

REFUGEE COUNCIL OF AUSTRALIA

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MEDIA RELEASE

CALL FOR JUDICIAL INQUIRY INTO THE OPERATION OF THE REFUGEE REVIEW TRIBUNAL

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The High Court of Australia today found that thousands of asylum seekers who had their applications for a Protection Visa refused by the Refugee Review Tribunal were denied procedural fairness.

As a result of that decision, the Refugee Review Tribunal has been ordered by the High Court to rehear and redetermine the asylum seekers' applications according to law.

In effect, the applicants were denied a 'fair go', in breach of the law.

"This calls into question the credibility of the Refugee Status Determination system in Australia and the functioning of the Refugee Review Tribunal" said RCOA President, David Bitel. "How can it be that so many asylum seekers have been denied a fair go, over a sustained period of time by the system? We are talking about people, not numbers, people who are claiming that they will be persecuted if they are returned to their country of nationality. How can they put their case to Australia to seek protection if the system that is deciding their case is not acting in accordance with the law?" he continued.

"This decision confirms what refugee advocates have been saying for some time – the system has serious flaws".

The Refugee Council calls for the immediate constitution of a judicial inquiry into the operation of the Refugee Review Tribunal. "This is the only way the public can have confidence that the decisions being made by the tribunal are being made fairly and lawfully," said Mr Bitel "especially as under the current system, there is so little opportunity for public scrutiny of decision making".

The High Court decision also points to the serious problems in the current laws that limit judicial review. Had these laws been in place when the class action was commenced, the thousands of applicants in this case would have been denied justice and the structural flaws in the system would have remained undetected. And the question remains, how many applicants not party to this action have suffered as a result of flawed decisions?