



Practice Direction Number 1 of 2023

CONDUCT IN HEARINGS

1. The purpose of this practice direction is to provide guidance as to the expected standards of conduct and behaviour in a hearing conducted by the Mental Health Review Tribunal (**Tribunal**) under the *Mental Health Act 2016 (Act)*.

Definitions

2. In this practice direction, the following definitions apply:
 - a) “attendee” means any person attending a hearing, whether that be in-person or remotely including via videoconference or telephone means;
 - b) “hearing” means the hearing of a Tribunal matter conducted under the *Mental Health Act 2016*.

Behaviour standards

3. The Tribunal is required to conduct its hearings as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the matters before it.
4. While the Tribunal is not as formal as a court, there is an expectation that all attendees will behave in a respectful way and follow the Tribunal’s rules and procedures.
5. All attendees in a hearing, including Tribunal members, should show respect for the Tribunal and for one another. Respect can be shown by:
 - a) turning your mobile phone on to silent or switching it off so it does not interrupt the hearing
 - b) speaking clearly and responding to questions asked of you during the hearing
 - c) being polite to all persons attending the hearing
 - d) not raising your voice or shouting
 - e) not using abusive or derogatory language, swearing, or threatening gestures
 - f) not interrupting or speaking over someone who is speaking.
6. There is no need for attendees to stand up when speaking, to bow to the Tribunal members or to use terms such as “Your Honour”. Tribunal members may be referred to as ‘Member’ or by their name, for example, ‘Ms McMullan’.



7. The same expectations apply whether an attendee is participating in a hearing in person or via phone or videoconferencing facility.

Health and safety

8. The health, safety and wellbeing of all hearing attendees is of paramount importance.
9. Behaviour that endangers the health, safety or wellbeing of any hearing attendee(s) is not acceptable.
10. No attendee is permitted to bring items into a hearing that could compromise the health, safety or wellbeing of another person such as weapons, explosive devices, or items intended to intimidate or cause fear.

Removal

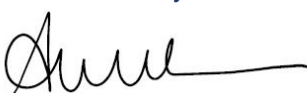
11. If an attendee's behaviour does not meet the required standard, is disruptive in the hearing or endangers the health, safety or wellbeing of any other hearing attendee(s), they may be asked to leave the hearing and the hearing may continue in their absence.

Tribunal members

12. The procedure for conducting the hearing is at the discretion of the Tribunal members, unless provided for in the Act.
13. All attendees should follow the instructions of the Tribunal members during a hearing.

Assistance

14. If an attendee believes that they require assistance to participate in a hearing, they should contact the Tribunal office prior to the hearing, preferably as early as possible.
15. If a person the subject of the Tribunal hearing, is too unwell to attend their hearing, they may wish to:
 - a) submit their views, wishes and preferences in writing to the Tribunal (known as a self-report);
 - b) have their nominated support person, or another person, attend the Tribunal to represent their views, wishes and preferences;
 - c) inform their treating team or the Tribunal that they are not attending the hearing because they are too unwell and they would like another hearing date to be arranged.



Ms Annette McMullan
President
21 / 09 / 2023