

**Mental Health  
Tribunal**



**RECONCILIATION  
ACTION PLAN**

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**REFLECT**

# **Reflect Reconciliation Action Plan**

**MARCH 2023 – MARCH 2024**

## Message from the Chief Executive Officer, Reconciliation Australia

Reconciliation Australia welcomes the Mental Health Tribunal, Victoria to the Reconciliation Action Plan (RAP) program with the formal endorsement of its inaugural Reflect RAP.

The Mental Health Tribunal joins a network of more than 1,100 corporate, government, and not-for-profit organisations that have made a formal commitment to reconciliation through the RAP program.

Since 2006, RAPs have provided a framework for organisations to leverage their structures and diverse spheres of influence to support the national reconciliation movement. The program's potential for impact is greater than ever, with close to 3 million people now working or studying in an organisation with a RAP.

The four RAP types — Reflect, Innovate, Stretch and Elevate — allow RAP partners to continuously develop and strengthen reconciliation commitments in new ways. This Reflect RAP will lay the foundations, priming the workplace for future RAPs and reconciliation initiatives.

The RAP program's strength is its framework of relationships, respect, and opportunities, allowing an organisation to strategically set its reconciliation commitments in line with its own business objectives, for the most effective outcomes.

These outcomes contribute towards the five dimensions of reconciliation: race relations; equality and equity; institutional integrity; unity; and historical acceptance.

It is critical to not only uphold all five dimensions of reconciliation, but also increase awareness of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and leadership across all sectors of Australian society.

This Reflect RAP enables the Mental Health Tribunal to deepen its understanding of its sphere of influence and the unique contribution it can make to lead progress across the five dimensions. Getting these first steps right will ensure the sustainability of future RAPs and reconciliation initiatives, and provide meaningful impact toward Australia's reconciliation journey.

Congratulations to the Mental Health Tribunal, Victoria, welcome to the RAP program, and I look forward to following your reconciliation journey in the years to come.

Karen Mundine  
Chief Executive Officer  
Reconciliation Australia



## Introduction

The Mental Health Tribunal (Tribunal) makes decisions about whether a person with a serious mental illness should receive compulsory mental health treatment. There are 57 public hospitals and community mental health clinics that provide compulsory mental health services in Victoria. Compulsory mental health treatment limits a person's rights to privacy, liberty, freedom of movement and freedom from medical treatment without consent.

The Tribunal is independent from the public health system and conducts hearings each day across Victoria. To conduct a hearing the Tribunal must form a division of three members: a lawyer, a psychiatrist or registered medical practitioner and a community member. The Tribunal conducts hearings<sup>1</sup> by videoconference and/or teleconference using an on-line platform (MS Teams)<sup>2</sup>, and in-person at a public hospital or community mental health clinic<sup>3</sup>. Tribunal hearings are an important opportunity for a person to express their views and preferences. A hearing is also an opportunity for the Tribunal to hear the views of carers, family members and/or key support people. Since commencing operation on 1 July 2014, the Tribunal has conducted more than 66,000 hearings.

The Tribunal conducts hearings to decide whether to make or revoke (end) a compulsory mental health **Treatment Order** or an **Electroconvulsive Treatment Order** for a person. To make this decision the Tribunal must consider whether the treatment criteria in the *Mental Health Act 2014* (Vic) apply to a person. If the Tribunal revokes an Order, this means the person becomes a voluntary patient and may make their own decisions about treatment. If the Tribunal makes an Order, the person will continue to be a compulsory patient.

There are two types of Treatment Orders that the Tribunal can make:

- (i) an Inpatient Treatment Order - where a person is contained on a ward of a public hospital and provided mental health treatment; and
- (ii) a Community Treatment Order - where a person must comply with treatment, which may include injectable medication, and may also be required to attend appointments at a community mental health service for monitoring of their mental state. (A Community Treatment Order may be varied to an Inpatient Treatment Order where the person subject to the Order refuses to comply with mental health treatment).

