
From: [REDACTED]
Sent: Wednesday, 5 January 2022 9:54 PM
To: Mental Health Select Committee
Subject: Fw: State coroner support letter: undelivered laws: Trigger Warning - Suicide
Categories: Submission

Hi Mental Health Select Committee,

Thanks for your work.

Please find attached submission.

This has endorsement from 21 mental health experts, my recommendations are being taken up by WA and nsw government has already started. The nsw and wa coroners have provided comments ...

Why? We don't know the 8 laws to protect our mental health and I am proposing a simple couple of page guide. Simple.

From: [REDACTED]
Sent: Monday, 18 October 2021 10:31 AM
To: [REDACTED]
Subject: RE: State coroner support letter: undelivered laws: Trigger Warning - Suicide

Dear [REDACTED]

Thank you for your recent correspondence. It has been placed before the State Coroner.

While the State Coroner cannot officially endorse such projects, you have raised many interesting matters and should be commended for the work you are doing to try and create a simple resource in this field.

The State Coroner shares your concerns about the prevalence of suicide and has recently collaborated with the NSW Ministry of Health, Department of Communities and Justice and NSW Police in establishing the NSW Suicide Data Monitoring System.

This system will allow provision of information to support communities, local organisations and government organisations to respond to suicide in a more timely and effective manner.

The work of the Monitoring System can be found on the NSW Health website and may be of interest to you.

Thank you for submission

kind regards

██████████ |Senior Case Co-ordinator to NSW State Coroner| Department of Justice
NSW State Coroner's Court, 1A Main Avenue LIDCOMBE NSW 2141
18/10/21
Telephone: ██████████
Facsimile: [\(02\) 8584 7788](tel:(02)85847788)
Email: local-court-lidcombe@justice.nsw.gov.au
Website: www.coroners.justice.nsw.gov.au

From: ██████████
Sent: Thursday, 30 September 2021 1:04 PM
To: Lidcombe Coroners Court ██████████
Subject: Re: State coroner support letter: undelivered laws: Trigger Warning - Suicide

Hi ██████████
Many thanks for your consideration.
I was wondering if the coroner has a response please

From: Lidcombe Coroners Court ██████████
Sent: Tuesday, 7 September 2021 2:55 PM
To: ██████████
Subject: RE: State coroner support letter: undelivered laws: Trigger Warning - Suicide
Good Afternoon
I wish to acknowledge receipt of your email , it has been forwarded to the Coroner
regards

██████████ |Senior Case Co-ordinator to NSW State Coroner| Department of Justice
Email: ██████████ | Phone: ██████████ | Fax: ██████████
NSW State Coroner's Court, 1A Main Avenue LIDCOMBE NSW 2141
Telephone: ██████████
Facsimile: [\(02\) 8584 7788](tel:(02)85847788)
Email: local-court-lidcombe@justice.nsw.gov.au
Website: www.coroners.justice.nsw.gov.au

From: ██████████
Sent: Saturday, 4 September 2021 3:52 PM
To: Lidcombe Coroners Court ██████████
Subject: State coroner support letter: undelivered laws: Trigger Warning - Suicide
Hi State Coroner,

This has the support of 18 suicide experts .
I am very concerned that we have about 3x the number of deaths by suicide than road deaths yet the 7 laws designed to protect our mental health have not been delivered to the public
Consider this:

"The single most important barrier to overcome in the community is the stigma and associated discrimination towards persons suffering from mental and behavioural disorders" WHO 2001

Whilst Stigma is not outlawed, acting on a stigma is outlawed through our discrimination laws. However these laws have not been delivered and explained to those who need it. refer report.

I am writing to you to request a state coroners letter/email of support for a 1-2 page guide on day to day mental health laws to keep us safe.

Or even just in principle support that the laws should be explained in terms of psychological terms to keep society safe

Simply the laws have not been delivered to keep people safe (prevention of psychological injury) but yet we are paying every other cost for mental health after psychological injury.

If you (as a citizen) don't know what the 7 laws mean to protect our mental health then they have not been delivered. Please read attached advice ..


