



Australian Government

Migration Review Tribunal · Refugee Review Tribunal

MIGRATION REVIEW TRIBUNAL

ANNUAL REPORT 2013-14

REFUGEE REVIEW TRIBUNAL



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ANNUAL REPORT **2013-14**

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www.mrt-rrt.gov.au/getattachment/Forms-and-publications/Annual-Reports/MRTRRTAR1314.pdf.aspx

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

PERTH

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National telephone enquiry number

For further information contact the tribunals' information line 1300 361 969. Local call charges apply from anywhere within Australia, more from mobile telephones.

Translating and Interpreting Service

The Translating and Interpreting Service (TIS) is a service provided by the Commonwealth Government to provide telephone interpreting services for non-English speakers. TIS can be contacted by telephone on 131 450 from anywhere in Australia 24 hours a day, seven days a week.

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50 760 799 564



Australian Government

Migration Review Tribunal • Refugee Review Tribunal

30 September 2014

The Hon Scott Morrison MP
Minister for Immigration and Border Protection
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 (the tribunals) for the year ending 30 June 2014.

The report has been prepared in accordance with the *Requirements for annual reports for departments, executive agencies and FMA Act bodies*, as approved by the Joint Committee of Public Accounts and Audit under sections 63(2) and 70(2) of the *Public Service Act 1999* and published by the Department of the Prime Minister and Cabinet on 29 May 2014.

The report includes the tribunals' audited financial statements as required by section 57 of the *Financial Management and Accountability Act 1997*.

As required by the Commonwealth Fraud Control Guidelines I certify that I am satisfied that for the 2013–14 financial year the tribunals had appropriate fraud control mechanisms that met the tribunals' needs and took all reasonable measures to minimise, investigate and recover incidences of fraud.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KR', written over a horizontal line.

Kay Ransome
Principal Member

CONTENTS

Contact information	ii
Letter of transmittal	iii
The tribunals at a glance	vii
Part 1 – Principal Member’s report	1
Part 2 – The role of the tribunals	5
Merits review	6
Matters reviewed by the MRT	7
Matters reviewed by the RRT	8
Applying for review	9
The conduct of reviews	9
Case management	10
Information available to assist applicants	11
Decisions	12
Vision, purpose and values	12
Part 3 – Performance report	13
Performance framework	14
Financial performance	15
Overview of caseload	16
MRT and RRT caseload	16
Lodgements	17
Partner and family refusal caseload highlights	19
Sri Lanka and Pakistan caseload highlights	23
Conduct of reviews	26
Skilled and student refusal caseload highlights	27
Interpreters	29
Outcomes of review	29
China and Lebanon caseload highlights	31
Timeliness	33
Judicial review	34
Notable judicial decisions	35
Social justice and equity	38
Complaints	41
Migration agents	43
Community and interagency liaison	43
Major reviews	45
Capability reviews	45
Significant changes in the nature of functions or services	45
Amalgamation of the tribunals	45
<i>Functus officio</i> legislation	45
Developments since the end of the year	45

Part 4 – Management and accountability	47
Senior management	48
Corporate and operational plans	49
Ethical standards	49
Risk management	49
Fraud control	50
External scrutiny	50
Whole-of-government activity	50
Freedom of information	50
Human resources	51
Members	53
Member appointments	53
Member professional development and performance	53
Staffing	54
Workforce	56
Learning and development	59
Executive remuneration	59
Enterprise agreement	60
Work health and safety	61
Workplace diversity	62
Disability reporting	63
Ecologically sustainable development and environmental performance	63
Green Committee	64
Purchasing	64
Asset management	64
Consultancy services	64
Purchaser/provider arrangements	65
Discretionary grants	66
Advertising and market research	66
Correction of errors in previous annual report	66
Part 5 – Financial information	67
Appendices	123
A – Additional caseload statistics	124
B – Membership	129
C – Additional staffing statistics	133
D – List of requirements	134
Glossary of terms and abbreviations	137
Index	143

LIST OF TABLES AND FIGURES

Tables

Table 1 – The tribunals at a glance	vii
Table 2 – Performance information and results	15
Table 3 – Overview of the tribunals' caseload	16
Table 4 – Outcomes of review	30
Table 5 – Timeliness of reviews	33
Table 6 – Judicial review applications and outcomes	35
Table 7 – Report against service standards	39
Table 8 – Complaints lodged	42
Table 9 – Complaints to the Commonwealth Ombudsman	42
Table 10 – Membership as at 30 June 2014	53
Table 11 – Staff as at 30 June 2014	55
Table 12 – Salary range pay points as at 30 June 2014	60
Table 13 – Annual expenditure on consultancy contracts	65
Table 14 – Expenditure on advertising services	66
Table 15 – Agency resource statement 2013–14	68
Table 16 – Expenses and resources for outcome 1	69
Table 17 – Lodgements	124
Table 18 – Cases on hand at the end of the year	127
Table 19 – Cases decided and set-aside rates	128
Table 20 – Members and their appointment periods	129
Table 21 – Ongoing and non-ongoing staff	133
Table 22 – Members and staff by location as at 30 June 2014	133
Table 23 – Members and staff by age as at 30 June 2014	133
Table 24 – List of Requirements	134

Figures

Figure 1 – MRT and RRT cases on hand 30 June 2014	17
Figure 2 – MRT lodgements by case category	18
Figure 3 – RRT lodgements by country	21
Figure 4 – RRT lodgements by country for unauthorised maritime arrivals	22
Figure 5 – RRT lodgements by country for applicants other than unauthorised maritime arrivals	22
Figure 6 – Percentage of cases decided within time standards	33
Figure 7 – Staff organisational structure	57
Figure 8 – MRT lodgements, decisions and cases on hand by quarter	125
Figure 9 – RRT lodgements, decisions and cases on hand by quarter	125
Figure 10 – MRT and RRT decisions	126
Figure 11 – Number and age of cases on hand	126

THE TRIBUNALS AT A GLANCE

The Migration Review Tribunal (the MRT) and the Refugee Review Tribunal (the RRT) are established under the *Migration Act 1958* (the Migration Act). The tribunals' jurisdictions, powers and procedures are set out in the Migration Act and in the Migration Regulations 1994 (the Migration Regulations).

Unless otherwise indicated, all information in this report is as at 30 June 2014 for the 2013–14 financial year. Table 1 provides an overview of the tribunals' work program.

Principal Member Ms Kay Ransome

Registrar Mr Colin Plowman

TABLE 1 – THE TRIBUNALS AT A GLANCE

	MRT	RRT	MRT and RRT
Established	1999	1993	
Cases on hand at 1 July 2013	17,437	1,973	19,410
Cases lodged	15,426	6,863	22,289
Cases decided	21,144	3,585	24,729
Cases on hand at 30 June 2014	11,719	5,251	16,970
% of primary decisions set-aside	30%	22%	29%
% of primary decisions affirmed	50%	72%	54%
% of cases withdrawn or otherwise resolved	20%	6%	18%
Average time taken to decide a case (weeks)	52	34	-
% of decided cases where applicant was represented	62%	64%	62%
Hearings arranged	20,035*	4,411	24,446
% of decided cases where hearing was held	55%	80%	59%
% of held hearings where interpreter was required	49%	87%	55%
Languages and dialects of interpreters	-	-	98
% of decisions taken to judicial review	7.4%	30.7%	10.8%
Decisions set-aside on judicial review as % of decisions made	0.3%	0.8%	0.3%
Members			137
Staff			335
Cost			\$72.3 million

* Includes cases arranged to a hearing list.

Statistics

Multiple applications for review are counted as a single case where the legislation provides that the applications for review can be combined, usually where members of a family unit have applied for visas together.

Some percentages may not add to 100% due to rounding.

The tribunals decided 24,729 cases during the year and received 22,289 applications.



TRIBUNAL MEMBERS AND STAFF WORKING TOGETHER ACROSS MULTIPLE LOCATIONS

PRINCIPAL MEMBER'S REPORT

PART 1

PRINCIPAL MEMBER'S REPORT

‘ I AM VERY
PLEASED
TO REPORT
THAT THE
TRIBUNALS
MADE A
RECORD 24,729
DECISIONS IN
2013–14 ’



This year has been one of innovation and achievement for the tribunals. I am very pleased to report that the tribunals made a record 24,729 decisions in 2013–14. This is a significant milestone and I want to acknowledge and congratulate the members and staff of the tribunals for their efforts in bringing this about.

Our performance this year represents a significant turnaround for the tribunals. A primary aim for the year was to reduce the number of active cases on hand. I am very pleased to report that our active caseload is now in steady decline. For our applicants this means improved service and speedier finalisations. By adopting new work practices, we have been able to significantly reduce the number of cases on hand in the student refusal, student cancellation and skilled caseloads. Increasingly, we are able to say that we deliver reviews that are fair, just, economical, informal and quick.

Processing efficiencies in 2013–14 were achieved by expanding the hearing list format in the MRT caseload, continued use of member specialisation, and changes to decision writing. A practice direction setting out requirements for representatives during the conduct of RRT reviews will make the refugee review process smoother and more efficient for all parties. Our online lodgement facility, launched in January 2014, is already the most preferred mode of lodgement for new applications.

The tribunals plan to further reduce the active caseload in 2014–15. The caseload strategy reflects our overall objective to reduce the active caseload over the next three years to around half our annual lodgements. This level of cases on hand will mean that the tribunals will be able to consistently deliver a timely, high quality service to our applicants. Further innovations and efficiencies will be pursued in 2014–15, with initiatives including extending the use of hearing lists to new parts of the caseload, moving to electronic communication with applicants, increasing the functionality of the online lodgement facility and updating our case management system.

On 1 July 2013, the tribunals' Country Advice staff transferred to the Department of Immigration and Border Protection. Country of origin information services are now provided by the department under a service level agreement. The new arrangements also provide for the Department of Foreign Affairs and Trade to provide country information assessments prepared expressly for protection visa decision makers.

During the year the tribunals continued our engagement with community stakeholders, through a monthly email newsletter and twice-yearly regular liaison meetings held across the country. Open days during Law Week and Refugee Week also provided an opportunity for the general public to visit our office and learn about the tribunal review process.

In the May 2014 Federal Budget, the government announced that the Migration Review Tribunal and Refugee Review Tribunal would be amalgamated with the Administrative Appeals Tribunal (AAT) and the Social Security Appeals Tribunal (SSAT). The amalgamation is planned to take effect on 1 July 2015. The tribunals are working with the AAT, SSAT and portfolio departments on planning for the amalgamated tribunal.

In June 2014, the Governor-General appointed four senior members and 37 members to the tribunals with effect from 1 July 2014. These appointments will maintain the tribunals' capacity to conduct timely and efficient reviews.

I would like to acknowledge the very good work, dedication and commitment of staff and members during 2013–14, and I thank them for their hard work and support.



JENNIFER MAKES DECISIONS ON A RANGE OF MATTERS BEFORE THE TRIBUNALS

THE ROLE OF THE TRIBUNALS

PART 2

THE ROLE OF THE TRIBUNALS

The tribunals are statutory bodies providing final, independent merits review of visa and visa-related decisions made by the Minister or by officers of the department acting as delegates of the Minister.

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

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 FMA Act). With effect from 1 July 2014, the FMA Act will be replaced by the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act).

The MRT reviews a wide range of decisions for visas other than protection visas. The RRT reviews decisions for protection visas.

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

An application made to the department will result in a delegate not granting the visa if the delegate is not satisfied that a person 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.

In reviewing a decision by a delegate to refuse to grant, or to cancel a visa, the tribunals are required to conduct a 'merits review' that is 'independent, fair, just, economical, informal and quick'.

MERITS REVIEW

Merits review is an administrative reconsideration of a case. A merits review body makes 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.

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

The tribunals reconsider each case in light of the facts before them, the law and government policy. A decision made by a member in one case does not bind members in other cases but it is generally expected that a decision in a particular case would be consistent with other decisions in like matters.

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 criteria for the visa. The department may then need to undertake further processing for other requirements for the visa such as health, security and character checks.

MATTERS REVIEWED BY THE MRT

The MRT reviews decisions for 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 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 for tourists and persons visiting relatives in Australia. Student visas are granted to persons enrolled at schools, colleges and universities in Australia.

Temporary work visas are for skilled workers to work in businesses in Australia. Business skills visas are for 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 for persons in skilled occupations who have the education, skills and employability to contribute to the Australian economy.

Partner visas are for partners of Australian citizens or permanent residents. Family visas provide for the sponsorship, by Australian citizens and permanent residents, of 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). On 2 June 2014, the Migration Regulations were amended to remove a number of family visas (parent; aged parent; aged dependent relative; remaining relative; and carer). The amendments, with limited exceptions, apply to visa applications made on or after 2 June 2014 and do not affect cases that were before the MRT at that date.

MATTERS REVIEWED BY THE RRT

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

Where the applicant does not meet the definition of a refugee under the Refugees Convention, consideration is given to whether a protection visa may be granted if there are substantial grounds for believing that there is a real risk the applicant will suffer significant harm if returned to another country. This is an alternate basis for the grant of a protection visa on 'complementary protection' grounds.

The term 'refugee' is defined in article 1A(2) of the Refugees Convention 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 Refugees 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 Refugees 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 Refugees Convention, however, are not specifically defined by the legislation and must be interpreted in accordance with established legal principles.

In order for a person to satisfy the complementary protection grounds, there must be substantial grounds for believing that, as a necessary and foreseeable consequence of a person being removed from Australia to a receiving country, there is a real risk they will suffer significant harm.

The legislation provides that a person would suffer 'significant harm' if:

- * the person will be arbitrarily deprived of his or her life
- * the death penalty will be carried out on the person
- * the person will be subjected to torture

- * the person will be subjected to cruel or inhuman treatment or punishment
- * the person will be subjected to degrading treatment or punishment.

Some of these concepts are further qualified in the legislation.

APPLYING FOR REVIEW

Whenever a decision is made that is reviewable by the MRT or the RRT, the department is required by law to advise the persons involved of their review rights. This includes setting out who can apply for review, where an application can be made and the time limit within which the application must be made.

It is important that persons who receive a departmental decision consider the information about their review rights carefully. The tribunals do not have discretion to accept an application that has been lodged outside the relevant time limit or by a person who is not entitled to apply for review.

From 31 January 2014, the tribunals began to accept online applications. Copies of relevant application forms are available on the tribunals' website, from the New South Wales and Victoria registries of the tribunals, and the Adelaide, Brisbane and Perth offices of the AAT.

A fee is payable for all MRT applications, except applications for review of a bridging visa decision, and any related decision to require a security bond regarding persons in immigration detention.

For applications lodged with the MRT, a fee of \$1,604 applies. This may be reduced to \$802 in cases of severe financial hardship. There is no fee at the time of application for the RRT. For RRT applications, if the RRT affirms the primary decision, a post-decision fee of \$1,604 applies.

The fees payable for tribunal reviews are adjusted every two years in line with the Consumer Price Index. The next fee increase is scheduled for 1 July 2015.

THE CONDUCT OF REVIEWS

The tribunals are usually constituted for each review by a single member. The member is required to conduct an independent review and reach an independent decision.

An applicant may appoint a representative to assist with their case. With very limited exceptions, only a registered migration agent can act as a representative or provide immigration assistance to an applicant before the tribunals. A significant proportion of applicants are not represented, and tribunal procedures and information are designed to assist those applicants.

The applicant (or their representative) can request a copy of the documents before the tribunal and can at any time provide written submissions and written evidence.

The member must ensure that an applicant has the opportunity to address the issues arising in the review, particularly any information which may be the reason or part of the reason for affirming the decision under review. The tribunals can invite an applicant in writing or at a hearing to comment on or respond to relevant information.

In most cases, the applicant is invited to attend a hearing to give oral evidence and present arguments on the issues arising in the review. The applicant can ask that an interpreter be provided, and can be accompanied by a representative and/or a friend, relative or support person. The applicant can also request that the tribunal take evidence from other persons.

The hearings do not have a strict procedure; however, evidence is usually taken under oath or affirmation. The member will explain the procedures and ask questions. The applicant may or may not choose to make a statement. Neither the Minister nor the department is represented.

Hearings may be held in person, or through video or telephone links. All hearings are audio recorded and the applicant can request a copy of the recording.

MRT hearings are open to the public, unless this is not practical or there is a public interest reason for conducting the hearing in private. RRT hearings are not open to the public.

Since 2012–13 the MRT has used hearing lists in some of its caseloads and in 2013–14 expanded the use of hearing lists to include a wider coverage of student and skilled cases, and for business cases. Hearing lists involve a group of cases that have common issues being scheduled for hearings at the same session. Hearing lists allow for a high volume of cases to be reviewed and contribute towards a reduction in overall processing times, without affecting the quality of decision making. They have proved to be an effective means of streamlining hearing processes, reducing duplication of routine aspects of the hearing process such as the presentation of introductory information to each applicant.

CASE MANAGEMENT

Each year the tribunals determine a strategy for managing the combined MRT and RRT caseload, which comprises the applications for review on hand at the start of the year and the applications expected to be received during the year.

Decisions about processing priorities and the resources to be allocated to each category of case are influenced by the number of cases on hand in each category, projected lodgements, any prioritisation required by legislation or policy, the impact of processing delays on applicants, and the availability of resources.

Members work in teams led by a senior member. Member teams in Sydney comprised three specialist protection teams; one specialist family, partner and visitor team; one skilled team; and one business and students team. In Melbourne there is one specialist protection team; one student team; one skilled and business team; and one family, partner and visitor team. Member teams in Brisbane, Adelaide and Perth are not specialist teams but members in these teams individually specialise in particular categories of cases. The focus and composition of member teams are adjusted from time to time to reflect changes in the tribunals' caseload or priorities.

Senior members act as practice leaders in their team's area of specialisation and are responsible for managing their teams to achieve caseload targets. Their role includes managing their team's caseload, providing advice and guidance on the quality and efficiency of reviews to members, and identifying and implementing strategies designed to increase the efficiency of the tribunals' operations.

There are 137 tribunal members in 12 teams across Adelaide, Brisbane, Melbourne, Perth and Sydney

Following a successful trial of hearing lists to hear multiple cases consecutively in 2012–13, the use of hearing lists was extended to the majority of the skilled and student caseloads in 2013–14. More than half of the reviews completed in these caseloads in 2013–14 were heard in a hearing list format. A trial of hearing lists in some sections of the business caseload was undertaken in 2013–14.

The use of other strategies introduced in 2012–13 to improve efficiency continued in 2013–14, including the preparation of issues-based reasons for decisions and batching of protection cases by country of reference and protection issues raised.

INFORMATION AVAILABLE TO ASSIST APPLICANTS

The tribunals provide information to applicants about procedures and processes throughout a review, and publish a wide range of information that can assist applicants, or those assisting applicants, to engage effectively in the review process. Information that is available on the tribunals' website includes:

- * Principal Member directions on the conduct of reviews
- * the Guide to Refugee Law in Australia
- * guidelines on the assessment of credibility, vulnerable persons, expert opinion evidence, the use of interpreters, gender considerations, referrals of cases for ministerial intervention consideration
- * forms, brochures and factsheets
- * statistics on caseloads and the timeliness of reviews
- * a table of processing times

- * the tribunals' service charter
- * a webpage specifically aimed at the use of representatives
- * a daily schedule for tribunal hearings
- * a list of questions commonly asked by applicants and representatives.

Tribunal decisions of particular interest are published on the Australasian Legal Information Institute (AustLII) website at www.austlii.edu.au. The tribunals publish a bulletin, *Précis*, which summarises selected tribunal decisions, court judgments and caseload statistics.

DECISIONS

The member may make an oral decision at the end of a hearing; however, in many cases the member either allows time for further documents to be lodged or needs more time to consider the case.

In most cases (except where a case is withdrawn or where the tribunals are notified of the applicant's death), a written statement of decision and reasons is prepared and provided to the applicant and the department.

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 Strategic Plan 2013–16, Member Code of Conduct, service charter and Interpreters' Handbook promote and uphold these values. All of these documents are available on the tribunals' website.

Of the 24,729 decisions made in 2013–14, 4,611 were published on AustLII



TODD COLLECTS CASELOAD INTELLIGENCE AND REPORTS ON CASELOAD TRENDS AND
OVERALL ORGANISATIONAL PERFORMANCE

PERFORMANCE REPORT

PART 3

PERFORMANCE REPORT

The tribunals contributed to Australia's migration and refugee programs during the year through the provision of quality and timely reviews of decisions.

PERFORMANCE FRAMEWORK

The tribunals operate in a high volume decision making environment where the case law and legislation are complex and technical. The tribunals have identical statutory objectives, set out in sections 353 and 420 of the Migration Act:

The tribunal shall, in carrying out its functions under this Act, pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick.

The key strategic priorities are to meet these statutory objectives through the delivery of consistent, high quality reviews, and timely and lawful decisions.

Each review must be conducted in a way that ensures, as far as practicable, that the applicant understands the issues and has a fair opportunity to comment on or respond to any matters which might lead to an adverse outcome.

The tribunals also aim to meet government and community expectations and to have effective working relationships with stakeholders. These priorities are reflected in the tribunals' strategic plan.

For 2013-14, one outcome was specified in the Portfolio Budget Statement:

To provide correct and preferable decisions for visa applicants and sponsors through independent, fair, just, economical, informal and quick merits reviews of migration and refugee decisions.

The tribunals had one program contributing to this outcome, which was:

Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas.

For 2013-14 the tribunals finalised 24,729 decisions against a caseload target of 24,000 decisions.

Table 2 summarises performance against the program deliverables and key performance indicators that were set out in the Portfolio Budget Statement.

TABLE 2 – PERFORMANCE INFORMATION AND RESULTS

Measure	Result
Key performance indicators	
Less than 5% of tribunal decisions set-aside by judicial review	0.3% of MRT and 0.8% of RRT decisions made in 2013–14 were set-aside by judicial review
70% of cases decided within time standards	96% of bridging visa (detention) refusals were decided within seven working days 16% of protection visa refusals were decided within 90 calendar days 28% of visa cancellations were decided within 150 calendar days 49% of all other visa refusals were decided within 350 days
Less than five complaints per 1,000 cases decided	Less than three complaints per 1,000 cases decided (56 complaints)
At least 4,500 decisions published	4,611 decisions published

The timeliness of reviews has been affected by large increases in lodgements and cases on hand over the past few years. Lodgements increased by 9% in 2013–14, the main contributor to the increase being the large number of applications for RRT review of unauthorised maritime arrival cases. The time taken to finalise reviews of visa refusal decisions other than protection visa decisions improved from an average of 58 weeks at the end of 2012–13 to 52 weeks at the end of 2013–14.

FINANCIAL PERFORMANCE

The MRT and the RRT are prescribed as a single agency, the ‘Migration Review Tribunal and Refugee Review Tribunal’ for the purposes of the FMA Act and the PGPA Act. The tribunals are funded based on a model which takes into account the number of reviews finalised. The tribunals’ base funding in 2013–14 covered an amount to finalise 18,000 reviews. This funding is adjusted at a marginal rate per review based on actual reviews finalised whether above or below that number. 24,729 reviews were finalised in 2013–14 and the revenue as set out below takes into account an adjustment to appropriation based on the actual number of reviews finalised.

The revenues from ordinary activities totalled \$80.78 million and expenditure totalled \$72.25 million, resulting in a net surplus of \$8.53 million and depreciation worth \$3.61 million.

The tribunals administer application fees on behalf of the government. Details of administered revenue are set out in the financial statements. The financial statements for 2013–14, which are set out in part 5, have been audited by the Australian National Audit Office (ANAO) and received an unqualified audit opinion.

OVERVIEW OF CASELOAD

MRT and RRT caseload

The tribunals received 22,289 lodgements during the year, decided 24,729 cases and had 16,970 cases on hand at the end of the year. Table 3 provides an overview of the tribunals' caseload over the past three years.

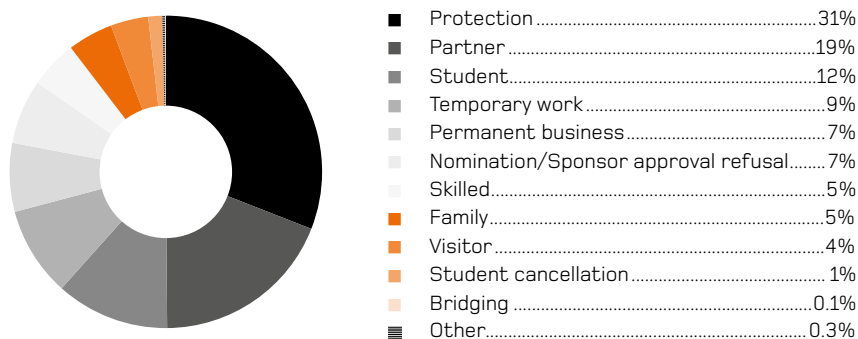
TABLE 3 – OVERVIEW OF THE TRIBUNALS' CASELOAD*

	2013–14	2012–13	2011–12
MRT			
On hand at start of year	17,437	16,863	10,786
Lodged	15,426	16,164	14,088
Decided	21,144	15,590	8,011
On hand at end of year	11,719	17,437	16,863
RRT			
On hand at start of year	1,973	1,501	1,100
Lodged	6,863	4,229	3,205
Decided	3,585	3,757	2,804
On hand at end of year	5,251	1,973	1,501
TOTAL MRT AND RRT			
On hand at start of year	19,410	18,364	11,886
Lodged	22,289	20,393	17,293
Decided	24,729	19,347	10,815
On-hand at end of year	16,970	19,410	18,364

*Additional statistical information regarding the MRT and RRT caseloads is provided in Appendix A.

Figure 1 displays each case category as a percentage of the caseload on hand at 30 June 2014.

FIGURE 1 – MRT AND RRT CASES ON HAND AS AT 30 JUNE 2014*

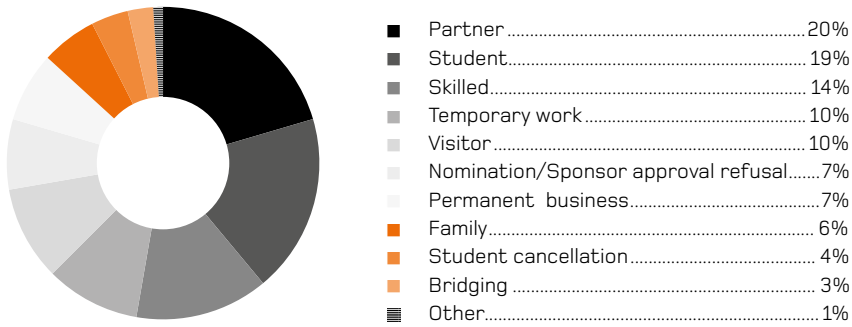


* In 2013–14, the composition of the MRT ‘other’ and ‘visitor’ case categories changed. Visa cancellations were moved from the ‘other’ case category to their respective case categories (e.g. partner visa cancellations moved from ‘other’ to the ‘partner’ case category). Subclass 417 (Working Holiday) visa reviews were removed from the ‘other’ case category to the ‘visitor’ case category. These changes have been applied to the statistical data for previous years in this report. As a result, MRT caseload category data for 2011–12 and 2012–13 in this report will vary from data included in previous annual reports.

