



Australian Government

Migration Review Tribunal · Refugee Review Tribunal

# MIGRATION REVIEW TRIBUNAL

ANNUAL REPORT 2012-13

# REFUGEE REVIEW TRIBUNAL



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ANNUAL REPORT **2012-13**

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# Migration Review Tribunal and Refugee Review Tribunal Annual Report 2012-13

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## Contact officer for this report

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## Link to the annual report

[www.mrt-rrt.gov.au/getattachment/Forms-and-publications/Annual-Reports/MRTRRTAR1213.pdf.aspx](http://www.mrt-rrt.gov.au/getattachment/Forms-and-publications/Annual-Reports/MRTRRTAR1213.pdf.aspx)

## Contact details

The tribunals have registries in Sydney and Melbourne, open from 8:30 am to 5.00 pm on working days. The Principal Registry postal address is GPO Box 1333, Sydney NSW 2001.

### SYDNEY

**Street address:** Level 11, 83 Clarence Street, Sydney NSW 2000

**Postal address:** GPO Box 1333, Sydney NSW 2001

**Telephone:** 02 9276 5000 **Fax:** 02 9276 5599

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**Street address:** Level 10, 120 Spencer Street, Melbourne VIC 3000

**Postal Address:** PO Box 14158, Melbourne VIC 8001

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

### ADELAIDE

Level 11, Chesser House, 91 Grenfell Street, Adelaide SA 5000

### BRISBANE

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

### PERTH

Level 5, 111 St Georges Terrace, Perth WA 6000

## National telephone enquiry number

For further information contact the tribunals' 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.

## Website

[www.mrt-rrt.gov.au](http://www.mrt-rrt.gov.au)

## E-mail

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## ABN

50 760 799 564



**Australian Government**

**Migration Review Tribunal • Refugee Review Tribunal**

20 September 2013

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 2013.

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 24 June 2013.

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 2012-13 financial year the tribunals had appropriate fraud control mechanisms that meet 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

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## 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 2013 for the 2012-13 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 2012	16,863	1,501	18,364
Cases lodged	16,164	4,229	20,393
Cases decided	15,590	3,757	19,347
Cases on hand at 30 June 2013	17,437	1,973	19,410
% of primary decisions set-aside	29%	37%	30%
% of primary decisions affirmed	46%	59%	48%
% of cases withdrawn or otherwise resolved	25%	5%	21%
Average time taken to decide a case (weeks)	58	23	-
% of decided cases where applicant was represented	62%	72%	64%
Hearings arranged	11,281	5,296	16,577
% of decided cases where hearing was held	41%	81%	50%
% of held hearings where interpreter was required	56%	89%	68%
Languages and dialects of interpreters	-	-	94
% of decisions taken to judicial review	4%	20%	7%
Decisions set-aside on judicial review as % of decisions made	0.1%	0.7%	0.2%
Members			144
Staff			365
<b>Cost</b>			<b>\$72.5 million</b>

Table 2 provides an overview of the Independent Protection Assessment Office's caseload. The Office was transferred from the Department of Immigration and Citizenship to the tribunals as a machinery of government change on 1 July 2012.

TABLE 2 – INDEPENDENT PROTECTON ASSESSMENT CASELOAD

	<b>IPAO</b>
Cases on hand at 1 July 2012	702
% of recommendations that a protection obligation exists	68%
% of recommendations that no protection obligation exists	32%
Caseload finalised	17 December 2012

## Statistics

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

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

The tribunals decided 19,347 cases during the year and received 20,393 applications

# PART 1

## PRINCIPAL MEMBER'S REPORT



# PRINCIPAL MEMBER'S REPORT

“I AM PLEASED TO REPORT THAT  
THE TRIBUNALS PERFORMED  
STRONGLY IN 2012-13”



This year the tribunals completed 19,347 reviews compared to 10,815 reviews in 2011-12. This increase in activity was in response to large increases in lodgements over the last three years and involved sustained effort by members and staff and the adoption of new work practices.

The tribunals had a large number of cases on hand at the beginning of the year after successive years of large increases in lodgements. These increases, of 25% in 2010-11 and 30% in 2011-12, exceeded forecasts and the capacity of the tribunals to deal with the volume of cases. While lodgements increased again by 18% in 2012-13, over the last six months of the year the tribunals finalised more cases than were received. This was not sufficient to reduce the overall number of cases on hand at the end of the year. However the tribunals enter 2013-14 with the capacity to make significant progress in this regard, and in doing so to improve processing times.

The new work practices included the reorganisation of members and staff into specialist teams, having senior members responsible for specific caseloads, and developing strategies for particular caseloads, including the use of pre-hearing letters and hearing lists. These changes had the aim of addressing the increased caseload while not diminishing the quality of reviews, and I can report that the quality of reviews and decisions remained high. There was no significant change in the percentage of cases that were subject to judicial review applications or complaints, and less than 1% of the decisions made during the year were set-aside by a court or were the subject of a complaint.

One important change in the nature of the caseload in 2012-13 was the flow of protection visa cases involving unauthorised maritime arrivals. Under the Migration Act, unauthorised maritime arrivals are barred from applying for any kind of visa unless the Minister permits them to do so. As part of changes to processing arrangements made in March 2012, the Minister began permitting unauthorised maritime arrivals to apply for protection visas. The applicants then had a right to tribunal review if a delegate of the Minister subsequently refused to grant a protection visa. Over the course of 2012-13, 1,518 applications for review were received from unauthorised maritime arrivals, most of whom were nationals of Sri Lanka, Afghanistan, Iran and Pakistan. This changed the profile of protection visa cases with the tribunals, with Sri Lanka (701 cases) replacing China (608 cases) as the largest source country for review lodgements.

As the year drew to a close there were a number of reviews in train involving the process of refugee status determination arising from the increase in the number of unauthorised maritime arrivals. Outcomes of these reviews may have an impact on the operations of the tribunals in the future. For example, the government has decided to establish a single independent source of country of origin information service for decision-makers in the department and the tribunals. The Minister has also issued directions affecting the handling of protection visa cases.

During the year the tribunals continued a commitment to being open and accessible and building productive working relationships. Monthly updates were provided to the community liaison network and meetings held across the country in November 2012 and April-May 2013 provided a forum for the tribunals to update interested parties on significant developments and to enable them to give feedback to the tribunals. The tribunals also conducted surveys of former applicants, migration agents and interpreters, and these provided mostly positive feedback on tribunal services. Wherever possible, suggestions for improvements have been acted upon so we can provide a better service.

The tribunals start 2013-14 in a good position. The key priority for the tribunals is to build on the changes introduced in 2012-13 to increase the number of reviews completed so as to reduce the number of cases on hand and to provide a more timely service to applicants.

1 July 2013 was the 20<sup>th</sup> anniversary of the Refugee Review Tribunal. This anniversary was an important milestone and a celebratory morning tea was held for all staff and members across the country. A number of former principal members attended and an address was given by Professor Leroy Certoma, the first principal member. He spoke to the importance of independent review of administrative decisions and noted among other things that more than 86,000 protection visa reviews had been conducted since 1993.

Finally, I would like to acknowledge the very hard work of staff and members during 2012-13, and thank them for their support.

The RRT has decided  
over 86,000 cases  
since 1993

# PART 2

## THE ROLE OF THE TRIBUNALS



## 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 by the Governor-General under the Migration Act for fixed terms) and staff (appointed under the Migration Act and employed under the *Public Service Act 1999* (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).

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

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).

## 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.

Form M1 is the general MRT application form. Form M2 is the MRT application form for persons in immigration detention. Form R1 is the RRT application form. These 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 Administrative Appeals Tribunal (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 regarding persons in immigration detention.

For applications lodged to the MRT on or after 1 July 2013, 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 lodged on or after 1 July 2013, 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 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.

In 2012-13 the tribunals commenced the use of hearing lists in some MRT caseloads. Hearing lists involve a group of cases being scheduled for hearings at the same session.

## 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 currently work in teams each led by a senior member. Member teams in Sydney comprise 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

There are 144 tribunal members in 12 teams across Adelaide, Brisbane, Melbourne, Perth and Sydney

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.



#### MEMBERS OF THE STUDENT TEAMS SHARE CASE MANAGEMENT STRATEGIES

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 the allocation of cases, providing advice and guidance on the quality of reviews to members, and identifying and implementing strategies designed to increase the efficiency of the tribunals' operations.

In 2012-13 a number of successful trials of hearing lists for skilled and student refusal cases were conducted. Hearing lists were found to result in streamlined hearing processes and reduced hearing times. Other strategies in 2012-13 to increase efficiency included a move towards the preparation of issues-based reasons for decisions and the increased 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. 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 including 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 needs of representatives
- \* a daily schedule for tribunal hearings.

Tribunal decisions of particular interest are published on the Australasian Legal Information Institute (AustLII) website at [www.austlii.edu.au](http://www.austlii.edu.au). The tribunals publish a monthly bulletin, *Précis*, which summarises selected tribunal decisions, court judgements 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 all cases, 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 19,347 decisions made in 2012-13, 24% were published on AustLII

# PART 3

## PERFORMANCE REPORT



## 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' plan.

For 2012-13, 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.

Table 3 summarises performance against the program deliverables and key performance indicators that were set out in the Portfolio Budget Statement.



TABLE 3 – PERFORMANCE INFORMATION AND RESULTS

Measure	Result
<b>Deliverables</b>	
9,065 decisions	19,347 decisions
<b>Key performance indicators</b>	
Less than 5% of tribunal decisions set-aside by judicial review	0.1% of MRT and 0.7% of RRT decisions made in 2012-13 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 30% of protection visa refusals were decided within 90 calendar days 12% of visa cancellations were decided within 150 calendar days 47% of all other visa refusals were decided within 350 days
Less than five complaints per 1,000 cases decided	The tribunals received less than two complaints per 1,000 cases decided (33 complaints in total)
40% of decisions published	The tribunals published 24% of all decisions made in 2012-13 (4,783 decisions in total)

The timeliness of reviews has been affected by large increases in lodgements and cases on hand over the past few years, however, this began to improve at the end of 2012-13. This was a very pleasing result given that lodgements increased by 18% over the year.

The tribunals did not meet the target of publishing 40% of decisions, however, the number of decisions published compares with 4,546 in 2011-12 and 3,909 in 2010-11. In view of the much higher volume of decisions being made, the key performance indicator for decision publication has been revised for 2013-14 to at least 4,500. This will continue to ensure that a wide range of decisions are published.

A challenge in 2012-13 was balancing priorities across the different caseloads, which have grown significantly from previous years. The tribunals received 20,393 lodgements in 2012-13, an increase of 18% compared with 2011-12. In addition, 18,364 cases were carried over from 2011-12.

## 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. The tribunals are funded based on a model which takes into account the number of cases decided. The tribunals' base funding in 2012-13 covered deciding 9,065 cases, with the model providing for additional appropriation at a marginal cost per case rate. The tribunals decided 19,347 cases in 2012-13 and the revenue as set out below takes into account an adjustment to appropriation based on the actual number of cases decided.

Revenues from ordinary activities totalled \$97.03 million and expenditure totalled \$72.50 million, including depreciation worth \$2.47 million, resulting in a net surplus for 2012-13 of \$24.53

million. Included in revenue is \$28.3 million transferred from the Department of Immigration and Citizenship as part of the Machinery of Government (MoG) transfer from the Department on 1 July 2012 of the remaining operations and staff of the Independent Protection Assessment Office (IPAO). This was a one-off transfer of appropriation as there was no funding for the IPAO beyond 2012–13, and ongoing staff costs are being managed within the MRT–RRT funding.

During the year, the tribunals funding model was reviewed which will see an increase in base funding for 2013–14 onwards from 9,065 to 18,000 cases to reflect the increase in lodgements over several years.

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 2012–13, 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 20,393 lodgements during the year, decided 19,347 cases and had 19,410 cases on hand at the end of the year. Table 4 provides an overview of the tribunals' caseload over the past three years.

TABLE 4 – OVERVIEW OF THE TRIBUNALS' CASELOAD

	2012–13	2011–12	2010–11
<b>MRT</b>			
On hand at start of year	16,863	10,786	7,048
Lodged	16,164	14,088	10,315
Decided	15,590	8,011	6,577
On hand at end of year	17,437	16,863	10,786
<b>RRT</b>			
On hand at start of year	1,501	1,100	738
Lodged	4,229	3,205	2,966
Decided	3,757	2,804	2,604
On hand at end of year	1,973	1,501	1,100
<b>TOTAL MRT AND RRT</b>			
On hand at start of year	18,364	11,886	7,786
Lodged	20,393	17,293	13,281
Decided	19,347	10,815	9,181
On hand at end of year	19,410	18,364	11,886

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

## Independent Protection Assessment Office caseload

In addition to deciding tribunal reviews, the tribunals also took over administration of the remaining operations of the Independent Protection Assessment Office (IPAO) from 1 July 2012. This involved deciding 702 cases, with a recommendation favourable to the asylum seeker made in 68% of cases.

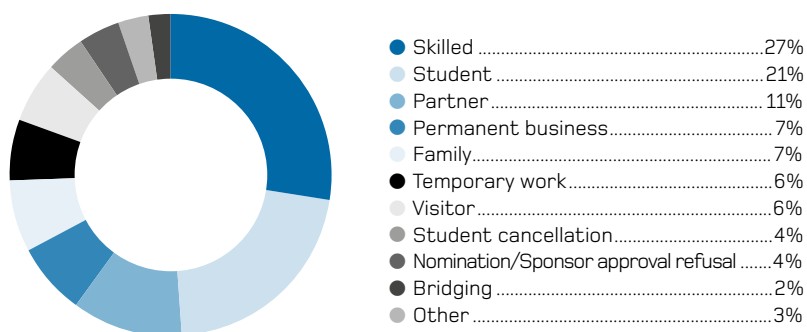
Over the life of the IPAO from 2008 to 2012, a total of 5,217 cases were completed by persons engaged as reviewers. Of these cases, a recommendation favourable to the asylum seeker was made in 74% of cases.

At the time of transfer of functions from the department on 1 July 2012, there were 87 active reviewers. All reviewer appointments expired on or before 31 December 2012.

## LODGEMENTS

The MRT has jurisdiction to review a wide range of visa, sponsorship and other decisions for migration and temporary entry visas. In 2012-13, the MRT received 16,164 lodgements which included significant increases in temporary work, family, permanent business and partner lodgements. Figure 1 provides an overview of MRT lodgements by case category.

FIGURE 1 – 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 2012-13, approximately 20% of visa refusal applications to the MRT were for persons outside Australia seeking a visa.

The RRT has jurisdiction to review decisions to refuse protection visas. In 2012-13 more than 5,000 protection visa applications were refused by a delegate of the Minister.

The RRT received 4,229 lodgements in 2012-13, which included 1,518 from unauthorised maritime arrivals. Lodgements related to persons from 107 countries. Nationals of five countries – Sri Lanka, China, Afghanistan, India and Pakistan – comprised 61% of all lodgements. The largest number of applications was from nationals of Sri Lanka, which made up 17% of the applications lodged. This is the first time since 2003-04 that China was not the country with the highest number of applications lodged and reflects the impact of lodgements from unauthorised maritime arrivals on the composition of the caseload.

Nationals of five countries – Sri Lanka, China, Afghanistan, India and Pakistan – comprised 61% of all RRT lodgements

Figures 2, 3 and 4 provide an overview of RRT lodgements by the applicant's country of origin. Figure 2 includes all lodgements received by the RRT, while figure 3 displays the countries of unauthorised maritime arrivals only. Figure 4 displays the countries of all other RRT applicants (excluding unauthorised maritime arrivals).

FIGURE 2 – RRT LODGEMENTS BY COUNTRY

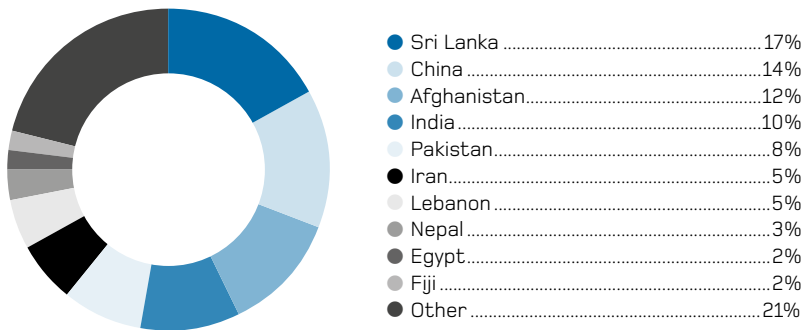


FIGURE 3 – RRT LODGEMENTS BY COUNTRY FOR UNAUTHORISED MARITIME ARRIVALS

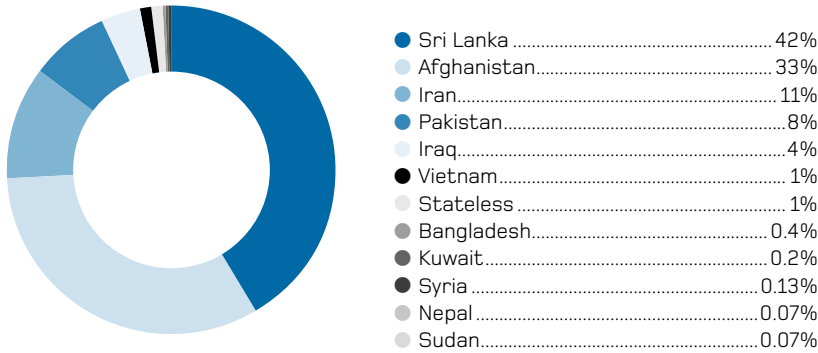
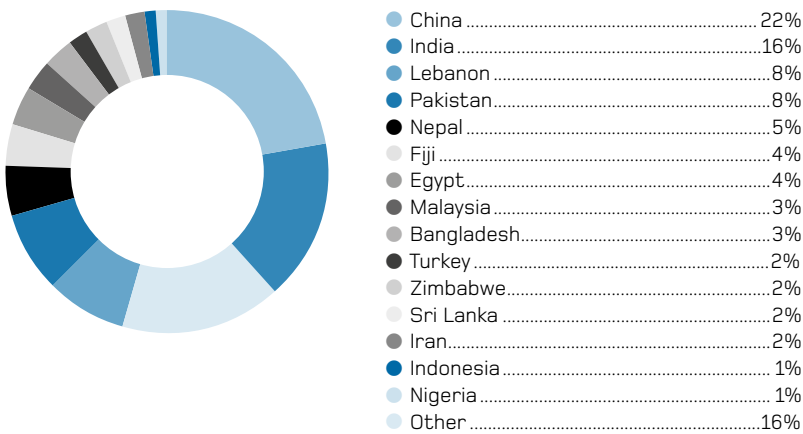


FIGURE 4 – RRT LODGEMENTS BY COUNTRY FOR APPLICANTS OTHER THAN UNAUTHORISED MARITIME ARRIVALS



Applicants to the tribunals tend to be located in the larger metropolitan areas. Thirty-seven per cent of all applicants resided in New South Wales, mostly in the Sydney region. Approximately 33% of applicants resided in Victoria, 12% in Queensland, 10% 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% in 2007-08 to 37% in 2012-13. While much of the decrease in the proportion of lodgements in New South Wales has been taken up by Victoria, increases in the proportion of lodgements over the past five years have also occurred in Queensland, Western Australia and South Australia.

