

# **MIGRATION REVIEW TRIBUNAL AND REFUGEE REVIEW TRIBUNAL**

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# **MIGRATION REVIEW TRIBUNAL AND REFUGEE REVIEW TRIBUNAL**

## **Section 1: Agency overview and resources**

The Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT) (the Tribunals) review visa and visa-related decisions made within the Immigration and Citizenship portfolio. The Tribunals are established under the *Migration Act 1958* (Migration Act) and the Tribunals' jurisdiction and powers are set out in the Migration Act and in the *Migration Regulations 1994*. The Tribunals are required to provide reviews that are fair, just, economical, informal and quick.

The Tribunals are separate bodies under the Migration Act. Each Tribunal is separately constituted for the purpose of each review. The 'Migration Review Tribunal and Refugee Review Tribunal' (the MRT-RRT) is prescribed as a single agency for the purposes of the *Financial Management and Accountability Act 1997* (FMA Act). All Members and staff are appointed to both Tribunals, and the Tribunals operate administratively as a single entity. The office of Principal Member of the RRT is designated as chief executive for the purposes of the FMA Act and as agency head of all APS staff of the Tribunals.

The Tribunals conduct an independent review on the merits of each case. In addition to making the correct and preferable decision in individual cases, the Tribunals positively influence decision-making at the primary level by making decisions that provide precedential value.

### **1.1 STRATEGIC DIRECTION**

The key strategic priorities for the Tribunals are to meet their statutory objectives through the delivery of consistent, high-quality reviews and timely and lawful decisions. The Tribunals aim to improve their professionalism and operational performance, to meet government and community expectations and to develop more effective working relationships with stakeholders. These priorities are reflected in the Tribunals' Plan.

In 2008-09 the Tribunals aim to review more than 10,000 applications for review. The Tribunals operate in a high-volume decision-making environment where case law and legal requirements are very complex and technical. In this context, fair and lawful reviews are dependent on a number of factors, including adequate resources and Member competence, expertise and professional development, and skilled staff

*MRT–RRT Budget Statements*

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

Key risks include the potential for volatility in the Tribunals’ caseloads, the availability of sufficient skilled Members and case law complexity. As operational challenges have changed significantly since the last resourcing review of the Tribunals in 2004, a review of the Tribunals’ resourcing agreement is being undertaken with the Department of Finance and Deregulation. This is expected to be completed during 2008–09.

## 1.2 AGENCY RESOURCE STATEMENT

Table 1.1 shows the total resources from all origins. The table summarises how resources will be applied by outcome and by administered and departmental classification.

**Table 1.1: Agency resource statement—Budget estimates for 2008–09 as at Budget May 2008**

	Estimate of prior + year amounts available in 2008–09 \$'000	Proposed at Budget = 2008–09 \$'000	Total estimate 2008–09 \$'000	Estimated appropriation available 2007–08 \$'000
<b>Ordinary Annual Services</b>				
<b>Departmental outputs</b>				
Departmental outputs	11,500 <sup>2</sup>	39,791 <sup>1</sup>	51,291 <sup>3</sup>	37,639
<b>Total</b>	<b>11,500</b>	<b>39,791</b>	<b>51,291</b>	<b>37,639</b>
<b>Administered expenses</b>				
Outcome 1	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total ordinary annual services</b>				
<b>Total Available Annual Appropriations</b>	<b>11,500</b>	<b>39,791</b>	<b>51,291</b>	<b>37,639</b>
<b>Total resourcing for MRT–RRT</b>	<b>11,500</b>	<b>39,791</b>	<b>51,291</b>	<b>37,639</b>

1. Appropriation Bill (No. 1) 2008–09.

2. Estimated adjusted balance carried from previous year for Annual Appropriations.

3. The total available departmental operating appropriation (outputs) will not equal the total of all outputs in the Outcome resource statements, as they budget for estimated appropriation attributable to outcomes and not the total available. For reconciliation see Table 3.1.1.

### Third party drawdowns from and on behalf of other agencies

There are no third party drawdowns.

