



Mental Health
Tribunal

Mental Health Tribunal **Principles of Conduct**

April 2022

The Principles of Conduct for Mental Health Tribunal members establish fundamental expectations for our behaviour and standards.

In addition to these core principles, the Mental Health Tribunal's Competency Framework provides a comprehensive description and explanation of the knowledge, skills, behaviours and attitudes that we are expected to demonstrate in the performance of our role.

Respect for the law

We demonstrate respect for and uphold the law in:

- our decision-making, including having regard to the objectives and principles of the *Mental Health Act 2014* and the rights set out in the *Charter of Human Rights and Responsibilities Act 2006*;
- conducting ourselves in a way that ensures a safe and healthy workplace which is free from discrimination, harassment and bullying;
- ensuring private and sensitive information is managed and protected in accordance with the law;
- the performance of our responsibilities; and
- in our private life.

Integrity

We demonstrate integrity by:

- acting honestly and openly in the performance of our Tribunal responsibilities;
- not knowingly taking advantage of, or benefitting from, information not generally available to the public obtained in the course of the performance of our responsibilities;
- not using our position as a member to improperly obtain, or seeking to obtain, benefits, preferential treatment or advantage for ourselves or for any other person or body;
- being scrupulous in the use of Tribunal resources;
- behaving in a way that upholds the good reputation of the Tribunal publicly and personally; and
- we should not use our position to publicly comment or participate in media debate without prior approval of the President.

Fairness

We:

- act fairly by objectively considering all relevant information and ensuring that all hearing participants are afforded a reasonable opportunity to put their case and contribute to the hearing;
- act in an impartial manner in the performance of our decision-making responsibilities so that our actions are not biased, and do not give rise to an apprehension of bias;
- be pro-active and comprehensive in disclosing all interests that could conflict (or appear to conflict) with decision-making;
- have regard to the potential impact of activities, interests and associations in our private lives on the impartial and efficient performance of Tribunal responsibilities; and
- do not accept gifts of any kind where this could reasonably be perceived to compromise our impartiality.

Independence

We:

- perform our Tribunal responsibilities independently and free from external influence.
- avoid any real or apparent conflicts of interest.

Respect and conduct

We demonstrate respect, taking into account lived experience by:

- protecting the rights, autonomy and dignity of people with mental illness;
- performing our responsibilities in a patient, dignified and courteous manner, including towards parties and hearing participants, other Tribunal members, Tribunal staff and officials with whom we engage;
- endeavouring to understand and be sensitive to the needs of persons involved in Tribunal proceedings;
- taking responsibility for the effect of our communication, written, verbal and non-verbal on all hearing participants, members, Tribunal staff and others with whom we engage;
- creating a respectful environment which encourages open and constructive communication; and
- contributing to a cohesive team.

Accountability and transparency

We:

- are open and accountable for all decisions and actions (or inaction) in the performance of our responsibilities; and
- should submit to and co-operate with appropriate scrutiny, and fully participate in all review and feedback processes (including legislative, management and administrative processes).

Diligence and efficiency

We demonstrate diligence and efficiency by:

- acting in a timely manner in the performance and management of our responsibilities;
- preparing thoroughly for hearings;
- using technology and resources and tools professionally and effectively; and
- taking reasonable steps to maintain and to enhance the knowledge, skills and personal qualities necessary for the performance of our responsibilities.

Additional responsibilities of President, Deputy President and senior members of the Tribunal

The Tribunal is an essential safeguard under the Act to protect the rights and dignity of persons with mental illness. The President, Deputy President and senior members of the Tribunal should assist Tribunal members to comply with the principles of conduct and to perform their responsibilities through the provision of appropriate leadership, training and support.