Cases involving applicants in immigration detention comprised 3.5% of the cases lodged.

## 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 2012-13, 11,281 MRT and 5,296 RRT hearings were arranged. Of these, 6,834 MRT and 3,675 RRT hearings were completed or adjourned. The remaining hearings were postponed or 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 in 6% of MRT cases and in 2% of RRT cases without the need for a hearing.

Video links were used in 17% of MRT hearings and telephone in 2% of hearings. The average duration of MRT hearings was 63 minutes and the average duration of RRT hearings was 141 minutes. Two or more hearings were held in 11% of RRT cases and in 2% of MRT cases.

## INTERPRETERS

High quality interpreting services are fundamental to the work of the tribunals. In 2012-13, interpreters were required for 56% of MRT hearings and 89% of RRT hearings. Interpreters were required in approximately 94 languages and dialects, up from 84 the previous year.

The tribunals' Interpreter Advisory Group (IAG), a national committee comprising members and staff, works to uphold best-practice interpreting at hearings.

## 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 29% of cases decided and affirmed the primary decision in 46% 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 set-aside rate in 2012-13 was significantly lower than the rate of 37% in 2011-12. One contributing factor was a lower set-aside rate for student and skilled refusals, which together comprised 53% of decisions made.

Interpreters in 94 languages and dialects were used in tribunal hearings

37% of RRT and 29% of MRT cases were decided in favour of the applicant

The RRT remitted the primary decision in 37% of cases decided and affirmed the primary decision in 59% 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 higher than the rate of 27% in 2011-12. This is directly related to the unauthorised maritime arrival caseload for which the set-aside rate was 65%. Most unauthorised maritime arrivals came from countries where there are generally 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 63 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.

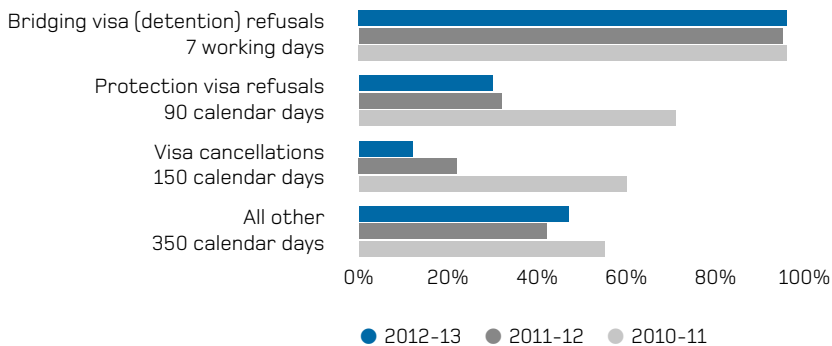
Applications for review typically address the issues identified by the primary decision maker by providing submissions and further evidence to the tribunal. By the time of the tribunal's decision, there is often considerable additional information before the tribunal. There may also be court judgments or legislative changes which affect the outcome of the review. Applicants were represented in 64% of cases decided. Most commonly, representation was 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 47% for represented applicants and 11% for unrepresented applicants. All unauthorised maritime arrival applicants have been offered representation at primary and review stages through the government-funded Immigration Advice and Application Assistance Scheme (IAAAS) and this caseload has a higher set-aside rate than other caseloads. 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 66% of unrepresented applicants to the RRT attend hearings, compared to almost 87% of represented applicants. For the MRT, there was also a significant difference in outcome for unrepresented applicants. The set-aside rate was 33% for represented applicants and 22% for unrepresented applicants.

A total of 314 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.

## TIMELINESS

Cases are allocated to members in accordance with legislation and directions regarding the order in which cases are to be dealt with. 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 5 displays the percentage of cases decided within the tribunals’ time standards over the past three years.

FIGURE 5 – PERCENTAGE OF CASES DECIDED WITHIN TIME STANDARDS



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 or an assessment needs to be obtained from another body or agency. In the early months of processing unauthorised maritime arrival cases, there were additional difficulties associated with arranging hearings for applicants in immigration detention or without a stable residential address and contact information.

The timeliness of reviews has been affected by large increases in lodgements and cases on hand over the past few years, however, this began to improve at the end of 2012-13. This was a very pleasing result given that lodgements increased by 18% over the year.



The Principal Member reports every four months on the RRT's compliance with the 90 day standard for RRT reviews. These reports are provided to the Minister for tabling in Parliament. In 2012-13, only 30% of RRT cases were decided within 90 days; the average time to decision was 159 days.

In 2013-14, the tribunals will continue to focus on increasing productivity through member specialisation, the use of hearing lists for less complex cases, changes in decision writing and other measures designed to enhance efficiency.

## JUDICIAL REVIEW

For persons wishing to challenge a tribunal decision, two avenues of judicial review are available. One is to the Federal Circuit Court, formerly the Federal Magistrates Court, and the other is to the High Court. Decision making under the Migration Act remains an area where the level of court scrutiny is very intense and where the same tribunal decision or 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 2012-13 the number of tribunal decisions taken to judicial review increased significantly in comparison with previous years, reflecting the larger number of decisions made by the tribunals during 2012-13. However the percentage of decisions taken to judicial review, while fluctuating over recent years, remains broadly consistent.

Of all decisions made by the tribunals in 2012-13, only a small percentage (0.1% of MRT decisions and 0.7% 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 43% of MRT cases and 29% of RRT cases reconsidered in 2012-13, the reconstituted tribunal made a decision favourable to the applicant.

Table 5 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.

Less than 1% of tribunal decisions made in 2012-13 have been set-aside or quashed by the courts

TABLE 5 – JUDICIAL REVIEW APPLICATIONS AND OUTCOMES

	MRT			RRT		
	2012-13	2011-12	2010-11	2012-13	2011-12	2010-11
Tribunal decisions	15,590	8,011	6,577	3,757	2,804	2,604
Court applications	653	261	255	743	698	541
% of tribunals decisions	4.2%	3.3%	3.9%	19.8%	24.9%	20.8%
Applications resolved	196	242	252	201	618	537
– decision upheld or otherwise resolved	174	205	219	176	545	497
– set-aside by consent or judgement	22	37	33	25	73	40
– set-aside decisions as % of judicial applications resolved	11.2%	15.3%	13.1%	12.4%	11.8%	7.4%
– set-aside decisions as % of total tribunal decisions made	0.1%	0.5%	0.5%	0.7%	2.6%	1.5%

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 some notable judicial decisions since 1 July 2012 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 'MIAC' is used to identify the Minister in the abbreviated citations provided.

## Completion of review function

The RRT affirmed the decision of a delegate of the Minister not to grant the visa applicant a protection visa. The RRT completed the decision at 2:32 pm on 27 July 2011 and, in accordance with its internal processes, alerted the registry that the decision was ready for release to the applicant and the department. At 4:57 pm, the applicant's adviser faxed further submissions. Between 4:57 pm and 6:34 pm, when the decision was notified to the applicant's advisers by fax, the submissions were considered and the presiding member decided that there was no jurisdictional error and the case could not be reopened. On appeal, the Full Federal Court held the tribunal was not *functus officio*, that is, it had not completed its function, until the decision was 'beyond recall'. The court said that there was no support in the evidence or in any of the statutory provisions to suggest that it was beyond the power of the member to recall the decision prior to its dispatch. It held that the RRT erred in concluding that it was prevented from considering further material unless it was established there had been a jurisdictional error in making the decision. [*MIAC v SZQOY* [2012] FCAFC 131]

## Notification of decision

The RRT affirmed a decision not to grant the visa applicant a protection visa before the complementary protection provisions came into effect on 24 March 2012 and sent a copy of its decision to the applicant at his former address in Sydney, as well as to the department. The Sydney address was not the applicant's 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. The Federal Circuit Court held that the RRT had not notified the applicant in accordance with the notification provisions before 24 March 2012. Therefore, the application for review had not been 'finally determined' at that date, and the RRT fell into jurisdictional error by failing to consider the complementary protection grounds. [*SZRYNY v MIAC* [2013] FCCA 197]

## Complementary protection and standard of state protection

The Minister appealed from an RRT decision finding that there were substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there was a real risk that he would suffer significant harm. In finding that there was a real risk that the visa applicant would suffer significant harm in the receiving country, the RRT found that the visa applicant could not obtain from an authority in the receiving country protection such that there would not be a real risk that he would suffer significant harm if he was returned there. The RRT found that section 36(2B)(b) of the Act required a standard of protection different from the concept of state protection under the Refugees Convention. The Full Federal Court held that this was correct. It held that the section requires an assessment of whether the level of protection offered by the receiving country reduces the risk of significant harm to the non-citizen to something less than a real one. [*MIAC v MZYLL* [2012] FCAFC 147]

## Complementary protection and significant harm

The applicant applied for a protection visa after the cancellation of his Subclass 444 (Special Category) visa, which he had held for over 15 years. He claimed that he wanted to remain in Australia to be with his five children, that he feared harm from his father and from gangs in New Zealand and that he would be unable to find a job or accommodation in New Zealand. In affirming the delegate's refusal decision, the RRT made a number of findings dealing with the risk of violence from the applicant's father and from gangs, and about his capacity to obtain accommodation and employment in New Zealand. Before the court the applicant claimed that the RRT had failed to give meaningful consideration to whether the separation of the applicant from his children might constitute degrading treatment. The Federal Magistrates Court held that the act of removal resulting in forced separation from children residing in Australia, or the ongoing effect of that separation in

New Zealand, did not constitute significant harm, and in particular degrading treatment. It said that any harm stemming from the applicant's separation from his children in Australia stemmed from his removal from Australia, not his presence in any other country, and the relevant act in the definition of degrading treatment cannot be the act of removal itself. [*SZRSN v MIAC* [2013] FMCA 78]

### Reasonableness of refusal of request for adjournment

The applicant was an overseas student seeking to gain residency through a skilled visa. The visa was not granted on the basis that she had provided false information in support of a skills assessment as a cook by Trades Recognition Australia. The applicant had obtained a second but unfavourable skills assessment by the time of the MRT hearing, and was in the process of seeking a review of that assessment from Trades Recognition Australia. The applicant requested the MRT to adjourn the review pending the outcome of that consideration. The MRT did not agree to this and made a decision noting only that the applicant had been provided with enough opportunities to present her case and it was not prepared to delay any further. On appeal from the Full Federal Court, the High Court held that the MRT had not given adequate consideration to the request for adjournment, such requests needing to be considered reasonably. [*MIAC v Li* [2013] HCA 18]

### Skills assessment and relevant assessing authority

The applicant was an overseas student seeking to gain residency through a skilled visa. The applicant had obtained a skills assessment as a cook by Trades Recognition Australia but this assessment had subsequently been revoked on the basis of concerns about the evidence provided about work experience. Before the MRT there was the question of whether the applicant would seek another skills assessment. However, the applicant argued that Trades Recognition Australia had not been correctly authorised at the time of its assessment. The MRT determined that Trades Recognition Australia was authorised at the time of the MRT's decision, and affirmed the primary decision on the basis that the applicant did not at time of decision have a skills assessment by the relevant assessing authority. The Federal Magistrates Court upheld the MRT's decision, finding that Trades Recognition Australia was validly specified at the time of the MRT's decision as the relevant assessing authority. The court held that the Minister's authorisation did not purport to take effect before the date it was registered; however, it nonetheless applied to future decisions for visa applications that had been made before that date. [*Zhang v MIAC* [2012] FMCA 1011]

## SOCIAL JUSTICE AND EQUITY

The tribunals' service charter expresses the commitment to providing a professional and courteous service to applicants and when dealing with other persons. It sets out general standards for client service covering day-to-day contact with the tribunals, responding to correspondence, arrangements for attending hearings, the use of interpreters and the use of clear language in decisions. The service charter is available in Arabic, Bengali, Chinese, English, Hindi, Korean, Nepali, Punjabi, Tamil, Turkish and Vietnamese.

In July and August 2012 the tribunals engaged Buchan Consulting to survey applicants, interpreters and migration agents. The survey allowed the tribunals to gauge perceptions of its performance across a range of criteria and assist future strategic planning. The survey obtained the views of 340 applicants whose cases had been decided, 232 migration agents and 389 interpreters. The results of the survey were positive. High levels of service from staff and members, and positive reports about the overall review process were areas where the tribunals are performing well across all surveyed groups.

Table 6 sets out the tribunals' performance during the year against service standards contained in the service charter.

TABLE 6 – REPORT AGAINST SERVICE STANDARDS

Service standard	Report against standard for 2012–13	Outcome
1. Be helpful, prompt and respectful 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.	Achieved
3. Listen carefully to what you say to us	<p>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 68% of hearings held (56% MRT and 89% RRT). The tribunals employ staff from diverse backgrounds covering more than 20 languages. Staff use professional interpreters to communicate with clients from non-English speaking backgrounds in hearings.</p> <p>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 2012-13 in Adelaide, Brisbane, Melbourne, Perth and Sydney.</p> <p>The tribunals have a formal complaints, compliments and suggestions process.</p>	Achieved
4. Acknowledge applications for review in writing within two working days	An acknowledgement letter was sent within two working days of lodgement in more than 74% of cases.	74%
5. Include a contact name and telephone number on all our correspondence	All letters include a contact name and telephone number.	Achieved

Service standard	Report against standard for 2012–13	Outcome
6. 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 forms and factsheets. Case officers are available in the New South Wales and Victoria registries to explain procedures over the counter or by telephone. The tribunals have an email enquiry address that applicants can use to seek general information about procedures.	Achieved
7. 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. Factsheet MR2: Immigration Assistance 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
8. Attempt to assist you if you have special needs	The tribunals employ a range of strategies to assist applicants with special needs. 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).	Achieved
9. Provide written reasons when we make a decision	In all cases, a written record of decision and the reasons for decision is provided to the applicant and to the department.	Achieved
10. 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 caseload and constitution policy, which is available on the website.	Achieved
11. Publish the time standards within which we aim to complete reviews	Time standards are also set out in the caseload and constitution policy.	Achieved
12. Abide by the Australian Public Service (APS) Values and Code of Conduct (staff)	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
13. Abide by the Member Code of Conduct (members)	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
14. 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.

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 is aimed specifically at supporting representatives, by bringing together the most often used resources and information. A 'frequently asked questions' page answers questions most commonly asked by 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.

Most complaints to the tribunals are handled informally at the local level, which is consistent as most organisations dealing with the public. 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 2012-13, the tribunals received a total of 33 complaints from 29 individuals (23 from representatives, four from applicants and two from third parties). Table 7 shows the number of complaints made over the last three years.

TABLE 7 – COMPLAINTS FINALISED

	2012-13	2011-12	2010-11
<b>MRT</b>			
Complaints resolved	23	10	13
Cases decided	15,590	8,011	6,577
Complaints per 1,000 cases	1.5	1.2	2
<b>RRT</b>			
Complaints resolved	10	8	8
Cases decided	3,757	2,804	2,604
Complaints per 1,000 cases	2.7	2.8	3.1

The 33 complaints made in 2012-13 were about the issues shown in table 8. A number of complaints raised multiple issues.

TABLE 8 – ISSUES RAISED IN COMPLAINTS TO THE TRIBUNALS

Issue	MRT complaints	RRT complaints
Application of tribunal policy	2	1
Breach of privacy	-	2
Conduct of other parties in tribunal proceedings	1	-
Conduct of tribunal members	18	4
General procedural issues	1	1
Publication of decisions on the internet	-	2
Timeliness of reviews	2	1
Tribunal decisions	1	2

The tribunals provided substantive responses to all 33 complaints, responding within 20 working days to 30 of the complaints (91%). The average number of days from complaint to final response was 10 working days.

In four complaints, all concerning the conduct of members during hearings, it was found that the members should have handled matters more appropriately. The Principal Member offered an apology in each case and raised the matters with the relevant members.

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



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

TABLE 9 – COMPLAINTS TO THE COMMONWEALTH OMBUDSMAN

	2012-13	2011-12	2010-11
New complaints	1	1	26
Complaints resolved	1	1	24
Administrative deficiency found	0	0	0

## MIGRATION AGENTS

Sixty-four per cent of applicants were represented in 2012-13. 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 2012-13 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 Committee oversees engagement and communication with external stakeholders. The Stakeholder Engagement Plan 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.

137 people attended community liaison meetings in 2012-13

The tribunals hold 'open days' or public information sessions each year. In 2013 MRT information sessions were held in Adelaide, Melbourne and Sydney during Law Week in May, and RRT information sessions were held in Brisbane, Melbourne, Perth and Sydney during Refugee Week in June. Information sessions involve hearing demonstrations and presentations from tribunal members and staff on processes and caseloads. These events are

an opportunity for the public to get a better understanding of tribunal operations. There was a strong turnout at all events and positive feedback from those who attended. Due to a high demand for places, additional RRT sessions were also provided for the Australian Red Cross in Brisbane.