### **1.3 BUDGET MEASURES**

There are no 2008-09 Budget measures relating to the Migration Review Tribunal and Refugee Review Tribunal.

## Section 2: Outcomes and planned performance

The Australian Government requires agencies to measure their intended and actual performance in terms of outcomes. Government outcomes are the results, impacts on the Australian community or consequences of actions by the government. Agencies are required to identify the output groups which demonstrate their contribution to government outcomes over the coming year.

The Tribunals' single outcome is described below by output groups, specifying the performance indicators and targets used to assess and monitor the performance of the Migration Review Tribunal and the Refugee Review Tribunal in achieving government outcomes.

### 2.1 OUTCOME 1

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

#### 2.1.1 Outcome 1 Strategy

The Tribunals operate within a statutory framework which defines the Tribunals' jurisdiction, powers and procedures.

The Tribunals conduct reviews in accordance with operational strategies set out in Principal Member Directions. Each year a caseload and constitution policy is issued by the Principal Member pursuant to a Direction under sections 353A and 420A of the Migration Act. The policy, which is reviewed during the year if necessary, takes into account current and anticipated caseloads over the year and the priorities to be given to cases.

Other Principal Member Directions dealing with matters such as the efficient conduct of reviews, the conduct of hearings and the management of detention cases are issued from time to time. All Principal Member Directions are publicly available.

### 2.1.2 Outcome 1 Resource statement

Table 2.1 provides additional detail of Budget appropriations and the total resourcing for Outcome 1.

**Table 2.1: Total resources for Outcome 1**

<b>Outcome 1:</b>	2008-09 Total estimate of available resources \$'000	2007-08 Estimated actual \$'000
<b>Output Group 1.1:</b>		
Administered items:		
Write down of assets – bad debts	2,000	2,200
Refund of application fees	6,300	6,100
Administered expenses	8,300	8,300
Departmental Outputs		
Output Group 1.1 – Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas.	39,791	40,313
<b>Total resources for Outcome 1</b>	<b>48,091</b>	<b>48,613</b>
	2008-09	2007-08
<b>Average staffing level (number)</b>	<b>333</b>	<b>340</b>

### 2.1.3 Contributions to Outcome 1

The Tribunal has one output – final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas.

<b>Output Group 1.1: Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas</b>	
Key results from this output which contribute to the achievement of the outcome are:	
<ul style="list-style-type: none"> <li>• the extent to which the MRT and the RRT contribute to the quality and consistency of administrative decision making</li> <li>• the extent to which there are professional and effective working relationships with stakeholders.</li> </ul>	
Key performance indicators	2008–09 target
MRT cases decided.	7,500 cases
RRT cases decided.	3,050 cases
Outcome of appeals against Tribunal decisions.	Less than 5% of Tribunal decisions are set aside by judicial review.
Number of complaints received.	Less than 5 complaints per 1,000 cases decided.
Extent to which time standards are met.	70% of bridging visa (detention cases) decided within 7 working days. 70% of RRT cases decided within 90 calendar days. 70% of MRT visa cancellation or revocation cases decided within 150 calendar days. 70% of general MRT cases decided within 320 days.

## Section 3: Explanatory tables and budgeted financial statements

Section 3 presents budgeted financial statements which provide a comprehensive snapshot of agency finances for the Budget year 2008–09. It explains how budget plans are incorporated into the financial statements and provides further details of the reconciliation between the agency and outcome resource statements, movements in administered funds, special accounts and government Indigenous expenditure.

### 3.1 EXPLANATORY TABLES

#### 3.1.1 Reconciliation of total available appropriation and outcomes

The Agency Resource Statement (Table 1.1) details the total available appropriation available to an agency from all sources. For departmental operating appropriations (outputs) this includes carry-forward amounts as well as amounts appropriated at Budget. As agencies incur and are funded for future liabilities, generally depreciation and employee entitlements, the total amount of departmental operating appropriation available to an agency is unlikely to be fully utilised in the Budget year. The difference between the agency resource statement and the sum of all payments made at the departmental output level is the expected carry-forward amount of resources for the 2009–10 Budget year, including amounts related to meeting future obligations to maintain the agency’s asset base and to meet employee entitlement liabilities.