Sent from [Mail](#) for Windows

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From: [REDACTED]
Sent: Monday, 31 January 2022 11:15 AM
To: Mental Health Select Committee
Subject: Mental Health Select Committee: 2 page summary of laws designed to protect our mental health
Attachments: 20211025 Letter Undelivered Laws 001.pdf; 27628.pdf; COR055112021 LETTER Signed letter Minister for Better Regulation and Innovation.pdf; Legislative Guide Distribution Due DATE 01_11_21.pdf; Letter to [REDACTED].pdf; Main Document_Lifering Advocacy.pdf; SIGNED VERSION Chief of Staff response to [REDACTED].PDF
Categories: Submission

Hi MHSC,

Problem

"The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces" refer suicide prevention plan below . This has not been achieved and the responsible party (industrial relations) has only committed to delivering 2 out of 8 laws as per their letter. When I spoke to the nominated officer she agreed that all 8 laws needed to be addressed.

Proposal (backed by 18 Suicide experts-refer lifering advocacy and proposed distribution)

Provide a basic 2page summary guide for the 8 laws to protect our mental health. Including discrimination law.

More information:

I will provide more emails of support.

It is clear that the delivery of the 8 laws is relevant to preventing deaths (otherwise my correspondence would not be acknowledged by 2 coroners)

FYI I have commitment from nsw and wa to deliver the laws as per attached. The health minister in sa has recommended a consolidated guide to the various laws to the sa premier.attached.

Qld Government however has not provided commitment to deliver the 8 laws in terms of mental health despite the recommendations from 18 experts.

As per letter from oir I have only received commitment for delivery of 2 out of the 8 laws.

Annastacia Palaszczuk Has signed off that

"The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces" refer suicide prevention plan below 🖱

However the Qld Government are being defiant and not delivering on the remaining 6 laws.

Given that the 8 laws are not being delivered to the agencies responsible for delivering action items 1-60 in suicide plan, there's significant risk that Qld Government efforts for suicide prevention are not consistent with the 8 laws designed to protect our mental health.

<https://www.qmhc.qld.gov.au/documents/everylifethequeenslandsuicidepreventionplan2019-2029webpdf>



Queensland
Mental Health
Commission

Every life: The Queensland Suicide
Prevention Plan 2019-2029 |
Queensland Mental Health
Commission - Queensland Mental
Health Commission | Improving the
mental health and wellbeing of
Queenslanders

Queensland Mental Health Commission PO Box
13027 George Street Brisbane Queensland 4003
Phone [1300 855 945](tel:1300855945) | Fax [07 3405 9780](tel:0734059780)

www.qmhc.qld.gov.au

From: Coroner [REDACTED]
Sent: Monday, 25 October 2021 4:58 PM
To: [REDACTED]
Subject: RE: RE: State Coroner Support - undelivered laws: trigger warning - suicide

Dear [REDACTED]

Please find attached letter.

Kind regards,

[REDACTED]
Principal Registrar

Coroner's Court of Western Australia

Level 10, Central Law Courts, 501 Hay Street, PERTH WA 6000

Ph: [\(08\) 9425 2900](tel:(08)94252900) | Fax: [\(08\) 9425 2901](tel:(08)94252901) | w: www.coronerscourt.wa.gov.au

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From: [REDACTED]
Sent: Monday, 18 October 2021 10:31 AM
To: [REDACTED]
Subject: RE: State coroner support letter: undelivered laws: Trigger Warning - Suicide

Dear [REDACTED]

Thank you for your recent correspondence. It has been placed before the State Coroner.

While the State Coroner cannot officially endorse such projects, you have raised many interesting matters and should be commended for the work you are doing to try and create a simple resource in this field.

The State Coroner shares your concerns about the prevalence of suicide and has recently collaborated with the NSW Ministry of Health, Department of Communities and Justice and NSW Police in establishing the NSW Suicide Data Monitoring System.

This system will allow provision of information to support communities, local organisations and government organisations to respond to suicide in a more timely and effective manner.

