

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 21 OCTOBER 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(8) Output: Portfolio Tribunals (MRT-RRT)

Senator Barnett (L&CA 15-16) asked:

Provide an update to the response to question number 1 from the Budget Estimates hearings of May 2008 relating to complaints upheld in the MRT and RRT.

Answer:

From 1 July 2007 to 30 June 2008, the MRT received 22 complaints against Members. Of these 2 were upheld, 1 partially upheld and 19 were dismissed. During the same period, the RRT received 9 complaints against Members. Of these 3 were upheld, 1 partially upheld and 5 were dismissed. A breakdown of the upheld/partially upheld MRT and RRT complaints is provided in the tables below.

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

Complaints upheld

Reference Number	Tribunal	Circumstances of complaint	Nature of complaint	Outcome/consequences
1	RRT	Applicant complained that the decision had been made without a further hearing after a postponement as a result of the unavailability of the interpreter.	Member conduct	Member vacated the decision and scheduled a new hearing.
2	MRT	Applicant felt Member treated his representative and witness discourteously during a hearing.	Member conduct	Apology made for discourtesy.
3	MRT	Applicant felt there was an undue 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.
4	RRT	Applicant felt the Tribunal gave short notice of a hearing postponement and new hearing time.	Hearing scheduling	Case re-allocated to another Member who was available to conduct the hearing at a more suitable time for applicant.
5	RRT	Applicant complained that a Member had refused to issue a corrigendum to correct an error in the decision record.	Correction of error	A corrigendum was issued and a copy of the corrigendum was provided to the applicant and to the Department.

The following table summarises the circumstances in relation to the 2 complaints partially upheld.

Partially upheld

Reference Number	Tribunal	Circumstances of complaint	Nature of the complaint	Outcome/consequences
1	MRT	Applicant complained about delay in finalising the review.	Timeliness of review	The case was prioritised by the presiding Member and finalised.
2	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 representative was recorded.	Hearing procedures	Apology made for failure to cease recording during adjournment. Advice provided to the representative that the Member had not listened to the recording.