

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 1 November 2005

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

(314) Output: Refugee Review Tribunal

Senator Nettle (L&C 10) asked:

Provide a copy of the criteria used in the appraisal of members.

Answer:

Please find attached a copy of the RRT Member Performance Appraisal form which contains a detailed description of the Tribunal's member performance appraisal process and gives the particulars of the evaluation criteria.



Refugee Review Tribunal

MEMBER PERFORMANCE APPRAISAL

NAME OF MEMBER:

PART-TIME/FULL-TIME:

REGISTRY:

ORIGINAL APPOINTMENT DATE:

TERM OF APPOINTMENT:

PERIOD OF APPRAISAL:

APPRAISER:

DATE OF APPRAISAL:

THE PERFORMANCE APPRAISAL PROCESS

1. RATIONALE

The appraisal process is designed to ensure that Member performance is assessed fairly and equitably and in a manner which does not compromise the Member's decision-making independence.

2. OBJECTIVES OF THE APPRAISAL PROCESS

The objectives of the performance appraisal process are -

- (a) to foster and maintain the highest standards of performance;
- (b) to recognize excellence and to identify and address areas of sub-standard performance; and
- (c) to provide a basis for the Tribunal's recommendations for reappointments.

3. APPRAISAL PROCESS

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 the approved appraisal form. 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 and 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.

The executive Member performing an assessment may ask the Member to submit a self-evaluation of performance beforehand and/or may prepare a draft evaluation of performance for discussion at the assessment interview.

4 EVALUATION CRITERIA

Member performance will be evaluated on the basis of the following criteria –

CRITERION 1

Compliance with the Code of Conduct (other than in terms of **CRITERIA 2 to 6**).

The appraisal will look, among other things, at:

- *whether the Member has complied with the relevant conflict of interest requirements; and*
- *whether the Member has behaved with propriety and discretion as a Member.*

CRITERION 2

Ability to deliver prompt, concise, quality decisions which are consistent with Tribunal jurisprudence and which –

- (i) display a sound knowledge of relevant country information; and
- (ii) conform with applicable administrative and refugee law principles.

The appraisal will look, among other things, at:

- *A random sample of the Member's recent decisions;*
- *The incidence and outcome of applications for judicial review in relation to the Member's decisions;*
- *The Member's compliance with procedural fairness obligations generally and section 424A in particular.*

CRITERION 3

Ability to adopt effective work practices, comply with time lines and achieve productivity targets.

The appraisal will look, among other things, at:

- *The Member's performance in relation to relevant productivity targets; and*
- *The extent to which the Member complied with relevant time lines (70 days for detention cases and 118 days for all other cases).*

CRITERION 4

Ability and willingness to interact effectively with colleagues and staff in the process of decision-making and in the collegiate life of the Tribunal.

The appraisal will look, among other things, at:

- *The Member's attendance at professional development sessions;*
- *The Member's contribution to the effective administration of the Tribunal, including through participation in committees and working parties;*
- *The Member's contribution, where applicable, to the development and presentation of training sessions and/or as a mentor to new or inexperienced Members.*

CRITERION 5

Ability to conduct hearings expeditiously and effectively and, in the process, to interact sensitively with applicants and other persons involved.

The appraisal will look, among other things, at:

- *A sample of the Member's recent hearing tapes;*
- *The Member's interaction with applicants, advisers and interpreters;*
- *Whether the Member uses interpreters effectively and in accordance with accepted techniques; and*
- *The Member's compliance with procedural fairness obligations in hearings.*

CRITERION 6

Compliance with attendance and dress standards.

5. SOURCE MATERIALS

Source materials which may be used by an executive Member in the course of appraisal are -

- (a) Members' decisions;
- (b) transcripts, tapes and observation reports of hearings;
- (c) case and Member personnel files;
- (d) statistical indicators;
- (e) written observations of executive Members, colleagues, Tribunal staff, applicants, persons involved in the Tribunal process and members of the public;
- (f) any other material which it is appropriate to use in all of the circumstances.

No source material may be used unless the Member has been given access to it (or, where practicable, a copy) and a reasonable opportunity to reply or tender contrary evidence.

APPRAISAL

CRITERION 1

Compliance with the Code of Conduct (other than in terms of CRITERIA 2 to 6).

The appraisal will look, among other things, at:

- *whether the Member has complied with the relevant conflict of interest requirements; and*
- *whether the Member has behaved with propriety and discretion as a Member.*

Comments:

CRITERION 2

Ability to deliver prompt, concise, quality decisions which are consistent with Tribunal jurisprudence and which -

- (ii) display a sound knowledge of relevant country information; and**
- (iii) conform with applicable administrative and refugee law principles.**

The appraisal will look, among other things, at:

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Comments:

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Comments:

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Ability and willingness to interact effectively with colleagues and staff in the process of decision-making and in the collegiate life of the Tribunal.

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Comments:

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Comments:

CRITERION 6
Compliance with attendance and dress standards.

Comments:

GENERAL COMMENTS

Senior Member
[Date]

ACKNOWLEDGEMENT OF RECEIPT AND COMMENTS BY MEMBER

I, [name of Member], the Member of the Refugee Review Tribunal subject to this assessment process acknowledge receipt of a copy of this assessment. I wish to make the following comments –

Member
[Date]

ASSESSMENT

Comments:

Deputy Principal Member
[Date]

The Member has/has not requested review of the assessment by the Principal Member

OR

REVIEW OF MEMBER ASSESSMENT

The Member having requested that the above assessment be reviewed by the Principal Member, I have considered -

- 1) The assessment document and all source materials which were taken into account; and
- 2) *[Here insert details of any additional materials considered, e.g. written or oral submissions of the Member.]*

I am satisfied that

PRINCIPAL MEMBER
[DATE]

**ACKNOWLEDGMENT OF RECEIPT OF REVIEW DECISION AND
COMMENTS BY MEMBER**

I, [*name of Member*], the Member of the Tribunal subject to this assessment process, acknowledge receipt of a copy of the review decision. I wish to make the following comments -

MEMBER
[DATE]

NOTATION BY DEPUTY PRINCIPAL MEMBER

Assessment completed. I direct that it be placed on the Member's personnel file.

DEPUTY PRINCIPAL MEMBER

[Date]