Regular meetings are held with the department, the Department of Foreign Affairs and Trade and the AAT. Memoranda of understanding 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 2012-13. In September 2012, the Deputy Principal Member spoke at the Migration Institute of Australia 2012 Conference on effective representation of clients before the tribunals. In March 2013, the Principal Member gave a presentation on current challenges for the RRT at the International Association of Refugee Law Judges Australasian Chapter Regional Conference. Both the Principal Member and Deputy Principal Member gave presentations as part of the Law Institute of Victoria Human Rights Series in May 2013. Significant speeches and presentations given by members and staff are published on the website.

## MAJOR REVIEWS

### Review of the increased workload of the tribunals

In December 2011, the former Minister the Hon Chris Bowen MP commissioned Professor the Hon Michael Lavarch, AO, to undertake a review of the increased workload of the tribunals. The review examined the increase in lodgements to both tribunals, including anticipated lodgements from unauthorised maritime arrivals. Minister Bowen released the *Report on the increased workload of the MRT and the RRT* on 29 June 2012 and supported the 18 recommendations.

All recommendations regarding the tribunals' case management practices, member specialisation, staffing support and member resources have now been implemented. The tribunals and the department are working together to progress the implementation of the remaining recommendations that require legislative amendment or cooperation with the department.

## Review of refugee status determination

In 2013, the government commenced a review of the refugee status determination system. The tribunals made available a highly experienced and knowledgeable senior member of staff to support the review. In addition the tribunals made a number of suggestions for improvements which would lead to more efficient and consistent merits review of refugee decisions.

## Capability reviews

No capability reviews were undertaken for the tribunals during 2012-13.

## SIGNIFICANT CHANGES IN THE NATURE OF FUNCTIONS OR SERVICES

### Transfer of Independent Protection Assessment Office functions

On 1 July 2012, the functions and resources of the office were transferred to the tribunals through a machinery-of-government change. As part of the transfer of functions, 52 ongoing public service staff were transferred from the department to the tribunals under section 72 of the Public Service Act.

## DEVELOPMENTS SINCE THE END OF THE YEAR

### Victoria Registry relocation

On 15 July 2013, the Victoria Registry relocated to new premises in the Melbourne central business district. The new premises has more hearing rooms, including purpose built video conference hearing rooms, and is located conveniently for applicants near major public transport links.

### Country of origin information

On 1 July 2013, the tribunals' country of origin information functions and staff formally transferred to the department. The change was effected through a machinery-of-government process. Country of origin information services will be provided to the tribunals by the department via a service level agreement that will govern the provision of products and services.

## CASE STUDIES ON MATTERS BEFORE THE TRIBUNALS

The following case studies provide an insight into the range of matters which come before the tribunals. Summaries of decisions are published in a monthly bulletin, *Précis*, which is available on the tribunal website.

## MRT tourist visa – genuine visit to Australia – set-aside

The applicants, who were nationals of Pakistan, were the father and sister of an Australian permanent resident. They had been refused a visitor visa on the basis that there was a risk they would not return to Pakistan. They claimed that their visit to Australia was to coincide with the birth of the family's first grandchild. Evidence was given that the father was a highly-regarded senior journalist and had travelled overseas on many occasions for work and religious purposes, as well as to visit a son in London. The sister was in high school at the time of the hearing. The applicants claimed that they resided in the Punjab area, which had not experienced problems like those in other provinces in Pakistan.

The tribunal considered the applicants to be credible witnesses. It was satisfied that the father was in stable employment as a senior journalist in Pakistan, enjoyed the prestige and recognition of his work, and would not be able to be away from work for longer than two or three weeks. The tribunal also gave weight to the fact that his wife had recently visited Australia and had returned to Pakistan within the visa period. The tribunal accepted that the sister was intending to go to university in Pakistan. The tribunal noted a willingness to pay a security bond of up to \$15,000 per applicant. The tribunal was satisfied that the applicants' intention only to visit Australia was genuine.

## MRT student visa – working over 20 hours per week – affirmed

The applicant's previous student visa was cancelled in August 2010 for working more than 20 hours per week. The applicant claimed that he had completed aged care and community welfare studies in 2010 and that he wished to study a diploma of nursing. He claimed that for a period of three months in 2010 he had worked 22 hours per week at an aged care facility in order to meet his living costs in Australia. The applicant claimed that this work was related to his community welfare course, and that he felt obliged to advocate for patients for a couple of hours a week, although the advocacy work was not arranged by his education provider and he did not receive credit toward his study for that work. The applicant provided a payslip with his application which indicated that in his employment as a nursing assistant he had worked 52 hours during a 14 day period in July 2010.

The tribunal accepted the applicant's evidence that he worked more than 20 hours a week only once or twice a month. It also accepted that the patient advocacy work was an activity the applicant performed for remuneration, and that the work was not specified as a requirement for the applicant's course. The tribunal therefore found that the patient advocacy work was work for the purposes of compliance with the visa requirements. The tribunal found

The MRT decided 1,090 visitor refusal cases in 2012-13; 56% were decided in favour of the applicant

The MRT decided 917 student cancellation cases in 2012-13; 13% were decided in favour of the applicant

that the applicant was aware of his visa conditions and that he knew that what he was doing was wrong. It considered that the frequency and period of time over which the applicant knowingly worked in breach of his visa conditions meant that it was significant. Accordingly, the tribunal found that the applicant did not meet the requirements of the visa.

### **MRT skilled visa – Australian study requirement for the duration of study – affirmed**

The applicant, a Sri Lankan national, had nominated the occupation of ‘marketing specialist’ for his skilled visa, which had the requirement of having completed 92 weeks of study within six months of applying for the visa. He claimed that in February 2008 he had commenced a Bachelor of Commerce degree at Deakin University. The applicant claimed that prior to arriving in Australia he had completed an Associate Degree in Business at the Perth Institute of Business and Technology (PIBT) via correspondence from Sri Lanka, which counted as 15 units towards the award of the Bachelor of Commerce degree. He claimed that during the following four semesters he completed the remaining nine out of the 24 units required for the award of the degree, finishing his studies at Deakin University in November 2009. The applicant’s representative claimed that the applicant was not aware of the 92 weeks study requirement at the time he lodged the visa application, and that he would have completed all 24 units in Australia if he was familiar with this requirement.

The tribunal accepted that the applicant had undertaken the Bachelor of Commerce degree and had applied for the visa within the six months that the regulation allowed. The tribunal was not satisfied that the applicant met the requirements, noting the Federal Magistrates Court’s observation in *Nayeem v MIAC* [2010] that an applicant is required to have completed two academic years’ worth of study in Australia prior to applying for the visa, but the study load may be completed in no less than sixteen months,

allowing for some degree of ‘fast-tracking’. As the applicant had completed nine subjects during his studies in Australia, the tribunal therefore found that the applicant had completed a total of 58.5 weeks’ study prior to applying for the visa, short of the 92 weeks required. Hence, the tribunal found that the applicant did not satisfy the Australian study requirement and he did not meet the requirements for the grant of the visa.

### **MRT distinguished talent visa – biographer of Ludwig Leichhardt – set-aside**

The applicant had edited the life story of the explorer, Ludwig Leichhardt, based on the explorer’s diaries, letters and travel journals, and had authored a Leichhardt biography in German. The applicant was keen to undertake further work on unpublished

The MRT decided 4,576 skilled refusal cases in 2012–13; 23% were decided in favour of the applicant

Leichhardt manuscripts. He estimated that there were about 1,900 pages of text held in Australia which needed to be transcribed, translated and edited for publication. The applicant claimed he was proposing to undertake this work, with the goal of publishing a book to coincide with the 200<sup>th</sup> anniversary of Leichhardt's birth in 2013. The applicant claimed that his skills rose above the ordinary in so far as his biography on Leichhardt was the first biography in German to be published and that it would become more widely known once it was published in English. A number of supporting letters were submitted on his behalf from various academics.

The tribunal accepted that the applicant's record of achievement was in the area of academia and research, and that he had published two significant works on Leichhardt. The tribunal found that, in addition to those published works, the applicant was known by peers in the area of academia and research as an expert on Leichhardt. The tribunal accepted that an English language edition of one of the applicant's books was about to be published in Australia, that he maintained a website dedicated to Leichhardt, and that his peers internationally continued to refer to his work. The tribunal noted that he was at least 55 years old at the time of application and it was therefore required to consider if the applicant would be of exceptional benefit to the Australian community. The tribunal was satisfied that this was the case, and in particular, that without the research of the applicant in Australia, the Leichhardt materials would remain inaccessible to the public for a long period of time, if not forever. Hence, the tribunal found that the applicant met the requirements for the grant of the visa.

### **MRT partner visa – genuine relationship – set-aside**

The Australian applicant claimed that he had worked in the mines in Western Australia for over two years on a 'fly-in, fly-out' basis. He claimed that his wife and child, who were currently in Morocco, would live permanently in Perth and that they would try to buy a house. The applicant claimed that he sent money to his wife and child each month, with the amount varying depending on how much they needed. His wife gave evidence to the tribunal that the refusal had affected her husband and that he was very unhappy as he had not yet seen his son. She claimed that this affected him at work and in his personal life, and that he had been involved in incidents at work because he was not as focused as he needed to be. The applicant had previously sponsored a former partner for a visa in February 2009, less than five years prior to this application, and this meant that the tribunal needed to be satisfied that there were compelling circumstances to permit him to sponsor another partner.

The tribunal found the couple to be validly married. It noted that they had given consistent and complementary evidence on the

The MRT decided 21 distinguished talent applications in 2012-13; 33% were decided in favour of the applicant

The MRT decided 1,426 partner refusal cases in 2012-13; 53% were decided in favour of the applicant

sure of the relationship and their commitment to each other, including the care of their Australian citizen child. The tribunal was therefore satisfied that at the time of application and at the time of decision, the applicants had a mutual commitment to a shared life as husband and wife to the exclusion of all others, and that the relationship was genuine and continuing. The tribunal also considered whether there were compelling circumstances affecting the sponsor, and it accepted the evidence from both of the applicants about the effect that the separation, and visa refusal had had on the applicant. The tribunal found that these were compelling circumstances and that the wife therefore satisfied the criteria for the grant of the visa.

### RRT Turkey – Kurd – Alevi – set-aside

The applicant was an Alevi Kurd who claimed that the police would often come to his family's apartment to search for illegal books, and that his father was taken into custody and accused of being a member and supporter of revolutionary groups. The applicant claimed that he assisted the Patriotic Revolutionary Youth Association and that he presented a radio program which was a voice of the Alevi-Kurdish people. He claimed that he often saw an undercover police car presence near the radio station, and that he was later detained and assaulted. While being detained by police he was forced to sign documents to say that he wanted to undertake his compulsory military service and that while on military service he was discriminated against and systematically insulted by his commanders. The applicant claimed that after returning from his studies in Australia, he was again detained by police and accused of financially assisting Kurdistan Workers' Party organisations. The applicant claimed that he was a member of the Turkish-Kurdish and Alevi Associations in Australia.

The RRT decided 42 cases from Turkey in 2012-13; 52% were decided in favour of the applicant

The tribunal accepted that the applicant was of Kurdish ethnicity. Whilst it considered that merely being a Kurd was not sufficient to give rise to a well-founded fear of persecution in Turkey, the applicant in effect had claimed that he fell into the category of Kurds who faced harm due to their political activity. The tribunal was of the view that, given past incidents, the applicant would be viewed by the Turkish authorities as a supporter of pro-Kurdish political parties. It found there was a real chance that he would experience serious harm upon return to Turkey because of his Kurdish ethnicity, together with his political opinion. The tribunal was satisfied that the applicant would not be afforded state protection in Turkey, as the harm feared was from an instrument of the state. The tribunal therefore found that the applicant would be at risk of harm in any area of Turkey, and that he had a well-founded fear of being persecuted for a Convention reason.

## RRT China – Catholic underground church – affirmed

The applicant, who originally arrived in Australia on a student visa, claimed to be a Catholic who regularly attended an underground house church in Fujian. She claimed that attendees of underground churches were persecuted by the government and the police. According to the applicant, police came and detained her husband on four occasions between 2002 and 2008, and she was also detained on one occasion. She claimed that she feared for the safety of her husband and child in China, but that she could not return because her husband could not support her. The applicant claimed to have attended church since arriving in Australia.

The tribunal was satisfied that the applicant was a Catholic who practised that faith. The tribunal accepted that parishioners in China may have been detained in the past, but it concluded that there was no country information which indicated detention or adverse attention from the Chinese authorities of someone who was an ordinary member of an underground church in Fujian who did not hold a leadership position. The tribunal found that there were inconsistencies with the evidence regarding the detention incidents such that it was not satisfied the accounts were accurate. The tribunal formed the view that the applicant's fear of persecution was only raised after initially making reference to economic circumstances, and it was not satisfied that the applicant held a well-founded fear of persecution for a Convention reason if she returned to China. The tribunal was also not satisfied that the applicant was a person in respect of whom Australia had complementary protection obligations.

## RRT Afghanistan – association with the Afghan National Army – set-aside

The applicant claimed that his father was a village representative during the Najibullah government. He retired in 1990, becoming a village leader and was assassinated by unknown masked men. The applicant's family suspected a local commander had killed his father after the local commander's brother was kidnapped and probably killed. In 2011, the applicant's younger brother was killed on his way to Kabul and the applicant thought someone had told the Taliban that his brother was working for the government. The applicant's older brother, who was serving in the Afghanistan National Army (ANA), was 'arrested' by the Taliban after someone reported him to them for being government staff and he had not been seen since. The applicant claimed that someone from his village had seen the Taliban with his photo and the Taliban were stopping cars to ask if the applicant was in them. His wife and children were in Pakistan with his extended family, including the applicant's mother, one sister, and the wife and children of his missing brother.

The RRT decided 564 cases from China in 2012-13; 18% were decided in favour of the applicant



The RRT decided 494 cases from Afghanistan in 2012–13; 84% were decided in favour of the applicant

The tribunal found that the applicant was a member of a particular social group because of his family's association with the ANA, the Najibullah government and the murder of the brother of a local commander. The tribunal accepted the applicant's evidence, including the key claim that he worked for the ANA. He described various matters in sufficient detail to satisfy the tribunal that he was a witness of truth. The tribunal noted the ANA claim was first made in pre-hearing submissions and the applicant did not provide a statement in support of these claims; however, the applicant was able to allay the tribunal's concerns. The tribunal further accepted the applicant's evidence that this fact was well known in his village and that he was perceived as a person who supported the central government. The tribunal accepted that one of the applicant's brothers was killed on his way to Kabul and that it was possible that the applicant's other brother was kidnapped (and possibly killed) for reasons of his political opinion, because he was with the ANA. The tribunal remitted the matter to the department with the finding that the applicant was a person to whom Australia had protection obligations under the Refugees Convention.

### RRT Nepal – Congress Party member – affirmed

The applicant, who was originally in Australia on a student visa, claimed that he was a member of the Congress Party in Nepal and that he undertook various party activities. The applicant claimed that the ruling United Communist Party (Maoists) began to cause trouble for him due to these activities, and that they would continuously come to his shop, threatening him with harm. The applicant claimed that he was arrested by Maoists for protesting about human rights and political freedom before the election in 2009, and that he was attacked and beaten after the election on his way home from a party meeting. The applicant claimed that on another occasion he was approached by Maoists and beaten, sustaining injuries which required medical treatment. The applicant claimed that after he came to Australia, his family told him that Maoists were coming to look for him. He claimed that he did return to Nepal for a brief period to visit his sick son, although he did not return to his village, but rather his family came to see him in Kathmandu.

The tribunal noted inconsistencies between the applicant's written statements and his evidence at hearing about when he was attacked by Maoists. His statement also omitted any mention of Maoists coming to his shop and demanding to see him. The tribunal found this to be prominent in the applicant's account of harm received from the Maoists, and it did not believe that he would fail to mention this in his statement. The tribunal did not accept that the applicant would have taken the risk of returning to Nepal in the circumstances as claimed, and it found that the fact that he had was evidence that he was not genuinely in fear of harm. The tribunal considered that even if he had remained in Kathmandu, the

The RRT decided 110 cases from Nepal in 2012–13; 6% were decided in favour of the applicant

applicant would not have taken the risk of going there when he had fled the country to save his life. The tribunal's concerns about the applicant's credibility led it to find that the account of events on which his protection claims were based was false. Hence, the tribunal was not satisfied that the applicant was a person to whom Australia had protection obligations under the Refugees Convention or complementary protection criteria.

## RRT Sri Lanka – imputed Liberation Tigers of Tamil Eelam (LTTE) supporter – affirmed

The applicant said he feared persecution in Sri Lanka because of his Tamil ethnicity and an imputed political opinion as a supporter of the LTTE and opponent of the government. He asserted that he would be imputed as being opposed to the government because he operated a repair shop that had occasionally repaired equipment for the LTTE, and his relative was an LTTE member. The applicant claimed that his problems started in 2003 when people in the area told the Criminal Investigation Department (CID) that he was working for the LTTE. He said he was detained, and held for various periods of time and tortured. The applicant denied ever having been part of the LTTE himself, but said a relative had worked for them. He claimed that the CID knew about this and had asked him about his relative, even asking him to provide a photograph of her.

The tribunal did not find the applicant to be credible, and considered that he had embellished and exaggerated aspects of his claims to support his application. While he claimed to fear harm because his relative allegedly worked for the LTTE, the tribunal noted this claim was not made as part of his initial protection application. The tribunal accepted the applicant had repaired equipment as claimed and that he may have repaired equipment owned by the LTTE. The tribunal found the applicant had provided inconsistent and contradictory information about the duration of this adverse treatment at the hands of the CID. The tribunal noted independent information that the situation for Tamils in Sri Lanka had improved significantly since the cessation of hostilities between the government and LTTE in 2009. As a result, the tribunal did not accept the applicant's claim that simply being of Tamil ethnicity was of itself sufficient to give rise to a real chance of persecution. Whilst the tribunal was prepared to accept that the applicant had come to the adverse attention of authorities during the conflict in Sri Lanka, it did not consider he was a person who may still face significant harm. The tribunal was also not satisfied that the applicant met the complementary protection criterion.