LODGEMENTS

The MRT has jurisdiction to review a wide range of visa, sponsorship and other decisions for migration and temporary entry visas. In 2013–14, the MRT received 15,426 lodgements, which included significant increases in partner, nomination/sponsor approval refusal, visitor and temporary work lodgements. There was a significant decrease in skilled lodgements and a lesser decrease in family and student lodgements in 2013–14. Figure 2 provides an overview of MRT lodgements by case category.

FIGURE 2 – MRT LODGEMENTS BY CASE CATEGORY



The MRT's jurisdiction to review decisions about visas applied for outside Australia depends on whether there is a requirement for an Australian sponsor or for a close relative to be identified in the application. These cases are mainly in the permanent business, visitor, partner and family categories. In 2013–14, approximately 21% of applications for review of visa refusal decisions by the MRT related to persons outside Australia seeking a visa.

PARTNER AND FAMILY CASELOAD HIGHLIGHTS

Partner refusal

The tribunals experienced strong growth in the lodgement of applications for review of partner visa decisions in 2013–14, increasing from 12% of all MRT lodgements in 2012–13 to 20% in 2013–14. As a result, applications for review of partner visa refusal decisions became the largest category of MRT lodgements in 2013–14.

Decisions on partner refusal reviews represented 11% of all MRT decisions in 2013–14, up from 9% in 2012–13, reflecting the growth in the caseload and allocation of additional member resources. The MRT set-aside, or set-aside and remitted, the primary decision in 45% of cases involving partner visa reviews, the second highest rate of all MRT case categories in 2013–14 after visitor visa reviews. This is down from a set-aside rate of 52% in 2012–13.

The time taken from lodgement to decision for partner visa reviews improved from an average of 512 calendar days in 2012–13 to an average of 449 days in 2013–14.

Case Study: MRT partner visa – genuine relationship – remitted

The delegate refused to grant the visa on the basis that the applicant did not satisfy cl.820.211 and cl.820.221 of Schedule 2 to the Regulations. The delegate was not satisfied that the parties were in a genuine and continuing relationship. The parties claimed that they commenced living together in 2010 and that they married in 2011. They claimed that the sponsor's parents were not told of the wedding because they did not approve of the relationship, but once the sponsor's parents got to know the applicant, they approved of him and supported the relationship. The sponsor's father claimed that he was initially concerned that the applicant may have used his daughter to obtain permanent residency; however, he was no longer concerned. The parties claimed that they have attended many family engagements with the sponsor's family and relatives, and the sponsor was regularly in contact with the applicant's relatives in India.

The tribunal found all the witnesses gave credible and open evidence. The tribunal found that the applicant and the sponsor gave consistent information as to where they lived, their household and financial arrangements, and their working situation. The tribunal found that the parties shared a household together; they contributed to the maintenance of their home; shared their expenses and pooled their financial resources. Furthermore, the tribunal was satisfied that the social aspects of the relationship clearly indicated that the applicant and the sponsor presented themselves as being married to each other and that this relationship was accepted by all their friends and relatives. The tribunal found that although the applicant and the sponsor had not disclosed that they were married at the time of application, this did not mean that the relationship was not genuine and continuing. The tribunal was satisfied that the parties were in a genuine, continuing and exclusive relationship and therefore the applicant met cl.820.211 and cl.820.221. The tribunal remitted the visa application to the department to consider the remaining criteria for the grant of the visa.

Family refusal

Lodgements of applications for review of family visa refusal decisions in 2013–14 were below 2012–13 levels, with 885 review applications received in 2013–14 compared to 1,175 in 2012–13.

The MRT set-aside, or set-aside and remitted, the primary decision made by a delegate of the Minister in 36% of all family visa refusal cases in 2013–14. The average days from lodgement of an application for review to MRT decision improved from 480 calendar days in 2012–13 to 338 days in 2013–14. A combination of lower than expected application numbers and improved timeliness in MRT decision making reduced the on hand caseload from 1,200 cases at 1 July 2013 to 795 at 30 June 2014.

Case Study: MRT child visa – orphan relative – under the age of 18 – set-aside

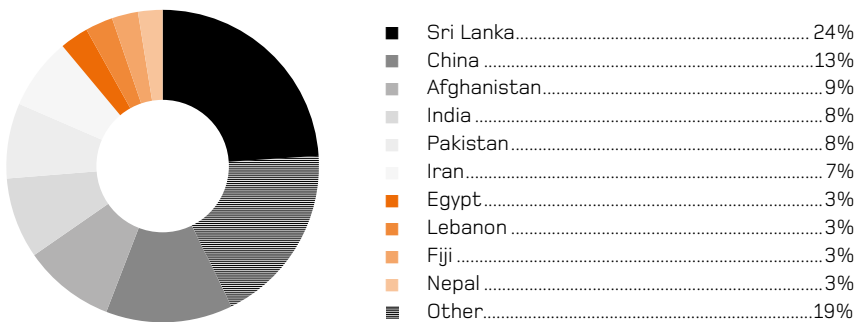
The sponsor claimed the applicant was 17 years and 9 months old at the time of the visa application as did the applicant who supplied documents from an Afghanistan Consulate in Pakistan to support his claim. The applicant claimed that because he had left his country of birth, Afghanistan, at a young age, the only other proof of age he could provide was an education document. The applicant also provided various photographs of himself taken at different times in an attempt to corroborate his claimed age.

The tribunal accepted that documentation relating to births and deaths in Afghanistan and for Afghan nationals in Pakistan is inherently unreliable, and on this basis it was also inclined to give limited weight to the documentary evidence submitted by the applicant to establish his correct date of birth. The tribunal recognised the difficulty in assessing the age of the applicant in circumstances where reliable documentary evidence was not available. In its findings the tribunal gave significant weight to the consistent and credible information provided by the applicant and his sponsor. The tribunal found that in the absence of any specific adverse information to contradict its findings, it was appropriate to give the applicant the benefit of the doubt about the matter of his age, and accepted on balance, that the applicant's date of birth was as claimed. The tribunal found that the applicant had not turned 18 at the time of application and therefore met r.1.14(a)(i). It followed that the applicant also satisfied cl.117.211. The tribunal noted that the applicant did not continue to satisfy cl.117.211 at the time of the decision but only because he had since turned 18. It followed that the tribunal found he met cl.117.221 at the time of decision. The tribunal remitted the visa application to the department to consider the remaining criteria for the grant of the visa.

The RRT has jurisdiction to review decisions to refuse protection visas. In 2013–14, the RRT received 6,863 lodgements, including 3,080 applications from unauthorised maritime arrivals. RRT lodgements in 2013–14 were higher than projected as a result of a higher number of refusals of unauthorised maritime arrival protection visa applications by delegates of the Minister. Applications for review to the RRT were received from persons from 100 different countries. Nationals of six countries – Sri Lanka, China, Afghanistan, India, Pakistan and Iran – comprised 70% of all RRT lodgements. The largest number of applications received was from nationals of Sri Lanka, at 24% of all RRT applications lodged. China was the second most common country of origin for RRT applicants, representing 13% of all RRT applications received. Around 95% of all applications received from unauthorised maritime arrivals were from nationals of Sri Lanka, Afghanistan, Iran, Pakistan and Iraq.

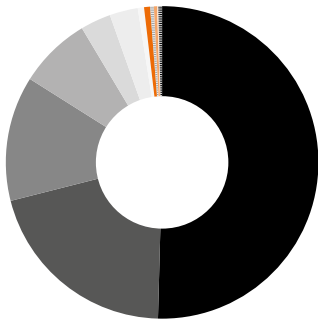
Figures 3, 4 and 5 provide an overview of RRT lodgements by the applicant’s country of origin. Figure 3 includes all lodgements received by the RRT, while Figure 4 displays the countries of origin of unauthorised maritime arrivals only. Figure 5 displays the countries of all other RRT applicants (excluding unauthorised maritime arrivals).

FIGURE 3 – RRT LODGEMENTS BY COUNTRY



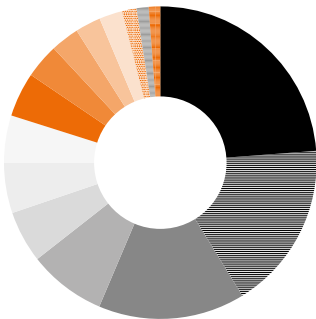
Nationals of six countries - Sri Lanka, China, Afghanistan, India, Pakistan and Iran – comprised 70% of all RRT lodgements

FIGURE 4 – RRT LODGEMENTS BY COUNTRY FOR UNAUTHORISED MARITIME ARRIVALS



■ Sri Lanka.....	50%
■ Afghanistan.....	21%
■ Iran.....	13%
■ Pakistan.....	7%
■ Iraq.....	3%
■ Stateless.....	3%
■ Burma (Myanmar).....	1%
■ Bangladesh.....	1%
■ Palestinian Terr. (W.Bank/Gaza).....	0.4%
■ Vietnam.....	0.3%
■ Kuwait.....	0.1%
■ Other.....	0.4%

FIGURE 5 – RRT LODGEMENTS BY COUNTRY FOR APPLICANTS OTHER THAN UNAUTHORISED MARITIME ARRIVALS



■ China.....	24%
■ India.....	15%
■ Pakistan.....	8%
■ Egypt.....	5%
■ Lebanon.....	5%
■ Fiji.....	5%
■ Nepal.....	5%
■ Bangladesh.....	4%
■ Iran.....	3%
■ Malaysia.....	3%
■ Sri Lanka.....	2%
■ Indonesia.....	2%
■ Jordan.....	1%
■ Zimbabwe.....	1%
■ Other.....	17%

SRI LANKA AND PAKISTAN CASELOAD HIGHLIGHTS

Sri Lanka

RRT lodgements by applicants from Sri Lanka comprised 24% of all RRT lodgements in 2013–14, making Sri Lanka the most common country of origin for RRT applicants. Lodgements by applicants from Sri Lanka increased by 135% on 2012–13 levels, in large part due to a high number of applications (94% or 1,553) received from unauthorised maritime arrivals from Sri Lanka.

In 2013–14, RRT Sri Lanka decisions comprised 11% of all RRT decisions. The RRT set-aside, or set-aside and remitted, the primary decision made by the department in 22% of all Sri Lanka cases. The RRT remitted eight cases to the department on complementary protection grounds involving applicants from Sri Lanka in 2013–14, compared to two cases in 2012–13.

As a result of the high level of lodgements received in 2013–14, and a Ministerial Direction requiring the tribunals to give priority to applications received from applicants other than unauthorised maritime arrivals, review applications from Sri Lanka comprised 30% of the active RRT caseload at 30 June 2014.

Case Study: RRT Sri Lanka – imputed Liberation Tigers of Tamil Eelam (LTTE) supporter – affirmed

The applicant claimed that he worked as a fisherman during the fishing season and did labouring work if it was available. He claimed that he was asked by the army in 2010 to do labouring work for them at an army camp. The applicant claimed that on a number of occasions he was told by officers to go to a room at the camp where they assaulted him, and that they used a burning cigarette to scar his body. He claimed that Criminal Investigations Division (CID) officers also visited his family home carrying guns, alleging that his father was involved with the LTTE and ordering that the applicant and his brother report to the camp. He claimed that this happened on a number of occasions, which forced him to leave the village and eventually leave Sri Lanka by boat.

The tribunal found contradictions in relation to the applicant's claim regarding the CID's visits to his home, and it also noted inconsistencies in his evidence as to when he departed his village and whether the CID visited again after he left. The tribunal found that the applicant had displayed a 'complacent' attitude to the CID's visit in 2011 and was not fearful of the consequences, despite not complying with their order to report to the army base. The tribunal did not accept that the CID visited his house and that his father was being investigated for alleged links to the LTTE. Neither did it accept that the applicant did labouring work for the army or was assaulted. As such, the tribunal found that the applicant did not have a well-founded fear of being persecuted for a Convention reason, and that he did not meet the complementary protection criteria.

Pakistan

RRT lodgements by applicants from Pakistan comprised 8% of all RRT lodgements in 2013–14. Review lodgements where the applicant was an unauthorised maritime arrival comprised 43% of Pakistan lodgements to the RRT in 2013–14. The majority of RRT decisions where the applicant claimed citizenship of Pakistan were from applicants other than unauthorised maritime arrivals: 289 or 92%. This reflects a Ministerial direction requiring the tribunals to give priority to applications received from applicants other than unauthorised maritime arrivals.

The RRT set-aside, or set-aside and remitted, the primary decision in 41% of cases involving applicants from Pakistan. The RRT remitted 13 cases to the department on complementary protection grounds involving applicants from Pakistan in 2013–14, compared to two cases in 2012–13.

Case Study: RRT Pakistan – Shi'a – female teacher of girls – set-aside

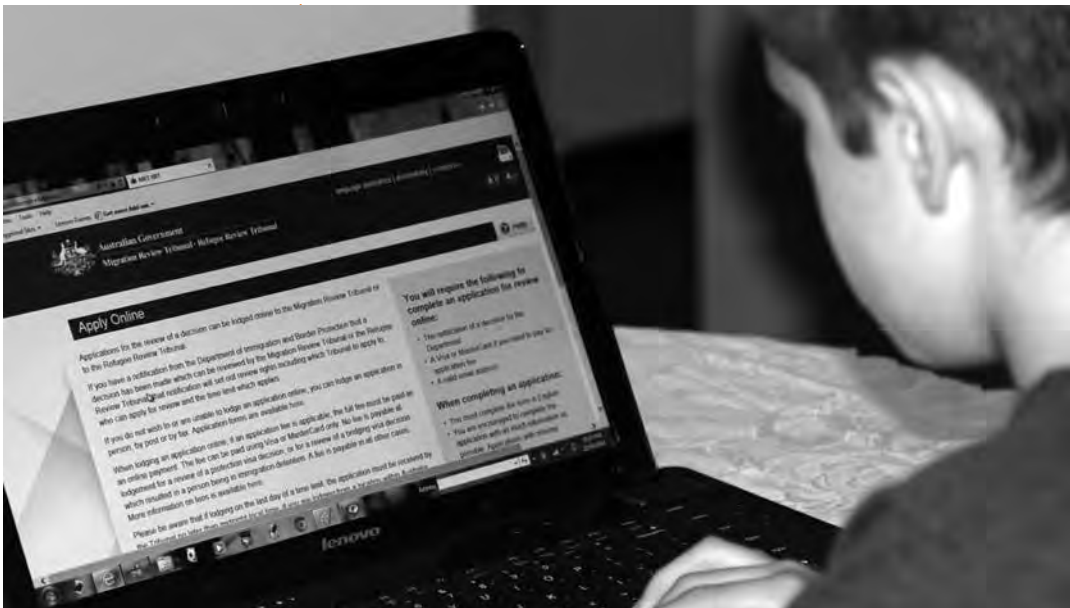
The applicant claimed to fear persecution by Sunni extremists in Pakistan as a consequence of her Shi'a religion, her voluntary work at a Shi'a mosque, and her role as a female teacher of girls. She claimed to have volunteered as a security assistant for women at the mosque, and that on one occasion she had hindered a potential attack which attracted the adverse attention of Sunni extremists. The applicant claimed that she then received telephone calls from members of Lashkar-e-Jhangvi threatening her with death, and that she was later attacked in the street and told to stop her voluntary and teaching work and to stay at home. The telephone calls stopped when she quit her voluntary work. However, when she resumed voluntary work at the mosque, the applicant claimed that she received another threatening telephone call and was later attacked by someone with a knife, whose attempts to harm her were foiled by passing Pakistan Rangers.

The tribunal considered the evidence presented to be credible and found that the applicant feared persecution in Pakistan due to her Shi'a faith, her status as a female teacher, a volunteer at a Shi'a mosque, and her imputed anti-extremist opinion. The tribunal noted independent information which indicated that the Pakistani government could not guarantee security to its population, that various Sunni extremist groups, including Lashkar-e-Jhangvi, were opposed to the education of girls and professional women outside the home, and had subjected Shi'a Muslims to many violent and lethal attacks across Pakistan. The tribunal concluded that the applicant could not relocate within Pakistan, as her dedication to her faith and her role as teacher of girls would attract the adverse attention of Sunni extremists wherever she went. The tribunal therefore found that the applicant met the criteria for the grant of a protection visa.

The tribunals introduced an online lodgement facility for applicants on 31 January 2014. From this date, around 44% of all applications to the tribunals were lodged online. The rate of online lodgements as a percentage of all lodgements steadily increased, with 60% of all lodgements in June 2014 made online.

Applicants to the tribunals tend to be located in the larger metropolitan areas. Around 40% of all applicants resided in New South Wales, an increase of around 3% from 2012–13 with the majority of applicants located in the Sydney region. Approximately 31% of applicants resided in Victoria, 11% in Queensland, 9% in Western Australia, 5% in South Australia, 1% each in the Australian Capital Territory and in the Northern Territory, and less than 1% in Tasmania. Over the past five years, the proportion of lodgements from New South Wales has decreased significantly – from 52% of all lodgements received in 2008–09 to 40% in 2013–14. The decline in the proportion of lodgements in New South Wales over the last five years has been offset by increases in lodgements in Victoria, Queensland, Western Australia and South Australia.

Cases involving applicants in immigration detention comprised 4% of applications received in 2013–14.



APPLICANT USING TRIBUNALS' 'APPLY ONLINE' FACILITY.

CONDUCT OF REVIEWS

The proceedings of the tribunals are inquisitorial and do not take the form of litigation between parties. The review is an inquiry in which the member identifies the issues or criteria in dispute, initiates investigations or inquiries to supplement evidence provided by the applicant and the department and ensures procedural momentum. At the same time, the member must maintain an open and impartial mind.

In 2013–14, there were 20,035 MRT hearings (including cases allocated to a hearing list) and 4,411 RRT hearings arranged. There were 12,326 MRT and 2,991 RRT cases with a hearing held that were completed or adjourned. The remaining hearings were postponed, rescheduled or did not proceed as the applicant did not attend.

Cases where no hearing is arranged include those where a decision favourable to the applicant is made or the applicant withdraws prior to a hearing being arranged. Favourable decisions were made without the need for a hearing in 9% of MRT cases and in 1% of RRT cases.

Video links were used in 11% of MRT hearings and telephone in 10% of MRT hearings. The average duration of MRT hearings was 54 minutes, while the average duration of RRT hearings was 139 minutes. Two or more hearings were held in 10% of RRT cases and 2% of MRT cases.

Hearing lists enable a number of cases to be heard by the presiding member consecutively and are open to the public. In 2013–14, there were 6,575 cases listed in 1,000 hearing lists, mainly in the skilled and student caseloads. Of these, 3,523 cases with a hearing held were completed or adjourned with the average duration of a hearing at 22 minutes. Hearing lists made up 29% of all MRT hearings completed.

SKILLED AND STUDENT REFUSAL CASELOAD HIGHLIGHTS

Skilled refusal

In 2013–14, the tribunals experienced declining lodgements of applications for review of skilled visa refusal decisions, down 51% compared to 2012–13. The decline was most notable for reviews of Subclass 485 (Temporary Graduate) visa primary decisions, down 83% compared to 2012–13.

The MRT significantly reduced the quantity and age of skilled visa refusal cases on hand in 2013–14, down from 3,325 cases at 1 July 2013 to 841 cases at 30 June 2014. The number of cases aged over 275 days from lodgement of application reduced from 1,561 at 30 June 2013 to 393 at 30 June 2014. This was due to declining lodgements and the use of hearing lists. Hearing lists enable a number of cases to be heard by the presiding member consecutively. Most skilled visa refusal reviews are now conducted in this manner, with the exception of particularly complex or sensitive matters. Around 56% of skilled visa refusal decisions involved the use of a hearing list.

The MRT set-aside, or set-aside and remitted, the primary decision made by the department in 22% of all skilled visa refusal reviews in 2013–14, consistent with 2012–13 levels.

Case Study: MRT skilled visa – qualifying score – remitted

The applicant, who was 30 years old at the time of application, claimed that she had been employed as a psychologist in India for several years after obtaining her qualifications. She claimed that she did not include details of this employment in her application as her previous migration agent had advised her that the department would not accept this information without taxation records and, in any case, she had already achieved the requisite 120 points without the need to provide these details. The applicant claimed that much of her work had been for charitable organisations, and that her wage was below the threshold required for taxation to be paid. She provided various documents in relation to her employment in India, as well as the results of an International English Language Testing System (IELTS) test in which she obtained scores of 8.0; 6.0; 6.5 and 6.5. The applicant's representative requested further time to enable the applicant to undertake a further IELTS test in order for her to achieve a score of at least seven in all four components.

The tribunal assessed the applicant against Schedule 6B; however, given that the work experience which the applicant relied upon was not within the relevant time frame, it found that her qualifying score did not equate to the required 120 points. The tribunal then assessed the applicant against Schedule 6C, and it found that she was eligible for maximum points due to her age; that she also achieved points for her overseas work experience given that she had worked as a psychologist in India for a period totalling at least 60 months in the 10 years prior to the date of application; that she achieved points for obtaining work experience in Australia, and that she achieved points for educational and Australian study qualifications. The tribunal noted that at the date of the primary assessment, the pass mark was 65 points and the pool mark was also 65 points, and after making its assessment the tribunal found that the applicant was entitled to a maximum of 65 points under the points test. Accordingly, the tribunal found that the applicant had achieved the qualifying score required to pass the points test, and remitted the application for the visa to the department to consider the remaining criteria for the visa.

Student refusal

The tribunals made significant progress in reducing the number of applications for review of student refusal decisions on hand in 2013–14, down 60% to 1,944 cases at 30 June 2014. The reduction in the active caseload can be attributed to declining lodgements and the high number of decisions made using hearing lists. Lodgements of applications for review of student visa decisions declined by 17% in 2013–14 compared to 2012–13.

Hearing lists enable a number of cases to be heard by the presiding member consecutively, reducing the need to repeat steps such as addressing introductory matters with each applicant individually. The majority of student visa refusal reviews are now conducted in this manner, with the exception of particularly complex or sensitive matters. Around 59% of reviews of student visa refusal decisions made in 2013–14 involved the use of a hearing list.

Student visa refusal reviews made up the largest category of MRT decisions in 2013–14 at 26% of all MRT decisions, or 5,896 decisions. This was a 62% increase in decision making in this category compared to 2012–13. The MRT set-aside, or set-aside and remitted, the primary decision in 26% of all student refusal cases in 2013–14, compared to 23% in 2012–13. The time taken from lodgement to decision for student visa reviews improved from an average of 535 calendar days in 2012–13 to an average of 417 days in 2013–14.

Case Study: MRT student visa – genuine temporary entry – affirmed

The delegate refused to grant the visa on the basis that the applicant did not satisfy the requirements of cl.570.223 of Schedule 2 to the Regulations. The delegate was not satisfied that the applicant genuinely intended to stay in Australia on a temporary basis. The delegate found that the applicant had applied for the visa in order to extend her stay in Australia. The applicant claimed that despite her study in Australia, her English was not sufficient to assist with business documentation in her father's business in Thailand. She claimed she would like to increase her English competency and complete a Bachelor degree course in Australia, after which time she would return to Thailand to take over her father's business.

The tribunal was not satisfied that the applicant was a genuine temporary entrant to Australia for the purpose of study. The tribunal found the applicant was 36 years of age, she was not currently enrolled in a course of study, she had previously successfully completed five and a half years of study in Australia and she had spent very little time outside Australia since first entering the country. It also found on the applicant's evidence that her intention was to undertake a further English course, which she had previously successfully completed, and then apply to undertake a Bachelor degree course. The tribunal found these actions would extend the applicant's stay for a further three and a half years. On the basis of the applicant's circumstances and immigration history, the tribunal was not satisfied the applicant intended to visit Australia on a temporary basis and did not meet cl.570.223(1)(a). Accordingly, the tribunal was not satisfied that the applicant met the criteria for the grant of the visa.

INTERPRETERS

High quality interpreting services are fundamental to the work of the tribunals. In 2013–14, interpreters were required for 57% of MRT hearings and 85% of RRT hearings equating to over 11,000 hearings. Interpreters were required in approximately 98 languages and dialects, up from 94 the previous year.

Interpreters in 98 languages and dialects were used in tribunal hearings

The tribunals' Interpreter Advisory Group (IAG), a national committee comprising members and staff, works to uphold best-practice interpreting at hearings. In 2013–14 the IAG facilitated training of RRT members in the use of interpreters and worked closely with our interpreter service provider, ONCALL Interpreters and Translators. In liaison with ONCALL the tribunals provided training sessions to

interpreters in Sydney, Melbourne, Adelaide, Perth and Brisbane to assist with the provision of quality interpreting services.

The Interpreters' Handbook, which provides comprehensive guidance for interpreters working in the tribunals as well as others involved in the review process, was revised and updated and is available on the tribunals' website.

OUTCOMES OF REVIEW

A written statement of decision and reasons is prepared in each case and provided to both the applicant and the department.

The MRT set-aside, or set-aside and remitted, the primary decision in 30% of cases decided and affirmed the primary decision in 50% of cases decided. The remaining cases were either withdrawn by the applicant or were cases where the tribunal decided it had no jurisdiction to conduct the review. The MRT set-aside rate in 2013–14 was consistent with the rate of 29% in 2012–13.

The RRT remitted the primary decision in 22% of cases decided and affirmed the primary decision in 72% of cases decided. The remaining cases were either withdrawn by the applicant or were cases where the tribunal decided it had no jurisdiction to conduct the review. The RRT remit rate was significantly lower than the rate of 37% in 2012–13. The decrease in the RRT remit rate in 2013–14 was partly a result of finalising fewer applications from unauthorised maritime arrivals, in accordance with a Ministerial Direction requiring the RRT to prioritise applications from persons other than unauthorised maritime arrivals, which came into effect on 1 July 2013. Many unauthorised maritime arrivals came from countries where there have been relatively high rates of acceptance of claims at both the primary and review level.

Most RRT remittals were on the basis that the applicant was a refugee. There were also 48 cases remitted with a direction that the applicant met the complementary protection criterion. The fact that a decision is set-aside by the tribunal is not necessarily a reflection on the quality of the primary decision, which may have been correct and reasonable based on the information available at the time of the decision. Table 4 below provides an overview of the outcomes of review for the past three financial years.

TABLE 4 – OUTCOMES OF REVIEW

	2013–14	2012–13	2011–12
MRT			
Primary decision set-aside or remitted	6,319	4,514	2,912
Primary decision affirmed	10,668	7,121	3,133
Application withdrawn by applicant	3,206	2,661	1,180
No jurisdiction to review*	951	1,294	786
Total	21,144	15,590	8,011
RRT			
Primary decision set-aside or remitted	779	1,372	750
Primary decision affirmed	2,591	2,205	1,899
Application withdrawn by applicant	145	86	86
No jurisdiction to review*	70	94	69
Total	3,585	3,757	2,804

* No jurisdiction decisions include applications not made within the prescribed time limit, not made in respect of reviewable decisions and not made by a person with standing to apply for review.

Applications for review typically address the issues identified by 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 additional information before the tribunal. There may also be court judgments or legislative changes which affect the outcome of the review.