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<sup>1</sup> In 2018-19, 77% of hearings were conducted in-person at a public hospital or community mental health clinic. All other hearings (28%) were conducted via closed-loop videoconferencing facilities at the Tribunal's workplace at 570 Bourke Street, Melbourne. *Mental Health Tribunal Annual Report 2018-2019*, p.28. On 23 March 2020, the effects of the COVID-19 pandemic required that the Tribunal suspended all in-person hearings at mental health services which slashed the Tribunal's capacity to conduct hearings by 60 percent. The Tribunal responded by redesigning its processes and listing practices and developed a COVID-19 action plan. By 27 April 2020, the Tribunal had re-established its capacity to conduct hearings as required under the *Mental Health Act 2014*.

<sup>2</sup> Following the introduction of remote videoconference and/or teleconference hearings, patient participation rates in hearings has increased. Patient participation rates in hearings increasing from 58% in 2018-2019 to 63% in 2020-2021. *Mental Health Tribunal Annual Report 2020-2021*, p.27

<sup>3</sup> As restrictions at public hospitals and community clinics continue to apply, the Tribunal is currently only able to conduct in-person hearings on request and in response to the needs of participants.

If an Order is made, the views and preferences of the person subject to that Order need to be considered, but their treating psychiatrist will make treatment decisions if they are unable to consent or refuse treatment, and there is no less restrictive way for them to be treated. The Tribunal also has responsibility to make decisions that recognise and respond to the distinct cultures, identities and communities of Aboriginal and Torres Strait Islander people receiving mental health services (Section 11(1)(h) of the Act). The Tribunal must also take into account a person's rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic)(the Charter).

## **Our organisation**

The Tribunal's workplace is located at Level 30, 570 Bourke Street, Melbourne. Since the COVID-19 pandemic, flexible working arrangements have been in place with Tribunal staff working at this location and from home and members working from home.

The Tribunal employs more than 20 members of staff who provide administrative support and work in the Registry, legal services, business and data analysis and corporate services. The Tribunal has a Consumer and Carer Engagement Officer. There is also a Tribunal Advisory Group consisting of eight members who are consumers, carers, and peer workers.

The Tribunal has over 100 members appointed by Governor in Council on the recommendation of the Minister for Mental Health for a term of up to five years. There are four member categories: legal, psychiatrist, registered medical practitioner and community.

The Tribunal's membership consists of:

- four full-time members (President, Deputy President and two Senior Legal Members)
- eight part-time members across all membership categories (legal, psychiatrist and community), and
- over 100 sessional members across all member categories.

One member of the Tribunal is Aboriginal and is a member of the Yamatji community.

## **Our vision for reconciliation**

Our vision for reconciliation is a Tribunal that is culturally aware, sensitive, inclusive, and safe. This includes:

- actively recognising and responding to the distinct cultures and identities of Aboriginal and Torres Strait Islander peoples
- seeking to improve experiences, care, and outcomes for Aboriginal and Torres Strait Islander peoples, and
- creating a culturally aware, sensitive, inclusive, and safe workplace for Tribunal staff and members.

## Our values

The Tribunal values lived experience and we are **fair, respectful, and collaborative**. We are committed to these values as part of our reconciliation initiatives.

The Tribunal acknowledges the disparity and inequality between Aboriginal and Torres Strait Islander peoples and other Australians in health, economics, education, and the justice system. This **Reflect Reconciliation Action Plan (RAP)** is an important part of the Tribunal's commitment and contribution to Australia's journey of reconciliation, including acknowledging the deep pain, disparity, inequality, and injustices Aboriginal and Torres Strait Islander peoples have experienced and its ongoing impact, and the need to **build relationships, respect and trust** between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

## Reflect RAP Tasks

- Establish an effective governance structure for the development and implementation of our RAP
- Reflect on how the Tribunal can contribute in a practical and structured way to advance reconciliation with Aboriginal and Torres Strait Islander peoples
- Build relationships, networks, and partnerships with Victorian Aboriginal and Torres Strait Islander organisations and stakeholders (particularly in legal, health, and community services organisations) within our local area and sphere of influence
- Scope the development of initiatives, practices, and approaches to build the capability of staff and members in a culturally informed way
- Develop a plan for RAP sustainability and accountability, including for future RAPs that are meaningful and mutually beneficial.

## RAP governance structure

To advance the development and implementation of our RAP, the Tribunal has established a **RAP working group (RWG)** which includes 14 members and staff from a range of positions. Importantly, the RWG includes the President, Deputy President, Chief Executive Officer, RAP Champion, and members from each Tribunal member category. The RWG membership is large as members contribute in a voluntary capacity and routinely some members of the RAP are not available.