The RRT decided 422 cases from Sri Lanka in 2012-13; 37% were decided in favour of the applicant

# PART 4

## MANAGEMENT AND ACCOUNTABILITY



## 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 2013 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 quarterly 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, the People Committee and the Stakeholder Engagement 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 tribunals' website.

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

## RISK MANAGEMENT

The tribunals have in place sound audit and risk management arrangements, including the ARMC, comprising an independent chair and member and senior tribunal representatives. Representatives from the Australian National Audit Office (ANAO) and from Deloitte Touche Tohmatsu, in their capacity as the provider of internal audit services to the tribunals, assist 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 the information technology general controls and infrastructure security, independent merits review case management and stakeholder management functions, and carried out a business risk refresh to review and update strategic and operational risks, and the 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 Social Security Appeals Tribunal 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, and will review this plan in 2013 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 undertook a range of activities to comply with whole-of-government arrangements and requirements during the year including:

- \* meeting information and communications technology reporting requirements to enable benchmarking across government agencies
- \* meeting requirements for compliance with website accessibility
- \* meeting internet protocol 6 (IPv6) readiness requirements
- \* finalising details with the nominated lead agency for a combined internet gateway as part of a gateway reduction program
- \* joining whole-of-government telecommunications arrangements for mobile carriage
- \* continuing to explore arrangements for telecommunications invoice audits and for fixed voice
- \* continuing to use the Microsoft Volume Sourcing Agreement
- \* procuring desktop and laptop computers through whole-of-government arrangements co-ordinated by the Australian Government Information Management Office (AGIMO)
- \* procuring printers and multi-function devices through whole-of-government arrangements for major office machines coordinated by the Department of Finance and Deregulation (DoFD)
- \* procuring stationery and office supplies through a whole-of-government panel arrangement

- \* continuing with multi-agency cluster arrangements for travel services, and government policies for the use of official air travel
- \* meeting the policy and reporting requirements of the Commonwealth Property Management Guidelines
- \* developing and publishing the agency's multicultural plan, consistent with the government's multicultural access and equity policy
- \* meeting APSC reporting requirements by submitting an annual agency survey for the State of the Service Report, monthly SES information and annual APS employee database reports
- \* developing an agency security plan in compliance with the Protective Security Policy Framework
- \* submitting an Annual Fraud survey to the Australian Institute of Criminology
- \* reporting progress updates to AGIMO for the tribunals' P3M3™ Capability Improvement Plan.

## 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 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
- \* support the ongoing capability development needs of members and employees
- \* identify and manage underperformance.

Member and staff opinion surveys were conducted in late 2012, with all members and staff invited to participate. Overall the surveys revealed some strong positive responses and responses were otherwise generally comparable to those found in public service-wide surveys. The results of the survey, particularly in those areas identified as capable of improvement, were taken into account in the development of the tribunals’ Strategic Plan for 2013-16.

## 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](http://www.remtribunal.gov.au).

Table 10 sets out the tribunals’ membership as at 30 June 2013.

TABLE 10 – MEMBERSHIP AS AT 30 JUNE 2013

	Women	Men	Total
Principal Member	1	0	1
Deputy Principal Member	1	0	1
Senior members	6	6	12
Full-time members	22	27	49
Part-time members	59	22	81
<b>Total</b>	<b>89</b>	<b>55</b>	<b>144</b>

A list of members and their appointment periods as at 30 June 2013 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 suited to working on a part-time basis and 56% of members are part-time.



## Member appointments

The government appointed additional members from 1 July 2012 which resulted in the membership increasing from 112 as at 30 June 2012 to 144 as at 30 June 2013.

The appointments with effect from 1 July 2012 included three senior members, 14 full-time members and 18 part-time members. The members were appointed for terms of three or five years.

## 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 agreements.

Performance reviews provide direction for the member professional development program by identifying members' training and development needs. The process involves members reflecting on their own performance against a framework of competencies and identifying their learning needs, with senior members providing feedback and guidance.

Member professional development needs are also identified through member surveys, organisational priorities and regular feedback from senior members and the Deputy Principal Member.

The professional development program consists of sessions covering legal issues, member fora on caseload issues, practice management and personal development skills. Presenters for these sessions include academics, journalists and in-house sources. Highlights for the year include briefings on political and social developments in Afghanistan, Pakistan, Egypt and Sri Lanka. Senior members also participated in a program to build their management and leadership capability.

In March 2013 all members attended the national members' conference. The conference was an opportunity for members to discuss emerging issues and consisted of workshops, presentations by various speakers and a panel discussion. Decision-writing was a key focus of the conference with Professor James Raymond, a renowned expert on judicial decision writing based in New York, presenting a workshop on the second day of the conference.

A significant focus of professional development is the induction program for new members. The program assists new members to understand their role and to quickly acquire knowledge of relevant legislation, tribunal procedures, case issues and working arrangements.

Members also attended various external conferences and presentations in the areas of decision-making in a tribunal context, and administrative and migration law.



## Staffing

Professional staff support to members is vital for the efficient and lawful conduct of reviews. An important role of staff 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 2013, the tribunals employed 365 APS employees comprising:

- \* 311 ongoing full-time employees
- \* 44 ongoing part-time employees
- \* 10 non-ongoing full-time employees.

Table 11 sets out the number of staff employed as at 30 June 2013. Approximately 37% of employees are men and 63% are women.

PROFESSOR JAMES  
RAYMOND PRESENTING  
AT THE 2013 MEMBER  
CONFERENCE

TABLE 11 – STAFF AS AT 30 JUNE 2013

APS Level	New South Wales and Brisbane		Victoria		Total
	Women	Men	Women	Men	
APS 1	1	0	0	0	1
APS 2	4	4	2	1	11
APS 3	32	13	21	14	80
APS 4	38	19	17	11	85
APS 5	31	11	13	3	58
APS 6	28	22	7	9	66
Legal Officer	6	4	2	2	14
Executive Level 1	11	11	4	2	28
Senior Legal Officer	3	2	2	2	9
Executive Level 2	4	3	1	1	9
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
<b>Total</b>	<b>160</b>	<b>91</b>	<b>69</b>	<b>45</b>	<b>365</b>

Further staffing statistics are set out in appendix C.

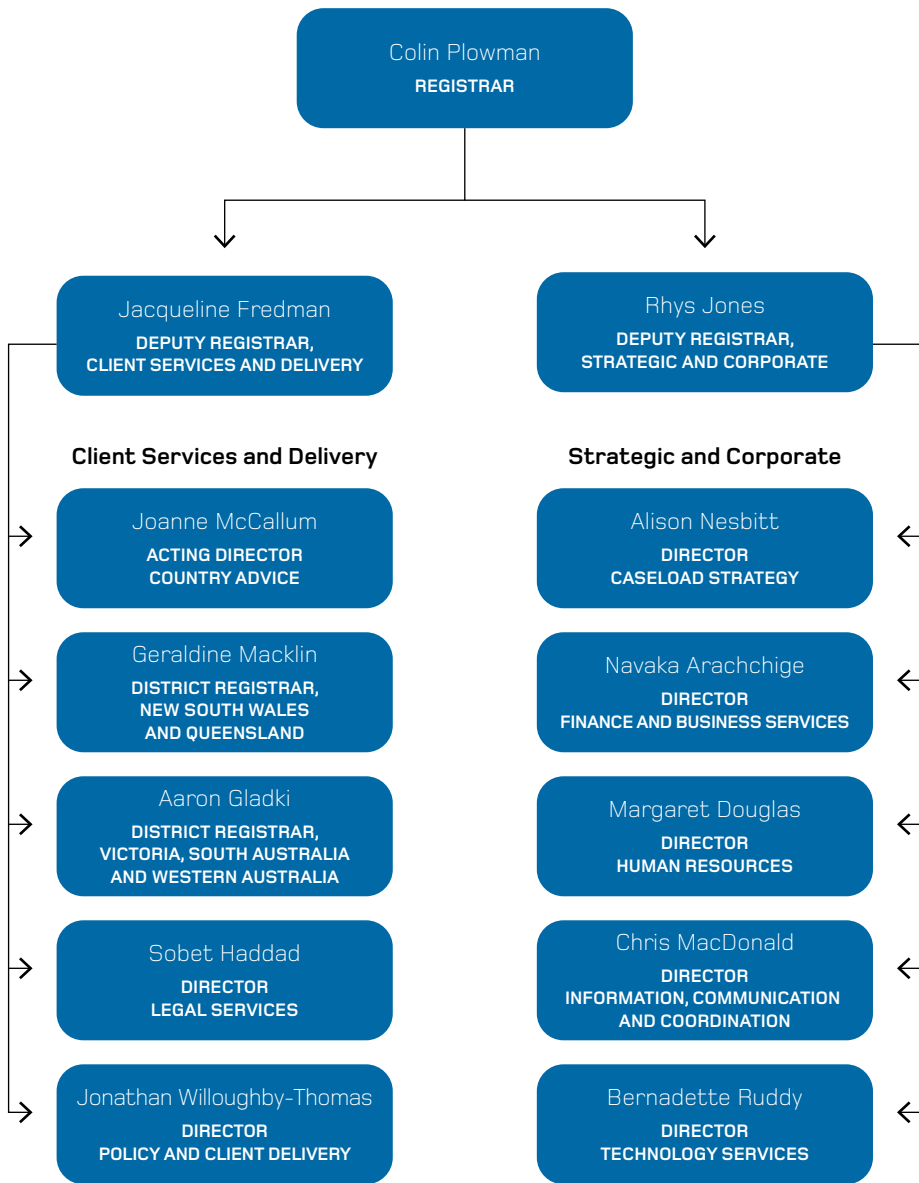
The tribunals increased in capacity from 303 staff at 30 June 2012, to 365 staff as at 30 June 2013 and include 52 staff transferred from the Independent Protection Assessment Office on 1 July 2012. This represents an increase of 20% in staff. The turnover rate for the tribunals' increased slightly to 11% as at 30 June 2013, compared to 10.6% at 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, and technology professionals. In 2012-13 staff were employed across 11 sections: Caseload Strategy; Country Advice; 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 6.

365 staff worked across 11 sections located in Brisbane, Melbourne and Sydney.

FIGURE 6 – STAFF ORGANISATIONAL CHART AS AT 30 JUNE 2013



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 of 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 its 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.

## Learning and development

A dynamic work environment requires the tribunals to do its core business well, to define roles, standards and expectations clearly and to identify good performance. A major focus for the tribunals during the year was on 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 and giving and receiving feedback.

Several customer service training programs were conducted for registry staff which focused on creating high performing teams, customer service essentials and dealing with vulnerable applicants.

A number of specific, priority programs were developed and conducted on project management, strategic thinking, internal consultancy skills, change management as well as information technology accreditation courses. Corporate training was provided on career development, performance management, manual handling and time management. Other targeted training included sessions for registry staff on partner, skilled and business visas.

Individual development and training needs are identified through the performance agreement system. The objectives of the performance agreement system are:

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

The tribunals have a studies assistance scheme. A total of 19 staff undertook approved courses of study, taking a total of 66 days of study leave and being reimbursed \$51,372 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 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 2013. This reflects the most recent salary increase in the enterprise agreement, which was 3% from 6 December 2012.

TABLE 12 – SALARY RANGE PAY POINTS AS AT 30 JUNE 2013

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 which provides for the supplementation of terms and conditions. As at 30 June 2013, supplementary agreements were in place with nine non-SES employees in accordance with the flexibility clause for performance bonuses or increased salary.

Six officers at the EL2 level received performance pay. An aggregate amount of \$44,473 was paid in performance-linked bonuses during 2012-13 in respect of performance in the 2012 calendar year. The average bonus payment was \$6,354 and payments ranged from \$6,038 to \$10,529.

## 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.

The tribunals' 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 2012–13, and there were no directions or notices given. One reportable incident involving an electrical contractor was reported.

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
- \* first aid policies and procedures consistent with the 'First Aid in the Workplace' code of practice
- \* raising awareness of health and safety issues of members and staff through WHS induction training and processes.



## 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 2012 is part of the tribunals' ongoing commitment and support to Aboriginal and Torres Strait Islander culture and heritage. It includes a program of 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 source 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, promote participation and create 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](http://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, 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 identifies opportunities and develops proposals for more environmentally sustainable practices, processes, purchasing and disposals.

## 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 pro forma 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 1,300 assets with a combined value of \$9.4 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.

The tribunals use recycled A4 paper and lower energy computers

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 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 DoFD.

During 2012-13, five new consultancy contracts were entered into involving a total actual expenditure of \$159,280. All contract values exceeded \$10,000. No ongoing consultancy contracts were active during 2012-13. Information on expenditure on contracts and consultancies is also available on the AusTender website at [www.tenders.gov.au](http://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
Profmark Consulting Pty Ltd	Member and staff opinion survey	\$22,242	Limited tender	Need for external expertise
Property Control Group Pty Ltd	Melbourne and Sydney lease negotiations	\$72,355	Limited tender	Need for external expertise
Conneley Walker Pty Ltd	Security consultant, new tenancy fit-out, security site plans and risk assessments for all locations	\$28,213	Limited tender	Need for external expertise and independent assessment
Nexus Management Consulting Pty Ltd	Tribunals' strategic plan 2013-16	\$14,200	Limited tender	Need for independent assessment
Heymann-Cohen Pty Ltd	Quality and cost control on the Melbourne premises fit-out construction project	\$22,270	Limited tender	Need for external expertise and independent assessment

The tribunals manage over 1,300 assets with a combined value of \$9.4 million

## PURCHASER/PROVIDER ARRANGEMENTS

All agencies are required to report on purchaser/provider arrangements. Purchaser/provider arrangements 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 2012-13.

## ADVERTISING AND MARKET RESEARCH

All agencies are required to report on advertising and market research. During 2012-13, the tribunals spent \$15,859 (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 2012-13.

TABLE 14 – EXPENDITURE ON ADVERTISING SERVICES

Vendor	Amount	Description
Adcorp Australia Ltd	\$15,859	Employment advertising
<b>Total</b>	<b>\$15,859</b>	

During 2012-13 the tribunals did not conduct any advertising campaigns.

## CORRECTION OF ERRORS IN PREVIOUS ANNUAL REPORT

In the 2011-12 annual report, Senior Member Linda Kirk's appointment was incorrectly stated as expiring on 30 December 2013. Ms Kirk's appointment expires on 31 December 2013.

# PART 5

## FINANCIAL INFORMATION



## 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 June 2013. The tables do not form part of the audited financial statements set out in the following pages.

TABLE 15 – AGENCY RESOURCE STATEMENT 2012-13

		Actual Available appropriation for 2012–13 \$'000	Payments made 2012–13 \$'000	Balance remaining 2012–13 \$'000
		(a)	(b)	(a) – (b)
<b>Ordinary annual services<sup>1</sup></b>				
Departmental appropriation <sup>2</sup>		66,174		
Section 32 <sup>3</sup>		28,304		
Sub total		94,478	69,614	24,864
<b>Total</b>		<b>94,478</b>	<b>69,614</b>	<b>24,864</b>
<b>Administered expenses</b>				
Outcome 1		6,050	6,050	-
<b>Total</b>		<b>6,050</b>	<b>6,050</b>	<b>-</b>
<b>Total ordinary annual services</b>	<b>A</b>	<b>100,528</b>	<b>75,664</b>	<b>24,864</b>
<b>Departmental non-operating</b>				
Equity injections		304	263	41
<b>Total other services</b>	<b>B</b>	<b>304</b>	<b>263</b>	<b>41</b>
<b>Total Available Annual Appropriations and payments A+B</b>		<b>100,832</b>	<b>75,927</b>	<b>24,905</b>

1. Appropriation Bill (No.1) 2012-13 and Appropriation Bill (No.3) 2012-13. This may also include Prior Year departmental appropriation and s31 relevant agency receipts. \$5.616m of prior years' appropriation meet criteria for a formal reduction in appropriations but at law this had not occurred before the end of the reporting period.

2. Includes an amount of \$4.829m in 2012-13 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

3. The MRT-RRT received a section 32 (s32) Transfer of \$28.304m, made under the FMA Act, from the Department of Immigration and Citizenship

(DIAC) as a result of administrative arrangements on the transfer of the Independent Protection Assessment Office (IPAO).

TABLE 16 – EXPENSES AND RESOURCES FOR OUTCOME 1

<b>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.</b>	<b>Budget* 2012–13 \$'000</b>	<b>Actual expenses 2012–13 \$'000</b>	<b>Variation 2012–13 \$'000</b>
	<b>(a)</b>	<b>(b)</b>	<b>(a) – (b)</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	8,381	(81)
Departmental expenses			
Departmental Appropriation <sup>1</sup>	87,333	72,502	14,831
<b>Total for Program 1.1</b>	<b>95,633</b>	<b>80,883</b>	<b>14,750</b>
<b>Total expenses for Outcome 1</b>	<b>95,633</b>	<b>80,883</b>	<b>14,750</b>

	<b>2011–12</b>	<b>2012–13</b>
<b>Average Staffing Level (number)</b>	<b>348</b>	<b>420</b>

\* Full year budget, including any subsequent adjustment made to the 2012–13 Budget.

1. Departmental Appropriation combines “Ordinary annual services (Appropriation Bill No. 1)”, “Revenue from independent sources (s31)” and a “s32 transfer” under the FMA Act of \$28.304m from DIAC as a result of administrative arrangements on the transfer of the IPAO.

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## INDEPENDENT AUDITOR'S REPORT

### To the Minister for Immigration and Citizenship

I have audited the accompanying financial statements of the Migration Review Tribunal and Refugee Review Tribunal for the year ended 30 June 2013, which comprise: a Statement by the Chief Executive and Chief Financial Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; 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 the 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, as well as evaluating the overall presentation of the financial statements.

GPO Box 707 CANBERRA ACT 2601  
19 National Circuit BARTON ACT 2600  
Phone (02) 6203 7300 Fax (02) 6203 7777

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

**Independence**

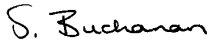
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

**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 2013 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



Serena Buchanan  
Audit Principal

Delegate of the Auditor-General

Canberra  
17 September 2013

**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 2013 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

17 September 2013



Signed.....

