

**Migration Review Tribunal
and
Refugee Review Tribunal**

**Agency resources and planned
performance**

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) are statutory bodies providing a final, independent merits review of visa and visa-related decisions made by the Minister for Immigration and Citizenship, or by officers of the Department of Immigration and Citizenship, acting as delegates of the Minister.

The MRT and the RRT (the Tribunals) are established and operate under the *Migration Act 1958 (Migration Act)*. The Tribunals' jurisdictions, powers and procedures are set out in the Migration Act and the Migration Regulations 1994. The Tribunals comprise members (appointed by the Governor-General under the Migration Act for fixed terms) and staff (appointed under the Migration Act and employed under the *Public Service Act 1999*). The Tribunals operate as a single agency for the purposes of the *Financial Management and Accountability Act 1997*.

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 meet government and community expectations and to develop more effective working relationships with stakeholders. 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. These priorities are reflected in the Tribunals' plan.

In 2010–11, the Tribunals expect to receive at least 10,000 applications. There is potential for volatility in lodgements, and the number of reviews conducted during a year depends on the availability of members and impacts that case law and legislative changes may have on cases and processes.

The Tribunals' appropriations are based on a resourcing agreement. This provides for adjustments based on caseload variations during one financial year to be made during the following financial year.

1.2 AGENCY RESOURCE STATEMENT

Table 1.1 shows the total resources from all sources. 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 2010-11 as at Budget May 2010

	Estimate of prior + year amounts available in 2010-11 \$'000	Proposed at Budget = 2010-11 \$'000	Total estimate 2010-11 \$'000	Actual available appropriation 2009-10 \$'000
Ordinary annual services ¹				
Departmental appropriation				
Departmental appropriation ²	6,900	43,218	50,118	41,014
Total	6,900	43,218	50,118	41,014
Total ordinary annual services	6,900	43,218	50,118	41,014
Other services				
Departmental non-operating				
Equity injections ³	-	80	80	-
Total	-	80	80	-
Total other services	-	80	80	-
Total available annual appropriations	6,900	43,298	50,198	41,014

¹ Appropriation Bill (No.1) 2010-11.

² Includes an amount of \$1.904m in 2010-11 for the Departmental Capital Budget (refer to table 3.2.5).

³ Appropriation Bill (No.2) 2010-11.

Third party payments from and on behalf of other agencies

There are no third party payments from and on behalf of other agencies.

1.3 BUDGET MEASURES

Table 1.2: Agency 2010-11 Budget measures

Table 1.2 has been omitted, as the MRT-RRT has no measures for the 2010-11 Budget.

Section 2: Outcomes and planned performance

2.1 OUTCOMES AND PERFORMANCE INFORMATION

Government outcomes are the intended results, impacts or consequences of actions by the Government on the Australian community. Commonwealth programs are the primary vehicle by which government agencies achieve the intended results of their outcome statements. Agencies are required to identify the programs, which contribute to Government outcomes over the Budget and forward years.

Each outcome is described below together with its related programs, specifying the performance indicators and targets used to assess and monitor the performance of MRT-RRT in achieving government outcomes.

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.

Outcome 1 strategy

The Tribunals operate in a high-volume decision-making environment where the case law and legislation are complex and technical. In this context, fair and lawful reviews are dependent on a number of factors, including adequate numbers of skilled member and staff resources.

The Tribunals are proceeding with a number of strategies to respond to a growth in the MRT caseload and to improve processing times for both MRT and RRT cases. These strategies include increasing the degree to which cases are allocated according to member experience and proficiency, the batching of like cases, ensuring that appraisal and professional development and training activities are effective and outcome focussed, and reviewing the registry support services and country of origin and legal advice resources that are available to members.

Outcome expense and resource statement

Table 2.1 provides an overview of the total expenses for Outcome 1, by program.

Table 2.1: Budgeted expenses and resources for Outcome 1

Outcome 1: To provide correct and preferable decisions for visa applicants and sponsors through independent, fair, just, economical, informal and quick merits reviews of migration and refugee decisions.	2009-10 Estimated actual expenses \$'000	2010-11 Estimated expenses \$'000
Program 1.1: Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas		
Administered expenses		
Write-down of assets - bad debts	2,600	2,600
Refund of application fees	5,500	5,700
Total administered expenses	8,100	8,300
Departmental expenses		
Ordinary annual services (Appropriation Bill No. 1)	41,014	43,218
Total for Program 1.1	49,114	51,518
	2009-10	2010-11
Average Staffing Level (number)	317	320

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

Contributions to Outcome 1

Program 1.1: Final independent merits review of decisions concerning refugee status and the refusal or cancellation of migration and refugee visas.

