



Policy: Commissioner Mentoring

Commencement

1. This policy commences on 3 May 2024 and replaces the policy published 28 May 2010.

Purpose of the policy

2. The purpose of the policy is to describe the mentoring program for newly appointed Commissioners and Acting Commissioner to the Land and Environment Court of New South Wales.

Application

3. The policy applies to all Commissioners and Acting Commissioners of the Land and Environment Court of New South Wales.

Definitions

4. In this policy:

Court means the Land and Environment Court of New South Wales.

Judge means a Judge of the Court.

Commissioner means a Commissioner or Acting Commissioner of the Court.

Concept of mentoring

5. Mentoring is a professional, work-related relationship between a more experienced Commissioner of the Court (the mentor) and a newly appointed Commissioner.



6. The mentor offers individual and confidential support, advice and guidance designed to enhance the newly appointed Commissioner's knowledge and skills to work within the Court.

Objectives of the mentoring program

7. The Court has implemented a mentoring program in order that all new Commissioners will receive individual and confidential support, advice and guidance to assist them in:
 - 7.1 managing the role of a Commissioner of the Court;
 - 7.2 obtaining an understanding of the lines of communication and the structure of the Court;
 - 7.3 becoming familiar with the Court's framework for court excellence and member competence;
 - 7.4 providing a structured transition process for the new Commissioner; and
 - 7.5 helping the new Commissioner to adjust and understand the Court and organisational culture in an informal setting.
8. The mentoring program also provides existing Commissioners the opportunity to act as a mentor to share their knowledge, experience and skills as a Commissioner.

Allocation of a mentor

9. All new Commissioners and Acting Commissioners will be given a mentor.
10. The mentor for a new Commissioner will be allocated by the Chief Judge in consultation with the new Commissioner and the proposed mentor.
11. The mentoring relationship is formally assigned for 12 months, however the relationship can be informally maintained after the designated timeframe.



Eligibility as mentor

12. Mentors will be selected from full-time Commissioners who have nominated a willingness to undertake the role of a mentor and who meet the selection criteria.
13. Selection criteria to be a mentor are:
 - 13.1 A full-time Commissioner.
 - 13.2 A good role model and a positive attitude towards the duties of a Commissioner.
 - 13.3 A commitment to continuing education for members of the Court.
 - 13.4 A willingness to share their knowledge, experience and skills.
 - 13.5 Effective interpersonal skills, particularly the ability to communicate and listen without being judgmental, and to be patient.
 - 13.6 An ability to take and give feedback, and to provide support and encouragement, in a constructive manner.
 - 13.7 Accessibility and being available on short notice, and willingness to give time to the new Commissioner.

The role of a mentor

14. The role of the mentor includes:
 - 14.1 Assisting the new Commissioner in becoming familiar with the Court structure, processes and personnel.
 - 14.2 Providing opportunities for the new Commissioner to visit and observe different types of dispute resolution processes, including hearings, conciliations and mediations, presided over by experienced Judges and Commissioners.
 - 14.3 Answering questions from the new Commissioners, or being able to direct their queries to an appropriate, knowledgeable person.
 - 14.4 Sharing guidance, strategies and techniques for research, fact-finding, decision-making and judgment writing without intruding in or impairing the independence of the decision-making process.
 - 14.5 Being a trusted resource for information exchange.



- 14.6 Supplementing advice in Court materials, handbooks and procedures.
 - 14.7 Assisting the new Commissioner to build appropriate networks without compromising independence and integrity.
 - 14.8 Being confident and competent in the execution of their duties as a Commissioner, to lead by example.
15. Mentors are not expected to be experts on everything. The mentor should be honest about what they know and don't know.