Colin Plowman  
Chief Financial Officer

17 September 2013

**Statement of Comprehensive Income**  
for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>EXPENSES</b>			
Employee benefits	3A	54,770	41,658
Supplier	3B	15,226	10,021
Depreciation and amortisation	3C	2,472	1,477
Finance costs	3D	34	65
Decrement on revaluation of assets	3E	-	111
<b>Total expenses</b>		<b>72,502</b>	<b>53,332</b>
<b>LESS:</b>			
<b>OWN-SOURCE INCOME</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	91	1,457
<b>Total own-source revenue</b>		<b>91</b>	<b>1,457</b>
<b>Gains</b>			
Other	4B	51	42
<b>Total gains</b>		<b>51</b>	<b>42</b>
<b>Total own-source income</b>		<b>142</b>	<b>1,499</b>
<b>Net cost of services</b>		<b>72,360</b>	<b>51,833</b>
Revenue from Government	4C	96,888	48,168
<b>Total comprehensive income (loss)</b>		<b>24,528</b>	<b>(3,665)</b>

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

**Balance Sheet***as at 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>ASSETS</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	<u>5A</u>	277	304
Trade and other receivables	<u>5B</u>	39,220	6,829
<b>Total financial assets</b>		<u>39,497</u>	<u>7,133</u>
<b>Non-Financial Assets</b>			
Land and buildings	<u>6A</u>	5,297	837
Property, plant and equipment	<u>6B,C</u>	1,550	1,180
Intangibles	<u>6D,E</u>	2,537	2,556
Other	<u>6F</u>	53	30
<b>Total non-financial assets</b>		<u>9,437</u>	<u>4,603</u>
<b>Total assets</b>		<u>48,934</u>	<u>11,736</u>
<b>LIABILITIES</b>			
<b>Payables</b>			
Suppliers	<u>7A</u>	2,346	1,612
Other Payables	<u>7B</u>	3,742	-
<b>Total payables</b>		<u>6,088</u>	<u>1,612</u>
<b>Interest Bearing Liabilities</b>			
Leases	<u>8</u>	263	848
<b>Total interest bearing liabilities</b>		<u>263</u>	<u>848</u>
<b>Provisions</b>			
Employee provisions	<u>9A</u>	11,335	9,026
Other provisions	<u>9B</u>	1,678	-
<b>Total provisions</b>		<u>13,013</u>	<u>9,026</u>
<b>Total liabilities</b>		<u>19,364</u>	<u>11,486</u>
<b>Net assets</b>		<u>29,570</u>	<u>250</u>
<b>EQUITY</b>			
<b>Parent Entity Interest</b>			
Contributed equity		19,574	14,782
Reserves		384	384
Retained surplus (accumulated deficit)		9,612	(14,916)
<b>Total parent entity interest</b>		<u>29,570</u>	<u>250</u>

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

**Statement of Changes in Equity**  
for the period ended 30 June 2013

	Retained earnings		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2013	2012	2013	2012	2013	2012	2013	2012
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Opening balance</b>	(14,916)	(11,251)	384	384	14,782	12,860	250	1,993
<b>Comprehensive income</b>								
Surplus (Deficit) for the period	24,528	(3,665)					24,528	(3,665)
<b>Total comprehensive income</b>	<b>24,528</b>	<b>(3,665)</b>					<b>24,528</b>	<b>(3,665)</b>
<b>Transactions with owners</b>								
<b>Contributions by owners</b>								
Equity injection - Appropriations					41	263	41	263
Departmental capital budget					4,829	1,659	4,829	1,659
Restructuring <sup>1</sup> - Net liabilities assumed					(78)	-	(78)	-
<b>Sub-total transactions with owners</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,792</b>	<b>1,922</b>	<b>4,792</b>	<b>1,922</b>
<b>Closing balance as at 30 June</b>	<b>9,612</b>	<b>(14,916)</b>	<b>384</b>	<b>384</b>	<b>19,574</b>	<b>14,782</b>	<b>29,570</b>	<b>250</b>

1. Effective from 1 July 2012, the Independent Protection Assessment Office (IPAO) was assumed from the Department of Immigration as a result of administrative arrangements (refer Note 10).

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

**Cash Flow Statement***for the period ended 30 June 2013*

	Notes	2013 \$'000	2012 \$'000
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Appropriations		66,574	49,300
Sales of goods and rendering of services		91	1,522
Net GST received		1,565	988
Other		9	1
<b>Total cash received</b>		<b>68,239</b>	<b>51,811</b>
<b>Cash used</b>			
Employees		52,461	39,792
Suppliers		18,913	11,229
Borrowing costs		26	65
<b>Total cash used</b>		<b>71,400</b>	<b>51,086</b>
<b>Net cash from (used by) operating activities</b>	<u>11</u>	<b>(3,161)</b>	<b>725</b>
<b>INVESTING ACTIVITIES</b>			
<b>Cash used</b>			
Purchase of property, plant and equipment		3,198	750
<b>Total cash used</b>		<b>3,198</b>	<b>750</b>
<b>Net cash from (used by) investing activities</b>		<b>(3,198)</b>	<b>(750)</b>
<b>FINANCING ACTIVITIES</b>			
<b>Cash received</b>			
Contributed equity		3,198	750
Lease incentive		3,742	-
<b>Total cash received</b>		<b>6,940</b>	<b>750</b>
<b>Cash used</b>			
Repayment of borrowings		608	546
<b>Total cash used</b>		<b>608</b>	<b>546</b>
<b>Net cash from (used by) financing activities</b>		<b>6,332</b>	<b>204</b>
<b>Net increase (decrease) in cash held</b>		<b>(27)</b>	<b>179</b>
Cash and cash equivalents at the beginning of the reporting period		304	125
<b>Cash and cash equivalents at the end of the reporting period</b>	<u>5A</u>	<b>277</b>	<b>304</b>

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

**SCHEDULE OF COMMITMENTS**

as at 30 June 2013

	2013	2012
	\$'000	\$'000
<b>BY TYPE</b>		
<b>Commitments receivable</b>		
Net GST recoverable on commitments	<u>(2,764)</u>	<u>(979)</u>
<b>Total commitments receivable</b>	<u>(2,764)</u>	<u>(979)</u>
<b>Commitments payable</b>		
<b>Other commitments</b>		
Operating leases	<u>30,404</u>	<u>10,767</u>
<b>Total other commitments</b>	<u>30,404</u>	<u>10,767</u>
<b>Net commitments by type</b>	<u>27,640</u>	<u>9,788</u>
<b>BY MATURITY</b>		
<b>Commitments receivable</b>		
<b>Other commitments receivable</b>		
Net GST recoverable on commitments	<u>(2,764)</u>	<u>(979)</u>
<b>Total other commitments receivable</b>	<u>(2,764)</u>	<u>(979)</u>
<b>Commitments payable</b>		
<b>Operating lease commitments</b>		
One year or less	5,337	4,926
From one to five years	12,019	5,841
More than five years	<u>13,048</u>	<u>-</u>
<b>Total operating lease commitments</b>	<u>30,404</u>	<u>10,767</u>
<b>Net commitments by maturity</b>	<u>27,640</u>	<u>9,788</u>

NB: Commitments are GST inclusive where relevant.

On 1 May 2005, the tribunals re-located in new premises in Sydney with a lease for a period of 10 years. The commitment at 30 June 2013 is \$7.8m.

On 8 June 2013, the tribunals re-located in new premises in Melbourne with a lease for a period of 10 years. The commitment at 30 June 2013 is \$21.6m.

Operating leases included are effectively non-cancellable and comprise:

<i>Nature of lease</i>	<i>General description of leasing arrangement</i>
Leases for office accommodation	Lease payments are subject to annual increase in accordance with the terms of the lease agreements.

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



## **SCHEDULE OF CONTINGENCIES**

*as at 30 June 2013*

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The MRT-RRT has no contingent assets or liabilities

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

<b>Administered Schedule of Comprehensive Income</b>			
	Notes	2013 \$'000	2012 \$'000
<b>Income administered on behalf of Government</b>			
<i>for the period ended 30 June 2013</i>			
<b>Revenue</b>			
<b>Non-taxation revenue</b>			
Other - MRT application fees	<u>18</u>	23,454	20,463
Other - RRT post decision fees	<u>18</u>	3,502	3,041
<b>Total non-taxation revenue</b>		<u>26,956</u>	<u>23,504</u>
<b>Total revenues administered on behalf of Government</b>		<u>26,956</u>	<u>23,504</u>
<b>Expenses administered on behalf of Government</b>			
<i>for the period ended 30 June 2013</i>			
Write-down and impairment of assets	<u>17A</u>	2,331	1,751
Other - refunds	<u>17B</u>	6,050	4,481
<b>Total expenses administered on behalf of Government</b>		<u>8,381</u>	<u>6,232</u>
<b>Surplus</b>	<u>20</u>	<u>18,575</u>	<u>17,272</u>
This schedule should be read in conjunction with the accompanying notes.			

<b>Administered Schedule of Assets and Liabilities</b>			
	Notes	2013 \$'000	2012 \$'000
<b>Assets administered on behalf of Government</b>			
<i>as at 30 June 2013</i>			
<b>Financial assets</b>			
Cash and cash equivalents	<u>19A</u>	123	71
Trade and other receivables	<u>19B</u>	2,058	1,782
<b>Total financial assets</b>		<u>2,181</u>	<u>1,853</u>
<b>Net assets</b>		<u>2,181</u>	<u>1,853</u>
This schedule should be read in conjunction with the accompanying notes.			

<b>Administered Reconciliation Schedule</b>			
	2013 \$'000	2012 \$'000	
Opening administered assets less administered liabilities as at 1 July	1,853	1,391	
Adjustment for rounding	-	-	
Adjusted opening administered assets less administered liabilities	<u>1,853</u>	<u>1,391</u>	
Surplus (deficit) items:			
Plus: Administered income	26,956	23,504	
Less: Administered expenses	(8,381)	(6,232)	
Appropriation transfers from OPA:			
Annual appropriations for administered expenses	6,156	4,481	
Transfers to OPA	(24,679)	(21,291)	
Closing administered assets less administered liabilities as at 30 June	<u>1,905</u>	<u>1,853</u>	

<b>Administered Cash Flow Statement</b>			
	<b>Notes</b>	<b>2013</b>	<b>2012</b>
		<b>\$'000</b>	<b>\$'000</b>
<b>Administered Cash Flows</b>			
<i>for the period ended 30 June 2013</i>			
<b>OPERATING ACTIVITIES</b>			
<b>Cash received</b>			
Fees		24,455	21,273
<b>Total cash received</b>		<b>24,455</b>	<b>21,273</b>
<b>Cash used</b>			
Other - refunds		6,156	4,481
<b>Total cash used</b>		<b>6,156</b>	<b>4,481</b>
<b>Net cash flows from (used by) operating activities</b>	<u>20</u>	<b>18,299</b>	<b>16,792</b>
Cash and cash equivalents at the beginning of the reporting period		71	86
Cash from Official Public Account for:			
- Transfer from other entities (Finance - Whole of Government)		6,156	4,481
		<b>6,227</b>	<b>4,567</b>
Cash to Official Public Account for:			
- Appropriations		24,403	21,288
		<b>24,403</b>	<b>21,288</b>
<b>Cash and cash equivalents at the end of the reporting period</b>	<u>19A</u>	<b>123</b>	<b>71</b>
This schedule should be read in conjunction with the accompanying notes.			

#### **Schedule of Administered Commitments**

*as at 30 June 2013*

There are no administered commitments at 30 June 2013 (2012: Nil)

#### **Schedule of Administered Contingencies**

*as at 30 June 2013*

There are no administered contingencies at 30 June 2013 (2012: Nil)

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

The financial statements have been prepared in accordance with:

- a) Finance Minister's Orders (FMOs) for reporting periods ending on or after 1 July 2012; 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.

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.

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

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* (2012) 288 ALR 410, 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 2012-13 additional legal advice was received that indicated there could be breaches of Section 83 under certain circumstances with payments for long service leave, goods and services tax and payments under determinations of the Remuneration Tribunal. The MRT-RRT has reviewed its processes and controls over payments for these items to minimise the possibility for future breaches as a result of these payments. The MRT-RRT has determined that there is a low risk of the certain circumstances mentioned in the legal advice applying to the agency. The MRT-RRT is not aware of any specific breaches of Section 83 in respect of these items.

### 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. There are no new accounting standards, amendments to standards and interpretations issued by the Australian Accounting Standards Board that are applicable to the current period, which have had a material financial impact on the MRT-RRT.

#### Future Australian Accounting Standard Requirements

No new standards, amendments to standards or interpretations issued by the Australian Accounting Standards Board that are applicable to future periods are expected to have a material 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:

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

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.

Appropriations receivable are recognised at their nominal amounts.

#### Resources Received Free of Charge

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

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.

#### 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 by the Department of Finance and Deregulation as an administered item.

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 and cash equivalents includes cash on hand, cash held with outsiders, 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. Cash is recognised at its nominal amount.

## 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 either financial liabilities 'at fair value through profit or loss' or 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 an 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:

	<b>2013</b>	<b>2012</b>
Leasehold improvements	<b>Lease term</b>	Lease term
Plant and Equipment	<b>3 to 10 years</b>	3 to 10 years



**Impairment**

All assets were assessed for impairment at 30 June 2013. 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 (2012: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2013.

**1.18 Taxation / Competitive Neutrality**

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 MRT-RRT for use by the Government rather than the agency is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the agency on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items 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).

**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 *Statute Stocktake (Appropriations) Act 2013* received Royal Assent on 1 July 2013. This Act repeals annual Appropriation Acts from 1999-2000 until 2009-2010. Note 23 Table C: Unspent Annual Appropriations includes unspent Departmental appropriations that were repealed by the Act after the reporting period. The *Statute Stocktake (Appropriations) Act 2013* will effectively reduce the unspent departmental appropriation balance by \$5.616 million for unspent appropriations relating to financial years 2006-07 to 2009-10.

**Note 3: Expenses**

	2013 \$'000	2012 \$'000
<b>Note 3A: Employee Benefits</b>		
Wages and salaries	40,504	30,523
Superannuation:		
Defined contribution plans	2,931	2,260
Defined benefit plans	4,117	2,753
Termination Payment	1	-
Leave and other entitlements	7,217	6,122
<b>Total employee benefits</b>	<b>54,770</b>	<b>41,658</b>
<b>Note 3B: Suppliers</b>		
<b>Goods and services</b>		
Property operating expenses (excluding lease payments)	2,686	1,239
Interpreting	1,887	1,334
Communications	830	863
Interstate facilities	1,473	842
Printing and Stationery	468	323
Other	3,551	2,267
<b>Total goods and services</b>	<b>10,895</b>	<b>6,868</b>
<b>Goods and services are made up of:</b>		
Provision of goods – external parties	619	561
Rendering of services – related entities	2,298	1,529
Rendering of services – external parties	7,978	4,778
<b>Total goods and services</b>	<b>10,895</b>	<b>6,868</b>
<b>Other supplier expenses</b>		
<b>Operating lease rentals – external parties:</b>		
Minimum lease payments	4,091	2,991
Workers compensation expenses	240	162
<b>Total other supplier expenses</b>	<b>4,331</b>	<b>3,153</b>
<b>Total supplier expenses</b>	<b>15,226</b>	<b>10,021</b>
<b>Note 3C: Depreciation and Amortisation</b>		
<b>Depreciation:</b>		
Property, plant and equipment	386	334
Buildings	1,161	526
<b>Total depreciation</b>	<b>1,547</b>	<b>860</b>
<b>Amortisation:</b>		
Intangibles	925	617
<b>Total amortisation</b>	<b>925</b>	<b>617</b>
<b>Total depreciation and amortisation</b>	<b>2,472</b>	<b>1,477</b>
<b>Note 3D: Finance Costs</b>		
Finance leases	34	65
<b>Total finance costs</b>	<b>34</b>	<b>65</b>
<b>Note 3E: Write-Down and Impairment of Assets</b>		
<b>Asset write-downs and impairments from:</b>		
Revaluation decrement - Property Plant & Equipment	-	111
<b>Total write-down and impairment of assets</b>	<b>-</b>	<b>111</b>

**Note 4: Income**

	<b>2013</b>	2012
<b>OWN-SOURCE REVENUE</b>	<b>\$'000</b>	<b>\$'000</b>

**Note 4A: Sale of Goods and Rendering of Services**

Rendering of services - related entities	<u>91</u>	<u>1,457</u>
<b>Total sale of goods and rendering of services</b>	<b><u>91</u></b>	<b><u>1,457</u></b>

**GAINS**

**Note 4B: Other Gains**

Resources received free of charge	42	41
Other	<u>9</u>	<u>1</u>
<b>Total other gains</b>	<b><u>51</u></b>	<b><u>42</u></b>

**REVENUE FROM GOVERNMENT**

**Note 4C: Revenue from Government\***

**Appropriations:**

Departmental appropriation	<u>96,888</u>	<u>48,168</u>
<b>Total revenue from Government</b>	<b><u>96,888</u></b>	<b><u>48,168</u></b>

\* The entity received \$69k (2012: \$18k) under the Paid Parental Leave Scheme.

## Note 5: Financial Assets

	2013 \$'000	2012 \$'000
<b>Note 5A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	277	304
<b>Total cash and cash equivalents</b>	<b>277</b>	<b>304</b>
<b>Note 5B: Trade and Other Receivables</b>		
<b>Good and Services:</b>		
Goods and services - related entities	13	175
<b>Total receivables for goods and services</b>	<b>13</b>	<b>175</b>
<b>Appropriations receivable:</b>		
For existing programs	38,269	6,361
<b>Total appropriations receivable</b>	<b>38,269</b>	<b>6,361</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	767	257
Other	171	36
<b>Total other receivables</b>	<b>938</b>	<b>293</b>
<b>Total trade and other receivables (gross)</b>	<b>39,220</b>	<b>6,829</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	39,220	6,829
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>39,220</b>	<b>6,829</b>
<b>Receivables are aged as follows:</b>		
Not overdue	39,207	6,829
Over due by more than 90 days	13	-
<b>Total receivables (gross)</b>	<b>39,220</b>	<b>6,829</b>

**Note 6: Non-Financial Assets**

	2013	2012
	\$'000	\$'000

**Note 6A: Land and Buildings****Leasehold improvements:**

Fair value	7,536	1,915
Accumulated depreciation	(2,239)	(1,078)
<b>Total leasehold improvements</b>	<b>5,297</b>	<b>837</b>
<b>Total land and buildings</b>	<b>5,297</b>	<b>837</b>

No indicators of impairment were found for land and buildings.

