

Current term expires: 30 June 2010

Andrew Jacovides was previously employed by the United Nations High Commissioner for Refugees. He was appointed as a part-time Member of the Immigration Review Tribunal in 1999.

Ricky Johnston

Part-time Member, Brisbane

Dip Gen Nursing

Appointed: 12 July 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Ricky Johnston has been involved in the public and private arenas. She was a Member of the House of Representatives and served on several parliamentary committees. She commenced her career life as a registered nurse, has worked in managerial roles in business and companies and participated as Chair and Member on a number of Boards and community organisations.

Deborah Jordan

Part-time Member, Melbourne

LLB

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Deborah Jordan is admitted as a barrister and solicitor in the Supreme Court of Victoria, the Supreme Court of South Australia and in the High Court of Australia. Prior to commencing work in the public sector, she practised as a solicitor in private practice. She worked in the area of administrative review in another jurisdiction before being appointed to the Tribunals. Ms Jordan has had experience with legal aid agencies in Victoria and South Australia. She has an interest in equal opportunity law and disability law and has worked in a voluntary capacity for various organisations.

Peter Katsambanis

Part-time Member, Melbourne

BComm, LLB

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Peter Katsambanis has been a barrister and solicitor of the Supreme Court of Victoria and the High Court of Australia since 1991. He has worked as a corporate solicitor in the funds management industry and was formerly a Member of the Victorian Parliament. He has been Chairman of the Australian Greek Welfare Society and is currently a board member of the Korowa Anglican Girls School.

Kay Kirmos

Part-time Member, Melbourne

BA, LLB

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Kay Kirmos was admitted as a barrister and solicitor of the Supreme Court of Victoria in 1984. From 1984 until 1999 she practised as a solicitor, variously in a community legal service, for the State Government and in private practice. She worked in her own part-time legal practice from 1989 until 1999, and also conducted administrative

reviews as a consultant for 2 Federal Government departments from 1992 until July 2003. She has been a Sessional Member of the Victorian Civil and Administrative Tribunal since 1999 and a part-time Member of the Social Security Appeals Tribunal since January 2007.

Suzanne Leal

Part-time Member, Sydney

BA (Hons), LLB

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Suzanne Leal was admitted to the Supreme Court of NSW in 1992. She was appointed to the Administrative Decisions Tribunal (NSW) as a part-time Member in November 2003. In 2006, she published a work of fiction entitled *Border Street*. She has worked as a criminal lawyer with the Legal Aid Commission of NSW, as a policy adviser at the Criminal Law Review Division of the NSW Attorney General's Department and as an author for the *Australian Criminal Reports*.

Gary Ledson

Part-time Member, Melbourne

BEd, Dip Ed

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Gary Ledson is recently retired from the Victorian Department of Education and Training. He has taught Mathematics and Commerce in several secondary colleges. More recently he has held Principal positions at Sandringham College and Rosebud Secondary College. His last appointment was as Principal of Mornington Secondary College. He also has extensive experience as a Curriculum Consultant and has held a number of voluntary positions on community boards and committees.

Patricia Leehy

Part-time Member, Sydney

BA (Hons), Grad Dip Comm, Dip Arts

Appointed: 28 July 1997 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

Patricia Leehy worked in various senior executive level positions within the Australian Public Service from 1980 to 1993, following 3 years with the Ethnic Communities' Council of NSW. She was the Registrar of the RRT from 1993 to 1997. In 1997 she worked as a consultant with the NSW Government Office of Community Housing. She also worked as a Member of the Immigration Review Tribunal in 1999.

Dominic Lennon

Part-time Member, Melbourne

BA, LLB, Grad Dip Mil Law

Appointed: 14 July 2003 (MRT),
1 January 2006 (RRT)

Current term expires: 30 June 2009

Dominic Lennon has been a solicitor with the Victorian and Commonwealth Offices of Public Prosecutions and the Aboriginal Legal Service of WA. He was also the Legal Advisor to the Australian Banking Industry Ombudsman and practised at the Victorian Bar in commercial law, employment law and criminal law.

Christine Long

Part-time Member, Sydney

BA (Hons), LLB

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Christine Long has worked in various areas of public law, including as a lawyer for the Commonwealth Attorney-General's Department, as a solicitor for the Australian Government Solicitor's Office, as Deputy Registrar for the Federal Court of Australia and as a Senior Assistant Director for the Commonwealth Director of Public Prosecutions. She has also worked as a Member of the Social Security Appeals Tribunal and the NSW Consumer, Trader and Tenancy Tribunal. She is admitted as a solicitor in NSW.

Amanda MacDonald

Part-time Member, Sydney

BSc, MALP

Appointed: 1 December 2000 (MRT),
1 January 2006 (RRT)

Current term expires: 30 June 2010

Amanda MacDonald was a Conference Registrar and District Registrar with the Administrative Appeals Tribunal from 1999 to 2001 and a Member and Registrar of the Social Security Appeals Tribunal from 1988 to 2001. She has worked for the Department of Social Security, the Department of Finance and on secondment with KPMG. She was an Acting Senior Member from August 2005 to December 2006. Amanda is currently a Senior Member of the Veterans' Review Board and a Member of the Social Security Appeals Tribunal.

Wendy Machin

Part-time Member, Sydney

BA, MCom

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Wendy Machin has experience in the public and private sectors. She served for 11 years in the NSW Parliament, holding numerous senior positions, including the role of Minister for Consumer Affairs and Deputy Speaker. Before entering Parliament she worked as a public relations consultant and served in local government. She is currently a Director of NRMA Motoring Services and Chairman of Adventure World Travel and has served on the Board of Save the Children Fund, the National Council for Prevention of Child Abuse and Neglect and was the Deputy Chair of the Australian Republican Movement (1997-2000). She also consults to private sector companies and government in dispute resolution.

Jane Marquard

Part-time Member, Sydney

BA, LLB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Jane Marquard is a solicitor of the Supreme Court of NSW. She has wide-ranging experience in the public and private sectors. In 2005 she completed a term as a Board Member of the Australian Broadcasting Authority. She represented the Board in local and international forums and was active on numerous sub-committees. She was responsible for a number of policy initiatives, particularly in the areas of content regulation, internet and new media, and digital television. Prior to this, she was Manager, Policy Development, for Publishing and Broadcasting Limited, and Corporate Counsel for the Nine Network. She has worked in commercial law and litigation at Blake Dawson Waldron Solicitors, for the Director of Public Prosecutions in criminal law and at a community legal centre. She has served on the Federation of Commercial Television Stations, the University of Sydney Senate, the Sydney Festival Board, and is a councillor at her local school.