Applicants were represented in 62% of cases decided. Representation was most commonly by a registered migration agent. In cases where applicants were represented, the set-aside rate was higher than for unrepresented applicants. The difference was more notable for RRT cases, where the set-aside rate was 29% for represented applicants and 9% for unrepresented applicants. Unrepresented applicants may not have sought advice on their prospects of success before applying for review or may have applied despite obtaining advice that the prospects of success were low. Only 70% of unrepresented applicants to the RRT attend hearings, compared to almost 86% of represented applicants. For the MRT, there was also a significant difference in outcome for unrepresented applicants. The set-aside rate was 34% for represented applicants and 23% for unrepresented applicants.

A total of 396 cases (approximately 2% of the cases decided) were referred to the department for consideration under the Minister’s intervention guidelines. These cases raised humanitarian or compassionate circumstances which members considered should be drawn to the attention of the Minister.

22% of RRT and 30% of MRT cases were decided in favour of the applicant

CHINA AND LEBANON CASELOAD HIGHLIGHTS

China

Lodgements by applicants from China represented 13% of all RRT lodgements in 2013–14, making China the second most common country of origin of RRT applicants. The number of lodgements from applicants from China increased by 48% compared to 2012–13. The majority of lodgements received where the applicant claimed citizenship of China, 85%, was from applicants residing in New South Wales.

The RRT set-aside, or set-aside and remitted, the department's primary decision in 10% of cases involving applicants from China in 2013–14. The RRT remitted three cases to the department on complementary protection grounds involving applicants from China in 2013–14, down from six cases remitted on these grounds in 2012–13.

Case Study: RRT China – no convention grounds – tax evasion – affirmed

The applicant claimed that he helped his parents with farm work and when his family did not have the funds to pay tax officials who came to collect money, there was an altercation and the applicant assaulted an official. He claimed that his family was beaten and he was arrested by the police, detained and tortured. He further claimed that when tax officers could not obtain money from his family they took household goods. The applicant claimed that he was unable to present paperwork relating to the taxation matter. He claimed that before he left the country he sent a complaint letter to the authorities and this became known to the tax official. The applicant came to Australia on a student visa and he claimed that he had paid tuition fees but he had worked and not studied.

The tribunal found the applicant was not truthful in his claims, and that there were inconsistencies in his evidence. The tribunal found that the applicant had money in the bank which contradicted his claim that the dispute arose because the family was unable to pay taxes. The tribunal considered it implausible that there was no paperwork related to demands for taxation payments, and that the tax officers took the applicant's family household goods. The tribunal did not accept that the applicant assaulted a tax official or that the applicant was taken into custody, beaten, tortured and detained. The tribunal found the applicant had difficulty providing details of the complaint letter he claimed to have sent and was vague about the letter's contents. The tribunal noted that the applicant did not pursue any study in Australia despite having prepaid the tuition fees, that he had preferred employment to study and waited until the expiry of his visa before seeking protection. The tribunal rejected the entirety of the applicant's claims and found that he had fabricated his claims for the purpose of his protection visa application. Therefore, the tribunal was not satisfied that the applicant was a person to whom Australia had protection obligations under the Refugees Convention and Protocol. The tribunal was also not satisfied that the applicant was a person in respect of whom Australia had complementary protection obligations.

Lebanon

The number of lodgements received from applicants from Lebanon was consistent with 2012–13 levels and comprised 3% of all RRT lodgements in 2013–14. No applications from unauthorised maritime arrivals from Lebanon were received. The majority of applications for review, 75%, were lodged from applicants residing in New South Wales.

The RRT set-aside, or set-aside and remitted, the primary decision in 17% of cases involving applicants from Lebanon. The RRT remitted to the department on complementary protection grounds seven cases involving applicants from Lebanon in 2013–14. This compares to nil cases in 2012–13.

Case Study: RRT Lebanon – support for the Syrian President – Alawi Muslim – set-aside

The applicant had come to Australia to undertake postgraduate study, but this plan fell apart when his father was no longer able to provide financial support. This was because his father's business had suffered due to the unrest in Tripoli. The applicant claimed to fear that he would suffer serious harm if he returned to Lebanon because of his Alawi religion and that he was known and identified as an Alawi in his social circles and elsewhere in Lebanon, and that he would never seek to hide or deny his Alawi faith. The applicant claimed that the crisis in Syria placed him at greater risk of harm as an Alawi Muslim, not only because of his religion but also because of his political views and his support for the Syrian President Bashar al Assad.

The tribunal found the applicant to be a credible and persuasive witness who did not seek to exaggerate or overstate the harm he feared he would suffer in Lebanon. The tribunal accepted his commitment to his religion, which formed his identity as an individual and as part of a prominent Alawi family. The tribunal noted the current sectarian violence in Tripoli as a result of the Syrian conflict meant that it could not confidently find that the applicant could return to Tripoli and live there in safety as an Alawi Muslim, either at the former family home or with his parents who temporarily live elsewhere in Lebanon. The tribunal considered that ensuring his safety would likely require the applicant to conceal his religious beliefs or otherwise modify his behaviour to avoid serious harm. The tribunal determined that in the applicant's particular circumstances, the denial of a right to freely express his religious identity and beliefs constituted serious harm consistent with s.91R(1)(b). The tribunal found that despite the efforts of the authorities in Lebanon to intervene in fighting between Alawites and Sunnis, it could not confidently find that the applicant could obtain effective protection from the authorities and on this basis he could not safely relocate elsewhere in Lebanon. The tribunal was satisfied the applicant was a person in respect of whom Australia has protection obligations under the Refugees Convention and Protocol.

TIMELINESS

Cases are allocated to members in accordance with legislation and strategies put in place for the effective management of the tribunals' caseload. Depending on available member capacity and lodgements, this may mean that not all cases can be quickly allocated to a member. Following allocation of a case, members are expected to promptly identify the relevant issues and the course of action necessary to enable the review to be conducted as effectively and efficiently as possible. Senior members manage their teams' caseloads to achieve tribunal decision and timeliness targets, including by monitoring older and priority cases to minimise unnecessary delays, and managing member performance. Figure 6 displays the percentage of cases decided within the tribunals' time standards over the past three years and Table 5 displays the average time taken (days) to decide for each decision type by financial year.

FIGURE 6 – PERCENTAGE OF CASES DECIDED WITHIN TIME STANDARDS

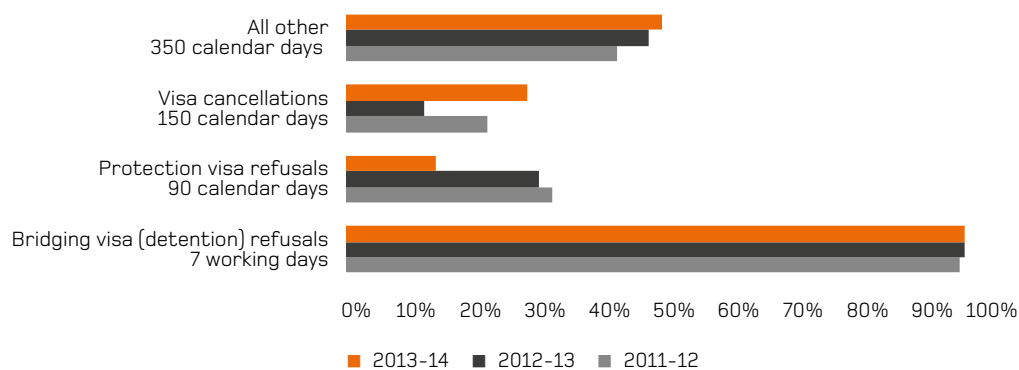


TABLE 5 – TIMELINESS OF REVIEWS

	2013–14	2012–13	2011–12
Average time taken to decision (days)*			
Bridging visa (detention) refusals (MRT)	6	6	7
Visa cancellations (MRT)	255	342	224
All other MRT visa refusals	377	421	461
Protection visa refusals	237	159	149

* Calendar days, other than for bridging (detention) cases, where working days are used. Time standards are as set out in the Migration Act and Migration Regulations or in the 2013–14 Portfolio Budget Statement. For MRT cases, time taken is calculated from date of lodgement. For RRT cases, time taken is calculated from the date the department's documents are provided to the RRT. The average time from lodgement of an application for review to receipt of the department's documents was 31 days for MRT cases and 10 days for RRT cases.

Some cases cannot be decided within the time standards. These include cases where hearings need to be rescheduled because of illness or because an interpreter is not available, cases where the applicant requests further time to comment or respond to information, cases where new information becomes available, and cases where information needs to be obtained from another body or agency.

The timeliness of reviews has been affected by large increases in lodgements in recent years. This was a factor again for the RRT in 2013–14, following a substantial increase in RRT lodgements during the year. MRT timeliness improved significantly in 2013–14.

The Principal Member reports every four months on the compliance of the RRT with the 90 day standard for protection visa reviews. These reports are provided to the Minister for tabling in Parliament. In 2013–14, only 16% of RRT cases were decided within 90 days; the average time to decision was 237 days. This is a decline from the average time to decision in 2012–13 of 159 days and reflects the prioritisation of RRT cases other than unauthorised maritime arrival cases required by a Ministerial Direction issued on 1 July 2013, in contrast to the tribunals' prioritisation of unauthorised maritime cases in 2012–13.

In 2014–15, the tribunals will continue to seek increased productivity through member specialisation, maintaining the use of hearing lists for less complex cases, adjustments to decision writing and other measures designed to enhance efficiency. The tribunals will focus in particular on identifying efficiencies in the case allocations process in 2014–15.

JUDICIAL REVIEW

For persons wishing to challenge a tribunal decision, two avenues of judicial review are available. One is to the Federal Circuit Court, and the other is to the High Court. Decision making under the Migration Act continues to be an area where the level of court scrutiny is very intense and where the same tribunal decision or the same legal point may be upheld or overturned at successive levels of appeal.

The applicant and the Minister are generally the parties to a judicial review of a tribunal decision. Although 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, consistent with the principle that an administrative tribunal should generally not be an active party in judicial proceedings challenging its decisions.

In 2013–14 the number of tribunal decisions taken to judicial review increased in comparison with previous years, reflecting the larger number of decisions made by the tribunals during 2013–14. However, the percentage of decisions taken to judicial review, while showing an increasing trend over recent years, remains broadly consistent.

Less than 1% of tribunal decisions made in 2013–14 have been set-aside or quashed by the courts

Of all decisions made by the tribunals in 2013–14, only a small percentage (0.3% of MRT decisions and 0.8% of RRT decisions) have been set-aside or quashed by the courts. If a tribunal decision is set-aside or quashed, the court order is usually for the matter to be remitted to the tribunal to be reconsidered. In such cases the tribunal (which may be constituted by the same or a different member) must reconsider the case and make a fresh decision, taking into account the decision of the court and any further evidence or changed circumstances. In 28% of MRT cases and 31% of RRT cases reconsidered in 2013–14, the reconstituted tribunal made a decision favourable to the applicant.

Table 6 sets out judicial review applications and outcomes for the tribunal decisions made over the last three years. It displays the number of tribunal decisions made during the reporting period that have been the subject of a judicial review application, and the judicial review outcome for those cases.

TABLE 6 – JUDICIAL REVIEW APPLICATIONS AND OUTCOMES

	MRT			RRT		
	2013–14	2012–13	2011–12	2013–14	2012–13	2011–12
Tribunal decisions	24,729	15,590	8,011	3,585	3,757	2,804
Court applications	1,575	770	263	1,101	949	695
% of tribunals decisions	7.4%	4.9%	3.3%	30.7%	25.3%	24.8%
Applications resolved	517	675	259	237	720	687
Decision upheld or otherwise resolved	461	602	219	208	611	601
Set-aside by consent or judgment	56	73	40	29	109	86
Set-aside decisions as % of judicial applications resolved	10.8%	10.8%	15.4%	12.2%	15.1%	12.5%
Set-aside decisions as % of decisions made	0.3%	0.5%	0.5%	0.8%	2.9%	3.1%

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 against a case that was previously counted as completed.

Notable judicial decisions

Summaries of notable judicial decisions since 1 July 2013 are set out on the following pages. These decisions had an impact on the tribunals' decision making or procedures, or on the operation of judicial review regarding tribunal decisions.

As there are restrictions on identifying applicants for protection visas, letter codes or reference numbers are used by the courts in these cases. Unless stated otherwise, references are to the Migration Act and Migration Regulations. The Minister is a party in most cases, and 'MIBP' and 'MIMAC' are used to identify the Minister in the abbreviated citations provided.

Time of tribunal decision

The RRT affirmed a decision of a delegate of the Minister not to grant the visa applicant a protection visa before the complementary protection provisions came into effect on 24 March 2012. The RRT sent a copy of its decision to the applicant and to the department. The copy of the decision sent to the applicant was not sent to his last residential address provided to the RRT in connection with the review and the RRT did not send a copy of its decision to the correct address until after the complementary protection provisions had come into effect. On appeal, the Full Federal Court held that the RRT application was not finally determined until such time as the RRT had notified both the applicant and the department in accordance with the Act. Therefore the application for review had not been 'finally determined' prior to 24 March 2012 and the RRT fell into jurisdictional error by failing to consider the complementary protection grounds. [*MIMAC v SZRNY* [2013] FCAFC 104]

A right to enter and reside in a country other than Australia

The applicants, who were Nepalese nationals, applied for protection visas. The RRT found that each of the visa applicants had a legally enforceable right to enter and reside in India arising from a Treaty between Nepal and India and affirmed the decisions of the delegate not to grant each applicant a protection visa. On appeal the Full Federal Court held that the meaning of the 'right to enter and reside' in section 36(3) of the Act did not refer to a legally enforceable right, and that it was sufficient to have a liberty, permission or privilege lawfully given. The Full Federal Court also observed that the terms of the Treaty in combination with the administrative arrangements for entry by Nepalese citizens at the Indian border may satisfy the test of 'right to enter and reside' for the purposes of section 36(3) of the Act. [*MIMAC v SZRHU* [2013] FCAFC 91]

The applicants, who were citizens of Burundi, applied for protection visas. In each case, the RRT determined that the applicants had a well-founded fear of persecution for a Convention reason in respect of Burundi. The RRT accepted that because Burundi was a member country of the East African Community (EAC), each applicant had a right to enter any other member countries of EAC and reside there for up to six months. However, the RRT found that this was not a 'right to enter and reside' within the meaning of section 36(3) of the Act because the applicants would have to leave the other EAC country within six months and the feared persecution would not cease within that period. The Minister appealed from the RRT decisions. On appeal,

the Full Federal Court held that the RRT erred in finding that the temporary period of residence contemplated by section 36(3) must be commensurate with the period of time during which an applicant's fear of persecution in his or her country of origin is likely to continue. [*SZRTC v MIBP* [2014] FCAFC 43]

Modification of conduct

The applicant applied for a protection visa on the basis that he feared persecution in Afghanistan because of his work as a truck driver transporting goods for foreign agencies and political opinion was imputed to him as a supporter of foreign agencies. The RRT did not accept that working as a truck driver was a core aspect of the applicant's identity, belief or lifestyle which he should not be expected to modify or forego. The RRT found that if he returned to Afghanistan, the applicant would not be constrained to continue working as a truck driver and could work as a jeweler so that he was not obliged to travel to make a living. The Full Federal Court held that the RRT erred in failing to consider whether and why the applicant would change his occupation and work as a jeweler if he was returned to Afghanistan, and the threat which caused it. [*MIBP v SZSCA* [2013] FCAFC 155]

Reasonableness of refusal of request for adjournment

The applicant was seeking a skilled visa, which required that he achieved a requisite score in each test component (speaking, reading, writing and listening) of an International English Language Testing System (IELTS) test. At the tribunal hearing in November 2012, the MRT agreed to wait until close of business on 31 December 2012 to receive the results of the IELTS tests which the applicant had booked on 17 November 2012 and 1 December 2012, but said that it would not wait for further evidence after that date, as the applicant had made his visa application over two years before and had had many opportunities to sit several English language tests. On 1 January 2013, the applicant submitted IELTS test results which showed he had achieved the requisite scores in the December test in all components except 'listening'. The applicant stated that he intended to apply for a re-marking of that test and hoped to get the required result after the re-marking. The MRT refused to grant additional time and proceeded to make its decision on 11 January 2013. The Full Federal Court held that the MRT's refusal to grant additional time was legally unreasonable as the MRT had not given the adjournment request any independent, active consideration and did not ask itself how long the re-mark would take. [*MIBP v Singh* [2014] FCAFC 1]

Multi-Applicant Hearing List process and refusal of request for adjournment

The applicant applied for a skilled visa in March 2011. A delegate of the Minister refused to grant the visa as the applicant did not have evidence of competent English, which required that he achieved a requisite score in an IELTS test. On review, the MRT invited the applicant to a hearing. The hearing was conducted where eight or nine other applicants were present in the same hearing room as those matters were also listed for hearing before

the MRT at the same time. The applicant sought additional time to sit an IELTS test that he had booked in May 2013 on the basis that he was recovering from a back injury and had not started studying until after that. The MRT refused to grant additional time because the applicant had made his visa application over two years before, had had several opportunities to sit the IELTS test and had continued to work after his back injury. The MRT affirmed the decision on the basis that he did not have evidence of competent English. The Federal Circuit Court held that it was open for the MRT, a busy tribunal, to conduct running lists with a number of applicants in the hearing room at any one time, in order to deal with its substantial workload. It held that nothing was unfair or unreasonable in the MRT declining the applicant's request for extra time. [*Uddin v MIMAC* [2013] FCCA 906]

False and misleading information

The applicant had applied for a skilled visa. The applicant had provided an IELTS test result form with her visa application that recorded higher scores than she had actually received. The applicant claimed that she did not know there was anything wrong with the IELTS test result form at the time she submitted it and that she was not personally involved in or aware of the deception. The MRT affirmed the decision not to grant the applicant the visa because it found that the IELTS test result form submitted by the applicant contained information that was false or misleading in a material particular and, therefore, she did not satisfy public interest criterion (PIC) 4020. The MRT found that the requirements of PIC 4020 applied regardless of whether the test result form had been provided unknowingly or unwittingly, or how it came into existence or came to be given. The Full Federal Court held that this was correct. The Court held that there must be some element of knowledge or intention on somebody's part and an element of fraud or deception to attract the operation of PIC 4020. However, it was not necessary that an applicant know of, or be directly involved in, any falsehood for PIC 4020 to be engaged. [*Trivedi v MIBP* [2014] FCAFC 42]

SOCIAL JUSTICE AND EQUITY

The tribunals' service charter expresses the commitment to providing a quality service to stakeholders. The new service charter was published on the tribunals' website in March 2014 and incorporates feedback received from members, staff and stakeholders. 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, providing information that enables effective engagement in the review process, and uses language that is clear and understood. The service charter also outlines the process for providing feedback or making a complaint. Feedback assists the tribunals to understand what is working well and where improvements can be made. The service charter is available in Arabic, Chinese, Dari, English, Farsi, Hindi, Korean, Punjabi, Tamil, Urdu and Vietnamese.

Table 7 sets out the tribunals’ performance during the year against service standards contained in the new service charter.

TABLE 7 – REPORT AGAINST SERVICE STANDARDS

Service standard	Report against standard for 2013–14	Outcome
1. Be polite, respectful, courteous and prompt when we deal with you	All new members and staff attended induction training emphasising the importance of providing quality service to clients.	Achieved
2. Use language that is clear and easily understood	Clear English is used in correspondence and forms. Staff use professional interpreters to communicate with clients from non-English speaking backgrounds. There is a language register listing staff available to speak to applicants in their language, where appropriate. The tribunals book interpreters for hearings whenever they are requested by applicants and wherever possible accredited interpreters are used in hearings. Interpreters were used in 65% of hearings held (57% MRT and 85% RRT). The tribunals employ staff from diverse backgrounds who speak more than 20 languages.	Achieved
3. Acknowledge applications for review in writing within two working days	An acknowledgement letter was sent within two working days of lodgement in 55% of cases.	55%
4. Include a contact name and telephone number on all our correspondence	All letters include a contact name and telephone number.	Achieved
5. Help you to understand our procedures	The tribunals provide applicants with information about tribunal procedures at several stages during the review process. The website includes a significant amount of information, including procedures and guidelines, forms and factsheets and frequently asked questions. Case officers are available in the New South Wales and Victoria registry to explain procedures over the counter or the telephone. The tribunals have an email enquiry address and an online enquiry form on the website that applicants can use to seek general information about procedures.	Achieved
6. Provide information about where you can get advice and assistance	The website, service charter and application forms provide information about where applicants can get advice and assistance. <i>Factsheet MR2: Immigration Assistance</i> notifies applicants of organisations and individuals who can provide them with immigration assistance. The application forms R1, M1 and M2 explain in 28 community languages how applicants may contact the Translating and Interpreting Service (TIS).	Achieved
7. Provide information so that you can engage effectively in the review process	The tribunals provide applicants with information about tribunal procedures at several stages during the review process. The website includes a significant amount of information, including procedures and guidelines, forms and factsheets and frequently asked questions. The Stakeholder Engagement Plan for 2012–14 sets out how the tribunals will engage with stakeholders and the engagement activities planned for 2012–14 and beyond. Community liaison meetings were held twice during 2013–14 in Adelaide, Brisbane, Melbourne, Perth and Sydney. The tribunals have a feedback and complaints process outlined in the service charter and on the website.	Achieved

Service standard	Report against standard for 2013–14	Outcome
8. Provide you with advance notice of the time and place of the hearing, if we invite you to a hearing	The Migration Regulations prescribe the periods for notifying applicants of MRT and RRT hearings. The tribunals invite applicants to hearings in accordance with the time frames referred to in the Migration Regulations.	Achieved
9. Attempt to assist you if you have difficulty understanding or participating in the review process due to age or a physical, mental, psychological or intellectual condition, disability or frailty or for social or cultural reasons	The tribunals employ a range of strategies to assist applicants who have difficulty understanding or participating in the review process. All offices are wheelchair accessible and hearing loops are available for use in hearing rooms. Whenever possible, requests for interpreters of a particular gender, dialect, ethnicity or religion are met. Hearings can be held by video conference. A national enquiry number 1300 361 969 is available from anywhere in Australia (calls are charged at the cost of a local call, more from mobile telephones). The tribunals have guidelines that address gender issues and the needs of vulnerable persons during the review process.	Achieved
10. Provide reasons for our decisions	In most cases (except where a case is withdrawn or where the tribunals are notified of the applicant's death), a written record of decision and the reasons for decision are provided to the applicant and to the department.	Achieved
11. Publish guidelines relating to the priority we give to particular cases	Guidelines for the priority to be given to particular cases are published in the annual constitution and prioritisation policy, which is available on the website.	Achieved
12. Publish the time standards within which we aim to complete reviews	Time standards are available on the tribunals' website.	Achieved
13. Abide by the Australian Public Service (APS) Values and Code of Conduct (staff) available at www.apsc.gov.au	New staff attend induction training, which includes training on the APS Values and the Code of Conduct. Ongoing staff complete refresher training at regular intervals.	Achieved
14. Abide by the Member Code of Conduct (members) available on the website	All new members attend induction training, which includes the Member Code of Conduct. All members complete annual conflict of interest declaration forms and undergo performance reviews.	Achieved
15. Publish information on caseload and tribunal performance	Information about caseload and performance in the current and previous financial years is published on the website under 'statistics'. Further statistics, including those on the judicial review of tribunal decisions, are available in annual reports.	Achieved

A high proportion of applicants 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 tribunal procedures and processes and can engage effectively in the review process.

The tribunal 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 service charter is available on the website, along with the Strategic Plan, the Member Code of Conduct, the Interpreters' Handbook and Principal Member directions as to the conduct of reviews. The 'representatives' webpage supports representatives by bringing together the most commonly used resources and information. A 'frequently asked questions' page, arranged by topic, answers questions most commonly asked by applicants and representatives.

The tribunals have offices in Melbourne and Sydney which are open between 8.30 am and 5.00 pm on working days. The tribunals have an arrangement with the AAT for counter services and hearings at AAT offices in Adelaide, Brisbane and Perth. 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, more from mobile telephones). Persons who need the assistance of an interpreter can contact the Translating and Interpreting Service on 131 450 for the cost of a local call.

The tribunals have a Reconciliation Action Plan, an Agency Multicultural Plan and a Workplace Diversity Program. Further information about these strategies and plans is set out in Part 4.

COMPLAINTS

The 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. The service charter is available on the 'conduct of reviews' page on the website and in ten community languages.

Most issues or concerns that arise in the normal course of business are handled informally at the local level, and do not result in a formal complaint. Formal complaints are handled in accordance with the tribunals' complaints policy. Formal complaints are always in writing. Complaints about tribunal members are dealt with by the Principal Member. Complaints about staff or other matters are dealt with by the Registrar.

A person who is dissatisfied with how the tribunals 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.

Alternatively, a person can make a complaint to the Commonwealth Ombudsman, although the Ombudsman will not usually investigate a complaint that has not first been raised with the relevant agency.

The tribunals will acknowledge receipt of a complaint within five working days and aim to provide a final response within 20 working days of receipt of the complaint. The length of time before a final response depends on the extent of investigation which is necessary. If more time is required, because of the complexity of the complaint or the need to consult with other persons before providing a response, the tribunal will advise the complainant of progress in handling the complaint.

If a complaint is upheld, possible responses include an apology, a change to practice and procedure, or consideration of additional training and development for tribunal personnel.

During 2013–14, the tribunals received a total of 56 complaints. Table 8 shows the number of formal complaints made over the last three years.

TABLE 8 – COMPLAINTS LODGED

	2013–14	2012–13	2011–12
Complaints lodged	56	33	19
Cases decided	24,729	19,347	10,815
Complaints per 1,000 cases	<3	<2	<2

Of the complaints made in 2013–14, 33 related to member conduct, two related to staff conduct, four related to member and staff conduct, and 17 related to tribunal policy and timeliness.

The tribunals provided substantive responses to 55 of the 56 complaints, responding to 35 of those complaints within 20 working days. One complaint was unresolved at the time of this report.

Following investigation, the tribunal formed the view that six of the complaints made during the year related to matters which could have been handled more appropriately.

Table 9 sets out the complaints made to the Commonwealth Ombudsman over the last three years and the outcomes of the complaints resolved.

Less than three complaints were received per 1,000 cases decided

TABLE 9 – COMPLAINTS TO THE COMMONWEALTH OMBUDSMAN

	2013–14	2012–13	2011–12
New complaints	0	1	1
Complaints resolved	0	1	1
Administrative deficiency found	0	0	0

MIGRATION AGENTS

More than 59% of applicants were represented in relation to their review application in 2013–14. With limited exceptions, a person acting as a representative is required to be a registered migration agent. Registered migration agents are required to conduct themselves in accordance with a code of conduct. The tribunals referred three matters to the Office of the Migration Agents Registration Authority (OMARA) during 2013–14 regarding the conduct of migration agents. OMARA is responsible for the registration of migration agents, monitoring the conduct of registered migration agents, investigating complaints and taking disciplinary action against registered migration agents who breach the code of conduct or behave in an unprofessional or unethical way.



COMMUNITY AND INTERAGENCY LIAISON

The tribunals maintain regular engagement with a number of bodies with an interest in refugee and migration law, tribunal outcomes and merits review. The Stakeholder Engagement Statement outlines the principles for engaging with clients and stakeholders, and strategies to support and improve communication and services.