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

**Note 6B: Property, Plant and Equipment****Other property, plant and equipment:**

Fair value	1,935	1,180
Accumulated depreciation	(385)	-
<b>Total other property, plant and equipment</b>	<b>1,550</b>	<b>1,180</b>
<b>Total property, plant and equipment</b>	<b>1,550</b>	<b>1,180</b>

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 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2012-13)**

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

**Note 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2011-12)**

	Buildings \$'000	Other property, plant & equipment \$'000	Total \$'000
<b>As at 1 July 2011</b>			
Gross book value	1,806	1,505	3,311
Accumulated depreciation and impairment	(552)	(627)	(1,179)
<b>Net book value 1 July 2011</b>	<b>1,254</b>	<b>878</b>	<b>2,132</b>
Additions	109	747	856
Depreciation expense	(526)	(334)	(860)
Decrement on Revaluation	-	(111)	(111)
Disposals:			
Other	-	-	-
<b>Net book value 30 June 2012</b>	<b>837</b>	<b>1,180</b>	<b>2,017</b>
<b>Net book value as of 30 June 2012 represented by:</b>			
Gross book value	1,915	1,180	3,095
Accumulated depreciation and impairment	(1,078)	-	(1,078)
<b>Net book value 30 June 2012</b>	<b>837</b>	<b>1,180</b>	<b>2,017</b>

<b>Note 6D: Intangibles</b>	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Computer software:</b>		
Internally developed – in use	6,061	5,510
Purchased	1,634	1,279
Accumulated amortisation	(5,158)	(4,233)
<b>Total computer software</b>	<b>2,537</b>	<b>2,556</b>
<b>Total intangibles</b>	<b>2,537</b>	<b>2,556</b>

No indicators of impairment were found for intangible assets.

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

**Note 6E: Reconciliation of the Opening and Closing Balances of Intangibles (2012-13)**

	<b>Computer software internally developed</b>	<b>Computer software purchased</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>As at 1 July 2012</b>			
Gross book value	5,510	1,278	6,788
Accumulated amortisation and impairment	(3,457)	(775)	(4,232)
<b>Net book value 1 July 2012</b>	<b>2,053</b>	<b>503</b>	<b>2,556</b>
Additions	552	355	907
Disposals:			
Other	-	-	-
Amortisation	(635)	(291)	(926)
<b>Net book value 30 June 2013</b>	<b>1,970</b>	<b>567</b>	<b>2,537</b>

**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)
	<b>1,970</b>	<b>567</b>	<b>2,537</b>

**Note 6E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2011-12)**

	<b>Computer software internally developed</b>	<b>Computer software purchased</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>As at 1 July 2011</b>			
Gross book value	5,195	836	6,031
Accumulated amortisation and impairment	(2,948)	(667)	(3,615)
<b>Net book value 1 July 2011</b>	<b>2,247</b>	<b>169</b>	<b>2,416</b>
Additions	315	442	757
Disposals:			
Other	-	-	-
Amortisation	(509)	(108)	(617)
<b>Net book value 30 June 2012</b>	<b>2,053</b>	<b>503</b>	<b>2,556</b>

**Net book value as of 30 June 2012 represented by:**

Gross book value	5,510	1,278	6,788
Accumulated amortisation and impairment	(3,457)	(775)	(4,232)
	<b>2,053</b>	<b>503</b>	<b>2,556</b>

**Note 6F: Other Non-Financial Assets**

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
Prepayments	53	30
<b>Total other non-financial assets</b>	<b>53</b>	<b>30</b>
<b>Total other non-financial assets - are expected to be recovered in:</b>		
No more than 12 months	53	30
<b>Total other non-financial assets</b>	<b>53</b>	<b>30</b>

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

## Note 7: Payables

	2013 \$'000	2012 \$'000
<b>Note 7A: Suppliers</b>		
Trade creditors and accruals	2,346	1,612
<b>Total supplier payables</b>	<b>2,346</b>	<b>1,612</b>
<b>Supplier payables expected to be settled within 12 months:</b>		
Related entities	412	500
External parties	1,934	1,112
<b>Total</b>	<b>2,346</b>	<b>1,612</b>
<b>Total supplier payables</b>	<b>2,346</b>	<b>1,612</b>
Settlement was usually made within 30 days.		
<b>Note 7B: Other Payables</b>		
Lease incentive	3,742	-
<b>Total other payables</b>	<b>3,742</b>	<b>-</b>
<b>Total other payables are expected to be settled in:</b>		
No more than 12 months	377	-
More than 12 months	3,365	-
<b>Total other payables</b>	<b>3,742</b>	<b>-</b>



## Note 8: Interest Bearing Liabilities

	2013 \$'000	2012 \$'000
<b>Note 8: Leases</b>		
Finance leases	<u>263</u>	<u>848</u>
<b>Total finance leases</b>	<b><u>263</u></b>	<b><u>848</u></b>
<b>Payable:</b>		
Within one year:		
Minimum lease payments	162	611
Deduct: future finance charges	-	(25)
In one to five years:		
Minimum lease payments	101	288
Deduct: future finance charges	-	(26)
More than five years:		
Minimum lease payments	-	288
Deduct: future finance charges	-	(26)
<b>Finance leases recognised on the balance sheet</b>	<b><u>263</u></b>	<b><u>848</u></b>

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. The interest rate in the lease for the Lonsdale Street Melbourne office is 9.31%. There are no contingent rentals.

**Note 9: Provisions**

	2013 \$'000	2012 \$'000
<b><u>Note 9A: Employee Provisions</u></b>		
Leave	8,274	6,665
Other	3,061	2,361
<b>Total employee provisions</b>	<b>11,335</b>	<b>9,026</b>
<b>Employee provisions are expected to be settled in:</b>		
No more than 12 months	5,494	4,218
More than 12 months	5,841	4,808
<b>Total employee provisions</b>	<b>11,335</b>	<b>9,026</b>
<b><u>Note 9B: Other Provisions</u></b>		
Provision for Restoration Obligations	1,678	-
<b>Total other provisions</b>	<b>1,678</b>	<b>-</b>
<b>Other provisions are expected to be settled in:</b>		
More than 12 months	1,678	-
<b>Total other provisions</b>	<b>1,678</b>	<b>-</b>
	<b>Provision for restoration</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Carrying amount 1 July 2012</b>	<b>-</b>	<b>-</b>
Additional provisions made	1,670	1,670
Unwinding of discount or change in discount rate	8	8
<b>Closing balance 30 June 2013</b>	<b>1,678</b>	<b>1,678</b>

The entity currently has 2 (2012: Nil) 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 10: Restructuring

	2013 \$'000	2012 \$'000
		Independent Protection Assessment Office <sup>1</sup>
<b>Note 10: Departmental Restructuring</b>		
<b>FUNCTION ASSUMED</b>		
<b>Assets recognised</b>		
- Land and buildings	42	-
<b>Total assets recognised</b>	<b>42</b>	<b>-</b>
<b>Liabilities assumed</b>		
- Other provisions: restoration obligations	120	-
<b>Total liabilities assumed</b>	<b>120</b>	<b>-</b>
<b>Net (liabilities) assumed</b>	<b>(78)</b>	<b>-</b>
<b>Income</b>		
Recognised by the receiving entity <sup>3</sup>	28,304	-
<b>Total Income</b>	<b>28,304</b>	<b>-</b>
<b>Expenses</b>		
Recognised by the receiving entity	2,663	-
Recognised by the losing entity	2,923	-
<b>Total Expenses</b>	<b>5,586</b>	<b>-</b>

1. Effective from 1 July 2012, the Independent Protection Assessment Office (IPAO) was assumed from the Department of Immigration 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 S32 transfer of \$28.304m (refer note 23) recognised in the Statement of Comprehensive Income.

## Note 11: Cash Flow Reconciliation

	2013 \$'000	2012 \$'000
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Cash flow statement	277	304
Balance sheet	277	304
<b>Difference</b>	<u>-</u>	<u>-</u>
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(72,360)	(51,833)
Add revenue from Government	96,888	48,168
<b>Adjustments for non-cash items</b>		
Depreciation / amortisation	2,472	1,477
Decrement of non-financial assets on revaluation	-	111
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	(30,797)	1,108
(Increase) / decrease in prepayments	-	169
Increase / (decrease) in employee provisions	2,309	1,866
Increase / (decrease) in other provisions	8	-
Increase / (decrease) in supplier payables	(1,681)	(341)
<b>Net cash from (used by) operating activities</b>	<u>(3,161)</u>	<u>725</u>

## **Note 12: Contingent Liabilities and Assets**

### **Quantifiable Contingencies**

There are no quantifiable contingent liabilities or assets at 30 June 2013 (2012: Nil).

### **Unquantifiable Contingencies**

The MRT-RRT had no legal claims against it at 30 June 2013 (2012: Nil).

### Note 13: Senior Executive Remuneration

#### Note 13A: Senior Executive Remuneration Expense for the Reporting Period

	2013 \$	2012 \$
<b>Short-term employee benefits:</b>		
Salary	986,920	942,198
Annual leave accrued	13,734	11,981
Performance bonuses	-	20,865
Other 3	12,852	113,569
<b>Total short-term employee benefits</b>	<b>1,013,506</b>	<b>1,088,613</b>
<b>Post-employment benefits:</b>		
Superannuation	156,724	166,789
<b>Total post-employment benefits</b>	<b>156,724</b>	<b>166,789</b>
<b>Other long-term benefits:</b>		
Long-service leave	24,505	27,579
<b>Total other long-term benefits</b>	<b>24,505</b>	<b>27,579</b>
<b>Total</b>	<b>1,194,735</b>	<b>1,282,981</b>

**Notes:**

- Note 13A is prepared on an accrual basis (therefore the performance bonus expenses disclosed above may differ from the cash 'Bonus paid' in Note 13B).
- Note 13A excludes acting arrangements and part-year service where total remuneration expended for a senior executive was less than \$180,000.
- Other - includes motor vehicles, accommodation and other allowances.

#### Note 13B: Average Annual Remuneration Packages and Bonus Paid for Substantive Senior Executives as at the end of the Reporting Period

as at 30 June 2013						
Fixed Elements and Bonus Paid <sup>1</sup>	Senior Executives No.	Reportable Salary <sup>2</sup> \$	Fixed elements		Bonus Paid <sup>5</sup> \$	Total \$
			Contributed Superannuation <sup>3</sup> \$	Reportable Allowances <sup>4</sup> \$		
<b>Total remuneration (including part-time arrangements):</b>						
\$210,000 to \$239,999	1	203,509	28,117	-	-	231,626
\$270,000 to \$299,999	1	248,931	44,069	-	-	293,000
\$300,000 to \$329,999	2	264,770	41,407	-	-	306,177
<b>Total</b>	<b>4</b>					

as at 30 June 2012						
Fixed Elements and Bonus Paid <sup>1</sup>	Senior Executives No.	Reportable Salary <sup>2</sup> \$	Fixed elements		Bonus Paid <sup>5</sup> \$	Total \$
			Contributed Superannuation <sup>3</sup> \$	Reportable Allowances <sup>4</sup> \$		
<b>Total remuneration (including part-time arrangements):</b>						
\$180,000 to \$209,999	1	159,852	32,977	7,197	8,865	208,891
\$270,000 to \$299,999	2	238,040	34,997	-	6,000	279,037
\$360,000 to \$389,999	1	283,204	67,807	18,402	-	369,413
<b>Total</b>	<b>4</b>					

**Notes:**

- 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.
- 'Reportable salary' includes the following:
  - gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
  - reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax purposes);
  - exempt foreign employment income; and
  - salary sacrificed benefits.
- The 'contributed superannuation' amount is the average actual superannuation contributions paid to senior executives in that reportable remuneration band during the reporting period.
- 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
- 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

### Note 13 (Contd): Senior Executive Remuneration

During the reporting period, the salaries of 72 Tribunal members were \$180,000 or more. Remuneration for members is fixed by Remuneration Tribunal determination. Members are appointed and conduct reviews under the *Migration Act 1958*, and are not disclosed as senior executives in Note 13A and 13B.

#### Note 13C: Average Annual Reportable Remuneration Paid to Other Highly Paid Staff during the Reporting Period

2013						
Average annual reportable remuneration <sup>1</sup>	Staff No.	Reportable salary <sup>2</sup> \$	Contributed superannuation <sup>3</sup> \$	Reportable allowances <sup>4</sup> \$	Bonus paid <sup>5</sup> \$	Total reportable remuneration \$
<b>Total remuneration (including part-time arrangements):</b>						
\$180,000 to \$209,999	60	169,088	23,827	-	-	192,915
\$210,000 to \$239,999	12	193,263	25,505	-	-	218,768
<b>Total</b>	<b>72</b>					

2012						
Average annual reportable remuneration <sup>1</sup>	Staff No.	Reportable salary <sup>2</sup> \$	Contributed superannuation <sup>3</sup> \$	Reportable allowances <sup>4</sup> \$	Bonus paid <sup>5</sup> \$	Total reportable remuneration \$
<b>Total remuneration (including part-time arrangements):</b>						
\$180,000 to \$209,999	38	168,434	19,865	-	-	188,299
\$210,000 to \$239,999	5	193,275	18,280	-	-	211,555
<b>Total</b>	<b>43</b>					

#### Notes:

1. This table reports staff:

- who were employed by the entity during the reporting period;
- whose reportable remuneration was \$180,000 or more for the financial period; and
- 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:

- gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax purposes);
- exempt foreign employment income; and
- 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.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

**Note 14: Remuneration of Auditors**

	2013	2012
	\$'000	\$'000
Financial statement audit services were provided free of charge to the entity.	42	41
<b>Fair value of the services provided:</b>	<u>42</u>	<u>41</u>

No other services were provided by the auditors of the financial statements.



**Note 15: Financial Instruments**

	2013	2012
	\$'000	\$'000

**Note 15A: Categories of Financial Instruments****Financial Assets****Loans and receivables:**

Cash and cash equivalents	277	304
Loans and Receivables	184	211
<b>Total</b>	<b>461</b>	<b>515</b>
<b>Carrying amount of financial assets</b>	<b>461</b>	<b>515</b>

**Financial Liabilities****At amortised cost:**

Finance lease	263	848
Payables	6,088	1,612
<b>Total</b>	<b>6,351</b>	<b>2,460</b>
<b>Carrying amount of financial liabilities</b>	<b>6,351</b>	<b>2,460</b>

**Note 15B: Expense from Financial Liabilities****Financial liabilities - at amortised cost**

Interest expense	(34)	(65)
<b>Net (loss) from financial liabilities - at amortised cost</b>	<b>(34)</b>	<b>(65)</b>

**Note 15C: Fair Value of Financial Instruments**

	Carrying amount	Fair value	Carrying amount	Fair value
	2013	2013	2012	2012
	\$'000	\$'000	\$'000	\$'000
<b>Financial Assets</b>				
Cash and cash equivalents	277	277	304	304
Loans and Receivables	184	184	211	211
<b>Total</b>	<b>461</b>	<b>461</b>	<b>515</b>	<b>515</b>
<b>Financial Liabilities</b>				
Finance lease	263	263	848	834
Payables	6,088	6,088	1,612	1,612
<b>Total</b>	<b>6,351</b>	<b>6,351</b>	<b>2,460</b>	<b>2,446</b>

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

**Note 15D: Credit Risk**

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

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

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

**Note 15E: Liquidity Risk**

The MRT-RRT financial liabilities are payables, loans from government and finance leases. The exposure to liquidity risk is based on the notion that the 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 15F: Market Risk**

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

**Note 16: Financial Assets Reconciliation**

		2013	2012
		\$'000	\$'000
<b>Financial assets</b>	<b>Notes</b>		
<b>Total financial assets as per balance sheet</b>		<b>39,497</b>	7,133
Less: non-financial instrument components:			
Appropriations receivable	5B	<b>38,269</b>	6,361
GST Receivable from ATO	5B	<u>767</u>	<u>257</u>
Total non-financial instrument components		<u><b>39,036</b></u>	<u>6,618</u>
<b>Total financial assets as per financial instruments note</b>	15A	<u><b>461</b></u>	<u>515</u>

**Note 17: Administered - Expenses**

	2013	2012
	\$'000	\$'000
<b>EXPENSES</b>		
<b><u>Note 17A: Write-down and Impairment of assets</u></b>		
Write-down and impairments from:		
Bad debts - RRT fees	2,331	1,751
<b>Total write-down and impairment of assets</b>	<b>2,331</b>	<b>1,751</b>
<b><u>Note 17B: Other</u></b>		
Refund of fees	6,050	4,481
<b>Total other expenses</b>	<b>6,050</b>	<b>4,481</b>

<b>Note 18: Administered - Income</b>		
	<b>2013</b>	2012
	<b>\$'000</b>	\$'000
<b>REVENUE</b>		
<b>Non-Taxation Revenue</b>		
<b><u>Other Revenue</u></b>		
Other - MRT application fees	23,454	20,463
Other - RRT post decision fees	3,502	3,041
<b>Total other revenue</b>	<b>26,956</b>	<b>23,504</b>
<b>Total income administered on behalf of Government</b>	<b>26,956</b>	<b>23,504</b>