Rosemary Mathlin

Part-time Member, Sydney

BA, LLB

Appointed: 1 July 1993 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

Rosemary Mathlin was admitted as a solicitor of the Supreme Court of NSW and the High Court of Australia in 1983. From 1986 to 1991 she worked as a solicitor for the Legal Aid Commission of NSW in the Administrative Law Section. She was appointed a Community Representative on the Refugee Status Review Committee from February to June 1993, and was appointed to the Immigration Review Tribunal in February 1999.

Philippa McIntosh

Part-time Member, Sydney

Appointed: 5 September 1993 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2010

From 1977 to 1987 Philippa McIntosh worked with non-government agencies in the UK, including the British Refugee Council, variously as a consultant, researcher and caseworker, in areas relating to refugees, asylum seekers and migrants. She was the Co-ordinator of the Refugee Advice and Casework Service (NSW) from 1987 to 1993. She became a Member of the RRT in 1993, initially as a part-time Member and, for ten years to June 2007, a full-time Member.

Susannah McNeill

Part-time Member, Sydney

BA, LLB

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Susannah McNeill has worked as a migration agent/solicitor in both private practice and community legal centres with the Refugee Advice and Casework Service and from March 2001 with the Immigration Advice and Rights Centre. She has served as a Director with the Migration Institute of Australia and was also a member of the Professional Standards Committee of the Migration Agents Registration Authority.

David Mitchell

Part-time Member, Melbourne

LLB (Hons)

Appointed: 7 July 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

David Mitchell has been a full-time Member of the Administrative Appeals Tribunal (AAT) of Victoria and subsequently the Victorian Civil and Administrative Tribunal. Prior to his appointment to the Victorian 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 he is an accredited mediator and trainer. He

has been retained by the Environment Protection Authority of Victoria to appear as counsel in prosecutions, and to provide other consultant advisory and training services. He is a barrister and solicitor of the Supreme Court of Victoria.

Lilly Mojsin

Part-time Member, Sydney

BA, LLB, Dip Ed

Appointed: 28 July 1997 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

Lilly Mojsin is a practising solicitor admitted to practise in the Supreme Court of NSW and the High Court of Australia since 1975. She was a part-time Member of the RRT from July 1997 to July 2003 and a full-time Member to July 2004 when she was reappointed as a part-time Member. She has previously been a part-time Member of the Immigration Review Tribunal and the MRT. She has been a partner of a legal firm and a sole practitioner and has extensive experience in general legal practice. She has also worked for legal aid in NSW and has been an honorary solicitor for a range of community organisations. She has been a Commissioner for Ethnic Affairs (NSW), a part-time consultant to the Ethnic Affairs Commission (NSW), and a Legal Member of the NSW Dental Technicians Registration Board. She has also worked as a conciliation officer with the Counsellor for Equal Opportunity (NSW) and she has tutored in law.

Deborah Morgan

Part-time Member, Adelaide

LLB

Appointed: 13 June 2000 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Deborah Morgan has previously lectured and tutored in law and was a consultant solicitor with her main areas of practice being in family and migration law. She has held positions as the Chair of the SA Psychological Board, Member of the SA Optometrists Board, Presiding Member of the SA Optical Dispensers' Registration Committee and was a Member of the Board of the State Opera of South Australia until September 2004.

Sydelle Muling

Part-time Member, Melbourne

LLB, BA Legal Studies (HONS)

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Sydelle Muling has previous experience as a Legal Officer and team leader in the RRT and the Australian Taxation Office. She was admitted as a barrister and solicitor of the Supreme Court of the ACT and the High Court of Australia in 2000.

Andrew Mullin

Part-time Member, Sydney

BA (Hons), Master of Legal Studies

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Andrew Mullin joined the then Department of Foreign Affairs in 1971 and served in Brazil and, as Deputy Head of Mission or Acting Head of Mission, in Sri Lanka, Samoa, Greece, Cyprus and South Korea. He was the Australian High Commissioner in Tonga from 1995 to 1999. He headed the Department of Foreign Affairs and Trade's (DFAT) Human Rights Section in 1987-1988 and was a member of the Australian delegation to the United Nations Commission on Human Rights in 1988. He was the DFAT speech writer from 1994-1995 and served as a United Nations electoral observer in Mozambique in 1994.

Louise Nicholls

Part-time Member, Sydney

LLB

Appointed: 31 October 2001 (RRT),
1 July 2004 (MRT)

Current term expires: 30 June 2010

Louise Nicholls was admitted as a solicitor of the Supreme Court of NSW and barrister and solicitor of the Supreme Court of the ACT in 1977. She practised as a solicitor in private practice and in the ACT Legal Aid Office before spending a number of years in Los Angeles and San Francisco (1980-1983). After her return to Canberra she was appointed Senior Instructor at the Australian

National University (ANU) Legal Workshop and Lecturer in Legal Ethics at the ANU. From 1990 she worked in private practice and legal aid in the ACT. Since 1996 she has taught students at the College of Law, Sydney and was Solicitor in Charge of the Parramatta office of the Legal Aid Commission of NSW (1996-2001). She has served on various committees of the ACT and NSW Law Societies. She was a full-time Member of the RRT between October 2001 and July 2004 when she was appointed as a part-time Member of both the MRT and the RRT.

Steve Norman

Part-time Member, Sydney

BA, LLB

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Steve Norman has worked in the refugee status determination (RSD) process for over 10 years. Amongst other things, he has managed part of an RSD exercise for the United Nations High Commissioner for Refugees (UNHCR) in the Sudan. He is currently on the UNHCR, RSD Deployment Roster. He has published journal articles on the assessment of refugee protection obligations in Australia. He has assisted in the drafting of Australia's contributions to the Expert Roundtable Conferences celebrating the 50th anniversary of the Refugees Convention. Further, he has overseen the preparation of submissions relating to other human rights treaties to which Australia is a signatory; he has previously been employed as an instructor in law at the University of Technology, Sydney; and he is currently employed on one other Commonwealth Tribunal.

Ann O'Toole

Part-time Member, Sydney

LLB (Hons)

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Ann O'Toole was admitted to practise as a barrister in NSW in 1984. She practised as a barrister in London from 1983 to 1985. From 1985 until 1988 she worked as a Crown Prosecutor for the Director

of Public Prosecutions in London. From 1989 to 1990 she was a senior investigative lawyer with the NSW Crime Commission. From 1990 to 2001 she was employed as a Principal Legal Officer with the Commonwealth Director of Public Prosecutions.

Christopher Packer

Part-time Member, Sydney

LLB, Grad Dip (Legal Practice)

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Christopher Packer is admitted as a legal practitioner to the Supreme Courts of SA and the ACT. His public sector experience includes working at the MRT from 1999 to 2001. Prior to that he worked in DIAC, including as Manager of the NSW Migration Internal Review Office for a number of years. Other government departments he has worked in are the Department of Housing and Construction and the Department of Defence.