Twice-yearly community liaison meetings are held in Melbourne, Sydney, Brisbane, Adelaide and Perth to exchange information with key stakeholders. At community liaison meetings, updates are provided on legislative and corporate developments and attendees can raise matters that arise out of their dealings with the tribunals. The meetings are attended by representatives of migration and refugee advocacy groups, legal and migration agent associations, human rights bodies, the department and other government agencies.

The tribunals hold ‘open days’ or public information sessions each year. In 2014 MRT information sessions were held in Brisbane, Melbourne and Sydney during Law Week in May, and RRT information sessions were held in Melbourne, and Sydney during Refugee Week in June. Information sessions involve a demonstration hearing and presentations on the tribunals’ processes and caseloads. These events are an opportunity for the public to get a better understanding of tribunal operations. There was a strong turnout and positive feedback from those who attended.



Regular meetings are held with the department, the Department of Foreign Affairs and Trade and the AAT. Agreements between the tribunals and these organisations reflect the statutory and operational relationships between the agencies.

Members and staff have continued to be active participants in several bodies, including the national and state chapters of the Council of Australasian Tribunals, the Australasian Institute of Judicial Administration, the Australian Institute of Administrative Law and the International Association of Refugee Law Judges.

Members and staff presented on the work of the tribunals at several events in 2013–14. In September 2013, the Principal Member spoke at the Migration Alliance Annual Conference on strengthening relationships between registered migration agents and the MRT. In March 2014, the Principal Member gave a presentation on fair, just, economical, informal and quick reviews at the Law Council of Australia’s 2014 Immigration Law Conference held in Sydney. In April 2014, the Deputy Principal Member gave a presentation on business visa issues at a Migration Institute of Australia continuing professional development workshop in Perth. Significant speeches and presentations given by members and staff are published on the website.

MRT OPEN DAY HELD IN THE VICTORIAN REGISTRY. THE PRESENTATION INCLUDED A STAGED MRT HEARING DEMONSTRATING THE HEARING PROCESS AND USE OF INTERPRETERS.

130 people attended community liaison meetings in 2013–14

MAJOR REVIEWS

No major reviews were undertaken in relation to the tribunals during 2013–14.

Capability reviews

No capability reviews were undertaken for the tribunals during 2013–14.

SIGNIFICANT CHANGES IN THE NATURE OF FUNCTIONS OR SERVICES

Amalgamation of the tribunals

The 2014-15 Budget includes a measure to amalgamate the tribunals with three other Commonwealth merits bodies: the Administrative Appeals Tribunal (AAT), Social Security Appeals Tribunal (SSAT), and the Classification Review Board (CRB). The formal amalgamation is proposed to come into effect on 1 July 2015 with legislation introduced and passed during 2014–15. The reforms are expected to generate efficiencies and savings through shared financial, human resources, information technology and governance arrangements.

Functus officio legislation

The Migration Amendment Bill 2013, which specifies when the tribunals are *functus officio*, received Royal Assent on 27 May 2014. The Act amends the *Migration Act 1958* to clarify that a decision (other than an oral decision) is taken to be made by the making of the written statement on the date and time the written statement is made. The date and time the decision statement is made must be written on the decision statement. An oral decision is taken to be made, and notified to the applicant, on the date and time the decision is given orally. The date and time the decision is given orally must also be written on the decision statement.

DEVELOPMENTS SINCE THE END OF THE YEAR

None.



AARON MANAGES THE OPERATIONS OF THE TRIBUNALS' VICTORIAN REGISTRY

MANAGEMENT AND ACCOUNTABILITY

PART 4

MANAGEMENT AND ACCOUNTABILITY

The tribunals' policies, practices and structure have been designed to ensure the good governance of the agency. This part sets out what the tribunals have done to ensure that appropriate management and planning processes are in place.

SENIOR MANAGEMENT

Ms Kay Ransome commenced her appointment as the Principal Member of the tribunals on 6 August 2012 for a term of five years.

Sections 397 and 460 of the Migration Act 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.

Ms Amanda MacDonald is the Deputy Principal Member of the tribunals. The Deputy Principal Member's responsibilities include member performance and professional development.

Senior members of the tribunals provide leadership and guidance to members. The senior members as at 30 June 2014 were Mr John Billings, Mr John Cipolla, Ms Miriam Holmes, Ms Linda Kirk, Mr Peter Murphy, Ms Louise Nicholls, Dr Irene O'Connell, Ms Kira Raif, Ms Sue Raymond, Mr Shahyar Roushan, Mr Giles Short and Mr Don Smyth.

Sections 407 and 472 of the Migration Act provide that the Registrar, the deputy registrars and other officers of the tribunals have such duties, powers and functions as are provided by the legislation, and such duties and functions as the Principal Member directs. Mr Colin Plowman is the Registrar and is the general manager of the tribunals' operations and also the chief financial officer. He is assisted by two deputy registrars, Ms Jacqueline Fredman and Mr Rhys Jones.

Governance arrangements for the tribunals include bi-monthly senior member meetings, consisting of the Principal Member, the Deputy Principal Member, the Registrar and 12 senior members. The meetings discuss issues related to the caseload and membership. A Senior Management Group, comprising the Registrar, deputy registrars and senior managers, meets monthly and deals with management and planning issues.

A number of governance committees involving members and staff provide advice on tribunal operations. Each committee's terms of reference and focus are set out in a committee charter. The tribunals' governance committees are the Audit and Risk Management Committee (ARMC), the Information Management Committee, the Information Technology Governance Committee, and the People Committee.

CORPORATE AND OPERATIONAL PLANS

The Strategic Plan 2013–16 states that the tribunals' reputation depends on professional, effective and courteous dealings with applicants and their representatives, and on the quality, integrity, consistency and timeliness of decision making. The independence of members in decision making, the quality of decision making, the management of caseloads and the publication of decisions and other information are vital to this.

Annual operational plans outline the key focus areas and activities that the tribunals seek to address. The operational plans reflect the broad strategic priorities in the tribunals' plan as well as operational priorities identified in section business plans.

ETHICAL STANDARDS

The Member Code of Conduct provides that members should behave with integrity, propriety and discretion, and should treat applicants, representatives, interpreters and other persons with respect, courtesy and dignity. The Member Code of Conduct is available on the tribunal website.

Staff are required to act in accordance with the Australian Public Service Values, Employment Principles and Code of Conduct.

RISK MANAGEMENT

The tribunals have in place sound audit and risk management arrangements, including the Audit and Risk Management Committee (ARMC), comprising an independent chair and member and senior tribunal representatives. Representatives from the Australian National Audit Office (ANAO), Deloitte Touche Tohmatsu, and O'Connor Marsden since taking over the role in November 2013, provided internal audit services to the tribunals, and assisted the ARMC. The role of the ARMC is to consider matters that it deems appropriate, the financial affairs and risk management issues of the tribunals and matters referred to it.

During the year, the tribunals' internal auditors concluded reviews of information technology security and infrastructure, selected finance functions, implementation readiness of the e-Lodgement system and the new payroll system, and freedom of information processes and carried out a fraud risk assessment to develop the tribunals' 2014–15 Fraud Control Plan, and the 2014–15 and three year forward internal audit plan.

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

FRAUD CONTROL

The tribunals have in place a Fraud Control Plan, which was reviewed during the year and updated in accordance with the Commonwealth Fraud Control Guidelines.

EXTERNAL SCRUTINY

The tribunals are subject to external scrutiny through the publication of decisions, judicial review by the courts, annual reports to parliament, appearances before parliamentary committees, complaints to and enquiries by the Commonwealth Ombudsman, Australian Public Service Commission (APSC) surveys, freedom of information, and reports and enquiries by the ANAO and other bodies. The tribunals interact with agencies on compliance issues, and closely monitor parliamentary committee reports and other reports across the public sector.

Section 440A of the Migration Act requires the Principal Member to give the Minister a report every four months on the conduct of RRT reviews not completed within 90 days. The Minister is required to table these reports in parliament.

WHOLE-OF-GOVERNMENT ACTIVITY

The tribunals developed an Agency Multicultural Plan (AMP) consistent with the requirements and considerations of the Australian Government's revised *Multicultural, Access and Equity Policy – Respecting Diversity, Improving Responsiveness*. All Australian Government departments and agencies covered by the FMA Act were required to develop and implement two-yearly AMPs, with the first AMPs to cover 1 July 2013 to 30 June 2015. The Australian Multicultural Council has endorsed the tribunals' AMP, and the Minister for Multicultural Affairs formally approved the tribunals' AMP which has been published on the tribunals' website.

FREEDOM OF INFORMATION

Agencies subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. The tribunals' IPS information (including an IPS plan) is available from the tribunals' website.

HUMAN RESOURCES

The tribunals comprise of members appointed under the Migration Act and staff appointed under the Migration Act and employed under the Public Service Act.

The tribunals recognise that it is through members and staff that the objectives and outcomes expected by government are achieved. 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:

- * recognises high performance and innovation
- * values diversity and the contributions made by people
- * encourages ethical and good workplace behaviour
- * is productive, professional and delivers quality and timely service
- * actively identifies and addresses health and safety issues.

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

All members and staff participate in performance agreement arrangements. Performance management assists members and staff to:

- * support the achievement of organisational goals and objectives
- * discuss and set performance goals, and assess performance against these goals and objectives
- * engage in discussions on performance
- * recognise performance and achievement
- * identify learning and development needs
- * support the ongoing capability development needs of members and employees
- * identify and manage underperformance.



IN MEMORIAM

It is with great sadness that we mourn the loss of our dear friend and colleague Patricia Leehy who passed away on 14 March 2014.

Patricia was the first Registrar of the Refugee Review Tribunal (RRT) when it commenced its operations in 1993 and she later became a member of the RRT in 1997.

Throughout Patricia's time with the tribunals, her quiet determination and a wonderful manner exemplified professionalism and dedication to the tribunals and our clients. She made many friends at the tribunals over the years and we hope that her family finds comfort knowing that Patricia touched so many of us during her time with the tribunals.

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. The Remuneration Tribunal's determinations are available on its website at www.remtribunal.gov.au.

Table 10 sets out the tribunals' membership as at 30 June 2014.

TABLE 10 – MEMBERSHIP AS AT 30 JUNE 2014

	Women	Men	Total
Principal Member	1	0	1
Deputy Principal Member	1	0	1
Senior members	6	6	12
Full-time members	20	26	46
Part-time members	55	22	77
Total	83	54	137

A list of members and their appointment periods as at 30 June 2014 is available in Appendix B of this report. Persons appointed as members have typically worked in a profession or have extensive experience at senior levels in the private or public sectors. The work is also suited to working on a part-time basis and 56% of members are part-time.

Member appointments

The Governor General appointed four senior members, 14 full-time members and 24 part-time members. The appointments are for three years and take effect from 1 July 2014.

Member professional development and performance

The member performance review and assessment process is designed to ensure member performance is assessed fairly and equitably, and in a manner that does not compromise the member's independence in decision-making. All members have performance reviews based on a competency framework. The process involves members reflecting on their own performance against the framework of competencies and identifying their learning needs, with senior members and the Deputy Principal Member providing feedback and guidance. Performance reviews provide direction for member professional development by identifying members' training and development needs. A review has commenced to simplify the competency framework and update the performance review system to ensure it meets the key components of member performance.

Member professional development needs are also identified by members. The professional development program for the year consisted of sessions covering legal issues, cultural practices, caseload issues, practice management and personal development skills. Presenters for these sessions included academics, legal experts, immigration experts, diplomats and in-house sources.

This year specific training and professional development opportunities have been provided nationally on document examination, sections 359A and 424A of the Migration Act, questioning and interview techniques and complementary protection. In addition members attended specialist workshops focusing on issues in the protection, partner/family, business and student caseloads. Members participated in briefings on the situation in Afghanistan, Pakistan, Egypt and Iran. They also attended various external conferences and presentations in the areas of decision making in a tribunal context and administrative and migration law.

Senior members participated in programs to build their management and leadership capability.

In this financial year, 71 different training opportunities and 1,119 training places were utilised.

Staffing

Staff are vital for the efficient and lawful conduct of reviews. An important role is the provision of member and client services. Registry staff are the point of contact when applicants or their representatives lodge applications or deal with the tribunals on issues concerning the conduct of reviews. The work of these staff is essential for good tribunal performance and understanding and responding to client needs and seeking to improve services.

Legal Services staff provide high quality advice and information to members to support the conduct of reviews. Caseload Strategy, Finance and Business Services, Human Resources, Information, Communication and Coordination, Policy and Client Delivery, and Technology Services staff provide a range of enabling services to support the operation of the tribunals and the delivery of high quality decisions.

Staff are employed under the Public Service Act and are appointed as tribunal officers under the Migration Act. As at 30 June 2014, the tribunals employed 335 APS employees comprising:

- * 288 ongoing full-time employees
- * 39 ongoing part-time employees
- * 7 non-ongoing full-time employees
- * 1 non-ongoing part-time employee.

Table 11 sets out the number of staff employed as at 30 June 2014. Approximately 38% of employees are men and 62% are women.

TABLE 11 – STAFF AS AT 30 JUNE 2014

APS Level	New South Wales and Brisbane		Victoria and Adelaide		Total
	Women	Men	Women	Men	
APS 1	1	0	0	0	1
APS 2	2	3	1	2	8
APS 3	31	11	22	16	80
APS 4	39	22	17	10	88
APS 5	26	10	10	5	51
APS 6	22	16	7	5	50
Legal Officer	6	3	3	2	14
Executive Level 1	8	9	4	1	22
Senior Legal Officer	3	2	2	2	9
Executive Level 2	4	3	0	1	8
Principal Legal Officer	1	0	0	0	1
Senior Executive Service Band 1	1	1	0	0	2
Senior Executive Service Band 2	0	1	0	0	1
Total	144	81	66	44	335

Further staffing statistics are set out in Appendix C.

The tribunals reduced from 365 staff at 30 June 2013, to 335 staff as at 30 June 2014. This represents a decrease of 8% in staff. The staff turnover rate decreased slightly to 9.3% for the year ending 30 June 2013, compared to 11% for the year ending 30 June 2012.

Workforce

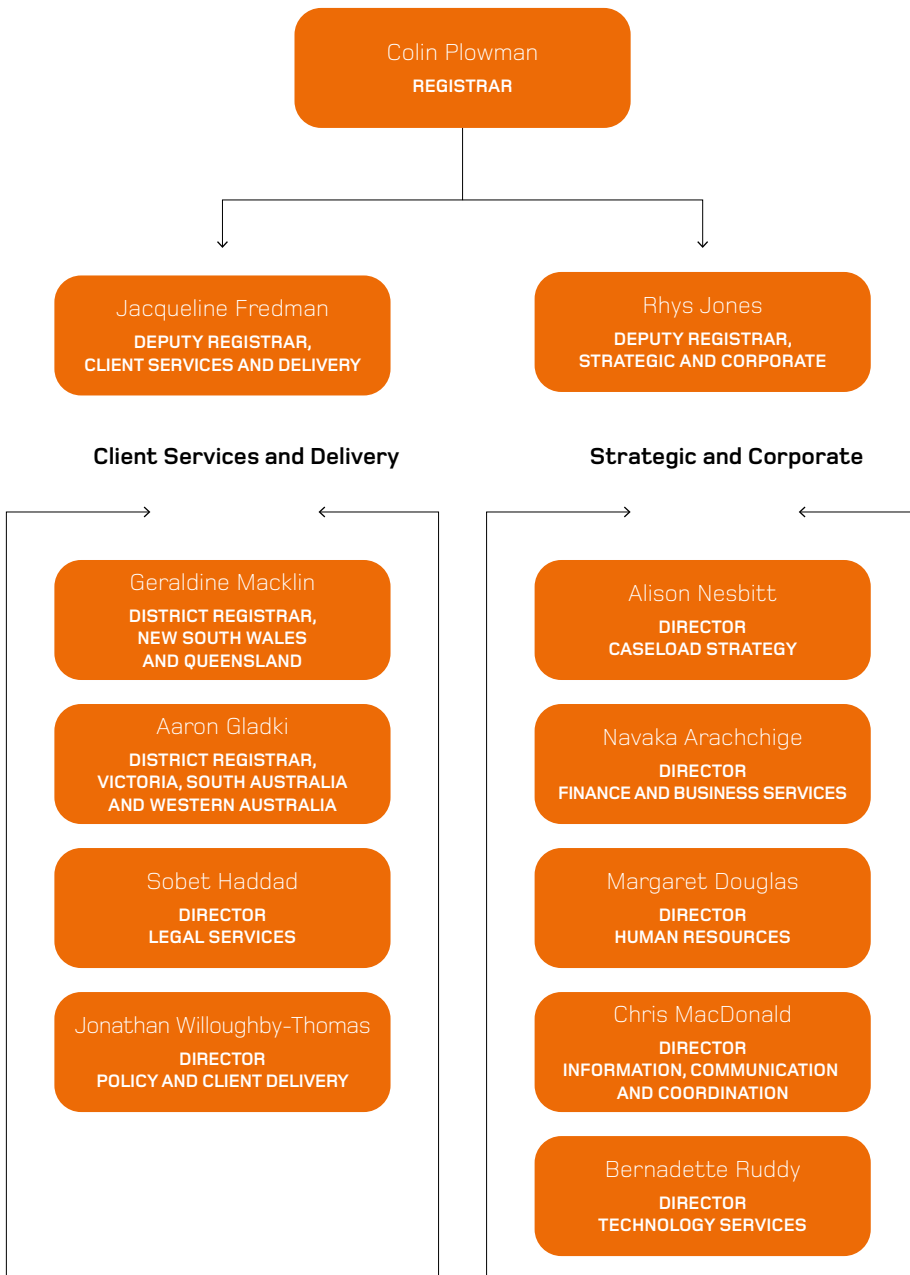
The tribunals continue to review strategies to attract, retain and develop quality staff. A wide range of skills and expertise are required, from general administrative staff, to lawyers, accountants, human resource and technology professionals. In 2013–14 staff were employed across 10 sections: Caseload Strategy; Executive; Finance and Business Services; Human Resources; Information, Communication and Coordination; Legal Services; New South Wales Registry; Policy and Client Delivery; Technology Services; and Victoria Registry. On 1 July 2013, the Country Advice section was transferred to the department under a machinery-of-government change. The staff organisational structure is shown at Figure 7.

The tribunals participate in, and take a close interest in, the annual State of the Service Employee Census and Agency Survey, conducted by the APSC. This survey is conducted across APS agencies and employees, and 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 understand the need to be flexible in approach and expectations. The ways in which vacancies are advertised, the nature of the work, the workplace environment, training, personal development and advancement, remuneration and flexibility of conditions are all factors which impact on the capacity to attract and retain quality staff.

335 staff worked across 10 sections located in Adelaide, Brisbane, Melbourne and Sydney.

FIGURE 7 – STAFF ORGANISATIONAL STRUCTURE



Section profile – Technology Services

The Technology Services section ensures that the tribunals have a technical and systems environment that is stable and secure and that meets the needs of staff and members to do their work effectively. This includes ensuring that hardware including desktop PCs and office machines are running effectively, that communications to and from the tribunals are robust and that software applications support members in their decision making and provide administrative tools that deliver efficiencies for staff.

In addition to maintaining and monitoring the systems that the tribunals need to do business, the Technology Services section plays a significant role in projects intended to deliver efficiencies or improve services to our clients. During 2013–14 Technology Services worked on a number of projects including upgrades to the desktop environment in line with whole-of-government guidelines, an improved intranet, collaboration functionality, redesigned templates and scheduling improvements for hearings. The most significant achievement for our clients was the commencement of the online application service in January 2014.

The online application service allows applicants and representatives to lodge an application and associated documents through the website and to make payment, where applicable. This assists applicants and their representatives and frees tribunal staff to concentrate on the more complex aspects of our work. Applicants and representatives receive an immediate confirmation of their application and are able to pay securely.

The online application project was the culmination of many months of collaboration to ensure that a high quality product was delivered. Every member of the Technology Services section was involved in the project including in project management and delivery, testing, support, hardware and security setup and ensuring the online system integrated with our case management system and processes.

The online application service has been a success with applicants and representatives, with more than 50% of applications now being lodged online. The Technology Services section is working on the next phases of the project to deliver more online service functionality.



STAFF OF THE TECHNOLOGY SERVICES SECTION GATHERED FOR THEIR BUSINESS PLANNING DAY

Front row (left to right): Cid Bartolome, Bernadette Ruddy, Mina Saidi, Grant Nicholas, Jenny Spearman, Raymond Pih, Simrata Kaur, Mi Mi Khine and Robert Shaw. Back row: Abul Shamsuzzaman, Michael Kruger, Semih Ates, Nirmal Kunwar, David Adams, Bede Carroll, Justin Tkacz, Nathan Price, Andrew Kanachowski, Robert Mayfield, Adam Gason and Bill Devrell.

Learning and development

A dynamic and changing work environment requires the tribunals to do its core business well, to clearly define roles, standards and expectations and to identify and promote good performance. A major focus for the tribunals during the year continued to be leadership development programs. Team leaders and executive level managers participated in structured leadership programs that focused on people management topics particularly dealing with difficult interactions, strategic leadership and thinking, managing performance, leading teams, coaching skills and giving and receiving feedback.

This year the tribunal commenced its first formal mentoring program with a group of 18 participants. The first survey of participants indicated that the program was very well set up and initial goals were being met.

In addition, staff participated in training for amendments to the Privacy Act, FOI examinations, work health and safety (WHS) and APS values and code of conduct.

A number of specific, priority programs were developed and conducted on project management and strategic thinking as well as information technology accreditation courses. Team training events focused on planning and future initiatives.

A major program was customer service training provided for new and existing staff, focusing on good practice and managing difficult clients.

Individual development and training needs are identified through the performance agreement system and discussions with executive managers. 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
- * defining supervisor and employee responsibilities and expectations.

The tribunals have a studies assistance scheme. A total of 47 staff undertook approved courses of study covering 31 different topics, taking a total of 181 days of study leave and being reimbursed \$41,459 in course fees.

Executive remuneration

The tribunals have three Senior Executive Service (SES) officers. Remuneration and conditions are set through determinations under section 24(1) of the Public Service Act, taking into account current APS remuneration levels, APSC guidelines on SES pay and remuneration of similar positions in the APS. The determinations do not provide for performance pay.

Enterprise agreement

The tribunals' Enterprise Agreement 2012–14 sets out employee remuneration and terms and conditions. It aims to support productivity improvement and initiatives, recognise the participation of employees and provide a positive work environment. The enterprise agreement has a nominal expiry date of 30 June 2014.

The objectives set out in the enterprise agreement aim to facilitate achievement of the goals and objectives of the tribunals by:

- * encouraging employees and managers to manage and prioritise workloads within reasonable working hours
- * maintaining a strong performance-based culture
- * increasing operational efficiency with streamlined administrative processes and working arrangements
- * recognising and valuing the participation of employees
- * attracting and retaining staff
- * providing a positive working environment
- * providing flexibility in working hours to assist employees balance their professional and personal lives
- * upholding the APS Values.

Table 12 sets out the salary range as at 30 June 2014. This reflects the most recent salary increase in the enterprise agreement, which was 3% from 6 December 2012. A lump sum payment of \$750 was made on 5 December 2013.

TABLE 12 – SALARY RANGE PAY POINTS AS AT 30 JUNE 2014

Level	Lowest	Highest
APS 1	\$26,070	\$47,985
APS 2	\$49,129	\$54,444
APS 3	\$55,911	\$60,316
APS 4	\$62,272	\$67,585
APS 5	\$69,420	\$74,956
APS 6	\$76,822	\$86,105
Information Technology (APS 4-5)	\$62,272	\$74,956
Legal Officer (APS 4-6)	\$62,272	\$86,105
Executive Level 1	\$95,997	\$106,124
Senior Legal Officer	\$95,997	\$119,577
Executive Level 2	\$116,220	\$135,472
Principal Legal Officer	\$130,784	\$142,143

Salary advancement through pay points at each classification level occurs where an employee is assessed as 'effective' or above in their most recent performance appraisal and, if a broadband applies, meeting any requirements for advancement.

The enterprise agreement encourages work/life balance and includes provision for:

- * access to an employee assistance program
- * performance management agreements and rating scale
- * study assistance
- * a public transport loan scheme
- * allowances for first aid officers, fire wardens, health and safety representatives and harassment contact officers
- * a five-year period for returning to work or accessing part-time work following the birth or adoption of a child
- * 20 days personal/carers leave annually
- * access to unpaid career interval leave after five years' service
- * contributions towards promoting good health.

The enterprise agreement also includes an individual flexibility arrangement clause that provides for the supplementation of terms and conditions. As at 30 June 2014, supplementary agreements were in place with 10 non-SES employees in accordance with the flexibility clause.

Six officers at the EL2 level received performance pay. An aggregate amount of \$36,124 was paid in performance-linked bonuses during 2013–14 in respect of performance in the 2013 calendar year. The average bonus payment was \$6,020 and payments ranged from \$2,771 to \$9,025.

Work health and safety

The tribunals are committed to ensuring the health and safety of all workers involved in carrying out work in any capacity for the tribunals. The tribunals are committed to:

- * providing and maintaining a healthy and safe work environment
- * providing financial and other resources to ensure that necessary work health and safety (WHS) programs and activities are established and maintained
- * providing a forum for consultation and cooperation on WHS matters
- * ensuring that all workers are aware of their responsibilities
- * minimising risk to health and safety.

Health and safety representatives are elected as required under the *Work Health and Safety Act 2011* (WHS Act). All representatives attend a five-day training course that covers their responsibilities under the WHS Act. WHS committees in Melbourne and Sydney meet quarterly.

No investigations under the WHS Act were conducted during 2013–14, and there were no directions or notices given and no reportable incidents.

The tribunals' focus is on reducing the social and financial cost of workplace injury and illness through timely intervention, promoting preventative activities and improving WHS capability. The WHS and preventative activities undertaken in the tribunals during the year included:

- * providing office and workstation assessments for workers by professional occupational therapists and physiotherapists
- * providing specialist equipment for workers identified with special needs as a result of ongoing medical conditions
- * facilitating instruction and education by occupational therapists and physiotherapists for members and staff in correct ergonomic practices and injury prevention
- * incorporating adjustable ergonomic equipment
- * providing influenza vaccinations in the workplace
- * emergency warden policy consistent with the 'Managing the work environment and facilities' code of practice
- * reviewing and updating of the workplace harassment prevention policy and harassment contact officer procedures
- * raising awareness of health and safety issues of members and staff through WHS induction training and processes
- * purchase and installation of automated external defibrillators in New South Wales and Victoria registries
- * workplace inspections conducted using revised inspection format which incorporates risk assessment hierarchy
- * review of incident response and reporting procedures
- * quarterly review and analysis of incident reports and WHS Action Requests.

Workplace diversity

The tribunals' workplace diversity program focuses on strategies to facilitate an understanding of workplace diversity principles and to ensure fairness and inclusiveness are applied in all business activities, and in human resource policies and practices. The principles underlying the workplace diversity program are:

- * treating each other with respect and dignity
- * making decisions 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
- * providing a safe, secure and healthy working environment.

