

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(313) Output: Refugee Review Tribunal

Senator Nettle (L&C 10) asked:

Provide a copy of the code of conduct for RRT members.

Answer:

Please find attached a copy of the existing RRT Member Code of Conduct.

With the cross-appointment of all part-time members, which began last year, the RRT's Member Code of Conduct is currently under review. Following consultation with members, a new Joint (MRT and RRT) Member Code of Conduct will be finalised by the MRT/RRT Senior Management Group and the Joint Management Board and notified to tribunal members.



Australian Government
Refugee Review Tribunal

Member Code of Conduct

Introductory

This document establishes a code of conduct (the Code) to be followed by all Members of the Tribunal in performing their functions and duties. It is the document referred to in the Member Performance Agreement which all selected applicants for appointment as a Member of the Tribunal will be required to enter prior to their formal appointment.

The purpose of the Code is to inform and advise Members of the expectations of the Principal Member in relation to their performance, standards of behaviour and general conduct. The Code presupposes that Members will act according to law in the performance of their duties and is designed to ensure that the independence of Members in relation to their decision-making functions is not compromised in any way.

At least once each year at a time to be decided by the Principal Member, the performance of Members will be the subject of written assessment by an appropriate executive Member or Members. The assessment process will include an interview. Assessment will be in terms of the Code of Conduct and the evaluation criteria listed in an appraisal form approved by the Principal Member. Members will be entitled to a copy of the assessment and an opportunity to comment thereon in writing.

Assessments will form part of Members' personnel files which will be available to the Principal Member for general management purposes. They will also be taken into account in the event the Member seeks re-appointment at the expiry of his or her term.

If an assessment is performed by an executive Member or Members other than the Principal Member and the subject Member is aggrieved by the result, he or she will be entitled to have the assessment reviewed by the Principal Member whose decision will be final.

In this Code, an executive Member is a person holding office as Principal, Deputy Principal or Senior Member.

2. Corporate responsibilities

Members are expected to contribute to the effective administration of the Tribunal by participation in its various committees and working parties and by assisting to implement and promote its corporate and strategic goals and objectives.

In particular, Members are expected –

Responsibilities to the Principal Member

- to maintain effective links with the Principal Member;
- to comply with all lawful directions of the Principal Member and, in particular, directions given by way of Practice Directions and Administrative Circular;

- to advise the Principal Member of all affiliations with persons or organisations which have the potential for causing conflict of interest or for adversely affecting the reputation of the Tribunal and to accept and act upon advice given by the Principal Member in relation to continuation of the affiliations;
- to provide the Principal Member with private addresses and telephone numbers for necessary official after hours contact and to authorise the Principal Member to make such information available to senior management personnel where necessary.

Propriety

- to behave with propriety and discretion; especially in public places where identifiable as Members;
- not to accept gifts of any kind where the offer is related to or could reasonably be perceived as being related to the office of Member of the Tribunal (Where a gift is received by post or other means, it is to be delivered to the Registrar with a minute setting out the circumstances under which it was received.);
- except with the specific consent of the Principal Member, not to engage in public debate or make public statements on matters related to immigration or refugee policy or on matters related to the affairs of the Tribunal.
- to dress appropriately at all times;
- to be aware of and sensitive to cultural and special needs issues (e.g., gender, physical or intellectual handicap, age, etc);
- to ensure the confidentiality of all sensitive information which comes to attention generally as a result of membership of the Tribunal;
- to be aware of and take all reasonable measures to ensure compliance with the confidentiality provisions of the Migration Act, the Freedom of Information Act and the Privacy Act.
- to be aware of and comply with the conflict of interest provisions of s 467 of the Migration Act.

Performance

- to monitor and oversight work performance against standards;
- to contribute to planning processes which are outcome and results oriented;

Relationships

- to treat applicants, interpreters, advisers, witnesses and other persons having business with the Tribunal with courtesy and respect and to ensure their dignity;
- to participate in the collegiate life of the Tribunal by attending and contributing to regular training sessions, conferences and informal discussion groups;

Attendance and Leave (Full Time Members)

- except where on approved leave or necessarily absent as a result of unforeseen circumstances, to attend Tribunal premises for duty during normal business hours unless elsewhere with the specific prior written consent of the Principal or Deputy Principal Member. (In this context, Tribunal premises includes circuit venues, authorised seminar premises and the like);
- where specific written consent has been given for an alternative work place, to advise his/her case management team leader on each permitted occasion and provide a contact telephone number.
- to seek approval for leave as far in advance as possible in order to minimise interruption to the work of the Tribunal and to enable personnel to process pre-payment and bonus entitlements. (In any event, approval for leave in non-urgent cases, including applications for recreation leave, to be sought at least two weeks

prior to the date of the intended leave and Members to provide contact details where leave is approved).