The work of the Monitoring System can be found on the NSW Health website and may be of interest to you.

Thank you for submission

kind regards

[REDACTED] | Senior Case Co-ordinator to NSW State Coroner | Department of Justice
NSW State Coroner's Court, 1A Main Avenue LIDCOMBE NSW 2141
18/10/21
Telephone: [REDACTED]
Facsimile: [\(02\) 8584 7788](tel:(02)85847788)
Email: local-court-lidcombe@justice.nsw.gov.au
Website: www.coroners.justice.nsw.gov.au



**CORONER'S COURT
OF WESTERN AUSTRALIA**

ABN: 70 598 519 443
Level 10, Central Law Courts
501 Hay Street
PERTH WA 6000
TELEPHONE: (08) 9425 2900
FACSIMILE: (08) 9425 2901
EMAIL: coroner@justice.wa.gov.au

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By email only ([REDACTED])

Dear [REDACTED]

State Coroner Support: Undelivered Laws: Trigger Warning – Suicide

I acknowledge receipt of your email with the subject line “*State Coroner Support: Undelivered Laws: Trigger Warning – Suicide*”, received by the Coroner’s Court of Western Australia on 9 September 2021.

I confirm your letter has been placed before the State Coroner.

Yours faithfully,

[REDACTED]

[REDACTED]
Principal Registrar
Coroner's Court of Western Australia

25 October 2021



**Minister for Mental Health; Aboriginal Affairs; Industrial Relations;
Deputy Leader of the Legislative Council**

Our Ref: 62-27628

[REDACTED]
[REDACTED]

Dear [REDACTED]

WORKPLACE MENTAL HEALTH LAWS – THE AUSTRALIAN COMPLIANCE MATRIX

Thank you for your correspondences from 6 August 2021 to 20 August 2021, suggesting that a Western Australian guide to mental health workplace legislation be produced.

The mental health of Western Australian workers is a high priority for the McGowan Government and I acknowledge the importance of assisting individuals and workplaces to understand the laws relating to workplace mental health, which is spread across various legislation.

Consistent with this commitment, the Department of Mines, Industry Regulation and Safety (DMIRS) has engaged with the Western Australian Mental Health Commission (MHC) and will consult relevant stakeholders to draft guidance on workplace mental health laws.

The Western Australian Government is committed to and has been working to support individuals and workplaces to create supportive environments that foster positive mental health and wellbeing. For example, in 2017 the MHC provided foundational funding to Curtin University's Future of Work Institute to develop new resources and tools to equip Western Australian workplaces to optimise mental health and wellbeing. This resulted in the Thrive at Work workplace wellbeing initiative, and involved the development of an integrated, evidence-based framework that explains how we can support people in workplaces to get well (Mitigate Illness), stay well (Prevent Harm) and be the best they can be (Promote Thriving).

The framework was developed in consultation with industry, and is underpinned by an extensive evaluation of the academic literature. A Thrive at Work toolkit, audit tools and a website hub have been produced to support all workplaces to develop a strategic approach to workplace mental health, which can be accessed at: www.thriveatwork.org.au.

The MHC's evidence-based *Think Mental Health* public education campaign is part of the comprehensive approach in Western Australia that aims to build mental health and wellbeing and reduce mental health issues. The *Think Mental Health* campaign messages support and reinforces other initiatives, such as those targeting workplaces, which aim to prevent and reduce mental health issues in Western Australia.

Level 12, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005.
Telephone +61 8 6552 5800 Email: Minister.Dawson@dpc.wa.gov.au

The *Think Mental Health* website includes a check-up tool which assists the Western Australian community to connect with the best information, support and services for their particular situation, which can be accessed at www.thinkmentalhealthwa.com.au.

