

The Code of Conduct

This **Code of Conduct** sets out the standards of behaviour expected of all members of the Mental Health Tribunal (Tribunal). It should be read alongside the **Professional Competencies for Members**, which describe the core capabilities and qualities members are expected to demonstrate in performing their role.

The Code of Conduct focuses on **how members are expected to behave**, while the Professional Competencies describe **what members need to know and be able to do**. Together, they support professional excellence and uphold the integrity, fairness and professionalism of the Tribunal.

Respect for the law

Members demonstrate respect for the law by:

- applying the *Mental Health and Wellbeing Act 2022*, including its objectives and the mental health and wellbeing principles
- acting consistently with the *Charter of Human Rights and Responsibilities Act 2006*
- conducting themselves in a way that ensures a safe environment for staff, parties, legal representatives and other hearing attendees, free from discrimination, harassment and bullying
- conducting themselves lawfully and responsibly in their duties and private life.

Accountability

Members are accountable by:

- being open and responsible for their decisions, actions and omissions
- participating fully and constructively in appraisal, performance review, feedback and complaint processes
- complying with Tribunal administrative and governance requirements.

Fairness (procedural justice and decision making)

Members act fairly by:

- objectively considering all relevant evidence
- conducting hearings in a manner that is procedurally fair and consistent with participants' legal rights
- ensuring hearing participants have a genuine and reasonable opportunity to be heard and to participate meaningfully
- promoting equal access, cultural safety and responsiveness to individual needs.

Respectful conduct (interpersonal behaviour and communication)

Members promote respect and dignity in all interactions by:

- protecting the rights, autonomy and dignity of people with mental illness
- engaging with all hearing participants, members and staff respectfully, with patience, courtesy and professionalism, and taking responsibility for the impact of all communication – verbal, written and non-verbal
- being sensitive to the diverse needs, cultural backgrounds, trauma histories and lived experience
- fostering an inclusive and collaborative Tribunal culture that values lived experience and enables safe, respectful, open and constructive communication
- contributing to a respectful, collaborative and supportive Tribunal culture.

Diligence and efficiency

Members demonstrate diligence and efficiency by:

- preparing thoroughly for hearings and performing Tribunal duties in a timely, reliable and organised manner
- using Tribunal technology and resources effectively and appropriately
- maintaining and developing their professional knowledge, skills and personal capacities to support effective performance.

Integrity

Members uphold integrity by:

- acting honestly, transparently and behaving in a manner that upholds the public confidence in, and the reputation of, the Tribunal
- using information obtained through their role only for legitimate purposes
- using Tribunal resources, including time, technology and facilities, responsibly and only for legitimate purposes
- seeking approval from the President before making public statements, delivering presentations or engaging with media in their capacity as a Tribunal member.

Confidential information and generative artificial intelligence

Members must:

- protect the confidentiality of information obtained through their role and comply with all confidentiality, privacy, secrecy, information security and technology-use obligations
- take reasonable care to avoid unintended disclosure of confidential or sensitive information, including in both formal and informal settings
- comply with Tribunal policies relating to information security and technology use, including the prohibition on the use of generative artificial intelligence tools and large language models in connection with Tribunal work involving hearings and/or private health information.

Independence and impartiality

Members maintain independence and impartiality by:

- avoiding behaviour that may create an apprehension of bias or undermine confidence in the Tribunal's independence
- performing their statutory responsibilities free from external pressure, inappropriate influence or personal interests
- making decisions based solely on the evidence, the law, and the objectives and principles of the *Mental Health and Wellbeing Act 2022*
- avoiding any conduct, association or behaviour that could reasonably give rise to a real or perceived conflict of interest
- proactively disclosing all real, potential or perceived conflicts
- ensuring private interests, relationships or activities do not affect their Tribunal responsibilities
- refraining from using their position or information for personal advantage.

Responsibilities of leaders

The President, Deputy President, Senior Members and Part-Time Members play a critical leadership role in upholding and modelling this Code. They:

- support members to understand and comply with the Code of Conduct
- provide guidance, feedback, mentoring and training
- foster a culture of professionalism, respect and continuous improvement
- model inclusive practice that values lived experience.