Methods of mentoring

16. The methods of mentoring should be adapted to suit the different background, knowledge, experience, personality type and learning style of the new Commissioner as well as the mentor.
17. Methods of mentoring that may be appropriate include:
 - 17.1 Face to face meetings between the mentor and the new Commissioner.
 - 17.2 The new Commissioner observing and participating in a variety of dispute resolution processes presided over by the mentor, Judges and other Commissioners. These should include:
 - a) Court hearings, both in person and virtual hearings.
 - b) Onsite hearings and views.
 - c) Conciliation conferences.
 - d) Mediations.
 - e) Case management conferences.
 - f) Directions hearings.
 - 17.3 Telephone calls initiated by either the new Commissioner or the mentor.
 - 17.4 Attendance by the new Commissioner with the mentor at continuing education or professional networking events.
 - 17.5 Personal review and analysis through a learning log or diary maintained by the new Commissioner and used as a basis for discussion with the mentor.
 - 17.6 Provision of information and reference materials on topics identified between the mentor and the new Commissioner.



Techniques for mentoring

18. The mentor should:

- 18.1 Become familiar with the new Commissioner's background and identify individual needs, strengths and weaknesses to develop the necessary knowledge and skills for the role of a Commissioner.
- 18.2 Adopt a three-step instruction approach (based on observation and practice):
 - a) Demonstration: include the new Commissioner in a range of different hearings and dispute resolution processes, including with different Commissioners on different types of matters, to demonstrate knowledge and skills.
 - b) Explanation: discuss and explain specific issues and problems before or after cases, whenever necessary, and encourage questions from the new Commissioner.
 - c) Commentary and Feedback: provide an opportunity for discussion and evaluation of the experience as it is gained by the new Commissioner. The purpose of giving feedback is to assist, solve problems and encourage improvement where needed. This feedback should be positive, objective and supportive.
- 18.3 Encourage reflective thinking through use of a learning log or diary by the new Commissioner.
- 18.4 Encourage consultation by the new Commissioner by calling on the mentor whenever the need arises. The mentor should encourage regular contact with the new Commissioner preferably through face-to-face meetings and/or regular telephone calls where necessary. The mentor should be readily accessible.
- 18.5 Not try to cover everything right away. The new Commissioner may be overwhelmed during the first few weeks and need time to digest all the information provided. Consider creating a plan for what you'll share and when.
- 18.6 Not hold all mentor meetings in a formal setting, such as scheduled meetings, but consider informal settings, such as morning or afternoon tea.



Suggested topics to be covered in the mentor relationship

19. The topics that may be appropriate to be addressed during the mentor relationship will vary depending on the background, qualifications and experience of the new Commissioner. Topics may include:
 - 19.1 The Court, its structure, jurisdiction and functions.
 - 19.2 Practice and procedure, including applicable Acts, Rules, Practice Notes, policies, forms and procedures.
 - 19.3 Substantive law and technical and other fields of expert knowledge encountered in the exercise of jurisdiction.
 - 19.4 Management and conduct of dispute resolution processes, including hearings of different kinds, conciliations and mediations.
 - 19.5 Communication and listening skills.
 - 19.6 Court administration including the objects of equity, effectiveness and efficiency and their implementation.
 - 19.7 Internal office procedures.
 - 19.8 Remuneration, salary package, leave, entitlements and reimbursements of expenses.
 - 19.9 Resources and equipment.
 - 19.10 Code of conduct and ethical issues.
 - 19.11 Transition to being a Commissioner of the Court.
 - 19.12 The impact of being a Commissioner on personal and social relationships, business and investment relationships, and community and political involvement.

Frequency of contact

20. The mentor and new Commissioner at their initial meeting should agree on the frequency of contact.



21. For full-time Commissioners in the first three months, the mentor and new Commissioner should meet at least once a week. In the next three months, they should meet on a regular basis at a frequency to be agreed. After six months, the mentor should be available to respond to questions and to meet as requested by the new Commissioner.
22. For Acting Commissioners, the mentor and new Commissioner should meet at least on a frequency that matches the number of occasions the Acting Commissioner is allocated to hear, conciliate or mediate a matter. The mentor should be available to respond to questions and to meet on other occasions as requested by the new Acting Commissioner.
23. At the end of the formal mentor program, individuals should use their own discretion to decide whether or not more time is needed.

Issued by:

***The Honourable Justice Brian J Preston
Chief Judge – Land and Environment Court of NSW
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