<b>Note 19: Administered – Financial Assets</b>		
	2013	2012
	\$'000	\$'000
<b>FINANCIAL ASSETS</b>		
<b>Note 19A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	123	71
<b>Total cash and cash equivalents</b>	<b>123</b>	<b>71</b>
<b>Note 19B: Trade and Other Receivables</b>		
<b>Other receivables:</b>		
Fees	6,575	4,756
<b>Total other receivables</b>	<b>6,575</b>	<b>4,756</b>
<b>Total trade and other receivables (gross)</b>	<b>6,575</b>	<b>4,756</b>
<b>Less: Impairment allowance account:</b>		
Other	4,517	2,974
<b>Total impairment allowance account</b>	<b>4,517</b>	<b>2,974</b>
<b>Total trade and other receivables (net)</b>	<b>2,058</b>	<b>1,782</b>
<b>Receivables are expected to be recovered in:</b>		
No more than 12 months	2,058	1,782
More than 12 months	-	-
<b>Total trade and other receivables (net)</b>	<b>2,058</b>	<b>1,782</b>
<b>Receivables were aged as follows:</b>		
Not overdue	140	322
Overdue by:		
0 to 30 days	306	327
31 to 60 days	231	177
61 to 90 days	354	379
More than 90 days	5,544	3,551
<b>Total receivables (gross)</b>	<b>6,575</b>	<b>4,756</b>
<b>The impairment allowance account is aged as follows:</b>		
Not overdue	-	-
Overdue by:		
0 to 30 days	1	-
31 to 60 days	77	109
61 to 90 days	144	224
More than 90 days	4,295	2,641
<b>Total impairment allowance account</b>	<b>4,517</b>	<b>2,974</b>
<b>Reconciliation of the Impairment Allowance Account:</b>		
<b>Movements in relation to 2013</b>		
	Other receivables	Total
	\$'000	\$'000
<b>Opening balance</b>	<b>1,782</b>	<b>1,782</b>
Increase recognised in net surplus	276	276
<b>Closing balance</b>	<b>2,058</b>	<b>2,058</b>
<b>Movements in relation to 2012</b>		
	Other receivables	Total
	\$'000	\$'000
<b>Opening balance</b>	<b>1,305</b>	<b>1,305</b>
Increase recognised in net surplus	477	477
<b>Closing balance</b>	<b>1,782</b>	<b>1,782</b>

**Note 20: Administered - Cash Flow Reconciliation**

	<b>2013</b>	<b>2012</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Schedule of administered cash flows	123	71
Schedule of administered assets and liabilities	123	71
<b>Difference</b>	<u>-</u>	<u>-</u>
<b>Reconciliation of surplus to net cash from operating activities:</b>		
Surplus	18,575	17,272
Rounding	-	(3)
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	<u>(276)</u>	<u>(477)</u>
<b>Net cash from operating activities</b>	<u><b>18,299</b></u>	<u><b>16,792</b></u>

## **Note 21: Administered Contingent Assets and Liabilities**

### **Quantifiable Administered Contingencies**

At 30 June 2013, the MRT-RRT had no contingent assets or contingent liabilities (2012: Nil).

### **Unquantifiable Administered Contingencies**

At 30 June 2013, the MRT-RRT had no legal claims against it (2012: Nil).

<b>Note 22: Administered Financial Instruments</b>				
	2013	2012		
	\$'000	\$'000		
<b>Note 22A: Categories of Financial Instruments</b>				
<b>Financial Assets:</b>				
Cash	123	71		
Loans and Receivables	2,058	1,782		
<b>Carrying amount of financial assets</b>	<b>2,181</b>	<b>1,853</b>		
<b>Note 22B: Fair Value of Financial Instruments</b>				
	Carrying amount	Fair value	Carrying amount	Fair value
	2013	2013	2012	2012
	\$'000	\$'000	\$'000	\$'000
<b>Financial Assets:</b>				
Cash on hand	123	123	71	71
Loans and receivables	2,058	2,058	1,782	1,782
<b>Total</b>	<b>2,181</b>	<b>2,181</b>	1,853	1,853
<b>Note 22C: Credit Risk</b>				
The MRT-RRT is not exposed to credit risk at reporting date in relation to each class of recognised financial assets.				
<b>Note 22D: Liquidity Risk</b>				
The MRT-RRT has no financial liabilities and is not exposed to liquidity risk.				
<b>Note 22E: Market Risk</b>				
The MRT-RRT is not exposed to market risk.				



**Note 23: Appropriations****Table A: Annual Appropriations ('Recoverable GST exclusive')**

	2013 Appropriations			Appropriation applied in 2013 (current and prior years) \$'000	Variance \$'000
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total appropriation \$'000		
	Annual Appropriation \$'000	Section 32 \$'000			
<b>DEPARTMENTAL</b>					
Ordinary annual services	58,829	28,304	87,133	69,614	17,519
Other services					
Equity	41		41	263	(222)
<b>Total departmental</b>	<b>58,870</b>	<b>28,304</b>	<b>87,174</b>	<b>69,877</b>	<b>17,297</b>

**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 (dated 18 September 2012), and \$13,849,000 made under FMA Act Determination 2012/27 (dated 19 June 2013).

	2012 Appropriations			Appropriation applied in 2012 (current and prior years) \$'000	Variance \$'000
	<i>Appropriation Act</i>	<i>FMA Act</i>	Total appropriation \$'000		
	Annual Appropriation \$'000	Section 31 \$'000			
<b>DEPARTMENTAL</b>					
Ordinary annual services	46,772	200	46,972	50,050	(3,078)
Other services					
Equity	263		263	-	263
<b>Total departmental</b>	<b>47,035</b>	<b>200</b>	<b>47,235</b>	<b>50,050</b>	<b>(2,815)</b>

**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 \$4,673m in 2011/12. 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 Minister of Finance and Deregulation had approved an operating loss of \$0.8m for 2011-12. The operating loss was funded from appropriations accumulated from previous years.

**Note 23: Appropriations (contd)**

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

	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 <sup>2</sup> \$'000	Total payments \$'000	
	Annual Capital Budget \$'000				
<b>DEPARTMENTAL</b>					
Ordinary annual services - Departmental Capital Budget <sup>1</sup>	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.

	2012 Capital Budget Appropriations		Capital Budget Appropriations applied in 2012 (current and prior years)		Variance \$'000
	Appropriation Act	Total Capital Budget Appropriations \$'000	Payments for non- financial assets <sup>2</sup> \$'000	Total payments \$'000	
	Annual Capital Budget \$'000				
<b>DEPARTMENTAL</b>					
Ordinary annual services - Departmental Capital Budget <sup>1</sup>	1,659	1,659	750	750	909

**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.

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

	2013 \$'000	2012 \$'000
<b>Authority</b>		
Appropriation Act No 1 (2006/07)	815	815
Appropriation Act No 1 (2007/08)	2,278	2,278
Appropriation Act No 1 (2008/09)	1,540	1,540
Appropriation Act No 1 (2009/10)	983	983
Appropriation Act No 1 (2010/11)	-	276
Appropriation Act No 1 (2011/12)	1,618	1,453
Appropriation Act No 2 (2011/12)	-	263
Appropriation Act No 1 (2012/13)	17,630	-
Appropriation Act No 2 (2012/13)	41	-
<b>Total</b>	<b>24,905</b>	<b>7,608</b>

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	
			2013 \$'000	2012 \$'000
FMA Act S28 [Administered]	Refund	Refund of MRT application fees	5,937	4,415
FMA Act S28 [Administered]	Refund	Refund of RRT application fees	113	66
<b>Total</b>			<b>6,050</b>	<b>4,481</b>

**Note 24: Reporting of Outcomes****Note 24A: Net Cost of Outcome Delivery**

	Outcome 1	
	2013 \$'000	2012 \$'000
<b>Expenses</b>		
Administered	8,381	6,232
Departmental	72,502	53,332
<b>Total</b>	<b>80,883</b>	<b>59,564</b>
<b>Income from non-government sector</b>		
Administered		
Other	26,956	23,504
<b>Total administered</b>	<b>26,956</b>	<b>23,504</b>
Departmental		
Other	9	-
<b>Total departmental</b>	<b>9</b>	<b>-</b>
<b>Total</b>	<b>26,965</b>	<b>23,504</b>
<b>Other own-source income</b>		
Administered	-	-
Departmental	142	388
<b>Total</b>	<b>142</b>	<b>388</b>
<b>Net cost/(contribution) of outcome delivery</b>	<b>53,776</b>	<b>35,672</b>

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 24B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome**

	Outcome 1	
	2013 \$'000	2012 \$'000
<b>Departmental Expenses:</b>		
Employees	54,770	41,658
Suppliers	15,226	10,021
Depreciation and Amortisation	2,472	1,477
Finance costs	34	65
Decrement on revaluation of assets	-	111
<b>Total</b>	<b>72,502</b>	<b>53,332</b>
<b>Departmental Income:</b>		
Income from government	96,888	48,168
Rendering of services	142	1,499
<b>Total</b>	<b>97,030</b>	<b>49,667</b>
<b>Departmental Assets</b>		
Financial Assets	39,497	7,133
Non-Financial Assets	9,437	4,603
<b>Total</b>	<b>48,934</b>	<b>11,736</b>
<b>Departmental Liabilities</b>		
Payables	6,088	1,612
Interest Bearing Liabilities	263	848
Provisions	13,013	9,026
<b>Total</b>	<b>19,364</b>	<b>11,486</b>

**Note 24C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome**

	Outcome 1	
	2013 \$'000	2012 \$'000
<b>Administered expenses</b>		
Write down and impairment of assets	2,331	1,751
Other Expenses - refund of application fees	6,050	4,481
<b>Total</b>	<b>8,381</b>	<b>6,232</b>
<b>Administered income</b>		
Other non-tax revenue	26,956	23,504
<b>Total</b>	<b>26,956</b>	<b>23,504</b>
<b>Administered assets</b>		
Financial assets	2,181	1,853
<b>Total</b>	<b>2,181</b>	<b>1,853</b>
<b>Administered liabilities</b>		
Other	-	-
<b>Total</b>	<b>-</b>	<b>-</b>

**Note 25: Net Cash Appropriation Arrangements**

	2013 \$'000	2012 \$'000
<b>Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations<sup>1</sup></b>	<b>27,000</b>	<b>(2,188)</b>
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	<u>(2,472)</u>	<u>(1,477)</u>
<b>Total comprehensive income (loss) - as per the Statement of Comprehensive Income</b>	<b><u>24,528</u></b>	<b><u>(3,665)</u></b>

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.

## APPENDICES



## APPENDIX A – ADDITIONAL CASELOAD STATISTICS

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

TABLE 17 – LODGEMENTS

	2012-13	2011-12	2010-11	% change 2011-12 to 2012-13
<b>MRT</b>				
Visa refusal – Bridging	342	267	264	+28%
Visa refusal – Visitor	942	944	920	0%
Visa refusal – Student	3,454	3,820	3,138	-10%
Visa refusal – Temporary work*	1,038	634	621	+64%
Visa refusal – Permanent business	1,143	806	661	+42%
Visa refusal – Skilled	4,326	3,606	635	+20%
Visa refusal – Partner	1,855	1,345	1,348	+38%
Visa refusal – Family	1,174	727	672	+61%
Cancellation – Student	727	1,043	1,107	-30%
Nomination/Sponsor approval refusal	696	516	513	+35%
Other	467	380	436	+23%
<b>Total MRT</b>	<b>16,164</b>	<b>14,088</b>	<b>10,315</b>	<b>+15%</b>
<b>RRT</b>				
Sri Lanka	701	65	75	+978%
China	610	689	819	-11%
Afghanistan	513	44	19	+1,066%
India	434	435	221	0%
Pakistan	332	312	102	+6%
Iran	232	107	58	+117%
Lebanon	206	94	125	+119%
Nepal	124	184	107	-33%
Egypt	104	185	181	-44%
Fiji	98	130	252	-25%
Other	875	960	1,007	-9%
<b>Total RRT</b>	<b>4,229</b>	<b>3,205</b>	<b>2,966</b>	<b>+32%</b>
<b>Total MRT and RRT</b>	<b>20,393</b>	<b>17,293</b>	<b>13,281</b>	<b>+18%</b>

\*In 2012-13, the MRT case category 'Visa Refusal – Temporary business' changed to 'Visa Refusal – Temporary work'. This was a result of the changes made to the Migration Regulations. In 2011-12, the MRT 'Sponsor approval refusal' and 'other' case categories changed. Nomination approval refusals were removed from the 'other' case category and added in to the 'sponsor approval refusal' category. These changes have been applied to statistical data for all 3 years and may vary from data in previous annual reports.

FIGURE 7 – MRT LODGEMENTS, DECISIONS AND CASES ON HAND BY QUARTER

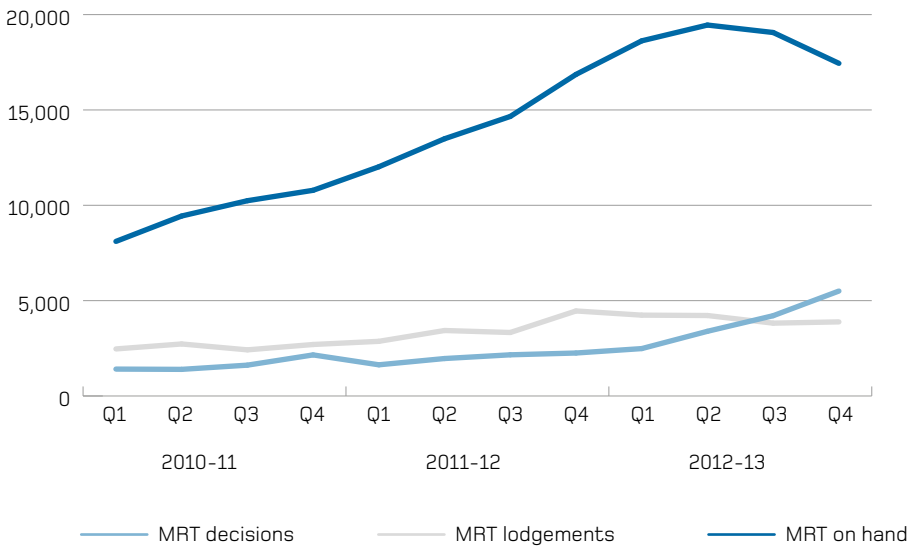


FIGURE 8 – MRT AND RRT CASES ON HAND AS AT 30 JUNE 2013

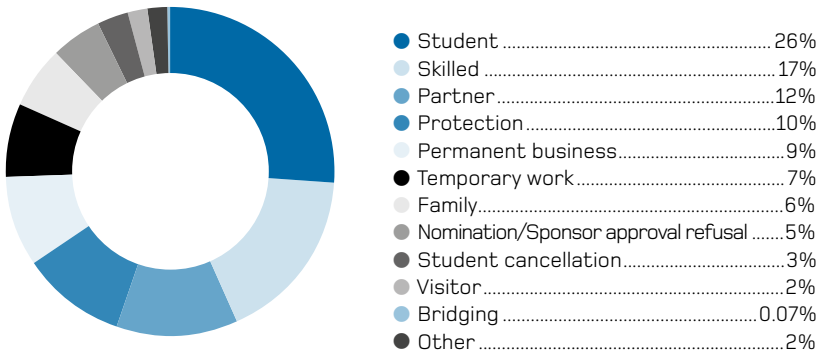


FIGURE 9 – RRT LODGEMENTS, DECISIONS AND CASES ON HAND BY QUARTER

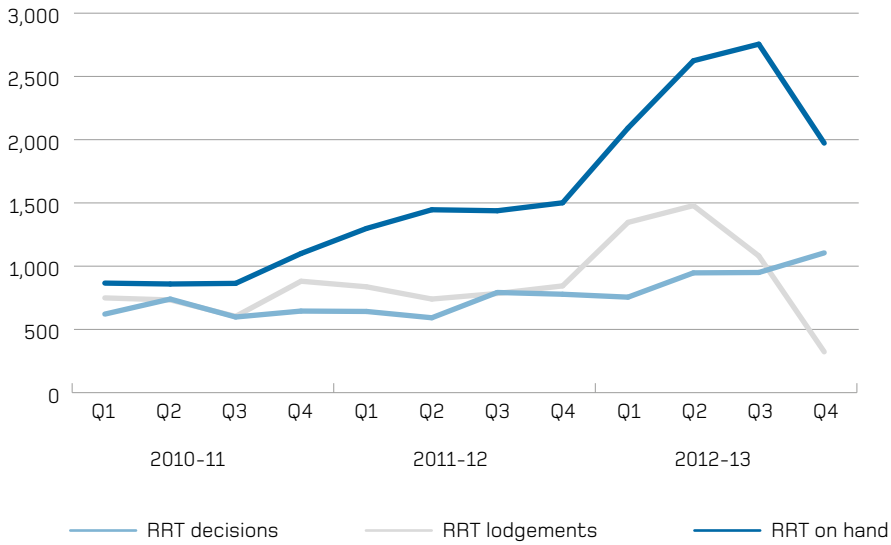


FIGURE 10 – MRT AND RRT DECISIONS

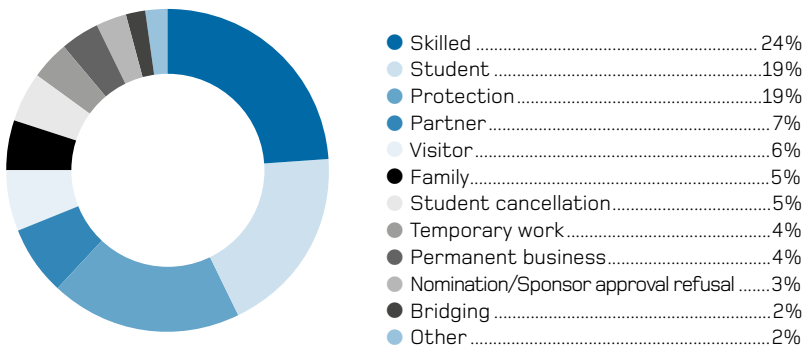




TABLE 18 – CASES ON HAND AT THE END OF THE YEAR

	2012-13	2011-12	2010-11
<b>MRT</b>			
Visa refusal – Bridging	14	12	9
Visa refusal – Visitor	458	607	357
Visa refusal – Student	5,032	5,203	3,716
Visa refusal – Temporary work	1,274	989	911
Visa refusal – Permanent business	1,789	1,415	841
Visa refusal – Skilled	3,302	3,555	711
Visa refusal – Partner	2,398	1,968	1,731
Visa refusal – Family	1,199	1,003	833
Cancellation – Student	621	811	600
Nomination/Sponsor approval refusal	1,013	917	741
Other	337	383	336
<b>Total MRT</b>	<b>17,437</b>	<b>16,863</b>	<b>10,786</b>
<b>RRT</b>			
Sri Lanka	314	34	36
China	350	303	279
Afghanistan	58	39	7
India	170	174	80
Pakistan	212	210	59
Iran	73	55	19
Lebanon	136	46	49
Nepal	103	89	56
Egypt	74	81	112
Fiji	58	61	64
Other	425	409	339
<b>Total RRT</b>	<b>1,973</b>	<b>1,501</b>	<b>1,100</b>
<b>Total MRT and RRT</b>	<b>19,410</b>	<b>18,364</b>	<b>11,886</b>

TABLE 19 – TIMELINESS OF REVIEWS

	2012-13	2011-12	2010-11
<b>Average time taken (days)*</b>			
Bridging visa (detention) refusals (MRT)	6	7	7
Visa cancellations (MRT)	342	224	150
All other MRT visa refusals	421	461	337
Protection visa refusals	159	149	99
<b>Percentage decided within time standards*</b>			
Bridging visa (detention) refusals (MRT) – seven working days	96%	95%	96%
Visa cancellations (MRT) – 150 calendar days	12%	22%	60%
All other MRT visa refusals – 350 calendar days	47%	42%	55%
Protection visa refusals – 90 calendar days	30%	32%	71%

\* 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 2012-13 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 24 days for MRT cases and seven days for RRT cases.

