

Tribunal Member interview questions

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What to expect

The interview for a Tribunal Member role is designed to assess your legal expertise, decision-making process, and ability to handle complex and sensitive matters. It is typically conducted by a panel and may include scenario-based questions and a discussion of your past decisions.

- **Process:** Questions about how you prepare for and conduct hearings, manage casework, and approach decision-writing.
- **Behavioural:** Questions asking for examples from your past experience that demonstrate key competencies such as impartiality, resilience, and time management.
- **Scenario:** Hypothetical situations that test your judgment, procedural fairness, and ability to handle challenges like unrepresented parties or conflicting evidence.
- **Technical:** Questions on your knowledge of administrative law, statutory interpretation, and relevant legal frameworks.
- **Ethical:** Questions on maintaining impartiality, managing conflicts of interest, and upholding tribunal values.

The interview is usually conducted by a panel of two to three people, including a senior tribunal member and a representative from the relevant department or commission. It typically begins with an introduction and a discussion of your legal background. You will then be asked a series of structured questions covering process, scenario, behavioural and technical areas. Some panels may ask you to complete a short written exercise or case study before or during the interview. The interview concludes with an opportunity for you to ask questions about the role and the tribunal.

1. Walk us through how you prepare for and conduct a hearing.

Why they ask

Assesses your organisational skills, understanding of tribunal procedures, and ability to manage hearings efficiently.

How to structure your answer

A step-by-step walk-through: outline your preparation (reviewing file, identifying issues, researching law), your conduct during the hearing (managing parties, ensuring procedural fairness, taking evidence), and your post-hearing process (drafting decision, providing reasons).

Example answer

"In my previous role, I would begin by reviewing the entire file, including submissions and evidence, and identifying the key legal and factual issues. I would research relevant legislation and precedent using AustLII and LexisNexis. Before the hearing, I would conduct a directions hearing to clarify issues and set a timetable. During the hearing, I would explain the process to the parties, ensure both sides have an opportunity to be heard, and manage any disruptions. After the hearing, I would consider all evidence and submissions, apply the law, and draft a written decision with detailed reasons, usually within [X] weeks."

2. Tell us about a time when you had to make a difficult decision that was unpopular with one party.

Why they ask

Evaluates your resilience, impartiality, and ability to handle pressure.

How to structure your answer

STAR: describe the Situation, the Task you faced, the Action you took, and the Result.

Example answer

"Situation: A matter involving a social security appeal where the applicant was distressed and disagreed with my decision. Task: I needed to make a decision based on the law and evidence, despite the emotional pressure. Action: I listened to the applicant's concerns, explained the legal framework, and carefully applied the legislation to the facts. I issued a written decision with clear reasons. Result: While the applicant was disappointed, they acknowledged that they had been heard, and the decision was upheld on appeal."

3. Imagine a self-represented party is struggling to present their case. How would you handle this while maintaining impartiality?

Why they ask

Tests your judgement, procedural fairness knowledge, and ability to manage challenging situations.

How to structure your answer

Identify the issue, consider procedural fairness, balance assistance with impartiality, outline specific steps (e.g., explaining process, allowing extra time, not giving legal advice), and note the importance of documenting the approach.

Example answer

"I would first ensure the party understands the hearing process by explaining it in plain language. I would allow them additional time to present their evidence and ask clarifying questions to help them articulate their case. I would not provide legal advice or advocate for them, but I would ensure they know they can seek independent advice. I would also make sure the other party is not disadvantaged and document any adjustments made. Throughout, I would maintain an impartial demeanour and focus on the legal issues."

4. How do you approach interpreting ambiguous legislation?

Why they ask

Assesses your legal reasoning, statutory interpretation skills, and knowledge of administrative law.

How to structure your answer

A legal reasoning framework: text, context, purpose, and precedent. Outline the steps: start with the words, consider the context and legislative purpose (using extrinsic materials), check precedent, and apply the interpretation that best achieves the purpose.

Example answer

"I start by reading the provision carefully, considering the ordinary meaning of the words. If ambiguity remains, I look at the context within the Act, including headings and other sections. I then consider the purpose of the legislation, often referring to explanatory memoranda or second reading speeches. I also check relevant case law on the provision. Finally, I apply the interpretation that is consistent with the legislative purpose and precedent, and I set out my reasoning clearly in the decision."

5. Give an example of a time when you managed a heavy caseload with competing deadlines.

Why they ask

Evaluates your time management and ability to prioritise in a high-pressure environment.

How to structure your answer

STAR: describe the Situation, the Task you faced, the Action you took, and the Result.

Example answer

"Situation: I had a caseload of over 30 active matters, with several decisions due in the same week. Task: I needed to meet all deadlines without compromising quality. Action: I prioritised matters based on urgency and complexity, blocked out time for drafting, and used my tribunal's case management system to track progress. I also communicated with the registry if I needed additional time for complex

matters. Result: I met all deadlines, and my decisions were of a high standard, with no successful appeals on the basis of delay."

6. What steps would you take if you became aware of a potential conflict of interest in a matter?

Why they ask

Assesses your integrity, understanding of conflict of interest rules, and commitment to impartiality.

How to structure your answer

A clear process: identify, disclose, assess, and act (recuse or manage). Outline the importance of transparency and upholding public confidence.

Example answer

"I would immediately identify the nature of the conflict, whether it is a personal, financial, or professional connection. I would disclose it to the tribunal head or relevant manager as soon as possible. Then I would assess whether the conflict could reasonably be perceived as affecting my impartiality. If so, I would recuse myself from the matter and ensure another member is assigned. If the conflict is minor, I might manage it by disclosing it to the parties and seeking their consent to continue, but only if appropriate. The key is to maintain public confidence in the tribunal's impartiality."