

Subject: unacceptable, even farcical, ART recusal practice

From: Bob Buckley <convenor@a4.org.au>

Date: 11/03/2026, 12:52 pm

To: Michelle.Rowland.MP@aph.gov.au, ombudsman@ombudsman.gov.au

CC: Penelope Aligiannis <Penelope.Aligiannis@hotmail.com>, Member Complaints <membercomplaints@art.gov.au>, clancy@betootaadvocate.com, tip@chaser.com.au, Rick Morton <rickm@thesaturdaypaper.com.au>

BCC: "frank_kos@hotmail.com" <frank_kos@hotmail.com>, Cat Walker <oldredviolin@outlook.com>, David Edelman <davidedelman76@gmail.com>, Shannon Eeles <eeles.shannon@autismpartnership.com.au>, Senator Jordon Steele-John <senator.steele-john@aph.gov.au>, Senator.David.Pocock@aph.gov.au, senator.carol.brown@aph.gov.au

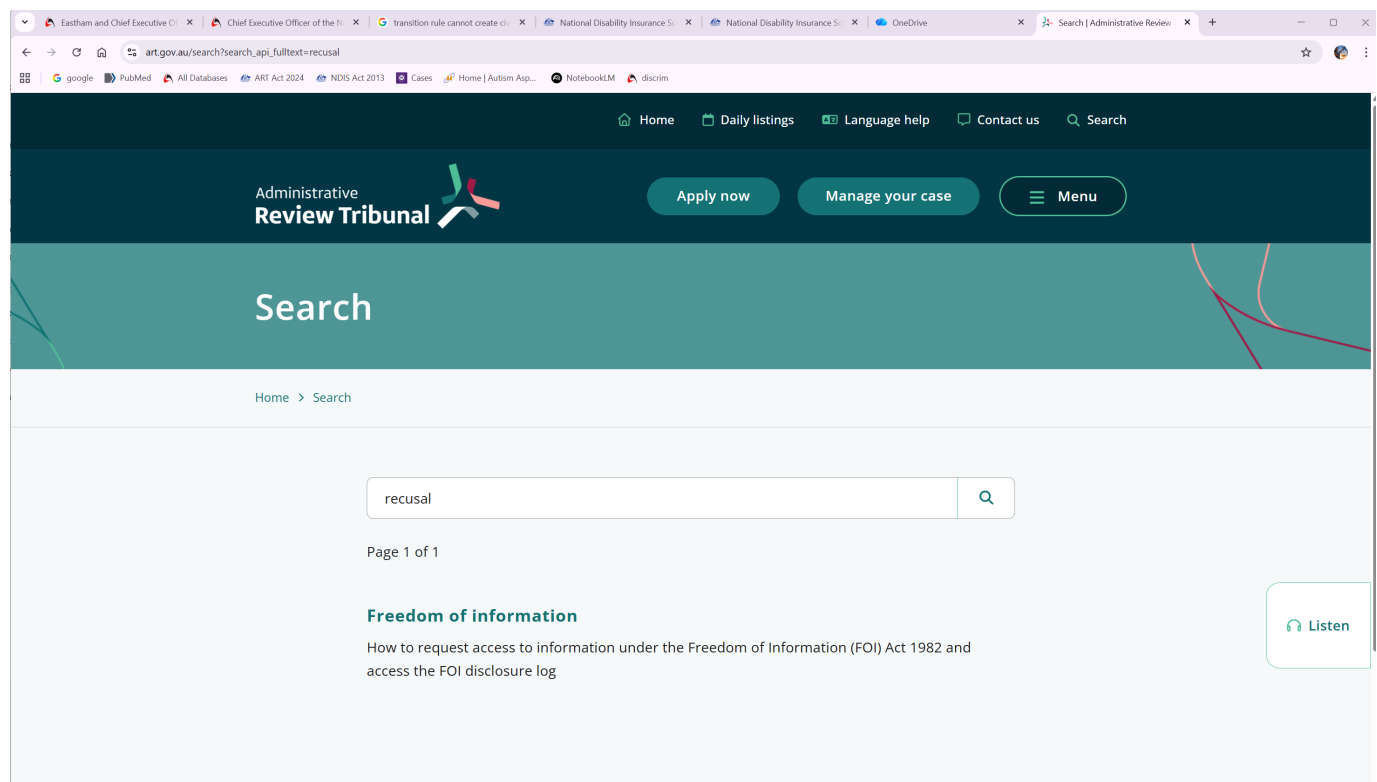
Dear Attorney General

I write in relation to the section in the email below from Member Complaints <membercomplaints@art.gov.au> at 1.10pm 2/3/2026 (see below) where its says:

It is Tribunal practice for all recusal requests to be considered by the presiding member in the first instance.

I have several comments about this.

While it may be "Tribunal practice", this is an issue that I feel requires clear policy ... not just some undocumented "practice". I was unable to find any information about the issue of recusal or recusal complaints on the ART website: see https://www.art.gov.au/search?search_api_fulltext=recusal



The screenshot shows a web browser window displaying the search page of the Administrative Review Tribunal (ART). The browser's address bar shows the URL [art.gov.au/search?search_api_fulltext=recusal](https://www.art.gov.au/search?search_api_fulltext=recusal). The website header includes navigation links for Home, Daily listings, Language help, Contact us, and Search. The main content area features a search bar with the text 'recusal' and a magnifying glass icon. Below the search bar, it indicates 'Page 1 of 1'. There is a 'Freedom of information' section with a link to 'Listen'.

Maybe this issue is in the preview of the Administrative Review Council (ARC - see Part 9 of the ART Act 2024) but that is not clear. And I was unable to find any information about how to bring an

issue such as this to the attention of the ARC ... or what would happen if I did.