**Table 3.1.1: Reconciliation of total available appropriation and outcomes**

	\$'000
<b>Total available departmental operating appropriation (outputs)</b>	51,291
Less estimated payments in 2008-09	39,791
<b>Estimated departmental outputs carried forward and available for 2009–10</b>	11,500

**3.1.2 Movement of administered funds between years**

There is no movement of administered funds between years.

**3.1.3 Special Accounts**

No special accounts will operate in 2008–09.

**3.1.4 Australian Government Indigenous expenditure**

The Tribunals have no Australian Government Indigenous expenditure in 2008–09.

## 3.2 BUDGETED FINANCIAL STATEMENTS

### 3.2.1 Differences in agency resourcing and financial statements

There are no significant differences between the resource information presented in the Budget Papers and Portfolio Budget Statements as a result of differences between Australian Accounting Standards (AAS) and Government Finance Statistics (GFS).

### 3.2.2 Analysis of budgeted financial statements

There are no significant movements from the Department's financial statements between 2007–08 and 2008–09.

### 3.2.3 Budgeted financial statements tables

**Table 3.2.1: Budgeted departmental income statement  
(for the period ended 30 June)**

	Estimated actual 2007–08 \$'000	Budget estimate 2008–09 \$'000	Forward estimate 2009–10 \$'000	Forward estimate 2010–11 \$'000	Forward estimate 2011–12 \$'000
<b>INCOME</b>					
<b>Revenue</b>					
Revenues from government <sup>a</sup>	40,139	39,791	40,430	40,867	41,301
<b>Total revenue</b>	40,139	39,791	40,430	40,867	41,301
<b>Gains</b>					
Other	60	60	60	60	60
<b>Total gains</b>	60	60	60	60	60
<b>Total income</b>	40,199	39,851	40,490	40,927	41,361
<b>EXPENSE</b>					
Employees	29,482	28,695	29,204	29,473	30,450
Suppliers	9,000	9,000	9,200	9,400	9,600
Depreciation and amortisation	1,527	1,993	1,953	1,934	1,231
Finance costs	190	163	133	120	80
<b>Total expenses</b>	40,199	39,851	40,490	40,927	41,361
<b>Surplus (deficit) attributable to the Australian Government</b>	-	-	-	-	-

a Revenue for 2007–08 of \$40.139 million is an accrual figure. The difference of \$2.5 million to the cash appropriation of \$37.639 million (see the budgeted departmental statement of cash flows) was offset against an appropriation liability in the 2006–07 balance sheet.

