

*Refugee Review Tribunal Library**



Shirley Lavers

Librarian

Refugee Review Tribunal

Establishment of the Tribunal

The Refugee Review Tribunal was established as a result of the evaluation of the government's refugee determination system undertaken in 1992. The establishment of the Tribunal was part of the migration law reform package introduced by the *Migration Reform Act 1992*. It commenced operations as an independent statutory body on 1 July 1993. It takes a non-adversarial approach to hearings and assessment of claims.

Jurisdiction

The Tribunal's objective is to review decisions made by the Department of Immigration and Ethnic Affairs, who have refused refugee status to on-shore applicants, that is, applicants who are already in Australia. The jurisdiction of the Tribunal involves a determination of whether applicants are persons to whom Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) and the 1967 Protocol Relating to the Status of Refugees (the Refugee Protocol), or the refusal to grant, or to cancel, visa or entry permit where refugee status is present.

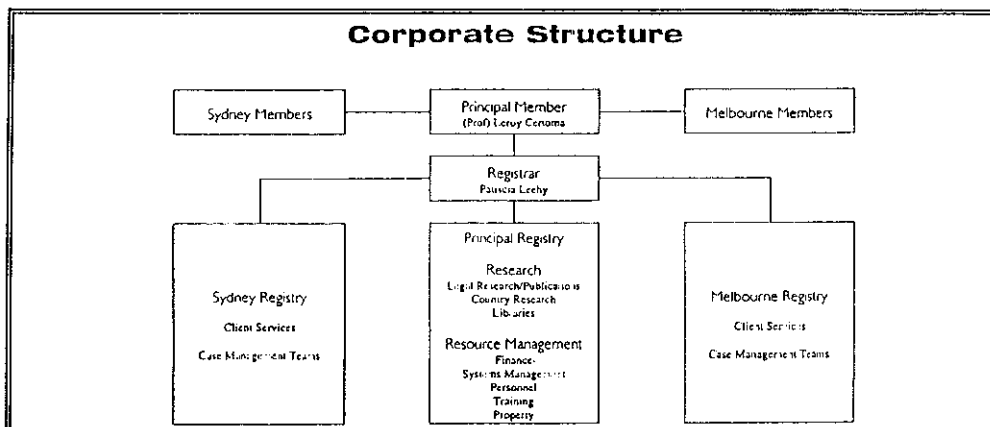
The Tribunal has no jurisdiction over two classes of persons. The first is off-shore applicants who are part of the Off-shore and Humanitarian Program which is part of the Migration Program in which applicants are selected in accordance with criteria contained in the Act and are subject to quotas set by the government. Secondly, the Tribunal does not have any determinative or recommendatory powers in respect to humanitarian grounds which are held within the Minister's discretionary powers.

Structure of the Tribunal

The Tribunal is headed by the Principal Member, who is also the Executive Officer of the Tribunal responsible for its overall operation and administration. This position is currently held by Professor Leroy Certoma. Its members are appointed by the Governor-General and include both full- and part-time members. The Tribunal has its own Registry comprising a registrar and other officers who are employed under the *Public Service Act*.

* Paper presented to AJA Biennial Court Librarians' Conference, Perth, 12 August 1994

The Tribunal has registries in both Sydney and Melbourne and when necessary will travel to other centres. The Principal Registry consists of a research division and a financial management division. The research division includes the libraries, country and legal research section, the publication of the Tribunal's decisions, and the collection and dissemination of the Tribunal's jurisprudence. The State registries are headed by a Deputy Registrar, and comprise client services units and a number of case management teams which assist members and liaise with applicants.



Decision-Making Process

The Tribunal's overall objective is to provide a mechanism of review that is fair, just, economical and quick. Any information relating to the applicant's claims will be held in confidence and will not be passed under any circumstances to the authorities of any country or their representatives.