The Reconciliation Action Plan is part of the tribunals' ongoing commitment and support to Aboriginal and Torres Strait Islander culture and heritage. It includes events to recognise NAIDOC Week, National Sorry Day and Reconciliation Week. The Workplace Diversity Program includes recognising the United Nations International Day of the World's Indigenous People and Harmony Day.

The tribunals are committed to providing a workplace that is safe and free from behaviour that may reasonably be perceived as harassing, bullying or discriminatory. Consistent with the Workplace Harassment Prevention Guideline, harassment contact officers are appointed to provide members and staff with alternative sources of information and support if members and staff are uncomfortable about raising issues with management.

Disability reporting

The National Disability Strategy 2010–20 sets out a 10-year national policy framework to improve the lives of people with disabilities by promoting participation and creating a more inclusive society. The tribunals support this policy, and engage and support employees with disabilities.

Changes to disability reporting in annual reports

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the APSC's State of the Service Report and the APS Statistical Bulletin. These reports are available at www.apsc.gov.au. From 2010–11, departments and agencies have no longer been required to report on these functions.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL PERFORMANCE

The *Environment Protection and Biodiversity Conservation Act 1999* sets out the principles of ecologically sustainable development. Members and staff are encouraged to contribute to reducing the tribunals' impact on the environment. The tribunals use recycled A4 paper and lower-energy computers and equipment settings, encourage the use of double-sided printing, promote awareness about the use of electricity and water, and are actively moving to the storage and use of electronic records and documents. Walk to Work and Ride to Work days have significant participation by members and staff, and are supported by management.

Green Committee

The Green Committee consisting of volunteer members and staff identifies opportunities and develops proposals for more environmentally sustainable practices, processes, purchasing and disposals.

In 2013–14, the Green Committee ran several successful campaigns including an information campaign, a focus on recycling in 'Green November' and a campaign to facilitate the recycling of old mobile phones.

PURCHASING

The tribunals' purchasing arrangements with suppliers include contracts and notified consultancies, interpreting services, communication services, rental of property, and other goods and services. All purchases over \$10,000 are recorded on AusTender and the tribunals comply with the Senate Order on Departmental and Agency Contracts by publishing on its website details of contracts exceeding \$100,000 in value. An annual procurement plan is also published.

All purchasing is conducted in accordance with the Commonwealth Procurement Rules and Chief Executive's Instructions. No contracts or offers were exempted from publication in AusTender. The tribunals use a standard contract with provisions providing for access by the Auditor-General.

The tribunals did not have any competitive tendering and contracting contracts during 2012–13 for the provision of services previously performed in-house.

ASSET MANAGEMENT

The tribunals manage over 1,400 assets with a combined value of \$10.6 million. The major asset categories include fit-out, office machines, furniture and fittings, information technology equipment and intangible assets (software). Assets are depreciated at rates applicable for each asset class.

Accrual-based monthly reports are prepared on the progress of purchases against capital plans and depreciation against the budget in order to achieve effective asset management.

Stocktakes are performed to update and verify the accuracy of asset records.

CONSULTANCY SERVICES

A range of services are provided to the tribunals under contract, including consultancy services. Consultants are distinguished from other contractors by the nature of the work they perform. A consultant provides professional, independent and expert advice or services that will assist with agency decision making.

The tribunals use recycled A4 paper and lower energy computers

The tribunals manage more than 1,400 assets with a combined value of \$10.6 million

The tribunals engage the services of consultants when there is a need for specialist knowledge or skills to provide an independent assessment or opinion. In determining whether contracts are for consultancy or non-consultancy services, the tribunals have regard to the guidelines published by the Department of Finance (Finance).

During 2013–14, four new consultancy contracts were entered into involving a total actual expenditure of \$65,499. Two contract values exceeded \$10,000. No ongoing consultancy contracts were active during 2013–14. Information on expenditure on contracts and consultancies is also available on the AusTender website at www.tenders.gov.au.

Table 13 sets out the annual expenditure on consultancy contracts.

TABLE 13 – ANNUAL EXPENDITURE ON CONSULTANCY CONTRACTS

Consultant name	Description	Expenditure	Selection process	Justification
Property Control Group Pty Ltd	Sydney and Brisbane lease negotiations	\$25,000	Limited tender	Need for external expertise
Connley Walker Pty Ltd	Security consultant: master security plan	\$9,000	Limited tender	Need for external expertise and independent assessment
Changeworks Consulting	Communications team strategic plans	\$4,681	Limited tender	Need for external expertise
Astral Consulting Services Pty Ltd	Electronic Data Records Management System (EDRMS) Gap Analysis	\$26,818	Limited tender	Need for external expertise

PURCHASER/PROVIDER ARRANGEMENTS

All agencies are required to report on purchaser/provider arrangements. These are 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 or territory governments, or private sector bodies. The tribunals have no purchaser/provider arrangements.

The tribunals have a service delivery agreement with the AAT for the provision by the AAT of accommodation, registry and support services in Adelaide and Perth, and registry and support services in Brisbane. The tribunals have 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 2013–14.

ADVERTISING AND MARKET RESEARCH

All agencies are required to report on advertising and market research. During 2013–14, the tribunals spent \$20,239.15 (inclusive of GST) on advertising. The tribunals did not engage any market research services, and all advertising was related to recruitment.

Table 14 sets out the tribunals' expenditure on advertising services in 2013–14.

TABLE 14 – EXPENDITURE ON ADVERTISING SERVICES

Vendor	Amount	Description
Adcorp Australia Ltd	\$20,239.15	Employment advertising
Total	\$20,239.15	

During 2013–14 the tribunals did not conduct any advertising campaigns.

CORRECTION OF ERRORS IN PREVIOUS ANNUAL REPORT

In the 2012–13 annual report, Member Filip Gelev's appointment was incorrectly stated as expiring on 30 June 2014. Mr Gelev's appointment expires on 30 June 2017.

In the 2012–13 annual report, the total number of tribunal decisions published in this period was incorrectly stated as 4,783. The correct figure was 4,590.



SUKHNANDAN PROVIDES INFORMATION SERVICES TO TRIBUNAL MEMBERS AND STAFF TO KEEP THEM ABREAST OF CURRENT ISSUES

FINANCIAL INFORMATION

PART 5

FINANCIAL INFORMATION

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* (FMA Act).

The operations of the MRT-RRT are funded through Appropriation Acts.

The following two tables are provided consistent with guidelines set out in Requirements for Annual Reports for Departments, Executive Agencies and FMA Act bodies, issued by the Department of the Prime Minister and Cabinet in May 2014. The tables do not form part of the audited financial statements set out in this report.

TABLE 15 – AGENCY RESOURCE STATEMENT 2013–14

	Actual Available appropriation for 2013–14 \$'000 (a)	Payments made 2013–14 \$'000 (b)	Balance \$'000 (a) – (b)
Ordinary annual services ¹			
Departmental appropriation ²	102,971	73,807	29,164
Total	102,971	73,807	29,164
Administered expenses			
Outcome 1	6,365	6,365	-
Total	6,365	6,365	-
Total ordinary annual services	109,336	80,172	29,164
Total Available Annual Appropriations and payments	109,336	80,172	29,164

1. *Appropriation Act (No.1) 2013-14* and *Appropriation Act (No.3) 2013-14*. Includes \$24.905m in Prior Year departmental appropriation and \$84k in S.31 agency receipts.

2. Includes an amount of \$2.367m in 2013-14 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

TABLE 16 – EXPENSES AND RESOURCES FOR OUTCOME 1

Outcome 1: To provide correct and preferable decisions for visa applicants and sponsors through independent, fair, just, economical, informal and quick merits reviews of migration and refugee decisions.	Budget* 2013–14 \$'000	Actual expenses 2013–14 \$'000	Variation 2013–14 \$'000
	(a)	(b)	(a) - (b)
Program 1.1: Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas.			
Administered expenses			
Special Appropriations	8,300	9,333	(1,033)
Departmental expenses			
Departmental Appropriation ¹	84,268	72,249	12,019
Total for Program 1.1	92,568	81,582	10,986
Total expenses for Outcome 1	92,568	81,582	10,986
		2012–13	2013–14
Average Staffing Level (number)		420	418

* Full year budget, including any subsequent adjustment made to the 2013-14 Budget.

1. Departmental Appropriation combines "Ordinary annual services (Appropriation Act No. 1)" and "Revenue from independent sources (s31)".

TABLE OF CONTENTS TO FINANCIAL STATEMENTS

Independent Audit Report	71
Statement by Officers	73
Statement of Comprehensive Income	74
Balance Sheet	75
Statement of Changes in Equity	76
Cash Flow Statement	77
Schedule of Commitments	79
Schedule of Contingencies	80
Administered Schedule of Comprehensive Income	80
Administered Schedule of Assets and Liabilities	80
Administered Reconciliation Schedule	81
Administered Cash Flow Statement	81
Schedule of Administered Commitments	81
Schedule of Administered Contingencies	82
Table of Contents - Notes	83
Note 1: Summary of Significant Accounting Policies	90
Note 2: Events After the Reporting Period	91
Note 3: Expenses	92
Note 4: Income	93
Note 5: Fair Value Measurements	95
Note 6: Financial Assets	96
Note 7: Non-Financial Assets	98
Note 8: Payables	99
Note 9: Interest Bearing Liabilities	100
Note 10: Provisions	101
Note 11: Restructuring	102
Note 12: Cash Flow Reconciliation	103
Note 13: Contingent Liabilities and Assets	104
Note 14: Senior Executive Remuneration	105
Note 15: Remuneration of Auditors	106
Note 16: Financial Instruments	107
Note 17: Financial Assets Reconciliation	109
Note 18: Administered – Expenses	110
Note 19: Administered - Income	111
Note 20: Administered - Financial Assets	113
Note 21: Administered - Cash Flow Reconciliation	114
Note 22: Administered Contingent Assets and Liabilities	115
Note 23: Administered Financial Instruments	117
Note 24: Appropriations	118
Note 25: Reporting of Outcomes	120
Note 26: Net Cash Appropriation Arrangements	121
Note 27: Compensation and Debt Relief	122



INDEPENDENT AUDITOR'S REPORT

To the Minister for Immigration and Border Protection

I have audited the accompanying financial statements of the Migration Review Tribunal and Refugee Review Tribunal for the year ended 30 June 2014, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Statement of Financial Position; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; and Notes comprising a Summary of Significant Accounting Policies and other explanatory information.

Chief Executive's Responsibility for the Financial Statements

The Chief Executive of the Migration Review Tribunal and Refugee Review Tribunal is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about 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 of the financial statements that give a true and fair view 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 the accounting policies used and the reasonableness of accounting

estimates made by the Chief Executive of the Migration Review Tribunal and Refugee Review Tribunal, as well as evaluating the overall presentation of the financial statements.

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

Independence

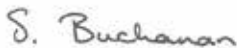
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

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

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the 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 2014 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Serena Buchanan
Executive Director

Delegate of the Auditor-General

Canberra
22 September 2014

Migration Review Tribunal and Refugee Review Tribunal

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2014 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.....

Kay Ransome
Chief Executive

19 September 2014

Signed.....

Jacqueline Fredman
Acting Chief Financial Officer

19 September 2014

Statement of Comprehensive Income*for the period ended 30 June 2014***NET COST OF SERVICES**

	Notes	2014 \$'000	2013 \$'000
EXPENSES			
Employee benefits	3A	54,461	54,770
Supplier	3B	14,112	15,226
Depreciation and amortisation	3C	3,613	2,472
Finance costs	3D	63	34
Total expenses		72,249	72,502
Own-Source Income			
Own-source revenue			
Sale of goods and rendering of services	4A	-	91
Other	4B	78	51
Total own-source revenue		78	142
Gains			
Reversal of previous asset write-down	4C	6	-
Total gains		6	-
Total own-source income		84	142
Net cost of services		72,165	72,360
Revenue from Government	4D	80,691	96,888
Surplus		8,526	24,528
OTHER COMPREHENSIVE INCOME			
Items not subject to subsequent reclassification to net cost of services			
Other		-	-
Total other comprehensive income after income tax		-	-
Total comprehensive income		8,526	24,528

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

Statement of Financial Position*as at 30 June 2014*

	Notes	2014 \$'000	2013 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	6A	84	277
Trade and other receivables	6B	47,581	39,220
Total financial assets		47,665	39,497
Non-Financial Assets			
Land and buildings	7A	6,573	5,297
Property, plant and equipment	7B,C	1,428	1,550
Intangibles	7D,E	2,552	2,537
Other	7F	325	53
Total non-financial assets		10,878	9,437
Total assets		58,543	48,934
LIABILITIES			
Payables			
Suppliers	8A	1,958	2,346
Other payables	8B	3,648	3,742
Total payables		5,606	6,088
Interest Bearing Liabilities			
Leases	9	101	263
Total interest bearing liabilities		101	263
Provisions			
Employee provisions	10A	10,738	11,335
Other provisions	10B	1,741	1,678
Total provisions		12,479	13,013
Total liabilities		18,186	19,364
Net assets		40,357	29,570
EQUITY			
Parent Entity Interest			
Contributed equity		21,941	19,574
Reserves		384	384
Retained surplus (accumulated deficit)		18,032	9,612
Total parent entity interest		40,357	29,570

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

Statement of Changes in Equity
for the period ended 30 June 2014

	Retained earnings		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2014	2013	2014	2013	2014	2013	2014	2013
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Opening balance	9,612	(14,916)	384	384	19,574	14,782	29,570	250
Prior year adjustment ¹	(106)						(106)	-
Adjusted opening balance	9,506	(14,916)	384	384	19,574	14,782	29,464	250
Comprehensive income								
Surplus (Deficit) for the period	8,526	24,528					8,526	24,528
Total comprehensive income	8,526	24,528	-	-			8,526	24,528
Transactions with owners								
Contributions by owners								
Equity injection - Appropriations					-	41	-	41
Departmental capital budget					2,367	4,829	2,367	4,829
Restructuring ² - Net liabilities assumed					-	(78)	-	(78)
Sub-total transactions with owners	-	-	-	-	2,367	4,792	2,367	4,792
Closing balance as at 30 June	18,032	9,612	384	384	21,941	19,574	40,357	29,570

1. Intangible asset purchases of \$106k relating to operating expenses in 2012-13 were written back during the year (refer note 7D).

2. Effective from 1 July 2012, the Independent Protection Assessment Office (IPAO) was transferred from the then Department of Immigration and Citizenship as a machinery of government change (refer Note 11).

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

Cash Flow Statement*for the period ended 30 June 2014*

	Notes	2014 \$'000	2013 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		71,594	66,574
Sales of goods and rendering of services		-	91
Net GST received		2,512	1,565
Other		18	9
Total cash received		74,124	68,239
Cash used			
Employees		55,058	52,461
Suppliers		19,097	18,913
Borrowing costs		-	26
Total cash used		74,155	71,400
Net cash from (used by) operating activities	<u>12</u>	(31)	(3,161)
INVESTING ACTIVITIES			
Cash used			
Purchase of property, plant and equipment		2,300	3,198
Total cash used		2,300	3,198
Net cash from (used by) investing activities		(2,300)	(3,198)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		2,300	3,198
Lease incentive		-	3,742
Total cash received		2,300	6,940
Cash used			
Repayment of borrowings		162	608
Total cash used		162	608
Net cash from (used by) financing activities		2,138	6,332
Net increase (decrease) in cash held		(193)	(27)
Cash and cash equivalents at the beginning of the reporting period		277	304
Cash and cash equivalents at the end of the reporting period	<u>6A</u>	84	277

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

SCHEDULE OF COMMITMENTS

as at 30 June 2014

	2014	2013
	\$'000	\$'000
BY TYPE		
Commitments receivable		
Net GST recoverable on commitments ¹	(2,062)	(3,102)
Total commitments receivable	<u>(2,062)</u>	<u>(3,102)</u>
Commitments payable		
Capital commitments		
Land and Buildings ²	-	2,476
Total capital commitments	<u>-</u>	<u>2,476</u>
Other commitments		
Operating leases ³	22,026	30,404
Other ⁴	657	1,244
Total other commitments	<u>22,683</u>	<u>31,648</u>
Net commitments by type	<u>20,621</u>	<u>31,022</u>
BY MATURITY		
Commitments receivable		
Other commitments receivable		
Net GST recoverable on commitments	(2,062)	(3,102)
Total other commitments receivable	<u>(2,062)</u>	<u>(3,102)</u>
Commitments payable		
Operating lease and other commitments		
One year or less	6,128	8,696
From one to five years	7,856	12,380
More than five years	8,699	13,048
Total operating lease commitments	<u>22,683</u>	<u>34,124</u>
Net commitments by maturity	<u>20,621</u>	<u>31,022</u>

1. Commitments are GST inclusive where relevant.

2. Outstanding contractual commitments for leasehold improvements under construction.

3. Operating leases include premises in Sydney, Melbourne, Brisbane and Adelaide.

4. Other commitments include IT support and maintenance services.

Nature of lease/General description of leasing arrangement

Lease for office accommodation

Lease payments are subject to fixed annual increases. Leases of office accommodation may be renewed for up to five years at exercise of option.

Agreements in relation to support costs for computer software.

The MRT-RRT has an agreement in place for support and maintenance charges for its case management system which will continue to March 2015.

SCHEDULE OF CONTINGENCIES

as at 30 June 2014

The MRT-RRT has no contingent assets or liabilities

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

Administered Schedule of Comprehensive Income			
		2014	2013
	Notes	\$'000	\$'000
NET COST OF SERVICES			
Expenses			
Write-down and impairment of assets	<u>18A</u>	2,968	2,331
Other - refunds	<u>18B</u>	6,365	6,050
Total expenses		<u>9,333</u>	<u>8,381</u>
Income			
Revenue			
Non-taxation revenue			
Other - MRT application fees	<u>19</u>	23,229	23,454
Other - RRT post decision fees	<u>19</u>	4,128	3,502
Total non-taxation revenue		<u>27,357</u>	<u>26,956</u>
Total revenues		<u>27,357</u>	<u>26,956</u>
Total comprehensive income	<u>21</u>	<u>18,024</u>	<u>18,575</u>

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

Administered Schedule of Assets			
		2014	2013
	Notes	\$'000	\$'000
Assets administered on behalf of Government			
<i>as at 30 June 2014</i>			
Financial assets			
Cash and cash equivalents	<u>20A</u>	132	123
Trade and other receivables	<u>20B</u>	2,210	2,058
Total financial assets		<u>2,342</u>	<u>2,181</u>
Net assets		<u>2,342</u>	<u>2,181</u>

The MRT-RRT has no administered liabilities.
This schedule should be read in conjunction with the accompanying notes.

Administered Reconciliation Schedule			
		2014	2013
		\$'000	\$'000
Opening administered assets less administered liabilities as at 1 July		2,129	1,853
Adjustment for rounding		-	-
Adjusted opening administered assets less administered liabilities		<u>2,129</u>	<u>1,853</u>
Surplus (deficit) items:			
Plus: Administered income		27,408	26,956
Less: Administered expenses		(9,333)	(8,381)
Appropriation transfers from OPA:			
Annual appropriations for administered expenses		6,364	6,156
Transfers to OPA		(24,226)	(24,679)
Closing administered assets less administered liabilities as at 30 June		<u>2,342</u>	<u>1,905</u>

Administered Cash Flow Statement			
		2014	2013
	Notes	\$'000	\$'000
Administered Cash Flows			
<i>for the period ended 30 June 2014</i>			
OPERATING ACTIVITIES			
Cash received			
Fees		24,147	24,455
Total cash received		24,147	24,455
Cash used			
Other - refunds		6,276	6,156
Total cash used		6,276	6,156
Net cash flows from (used by) operating activities	<u>21</u>	17,871	18,299
Cash and cash equivalents at the beginning of the reporting period		123	71
Cash from Official Public Account for:			
- Transfer from other entities (Finance - Whole of Government)		6,276	6,156
		6,399	6,227
Cash to Official Public Account for:			
- Appropriations		24,138	24,403
		24,138	24,403
Cash and cash equivalents at the end of the reporting period	<u>20A</u>	132	123
This schedule should be read in conjunction with the accompanying notes.			

Schedule of Administered Commitments

as at 30 June 2014

There are no administered commitments at 30 June 2014 (2013: Nil)

Schedule of Administered Contingencies

as at 30 June 2014

There are no administered contingencies at 30 June 2014 (2013: Nil)

TABLE OF CONTENTS – NOTES

Note 1: Summary of Significant Accounting Policies	90
Note 2: Events After the Reporting Period	91
Note 3: Expenses	92
Note 4: Income	93
Note 5: Fair Value Measurements	95
Note 6: Financial Assets	96
Note 7: Non-Financial Assets	98
Note 8: Payables	99
Note 9: Interest Bearing Liabilities	100
Note 10: Provisions	101
Note 11: Restructuring	102
Note 12: Cash Flow Reconciliation	103
Note 13: Contingent Liabilities and Assets	104
Note 14: Senior Executive Remuneration	105
Note 15: Remuneration of Auditors	106
Note 16: Financial Instruments	107
Note 17: Financial Assets Reconciliation	109
Note 18: Administered – Expenses	110
Note 19: Administered - Income	111
Note 20: Administered - Financial Assets	113
Note 21: Administered - Cash Flow Reconciliation	114
Note 22: Administered Contingent Assets and Liabilities	115
Note 23: Administered Financial Instruments	117
Note 24: Appropriations	118
Note 25: Reporting of Outcomes	120
Note 26: Net Cash Appropriation Arrangements	121
Note 27: Compensation and Debt Relief	122

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Migration Review Tribunal and Refugee Review Tribunal

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 correct and preferable decisions for visa applicants and sponsors through independent, fair, just, economical, informal and quick merits reviews of migration and refugee decisions.

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.

The MRT-RRT activities contributing toward this outcome 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.

The MRT-RRT conducts the following administered activities: 1. the collection of MRT application fees and RRT post decision fees. 2. The repayment of fees to successful applicants.

1.2 Basis of Preparation of the Financial Statements

The financial statements are general purpose financial statements and are required by section 49 of the *Financial Management and Accountability Act 1997*.

The financial statements have been prepared in accordance with:

- a) Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2011; and
- b) Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities 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 statements are 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 entity 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 executor contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

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

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* [2014] HCA 23, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

During the current year, the MRT-RRT included in Commitments, the comparative amount of \$2,476,000 for Land and Buildings commitments, and restated the comparative balance of Other commitments payable from \$657,000 to \$1,244,000.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, the entity has made the following judgements that have the most significant impact on the amounts recorded in the financial statements: the fair value of property, plant and equipment has been taken to be the market value as determined by an independent valuer.

1.4 New Australian Accounting Standards

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 standards, amendments and interpretations, which were issued prior to the signing of the statement by the Chief Executive and Chief Financial Officer, were applicable to the current reporting period:

AASB 7 (NFP)	Financial Instruments: Disclosures [for not-for-profit entities] - December 2012 (Compilation)
AASB 13	Fair Value Measurement - December 2012 (Compilation)
AASB 101 (NFP)	Presentation of Financial Statements [for not-for-profit entities] - December 2012 (Compilation)
AASB 116	Property, Plant and Equipment - September 2012 (Compilation)
AASB 119	Employee Benefits - December 2012 (Compilation)
AASB 132 (NFP)	Financial Instruments: Presentation [for not-for-profit entities] - December 2012 (Compilation)
AASB 136 (NFP)	Impairment of Assets [for not-for-profit entities] - December 2012 (Compilation)
AASB 138 (NFP)	Intangible Assets [for not-for-profit entities] - December 2012 (Compilation)
AASB 139 (NFP)	Financial Instruments: Recognition and Measurement [for not-for-profit entities] - December 2012 (Compilation)

All new standards, amendments and interpretations that were issued prior to the signing of the statement by the Chief Executive and Chief Financial Officer and are applicable to the current reporting period did not have a financial impact, and are not expected to have a future financial impact on the entity.

Future Australian Accounting Standard Requirements

The following new standards, amendments to standards or interpretations have been issued by the AASB prior to the signing of the statement by the Chief Executive and Chief Financial Officer but are effective for future reporting periods:

AASB 9	Financial Instruments - December 2013 (Compilation)
AASB 1031	Materiality - December 2013 (Principal)
AASB 1055	Budgetary Reporting - March 2013 (Principal)
AASB 1056	Superannuation Entities - June 2014 (Principal)
AASB 2010-7	Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]
AASB 2011-7 (NFP)	Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 & 1038 and Interpretations 5, 9, 16 & 17] [for not-for-profit entities]
AASB 2012-3	Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132]
AASB 2013-1	Amendments to AASB 1049 - Relocation of Budgetary Reporting Requirements
AASB 2013-3	Amendments to AASB 136 – Recoverable Amount Disclosures for Non-Financial Assets

The adoption of these pronouncements may have a future financial impact on the MRT-RRT. The financial impact of these new requirements, if any, on future reporting periods cannot be quantified at this stage.

All other new standards, amendments and interpretations that were issued prior to the signing of the statement by the chief executive and chief financial officer and are applicable to the future reporting period are not expected to have a future financial impact on the MRT-RRT.

1.5 Revenue

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 associated with the transaction will flow to the entity.

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 impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

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

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).

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government 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.

1.6 Gains

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.

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

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).

Sale of Assets

Gains from disposal of 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) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity.

Restructuring of Administrative Arrangements

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

1.8 Employee Benefits

Liabilities for ‘short-term employee benefits’ (as defined in AASB 119 *Employee Benefits*) and termination benefits due within twelve months of end of reporting period 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.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

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 leaves is non-vesting and the average sick leave taken in future years by employees of the entity is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees’ remuneration at the estimated salary rates that will apply at the time the leave is taken, 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. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The entity recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

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 for the Australian Government. The PSSap is a defined contribution scheme.

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 in the Department of Finance’s administered schedules and notes.

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

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 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 an 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 is recognised at its nominal amount. Cash and cash equivalents includes:

- a) cash on hand;
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value;
- c) cash held by outsiders; and
- d) cash in special accounts.

1.12 Financial Assets

The MRT-RRT classifies its financial assets in the *'loans and receivables'* category.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

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'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

Financial assets held at cost - if there is objective evidence that an impairment loss has been incurred, the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.13 Financial Liabilities

Financial liabilities are classified as other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

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 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 income 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.

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).

The initial cost of a fitout includes an estimate of the cost of 'make good' provisions taken up where there exists an obligation to restore the leased premises to the original condition. These costs are included in the value of the fitout with a corresponding provision for the 'make good' recognised.

Revaluations

Fair values for each class of asset are determined as: Leasehold Improvements at '*Depreciated Replacement Cost*', and Plant and Equipment at '*Market Value*'.

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent 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 has been credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets were recognised directly in the surplus/deficit except to the extent that they reversed 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 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:

	2014	2013
Leasehold improvements	Lease term	Lease term
Plant and Equipment	3 to 10 years	3 to 10 years

Impairment

All assets were assessed for impairment at 30 June 2014. 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.

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

MRT-RRT's intangibles are comprised of internally developed software and purchased 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 MRT-RRT's software are 3 to 10 years (2013: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2014.

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:

- a) where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- b) 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 entity for use by the Government rather than the entity is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. 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 entity on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the MRT-RRT on behalf of the Australian Government. As such, administered appropriations are not revenues of the individual entity that oversees distribution or expenditure of the funds as directed.