Program objective

The MRT and the RRT are established and operate under the Migration Act. Sections 353 and 420 respectively state:

- 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.

Program expenses

The Tribunals' expenses are directly related to the conduct of reviews. The Tribunals' caseload is determined by the level and outcome of visa and related decisions made within the Department. Changes in visa criteria, to the size of the Migration Program and to the Tribunals' jurisdictions may affect the number of persons who may apply to the Tribunals for a review of a decision made by an officer of the Department, acting as a delegate of the Minister.

Program 1.1 deliverables

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

The program deliverables are essentially the decisions that the Tribunals make on individual applications for review. The Tribunals may set aside or vary decisions under review, substitute another decision, or remit cases to the Department for consideration with binding directions. The Tribunals are required to provide written statements of decision, which must set out the reasons for the decision, set out the findings on any material questions of fact, and refer to the evidence or any other material on which findings of fact were based.

The Tribunals are required by law to conduct hearings at which applicants can give oral evidence and present arguments, and where other persons can give oral evidence. The Tribunals are required by law to invite an applicant to comment on or respond to information or issues that may lead to a decision under review being affirmed.

The Tribunals publish decisions of particular interest.

Program deliverables

	2009-10 Revised budget	2010-11 Budget	2011-12 Forward year 1	2012-13 Forward year 2	2013-14 Forward year 3
Cases Finalised		8,300			

Program 1.1 Key Performance Indicators

The key performance indicators demonstrate aspects of performance of the program in achieving its objectives and contributing to the outcome.

Program Key Performance Indicators

	2009-10 Revised budget	2010-11 Budget target	2011-12 Forward year 1	2012-13 Forward year 2	2013-14 Forward year 3
Tribunal decisions set aside by judicial review		<5%			
Bridging visa (detention cases) decided within 7 working days		70%			
RRT cases decided within 90 calendar days		70%			
MRT visa cancellation or revocation cases decided within 150 calendar days		70%			
MRT cases decided within 350 days		70%			
Complaints received per 1,000 cases		<5			
Decisions published		40%			

Section 3: Explanatory tables and budgeted financial statements

Section 3 presents explanatory tables and budgeted financial statements, which provide a comprehensive snapshot of agency finances for the 2010-11 Budget year. It explains how budget plans are incorporated into the financial statements and provides further details of the reconciliation between appropriations and program expenses, movements in administered funds, special accounts and government indigenous expenditure.

3.1 EXPLANATORY TABLES

3.1.1 Movement of administered funds between years

There was no movement of administered funds between years.

3.1.2 Special accounts

The MRT-RRT has no special accounts.

3.1.3 Australian Government indigenous expenditure

The MRT-RRT has no indigenous-specific expenditure.

3.2 BUDGETED FINANCIAL STATEMENTS

3.2.1 Differences in agency resourcing and financial statements

There are no significant differences in agency resourcing and the financial statements.

3.2.2 Analysis of budgeted financial statements

There are no significant movements in the MRT-RRT's financial statements between budget periods.

3.2.3 Budgeted financial statements tables

Table 3.2.1: Comprehensive income statement—showing net cost of services (for the period ended 30 June)

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
EXPENSES					
Employee benefits	32,818	31,266	30,365	31,110	31,856
Supplier expenses	9,640	9,736	9,900	9,600	9,600
Depreciation and amortisation	1,324	1,400	1,250	1,231	1,231
Finance costs	140	101	80	80	80
Total expenses	43,922	42,503	41,595	42,021	42,767
LESS:					
OWN-SOURCE INCOME					
Gains					
Other	56	56	60	60	60
Total gains	56	56	60	60	60
Total own-source income	56	56	60	60	60
Net cost of (contribution by) services	43,866	42,447	41,535	41,961	42,707
Revenue from Government	41,014	41,314	40,285	40,730	41,476
Surplus (Deficit)	(2,852)	(1,133)	(1,250)	(1,231)	(1,231)
Surplus (Deficit) attributable to the Australian Government	(2,852)	(1,133)	(1,250)	(1,231)	(1,231)
Note: Reconciliation of operating result attributable to the agency					
	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2012-13 \$'000
Operating result attributable to the Australian Government	(2,852)	(1,133)	(1,250)	(1,231)	(1,231)
plus non-appropriated expenses depreciation and amortisation expenses	-	1,400	1,250	1,231	1,231
Operating result attributable to the Agency	(2,852)	267	-	-	-

Prepared on Australian Accounting Standards basis.