The RWG reflects our commitment to the RAP outcomes in our strategic decision making. The RWG will meet every thirteen weeks or as required, including utilising MS Teams and email to enable members to be consulted and to provide feedback<sup>4</sup>.

The RWG members are:

- Matthew Carroll – President, Mental Health Tribunal
- Troy Barty – Deputy President, Mental Health Tribunal
- John Hodgson – Medical Member
- Aroon Naidoo – Community Member
- Sue Weigall – Psychiatrist Member
- Jan Dundon – Chief Executive Officer
- Rob Daly – Legal Member (Part Time)
- Jacquelin Gibson – Community Member and member of the Yamatji community
- John King – Community Member
- Ali Pain – Consumer and Carer Engagement Officer
- John Leatherland – Community Member
- Zashalla Nicholson – Principal Registrar
- Kristin Giles – Principal Legal Officer
- Emma Montgomery – Senior Legal Member, RAP Champion and **Chair RWG**

The RWG makes recommendations for consideration, discussion, and endorsement by the Tribunal's Governance Group.

Emma Montgomery, Senior Legal Member, is the Tribunal's **RAP Champion** and is responsible for driving and championing internal engagement and awareness of RAP.

## Our Reflect RAP

The Tribunal considers the development of a RAP represents our willingness to be open and to engage in the process of examining and scoping the capacity of staff and members. The Tribunal recognises that these reflective processes are foundational to meaningfully engage with Aboriginal and Torres Strait Islander patients and their families and to prepare for reconciliation initiatives. Together these steps reflect the Tribunal's commitment<sup>5</sup> to build cultural competence in our staff and members that recognises and values the distinct cultures and identities of Aboriginal and Torres Strait Islander patients and carers<sup>6</sup>.

The process of developing a RAP will bring representatives of Tribunal members, staff, and Aboriginal and Torres Strait Islander communities together. This will strengthen

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<sup>4</sup> The Tribunal's Reflect RAP project has been on hold during the COVID-19 pandemic. The RWG has held one MS Teams meeting between February 2020 and June 2022 and members have been consulted and provided input and feedback on the draft Reflect RAP via email.

<sup>5</sup> The Tribunal's Strategic Plan 2021-2024 reflects this commitment in Strategic Priority 3: Ensure fair, consistent, and solution-focused hearings. <[MHT Strategic Plan 2021-2024.pdf](#)>

<sup>6</sup> Family, friends, carers, and other support people may identify with more than one of these terms all of which are employed in this document.

relationships within and external to the Tribunal while establishing measurable objectives for the following.

- Working in collaboration with Victorian Aboriginal Community Controlled Organisations in health, legal and community services to:
  - develop a practical and structured approach to build the capability of staff and members to respond to and recognise the distinct cultures and identities of Aboriginal and Torres Strait Islander peoples who interact with the Tribunal
  - develop a practical and structured approach to build a practice of culturally safe and accessible Tribunal hearings for Aboriginal and Torres Strait Islander patients and their families
  - create a welcoming, inclusive, and culturally safe Tribunal hearing environment for Aboriginal and Torres Strait Islander patients, families, and friends
- Responding and supporting the cultural needs and preferences of Aboriginal and Torres Strait Islander members and staff to ensure they feel valued and respected as individuals and as part of the communities they represent.

The RAP outlines many significant undertakings over the next twelve months, with the primary focus on building relationships and networks with Victorian Aboriginal Community Controlled Organisations in health, legal and community services that work in the area of mental health and well-being.

### **Processes, stages, and timelines**

The RWG developed the Reflect RAP across four domains:

- relationships
- respect
- opportunities, and
- governance.

The timeline for the Reflect RAP is twelve months commencing March 2023 until March 2024.

The RWG acknowledges the input of members, staff, and the Tribunal Advisory Group (consumer, carer, and peer workers advisory group) on the Reflect RAP.

The Reflect RAP was provided to Reconciliation Australia and received their endorsement.

**RELATIONSHIPS:** The focus on relationships is designed to progress the reconciliation dimensions of unity and race relations by building and maintaining key internal and external relationships.

Building strong relationships with First Nations stakeholders, organisations and communities is important to our organisation and its strategic priorities of ensuring fair, consistent, and solution-focused hearings and promoting the realisation of the principles and objectives of the Act.