DMIRS as the regulator for workplace safety creates publications and resources which focus on mental health in the workplace in the context of the *Occupational Safety and Health Act 1984* (OSH Act), the *Occupational Safety and Health Regulations 1996* (OSH Regulations) and accompanying codes of practice. Approved codes of practice in Western Australia relevant to mental health include the following:

- *Workplace behaviour* code of practice; and the *Violence, aggression and bullying at work* code of practice – The Western Australian Commission for Occupational Safety and Health (Commission) sought feedback on the draft codes, with the public consultation period ending on 30 August 2021 and 23 September 2021, respectively. The consultation drafts can be accessed at: www.dmirs.wa.gov.au/content/closed-consultations.
- 'Mentally healthy workplaces for FIFO workers in the resources and construction sectors', at www.commerce.wa.gov.au/sites/default/files/atoms/files/fifo_cop.pdf.

In addition to the above, the Commission is currently seeking public comments on its draft code of practice *Psychosocial hazards in the workplace*. This code of practice is intended to provide practical guidance for workplaces where workers may be exposed to psychological and social hazards such as inappropriate behaviours, violence and aggression, fatigue, burnout, stress and trauma, which can be harmful to their health. I strongly encourage you to provide your feedback on the draft code at www.dmirs.wa.gov.au/content/open-consultations.

DMIRS also has a number of other resources available to assist employees and employers with respect to mental health in the workplace, all located on the Mentally Healthy Workplaces online hub, which can be accessed at the following link - www.dmp.wa.gov.au/Safety/Mentally-healthy-workplaces-25121.aspx

DMIRS and MHC are now engaged in a process to produce further guidance on this topic, as previously mentioned above. As the Minister with portfolio responsibilities for industrial relations and mental health, I hold a deep commitment to improving mental health and workplace safety outcomes for all Western Australians.

Thank you for taking the time to write to me on this important issue. I very much appreciate your advocacy in this area regarding consolidating guidance material on mental health in the workplace.

Yours sincerely



Hon Stephen Dawson MLC
MINISTER FOR INDUSTRIAL RELATIONS
22 SEP 2021



The Honourable Kevin Anderson MP
Minister for Better Regulation and Innovation

Our reference: COR-05511-2021

By email: [REDACTED]

Dear [REDACTED]

Thank you for your correspondence to the Hon Bronnie Taylor MLC, Minister for Mental Health about workplace laws related to mental health. Your correspondence was referred to me as the Minister responsible for work health and safety in NSW. When I received your correspondence I asked SafeWork to look into the matter and provide me with advice.

SafeWork NSW is the regulator for work health and safety in NSW workplaces and recognises the importance of making legislation simple and clear for business owners and workers to understand. Mental health at work is overseen by multiple pieces of legislation and acknowledge your vision to simplify this information.

SafeWork NSW has consolidated relevant laws affecting workplace mental health which can be found here: <https://www.mentalhealthatwork.nsw.gov.au/what-you-can-do/i-am-a-manager/meeting-your-duties>.

A Code of Practice for *Managing psychosocial hazards at work* has also been released this year to help workplaces understand how to prevent work-related psychological injury. The Code of Practice is available here: https://www.safework.nsw.gov.au/data/assets/pdf_file/0004/983353/Code-of-Practice_Managing-psychosocial-hazards.pdf

To further support workplaces, SafeWork NSW is developing further advice on how the work health and safety law in NSW interacts with other laws such as privacy legislation, for example. This information will be available on the SafeWork website later this year.

If you have any further queries, I encourage you to contact [REDACTED], Acting Manager Psychological Health and Safety Team at SafeWork NSW on [REDACTED]

Thank you for raising these concerns with the NSW Government.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kevin Anderson'.

Kevin Anderson MP
Minister for Better Regulation and Innovation

Date:

8.9.2021





Government
of South Australia

Hon Stephen Wade MLC
Minister for Health and Wellbeing

MHW-MH21-5442
PREM-B1110311

[REDACTED]
Email: [REDACTED]

Dear [REDACTED]

Thank you for your various emails, to Hon Steven Marshall MP, Premier, Hon Rob Lucas MLC, Treasurer, Hon Vickie Chapman MP, Attorney-General, and I, regarding mental health in the workplace. As part of your correspondence falls within my portfolio responsibilities, I am responding.

