



**Land and Environment
Court**
of New South Wales

COMMISSIONER MENTORING POLICY

Commencement

1. This policy commences on 28 May 2010.

Purpose

2. The purpose of the policy is to describe the Court's mentoring program for newly appointed Commissioners and Acting Commissioners.

Application

3. This policy applies to all Commissioners and Acting Commissioners.

The concept of mentoring

4. Mentoring is a professional, work-related relationship between a more experienced Commissioner of the Court (the mentor) and a less experienced new Commissioner where the mentor offers individual and confidential support, advice and guidance designed to enhance the new Commissioner's skill development and socialisation within the Court.

The objective of the mentoring program

5. The Court has a mentoring program in order that all new Commissioners will receive individual and confidential support, advice and guidance to assist them in:
 - providing practical and professional support in managing the role of a Commissioner of the Court;
 - obtaining an understanding of the lines of communication and the structure of the Court; and

- becoming familiar with the Court's framework for court excellence and member competence.

Who will have a mentor?

6. All new Commissioners and Acting Commissioners will be given a mentor.

Allocation of mentors

7. The mentor for a new Commissioner will be allocated by the Chief Judge in consultation with the new Commissioner and proposed mentor.

Who will be a mentor?

8. Mentors will be selected from full-time Commissioners who have indicated a willingness to undertake the role of mentor and who meet the selection criteria.
9. Mentors should be selected from those Commissioners who:
 - are good role models;
 - are committed to continuing education for members of the Court;
 - are willing to share their knowledge, experience and skills;
 - have good interpersonal skills, particular the ability to communicate and listen without being judgmental;
 - are able to give feedback and support by way of encouragement and constructive critique; and
 - are accessible and willing to make time available on short notice.

The role of the mentor

10. The role of the mentor includes:
 - assisting the new Commissioner in becoming familiar with the Court structure and personnel;
 - providing opportunities for the new Commissioner to visit and observe different dispute resolution processes, including hearings, conciliations and mediations by experienced Judges and Commissioners;

- answering questions of the new Commissioners;
- discussing strategies and techniques for research, decision-making and judgment writing, without intruding in or impairing the independence of the decision-making process;
- being a resource for information exchange;
- supplementing advice in Court materials and handbooks; and
- being a confidant.

Methods of mentoring

11. The methods of mentoring to be used in any particular mentoring relationship will need to be adapted to suit the different background, knowledge, experience, personality type and learning style of the Commissioner, as well as of the mentor.
12. Methods of mentoring that may be appropriate include:
 - face to face meetings between the mentor and the new Commissioner;
 - visits and observation by the new Commissioner of the conduct by the mentor and other Judges and Commissioners of a variety of dispute resolution processes (such as court hearings, on-site hearings, case management conferences, directions hearings, conciliation conferences and mediations);
 - visits and observation by the mentor of the conduct by the new Commissioner of a variety of dispute resolution processes (such as Court hearings, on-site hearings, case management conferences, directions hearings, conciliation conference and meditations);
 - telephone calls initiated by either the new Commissioner or the mentor;
 - attendance by the new Commissioner with the mentor at continuing professional development programs;
 - reflective thinking through a learning log or diary maintained by the new Commissioner and used as a basis for discussion with the mentor; and
 - provision of information and reference materials on topics identified between the mentor and new Commissioner.

Techniques for mentoring

13. A mentor should:

- (a) *Become familiar with the new Commissioner's background:* this will assist in assessing his/her individual needs, strengths and weaknesses in managing the role of a Commissioner;
- (b) *Adopt a three-step instruction approach* (based on observation and practice):
 1. *Demonstration:* observe a range of different hearings, dispute resolution processes, including with different Commissioners on different types of matters;
 2. *Explanation:* discuss and explain specific issues and problems before or after cases, whenever necessary, encouraging questions from the new Commissioner; and
 3. *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.
- (c) *Encourage reflective thinking:* through use of a learning log or diary by the new Commissioner; and
- (d) *Consultation:* encourage the new Commissioner to call 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.

Topics which may be addressed in the mentor relationship

14. 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 might include:

- the Court, its structure, jurisdiction and functions;
- practice and procedure, including applicable Acts and Rules, Practice Notes, policies, forms and procedures;
- substantive law and technical and other fields of expert knowledge encountered in the exercise of jurisdiction;

- management and conduct of dispute resolution processes, including hearings of different kinds, conciliations and mediations;
- communication and listening skills;
- court administration including the objects of equity, effectiveness and efficiency and their implementation;
- internal office procedures;
- remuneration, salary package, leave, entitlements and reimbursements of expenses;
- resources and equipment;
- code of conduct and ethical issues;
- transition to being a Commissioner of the Court; and
- the impact of being a Commissioner on personal and social relationships, business and investment relationships, and community and political involvement.

Frequency of contact

15. The mentor and new Commissioner at their initial meeting should agree on the frequency of contact.
16. 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.
17. 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 Commissioner.

Duration of the mentoring relationship

18. The mentoring relationship formally lasts for 12 months. It may be of benefit to the new Commissioner to maintain the relationship informally over succeeding years.

Issued by

The Hon. Justice B J Preston
Chief Judge
Land and Environment Court of New South Wales
On 28 May 2010