

MENTAL HEALTH REVIEW TRIBUNAL

Practice and Policy Guideline #1

PRINCIPLES OF CONDUCT

Practice and Policy Guidelines provide general direction and assistance to the members and secretariat of the Review Tribunal. They may be departed from or supplemented by the Review Tribunal as circumstances require. They do not constitute legal opinions.

1. Respect for the Law

Review Tribunal membersⁱ should demonstrate:

- (a) respect for the law in the performance of their Review Tribunal roles;
- (b) respect for the law in their private lives;
- (c) respect for the provisions of and the spirit and intent of the Treaty of Waitangi.

2. Fairness

Review Tribunal members should:

- (a) ensure that each party to a proceeding is afforded the opportunity to present their case;
- (b) act without bias and in a manner that does not give rise to an apprehension of bias in the performance of their Review Tribunal roles;
- (c) disclose interests that could conflict, or appear to conflict, with the performance of their Review Tribunal roles;
- (d) have regard to the potential impact of activities, interests and associations in

their

private lives on the impartial and efficient performance of their Review Tribunal roles;

- (d) not accept gifts of any kind where this could reasonably be perceived to compromise their impartiality.

3. Independence

Review Tribunal members should perform their Review Tribunal roles independently and free from improper or undue influence.

4. Respect for Persons

Review Tribunal members should:

- (a) be patient, dignified and courteous to all those they have contact with, in the performance of their Review Tribunal roles;
- (b) endeavour to understand and be sensitive to the needs of persons involved in proceedings before the Review Tribunal;
- (c) respect the cultural values and practices of those who appear before the Review Tribunal.

5. Diligence and Efficiency

Review Tribunal members should:

- (a) be diligent and timely in the performance of their Review Tribunal roles;

- (b) take reasonable steps to maintain and to enhance the knowledge, skills and personal qualities necessary for the performance of their Review Tribunal roles.

6. Integrity

Review Tribunal members should:

- (a) act honestly and truthfully in the performance of their Review Tribunal roles;
- (b) not knowingly take advantage of, or benefit from, information not generally available to the public obtained in the course of the performance of their Review Tribunal roles;
- (c) not use their position as a member to improperly obtain, or seek to obtain, benefits, preferential treatment or advantage for the member or for any other person or body;
- (d) be scrupulous in the use of Review Tribunal resources;
- (e) in private life behave in a way that upholds the integrity and good reputation of the Review Tribunal.

7. Accountability and Transparency

- (a) Review Tribunal members are accountable for decisions and actions taken as a Review Tribunal member and should fully participate in all applicable scrutiny regimes.

(b) Review Tribunal members should be open and frank about all decisions and actions, or lack of action in the performance of their Review Tribunal roles.

8. Compliance with policy documents

All Review Tribunal members must comply with the terms, requirements and spirit of the Review Tribunal's practice notes.

Last updated August 2015

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Convener

ⁱ "Member" includes deputy member and co-opted member