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

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
ASSETS					
Financial assets					
Cash and equivalents	196	196	196	196	196
Trade and other receivables	4,033	3,790	3,394	2,978	2,985
Total financial assets	4,229	3,986	3,590	3,174	3,181
Non-financial assets					
Land and buildings	1,502	1,152	802	452	102
Property, plant and equipment	3,152	3,682	4,052	4,602	5,152
Intangibles	3,194	3,598	3,745	4,308	4,871
Other	238	238	238	238	238
Total non-financial assets	8,086	8,670	8,837	9,600	10,363
Total assets	12,315	12,656	12,427	12,774	13,544
LIABILITIES					
Payables					
Suppliers	674	674	674	674	674
Total payables	674	674	674	674	674
Interest bearing liabilities					
Leases	1,904	1,394	848	263	101
Total interest bearing liabilities	1,904	1,394	848	263	101
Provisions					
Employee provisions	5,330	5,330	5,330	5,330	5,330
Total provisions	5,330	5,330	5,330	5,330	5,330
Total liabilities	7,908	7,398	6,852	6,267	6,105
Net assets	4,407	5,258	5,575	6,507	7,439
EQUITY¹					
Parent entity interest					
Contributed equity	10,876	12,860	14,427	16,590	18,753
Reserves	384	384	384	384	384
Retained surplus (accumulated deficit)	(6,853)	(7,986)	(9,236)	(10,467)	(11,698)
Total equity	4,407	5,258	5,575	6,507	7,439

¹ 'Equity' is the residual interest in assets after the deduction of liabilities.

Prepared on Australian Accounting Standards basis.

Table 3.2.3: Departmental statement of changes in equity—summary of movement (Budget year 2010-11)

	Retained earnings	Asset revaluation reserve	Contributed equity/capital	Total equity
	\$'000	\$'000	\$'000	\$'000
Opening balance as at 1 July 2010	(6,853)	384	10,876	4,407
Surplus (deficit) for the period	(1,133)			(1,133)
Total comprehensive income recognised directly in equity	(7,986)	384	10,876	3,274
Transactions with owners				
<i>Contributions by owners</i>				
Appropriation (departmental capital budget)			1,984	1,984
Sub-total transactions with owners	-	-	1,984	1,984
Estimated closing balance as at 30 June 2011	(7,986)	384	12,860	5,258

Prepared on Australian Accounting Standards basis.

Table 3.2.4: Budgeted departmental statement of cash flows (for the period ended 30 June)

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
OPERATING ACTIVITIES					
Cash received					
Appropriations	41,014	41,314	40,285	40,730	41,476
Total cash received	41,014	41,314	40,285	40,730	41,476
Cash used					
Employees	32,818	31,266	30,365	31,110	31,856
Suppliers	9,640	9,736	9,900	9,600	9,600
Other	(4,638)	(198)	(526)	(565)	(142)
Total cash used	37,820	40,804	39,739	40,145	41,314
Net cash from (used by) operating activities	3,194	510	546	585	162
INVESTING ACTIVITIES					
Cash used					
Purchase of property, plant and equipment	2,739	1,984	1,647	2,163	2,163
Total cash used	2,739	1,984	1,647	2,163	2,163
Net cash from (used by) investing activities	(2,739)	(1,984)	(1,647)	(2,163)	(2,163)
FINANCING ACTIVITIES					
Cash received					
Contributed equity	-	1,984	1,647	2,163	2,163
Total cash received	-	1,984	1,647	2,163	2,163
Cash used					
Repayments of borrowings	478	510	546	585	162
Total cash used	478	510	546	585	162
Net cash from (used by) financing activities	(478)	1,474	1,101	1,578	2,001
Net increase (decrease) in cash held	(23)	-	-	-	-
Cash and cash equivalents at the beginning of the reporting period	219	196	196	196	196
Cash and cash equivalents at the end of the reporting period	196	196	196	196	196

Prepared on Australian Accounting Standards basis.

Table 3.2.5: Departmental capital budget statement

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
CAPITAL APPROPRIATIONS					
Capital budget - Bill 1 (DCB)		1,904	1,647	2,163	2,163
Equity injections - Bill 2		80	-	-	-
Total capital appropriations	-	1,984	1,647	2,163	2,163
Total new capital appropriations					
Represented by:					
Purchase of non-financial assets		1,984	1,647	2,163	2,163
Total Items	-	1,984	1,647	2,163	2,163
PURCHASE OF NON-FINANCIAL ASSETS					
Funded by capital appropriation - DCB ¹		1,984	1,647	2,163	2,163
TOTAL	-	1,984	1,647	2,163	2,163
RECONCILIATION OF CASH USED TO ACQUIRE ASSETS TO ASSET MOVEMENT TABLE					
Total purchases	-	1,984	1,647	2,163	2,163
Total cash used to acquire assets	-	1,984	1,647	2,163	2,163

¹ Does not include annual finance lease costs. Include purchase from current and previous years Departmental Capital Budgets.
Prepared on Australian Accounting Standards basis.