I protest in the strongest possible terms about the Tribunal's practice in relation to recusal requests. The approach the Tribunal has taken is unacceptable, even farcical. In my view, this approach gets the accused to act as judge their own matter - there is no other legal issue where this would be acceptable.

The email said "in the first instance". However, that seems to be not just the first instance, but the only instance. So there is no further review of the accused self-serving decision.

I refer you to section 9 Objectives of the [Administrative Review Tribunal Act 2024](#). In particular, 9(e) refers to promoting "public trust and confidence in the Tribunal". The Tribunal's "practice for all recusal requests" does the opposite - it undermines public trust in the Tribunal. It is not "fair and just" (s9(a)).

I am mystified and very disappointed as to how people who developed and support this unacceptable approach to recusals in the ART are in such senior positions in Australia's (quasi-?)legal system.

Bob Buckley
Co-convenor, *Autism Aspergers Advocacy Australia* (A4)
website: <http://a4.org.au/>

A4, a recognised disability representative organisation (DRO), advocates for autistic people, their families, carers and associates. A4 is internet based so that Australians anywhere can participate in and contribute to A4's advocacy for autistic people, their carers and allies.

A4 recognises the Traditional Owners of lands in Australia; we respect their elders past, present and emerging. Sovereignty was never ceded.

Recipients of correspondence from A4, especially politicians and government officials, are all subject to A4's policy on unanswered questions: see <http://a4.org.au/node/1419>.

The autism issue is that autistic people just don't deliver on the plans, dreams and expectations in other peoples' heads.

On 9/03/2026 3:52 pm, Penelope Aligiannis wrote:

Hello Ash,

Thank you for your reply. My advocate Bob Buckley already requested Member Harris recuse herself during the Directions Hearing on Friday 28th November 2025.

Member Harris refused.

Would you be able to advise where I go from here?

Kind regards,

Penelope Aligiannis

From: Member Complaints <membercomplaints@art.gov.au>

Sent: Monday, 9 March 2026 1:01 PM

To: 'Penelope Aligiannis' <penelope.aligiannis@hotmail.com>

Subject: RE: RBTZ and NDIA – ART No. 2024/8509 Formal Complaint [SEC=OFFICIAL] [SEC=OFFICIAL:Sensitive]

Dear Ms Aligiannis

I refer to your below complaint below.

Your complaint has been assigned reference number **M2026/0011**.

What you can expect from us

The Administrative Review Tribunal (ART) takes all matters of complaint seriously and will deal with your complaint fairly and objectively, in accordance with the ARTs [Service Charter](#) and the [Protocol for complaints](#). I urge you to read those documents if you have not already done so.

Privacy and confidentiality will be observed according to our privacy policy, which is available on our [website](#). In line with our privacy policy, please note that Registry staff do not have access to the system containing your complaint and will not be aware of your complaint, the progress of your complaint or any result arising due to your complaint. Should you wish to contact me during the complaints process please email membercomplaints@art.gov.au.

Matters currently before the Tribunal

Please note clause 6 of the Protocol, which provides a list of outcomes that may follow a complaint and specifically the outcomes that are not available through the complaints process, as follows:

6.4 In providing a response to a complaint, the Tribunal is not able to:

- (a) provide further reasons for, or an explanation of, a Tribunal member's decision;*
- (b) comment on the merits of any application;*
- (c) change a decision, direction or order made by the Tribunal;*
- (d) provide legal advice;*
- (e) comment on government policy; or*
- (f) provide information about Tribunal members or staff.*

In other words, the complaint process is independent of, and has no effect on, the consideration or outcome of any matters before the Tribunal. **The matters you have raised in relation to the ongoing progression of your review matter should be submitted to the case management team directly, as part of the review process.**

To the extent that your complaints concern allegations of breaches of the [Administrative Review Tribunal Member Code of Conduct](#) (Code), they will be responded to by our General Counsel. To the extent that your complaint concerns staff conduct or concerns relating to Tribunal processes and procedures, those concerns will be responded to separately by our general Complaints team.

Recusal request

To the extent that you have requested Member Harris's recusal from matter 2024/8509, please note that recusal requests fall outside the scope of the complaints process and accordingly, recusal is not an outcome available from the complaints process.

It is Tribunal practice for all recusal requests to be considered by the presiding member in the first instance. **If you wish to make a recusal request**, you should write to the member via reviews@art.gov.au, stating the basis upon which you consider the member should recuse themselves.

Timeframe to resolve your complaint

Our processes are such that we require time to adequately consider the issues you have raised. Your complaint is currently being dealt with, and if more information is required, the Tribunal will contact you.

We aim to provide a response within 20 working days of receipt of your complaint. If more time is required we will advise you of progress in handling your complaint. This may be because we need more information to investigate the concerns you have raised.

If you are making a second or subsequent complaint, we may require additional time to provide a response to ensure that all issues are addressed correctly.

Appeal Avenues

The ART complaint process is independent of and has no effect on further appeal avenues available to you and the timeframes that may apply. If the ART has made a decision in your case, you should consult the notification of decision letter to ensure you understand any timeframes for appeals which may apply.

How we use your feedback

We value your feedback on the quality of our service as it allows us to understand what is working well and where improvements can be made. The Tribunal records, categorises and monitors complaints and feedback. This helps us to identify training needs, respond to emerging customer service issues, and measure customer and community satisfaction.

Thank you for bringing your concerns to our attention.

Yours sincerely,

Ash I

Member Complaints

Administrative Review Tribunal

www.art.gov.au

...