

MRT-RRT Member Recruitment for 1 July 2010 - Interview Questions

1. What motivates you to want to become a Member of the MRT and RRT? Why do you think you would make a good Member?
2. Under the *Migration Act 1958*, the Tribunals are required to provide a mechanism of review that is “fair, just, economical, informal and quick” – what would you personally do to meet these requirements?
3. Tribunal Members review decisions made by the Department that are adverse to applicants. How do you ensure that you are impartial in conducting a review?
4. In many review applications issues of credibility may arise. What considerations should you be alert to in making findings on credibility?
5. We have finished our questions. Is there anything else you would like to say in support of your application?
6. If you are successful, the appointment will take effect from 1 July 2010 for a period of five years. Due to Cabinet and Executive Council timetables, based on past experience the announcements may be made in June 2010. We may be in contact with your nominated referees. Do you have other referees whom you would want us to contact?
7. For APS employees: I note that you are currently an APS employee. I would like to draw to your attention that it is a requirement that you either be on unpaid leave or have resigned from your present position prior to the date your appointment takes effect.
8. For current Members:
The Principal Member has access to your performance appraisal. Are you happy for him to make that available to us? YES / NO

Note from the Chair of the Selection Advisory Committee

As is the case in any selection process, where issues arose during interviews as a result of reviewing performance assessments (for example, productivity levels and/or set aside rates) additional questions would be asked to clarify these issues. During the 2010 MRT/RRT round additional questions were asked about a number of matters, not just set aside rates.

Senate Legal and Constitutional Affairs Committee
Budget Estimates 2010-11, 24-27 May 2010

Tabled Document No. 1

By: DIAL

Date: 26/5/10

MRT-RRT Member Recruitment for 1 July 2009- Interview Questions

1. What motivates you to want to become a Member of the MRT and RRT? Why do you think you would make a good Member?
2. What is your experience as a decision-maker – what do you think forms the basis of a high quality decision?
3. What is your understanding of the basic principles of administrative law as it applies to these Tribunals?
4. Under the Migration Act 1958 the Tribunals are required to provide a mechanism of review that is “fair, just, economical, informal and quick” – what would you personally do to meet these requirements? And, what types of cases do you think would cause you the most difficulty in carrying out your role and why?
5. Many review applications you have to deal with in the tribunals turn on the credibility of an applicant. How would you go about testing an applicant’s credibility and what considerations should you be alert to in making findings on an applicant’s credibility?
6. As a Member you will have to make decisions which might be overturned by a court or might cause complaints by stakeholders. How would you react in such a situation? *For current Members, please refer to list of case stats.*
7. If appointed, you will be asked to commit yourself to this position for a period of five years (1 July 2009 to 30 June 2014). Does this pose any difficulties for you?

For APS employees: I note that you are currently an APS employee. It is a requirement that you either be on unpaid leave or have resigned from your present position prior to the date your appointment takes effect. Would this be a problem for you?

8. We have finished our questions - is there anything else you would like to say in support of your application?
9. We may be in contact with your nominated referees. Do you have other referees you want us to talk to?

Note from the Chair of the Selection Advisory Committee

As is the case in any selection process, where issues arose during interviews as a result of reviewing performance assessments (for example, productivity levels and/or set aside rates) additional questions would be asked to clarify these issues. During the 2009 MRT/RRT round additional questions were asked about a number of matters, not just set aside rates.

In addition, all current members were advised that the Principal Member had access to their performance appraisals. They were asked whether they would be happy for him to make the appraisals available to the Committee.

What is the process for the appointment of MRT-RRT Members for July 2010?

The terms of appointment of nine full-time and 37 part-time Members of the MRT-RRT will expire on 30 June 2010. Of the 46 Members whose terms are expiring, 42 have applied for reappointment.

Advertisements were run in a range of local and national papers as well as in the public service gazette, on the internet (www.seek.com.au and www.mycareer.com.au). The MRT-RRT also prominently advertised the vacancies on their website. Applications closed on 22 November 2009, with 372 applications received. Ninety-one applicants were short-listed for interview, and two applicants subsequently withdrew prior to commencement of interviews.

The Selection Advisory Committee (SAC) interviewed the 89 short-listed applicants during February and March 2010.

The current SAC consisted of four persons. The Committee was chaired by Ms Felicity Hand, a Deputy Secretary of the Department.

The APSC was represented by Ms Annwyn Godwin, Merit Protection Commissioner. The other Committee members were Mr Denis O'Brien, Principal Member of the MRT/RRT, and Mr John Gibson, a community representative and President of the Refugee Council of Australia.

The process is that the Selection Advisory Committee makes recommendations to the Minister only after the independent endorsement by the APSC Commissioner. If endorsed, the recommendation then proceeds to Cabinet. If endorsed by Cabinet, the recommendation proceeds to the Governor-General for decision.

As is the case in any selection process, where issues arose during interviews as a result of reviewing performance assessments (for example, productivity levels and/or set aside rates) additional questions were asked to clarify these issues. During the 2010 MRT/RRT round additional questions were asked about a number of matters, not just set aside rates.

This was a totally apolitical and merit-based process, in accordance with the APSC Guidelines for the Appointment of Statutory Office Holders.