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). Collectability of debts is reviewed at end of the reporting period. Impairment allowances are made when collectability of the debt is judged to be less, rather than more, likely.

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 profit or loss.

Note 2: Events After the Reporting Period

Departmental

The Government announced, in the May 2014 Budget, the intention to amalgamate the Administrative Appeals Tribunal, the Migration Review Tribunal, the Refugee Review Tribunal, Social Security Appeals Tribunal and the Classification Review Board from 1 July 2015. The functions of the MRT and the RRT will be exercised by the amalgamated tribunal. Legislative change will be required to implement the proposal.

Note 3: Expenses

	2014 \$'000	2013 \$'000
Note 3A: Employee Benefits		
Wages and salaries	40,567	40,504
Superannuation:		
Defined contribution plans	3,432	2,931
Defined benefit plans	4,168	4,117
Termination payment	-	1
Leave and other entitlements	6,294	7,217
Total employee benefits	54,461	54,770
Note 3B: Suppliers		
Goods and services		
Property operating expenses (excluding lease payments)	1,370	2,686
Interpreting	2,056	1,887
Communications	940	830
Interstate facilities	1,436	1,473
Printing and stationery	407	468
Other	3,102	3,551
Total goods and services	9,311	10,895
Goods and services are made up of:		
Provision of goods – external parties	651	619
Rendering of services – related entities	2,641	2,298
Rendering of services – external parties	6,019	7,978
Total goods and services	9,311	10,895
Other supplier expenses		
Operating lease rentals – external parties:		
Minimum lease payments	4,470	4,091
Workers compensation expenses	331	240
Total other supplier expenses	4,801	4,331
Total supplier expenses	14,112	15,226
Note 3C: Depreciation and Amortisation		
Depreciation:		
Property, plant and equipment	484	386
Buildings	1,862	1,161
Total depreciation	2,346	1,547
Amortisation:		
Intangibles	1,267	925
Total amortisation	1,267	925
Total depreciation and amortisation	3,613	2,472
Note 3D: Finance Costs		
Unwinding of discount	63	34
Total finance costs	63	34

Note 4: Own Source Income

	2014	2013
	\$'000	\$'000
OWN-SOURCE REVENUE		

Note 4A: Sale of Goods and Rendering of Services

Rendering of services - related entities	-	91
Total sale of goods and rendering of services	-	91

Note 4B: Other Revenue

Resources received free of charge	60	42
Other	18	9
Total other gains	78	51

Total own Source Income	78	142
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Note 4C: Gains

Reversal of previous asset write-down	6	-
Total gains	6	-

Total own Source Revenue	84	142
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REVENUE FROM GOVERNMENT

Note 4D: Revenue from Government

Appropriations:

Departmental appropriation	80,691	96,888
Total revenue from Government	80,691	96,888

Note 5: Fair Value Measurements

The following tables provide an analysis of assets and liabilities that are measured at fair value. The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the entity can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

Note 5A: Fair Value Measurements

Fair value measurements at the end of the reporting period by hierarchy for assets in 2014

	Fair value			
	Fair value	Level 1 inputs	Level 2 inputs	Level 3 inputs
	\$'000	\$'000	\$'000	\$'000
Non-financial assets				
Leasehold improvements	6,573	-	-	6,573
Property, plant and equipment	1,428	-	1,428	-
Total non-financial assets	8,001	-	1,428	6,573
Total fair value measurements of assets in the statement of financial position	8,001	-	1,428	6,573

Note 5B: Valuation Technique and Inputs for Levels 2 and 3 Fair Value Measurements

Level 3 fair value measurements - valuation technique and the inputs used for assets and liabilities in 2014

	Category (Level 2 or Level 3)	Fair value \$'000	Valuation techniques	Inputs used	Range (weighted average) ¹
Non-financial assets¹					
Property, plant and equipment	Level 2	1,428	Depreciated cost	Adopted useful life, physical and functional characteristics and internal policy. Revalued every 3 years and costs capitalised.	N/A ²
Leasehold Improvements	Level 3	6,573	Depreciated replacement cost	Adopted useful life, physical and functional characteristics and internal policy. Revalued every 3 years and costs capitalised.	N/A ³

1. All assets valued utilising level 3 inputs have been valued individually rather than utilising averages or weighted class to establish the fair value. The assets in each class are broad in terms of value, use, size, age and location. The range above is on an asset class basis and represents the fair value range for that particular asset class. The average above is also on an asset class basis and is derived from the individual net book values.

2. Significant unobservable inputs only. Not applicable for assets or liabilities in the Level 2 category.

3. A range of weighted average unobservable inputs was not available from the valuers when measuring the fair value of level 3 assets. This information will be obtained for the 2014–15 financial statements.

Recurring and non-recurring Level 3 fair value measurements - valuation processes

The MRT-RRT uses qualified valuers to conduct revaluations of asset classes every three years. In interim years, assets are tested for impairment during stocktakes, and the asset value at year end is the depreciated replacement cost. Asset subclasses are reviewed at stocktake to ensure the adopted useful life is appropriate.

Recurring Level 3 fair value measurements - sensitivity of inputs

Adopted useful life, expended useful and remaining useful life are considered to be generally stable inputs and would not be subject to sensitivity.

Note 5: Fair Value Measurements (contd)

Note 5C: Reconciliation for Recurring Level 3 Fair Value Measurements

Recurring Level 3 fair value measurements - reconciliation for assets

Non-Financial assets	Leasehold improvements
	2014
	<u>\$'000</u>
Opening Balance	5,297
Total gains/(losses) recognised in net cost of services ¹	(1,862)
Purchases	3,138
Closing Balance	<u>6,573</u>

1. These gains/(losses) are presented in the Statement of Comprehensive Income under depreciation and amortisation expense and gains.

Note 6: Financial Assets

	2014	2013
	\$'000	\$'000
Note 6A: Cash and Cash Equivalents		
Cash on hand or on deposit	84	277
Total cash and cash equivalents	84	277
Note 6B: Trade and Other Receivables		
Good and Services:		
Goods and services - related entities	-	13
Total receivables for goods and services	-	13
Appropriations receivable:		
For existing programs	47,327	38,269
Total appropriations receivable	47,327	38,269
Other receivables:		
GST receivable from the Australian Taxation Office	206	767
Other	48	171
Total other receivables	254	938
Total trade and other receivables (gross)	47,581	39,220
Receivables are expected to be recovered in:		
No more than 12 months	47,581	39,220
More than 12 months	-	-
Total trade and other receivables (net)	47,581	39,220
Receivables are aged as follows:		
Not overdue	47,577	39,207
Over due by more than 90 days	4	13
Total receivables (gross)	47,581	39,220

Note 7: Non-Financial Assets

	2014	2013
	\$'000	\$'000
Note 7A: Land and Buildings		
Leasehold improvements:		
Fair value	8,968	7,536
Accumulated depreciation	(2,395)	(2,239)
Total leasehold improvements	6,573	5,297
Total land and buildings	6,573	5,297

No indicators of impairment were found for leasehold improvements.
No leasehold improvements are expected to be sold or disposed of within the next 12 months.

Note 7B: Property, Plant and Equipment

Property, plant and equipment:		
Fair value	2,292	1,935
Accumulated depreciation	(864)	(385)
Total property, plant and equipment	1,428	1,550

Property, plant and equipment was revalued at fair value at 30 June 2012.

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

Note 7C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2013-14)

	Buildings	Other property, plant & equipment	Total
	\$'000	\$'000	\$'000
As at 1 July 2013			
Gross book value	7,536	1,935	9,471
Accumulated depreciation and impairment	(2,239)	(385)	(2,624)
Net book value 1 July 2013	5,297	1,550	6,847
Additions	3,138	356	3,494
Reversal of previous asset write-down	-	6	6
Depreciation expense	(1,862)	(484)	(2,346)
Disposals:			
Other	-	-	-
Net book value 30 June 2014	6,573	1,428	8,001
Net book value as of 30 June 2014 represented by:			
Gross book value	8,968	2,292	11,260
Accumulated depreciation and impairment	(2,395)	(864)	(3,259)
Net book value 30 June 2014	6,573	1,428	8,001

Note 7C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2012-13)

	Buildings	Other property, plant & equipment	Total
	\$'000	\$'000	\$'000
As at 1 July 2012			
Gross book value	1,915	1,180	3,095
Accumulated depreciation and impairment	(1,078)	-	(1,078)
Net book value 1 July 2012	837	1,180	2,017
Additions	5,620	755	6,375
Depreciation expense	(1,160)	(385)	(1,545)
Decrement on Revaluation	-	-	-
Disposals:			
Other	-	-	-
Net book value 30 June 2013	5,297	1,550	6,847
Net book value as of 30 June 2013 represented by:			
Gross book value	7,536	1,935	9,471
Accumulated depreciation and impairment	(2,239)	(385)	(2,624)
Net book value 30 June 2013	5,297	1,550	6,847

Note 7D: Intangibles	2014	2013
	\$'000	\$'000
Computer software:		
Internally developed – in use	6,900	6,061
Purchased	2,043	1,634
Accumulated amortisation	(6,391)	(5,158)
Total computer software	2,552	2,537
Total intangibles	2,552	2,537

No indicators of impairment were found for intangible assets.

Intangible asset purchases of \$106k relating to operating expenses in 2012-13 were written back during the year. (refer to Statement of Changes in Equity)

No intangibles are expected to be sold or disposed of within the next 12 months.

Note 7E: Reconciliation of the Opening and Closing Balances of Intangibles (2013-14)

	Computer software internally developed	Computer software purchased	Total
	\$'000	\$'000	\$'000
As at 1 July 2013			
Gross book value	6,062	1,633	7,695
Accumulated amortisation and impairment	(4,092)	(1,066)	(5,158)
Net book value 1 July 2013	1,970	567	2,537
Additions	944	444	1,388
Prior year adjustment:			
Write back of expenses capitalised in 2012-13	(106)	-	(106)
Amortisation	(891)	(376)	(1,267)
Net book value 30 June 2014	1,917	635	2,552
Net book value as of 30 June 2014 represented by:			
Gross book value	6,900	2,043	8,943
Accumulated amortisation and impairment	(4,983)	(1,408)	(6,391)
	1,917	635	2,552

Note 7E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2012-13)

	Computer software internally developed	Computer software purchased	Total
	\$'000	\$'000	\$'000
As at 1 July 2012			
Gross book value	5,510	1,278	6,788
Accumulated amortisation and impairment	(3,457)	(775)	(4,232)
Net book value 1 July 2012	2,053	503	2,556
Additions	552	355	907
Disposals:			
Other	-	-	-
Amortisation	(635)	(291)	(926)
Net book value 30 June 2013	1,970	567	2,537
Net book value as of 30 June 2013 represented by:			
Gross book value	6,062	1,633	7,695
Accumulated amortisation and impairment	(4,092)	(1,066)	(5,158)
	1,970	567	2,537

Note 7E: Other Non-Financial Assets	2014	2013
	\$'000	\$'000
Prepayments	325	53
Total other non-financial assets	325	53
Total other non-financial assets - are expected to be recovered in:		
No more than 12 months	325	53
Total other non-financial assets	325	53

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

Note 8: Payables

	2014	2013
	\$'000	\$'000
Note 8A: Suppliers		
Trade creditors and accruals	1,958	2,346
Total supplier payables	1,958	2,346
Supplier payables expected to be settled within 12 months:		
Related entities	875	412
External parties	1,083	1,934
Total	1,958	2,346
Total supplier payables	1,958	2,346
Settlement was usually made within 30 days.		
Note 8B: Other Payables		
Lease incentive	3,365	3,742
Operating lease rentals	283	-
Total other payables	3,648	3,742
Total other payables are expected to be settled in:		
No more than 12 months	377	377
More than 12 months	3,271	3,365
Total other payables	3,648	3,742

Note 9: Interest Bearing Liabilities

	2014 \$'000	2013 \$'000
Note 9: Leases		
Finance leases	<u>101</u>	<u>263</u>
Total finance leases	<u>101</u>	<u>263</u>
Payable:		
Within one year:		
Minimum lease payments	101	162
Deduct: future finance charges	-	-
In one to five years:		
Minimum lease payments	-	101
Deduct: future finance charges	-	-
Total leases	<u>101</u>	<u>263</u>

Finance leases exist in relation to the fitout of the Sydney and Melbourne offices. The leases are non-cancellable and for a fixed term of 10 years. There are no contingent rentals.

Note 10: Provisions

	2014 \$'000	2013 \$'000
Note 10A: Employee Provisions		
Leave	7,531	8,274
Other	3,207	3,061
Total employee provisions	10,738	11,335
Employee provisions are expected to be settled in:		
No more than 12 months	8,743	5,494
More than 12 months	1,995	5,841
Total employee provisions	10,738	11,335
Note 10B: Other Provisions		
Provision for Restoration Obligations	1,741	1,678
Total other provisions	1,741	1,678
Other provisions are expected to be settled in:		
More than 12 months	1,741	1,678
Total other provisions	1,741	1,678
	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2013	1,678	1,678
Additional provisions made	-	-
Unwinding of discount or change in discount rate	63	63
Closing balance 30 June 2014	1,741	1,741

The entity currently has 2 (2013: 2) agreements for the leasing of premises which have provisions requiring the entity to restore the premises to their original condition at the conclusion of the lease. The entity has made a provision to reflect the present value of this obligation.

Note 11: Restructuring

	2014 \$'000	2013 \$'000
		Independent Protection Assessment Office ¹
Note 11: Departmental Restructuring		
FUNCTION ASSUMED		
Assets recognised		
- Land and buildings	-	42
Total assets recognised	<u>-</u>	<u>42</u>
Liabilities assumed		
- Other provisions: restoration obligations	-	120
Total liabilities assumed	<u>-</u>	<u>120</u>
Net (liabilities) assumed²	<u>-</u>	<u>(78)</u>
Income		
Recognised by the receiving entity ³	-	28,304
Total Income	<u>-</u>	<u>28,304</u>
Expenses		
Recognised by the receiving entity	-	2,663
Recognised by the losing entity	-	2,923
Total Expenses	<u>-</u>	<u>5,586</u>

1. Effective from 1 July 2012, the Independent Protection Assessment Office (IPAO) was assumed from the then Department of Immigration and Citizenship as a result of administrative arrangements. The net liabilities assumed were \$78k.

2. In respect of the functions assumed, the net book values of assets and liabilities were transferred to the MRT-RRT for no consideration.

3. The MRT-RRT received a S32 transfer of \$28.304m in 2012-13 (refer note 23) recognised in the Statement of Comprehensive Income.

Note 12: Cash Flow Reconciliation

	2014	2013
	\$'000	\$'000
Reconciliation of cash and cash equivalents as per Statement of Financial Position to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash flow statement	84	277
Statement of financial position	84	277
Difference	<u>-</u>	<u>-</u>
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(72,165)	(72,360)
Add revenue from Government	80,691	96,888
Adjustments for non-cash items		
Depreciation / amortisation	3,613	2,472
Decrement of non-financial assets on revaluation	-	-
Changes in assets / liabilities		
(Increase) / decrease in net receivables	(8,400)	(30,797)
(Increase) / decrease in prepayments	(272)	-
Increase / (decrease) in employee provisions	(597)	2,309
Increase / (decrease) in other provisions	63	8
Increase / (decrease) in supplier payables	(2,870)	(1,681)
Increase / (decrease) in other payables	(94)	-
Net cash from (used by) operating activities	<u>(31)</u>	<u>(3,161)</u>

Note 13: Contingent Liabilities and Assets

Quantifiable Contingencies

There are no quantifiable contingent liabilities or assets at 30 June 2014 (2013: Nil).

Unquantifiable Contingencies

The MRT-RRT had no legal claims against it at 30 June 2014 (2013: Nil).

Significant Remote Contingencies

The MRT-RRT had no significant remote contingencies as at 30 June 2014 (2013: Nil).

Note 14: Senior Executive Remuneration

Note 14A: Senior Executive Remuneration Expense for the Reporting Period ¹

	2014 \$	2013 \$
Short-term employee benefits:²		
Salary	1,205,815	986,920
Other ³	9,423	12,852
Total short-term employee benefits	1,215,238	999,772
Post-employment benefits:		
Superannuation	205,205	156,724
Total post-employment benefits	205,205	156,724
Other long-term benefits:		
Long-service leave	29,582	24,505
Annual leave accrued	10,652	13,734
Total other long-term benefits	40,234	38,239
Total	1,460,677	1,194,735

Notes:

- Note 14A is prepared on an accrual basis.
- Note 14A excludes acting arrangements and part-year service where total remuneration expended for a senior executive was less than \$195,000.
- Other - includes motor vehicles, accommodation and other allowances.

Note 14B: Average Annual Remuneration Packages for Substantive Senior Executives as at the end of the Reporting Period

Average annual reportable remuneration paid to substantive senior executives in 2014

Average annual reportable remuneration ¹	Senior Executives No.	Reportable Salary ² \$	Fixed elements	Total \$
			Contributed Superannuation ³ \$	
Total remuneration (including part-time arrangements):				
\$195,000 to \$224,999	1	179,833	23,870	203,703
\$225,000 to \$254,999	1	203,316	28,797	232,113
\$285,000 to \$314,999	1	260,457	50,946	311,403
\$315,000 to \$344,999	1	275,280	50,439	325,719
\$375,000 to \$404,999	1	339,527	49,516	389,043
Total	5			

Average annual reportable remuneration paid to substantive senior executives in 2013

Average annual reportable remuneration ¹	Senior Executives No.	Reportable Salary ² \$	Fixed elements	Total \$
			Contributed Superannuation ³ \$	
Total remuneration (including part-time arrangements):				
\$225,000 to \$254,999	1	203,509	28,117	231,626
\$285,000 to \$314,999	3	259,491	42,294	301,785
Total	4			

Note 14 (Contd): Senior Executive Remuneration**Notes:**

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments;
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax purposes);
 - c) exempt foreign employment income; and
 - d) salary sacrificed benefits.
3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to senior executives in that reportable remuneration band during the reporting period.

During the reporting period, the salaries of 71 Tribunal members were \$195,000 or more. Remuneration for members is fixed by the Remuneration Tribunal determination. Members are appointed and conduct reviews under the *Migration Act 1958*, and are not disclosed as senior executives in Note 14A and 14B.

Note 14C: Average Annual Reportable Remuneration Paid to Other Highly Paid Staff during the Reporting Period**Average annual reportable remuneration paid to other highly paid staff during 2014**

Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Total reportable remuneration \$
Total remuneration (including part-time arrangements):				
\$195,000 to \$224,999	59	180,947	25,025	205,972
\$225,000 to \$254,999	12	203,321	27,869	231,190
Total	71			

Average annual reportable remuneration paid to other highly paid staff during 2013

Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Total reportable remuneration \$
Total remuneration (including part-time arrangements):				
\$195,000 to \$224,999	41	177,136	27,567	204,703
Total	41			

Notes:

1. This table reports staff:
 - a) who were employed by the entity during the reporting period;
 - b) whose reportable remuneration was \$195,000 or more for the financial period; and
 - c) were not required to be disclosed in Tables A or B.
 Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments;
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax purposes);
 - c) exempt foreign employment income; and
 - d) salary sacrificed benefits.
3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.

Note 15: Remuneration of Auditors

	2014	2013
	\$'000	\$'000

Financial statement audit services were provided free of charge to the entity by the Australian National Audit Office (ANAO).

Fair value of the services received

Financial statement audit services	<u>60</u>	<u>42</u>
Total fair value of the services received	<u>60</u>	<u>42</u>

The ANAO provided assurance engagements free of charge to the entity.

Note 16: Financial Instruments

	2014	2013
	\$'000	\$'000

Note 16A: Categories of Financial Instruments**Financial Assets****Loans and receivables:**

Cash and cash equivalents	84	277
Loans and Receivables	48	184
Total	132	461

Carrying amount of financial assets	132	461
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Financial Liabilities**At amortised cost:**

Finance lease	101	263
Payables	5,606	6,088
Total	5,707	6,351

Carrying amount of financial liabilities	5,707	6,351
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Note 16B: Expense from Financial Liabilities**Financial liabilities - at amortised cost**

Interest expense	(63)	(34)
Net (loss) from financial liabilities - at amortised cost	(63)	(34)

Note 16C: Fair Value of Financial Instruments

	Carrying amount 2014 \$'000	Fair value 2014 \$'000	Carrying amount 2013 \$'000	Fair value 2013 \$'000
Financial Assets				
Cash and cash equivalents	84	84	277	277
Loans and Receivables	48	48	184	184
Total	132	132	461	461
Financial Liabilities				
Finance lease	101	101	263	263
Payables	5,606	5,606	6,088	6,088
Total	5,707	5,707	6,351	6,351

Fair value for each class of financial assets and financial liabilities is determined at market value.

Note 16D: 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 statement of financial position.

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.

Note 16E: 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 MRT-RRT 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.

Note 16F: Market Risk

The MRT-RRT is not exposed to 'Market risk', 'Currency risk' or 'Other price risk'.

Note 17: Financial Assets Reconciliation

		2014	2013
		\$'000	\$'000
Financial assets	Notes		
Total financial assets as per statement of financial position		47,665	39,497
Less: non-financial instrument components:			
Appropriations receivable	6B	47,327	38,269
GST Receivable from ATO	6B	206	767
Total non-financial instrument components		<u>47,533</u>	<u>39,036</u>
Total financial assets as per financial instruments note	16A	<u>132</u>	<u>461</u>

Note 18: Administered - Expenses

	2014	2013
	\$'000	\$'000
EXPENSES		
<u>Note 18A: Write-down and Impairment of assets</u>		
Write-down and impairments from:		
Bad debts - RRT fees	2,968	2,331
Total write-down and impairment of assets	2,968	2,331
<u>Note 18B: Other</u>		
Refund of fees	6,365	6,050
Total other expenses	6,365	6,050

Note 19: Administered - Income		
	2014	2013
	\$'000	\$'000
REVENUE		
Non-Taxation Revenue		
<u>Other Revenue</u>		
Other - MRT application fees	23,229	23,454
Other - RRT post decision fees	4,128	3,502
Total other revenue	<u>27,357</u>	<u>26,956</u>
Total income administered on behalf of Government	<u>27,357</u>	<u>26,956</u>

Note 20: Administered - Financial Assets

	2014	2013
	\$'000	\$'000
FINANCIAL ASSETS		
<u>Note 20A: Cash and Cash Equivalents</u>		
Cash on hand or on deposit	132	123
Total cash and cash equivalents	132	123
<u>Note 20B: Trade and Other Receivables</u>		
Other receivables:		
Fees	9,322	6,575
Total other receivables	9,322	6,575
Total trade and other receivables (gross)	9,322	6,575
Less: Impairment allowance account:		
Other	7,112	4,517
Total impairment allowance account	7,112	4,517
Total trade and other receivables (net)	2,210	2,058
Receivables are expected to be recovered in:		
No more than 12 months	2,210	2,058
More than 12 months	-	-
Total trade and other receivables (net)	2,210	2,058
Receivables were aged as follows:		
Not overdue	603	140
Overdue by:		
0 to 30 days	368	306
31 to 60 days	390	231
61 to 90 days	216	354
More than 90 days	7,745	5,544
Total receivables (gross)	9,322	6,575
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	32	1
31 to 60 days	327	77
61 to 90 days	181	144
More than 90 days	6,572	4,295
Total impairment allowance account	7,112	4,517

The impairment allowance account is aged as follows:

Not overdue	-	-
Overdue by:		
0 to 30 days	32	1
31 to 60 days	327	77
61 to 90 days	181	144
More than 90 days	6,572	4,295
Total impairment allowance account	7,112	4,517

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2014

	Other receivables \$'000	Total \$'000
Opening balance	2,058	2,058
Increase recognised in net surplus	152	152
Closing balance	2,210	2,210

Movements in relation to 2013

	Other receivables \$'000	Total \$'000
Opening balance	1,782	1,782
Increase recognised in net surplus	276	276
Closing balance	2,058	2,058

Note 21: Administered - Cash Flow Reconciliation

	2014	2013
	\$'000	\$'000
Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement		
Cash and cash equivalents as per:		
Schedule of administered cash flows	132	123
Schedule of administered assets and liabilities	132	123
Difference	<u>-</u>	<u>-</u>
Reconciliation of surplus to net cash from operating activities:		
Surplus	18,023	18,575
Rounding	-	-
Changes in assets / liabilities		
(Increase) / decrease in net receivables	<u>(152)</u>	<u>(276)</u>
Net cash from operating activities	<u>17,871</u>	<u>18,299</u>

Note 22: Administered Contingent Assets and Liabilities

Quantifiable Administered Contingencies

At 30 June 2014, the MRT-RRT had no contingent assets or contingent liabilities (2013: Nil).

Unquantifiable Administered Contingencies

At 30 June 2014, the MRT-RRT had no legal claims against it (2013: Nil).

Note 23: Administered Financial Instruments

	2014	2013
	\$'000	\$'000

Note 23A: Categories of Financial Instruments**Financial Assets:**

Cash	132	123
Loans and Receivables	2,210	2,058
Carrying amount of financial assets	2,342	2,181

Note 23B: Fair Value of Financial Instruments

	Carrying amount	Fair value	Carrying amount	Fair value
	2014	2014	2013	2013
	\$'000	\$'000	\$'000	\$'000
Financial Assets:				
Cash on hand	132	132	123	123
Loans and receivables	2,210	2,210	2,058	2,058
Total	2,342	2,342	2,181	2,181

Note 23C: Credit Risk

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

Note 23D: Liquidity Risk

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

Note 23E: Market Risk

The MRT-RRT is not exposed to market risk.

Note 24: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

	2014 Appropriations			Appropriation applied in 2014 (current and prior years) \$'000	Variance \$'000
	Appropriation Act	FMA Act	Total appropriation \$'000		
	Annual Appropriation \$'000	Section 32 \$'000			
DEPARTMENTAL					
Ordinary annual services	84,068	-	84,068	73,766	10,302
Other services					
Equity	-		-	41	(41)
Total departmental	84,068	-	84,068	73,807	10,261

Notes:

- (a) Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request that the Finance Minister reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.
- (b) An adjustment has been made to increase revenue from Government for surplus in caseload totalling \$18.247m in 2013/14. This adjustment met the recognition criteria of a formal addition in revenue (in accordance with FMO Div 101) but at law the appropriations had not been amended before the end of the reporting period.

	2013 Appropriations			Appropriation applied in 2013 (current and prior years) \$'000	Variance \$'000
	Appropriation Act	FMA Act	Total appropriation \$'000		
	Annual Appropriation \$'000	Section 31 \$'000			
DEPARTMENTAL					
Ordinary annual services	58,829	28,304	87,133	69,614	17,519
Other services					
Equity	41		41	263	(222)
Total departmental	58,870	28,304	87,174	69,877	17,297

Notes:

- (a) Departmental appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental appropriation is not required and request that the Finance Minister reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament.
- (b) An adjustment has been made to increase revenue from Government for surplus in caseload totalling \$19.257m in 2012/13. This adjustment met the recognition criteria of a formal addition in revenue (in accordance with FMO Div 101) but at law the appropriations had not been amended before the end of the reporting period.
- (c) The MRT-RRT received S32 transfer of \$28.304m in 2012-13. This comprises \$14,455,446 made under FMA Act Determination 2012/27 for (dated 18 September 2012), and \$13,849,000 made under FMA Act Determination 2012/27 (dated 19 June 2013).