**Focus Area:** Develop strong relationships with Victorian Aboriginal Community Controlled Organisations in health, legal and community services.

ACTION	DELIVERABLES	TIMELINE	RESPONSIBILITY
<b>1. Establish and strengthen mutually beneficial relationships with Victorian Aboriginal and Torres Strait Islander organisations and stakeholders within our local area or sphere of influence</b>	Identify Aboriginal and Torres Strait Islander organisations and stakeholders (particularly legal, health and community services organisations) within our local area or sphere of influence.	March 2023	Chair, RAP Working Group (Chair RWG) and RAP Champion
	Research best practice and principles that support strong relationships, collaboration, and partnerships with local Aboriginal and Torres Strait Islander stakeholders and organisations.	March 2023	Principal Legal Officer (PLO)
	Develop and seek to establish lasting relationships with Aboriginal Liaison and Contact Officers / Aboriginal Social and Emotional Wellbeing Officers at public mental health services.	March 2024	Consumer and Carer Engagement Officer (CCEO)
<b>2. Consult leaders of Victorian Aboriginal and Torres Strait Islander Community Controlled Organisations in health, legal and community services on the Tribunal's services and accessibility</b>	Utilise contacts and emerging relationships to consult with leaders of Victorian Aboriginal and Torres Strait Islander Community Controlled Organisations in health, legal and community services on the Tribunal's services and accessibility.	September 2023	President of the Tribunal (President)
	Use these consultations to inform the design and development of cultural advice and practice guidance for members and staff.	March 2024	President of the Tribunal



<b>3. Build relationships through celebrating National Reconciliation Week (NRW).</b>	Circulate Reconciliation Australia's National Reconciliation Week (NRW) resources and reconciliation materials to members & staff.	May, annually	Chief Executive Officer (CEO)
	RWG members to participate in an external NRW event.	27 May - 3 June annually	CEO
	Encourage and support staff and senior leaders of the Tribunal to participate in at least one external event to recognise and celebrate NRW.	27 May - 3 June annually	Deputy President of the Tribunal (Deputy President)
<b>4. Promote reconciliation through our sphere of influence</b>	Communicate our commitment to reconciliation to all members and staff.	May 2023	President
	Communicate our commitment to reconciliation publicly.	May 2023	President
	Promote RAP at Tribunal Forum	March 2023	Chair RWG
	Identify external stakeholders that the Tribunal can engage with on our reconciliation journey.	September 2023	President
	Investigate opportunities to collaborate with RAP network and RAP partners, and other like-minded organisations to develop ways to advance reconciliation.	November 2023	Chair RWG
	Include information about the RAP in our induction programs for staff and members.	April 2023	Deputy President
<b>5. Promote positive race relations through anti-discrimination strategies</b>	Research best practice and policies in areas of race relations and anti-discrimination.	December 2023	PLO
	Conduct a review of our Human Resource policies and procedures to ensure compliance with anti-discrimination obligations.	June 2023	CEO
	Educate members and staff on the effects of racism.	September 2023	Chair RWG

**RESPECT:** Respect for Aboriginal and Torres Strait Islander peoples is important to us because it strengthens working relationships, improves the accessibility and quality of hearings and decisions, and underpins our commitment to equity and fairness.

The foundation of respect will be embedded and maintained through cultural awareness education and training which focuses on Aboriginal and Torres Strait Islander cultures, histories, knowledge, and rights. Cultural awareness and cultural competency require continuous learning to enable us to be a culturally safe and responsive organisation for Aboriginal and Torres Strait Islander peoples.

The section focuses on Aboriginal and Torres Strait Islander cultural awareness training and services. This focus area is designed to progress the reconciliation dimensions of historical acceptance, unity, and institutional integrity.

**Focus Area:** Develop a Tribunal environment where Aboriginal and Torres Strait Islander people’s experiences and perspectives are recognised and respected.