Susan Pinto

Part-time Member, Sydney

BA (HONS), LLB, MA (Criminology)

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Susan Pinto has worked in administrative law for over 15 years. She was previously employed as a legal officer at the RRT. Prior to that she was a strategic analyst at the National Crime Authority and a senior researcher at the Australian Institute of Criminology. She is admitted as a Legal Practitioner in NSW.

Pauline Pope

Part-time Member, Sydney

BA

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Pauline Pope worked as an officer of DIAC from 1975 to 2003, with 2 overseas postings to The Hague and Kuala Lumpur.

Noel Pullen

Part-time Member, Melbourne
JP, ASM

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Noel Pullen worked in the finance industry for some 30 years and operated his own consultancy business. He is a former member of the Victorian Parliament and is involved in a number of community and sporting groups.

Kira Raif

Part-time Member, Sydney
BA, LLB, LLM

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Kira Raif was admitted as a legal practitioner of the Supreme Court of NSW in 1998. Prior to joining the Tribunals, she worked in private practice in the area of immigration law for a period of 10 years.

Greg Robinson

Part-time Member, Melbourne
DES (Masters) International Relations, LLB (Hons),
BComm, BA (Hons)

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Greg Robinson is a practising barrister, specialising in public, international and commercial law. Before signing the Bar Roll he worked at the Office of National Assessments (Department of the Prime Minister and Cabinet), on international trade and economics matters, and at the Department of Foreign Affairs and Trade in the Trade Negotiations Division. He also worked in the Office of the Minister for Foreign Affairs between 1996 and 1998, advising on international economics.

Shahyar Roushan

Full-time Member, Sydney
BA, LLB (Hons)

Appointed: 31 October 2001 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2010

Shahyar Roushan is a barrister and solicitor of the Supreme Court of the ACT. He has previously worked at the Commonwealth Attorney-General's Department, the Australian Government Solicitor and the Cape Town office of the South African Human Rights Commission. He has also tutored in law at the Australian National University. In 2004-2005 he was a Visiting Scholar at the Centre for Gender and Refugee Studies, University of California Hastings College of the Law.

James Silva

Part-time Member, Sydney
BA, LLB, MBA

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

James Silva began his career in the Department of Foreign Affairs and Trade (DFAT), where he worked from 1983 to 2002. His service included postings to Australian diplomatic missions in Bangladesh (1984-1986), Germany (First Secretary, Bonn) (1991-1995) and the Netherlands (Deputy Ambassador, The Hague) (1997-2001). He occupied various positions in Canberra, most recently as the Director of DFAT's International Intellectual Property Section. He has also worked in the Department of the Prime Minister and Cabinet, as Senior Adviser in the International Division (1995), and in the NSW Cabinet Office as Director of Greenhouse and Sustainable Development (2002-2003).

Don Smyth

Part-time Member, Brisbane
BA, LLB (Hons), MIndEmpRels

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Don Smyth is also a part-time Member of the Social Security Appeals Tribunal. He has worked in a number of areas of the public sector, including as a Legal Team Leader at the RRT and a Legislation Policy Officer in the Victorian Department of Human Services.

Louise Spieler

Part-time Member, Melbourne
BA, BSW, JD

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Louise Spieler began her career in DIAC which included overseas postings as Senior Migration Officer in Belgrade and Principal Migration Officer in Rome. She subsequently moved into the community sector working with newly arrived migrants and refugees at a Migrant Resource Centre before taking up the position of Co-ordinator with the Asylum Seeker Assistance Scheme at Australian Red Cross Victoria. Prior to being appointed as a part-time Member, she spent 3 years as Case Team Manager with the MRT in Melbourne. During that time she did a 7 month AusAID consultancy with the Papua New Guinea Department of Immigration.

Linda Symons

Part-time Member, Sydney
BLegS, BA, MAA, LLM

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Linda Symons is admitted as a solicitor of the Supreme Court of NSW and a solicitor of the High Court of Australia. She has worked as a solicitor in private practice (Nikola Velcic & Associates and Watts McCray Lawyers) and has worked for the Legal Aid Commission of NSW and the NSW Department of Community Services. She has also

worked for the Family Court of Australia and the Human Rights and Equal Opportunity Commission and the Federal Magistrates Court. Linda is an accredited mediator and conciliator.

Karen Synon

Part-time Member, Melbourne
MBA (Melbourne University)

Appointed: 1 October 2001 (RRT),
1 July 2004 (MRT)

Current term expires: 30 June 2010

Karen Synon has an extensive background in community development and policy matters. She founded a large non-profit provider of services to the unemployed in the western suburbs of Melbourne and was General Manager of its flagship program from 1987 to 1993. From 1993-1997 she was the First Assistant Secretary for Employment for the Victorian Government and developed and oversaw the first state-wide move to an outsourced model of community employment placement services and initiated several other state-wide community initiatives aimed at revitalising local communities. From 1997-1999 Karen was a Senator for Victoria in the Federal Parliament and during that time served on the Foreign Affairs and Trade Joint Parliamentary Committee, the Joint Parliamentary Human Rights Committee, was Secretary of the Parliamentary Amnesty International Group and a member of the Parliamentary delegation to monitor the 1999 Indonesian elections.

David Thomas

Part-time Member, Melbourne
BA, MA, PhD, Juris D

Appointed: 12 July 1999 (MRT), 1 July 2004 (RRT)

Current term expires: 30 June 2010

Dr David Thomas is a barrister and solicitor of the Supreme Court of Victoria and admitted as a legal practitioner of the Supreme Court of NSW. He was a Board Member of the Victoria Law Foundation from 1994 to 2001. He is a qualified company director with experience in local government and consulting. Prior to his appointment to the MRT, he was the head of the Department of Economics and Law at Swinburne University of Technology and has extensive lecturing experience as well

as having worked as a researcher and consultant in education. He has published extensively in Australian and overseas journals.

Irene Tsiakas

Part-time Member, Melbourne

LLB

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Irene Tsiakas was admitted as a barrister and solicitor of the Supreme Court of Victoria in 1975. From 1975 until 1985 she practised as a solicitor in private practice and for legal aid. She has worked as a Member of the Social Security Appeals Tribunal since 1988 and conducted administrative reviews for the Child Support Agency from 2001 to 2006.

