

From: [REDACTED]**Sent:** N [REDACTED]**To:** Complaints <complaints@art.gov.au>**Subject:** Formal Complaint – Conduct of Facilitator | Applicant: Emma [REDACTED]**EXTERNAL EMAIL**

"Do not click any links or open any attachments unless you trust the sender, are expecting this email and know the content is safe."

To the Complaints Officer,

I am writing to formally lodge a complaint regarding the conduct of Administrative Review Tribunal (ART) Facilitator [REDACTED] during my recent Case Conference on Tuesday, [REDACTED].

I am a self-represented applicant navigating a complex legal process. While I understand the facilitator's role is to mediate and guide the proceedings, Facilitator [REDACTED] conduct during this conference fundamentally breached the Tribunal's obligation to remain impartial, neutral, and procedurally fair.

I outline three specific issues of concern below:

1. Failure to Maintain Impartiality and Objective Language Throughout the conference, Facilitator [REDACTED] failed to maintain the necessary separation between the Tribunal and the Respondent (the NDIA). Rather than objectively stating the NDIA's legal position (e.g., *"The Respondent submits that there is insufficient evidence"*), she repeatedly adopted the NDIA's position as her own, directly telling me, *"You do not have enough evidence."* This lack of objective language created a deeply adversarial environment and gave the distinct impression that the facilitator was advocating on behalf of the NDIA, rather than acting as a neutral mediator.

2. Providing Strategic Assistance to the Respondent During the conference, I formally declined to consent to an Independent Medical Examination (IME) or targeted questioning of my treating health team. I based this refusal on the fact that the Respondent has failed to identify any specific evidentiary gaps that warrant further assessment.

In response to my lawful refusal, Facilitator [REDACTED] actively prompted the NDIA's legal counsel, asking them if they could simply summons my health team. It is highly inappropriate for a Tribunal facilitator to step outside their neutral role to actively brainstorm legal loopholes or suggest coercive measures (such as a summons) to assist the Respondent in bypassing an applicant's lack of consent.

3. Coercive Conduct and Pre-empting the Tribunal Following my refusal to consent to further assessments, Facilitator [REDACTED] explicitly told me that my refusal *"wouldn't help me in hearing."* This statement was highly coercive. It is entirely reasonable for an applicant to refuse further evidence-gathering directions when the existing evidence comprehensively addresses the statutory criteria. For a facilitator to weaponise the hearing process by threatening that a Member will draw an adverse inference against me is a severe overstep. A facilitator cannot pre-empt the mind of the Member, nor should they use the threat of a negative hearing outcome to strong-arm an applicant into consenting to an unreasonable demand from the NDIA.

Requested Action The conduct outlined above has severely compromised my confidence in the impartiality of these proceedings. I therefore request that:

1. This complaint is formally noted on my file.
2. Facilitator [REDACTED] is recused from any further involvement in this matter.
3. A different, strictly neutral Registrar or Facilitator is assigned to any future Case Conferences regarding my application.

I look forward to your prompt acknowledgment of this complaint.

Kind regards, Emma [REDACTED]

[REDACTED]