ACTION	DELIVERABLES	TIMELINE	RESPONSIBILITY
<b>6. Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.</b>	Conduct a review of cultural learning needs within our organisation.	May 2023	Chair RWG
	Develop organisational communications for increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and rights within our organisation.	October 2023	CEO
	Develop, implement, and communicate a cultural learning strategy for members and staff in consultation with First Nations staff and external stakeholders.	December 2023	CEO
	Deliver or facilitate access to cultural learning opportunities for members and staff including education and training in cultural awareness; cultural safety; cultural competency; and working with Aboriginal and Torres Strait Islander peoples.	March, annually	CEO

<b>7. Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols.</b>	Increase staff and members' understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols.	September 2023	Chair RWG
	Increase staff's understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols.	September 2023	CEO
<b>8. Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating National Aborigines and Islanders Day Observance Committee (NAIDOC) Week.</b>	Raise awareness and share information amongst our staff about the meaning of NAIDOC Week <sup>7</sup> .	June, annually	CEO
	Introduce our staff to NAIDOC Week by promoting external events in our local area.	July, annually	CEO
	RAP Working Group (RWG) to participate in an external NAIDOC Week event.	July, annually	Chair RWG

<sup>7</sup> NAIDOC week is held each year from the first Sunday in July until following Sunday.

**OPPORTUNITIES:** Creating opportunities for future reconciliation initiatives to deepen our emerging relationships with Aboriginal and Torres Strait Islander peoples.

We acknowledge that employment opportunities for Aboriginal and Torres Strait Islander peoples contributes to Aboriginal and Torres Strait Islander self-determination. The importance of a diverse workforce is essential to achieving services that are culturally safe and responsive to Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander staff and members bring unique knowledge, skills and expertise to the workforce and understand the needs and aspirations of the Aboriginal and Torres Strait Islander communities.

**Focus Area:** Progress the reconciliation dimensions of equality and equity, and institutional integrity by creating opportunities for Aboriginal and Torres Strait Islander peoples to participate in developing and enabling a culturally safe Tribunal workplace.

ACTION	DELIVERABLE	TIMELINE	RESPONSIBILITY
<b>9. Improve employment outcomes by increasing Aboriginal and Torres Strait islander recruitment, retention, and professional development.</b>	Build understanding of current Aboriginal and Torres Strait Islander members and staff to inform future appointment, employment, and professional development opportunities.	October 2023	President
	Review recruitment procedures and policies to remove barriers to Aboriginal and Torres Strait Islander participation as a Tribunal member.	December 2023	CEO
	Develop a strategy for the employment of Aboriginal and Torres Strait Islander peoples at the Tribunal and to promote the recruitment and retention of Aboriginal and Torres Strait Islander members.	June 2023	CEO
<b>10. Increase Aboriginal and Torres Strait islander supplier diversity to support improved economic and social outcomes.</b>	Develop a strategy for procurement from Aboriginal and Torres Strait Islander owned businesses.	May 2023	CEO
	Investigate Supply Nation membership.	March 2023	CEO
	Develop and communicate opportunities for procurement of goods and services from Aboriginal and Torres Strait Islander businesses to staff.	June 2023	CEO

<b>4. GOVERNANCE</b>			
<b>ACTION</b>	<b>DELIVERABLE</b>	<b>TIMELINE</b>	<b>RESPONSIBILITY</b>
<b>11. Establish and maintain an effective RAP Working Group (RWG) to drive governance of the RAP.</b>	Maintain RWG to oversee the implementation of the RAP.	June, annually	Chair RWG
	Establish and apply a Terms of Reference for the RWG.	March 2023	Chair RWG
	Establish Aboriginal and Torres Strait Islander representation on the RWG.	March 2023	Chair RWG
	Meet at least four times a year to drive and monitor RAP implementation.	March, June, September, and December, 2023	Chair RWG
<b>12. Provide appropriate support for effective implementation of RAP commitments.</b>	Define resourcing needs for RAP implementation	March 2023	CEO
	Engage senior leaders, members, and staff in the delivery of RAP commitments.	July, annually	Deputy President
	Define appropriate systems and capability to track, measure and report on RAP commitments	June 2023	CEO
<b>13. Build accountability and transparency through reporting RAP achievements, challenges, and learnings both internally and externally</b>	Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia	30 September, annually	Chair RWG
	Report RAP progress to members and staff twice a year	March and September annually	CEO
	Publicly report our RAP achievements, challenges, and learnings.	October annually	President
<b>14. Continue our reconciliation journey</b>	Register via Reconciliation Australia's website to begin developing our next RAP.	February 2024	Chair RWG

<b>For public enquiries about our RAP please contact:</b>
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