**Table 3.2.2: Budgeted departmental balance sheet (as at 30 June)**

	Estimated actual 2007-08 \$'000	Budget estimate 2008-09 \$'000	Forward estimate 2009-10 \$'000	Forward estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000
<b>ASSETS</b>					
<b>Financial assets</b>					
Cash and equivalents	219	365	240	264	249
Other	13,612	12,612	11,812	10,812	9,112
<b>Total financial assets</b>	<b>13,831</b>	<b>12,977</b>	<b>12,052</b>	<b>11,076</b>	<b>9,361</b>
<b>Non-financial assets</b>					
Land and buildings	2,286	1,902	1,518	1,134	750
Infrastructure, plant and equipment	1,545	2,671	3,945	5,187	6,341
Intangibles	3,382	3,047	2,604	2,212	2,611
Other	88	88	88	88	88
<b>Total non-financial assets</b>	<b>7,301</b>	<b>7,708</b>	<b>8,155</b>	<b>8,621</b>	<b>9,790</b>
<b>Total assets</b>	<b>21,132</b>	<b>20,685</b>	<b>20,207</b>	<b>19,697</b>	<b>19,151</b>
<b>LIABILITIES</b>					
<b>Interest bearing liabilities</b>					
Leases	2,829	2,382	1,904	1,394	848
<b>Total interest bearing liabilities</b>	<b>2,829</b>	<b>2,382</b>	<b>1,904</b>	<b>1,394</b>	<b>848</b>
<b>Provisions</b>					
Employees	4,754	4,754	4,754	4,754	4,754
<b>Total provisions</b>	<b>4,754</b>	<b>4,754</b>	<b>4,754</b>	<b>4,754</b>	<b>4,754</b>
<b>Payables</b>					
Suppliers	2,048	2,048	2,048	2,048	2,048
<b>Total payables</b>	<b>2,048</b>	<b>2,048</b>	<b>2,048</b>	<b>2,048</b>	<b>2,048</b>
<b>Total liabilities</b>	<b>9,631</b>	<b>9,184</b>	<b>8,706</b>	<b>8,196</b>	<b>7,650</b>
<b>Net assets</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>
<b>EQUITY<sup>a</sup></b>					
<b>Parent entity interest</b>					
Contributed equity	10,876	10,876	10,876	10,876	10,876
Reserves	384	384	384	384	384
Retained surpluses or accumulated deficits	241	241	241	241	241
<b>Total equity</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>	<b>11,501</b>
<b>Current assets</b>	<b>13,919</b>	<b>13,065</b>	<b>12,140</b>	<b>11,164</b>	<b>9,449</b>
<b>Non-current assets</b>	<b>7,213</b>	<b>7,620</b>	<b>8,067</b>	<b>8,533</b>	<b>9,702</b>
<b>Current liabilities</b>	<b>5,500</b>	<b>5,500</b>	<b>5,500</b>	<b>5,500</b>	<b>5,500</b>
<b>Non-current liabilities</b>	<b>4,131</b>	<b>3,684</b>	<b>3,206</b>	<b>2,696</b>	<b>2,150</b>

a 'Equity' is the residual interest in assets after deduction of liabilities.

**Table 3.2.3: Budgeted departmental statement of cash flows  
(for the period ended 30 June)**

	Estimated actual 2007–08 \$'000	Budget estimate 2008–09 \$'000	Forward estimate 2009–10 \$'000	Forward estimate 2010–11 \$'000	Forward estimate 2011–12 \$'000
<b>OPERATING ACTIVITIES</b>					
<b>Cash received</b>					
Appropriations	37,639	39,791	40,430	40,867	41,301
<b>Total cash received</b>	<b>37,639</b>	<b>39,791</b>	<b>40,430</b>	<b>40,867</b>	<b>41,301</b>
<b>Cash used</b>					
Employees	29,482	28,695	29,204	29,473	30,450
Suppliers	9,130	9,103	9,273	9,460	9,620
Other – Transfer to Finance	(3,800)	(1,000)	(800)	(1,000)	(1,700)
<b>Total cash used</b>	<b>34,812</b>	<b>36,798</b>	<b>37,677</b>	<b>37,933</b>	<b>38,370</b>
<b>Net cash from or (used by) operating activities</b>	<b>2,827</b>	<b>2,993</b>	<b>2,753</b>	<b>2,934</b>	<b>2,931</b>
<b>INVESTING ACTIVITIES</b>					
<b>Total cash received</b>					
<b>Cash used</b>					
Purchase of property, plant and equipment	2,377	2,400	2,400	2,400	2,400
<b>Total cash used</b>	<b>2,377</b>	<b>2,400</b>	<b>2,400</b>	<b>2,400</b>	<b>2,400</b>
<b>Net cash from or (used by) investing activities</b>	<b>(2,377)</b>	<b>(2,400)</b>	<b>(2,400)</b>	<b>(2,400)</b>	<b>(2,400)</b>
<b>FINANCING ACTIVITIES</b>					
<b>Cash used</b>					
Repayments of lease incentive	422	447	478	510	546
<b>Total cash used</b>	<b>(422)</b>	<b>(447)</b>	<b>(478)</b>	<b>(510)</b>	<b>(546)</b>
<b>Net cash from or (used by) financing activities</b>	<b>(422)</b>	<b>(447)</b>	<b>(478)</b>	<b>(510)</b>	<b>(546)</b>
<b>Net increase or (decrease) in cash held</b>	<b>28</b>	<b>146</b>	<b>(125)</b>	<b>24</b>	<b>(15)</b>
Cash at the beginning of the reporting period	191	219	365	240	264
<b>Cash at the end of the reporting period</b>	<b>219</b>	<b>365</b>	<b>240</b>	<b>264</b>	<b>249</b>