Table B: Departmental and Administered Capital Budgets ('Recoverable GST exclusive')

	2014 Capital Budget Appropriations		Capital Budget Appropriations applied in 2014 (current and prior years)		Variance \$'000
	Appropriation Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ² \$'000	Total payments \$'000	
	Annual Capital Budget \$'000				
DEPARTMENTAL					
Ordinary annual services - Departmental Capital Budget ¹	2,367	2,367	2,259	2,259	108

Notes:

- 1. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
- 2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.

	2013 Capital Budget Appropriations		Capital Budget Appropriations applied in 2013 (current and prior years)		Variance \$'000
	Appropriation Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ² \$'000	Total payments \$'000	
	Annual Capital Budget \$'000				
DEPARTMENTAL					
Ordinary annual services - Departmental Capital Budget ¹	4,829	4,829	2,935	2,935	1,894

Notes:

- 1. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
- 2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition, and the capital repayment component of finance leases.

Note 24: Appropriations (contd)**Table C: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')**

Authority	2014	2013
	\$'000	\$000
Appropriation Act No 1 (2006/07)	-	815
Appropriation Act No 1 (2007/08)	-	2,278
Appropriation Act No 1 (2008/09)	-	1,540
Appropriation Act No 1 (2009/10)	-	983
Appropriation Act No 1 (2011/12)	-	1,618
Appropriation Act No 1 (2012/13)	1,570	17,630
Appropriation Act No 2 (2012/13)	-	41
Appropriation Act No 1 (2013/14)	11,636	-
Appropriation Act No 3 (2013/14)	15,958	-
Total	29,164	24,905

1. Appropriation Acts for 2006/07 to 2009/10, which included quarantined amounts to be repaid to the Department of Finance and Deregulation, will lapse in 2013/14 due to the Statute Stocktake (Appropriations) Act 2013.

Table D: Special Appropriations ('Recoverable GST exclusive')

Authority	Type	Purpose	Appropriation applied	
			2014	2013
			\$'000	\$000
FMA Act S28 [Administered]	Refund	Refund of MRT application fees	6,315	5,937
FMA Act S28 [Administered]	Refund	Refund of RRT application fees	50	113
Total			6,365	6,050

Note 25: Reporting of Outcomes**Note 25A: Net Cost of Outcome Delivery**

	Outcome 1	
	2014 \$'000	2013 \$'000
Expenses		
Administered	9,333	8,381
Departmental	72,249	72,502
Total	81,582	80,883
Income from non-government sector		
Administered		
Other	27,357	26,956
Total administered	27,357	26,956
Departmental		
Other	6	9
Total departmental	6	9
Total	27,363	26,965
Other own-source income		
Administered	-	-
Departmental	78	142
Total	78	142
Net cost/(contribution) of outcome delivery	54,141	53,776

Outcome 1 is described in Note 1.1. Net costs shown included intra-government costs that were eliminated in calculating the actual Budget Outcome.

Note 25B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1	
	2014 \$'000	2013 \$'000
Departmental Expenses:		
Employees	54,461	54,770
Suppliers	14,112	15,226
Depreciation and Amortisation	3,613	2,472
Finance costs	63	34
Decrement on revaluation of assets	-	-
Total	72,249	72,502
Departmental Income:		
Income from government	80,691	96,888
Rendering of services	84	142
Total	80,775	97,030
Departmental Assets		
Financial Assets	47,665	39,497
Non-Financial Assets	10,878	9,437
Total	58,543	48,934
Departmental Liabilities		
Payables	5,606	6,088
Interest Bearing Liabilities	101	263
Provisions	12,479	13,013
Total	18,186	19,364

Note 25C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome

	Outcome 1	
	2014 \$'000	2013 \$'000
Administered expenses		
Write down and impairment of assets	2,968	2,331
Other Expenses - refund of application fees	6,365	6,050
Total	9,333	8,381
Administered income		
Other non-tax revenue	27,357	26,956
Total	27,357	26,956
Administered assets		
Financial assets	2,342	2,181
Total	2,342	2,181
Administered liabilities		
Other	-	-
Total	-	-

Note 26: Net Cash Appropriation Arrangements

	2014 \$'000	2013 \$'000
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations¹	12,139	27,000
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	<u>(3,613)</u>	<u>(2,472)</u>
Total comprehensive income (loss) - as per the Statement of Comprehensive Income	<u>8,526</u>	<u>24,528</u>

1. From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

Note 27: Compensation and Debt Relief

	2014	2013
	\$'000	\$'000
<u>Compensation and Debt Relief - Departmental</u>		
No 'Act of Grace payments' were expensed during the reporting period (2013: nil).	-	-
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> (2013: nil).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2013: nil).	-	-
No ex-gratia payments were provided for during the reporting period (2013: nil).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the <i>Public Service Act 1999</i> (PS Act) during the reporting period (2013: nil).	-	-



GRACE GIVES LEGAL ADVICE TO TRIBUNAL MEMBERS AND STAFF

APPENDICES

A – Additional caseload statistics

B – Membership

C – Additional staffing statistics

D – List of requirements

APPENDIX A – ADDITIONAL CASELOAD STATISTICS

This appendix presents additional statistical information regarding the MRT and RRT caseloads.

TABLE 17 – LODGEMENTS

	2013–14	2012–13	2011–12	% change 2012–13 to 2013–14
MRT				
Visa refusal – Bridging	407	356	276	+14%
Visa refusal – Visitor*	1,507	1,204	1,026	+25%
Visa refusal – Student	2,854	3,456	3,824	-17%
Visa refusal – Temporary work	1,507	1,047	745	+44%
Visa refusal – Permanent business	1,116	1,163	811	-4%
Visa refusal – Skilled	2,127	4,341	3,619	-51%
Visa refusal – Partner	3,154	1,865	1,361	+69%
Visa refusal – Family	885	1,175	727	-25%
Cancellation – Student	593	726	1,043	-18%
Nomination/Sponsor approval refusal	1,121	719	534	+56%
Other*	155	112	122	+38%
Total MRT	15,426	16,164	14,088	-5%
RRT				
Sri Lanka	1,644	701	65	+135%
China	900	610	689	+48%
Afghanistan	651	513	44	+27%
India	575	434	435	+32%
Pakistan	534	332	312	+61%
Iran	510	232	107	+120%
Egypt	203	104	185	+95%
Lebanon	196	206	94	-5%
Fiji	186	98	130	+90%
Nepal	174	124	184	+40%
Other	1,290	875	960	+48%
Total RRT	6,863	4,229	3,205	+62%
Total MRT and RRT	22,289	20,393	17,293	+9%

*In 2013–14, the composition of the MRT 'other' and 'visitor' case categories changed. Visa cancellations were moved from the 'other' case category in to their respective case categories (e.g. partner visa cancellations moved from 'other' to the 'partner' case category). Subclass 417 (Working Holiday) visa reviews were removed from the 'other' case category to the 'visitor' case category. These changes have been applied to the statistical data for previous years in this report. As a result, MRT caseload category data for 2011–12 and 2012–13 in this report will vary from data included in previous annual reports.

FIGURE 8 – MRT LODGEMENTS, DECISIONS AND CASES ON HAND BY QUARTER

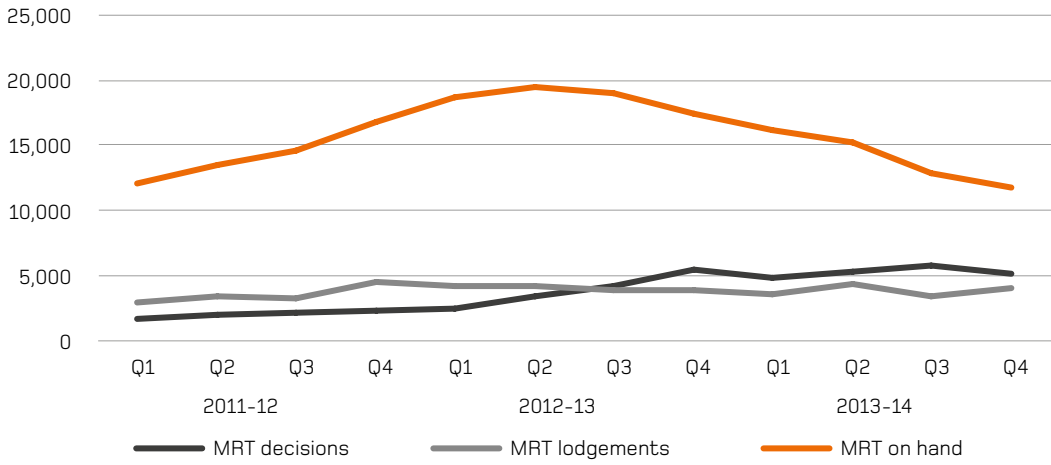


FIGURE 9 – RRT LODGEMENTS, DECISIONS AND CASES ON HAND BY QUARTER

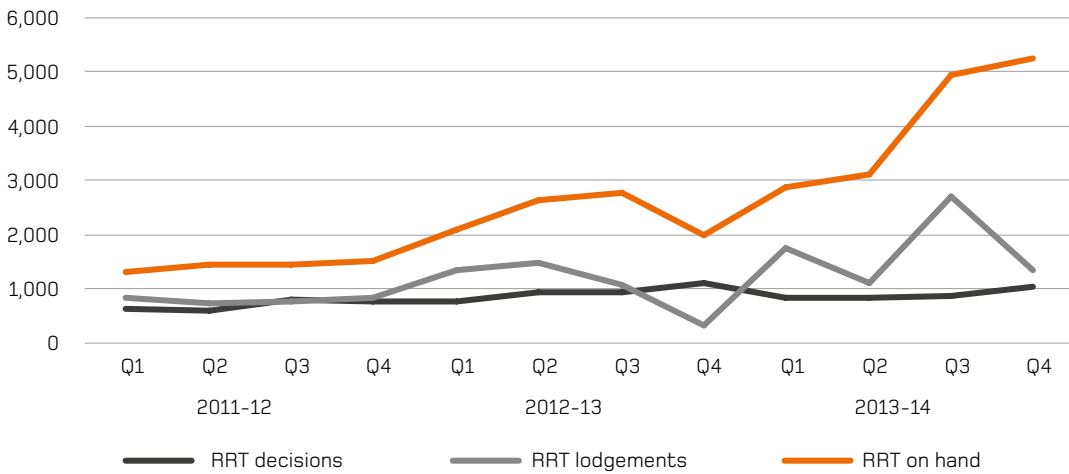


FIGURE 10 – MRT AND RRT DECISIONS

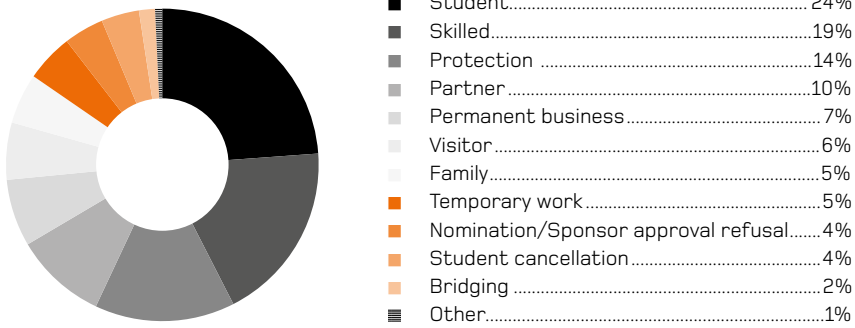


FIGURE 11 – NUMBER AND AGE OF CASES ON HAND

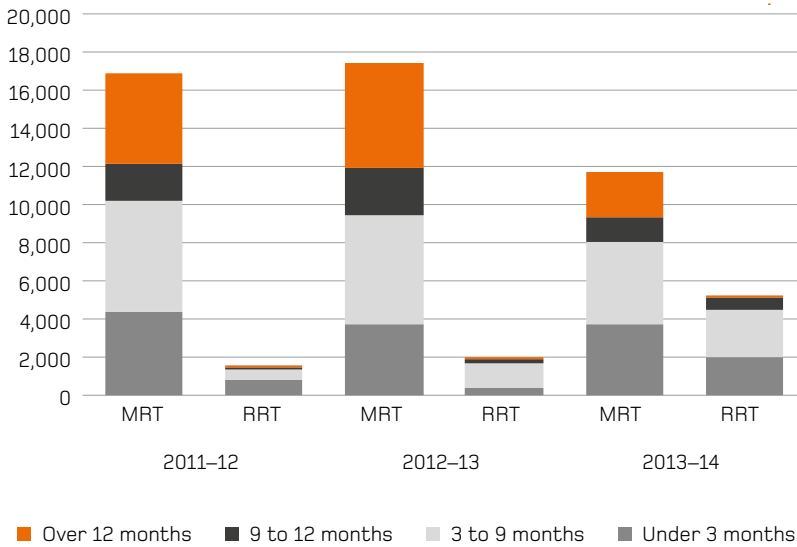


TABLE 18 – CASES ON HAND AT THE END OF THE YEAR

	2013–14	2012–13	2011–12
MRT			
Visa refusal – Bridging	13	16	15
Visa refusal – Visitor	661	615	630
Visa refusal – Student	1,994	5,036	5,209
Visa refusal – Temporary work	1,572	1,285	1,109
Visa refusal – Permanent business	1,206	1,811	1,419
Visa refusal – Skilled	841	3,325	3,566
Visa refusal – Partner	3,211	2,412	1,980
Visa refusal – Family	795	1,200	1,003
Cancellation – Student	245	621	811
Nomination/Sponsor approval refusal	1,132	1,038	938
Other	49	78	183
Total MRT	11,719	17,437	16,863
RRT			
Sri Lanka	1,555	314	34
China	506	350	303
Afghanistan	603	58	39
India	302	170	174
Pakistan	432	212	210
Iran	413	73	55
Egypt	175	74	81
Lebanon	128	136	46
Fiji	134	58	61
Nepal	102	103	89
Other	901	425	409
Total RRT	5,251	1,973	1,501
Total MRT and RRT	16,970	19,410	18,364

TABLE 19 – CASES DECIDED AND SET-ASIDE RATES

	2013–14		2012–13		2011–12	
	Cases	% set-aside	Cases	% set-aside	Cases	% set-aside
MRT						
Visa refusal – Bridging	410	11%	355	14%	271	13%
Visa refusal – Visitor	1,461	51%	1,219	55%	782	64%
Visa refusal – Student	5,896	26%	3,629	23%	2,333	31%
Visa refusal – Temporary work	1,220	22%	871	24%	636	27%
Visa refusal – Permanent business	1,721	38%	771	35%	236	30%
Visa refusal – Skilled	4,611	22%	4,582	23%	776	37%
Visa refusal – Partner	2,355	45%	1,433	52%	1,119	55%
Visa refusal – Family	1,290	36%	978	41%	557	44%
Cancellation – Student	969	17%	916	13%	834	21%
Nomination/Sponsor approval refusal	1,027	34%	619	23%	346	16%
Other	184	21%	217	17%	329	40%
Total MRT	21,144	30%	15,590	29%	8,011	36%
RRT						
Sri Lanka	402	22%	421	37%	67	28%
China	744	10%	564	18%	665	17%
Afghanistan	106	72%	494	84%	12	75%
India	443	7%	438	6%	343	6%
Pakistan	314	41%	330	65%	161	50%
Iran	170	59%	214	61%	71	80%
Egypt	101	33%	110	49%	216	61%
Lebanon	205	17%	116	26%	99	41%
Fiji	113	10%	101	13%	133	20%
Nepal	175	4%	110	6%	151	9%
Other	812	23%	859	26%	886	27%
Total RRT	3,585	22%	3,757	37%	2,804	27%
Total MRT and RRT	24,729	29%	19,347	30%	10,815	34%

APPENDIX B – MEMBERSHIP

The tribunals' members make decisions on applications for review. Members are appointed under the Migration 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.

While there are no mandatory qualifications for the appointment of 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 sector.

A list of members and their appointment periods as at 30 June 2014 is set out in Table 20. The first appointment date reflects the date from which there have been continuing appointments to the MRT, the RRT, or both tribunals.

TABLE 20 – MEMBERS AND THEIR APPOINTMENT PERIODS

Member	Office	Appointed	Current appointment expires	Gender	Location
Ms Kay Ransome	Principal Member	6/08/2012	5/08/2017	F	Sydney
Ms Amanda MacDonald	Deputy Principal Member	1/12/2000	31/03/2015	F	Sydney
Mr John Billings	Senior Member	1/07/2011	30/06/2016	M	Melbourne
Mr John Cipolla	Senior Member	1/02/2000	30/06/2016	M	Sydney
Ms Miriam Holmes	Senior Member	1/07/2012	30/06/2017	F	Melbourne
Ms Linda Kirk	Senior Member	1/01/2009	30/06/2014	F	Melbourne
Mr Peter Murphy	Senior Member	1/01/2009	30/06/2014	M	Melbourne
Ms Louise Nicholls	Senior Member	31/10/2001	30/06/2017	F	Sydney
Dr Irene O'Connell	Senior Member	28/08/2000	30/06/2014	F	Sydney
Ms Kira Raif	Senior Member	1/07/2006	30/06/2016	F	Sydney
Ms Sue Raymond	Senior Member	1/07/2012	30/06/2017	F	Adelaide
Mr Shahyar Roushan	Senior Member	1/10/2001	30/06/2016	M	Sydney
Mr Giles Short	Senior Member	28/07/1997	30/06/2014	M	Sydney
Mr Don Smyth	Senior Member	14/07/2003	30/06/2016	M	Brisbane
Ms Jennifer Beard	Full-time Member	1/07/2009	30/06/2014	F	Melbourne
Ms Danica Buljan	Full-time Member	1/10/2001	30/06/2015	F	Melbourne
Mr Tony Caravella	Full-time Member	1/07/2009	30/06/2014	M	Perth
Ms Suzanne Carlton	Full-time Member	1/07/2012	30/06/2017	F	Adelaide
Mr Christian Carney	Full-time Member	1/07/2012	30/06/2017	M	Melbourne
Ms Ruth Cheetham	Full-time Member	1/07/2011	30/06/2016	F	Sydney
Ms Denise Connolly	Full-time Member	1/07/2010	30/06/2015	F	Sydney
Ms Mary-Ann Cooper	Full-time Member	1/07/2012	30/06/2017	F	Melbourne
Mr David Corrigan	Full-time Member	1/7/2012	30/06/2017	M	Melbourne

Member	Office	Appointed	Current appointment expires	Gender	Location
Mr Richard Derewlany	Full-time Member	1/10/2001	30/06/2015	M	Sydney
Ms Dione Dimitriadis	Full-time Member	14/07/2003	30/06/2014	F	Sydney
Mr Antonio Dronjic	Full-time Member	1/07/2011	30/06/2016	M	Melbourne
Mr Alan Duri	Full-time Member	1/07/2011	30/06/2016	M	Sydney
Ms Suseela Durvasula	Full-time Member	1/10/2001	30/06/2015	F	Sydney
Mr Paul Fisher	Full-time Member	1/07/2006	30/06/2014	M	Melbourne
Mr Patrick Francis	Full-time Member	1/07/2010	30/06/2015	M	Melbourne
Mr Filip Gelev	Full-time Member	1/07/2012	30/06/2017	M	Melbourne
Ms Amanda Goodier	Full-time Member	1/07/2012	30/06/2017	F	Perth
Mr George Haddad	Full-time Member	1/07/2006	30/06/2014	M	Melbourne
Mr Ismail Hasan	Full-time Member	1/07/2009	30/06/2014	M	Sydney
Mr Bruce Henry	Full-time Member	1/07/2012	30/06/2017	M	Brisbane
Ms Margret Holmes	Full-time Member	1/07/2009	30/06/2014	F	Melbourne
Ms Rachel Homan	Full-time Member	1/07/2012	30/06/2017	F	Sydney
Mr Simon Jeans	Full-time Member	1/07/2010	30/06/2015	M	Sydney
Mr Chris Keher	Full-time Member	1/07/2012	30/06/2017	M	Sydney
Mr Don Lucas	Full-time Member	1/07/2011	30/06/2016	M	Melbourne
Ms Alison Mercer	Full-time Member	1/07/2011	30/06/2016	F	Melbourne
Mr Paul Millar	Full-time Member	1/07/2010	30/06/2015	M	Sydney
Mr Adam Moore	Full-time Member	1/07/2010	30/06/2015	M	Melbourne
Ms Alison Murphy	Full-time Member	1/07/2010	30/06/2015	F	Melbourne
Mr Charles Powles	Full-time Member	1/07/2010	30/06/2015	M	Melbourne
Mr Andrew Rozdilsky	Full-time Member	1/07/2010	30/06/2015	M	Sydney
Mr Hugh Sanderson	Full-time Member	1/07/2011	30/06/2016	M	Sydney
Ms Wan Shum	Full-time Member	1/07/2011	30/06/2016	F	Sydney
Mr James Silva	Full-time Member	14/07/2003	30/06/2014	M	Sydney
Ms Frances Simmons	Full-time Member	1/07/2012	30/06/2017	F	Sydney
Mr Chris Smolicz	Full-time Member	1/07/2011	30/06/2016	M	Adelaide
Ms Jan Speirs	Full-time Member	1/07/2011	30/06/2016	F	Brisbane
Mr Fraser Syme	Full-time Member	1/07/2011	30/06/2016	M	Brisbane
Ms Linda Symons	Full-time Member	1/07/2006	30/06/2014	F	Sydney
Mr Chris Thwaites	Full-time Member	1/07/2012	30/06/2017	M	Melbourne
Ms Gina Towney	Full-time Member	1/07/2012	30/06/2017	F	Sydney
Mrs Mary Urquhart	Full-time Member	1/07/2006	30/06/2014	F	Melbourne
Mr Stuart Webb	Full-time Member	1/07/2012	30/06/2017	M	Melbourne
Mr Robert Wilson	Full-time Member	1/07/2002	30/06/2015	M	Sydney
Ms Magdalena Wysocka	Full-time Member	1/07/2012	30/06/2017	F	Melbourne
Mr Sean Baker	Part-time Member	1/07/2011	30/06/2016	M	Melbourne
Ms Diane Barnetson	Part-time Member	1/07/2006	30/06/2014	F	Sydney
Ms Jane Bishop	Part-time Member	1/07/2012	30/06/2017	F	Brisbane

Member	Office	Appointed	Current appointment expires	Gender	Location
Mr John Blount	Part-time Member	1/07/2012	30/06/2015	M	Sydney
Ms Wendy Boddison	Part-time Member	28/07/1997	30/06/2015	F	Melbourne
Ms Chantal Bostock	Part-time Member	1/07/2012	30/06/2017	F	Sydney
Ms Margie Bourke	Part-time Member	1/07/2011	30/06/2016	F	Melbourne
Ms Melissa Bray	Part-time Member	1/07/2010	30/06/2015	F	Melbourne
Ms Nicole Burns	Part-time Member	1/07/2007	30/06/2015	F	Melbourne
Ms Mary Cameron	Part-time Member	1/07/2006	30/06/2014	F	Melbourne
Ms Catherine Carney-Orsborn	Part-time Member	1/07/2006	30/06/2014	F	Sydney
Ms Rieteke Chenoweth	Part-time Member	1/07/2012	30/06/2017	F	Sydney
Ms Alison Christou	Part-time Member	1/7/2012	30/06/2017	F	Brisbane
Ms Jennifer Ciantar	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Ms Christine Cody	Part-time Member	1/07/2010	30/06/2015	F	Sydney
Mr Tim Connellan	Part-time Member	1/07/2007	30/06/2015	M	Melbourne
Mr Clyde Cosentino	Part-time Member	1/07/2007	30/06/2015	M	Brisbane
Ms Angela Cranston	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Mr Glen Cranwell	Part-time Member	1/07/2009	30/06/2014	M	Brisbane
Ms Gabrielle Cullen	Part-time Member	1/07/2006	30/06/2014	F	Sydney
Ms Megan Deane	Part-time Member	23/03/2000	30/06/2015	F	Sydney
Mr Ted Delofski	Part-time Member	1/10/2001	30/06/2015	M	Sydney
Mr David Dobell	Part-time Member	1/07/2006	30/06/2014	M	Sydney
Mr Jonathon Duignan	Part-time Member	8/01/2001	30/06/2015	M	Sydney
Ms Jennifer Ellis	Part-time Member	15/06/1999	30/06/2015	F	Melbourne
Mr Roger Fordham	Part-time Member	1/07/2012	30/06/2015	M	Adelaide
Ms Bronwyn Forsyth	Part-time Member	25/09/2006	30/06/2014	F	Sydney
Ms Mila Foster	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Mr Steve Georgiadis	Part-time Member	1/07/2011	30/06/2016	M	Adelaide
Mr John Godfrey	Part-time Member	1/07/2012	30/06/2015	M	Sydney
Ms Rea Hearn-MacKinnon	Part-time Member	1/07/2012	30/06/2017	F	Melbourne
Mr Brook Hely	Part-time Member	1/07/2009	30/06/2014	M	Melbourne
Mr Adrian Ho	Part-time Member	1/07/2012	30/06/2017	M	Melbourne
Ms Diane Hubble	Part-time Member	1/07/2006	30/06/2014	F	Melbourne
Ms Lesley Hunt	Part-time Member	1/07/2011	30/06/2016	F	Brisbane
Ms Sally Hunt	Part-time Member	1/07/2010	30/06/2015	F	Sydney
Ms Rowena Irish	Part-time Member	1/07/2010	30/06/2015	F	Sydney
Ms Naida Isenberg	Part-time Member	1/07/2011	30/06/2016	F	Sydney
Mr Andrew Jacovides	Part-time Member	19/09/1993	30/06/2015	M	Sydney
Ms Deborah Jordan	Part-time Member	1/07/2007	30/06/2015	F	Melbourne

Member	Office	Appointed	Current appointment expires	Gender	Location
Ms Suhad Kamand	Part-time Member	1/07/2009	30/06/2014	F	Sydney
Ms Josephine Kelly	Part-time Member	1/07/2011	30/06/2016	F	Sydney
Mr Marten Kennedy	Part-time Member	1/07/2011	30/06/2016	M	Adelaide
Ms Kay Kirmos	Part-time Member	14/07/2003	30/06/2014	F	Melbourne
Mr Anthony Krohn	Part-time Member	1/07/2010	30/06/2015	M	Melbourne
Ms Suzanne Leal	Part-time Member	1/10/2001	30/06/2015	F	Sydney
Mr Gary Ledson	Part-time Member	1/07/2007	30/06/2015	M	Melbourne
Ms Christine Long	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Ms Hilary Lovibond	Part-time Member	1/07/2012	30/06/2017	F	Sydney
Mr Bruce MacCarthy	Part-time Member	1/07/2009	30/06/2014	M	Sydney
Ms Jane Marquard	Part-time Member	1/07/2006	30/06/2014	F	Sydney
Ms Rosie Mathlin	Part-time Member	1/07/1993	30/06/2015	F	Sydney
Ms Melissa McAdam	Part-time Member	1/07/2012	30/06/2017	F	Sydney
Ms Hannah McGlade	Part-time Member	1/07/2012	30/06/2017	F	Perth
Ms Philippa McIntosh	Part-time Member	5/09/1993	30/06/2015	F	Sydney
Mr Ray McNicol	Part-time Member	1/07/2012	30/06/2015	M	Sydney
Ms Belinda Mericourt	Part-time Member	1/07/2012	30/06/2017	F	Sydney
Ms Kate Millar	Part-time Member	1/07/2012	30/06/2017	F	Adelaide
Ms Vanessa Moss	Part-time Member	1/07/2010	30/06/2015	F	Perth
Ms Mara Moustafine	Part-time Member	1/07/2009	30/06/2014	F	Sydney
Ms Sydelle Muling	Part-time Member	14/07/2003	30/06/2014	F	Melbourne
Mr Andrew Mullin	Part-time Member	14/07/2003	30/06/2014	M	Sydney
Ms Ann O'Toole	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Ms Sophia Panagiotidis	Part-time Member	1/07/2011	30/06/2016	F	Melbourne
Ms Susan Pinto	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Ms Pauline Pope	Part-time Member	14/07/2003	30/06/2014	F	Sydney
Mr Rodger Shanahan	Part-time Member	1/07/2012	30/06/2017	M	Sydney
Ms Rania Skaros	Part-time Member	1/07/2011	30/06/2016	F	Sydney
Ms Meena Sripathy	Part-time Member	1/07/2011	30/06/2016	F	Sydney
Ms Pamela Summers	Part-time Member	1/07/2009	30/06/2014	F	Sydney
Ms Karen Synon	Part-time Member	1/10/2001	30/06/2015	F	Melbourne
Mr Peter Tyler	Part-time Member	1/07/2007	30/06/2015	M	Melbourne
Ms Catherine Wall	Part-time Member	1/07/2012	30/06/2017	F	Melbourne
Ms Alexis Wallace	Part-time Member	1/07/2011	30/06/2016	F	Brisbane
Ms Phillippa Wearne	Part-time Member	1/07/2006	30/06/2014	F	Sydney
Ms Carolyn Wilson	Part-time Member	1/07/2009	30/06/2014	F	Adelaide
Ms Natasha Yacoub	Part-time Member	1/07/2012	30/06/2017	F	Melbourne

APPENDIX C – ADDITIONAL STAFFING STATISTICS

The following membership and staffing statistics are provided in addition to those set out in Part 4 of the report.