Peter Tyler

Part-time Member, Melbourne

Appointed: 1 July 2007 (MRT and RRT)

Current term expires: 30 June 2010

Peter Tyler was admitted as a barrister and solicitor to the Supreme Court of Victoria in 1976 and entered in the Register of Practitioners at the High Court of Australia the following year. He established a general practice in regional Victoria (Tyler, Tipping & Woods). He was an Executive Officer with the Department of Human Services and a member of the Department's Senior Policy Group. His community involvement has included Board member of the Latrobe Regional Hospital and the hospital's Research and Ethics Committee, Board member of Latrobe Community Health Service and Councillor of Latrobe City Council. He is a part-time tutor in the Faculty of Medicine at Monash University.

Lisa Ward

Part-time Member, Perth

LLM

Appointed: 1 October 2001 (MRT),
1 July 2004 (RRT)

Current term expires: 30 June 2010

Lisa Ward is a barrister and solicitor of the Supreme Court of WA and the High Court of Australia. She previously worked at the Australian Government Solicitor and Commonwealth Director of Public Prosecutions between 1995 and 2001. She has also lectured and tutored in law at the University of Notre Dame. She was a solicitor in London from 1993 to 1995 and for the Royal Commission into Commercial Activities of Government and Other Matters from 1991 to 1992.

Phillippa Wearne

Part-time Member, Sydney

B Juris, LLB, LLM

Appointed: 1 July 2006 (MRT and RRT)

Current term expires: 30 June 2009

Phillippa Wearne is a part-time member of the Social Security Appeals Tribunal. She was a deputy registrar in the Equity Division of the Supreme Court of NSW from 2001 to 2006, and was also registrar of the Protective List at the Court. Prior to that, she was a writer for a consumer law website, an electronic editor for a commercial publisher, and a lecturer at the Centre for Plain Legal Language, Faculty of Law, USYD. She lectured in commercial law at UNSW from 1987 to 1994.

Robert Wilson

Part-time Member, Sydney

BEC, LLB, Master of International Studies, Master Human Rights Law

Appointed: 1 July 2002 (RRT), 1 July 2004 (MRT)

Current term expires: 30 June 2010

Robert Wilson has had experience as an associate in a commercial firm, as a legal educator, and as a Principal Legal Officer with the Australian Government Solicitor. He has worked in the area of migration and refugee law for 17 years, and has completed a programme in Human Rights Law at Oxford University.

Hugh Wyndham

Part-time Member, Sydney

BA, MA

Appointed: 14 July 2003 (RRT),
14 November 2005 (MRT)

Current term expires: 30 June 2009

Hugh Wyndham is a business consultant and a practising mediator, conciliator and trainer. He is a member of the Management Committee of a not-for-profit organisation which looks after a National Trust property. Immediately prior to establishing his mediation and training practice, he worked for 6 years for P&O in Latin America, setting up new businesses for the P&O Group. Before that he was employed in the Australian diplomatic service, including terms as High Commissioner in Nigeria and Ambassador to Argentina.

Antoinette Younes

Full-time Member, Sydney

BA, MA (Psychology), GDLP, LLB, LLM

Appointed: 14 July 2003 (RRT),
1 January 2006 (MRT)

Current term expires: 30 June 2009

Antoinette Younes is a solicitor, a psychologist and an accredited mediator with the Australian Commercial Disputes Centre. Prior to her appointment to the RRT, she was Deputy Registrar of the Supreme Court of NSW. She has conducted mediations of matters in the Court of Appeal, the Common Law Division and the Equity Division of the Supreme Court. Previously, she worked as a solicitor at a community legal centre. She has also worked at the Health Care Complaints Commission and St Vincent's Hospital as a psychologist.

David Young

Part-time Member, Melbourne

BA, MPub Pol, MInt & Comm Devlpt, Prof Cert Arb & Med

Appointed: 14 July 2003 (MRT),
14 November 2005 (RRT)

Current term expires: 30 June 2009

Prior to being appointed to the MRT, David Young spent 11 years at the Office of the Commonwealth Ombudsman in a variety of roles, including Chief Information Officer and Assistant Commonwealth Ombudsman. He was previously a senior adviser to the Victorian Government on crime prevention, law enforcement and counter-disaster planning. Educated at Melbourne and Oxford Universities and trained as a psychologist, mediator and arbitrator, he has also served as a consultant on alternative dispute resolution to the Victorian Small Business Commissioner's Office and was a Member of the Social Security Appeals Tribunal and the Mental Health Review Board.



Appendix 4
Additional Staffing Statistics

Appendix 4—Additional Staffing Statistics

Set out below are staffing statistics provided in addition to those set out in Part 5 of the Report.

Table 4.1 — Ongoing and non-ongoing staff

	30 June 2008			30 June 2007			30 June 2006		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Ongoing full-time	148	90	238	128	83	211	125	90	215
Ongoing part-time	26	6	32	25	8	33	22	6	28
Non-ongoing full-time	5	6	11	13	8	21	10	6	16
Non-ongoing part-time	1	0	1	1	1	2	1	0	1
Casual	1	0	1	4	1	5	4	0	4
Total	181	102	283	171	101	272	162	102	264

Table 4.2 — Members and staff by location 30 June 2008

	Sydney	Melbourne	Brisbane	Adelaide	Perth	Total
Members	56	32	2	1	1	92
Staff	204	79	0	0	0	283
Total	260	111	2	1	1	375

Table 4.3 — Members and staff by age 30 June 2008

Age	Staff	Members
Less than 25	2%	0%
25 to 34	31%	2%
35 to 44	27%	22%
45 to 54	26%	42%
55 to 64	12%	29%
Over 65	2%	5%



Appendix 5

Freedom of Information

Appendix 5—Freedom of Information

Introduction

This statement is published to meet the requirements of section 8 of the *Freedom of Information Act 1982* (the FOI Act). Section 8 requires each Australian Government agency to publish information about the way it is organised, and its functions, powers, and arrangements for public participation in the work of the agency. Agencies are also required to publish the categories of documents held and how members of the public can gain access to such documents.

This statement is correct as at 30 June 2008 and should be read in conjunction with the more detailed information in the rest of this Annual Report.

Establishment

The Tribunals are established under the *Migration Act 1958*. The MRT commenced on 1 June 1999 and the RRT commenced on 1 July 1993.

Organisation

The organisational structure of the Tribunals is described in Parts 3 and Part 5 of this Report. Organisational charts are set out at the end of Part 3.

Functions

The Tribunals conduct independent final merits reviews of visa and visa-related decisions made under the Migration Act and Regulations. The Tribunals are required to provide a mechanism of review that is fair, just, economical, informal and quick.

Powers

The Tribunals have the power to affirm, vary or set aside a decision under review, to remit (return) a matter to DIAC for reconsideration in accordance with permissible directions, or to substitute a new decision. They have powers to conduct investigations, to summon witnesses and documents and to take evidence on oath or affirmation.

Arrangements for outside participation

Decisions are made by the MRT or the RRT as formally constituted under the Migration Act for a particular case.