**Table 3.2.4: Departmental statement of changes in equity—summary of movement (Budget year 2008-09)**

	Retained earnings	Asset revaluation reserve	Other reserves	Contributed equity/capital	Total equity
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Opening balance as at 1 July 2008</b>					
Balance carried forward from previous period	241	384	-	10,876	11,501
<b>Adjusted opening balance</b>	241	384	-	10,876	11,501
<b>Income and expense</b>					
Surplus for period	-	-	-	-	-
<b>Estimated closing balance as at 30 June 2009</b>	241	384	-	10,876	11,501

**Table 3.2.5: Schedule of budgeted income and expenses administered on behalf of government (for the period ended 30 June)**

	Estimated actual 2007-08	Budget estimate 2008-09	Forward estimate 2009-10	Forward estimate 2010-11	Forward estimate 2011-12
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>INCOME ADMINISTERED ON BEHALF OF GOVERNMENT</b>					
<b>Revenue</b>					
<b>Taxation</b>					
Other taxes, fees and fines	11,800	9,300	9,400	9,600	9,600
<b>Total taxation</b>	11,800	9,300	9,400	9,600	9,600
<b>Total revenues administered on behalf of government</b>	11,800	9,300	9,400	9,600	9,600
<b>EXPENSES ADMINISTERED ON BEHALF OF GOVERNMENT</b>					
Write-down and impairment of assets	2,100	2,100	2,100	2,100	2,100
Other	6,300	5,800	6,000	6,100	6,100
<b>Total expenses administered on behalf of government</b>	8,400	7,900	8,100	8,200	8,200

**Table 3.2.6: Schedule of budgeted assets and liabilities administered on behalf of government (as at 30 June)**

	Estimated actual 2007-08 \$'000	Budget estimate 2008-09 \$'000	Forward estimate 2009-10 \$'000	Forward estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000
<b>ASSETS ADMINISTERED ON BEHALF OF GOVERNMENT</b>					
<b>Financial assets</b>					
Cash and cash equivalents	16	16	16	16	16
Receivables	212	212	212	212	212
<b>Total financial assets</b>	<b>228</b>	<b>228</b>	<b>228</b>	<b>228</b>	<b>228</b>
<b>Total assets administered on behalf of government</b>	<b>228</b>	<b>228</b>	<b>228</b>	<b>228</b>	<b>228</b>
<b>LIABILITIES ADMINISTERED ON BEHALF OF GOVERNMENT</b>					
<b>Payables</b>					
Other payables	-	-	-	-	-
<b>Total payables</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total liabilities administered on behalf of government</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 3.2.7: Schedule of budgeted administered cash flows  
(for the period ended 30 June)**

	Estimated actual 2007-08 \$'000	Budget estimate 2008-09 \$'000	Forward estimate 2009-10 \$'000	Forward estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000
<b>OPERATING ACTIVITIES</b>					
<b>Cash received</b>					
Fees	9,700	7,200	7,300	7,500	7,500
<b>Total cash received</b>	<b>9,700</b>	<b>7,200</b>	<b>7,300</b>	<b>7,500</b>	<b>7,500</b>
<b>Cash used</b>					
Other – refund of fees	6,300	5,800	6,000	6,100	6,100
<b>Total cash used</b>	<b>6,300</b>	<b>5,800</b>	<b>6,000</b>	<b>6,100</b>	<b>6,100</b>
<b>Net cash from or (used by) operating activities</b>	<b>3,400</b>	<b>1,400</b>	<b>1,300</b>	<b>1,400</b>	<b>1,400</b>
<b>Net increase or (decrease) in cash held</b>					
Cash at beginning of reporting period	16	16	16	16	16
Cash from Official Public Account	6,300	5,800	6,000	6,100	6,100
Cash to Official Public Account	(9,700)	(7,200)	(7,300)	(7,500)	(7,500)
<b>Cash at end of reporting period</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>