FIGURE 11 – NUMBER AND AGE OF CASES ON HAND

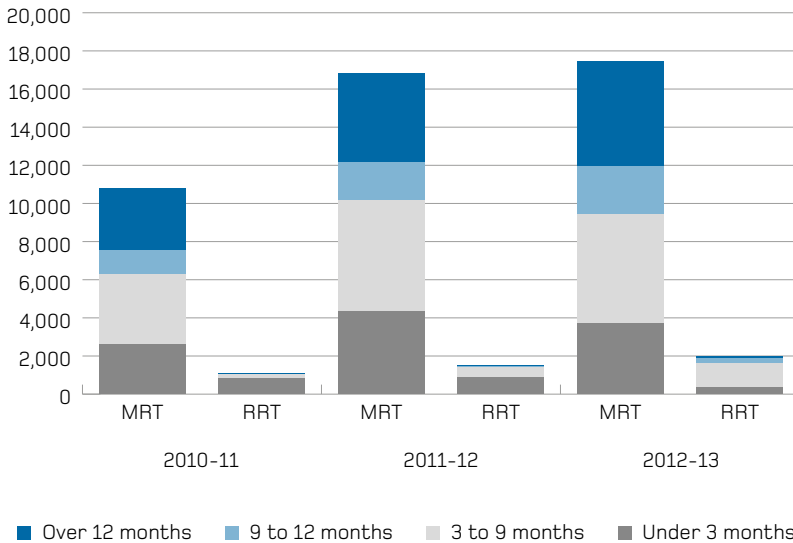


TABLE 20 – OUTCOMES OF REVIEW

	2012-13	2011-12	2010-11
<b>MRT</b>			
Primary decision set-aside or remitted	4,514	2,912	2,728
Primary decision affirmed	7,121	3,133	2,356
Application withdrawn by applicant	2,661	1,180	754
No jurisdiction to review*	1,294	786	739
<b>Total</b>	<b>15,590</b>	<b>8,011</b>	<b>6,577</b>
<b>RRT</b>			
Primary decision set-aside or remitted	1,372	750	626
Primary decision affirmed	2,205	1,899	1,815
Application withdrawn by applicant	86	86	53
No jurisdiction to review*	94	69	110
<b>Total</b>	<b>3,757</b>	<b>2,804</b>	<b>2,604</b>

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

TABLE 21 – CASES DECIDED AND SET-ASIDE RATES

	2012-13		2011-12		2010-11	
	Cases	% set-aside	Cases	% set-aside	Cases	% set-aside
<b>MRT</b>						
Visa refusal – Bridging	340	15%	264	12%	267	12%
Visa refusal – Visitor	1,090	56%	695	65%	752	59%
Visa refusal – Student	3,631	23%	2,334	31%	1,320	36%
Visa refusal – Temporary work	852	24%	556	26%	355	25%
Visa refusal – Permanent business	767	35%	233	29%	148	32%
Visa refusal – Skilled	4,576	23%	762	36%	958	53%
Visa refusal – Partner	1,426	53%	1,108	55%	937	62%
Visa refusal – Family	978	41%	557	44%	471	39%
Cancellation – Student	917	13%	833	21%	796	25%
Nomination/Sponsor approval refusal	606	23%	340	15%	214	24%
Other	407	29%	329	43%	359	33%
<b>Total MRT</b>	<b>15,590</b>	<b>29%</b>	<b>8,011</b>	<b>36%</b>	<b>6,577</b>	<b>41%</b>
<b>RRT</b>						
Sri Lanka	421	37%	67	28%	56	59%
China	564	18%	665	17%	759	22%
Afghanistan	494	84%	12	75%	15	73%
India	438	6%	343	6%	181	7%
Pakistan	330	65%	161	50%	59	36%
Iran	214	61%	71	80%	51	76%
Lebanon	116	26%	99	41%	95	31%
Nepal	110	6%	151	9%	64	16%
Egypt	110	49%	216	61%	87	36%
Fiji	101	13%	133	20%	318	13%
Other	859	26%	886	27%	919	25%
<b>Total RRT</b>	<b>3,757</b>	<b>37%</b>	<b>2,804</b>	<b>27%</b>	<b>2,604</b>	<b>24%</b>
<b>Total MRT and RRT</b>	<b>19,347</b>	<b>30%</b>	<b>10,815</b>	<b>34%</b>	<b>9,181</b>	<b>37%</b>

## 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 2013 is set out in table 22. The first appointment date reflects the date from which there have been continuing appointments to the MRT, the RRT or both tribunals.

TABLE 22 – 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	31/12/2013	F	Melbourne
Mr Peter Murphy	Senior Member	1/01/2009	31/12/2013	M	Melbourne
Ms Louise Nicholls	Senior Member	31/10/2001	30/06/2017	F	Sydney
Dr Irene O'Connell	Senior Member	28/08/2000	31/12/2013	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	31/12/2013	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
Ms Rosa Gagliardi	Full-time Member	31/07/2006	30/06/2014	F	Melbourne
Mr Filip Gelev	Full-time Member	1/07/2012	30/06/2014	M	Melbourne
Ms Amanda Goodier	Full-time Member	1/07/2012	30/06/2017	F	Perth
Ms Michelle Grau	Full-time Member	1/07/2010	30/06/2015	F	Brisbane
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 David Mitchell	Full-time Member	7/07/1999	30/06/2015	M	Melbourne
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

Member	Office	Appointed	Current appointment expires	Gender	Location
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 Barnettson	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
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
Ms Jenny Eutick	Part-time Member	1/07/2010	30/06/2015	F	Brisbane
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

Member	Office	Appointed	Current appointment expires	Gender	Location
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
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 Patricia Leehy	Part-time Member	28/07/1997	30/06/2015	F	Sydney
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



<b>Member</b>	<b>Office</b>	<b>Appointed</b>	<b>Current appointment expires</b>	<b>Gender</b>	<b>Location</b>
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 Belinda Wells	Part-time Member	1/07/2009	30/06/2014	F	Adelaide
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
Ms Kirsten Young	Part-time Member	1/07/2011	30/06/2016	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 23 – ONGOING AND NON-ONGOING STAFF

	30 June 2013			30 June 2012			30 June 2011		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
Ongoing full-time	183	128	311	150	105	255	146	93	239
Ongoing part-time	41	3	44	30	7	37	25	6	31
Non-ongoing full-time	5	5	10	4	6	10	7	6	13
Non-ongoing part-time	0	0	0	1	0	1	1	0	1
Casual	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>229</b>	<b>136</b>	<b>365</b>	<b>185</b>	<b>118</b>	<b>303</b>	<b>179</b>	<b>105</b>	<b>284</b>

TABLE 24 – MEMBERS AND STAFF BY LOCATION AS AT 30 JUNE 2013

	Sydney	Melbourne	Brisbane	Adelaide	Perth	Total
Members	69	50	12	9	4	144
Staff	249	114	2	0	0	365
<b>Total</b>	<b>318</b>	<b>164</b>	<b>14</b>	<b>9</b>	<b>4</b>	<b>509</b>

TABLE 25 – MEMBERS AND STAFF BY AGE AS AT 30 JUNE 2013

Age	Staff	Members
Under 25	9	0
25 to 34	108	2
35 to 44	92	28
45 to 54	84	56
55 to 64	63	48
Over 65	9	10

## 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 26 sets out the page numbers corresponding to each of the annual report requirements.

TABLE 26 – LIST OF REQUIREMENTS

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## GLOSSARY OF TERMS AND ABBREVIATIONS

<b>AASB</b>	Australian Accounting Standards Board
<b>AAT</b>	The Administrative Appeals Tribunal is a statutory body that provides independent merits review of a range of government decisions
<b>affirm</b>	To ratify the decision under review – the original decision remains unchanged and in force
<b>AGEST</b>	Australian Government Employees Superannuation Trust
<b>AGIMO</b>	The Australian Government Information Management Office fosters the efficient and effective use of information and communications technology by Australian government departments and agencies.
<b>ANAO</b>	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
<b>applicant</b>	The applicant for review
<b>appropriation</b>	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
<b>APS</b>	The Australian Public Service
<b>APSC</b>	The Australian Public Service Commission
<b>APS employee</b>	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>
<b>ARMC</b>	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
<b>asylum seeker</b>	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
<b>AusTender</b>	The Commonwealth Government's procurement information system
<b>AustLII</b>	The Australasian Legal Information Institute publishes a website that provides free internet access to Australasian legal materials including published MRT and RRT decisions
<b>bridging visa</b>	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

<b>case</b>	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
<b>caseload and constitution policy</b>	A Principal Member Direction on Caseload and Constitution sets out arrangements for the constitution and processing of cases before the tribunals each financial year
<b>CEIs</b>	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
<b>chief financial officer</b>	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
<b>China</b>	The People's Republic of China
<b>Comcare</b>	A statutory authority responsible for workplace safety rehabilitation and compensation
<b>Commonwealth Ombudsman</b>	The Commonwealth Ombudsman considers and investigates complaints about Commonwealth Government departments and agencies including the tribunals
<b>competitive tendering and contracting</b>	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
<b>complementary protection</b>	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
<b>constitution</b>	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
<b>consultancy</b>	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
<b>corporate governance</b>	The process by which agencies are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership direction and control
<b>CSS</b>	Commonwealth Superannuation Scheme
<b>country advice</b>	Country-of-origin information used by members to assist reviews

<b>DCB</b>	Departmental Capital Budget
<b>decision</b>	The formal document which sets out in writing the tribunal decision and reasons for decision in a particular review
<b>department</b>	The Department of Immigration and Citizenship. Officers of the department hold delegations to make the primary decisions reviewable by the tribunals
<b>Deputy Principal Member</b>	The Deputy Principal Member assists the Principal Member with the operations of the tribunals
<b>Deputy Registrar</b>	Deputy Registrars assist the Registrar
<b>District Registrar</b>	District Registrars assist the Registrar. A District Registrar is responsible for day-to-day operations and management of a tribunal registry
<b>DoFD</b>	The Department of Finance and Deregulation
<b>EL</b>	Executive level officer of the APS
<b>enterprise agreement</b>	The Enterprise Agreement 2012-14 sets out the terms and conditions for applicable tribunal employees
<b>executive officer</b>	The executive officer is the Principal Member. The Principal Member is responsible for the overall operation and administration of the tribunals
<b>expenditure</b>	The total or gross amount of money spent by the government on any or all of its activities
<b>FBT</b>	Fringe Benefits Tax
<b>FCA</b>	The Federal Court of Australia
<b>CAFC</b>	The Full Court of the Federal Court of Australia
<b>FCC</b>	Federal Circuit Court
<b>financial results</b>	The results shown in the financial statements of an agency
<b>FMA Act</b>	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
<b>FMC</b>	The Federal Magistrates Court of Australia
<b>FMO</b>	Finance Minister's Orders
<b>FOI</b>	Freedom of Information
<b>FOI Act</b>	The <i>Freedom of Information Act 1982</i> creates a legally enforceable right of public access to documents in the possession of agencies
<b>grant</b>	Commonwealth financial assistance as defined under regulations 3A(1) and 3A(2) of the Financial Management and Accountability Regulations 1997
<b>Green Committee</b>	The tribunals' Green Committee promotes an environmentally sustainable culture within the tribunals consistent with the tribunals' environmental policy



<b>GST</b>	The Goods and Services Tax is a broad-based tax of 10% on most goods, services and other items sold or consumed in Australia
<b>Guide to Refugee Law in Australia</b>	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
<b>HCA</b>	The High Court of Australia
<b>hearing</b>	An appearance by a person before either the MRT or the RRT. The appearance may be in person, or by video or telephone link
<b>IAAAS</b>	Immigration Advice and Application Assistance Scheme
<b>IAG</b>	The Interpreter Advisory Group seeks to ensure the tribunals maintain access to a high standard of interpreters
<b>IFAs</b>	Individual flexibility arrangements
<b>IPAO</b>	The Independent Protection Assessment Office makes and reviews assessments of protection claims made by irregular maritime arrivals who cannot apply for a visa unless permitted to do so by the Minister personally. These assessments are not reviewable by the MRT or RRT. From 1 July 2012 IPAO functions transferred to the tribunals
<b>IPS</b>	Information Publication Scheme
<b>irregular maritime arrivals</b>	See unauthorised maritime arrivals
<b>jurisdiction</b>	Jurisdiction defines the scope of the tribunals' power to review decisions
<b>Lavarch Review</b>	A review of the efficiency and operations of the tribunals undertaken by the Professor Hon Michael Lavarch, AO. The review examined possible ways to reduce the backlog of cases and strategies for the smooth transition to the RRT of review decisions involving irregular maritime arrivals. The <i>Report on the increased workload of the MRT and the RRT</i> was published in June 2012
<b>Member</b>	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
<b>Member Code of Conduct</b>	Establishes the conduct to be observed by all members of the tribunals in performing their functions and duties
<b>merits review</b>	Merits review is the administrative reconsideration of the subject matter of the decision under review
<b>MIAC</b>	The acronym MIAC is used to identify the Minister for Immigration and Citizenship in abbreviated court citations

<b>Migration Act</b>	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
<b>migration agent</b>	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
<b>Migration Regulations</b>	The Migration Regulations 1994
<b>Minister</b>	The Minister for Immigration and Citizenship
<b>MRT</b>	The Migration Review Tribunal
<b>non-ongoing APS employee</b>	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
<b>OMARA</b>	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
<b>ongoing APS employee</b>	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
<b>OPA</b>	Official Public Account
<b>operational plan</b>	The tribunals' Operational Plan 2012–13 outlines the key focus areas and planned activities to ensure delivery of the tribunals' strategic objectives
<b>operations</b>	Functions, services and processes performed in pursuing the objectives or discharging the functions of an agency
<b>outcomes</b>	The results, impacts or consequence of actions by government on the Australian community
<b>outputs</b>	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
<b>PAES</b>	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
<b>performance pay</b>	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

<b>Portfolio Budget Statement</b>	The Portfolio Budget Statement informs parliament of the proposed allocation of resources to government outcomes by agencies within the portfolio
<b>primary decision</b>	A primary decision is the decision subject to review by either the MRT or the RRT
<b>Principal Member</b>	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
<b>Principal Member directions</b>	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
<b>Principal Registry</b>	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
<b>protection visas</b>	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
<b>Protocol</b>	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
<b>PSS</b>	Public Sector Superannuation Scheme
<b>PSSap</b>	Public Sector Superannuation accumulation plan
<b>Public Service Act</b>	The <i>Public Service Act 1999</i>
<b>purchaser/provider arrangements</b>	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
<b>Refugees Convention</b>	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
<b>Registrar</b>	The Registrar of the tribunals assists the Principal Member with the administrative management of the tribunals
<b>Registry</b>	A registry is an office of the tribunals

<b>remit</b>	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
<b>Remuneration Tribunal</b>	The Remuneration Tribunal is the statutory body that determines the remuneration for key Commonwealth offices, including tribunal members
<b>representative</b>	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
<b>review application</b>	A review application is an application for review that has been made to either of the tribunals
<b>reviewable decision</b>	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
<b>RRT</b>	The Refugee Review Tribunal
<b>RSD</b>	Refugee Status Determination
<b>Senior Management Group</b>	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
<b>senior member</b>	Senior members provide guidance to and are responsible for members
<b>service charter</b>	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
<b>SES</b>	Senior Executive Service of the APS
<b>set-aside</b>	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
<b>specialisation</b>	Tribunal members specialise in the review of particular types of cases
<b>statutory objective</b>	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
<b>TIS</b>	Translating and Interpreting Service
<b>TRA</b>	Trades Recognition Australia
<b>tribunal</b>	The Migration Review Tribunal (the MRT) or the Refugee Review Tribunal (the RRT)

<b>tribunals</b>	The Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT), unless otherwise indicated
<b>tribunals' strategic plan</b>	The Strategic Plan 2013-16. It is a high level document setting out the tribunals' key strategic aims and priorities and core values
<b>UN</b>	United Nations
<b>unauthorised maritime arrivals</b>	Asylum seekers that arrive in Australia by boat without a visa. The term 'irregular maritime arrivals' changed to 'unauthorised maritime arrivals' in June 2013
<b>visa applicant</b>	A visa applicant is a person who has made a visa application
<b>WHS</b>	Work health and safety
<b>workplace diversity</b>	The concept of workplace diversity values and utilises the contributions of people of different backgrounds, experiences and perspectives

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