Review applicants are entitled to give written arguments and written statements relating to the facts and issues arising in their review applications, and may appear before the MRT or the RRT to present arguments and give oral evidence. The Secretary of DIAC is entitled to give the Tribunals written arguments relating to the issues arising in a review application.

The MRT-RRT Community Liaison Meetings provide a forum for the Tribunals to meet, exchange information with and consult interested stakeholders. Representatives who attend the meetings come from migration and refugee advocacy groups, migration agents, human rights bodies and other government agencies. There is an exchange of information and consultation on the Tribunals' processes, caseloads, and relevant legislative and other developments.

The Tribunals hold regular liaison meetings with DIAC to discuss general business issues.

Categories of documents

The Tribunals maintain the following categories of documents:

- case files and Departmental files;
- case records;
- decision records;
- statistics;
- application and other forms;
- procedures;
- legal advices;
- audio recordings of proceedings;
- reference and research materials; and
- administrative and policy files.

The Tribunals do not have any documents that are available for purchase by the public.

Facilities for access to information

The Tribunals provide access to documents under the Migration Act or under the FOI Act by supervised access to the original documents and/or by providing copies of documents. Access is available at each of the Tribunals' registries. During 2007-08, the Tribunals received 1,385 requests for access under the Migration Act and 591 requests for access under the FOI Act.

The Tribunals maintain an internet website which provides electronic access to certain statistical information, policies and procedures, application and other forms and some reference material.

Access to documents under the Migration Act

Section 362A of the Migration Act provides that MRT applicants and their representatives are entitled to have access to any written material, or a copy of any written material, given or produced to the MRT for the purposes of the review. This right of access means that most requests for access received by the MRT are dealt with outside the FOI Act.

Applicants can obtain access to documents held by the MRT relating to their review application by making a written request using form MRT16 Request for Access to Documents available from the Tribunals' registries or its website at <http://mrt-rrt.gov.au/>. No fee applies.

Access to documents under the FOI Act

Any person may make a request under the FOI Act for access to documents held by the Tribunals. The request must be made in writing and set out sufficient details to identify the information sought. The MR3 Freedom of Information form for seeking access to documents is available from the Tribunals' registries or the Tribunals' website. People applying for access are asked to provide an address in Australia to which the requested information can be sent and to provide a day-time phone number in case there is a need to seek further information.

An application fee of \$30 may be payable. The Tribunals' policy in relation to the application fee is set out on the MR3 Freedom of Information form. The Tribunals will not normally require payment of the \$30 application fee in relation to a request by a person for access to information or documents about their own

case. However, the Tribunals reserve the right to do so where there are repeat requests. A Tribunal Officer will advise whether a fee is required after the application is received.

The Tribunals also have a policy in relation to the imposition of charges for processing an FOI request (also set out on the MR3 Freedom of Information form). Charges may apply for processing a request other than a request by a person for information about their own case, where the response will require the photocopying of 50 or more pages or take 3 or more hours of staff time to process. Charges may also apply if multiple requests are made for documents already provided under the FOI Act. If charges are going to be imposed on processing an FOI request, a Tribunal Officer will contact the person making the request.

Initial contact for inquiries

Requests for access to documents under section 362A of the Migration Act should be addressed to the registry dealing with the case.

Initial inquiries concerning access to documents or other matters relating to FOI may be made at any registry. An FOI request can be made at any registry.

Addresses and contact information are provided on page ii of this Report.



Appendix 6
Legal Services Expenditure

Appendix 6—Legal Services Expenditure

The *Legal Services Directions 2005*, issued by the Attorney-General under the *Judiciary Act 1903*, require Chief Executives of agencies to ensure that their agencies' legal services purchasing, including expenditure, is appropriately recorded and monitored and that, by 30 October each year, the agency makes publicly available records of the legal services expenditure for the previous financial year.

The Tribunals' 2007-08 report is set out below. It is also published on the Tribunals' website.

Legal services expenditure for the period 1 July 2007 to 30 June 2008

This is a statement of legal services expenditure by the Migration Review Tribunal - Refugee Review Tribunal for the financial year 2007-08, published in compliance with paragraph 11.1(ba) of the *Legal Services Directions 2005*.

Agency's total legal expenditure	\$2,022,989.40
Agency's total external legal services expenditure	\$42,882.49
External expenditure on solicitors	\$34,305.81
External expenditure on counsel	\$8,576.68
Male counsel briefed	2
Value of briefs to male counsel briefed	\$8,576.68
Female counsel briefed	0
Value of briefs to female counsel briefed	\$0.00
Other disbursements on external legal services	\$0.00
Agency's total internal legal services expenditure	\$1,980,107.00

Notes:

- 1 Internal legal services expenditure includes direct salary costs and indirect salary costs (leave entitlements, superannuation, and other allowances).
- 2 All figures are exclusive of GST.



Appendix 7
Compliance Index

APPENDIX 7—Compliance Index

Agencies prepare Annual Reports to Parliament under requirements approved by the Joint Committee of Public Accounts and Audit. Detailed below are the page numbers relating to each of the Annual Report requirements.

Item	Page
Letter of transmittal	iii
Table of contents	v
Index	171
Glossary	159
Contact officer(s)	ii
Internet home page address and Internet address for report	ii
Report by the Principal Member	3
Summary of significant issues and developments	3, 7
Overview of Tribunals' performance and financial results	25
Outlook for following year	4
Overview description of the Tribunals	13
Role and functions	13
Organisational structure	20
Outcome and output structure	25
Where outcome and output structures differ from PBS format, details of variation and reasons for change	25
Review of performance during the year in relation to outputs and contribution to outcomes	25
Actual performance in relation to performance targets set out in PBS/ PAES	25
Performance of purchaser/ provider arrangements	61
Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	25
Narrative discussion and analysis of performance	3, 7, 25
Trend information	28
Factors, events or trends influencing the Tribunals' performance	3, 7
Significant changes in nature of principal functions/ services	44
Performance against service charter customer service standards, complaints data, and the Tribunals' response to complaints	41, 43
Social justice and equity impacts	39
Discussion and analysis of the Tribunals' financial performance	26
Discussion of any significant changes from the prior year or from budget.	26
Summary resource tables by outcomes	26
Developments since the end of the financial year that have affected or may significantly affect operations or financial results in future	44

