

MEMBERS' MANUAL APPENDIX 3



SELECTION CRITERIA FOR PART TIME MEMBERS

All Tribunal members must meet core selection criteria and the core competencies and additional competencies, as well as the selection criteria/competencies applicable to the appointment category: Deputy President, Legal Member, Psychiatrist Member, Other suitably qualified Member. These are set out below.

The core competencies and selection criteria are:

- a. Ability to conduct hearings and other Tribunal proceedings: conducts hearings in a manner that establishes and maintains the independence and authority of the Tribunal and enables participation by all involved.
- b. Respect for the law
- c. Fairness
- d. Decision-making and reasoning skills. Relevant qualities include decisiveness, confidence, courage, independence and impartiality.
- e. Written and oral communication skills. Communication skills should include courtesy, patience, tolerance, respect, sensitivity, compassion and self-discipline.
- f. Professionalism and integrity: capacity to maintain personal and Tribunal independence, integrity and reputation, and to be ethical, patient, honest, tolerant, respectful, collegiate and considerate.
- g. Efficiency: commitment to serving the public, commitment to efficient case management and use of resources, timeliness.
- h. An understanding of, and a commitment to, a safe and respectful workplaces
- i. Conscientious, a commitment to high standards.
- j. A willingness to use technology employed in Tribunal hearings and hearings and competence in the use of such technology.

ADDITIONAL MEMBER COMPETENCIES

All Tribunal members must be familiar with the *Mental Health Act 2007* (NSW) and related legislation and able to apply it.

Members must be:

- Aware of the nature of mental illness and familiar with current issues in mental health policy and the provision of mental health services.
- Capable of assessing complex information, often of a personal nature and reaching balanced and appropriate decisions, considering relevant cultural factors.
- Committed to achieving procedural fairness in all proceedings.
- Able to work effectively as part of a multi-member, multi-disciplinary panel during the hearing and deliberation processes, including by fostering a respectful and collaborative approach with other panel members.
- Able to communicate with the person with the mental illness as well as professional witnesses and family members.
- Able to treat all people before the Tribunal with courtesy, tact and respect.

- Willing to comply with the Code of Practice; and to maintain availability to agreed rostered hearings.
- Able to treat Tribunal staff and other members with courtesy and respect.

ADDITIONAL SELECTION CRITERIA FOR EACH MEMBER CATEGORY

PART TIME DEPUTY PRESIDENT

The Forensic Division of the Tribunal is constituted with a presiding member who is a part-time Deputy President.

A Deputy President must be:

- (a) a person who holds or has held office as a judge of the Supreme Court or the District Court, or as a judge of an equivalent court of another State or a Territory, or
- (b) a person who holds or has held office as a judge of the Federal Court or the High Court, or
- (c) a person who is qualified to be appointed as a judge referred to in this clause.

Some important decisions made in the Forensic Division (such as the release of a forensic patient) may only be made by a Deputy President who is a judicial Deputy President - that is - a current or former holder of judicial office. The Tribunal seeks to appoint judicial Deputy Presidents for this reason, although some non-judicial Deputy Presidents may be appointed according to need.

The Member competencies set out above, and the skills and experiences applicable to a Lawyer member, set out below, are generally applicable to a part-time Deputy President. In addition, a part-time Deputy President should be experienced in court craft, in delivery of orders and judgements, and possess high level legal and analytic skills.

LAWYER MEMBERS

Lawyer members of the Tribunal must be an Australian lawyer with a current practising certificate or be admitted to the Bar. Practising certificates, if applicable, must be maintained throughout the member's appointment.

Lawyer Members are required to possess the following skills/ experience or abilities:

- Sound knowledge of the *Mental Health Act 2007* and the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, and related legislation, or ability to quickly acquire same; commitment to maintaining expertise.
- High level oral and written communication skills
- Significant prior legal experience relevant to conduct of hearings.
- Able to advise the panel on legal issues in real time.
- Skilled in managing difficult interpersonal and conflictual situations in the context of the hearing process.
- Able to preside at hearings, ensuring efficiency while achieving procedural fairness.
- Able to make reasoned decisions in a well-considered and timely fashion.
- Able to produce written Orders on the day of the hearing and, if required, written Reasons for Decision which clearly and accurately convey the decision of the Tribunal.
- Willing to comply with the Code of Practice; and to maintain availability for rostered hearings.

PSYCHIATRIST MEMBERS

Psychiatrist members of the Tribunal must be a registered medical practitioner with specialist registration in psychiatry and recognised qualifications as a psychiatrist (such as being a fellow of the Royal Australian and

New Zealand College of Psychiatrists or equivalent). Registration must be maintained throughout the member's appointment.

Psychiatrist members of the Tribunal are required to possess the following skills/experience:

- Professional knowledge and ability to contribute knowledge of current clinical practice in panel processes and decisions.
- Ability to utilise professional expertise to inform the questioning of witnesses and draw out relevant evidence.
- Using clinical knowledge to obtain relevant information/evidence during the hearing process.
- Communications skills allowing contribution of professional knowledge to the hearing and decision-making process; in addition to contributing to the drafting of the Tribunal's Order and Reasons for Decision where required.
- Willing to comply with the Code of Practice; and to maintain availability for rostered hearings.

OTHER SUITABLY QUALIFIED MEMBER

Other suitably qualified members of the Tribunal must be:

- Persons with suitable qualifications or experience such that they are appropriate for appointment to the Tribunal.
- Able to bring their experience with people with mental illness to bear effectively:
 - in hearings.
 - during the panel decision making stage.
 - when crafting the Tribunal's Orders and Reasons for Decision where required.
- Able to use their experience to inform their questioning of witnesses and draw out relevant evidence; and to advise other panel members about significant matters arising.
- Willing to comply with the Code of Practice; and to maintain availability for rostered hearings.