Once an application has been lodged by an applicant the Tribunal will obtain any documentation relating to the case from the Department of Immigration and Ethnic Affairs. The Tribunal will also ask the applicant to supply any additional information or written argument which may support their case. If the Tribunal can make a favourable decision based on the papers supplied, it will do so and thus end the review process.

If the Tribunal cannot make a favourable decision upon examination of the papers then further documentary evidence will be sought, which may then result in a favourable decision.

If a favourable decision cannot be made without consultation with the applicant, then the Tribunal will invite the applicant to a hearing and allow the applicant to nominate witnesses to support their application. The hearings are conducted in private, with the matter being resolved between the applicant and the Tribunal. If the applicant or witnesses are not proficient in English then an interpreter will be provided by the Tribunal.

The applicant is notified in writing within fourteen days of the decision being made by the Tribunal. The Tribunal's decisions and reasons are published but do not contain any names or statements which may identify the applicant or any relative or other dependent of the applicant.

The Library Service

The Library Service is part of the Research Unit of the Tribunal. There are two libraries which are located in Sydney and Melbourne. The primary function of the library service is to meet the information needs of the members and research officers of the Tribunal. Each library is staffed by a qualified librarian and support staff at the Administrative Services Officer level.

The Collection

The collection can be divided into two parts: the law collection, and country information. Extensive use is also made of online services.

The Law Collection

The law collection is small in comparison with most law libraries as collection development is mainly in refugee law, administrative law and practice and procedure. The law section comprises:

- (a) Legislation - *Migration Act* and *Regulations* and other administrative legislation such as *Freedom of Information Act* and the *Privacy Act*.
- (b) Law Reports - administrative law decisions, Federal Court decisions, *Immigration Law Reporter*, and any decisions on refugee status, including international decisions.
- (c) Journals - such as *International Journal of Refugee Law*.
- (d) Textbooks.

The Sydney Library serves the principal registry and therefore has a larger law collection which includes the *Commonwealth Law Reports* and *The Australian Digest*.

Country Information

The country information section is the major part of the library. It includes material from a variety of sources. These are:

- (a) RRI Country Files are a compilation of materials located and used by research staff in their responses to members' questions, as well as ephemeral articles and documents. They are organised by using an in-house classification, which classifies by country and then by major subject area.

- (b) The Country Information Service, which is part of the Department of Immigration and Ethnic Affairs, produces in-house country profiles which comprise articles, extracts from books, and relevant documents, which are then arranged by subject
- (c) The Department of Foreign Affairs and Trade provides the Tribunal with country information in the form of cleared cables (i.e. sensitive information is deleted from the cable) and advice on countries from overseas posts
- (d) Amnesty International Reports, Human Rights Watch and the US State Department Country Reports are used extensively by members to provide information on human rights abuses and persecution in the applicant's country of origin and are important as an alternative source of information on those countries
- (e) Other sources include *Keesings Contemporary Archives*, the Europa series, textbooks and journals

Online Services

The need for current information from a variety of overseas sources such as Reuters, BBC Round-up and AAP necessitates the heavy use of online databases. The Tribunal subscribes to LEXIS/NEXIS and ILANET which is currently being used for searching ABN. SCALE is used for legal research and it is fortunate that the Tribunal decisions are available on SCALE.

Tribunal Decisions

Tribunal decisions are available from both the Sydney and Melbourne Registries at \$5.00 per copy. They may also be obtained on interlibrary loan free of charge to reciprocal libraries and standard ACLIS fees for other libraries. A decisions bulletin is also available at a cost of \$250.00 for an annual subscription. Selected decisions of the RRT are also on SCALE.

Bibliography

- 1 Certoma, Leroy *The Refugee Review Tribunal* Unpublished paper dated 14 March 1994
- 2 "Refugee Review Tribunal establishment". *Admin Review*, No 35, Autumn 1993.
- 3 Refugee Review Tribunal *Annual Report 1993-1994*