Item	Page
Statement of the main corporate governance practices in place	47
Names of the senior executive and their responsibilities	47
Senior management committees and their roles	47
Corporate and operational planning and associated performance reporting and review	48
Approach adopted to identifying areas of significant financial or operational risk and arrangements in place to manage risks	49
Certification that the Tribunals comply with the Commonwealth Fraud Control Guidelines.	49
Policy and practices on the establishment and maintenance of appropriate ethical standards	49
How nature and amount of remuneration for SES officers is determined	56
Significant developments in external scrutiny	51
Judicial decisions and decisions of administrative tribunals	36
Reports by the Auditor-General, a Parliamentary Committee or the Commonwealth Ombudsman	50
Assessment of effectiveness in managing and developing human resources to achieve Tribunal objectives	53
Workforce planning, staff turnover and retention	55
Impact and features of certified agreements and AWAs	56
Training and development undertaken and its impact	53, 55
Occupational health and safety performance	57
Productivity gains	7
Statistics on staffing	54, 141
Certified agreements and AWAs	56
Performance pay	60
Assessment of effectiveness of assets management	60
Assessment of purchasing against core policies and principles	60
Number of new and ongoing consultancy services contracts and total actual expenditure on consultancy contracts	60
Statement noting that information on contracts and consultancies is available through the AusTender website	60
Absence of provisions in contracts allowing access by the Auditor-General	60
Contracts exempt from AusTender	60
Report on performance in implementing the Commonwealth Disability Strategy	58
Financial Statements	65
Occupational health and safety (section 74 of the Occupational Health and Safety Act 1991)	57
Freedom of Information (subsection 8(1) of the Freedom of Information Act 1982)	145
Advertising and Market Research (Section 311A of the Commonwealth Electoral Act 1918)	62
Ecologically sustainable development and environmental performance (Section 516A of the Environment Protection and Biodiversity Conservation Act 1999)	59
Discretionary Grants	62
Correction of material errors in previous annual report	62



Glossary

Glossary

AASB	Australian Accounting Standards Board.
AAT	The Administrative Appeals Tribunal is a statutory body that provides independent merits review of a range of government decisions.
access to documents	The Tribunals allow access to documents they hold in accordance with the Migration Act and the FOI Act.
Act, the	<i>The Migration Act 1958</i> (the Act) is the principal legislation which establishes the Tribunals and sets out their functions, powers and procedures. The Act is the legislative basis for all decisions reviewable by the Tribunals.
AEIFRS	The Australian Equivalents to International Financial Reporting Standards.
affirm	To ratify the decision under review — the original decision remains unchanged and in force.
AIAL	Australian Institute of Administrative Law.
ANAO	The Australian National Audit Office is a specialist public sector practice providing a full range of audit services to the Parliament and public sector agencies and statutory bodies.
ANU	The Australian National University.
applicant	The applicant for review.
appropriations	Amounts authorised by Parliament to be drawn from the Consolidated Revenue Fund or Loan Fund for a particular purpose, or the amount so authorised. Appropriations are contained in specific legislation — notably, but not exclusively, the Appropriation Acts.
APS	The Australian Public Service.
APS employee	A person engaged under section 22, or a person who is engaged as an APS employee under section 72, of the <i>Public Service Act 1999</i> .
ARC	The Administrative Review Council.
asylum seeker	An asylum seeker is a person who has left their country of origin, has applied for recognition as a refugee in another country and is awaiting a decision on their application.
ATO	Australian Taxation Office.
AusAID	The Australian Agency for International Development.
AustLII	The Australasian Legal Information Institute publishes a website that provides free internet access to Australian legal materials, including published MRT and RRT decisions.

authorised recipient	A person authorised by the applicant to do things on behalf of the applicant that consist of, or include, receiving documents in connection with a review.
AWA	Australian Workplace Agreement.
bridging visa	A bridging visa is a temporary visa generally granted to eligible non-citizens to enable them to remain lawfully in Australia for one of a number of specified reasons, the most common one being while they are awaiting the outcome of another, substantive, visa application.
CARE International	A humanitarian organisation fighting global poverty.
case	It is the Tribunals' practice to count multiple applications for review as a single case where the legislation provides that the applications for review can be handled together, usually where members of a family unit have applied for the grant of visas at the same time.
CaseMate	CaseMate is the Tribunals' case management system. It replaced the separate MRT and RRT case management systems in April 2006. It is a customised database that contains, in electronic form, information on individual cases.
CDS	The Commonwealth Disability Strategy recognises that the Australian Government has an impact on the lives of people with disabilities through its many programs, services and facilities.
CEO	The Chief Executive Officer is the Principal Member, who is responsible for the operations and administration of the Tribunals.
Chief Financial Officer	The Chief Financial Officer is the executive responsible for both the strategic and operational aspects of financial planning, management and record-keeping in APS departments and agencies. The Registrar is the Chief Financial Officer of the Tribunals.
COAT	The Council of Australasian Tribunals.
Comcare	A statutory authority responsible for workplace safety, rehabilitation and compensation.
Commonwealth Ombudsman	Professor John McMillan is the Commonwealth Ombudsman. His office considers and investigates complaints about Australian Government departments and agencies, including the Tribunals.
competitive tendering and contracting	The process of contracting out the delivery of government activities previously performed by an agency to another organisation. The activity is submitted to competitive tender, and the preferred provider of the activity is selected from the range of bidders by evaluating offers against predetermined selection criteria.

constitution	Constitution is the formal process where a case is allocated to a Member for the purposes of a particular review. Once a Member is constituted as the Tribunal for the purposes of a particular review, that Member is responsible for the decision-making processes and the decision of the Tribunal for that particular review.
consultancy	One particular type of service delivered under a contract for services. A consultant is an entity - whether an individual, a partnership or a corporation engaged to provide professional, independent and expert advice or services.
corporate governance	The process by which agencies are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership, direction and control.
CPA	The Commonwealth Public Account.
CSS	The Commonwealth Superannuation Scheme.
current assets	Cash or other assets that would, in the ordinary course of operations, be readily consumed or convertible to cash within 12 months after the end of the financial year being reported.
current liabilities	Liabilities that would, in the ordinary course of operations, be due and payable within 12 months after the end of the financial year under review.
DIAC	The Department of Immigration and Citizenship (DIAC). Officers of DIAC hold delegations to make the primary decisions reviewable by the Tribunals.
decision statement	The formal document which sets out the Tribunal decision and reasons in writing for a particular review.
Deputy Principal Member	The Deputy Principal Member assists the Principal Member in relation to the operations of the RRT.
Deputy Registrar	The Deputy Registrar of the Tribunals assists the Registrar.
Department, the	The Department of Immigration and Citizenship (the Department or DIAC).
DFAT	The Department of Foreign Affairs and Trade.
District Registrar	District Registrars assist the Registrar. A District Registrar is responsible for day to day operations and management of a Tribunal registry.
EL	Executive level officer of the APS.
executive officer	The executive officer is the Principal Member. The Principal Member is responsible for the overall operation and administration of the Tribunals.
expenditure	The total or gross amount of money spent by the Government on any or all of its activities.
FBT	Fringe Benefits Tax.