Table 3.2.6: Statement of asset movements (2010-11)

	Buildings	Other property, plant and equipment	Intangibles	Total
	\$'000	\$'000	\$'000	\$'000
As at 1 July 2010				
Gross book value	4,006	3,746	6,263	14,015
Accumulated depreciation/amortisation and impairment	2,504	594	3,069	6,167
Opening net book balance	1,502	3,152	3,194	7,848
CAPITAL ASSET ADDITIONS				
Estimated expenditure on new or replacement assets				
By purchase - appropriation equity	-	880	1104	1,984
Total additions	-	880	1,104	1,984
Other movements				
Depreciation/amortisation expense	350	350	700	1,400
Total other movements	350	350	700	1400
As at 30 June 2011				
Gross book value	4,006	4,626	7,367	15,999
Accumulated depreciation/amortisation and impairment	2,854	944	3,769	7,567
Closing net book balance	1,152	3,682	3,598	8,432

Prepared on Australian Accounting Standards basis.

Table 3.2.7: Schedule of budgeted income and expenses administered on behalf of Government (for the period ended 30 June)

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
INCOME ADMINISTERED ON BEHALF OF GOVERNMENT					
Revenue					
Non-taxation revenue					
Fees	14,100	14,300	14,300	14,300	14,300
Total non-taxation revenue	14,100	14,300	14,300	14,300	14,300
Total income administered on behalf of Government	14,100	14,300	14,300	14,300	14,300
EXPENSES ADMINISTERED ON BEHALF OF GOVERNMENT					
Bad Debts - RRT Post Decision Fees	2,600	2,600	2,600	2,600	2,600
Refunds - MRT Application Fees	5,500	5,700	5,700	5,700	5,700
Total expenses administered on behalf of Government	8,100	8,300	8,300	8,300	8,300

Prepared on Australian Accounting Standards basis.

Table 3.2.8: Schedule of budgeted assets and liabilities administered on behalf of Government (as at 30 June)

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
ASSETS ADMINISTERED ON BEHALF OF GOVERNMENT					
Financial assets					
Cash and cash equivalents	26	26	26	26	26
Receivables	236	236	236	236	236
Total financial assets	262	262	262	262	262
Total assets administered on behalf of Government	262	262	262	262	262
LIABILITIES ADMINISTERED ON BEHALF OF GOVERNMENT					
Total liabilities administered on behalf of Government	-	-	-	-	-

Prepared on Australian Accounting Standards basis.

Table 3.2.9: Schedule of budgeted administered cash flows (for the period ended 30 June)

	Estimated actual 2009-10 \$'000	Budget estimate 2010-11 \$'000	Forward estimate 2011-12 \$'000	Forward estimate 2012-13 \$'000	Forward estimate 2013-14 \$'000
OPERATING ACTIVITIES					
Cash received					
Rendering of services	11,500	11,600	11,600	11,600	11,600
Total cash received	11,500	11,600	11,600	11,600	11,600
Cash used					
Refunds	5,500	5,600	5,600	5,600	5,600
Total cash used	5,500	5,600	5,600	5,600	5,600
Net cash from (used by) operating activities	6,000	6,000	6,000	6,000	6,000
Net increase (decrease) in cash held					
Cash and cash equivalents at beginning of reporting period	26	26	26	26	26
Cash from Official Public Account for: - Transfers from other entities (Finance - Whole-of-Government)	5,500	5,600	5,600	5,600	5,600
	5,526	5,626	5,626	5,626	5,626
Cash to Official Public Account for: - Transfers to other entities (Finance - Whole-of-Government)	11,500	11,600	11,600	11,600	11,600
	11,500	11,600	11,600	11,600	11,600
Cash and cash equivalents at end of reporting period	26	26	26	26	26

Prepared on Australian Accounting Standards basis.

Table 3.2.10: Schedule of administered capital budget

The MRT-RRT does not have an administered capital budget.

Table 3.2.11: Schedule of asset movements—administered

The MRT-RRT does not have an administered capital budget.