TABLE 21 – ONGOING AND NON-ONGOING STAFF

	30 June 2014			30 June 2013			30 June 2012		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Ongoing full-time	166	119	285	183	128	311	150	105	255
Ongoing part-time	37	3	40	41	3	44	30	7	37
Non-ongoing full-time	6	3	9	5	5	10	4	6	10
Non-ongoing part-time	1	0	1	0	0	0	1	0	1
Casual	0	0	0	0	0	0	0	0	0
Total	210	125	335	229	136	365	185	118	303

TABLE 22 – MEMBERS AND STAFF BY LOCATION AS AT 30 JUNE 2014

	Sydney	Melbourne	Brisbane	Adelaide	Perth	Total
Members	69	46	10	8	4	137
Staff	223	109	2	1	0	335
Total	292	155	12	9	4	472

TABLE 23 – MEMBERS AND STAFF BY AGE AS AT 30 JUNE 2014

Age	Staff	Members
Under 25	6	0
25 to 34	90	2
35 to 44	85	25
45 to 54	82	49
55 to 64	62	48
Over 65	10	13

APPENDIX D – LIST OF REQUIREMENTS

Agencies are required to prepare annual reports for parliament consistent with requirements approved by the Joint Committee of Public Accounts and Audit and published by the Department of the Prime Minister and Cabinet. Table 24 sets out the page numbers corresponding to each of the annual report requirements.

TABLE 24 – LIST OF REQUIREMENTS

Description	Page
Letter of transmittal	iii
Table of contents	iv–vi
Index	143
Glossary	137–42
Contact officer(s)	ii
Internet home page address and Internet address for report	ii
Review by Secretary	
Review by Principal Member	2–4
Summary of significant issues and developments	2–4
Overview of department's performance and financial results	14–15
Outlook for following year	4, 45
Significant issues and developments – portfolio	Not applicable
Departmental Overview	
Role and functions	5–12
Organisational structure	57
Outcome and programme structure	14
Where outcome and programme structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	Not applicable
Portfolio structure	Not applicable
Report on Performance	
Review of performance during the year in relation to programmes and contribution to outcomes	13–45
Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	15
Where performance targets differ from the PBS/PAES, details of both former and new targets, and reasons for the change	Not applicable
Narrative discussion and analysis of performance	13–45
Trend information	15, 16–17, 30, 33–5, 42, 124–8
Significant changes in nature of principal functions/services	45
Performance of purchaser/provider arrangements	65
Factors, events or trends influencing departmental performance	2–4, 15

Description	Page
Contribution of risk management in achieving objectives	49
Performance against service charter customer service standards, complaints data, and the department's response to complaints	39–1
Discussion and analysis of the department's financial performance	15
Discussion of any significant changes in financial results from the prior year, from budget or anticipated to have a significant impact on future operations	15, 45
Agency resource statement and summary resource tables by outcomes	68–9
Management and Accountability	
Corporate Governance	
Agency heads are required to certify that their agency complies with the 'Commonwealth Fraud Control Guidelines'	iii
Statement of the main corporate governance practices in place	48–50
Names of the senior executive and their responsibilities	48
Senior management committees and their roles	48, 49
Corporate and operational plans and associated performance reporting and review	49
Internal audit arrangements including approach adopted to identifying areas of significant financial or operational risk and arrangements to manage those risks	50
Policy and practices on the establishment and maintenance of appropriate ethical standards	49
How nature and amount of remuneration for SES officers is determined	59
External Scrutiny	
Significant developments in external scrutiny	50
Judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner	34–8, 50
Reports by the Auditor-General, a Parliamentary Committee, the Commonwealth Ombudsman or an agency capability review	41–2, 50
Management of Human Resources	
Assessment of effectiveness in managing and developing human resources to achieve departmental objectives	51–63
Workforce planning, staff retention and turnover	54–6
Impact and features of enterprise or collective agreements, individual flexibility arrangements (IFAs), determinations, common law contracts and Australian Workplace Agreements (AWAs)	59–61
Training and development undertaken and its impact	54, 59
Work health and safety performance	61–2
Productivity gains	3, 10, 11, 27, 34, 45, 58
Statistics on staffing	54–5, 133
Enterprise or collective agreements, IFAs, determinations, common law contracts and AWAs	59–61
Performance pay	59, 61

Description		Page
Assets management	Assessment of effectiveness of assets management	64
Purchasing	Assessment of purchasing against core policies and principles	64–5
Consultants	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website	64–5
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	64
Exempt contracts	Contracts exempted from publication in AusTender	64
Financial Statements	Financial Statements	67–121
Other Mandatory Information		
	Work health and safety (Schedule 2, Part 4 of the <i>Work Health and Safety Act 2011</i>)	61–2
	Advertising and Market Research (Section 311A of the <i>Commonwealth Electoral Act 1918</i>) and statement on advertising campaigns	66
	Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	63–4
	Compliance with the agency's obligations under the <i>Carer Recognition Act 2010</i>	Not applicable
	Grant programmes	66
	Disability reporting – explicit and transparent reference to agency level information available through other reporting mechanisms	63
	Information Publication Scheme statement	50
	Correction of material errors in previous annual report	66
	Agency Resource Statements and Resources for Outcomes	68–9
	List of Requirements	134–6

GLOSSARY OF TERMS AND ABBREVIATIONS

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
affirm	To ratify the decision under review – the original decision remains unchanged and in force
AGEST	Australian Government Employees Superannuation Trust
AGIMO	The Australian Government Information Management Office fosters the efficient and effective use of information and communications technology by Australian government departments and agencies
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
applicant	The applicant for review
appropriation	An amount 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>
APSC	The Australian Public Service Commission
ARMC	The tribunals’ Audit and Risk Management Committee which oversees the engagement and work program of the tribunals’ internal auditors and considers issues relating to risk management
asylum seeker	An asylum seeker is a person who is outside their country of origin, has applied for recognition as a refugee in another country and is awaiting a decision on their application
AusTender	The Commonwealth Government’s procurement information system
AustLII	The Australasian Legal Information Institute publishes a website that provides free internet access to Australasian legal materials including published MRT and RRT decisions
bridging visa	A bridging visa is a temporary visa generally granted to an eligible non-citizen to enable them to remain lawfully in Australia for one of a number of specified reasons, the most common being while they are awaiting the outcome of application for a substantive visa
case	A case is an application for review before the MRT or the RRT. It is the tribunals’ practice to count multiple applications as a single case where the legislation provides that the applications can be handled together, usually where members of a family unit have applied for the grant of visas at the same time
caseload and constitution policy	A Principal Member Direction on Caseload and Constitution sets out arrangements for the constitution and processing of cases before the tribunals each financial year
CEIs	Under section 44 of the FMA Act, Chief Executive Instructions are issued by the chief executive to manage the affairs of the agency in a way that promotes the proper use of Commonwealth resources
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

China	The People's Republic of China
Comcare	A statutory authority responsible for workplace safety rehabilitation and compensation
Commonwealth Ombudsman	The Commonwealth Ombudsman considers and investigates complaints about Commonwealth 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
complementary protection	Protection that is complementary to Australia's obligations under the Refugees Convention that ensures no person, as a consequence of being removed from Australia to a receiving country, faces a real risk of suffering significant harm
constitution	Constitution is the formal process by means of which the tribunal is constituted and a case allocated to a member for the purposes of a particular review. Once constituted as the tribunal for the purposes of a particular review, a member is responsible for the decision making processes and the decision of the tribunal for that review
consultancy	A consultancy is one type of service delivered under a contract for services. A consultant is an entity engaged to provide professional independent and expert advice or services and may be an individual, a partnership or a corporation
corporate governance	The process by which agencies are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership direction and control
country advice	Country-of-origin information used by members to assist reviews
CSS	Commonwealth Superannuation Scheme
DCB	Departmental Capital Budget
decision	The formal document which sets out in writing the tribunal decision and reasons for decision in a particular review
department	The Department of Immigration and Border Protection. Officers of the department hold delegations to make the primary decisions reviewable by the tribunals
Deputy Principal Member	The Deputy Principal Member assists the Principal Member with the operations of the tribunals
Deputy Registrar	Deputy Registrars assist the Registrar
District Registrar	District Registrars assist the Registrar. A District Registrar is responsible for day-to-day operations and management of a tribunal registry
DoFD	The Department of Finance and Deregulation
EL	Executive level officer of the APS
enterprise agreement	The Enterprise Agreement 2012–14 sets out the terms and conditions for applicable tribunal employees
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

FCC	Federal Circuit Court
financial results	The results shown in the financial statements of an agency
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
FMC	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> creates a legally enforceable right of public access to documents in the possession of agencies
grant	Commonwealth financial assistance as defined under regulations 3A(1) and 3A(2) of the Financial Management and Accountability Regulations 1997
Green Committee	The tribunals' Green Committee promotes an environmentally sustainable culture within the tribunals consistent with the tribunals' environmental policy
GST	The Goods and Services Tax is a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia
Guide to Refugee Law in Australia	The Guide to Refugee Law in Australia was developed in 1996 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
IAAAS	Immigration Advice and Application Assistance Scheme
IAG	The Interpreter Advisory Group seeks to ensure the tribunals maintain access to a high standard of interpreters
IFAs	Individual flexibility arrangements
IPS	Information Publication Scheme
jurisdiction	Jurisdiction defines the scope of the tribunals' power to review decisions
member	A member is a statutory office holder appointed to the MRT and the RRT. A member is constituted as the MRT or the RRT for the purposes of a particular review and is responsible for the decision-making process and the decision of the MRT or the RRT for that review
Member Code of Conduct	Establishes the conduct to be observed by all members of the tribunals in performing their functions and duties
merits review	Merits review is the administrative reconsideration of the subject matter of the decision under review
MIBP	The acronym MIBP is used to identify the Minister for Immigration and Border Protection in abbreviated court citations
MIMAC	The acronym MIMAC is used to identify the Minister for Immigration and Citizenship in abbreviated court citations
Migration Act	The <i>Migration Act 1958</i> 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

migration agent	A migration agent is someone who uses knowledge of migration law and procedures to advise or assist a person who is applying for a visa or in other transactions with the department or the tribunals. They may be a lawyer and may work in the private or not-for-profit sector. A migration agent operating in Australia is required by law to be registered with the OMARA
Migration Regulations	The Migration Regulations 1994
Minister	The Minister for Immigration and Border Protection
MRT	The Migration Review Tribunal
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
OMARA	The Office of 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
ongoing APS employee	A person engaged as an ongoing APS employee as mentioned in section 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 inform parliament of changes in resourcing since the Budget, providing information on new measures and their impact on the financial and non-financial planned performance of agencies
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
Portfolio Budget Statement	The Portfolio Budget Statement informs parliament of the proposed allocation of resources to government outcomes by agencies within the portfolio
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. The Principal Member is the chief executive for FMA Act purposes and agency head for <i>Public Service Act 1999</i> purposes
Principal Member Directions	Sections 353A and 420A of the Migration Act provide that the Principal Member may give written directions as to the operation of the tribunals and the conduct of reviews by the tribunals
Principal Registry	The Principal Registry is the tribunals' national office. The tribunals' executive functions are performed at the Principal Registry. Elements of the Principal Registry are co-located with the New South Wales and Victoria registries
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

Protocol	The 1967 UN Protocol Relating to the Status of Refugees removed the time and geographical limitation in the Refugees Convention’s definition of a refugee
PSS	Public Sector Superannuation Scheme
PSSap	Public Sector Superannuation accumulation plan
Public Service Act	The <i>Public Service Act 1999</i>
PGPA Act	The <i>Public Governance, Performance and Accountability Act 2013</i> establishes a new framework for the use and management of public resources by Commonwealth entities. The PGPA Act replaced the FMA Act on 1 July 2014
purchaser/provider arrangements	Arrangements under which the services of one agency are purchased by another agency to contribute to outcomes. Purchaser/ provider arrangements can occur between Commonwealth Government agencies or between Commonwealth Government agencies and state/territory government agencies or private sector bodies
Refugees Convention	The Convention Relating to the Status of Refugees agreed at Geneva on 28 July 1951 as amended by the Protocol Relating to the Status of Refugees agreed 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 an office of the tribunals
remit	To send the matter back for reconsideration. A tribunal may remit a decision to the department 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
Remuneration Tribunal	The Remuneration Tribunal is the statutory body that determines the remuneration for key Commonwealth offices, including tribunal members
representative	A representative is someone who can forward submissions and 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 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 Migration Regulations
RRT	The Refugee Review Tribunal
RSD	Refugee Status Determination
Senior Management Group	The Senior Management Group comprises the Registrar, deputy registrars, district registrars and directors. This group meets monthly and deals with agency management and planning issues
senior member	Senior members provide guidance to and are responsible for members
service charter	The tribunals’ service charter sets out the agency’s service standards. It is government policy that agencies which provide services directly to the public have service charters in place. A service charter is a public statement about the service an agency will provide and what customers can expect from the 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
specialisation	Tribunal members specialise in the review of particular types of cases

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 Migration Act
TIS	Translating and Interpreting Service
TRA	Trades Recognition Australia
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' strategic plan	The Strategic Plan 2013–16. It is a high level document setting out the tribunals' key strategic aims and priorities and core values
UN	United Nations
unauthorised maritime arrivals	Asylum seekers that arrive in Australia by boat without a visa
visa applicant	A visa applicant is a person who has made a visa application
WHS	Work health and safety
workplace diversity	The concept of workplace diversity values and utilises the contributions of people of different backgrounds, experiences and perspectives

INDEX

A

abbreviations, 137–42
 address and contact details, ii
 Administrative Appeals Tribunal, 4, 44, 45, 49, 65
 advertising expenditure, 66
 Agency Multicultural Plan, 50
 agency resource statement, 68
 amalgamation of tribunals, 4, 45
 annual reports, corrections of errors in previous reports, 66
 applicants
 in immigration detention, 25
 information for, 11–12, 40–1
 locations, 25
 representatives, 9, 30, 43
 service charter, 38–41
 application fees, 9
 application process, 9
 online lodgement, 3, 9, 25, 58
 applications received, vii, viii, 124–5
 applying for review, 9
 asset management, 64
 Audit and Risk Management Committee, 49
 Auditor-General access (contracts), 64
 audits
 independent auditors report, 71–2
 internal, 49
 AusTender, 64
 Australasian Legal Information Institute (AustLII) website, 12
 Australian Multicultural Council, 50
 Australian National Audit Office, 49, 50
 Australian Public Service Commission, 50, 56, 63

B

bullying and harassment prevention, 63
 business continuity plan, 49

C

capability reviews relating to tribunals, 45
 case management, 10–11
 caseload, vii, 3
 cases on hand, vii, 3, 16–17, 27, 125–7
 China caseload highlights, 31
 Lebanon caseload highlights, 32
 Pakistan caseload highlights, 24
 partner and family caseload highlights, 19–20
 skilled caseload highlights, 27
 Sri Lanka caseload highlights, 23
 statistics, 16–18, 124–8
 student refusal caseload highlights, 28
 China caseload highlights, 31
 Classification Review Board, 45
 codes of conduct, 12, 49
 committees
 Interpreter Advisory Group, 29
 management and governance, 48, 49
 Work Health and Safety, 62
 Commonwealth Ombudsman, 41, 42, 50

communication with applicants, 3
 community engagement, 3, 43–4
 complaints, 41–2
 conduct of reviews (merits review), 9–10, 26
 consultancy services, 64–5
 contact details, ii, 41
 contracts, 64
 corporate and operational plans, 49
 corporate governance, 48–50
 correction of errors in previous annual report, 66
 country information assessments, 3
 country of origin for RRT lodgements, 21–2
 country of origin information services, 3

D

decisions

- in 2012–13 (corrected figure), 66
- oral decisions, 12, 45
- outcomes (statement of decision), 12, 29–30, 45
- published, 12
- statistics, vii, viii, 125–6
- see also* merits review

 Department of Foreign Affairs and Trade, 3, 44
 Department of Immigration and Border Protection, 3, 44, 49
 Deputy Principal Member, 48, 53
 deputy registrars, 48
 disability reporting, 63
 discretionary grants, 66

E

ecologically sustainable development and environmental performance, 63–4
 efficiencies *see* work practices and efficiencies
 enterprise agreement, 60–1
 ethical standards, 49
 expenses and resources for outcome, 69
 external scrutiny, 45, 50

F

family caseload highlights, 19–20
 fees, 9
 financial information

- agency resource statement, 68
- expenses and resources for outcome, 69
- financial performance, 15

Financial Management and Accountability Act 1997, 6
 financial statements, 70–121
 fraud control, iii, 49, 50
 freedom of information, 50
functus officio legislation, 45

G

Gelev, Filip, 66
 governance, 48–50
 grants, 66
 Green Committee, 64

H

harassment and bullying prevention, 63
 health and safety representatives, 62
 hearing lists, 3, 10, 11, 26, 27, 28
 hearings, vii, 10, 26
 human resources, 51–63 *see also* staff

I

immigration detention, applicants in, 25
 In Memoriam: Patricia Leehy, 52
 independent auditors report, 71–2
 information for applicants, 11–12, 40–1
 Information Publication Scheme, 50
 information technology, 58
 internal audits, 49
 internet address, ii
 interpreters, 10, 29, 41

J

judicial review of tribunal decisions, 34–8, 50

K

key performance indicators, 15

L

learning and development, 54, 59
 Lebanon caseload highlights, 32
 Leehy, Patricia: In Memoriam, 52
 legislation (enabling Act), vii, 45
 letter of transmittal, iii
 lodgement process, 3, 25, 58
 lodgements, vii, viii
 location of applicants, 25
 MRT lodgements by case category, 18
 RRT lodgements by country, 21–2
 statistics, 124–5

M

market research services, 66
 member teams, 11
 members, 4, 6, 53, 66, 129–32, 133
 memoranda of understanding, 49, 65
 mentoring program, 59
 merits review, 6–7
 applying for review, 9
 conduct of reviews, 9–10, 26
 information provided to applicants, 11–12
 matters reviewed by MRT, 7, 17–20
 matters reviewed by RRT, 8–9, 21–4
 review rights, 9
 role of tribunals, 6
Migration Act 1958, vii, 6, 8, 14, 34, 45, 48, 50, 54, 139
 migration agents, 9, 30, 43
 Migration Regulations amendments, 7
 Minister for Multicultural Affairs, 50
 Ministerial Directions, 23, 24, 29, 34
 Minister's intervention guidelines, 30
 multicultural plan, 50 *see also* workplace diversity

N

national enquiry number, 41

O

objectives, 14
 Office of the Migration Agents Registration Authority, 43
 offices, 41
 Ombudsman, 41, 42, 50
 online lodgement facility, 3, 9, 58
 open days (public information sessions), 3, 44
 organisational structure, 57
 outcome specified in Portfolio Budget Statement, 14
 outcomes of review *see* decisions
 outlook, 4, 45

P

Pakistan caseload highlights, 24
 parliamentary oversight, 50
 partner and family caseload highlights, 19–20
 performance
 financial, 15
 framework, 14–15
 against KPIs, 15
 against service standards, 39–40
 performance management, 51, 61
 performance pay, 59, 61
 performance reviews (members), 53
 plans and planning, 41, 49, 50, 63
 operational, 49
 procurement plan, 64
 Strategic Plan 2013–16, 49
 presentations and talks, 44
 Principal Member, vii, 41, 48
 report by, 2–4
 priorities
 allocated to cases *see* case management
 strategic, 14
 productivity *see* work practices and efficiencies
 professional development, 53–4
 program, 14
 protection visas, 6, 8–9, 15, 21
 public access to hearings, 10
Public Governance, Performance and Accountability Act 2013, 6
 public information sessions, 3, 44
Public Service Act 1999, 6, 54
 publications, 11–12
 purchaser/provider arrangements, 65
 purchasing, 64

R

Reconciliation Action Plan, 63
 recruitment, 56, 66
 ‘refugee,’ defined, 8
 Registrar, vii, 41, 48
 remuneration
 members, 53
 salary ranges, 60
 SES officers, 59
 representatives of applicants, 9–10
 resources for outcomes, 69

review *see* merits review
 reviews relating to tribunals, 45
 risk management, 49
 role and functions of the tribunals, 6–12, 45

S

Senior Executive Service (SES) officers, 59
 senior management, 48
 senior management committees, 48, 49
 senior members, 4, 11, 48, 129
 service charter, 38–41
 performance against service standards, 39–40
 service delivery agreements, 49, 65
 shared services, 45 *see also* work practices and efficiencies
 ‘significant harm’ legislative provisions, 8–9
 skilled caseload highlights, 27
 social justice and equity, 38–41
 Social Security Appeals Tribunal, 4, 45, 49
 Sri Lanka caseload highlights, 23
 staff
 Country Advice staff transfers, 3, 56
 employment arrangements, 6, 60–1
 organisational structure, 57
 statistics, 54–5, 133
 Technology Services section profile, 58
 workforce, 56
 statistics of cases and workload, vii–viii, 124–8
 Strategic Plan 2013–16, 12, 49
 strategic priorities, 14
 student refusal caseload highlights, 28
 studies assistance scheme, 59

T

Technology Services section profile, 58
 timeliness of reviews, vii, 33–4
 factors in, 15, 34
 improvements in, 15, 34
 RRT compliance reporting, 34, 50
 student refusal decisions reviews, 28
 training opportunities, 54, 59
 Translating and Interpreting Service, 41
 trends
 caseload, 16–17
 increase in lodgements, 15
 tribunal amalgamation, 4, 45
 tribunals’ roles and functions, 6–12, 45

U

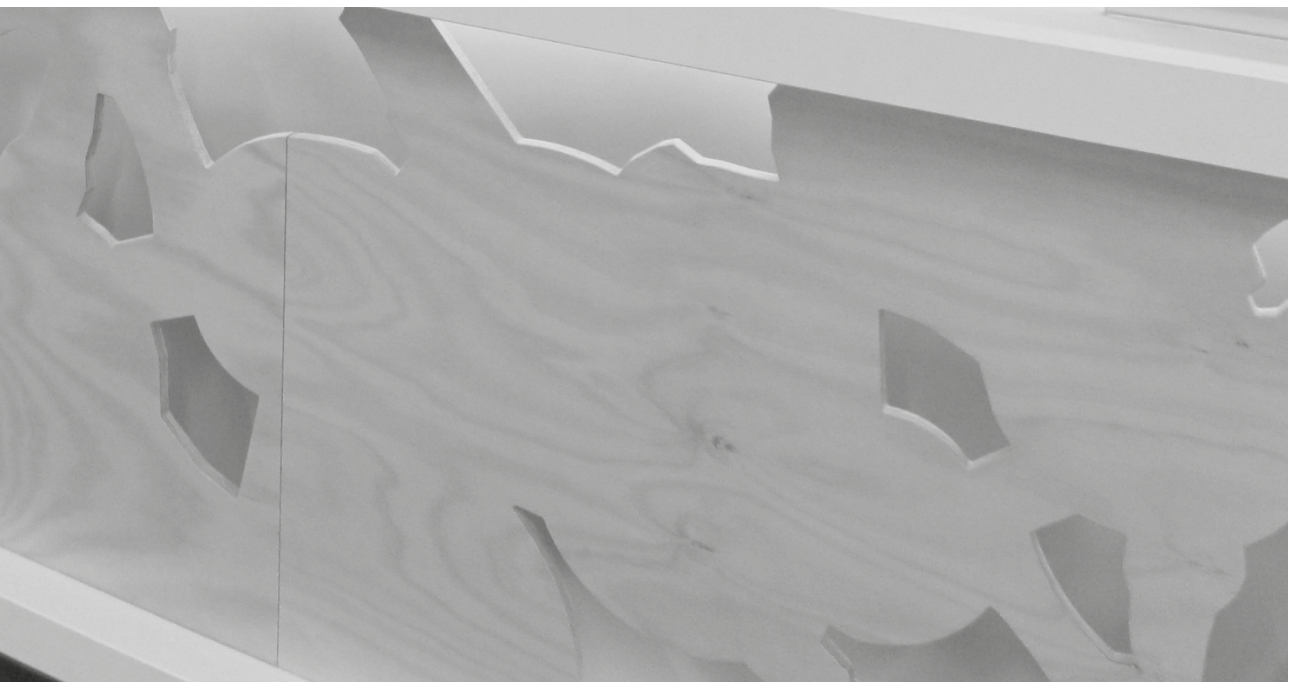
unauthorised maritime arrivals, 15, 21, 22, 23, 24, 29, 34

V

values, 12
 Veterans’ Review Board, 49
 visas, 6–9
 performance information and results, 15
 types, 7
 types (cases on hand), 17
 vision, 12

W

- websites, 11–12
- whole-of-government activity, 50
- work health and safety, 61–2
- work practices and efficiencies, 3, 10, 11, 27, 34, 45, 58
- work program, vii
- workforce, 56 *see also* staff
- workplace diversity, 50, 62–3



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