FCA	The Federal Court of Australia.
FCAFC	The Full Court of the Federal Court of Australia.
Finance	The Department of Finance and Deregulation.
financial results	The results shown in the financial statements of an agency.
FMA	Financial Management and Accountability.
FMA Act	The <i>Financial Management and Accountability Act 1997</i> is the principal legislation governing the collection, payment and reporting of public moneys, the audit of the Commonwealth Public Account and the protection and recovery of public property. FMA Regulations and Orders are made pursuant to the FMA Act.
FMCA	The Federal Magistrates Court of Australia.
FMO	Finance Minister's Orders.
FOI	Freedom of Information.
FOI Act	The <i>Freedom of Information Act 1982</i> (the FOI Act) creates a legally enforceable right of public access to documents in the possession of agencies.
former visa holder	A person who previously held a visa. For example a person who has had his or her visa cancelled.
GST	Goods and Services Tax (GST) is a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia.
Guidance on the Assessment of Credibility	This paper provides an overview of general principles concerning the assessment of credibility of applicants and witnesses giving evidence before the MRT and the RRT. It also contains information about the practices that may be observed by the Tribunals when undertaking an assessment of credibility.
Guide to Refugee Law in Australia	The Guide to Refugee Law in Australia was developed in 1996 and is maintained by the Legal Services Section as a reference tool for Members and staff of the RRT. It contains an analysis of the legal issues relevant to the determination of refugee status in Australia and is regularly updated to reflect developments in the law.
HCA	The High Court of Australia.
hearing	An appearance by a person before either the MRT or the RRT. The appearance may be in person, or by video or telephone link.
HREOC	The Human Rights and Equal Opportunity Commission.
IARC	The Immigration Advice and Rights Centre.
IARLJ	The International Association of Refugee Law Judges.

IASB	International Accounting Standards Board.
IFRS	International Financial Reporting Standards.
IGC	Intergovernmental Committee.
IRT	The Immigration Review Tribunal. The IRT operated between 1989 and 1999. It was replaced by the MRT.
IT	Information technology.
IT&C	Information technology and communications.
Joint Management Board	The Joint Management Board (JMB) is a body that manages the strategic operations of the Tribunals. It consists of the Principal Member, the Deputy Principal Member of the RRT, the Registrar and Senior Members.
jurisdiction	Jurisdiction defines the scope of the Tribunals' power to review decisions.
LEADR	LEADR is an organisation formed in 1989 to serve the community by promoting and facilitating the use of consensual dispute resolution processes generally known as Alternative Dispute Resolution or ADR.
Legal Services Directions 2005	Issued by the Attorney-General under the <i>Judiciary Act 1903</i> , the <i>Legal Services Directions 2005</i> require Chief Executives of agencies to ensure that their agencies' legal services purchasing, including expenditure, is appropriately recorded and monitored and that, by 30 October each year, the agency makes publicly available records of the legal services expenditure for the previous financial year.
LIV	The Law Institute of Victoria is the state's peak body for lawyers and those who work with them in the legal sector.
MARA	The Migration Agents Registration Authority undertakes the role of regulator to the migration advice industry. It is responsible for registration, complaints, professional standards, education and training for migration agents.
Member	The Tribunals comprise of Members. Members are constituted as the MRT or the RRT for the purposes of a particular review and are responsible for the decision-making processes and the decision of the MRT or the RRT for that particular review.
merits review	Merits review is the administrative reconsideration of the subject matter of the decision under review.
MIA	The Migration Institute of Australia is the professional association for Australian migration service providers. It represents over 1,500 registered migration agents who provide professional migration services.
MIAC	The acronym MIAC is used to identify the Minister for Immigration and Citizenship in abbreviated court citations.

migration agent	A migration agent is someone who uses knowledge of migration procedures to offer advice or assistance to a person wishing to obtain a visa to enter or remain in Australia. They may be a lawyer or work for a voluntary or private organisation or company. A migration agent operating in Australia is required by law to be registered with the MARA.
Minister, the	The Minister for Immigration and Citizenship.
MOU	Memorandum of Understanding.
MRT	The Migration Review Tribunal.
NAATI	National Accreditation Authority for Translators and Interpreters.
NGO	Non-government organisation.
non-ongoing APS employee	An APS employee who is not an ongoing APS employee. A temporary employee engaged for a specified term or the duration of a specified task. Non-ongoing employees may be engaged on a full-time or part-time basis.
notification	The act of formally making known or giving notices.
OHS	Occupational health and safety.
ongoing APS employee	A person engaged as an ongoing APS employee as mentioned in paragraph 22(2)(a) of the <i>Public Service Act 1999</i> . A person employed on a continuing basis.
OPA	Official Public Account.
operations	Functions, services and processes performed in pursuing the objectives or discharging the functions of an agency.
outcomes	The results, impacts or consequence of actions by Government on the Australian community.
outputs	The goods or services produced by agencies on behalf of Government for external organisations or individuals. Outputs include goods and services produced for other areas of Government external to an agency.
PAES	Portfolio Additional Estimates Statements.
PBS	Portfolio Budget Statements.
performance pay	Also known as performance-linked bonuses and usually taking the form of a one-off payment in recognition of performance. Retention and sign-on payments are not considered to be performance pay, and nor is performance-linked advancement which includes advancement to higher pay points which then becomes the employee's nominal salary.
PMD	Principal Member Direction.
PRC	The People's Republic of China.

primary decision	A primary decision is the decision subject to review by either the MRT or the RRT.
Principal Member	The Principal Member is the executive officer of the Tribunals and is responsible for the Tribunals' overall operations and administration; ensuring that their operations are as fair, just, economical, informal and quick as practicable; allocating work, determining guidelines and issuing written directions.
Principal Registry	The Principal Registry is the Tribunals' national office. The Tribunals' executive functions are performed at the Principal Registry.
Privacy Act	The <i>Privacy Act 1988</i> provides protection of personal information.
protection visas	Protection visas are a class of visas a criterion for which is that the applicant for the visa is a non-citizen in Australia to whom Australia has protection obligations under the Refugees Convention or a non-citizen in Australia who is the spouse or a dependant of a non-citizen who holds a protection visa.
PSS	Public Sector Superannuation Scheme.
purchaser/provider arrangements	Arrangements under which the outputs of one agency are purchased by another agency to contribute to outcomes. Purchaser/provider arrangements can occur between Australian Government agencies or between Australian Government agencies and State/Territory government agencies or private sector bodies.
RACS	The Refugee Advice and Casework Service.
refoulement	The return by a state, in any manner whatsoever, of an individual to the territory of another state in which he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.
refugee sur place	A person may become a refugee <i>sur place</i> due to circumstances arising after he or she has left his or her country of origin.
Refugees Convention	Convention Relating to the Status of Refugees done at Geneva on 28 July 1951 as amended by the Protocol Relating to the Status of Refugees done at New York on 31 January 1967.
Registrar	The Registrar of the Tribunals assists the Principal Member with the administrative management of the Tribunals.
Registry	A registry is a Tribunal office.
Regulations, the	The Migration Regulations 1994, unless otherwise indicated.
remit	To send the matter back for reconsideration. A Tribunal may remit a decision to DIAC when it decides that a visa applicant has satisfied the criteria which the primary decision-maker found were not satisfied, or that the visa applicant is a refugee.

