

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 28 May 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(1) Output: MRT/RRT

Senator Barnett (L&CA 4-6) asked:

In relation to all complaints upheld in the MRT and RRT, provide the circumstances and nature of the complaints and the consequences.

Answer:

Complaints are taken seriously by the Principal Member and investigations are conducted quickly and in an impartial manner with regard to the principles of procedural fairness.

The Principal Member or the RRT Deputy Principal Member arranges an investigation of the complaint to be conducted by a Senior Member. The Senior Member investigating the complaint makes a written report to the Principal Member or RRT Deputy Principal Member outlining conclusions and any recommendations as appropriate. Generally, an investigation involves a review of the case records, listening to the recording of the hearing and discussing the complaint with the Member. The Principal Member or Deputy Principal Member considers the report and responds to the complainant in writing and initiates any remedial or other action considered appropriate.

At the Budget Estimates Hearing of 28 May 2008, the Tribunals reported that from 1 July 2007 to 30 April 2008, the MRT had received 15 complaints against Members of which 3 were upheld, 0 partially upheld and 12 were dismissed. A correction is necessary to the number of complaints upheld. Following a review of the numbers of complaints upheld, it was ascertained that the correct number is 2. Accordingly, of the 15 complaints received by the MRT, 2 were upheld and 13 were dismissed.

The RRT received 6 complaints against Members. Of these 2 were upheld, 1 partially upheld and 3 were dismissed. A breakdown of the upheld/partially upheld MRT and RRT complaints is provided in the table below.

The following table summarises the circumstances in relation to the 5 complaints upheld for both Tribunals.

Reference Number	Tribunal	Circumstances of complaint	Nature of the complaint	Outcome/consequences
1	MRT	Applicant felt Member treated his adviser and witness discourteously during a hearing. An apology was sought.	Member conduct during a hearing	Apology made for discourtesy.
2	MRT	Applicant felt there was an uncommon delay in the conduct of his review.	Timeliness of Review	Apology made for the delay in the conduct of review. Case prioritised and re-allocated to another Member.
3	RRT	Applicant asked the Tribunal to issue a corrigendum to correct an error in the decision record.	Member conduct	A corrigendum was issued and a copy of the corrigendum was provided to the applicant and to the Department.
4	RRT	Applicant felt the Tribunal gave short notice of a hearing postponement and new hearing time.	Member conduct	Case re-allocated to another Member who was available to conduct the hearing at a more suitable time for applicant.
5	RRT	During an adjournment of the hearing a digital recorder in the room was inadvertently not turned off by the hearing officer. As a result, the dialogue between applicant and adviser was recorded and available to Member.	Member conduct	Apology made and agreed that discussions between applicants and advisers during adjournment periods should remain confidential. Advice provided to the adviser that the Member had not listened to the hearing.