



Australian Government

Migration Review Tribunal

INFORMATION FOR WITNESSES WHO ARE SUMMONED TO GIVE ORAL EVIDENCE OR PRODUCE DOCUMENTS

Tribunal procedures

Presiding members of the Migration Review Tribunal have the power to summons people to attend to give oral evidence to the Tribunal and / or to produce any documents referred to in the summons.

A person who has been summonsed to appear and / or give evidence before the Tribunal and who has tendered “reasonable expenses” must comply with the summons. Failure to do so may result in a penalty of up to *6 months imprisonment*.

The Tribunal generally takes oral evidence in public unless satisfied that public interest exists to warrant evidence being taken in private. In conducting a hearing when taking evidence the Tribunal will require witnesses to either take an oath or make an affirmation. Failure to: take an oath or to make an affirmation; answer questions; or produce documents, without reasonable excuse, may result in a penalty of up to *6 months imprisonment*. Further, knowingly giving evidence that is false or misleading on a material particular, i.e. something that is not trivial or inconsequential, may result in a penalty of up to *12 months imprisonment*.

The Tribunal procedures are non-adversarial. Therefore, even though an applicant when appearing before the Tribunal is entitled to have another person [the assistant] present to assist him or her, the assistant is not entitled to cross-examine any witness and may only address the Tribunal if exceptional circumstances exist. This right to an assistant however does not extend to any person summonsed to appear before the Tribunal.

Fees and costs

Witnesses are entitled to ‘reasonable expenses’ to travel to the Tribunal or place of hearing and are also be entitled to fees or reimbursement for loss of wages for attending the hearing. If your attendance was requested by the applicant to attend the Tribunal, such costs will be payable by the applicant. Otherwise, the Tribunal will pay the costs.

If you wish to claim reasonable expenses for travel and / or reimbursement for loss of wages arising from your appearance before the Tribunal, you should send an estimate of costs to the person named on the letter accompanying this information sheet. The presiding member will then decide what fees and allowances are payable to you by the Tribunal or the applicant.

Fees and costs are only payable for travel expenses and loss of wages or salary for appearance before the Tribunal. No fees are payable where you have been requested to produce documents.

What happens if I cannot attend at the scheduled time?

If a summons has been issued for you to attend the Tribunal, and you believe that you have a reasonable excuse for not attending, you should immediately contact this office on the number on the enclosed letter.