



# Media release

## Senator Chris Evans

Leader of the Government in the Senate  
Minister for Immigration and Citizenship

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### Ministerial intervention powers under review

The Minister for Immigration and Citizenship, Senator Chris Evans today released an independent report into the appropriate use of ministerial intervention powers to make decisions in individual cases.

Senator Evans said he commissioned the report to restore integrity and transparency in the system of ministerial intervention after concerns were raised about the process.

“While the Minister has the personal power under the *Migration Act* to grant, refuse and cancel visas, those decisions are non-compellable, non-reviewable and non-delegable,” Senator Evans said.

“The Minister for Immigration is the only Minister to have such powers.

“Under the *Act*, the Minister is able to delegate most of those decisions to the department where they are reviewable by tribunals and the courts.”

Businesswoman Elizabeth Proust was commissioned earlier this year to examine the extent to which the Minister should make personal decisions under the *Migration and Citizenship Acts* and *Migration Regulations* and whether alternative arrangements could be pursued.

Ms Proust made six recommendations focusing on immediate steps that could be taken to manage the current processes as well as identifying possible changes for the future.

“The department has already implemented administrative improvements recommended by Ms Proust that streamline the way requests are made to the Minister and which ensure a timely assessment of such requests,” Senator Evans said.

“I have also taken steps to delegate some of the powers that I am able to delegate to the department as recommended by Ms Proust.”

Ms Proust made recommendations for longer-term change, including transferring responsibility to the department and the tribunals for individual case decision-making as well as limiting the scope for people to request an intervention by the minister.

Senator Evans said it was appropriate that the Minister continue to retain personal discretionary powers in exceptional circumstances, including where citizenship is to be revoked or where matters of national security are raised.

“Ministerial intervention powers were originally intended to provide an outcome for unique and exceptional cases but there is now an industry in people appealing to the minister,” Senator Evans said.

“There has been a substantial growth in the use of intervention powers over the last decade to the point where thousands of applications for Ministerial intervention are now made every year.”

Senator Evans said he had personally seen and finalised 472 individual intervention cases in the first quarter of 2008, which had resulted in the granting of 187 visas.

“Ministers should deal with issues of broad public policy. It is not the job of a Minister to decide thousands of individual visa cases,” Senator Evans said.

Senator Evans said Ms Proust’s report would enable the Government to restore the use of Ministerial intervention powers to its original intent of resolving exceptional and unforeseen cases.

The Minister is consulting relevant stakeholders to discuss the recommendations contained in Ms Proust’s report.

Ms Proust is a prominent businesswoman with more than 20 years’ experience as a senior executive in the public and private sectors.

She currently serves on a number of corporate boards and was previously the Secretary of the Victorian Department of Premier and Cabinet under the Kennett Government, and Chief Executive of the City of Melbourne.

In 2006, Ms Proust chaired a Defence Management Review to examine efficiency and effectiveness in defence, and consider the organisation’s business and management processes. Her report made 53 recommendations and led to major changes to the higher level processes in Defence.

The report can be obtained online at:

<http://www.minister.immi.gov.au/media/media-releases/2008/proust-report.pdf>

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