



Australian Government

Migration Review Tribunal · Refugee Review Tribunal

GUIDELINES ON EXPERT OPINION EVIDENCE

Introduction

Issues may arise in the conduct of reviews by the Migration Review Tribunal or Refugee Review Tribunal that require consideration of matters that are properly the subject of specialist knowledge or expertise.

1. These guidelines are intended to assist persons providing expert opinions on matters before the Tribunals. They are intended to ensure that expert opinions are of relevance and assistance to the decision making task of the particular Tribunal.
2. Applicants or their representatives should ensure that, when an expert opinion is sought, the expert is provided with a copy of these guidelines.

Providing an Expert Report

3. An expert report should include the following information:
 - a. details of the expert's area of expertise, including the expert's qualifications and experience in the area;
 - b. a statement of the instructions the expert was given and of the questions or issues that the expert was asked to address
 - c. the basis for any opinion given, including:
 - i. the facts upon which the opinion was based;
 - ii. whether those facts are within the personal knowledge of the expert or have been provided to the expert by way of history; and
 - iii. the reasons for the opinion.
4. The report should be clearly expressed, and should provide explanations of

technical terms that allow a lay person to understand them.

5. If a medical expert or psychologist has a pre-existing relationship with the person who is the subject of the report, for example, if he or she is the person's treating physician, this should be identified in the report.
6. The report should include a declaration that all relevant matters known to the expert have been disclosed, and that no such matters have been withheld from the report.
7. If there are any matters upon which the expert is unable to comment, or for which insufficient information is available, this should be noted in the report.
8. An expert providing an opinion does so to assist the Tribunal in matters relevant to the expert's area of expertise and is not an advocate for an applicant or any other party.

Denis O'Brien
Principal Member
18 May 2009