- in the case of illness or other necessary unforeseen absence, to notify an executive Member of absence at the earliest opportunity and, upon return to work, submit a leave application for approval.

Professional Development

- to maintain effective links with the Principal Member, fellow Members, senior management and staff generally;
- to deliver high standard oral presentations as required to both internal and external audiences and participate in the community information program.
- as directed, to attend, at Tribunal expense, selected external conferences seminars and training sessions dealing with issues of relevance to Members' duties;
- to contribute to the continuous improvement process;
- to contribute to the design, implementation and maintenance of initiatives and projects;
- to display and foster a sound understanding of the organisations wider responsibilities and corporate role;
- to communicate and project corporate values and strategic directions to other Members and staff;
- upon the request of an executive Member, to act as a mentor to new and inexperienced Members

3. Relations with administrative staff

The objectives of the Tribunal are corporate in nature and their successful attainment is dependent upon teamwork and co-operation.

Administrative staff are appointed or employed under the *Public Service Act 1999*. They take their instructions from and are accountable to their registry supervisors and through them to the Registrar and, ultimately, the Principal Member as chief executive officer of the organisation. Tribunal staff are not responsible or accountable to Members other than the Principal Member and his delegates. They do, however, have an obligation to co-operate with and facilitate the work of Members in pursuance of corporate goals. This means that, when requested by a Member, staff must perform all tasks associated with the conduct of the Member's case unless those tasks do not accord with agreed Registry practice, the RRT Practice Directions or Administrative Circulars.

In their relations with administrative staff, Members must –

- be courteous and helpful; and
- refrain from giving directions to staff which are contrary to accepted registry practice or which conflict with directions given by staff supervisors. (In such situations, if informal discussions with the supervisor do not resolve the issue, the Member should take the matter up with a Deputy Registrar, the Registrar or an executive Member.)

4. The review process

Productivity, Quality and Consistency

Members are required to produce the target number of written review decisions for each financial year as set by the Principal Member. Such decisions must be consistent with other Tribunal decisions of a like nature and of a quality acceptable to the Principal Member.

Time Lines and Work Practices

Members are required to deal with their caseload in accordance with administrative directions concerning time lines for the various stages of the review process and specified work practices.

Priorities

Members are required to deal with their caseload in accordance with administrative directions concerning the levels of priority to be accorded to particular kinds of cases.

Efficient Work Practices

Members are required to manage a multiple case load in an orderly and efficient manner. They are expected to adopt efficient work practices which will enhance their ability to produce the optimum number of decisions consistent with minimum standards of quality and consistency.

Communications with Applicants

All case specific communications between Members and applicants or their advisers must be –

- in writing with the original or a copy on file and folioed;
- made during recorded hearings; or
- made in the presence of a staff member and a minute thereof filed and folioed.

Hearings

Members are expected to –

- be available for circuit hearings as required;
- be available and willing to conduct hearings by telephone or video conference when directed by an executive Member;
- avoid unnecessary delays and cancellations of hearings;
- conduct hearings in accordance with the Tribunal's non-adversarial procedures and in accordance with the legislation;
- use accepted and appropriate interviewing techniques and avoid unnecessarily intrusive questions;
- use interpreters as required;
- use interpreters effectively and in accordance with accepted techniques;
- conduct hearings expeditiously and effectively and discourage irrelevancy, repetition and obfuscation;
- avoid bias or the appearance of bias;
- comply with procedural fairness requirements;
- deal sensitively with applicants' needs, culture and background;

Decisions

Members are expected to write good quality decisions and to finalise those decisions as soon as practicable after hearing. The decisions must be concise, easy to understand, contain a minimum of "legalese" and accord with Migration Act, procedural fairness and other legal requirements. Details such as applicants' names and dates must be accurate.