representative	A representative is someone who can forward written submissions and written evidence to the Tribunals, contact the Tribunals on the applicant's behalf, and accompany the applicant to any meeting or hearing arranged by the Tribunals. With very limited exceptions, a representative must be a registered migration agent.
review applicant	A review applicant is a person who has made an application for review to either of the Tribunals.
review application	A review application is an application for review that has been made to either of the Tribunals.
reviewable decision	A reviewable decision is a decision that can be reviewed by either the MRT or the RRT. Reviewable decisions are defined in the Act and the Regulations.
RRT	The Refugee Review Tribunal.
RSD	Refugee status determination.
RSRC	The Refugee Status Review Committee.
Senior Management Group	The Senior Management Group (SMG) comprises the Registrar, the Deputy Registrar, District Registrars and Directors. This group meets at least once a month and deals with Tribunal-wide management and planning issues.
Senior Member	Senior Members provide guidance to and are responsible for Members within each of the registries.
service charters	It is Government policy that departments/agencies which provide services directly to the public have service charters in place. A service charter is a public statement about the service that a department/agency will provide and what customers can expect from the department/agency.
SES	Senior Executive Service of the APS.
set aside	To revoke the decision under review - the original decision is deemed not to have been made. A Tribunal sets aside a decision when it decides that the primary decision should be changed. When a Tribunal sets aside a primary decision it may substitute a new decision in place of the primary decision.
source country	The country of nationality or citizenship of a visa applicant.
SSAT	The Social Security Appeals Tribunal.
statutory objective	The Tribunals' statutory objective is to provide a mechanism of review that is fair, just, economical, informal and quick. The MRT and the RRT's statutory objectives are set out in sections 353 and 420 respectively of the Act.
Tribunal	The Migration Review Tribunal (the MRT) or the Refugee Review Tribunal (the RRT).

Tribunals	The Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT), unless otherwise indicated.
Tribunals' Plan	The Tribunals' Plan 2007-2010 replaces the MRT-RRT Corporate Plan 2005-07. It is a high level document setting out the Tribunals' key strategic aims and priorities and core values.
UNDP	The United Nations Development Programme (UNDP).
UNHCR	The United Nations High Commissioner for Refugees.
VRB	The Veterans' Review Board.
visa applicant	A visa applicant is a person who has made a visa application.
workplace diversity	Managing workplace diversity well requires the creation of an inclusive environment that values and utilises the contributions of people of different backgrounds, experiences and perspectives.



Index

a

abbreviations, 159
access to information, 145
address, ii
Administrative Appeals Tribunal, ii, 61
advertising expenditure, 62
Annual Reports
 corrections to, 62
application fees, 14, 98
applying for review, 13
assets management, 60
asylum seekers, 18
audit, 49, 50, 65
AustLII, 15
Australian National Audit Office, 49, 50, 65
Australian Workplace Agreements, 56

b

budget, 26
 see also financial statements
Budget Statements, 25

c

cancellation of visa, 17
case law, 36
case management system, 8
caseload, 27
caseload and constitution policy, 7, 48
caseload management, 7
Certified Agreement, 56
Code of conduct, 19
Committees, 41, 47, 53, 57
Commonwealth Disability Strategy, 58
Commonwealth Ombudsman, 41, 51
Community Liaison meetings, 41
complaints, 41
compliance index, 159
conferences, 41, 53
consultancy services, 60
contact details, ii
contracts, 60
Convention relating to the Status of Refugees, 18
corporate governance, 47
corporate plan, *see* Tribunals' Plan

country research, 16, 18
courts, 36

d

decisions, 15-16, 32
Department of Foreign Affairs and Trade, 17
Department of Immigration and Citizenship, 7, 8, 13, 41
detention cases, 7, 30
disability, 58

e

ecologically sustainable development, 59
equity, 39
ethical standards, 19, 49
expenditure, 26
 see also financial statements
external relations, 41
external scrutiny, 51

f

Federal Magistrates Court judgments, 36
fees, 14
financial performance, 26
financial statements, 65-103
Fraud Control Plan, 49
Freedom of Information, 145

g

glossary, 159

h

health and safety, 57
hearings, 31
High Court judgments, 36
human resources, 52
 additional staffing statistics, 141

i

immigration detention, 7, 30
internal auditors, 49
International Association of Refugee Law Judges, 41
Interpreters' Handbook, 19
interpreters, 19, 39

j

Joint Consultative Committee, 47
Joint Management Board, 47
judicial decisions, 36

l

Legal Services, 17
Legal Services Directions 2005, 151
legislative changes, 1, 44
lodgements, 28

m

market research, 62
Members, 52, 119
Memorandum of Understanding, 61
merits review, 13
Migration Act 1958, 13
migration agents, 15, 31
Migration Regulations 1994, 13
Minister, iii, 7, 13

n

National telephone enquiry number, ii

o

occupational health and safety, 57
offices, ii
Ombudsman, see Commonwealth Ombudsman
organisational structure, 20, 21, 52-54, 141
Outcomes, 25, 33
Outputs, 25

p

performance, 25
performance audit, 50
performance management, 53, 55
planning, 48
procedural fairness, 13
productivity, 8, 25
professional development, 53
protection visas, 18

Protocol relating to the Status of Refugees, 18
purchaser/provider, 61
purchasing, 60

r

refugee, 18
Refugees Convention, 18
remuneration, 52, 56-57, 95
representation of applicants, 15, 31
Research and Information Services, 17
revenue, 26
 see also financial statements
risk management, 49

s

salaries, 52, 56-57, 95
security, 49
Security Committee, 47
Senior Management Group, 47
Service charter, 113
staff, 54, 141
statistics, 25-36, 141
structure, organisational, 20-21

t

time limits, 14
timeliness of decisions, 34
training, 53, 55
Tribunals' Plan, 19, 107

u

United Nations Convention Relating to the Status of Refugees, 18

v

visas, 13
visits to Tribunal, 41

w

workforce planning, 55
workplace diversity, 58