Tragically, suicide is a leading cause of death for South Australians and an issue which touches the lives of many. Suicide prevention is a high priority for the Marshall Liberal Government. A Premier's Council on Suicide Prevention (the Premier's Council) has been operational since May 2018.

The Premier's Council and Wellbeing SA are currently developing, in partnership with the community, South Australia's next Suicide Prevention Plan 2022-2025 (the Plan). This Plan will identify priority areas for suicide prevention and will build on strategies implemented under the previous Plan.

In a nation-first, the Marshall Liberal Government is acting to legislate the State's suicide prevention framework. The Suicide Prevention Bill, introduced into the Parliament of South Australia on 8 September 2021, will establish a whole-of-government and whole-of-community approach to suicide prevention and ensure at-risk community members and groups are better supported across all levels of government.

Everyone, including industry and employers, has a responsibility for preventing suicide and supporting the mental health of our community.

As a government, we continue to collect and review information that is relevant to the protection of mental health and prevention of suicide in all areas of our community, including our workplaces. I would like to thank you for the time you have taken to bring your concerns regarding the accessibility of workplace mental health legislation to our attention. I also appreciate what you have shared regarding your own lived experience with mental illness and acknowledge the difficulties you faced in your workplace as a result of this.

SafeWork SA is committed to ensuring all employers meet their obligations under the *Work Health and Safety Act 2012* (SA), which extends to protecting the psychological health of their employees. SafeWork SA oversees a complaints mechanism where employees can lodge concerns about risks to mental health in the workplace. South Australian employers are also subject to the *Equal Opportunity Act 1984* (SA) which prohibits discrimination against persons with a disability including mental illness. SafeWork SA is under the portfolio responsibilities of Hon Rob Lucas MLC, Treasurer, and I am advised he has responded directly to you.

South Australia has a Collaborative Partnership for Workplace Health and Wellbeing which comprises members from Business SA, Beyond Blue, National Mental Health Commission, South Australian Small Business Commissioner, Worksafe SA, SA Unions, AI Group, Mental Health Coalition of SA, Wellbeing SA, Return to Work SA, Office of the Commissioner for Public Sector Employment and other organisations to promote mentally healthy workplaces, including suicide prevention. This Partnership provides industry sectors and partners with information and resources to support workplaces to develop and implement local strategies, more information is available at:
<https://www.healthyworkplaces.sa.gov.au/tools-and-resources/mentally-healthy-workplace-tools-and-resources>.

I have referred your suggestion of development of a guide to the Premier's Council for consideration.

Thank you again for your advocacy in this important area and wish you well with your research.

Yours sincerely



Stephen Wade

Minister for Health and Wellbeing

18 October 2021

cc: Hon Rob Lucas MLC, Treasurer
Hon Vickie Chapman MP, Attorney-General

“LifeRing Advocacy”

Saving lives through making day-to-day laws of an invisible illness finally visible.

This is not another initiative. This is simply asking or government to deliver the day-to-day laws to those who need its power both inside and outside work.

At the intersection of law and mental health is a lifering.

Will you help throw it out for those drowning?

TRIGGER WARNING: THIS ARTICLE DISCUSSES SUICIDE



Revision 01 (2/9/21): Draft for Government comment/corrections by 1/Oct/21 - NOT PUBLIC VERSION

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Dedication

To those who are drowning. I have seen you and I know the suffering. I am running with this advocacy to the state governments and pleading them to throw out this lifering. I simply can not standby and watch as someone dies by suicide in Australia every 90mins – especially knowing that the laws to keep them safe are not clear as a whole or delivered to those who need its power.

As I run to the lifeguards I know my voice is just one so I invite anyone to help. This is my advocacy warcry and I just hope this lifering reaches you in time:

Yeah, It's been a ride...
 I guess I had to go to that place to get to this one
 Now some of you might still be in that place
 If you're trying to get out, just follow me
 I'll get you there

I'm not afraid to take a stand
 Everybody come take my hand
 We'll walk this road together, through the storm
 Whatever weather, cold or warm
 Just let you know that, you're not alone
 Holla if you feel that you've been down the same road

Eminem – [Not Afraid](#)

You see inspiration can come from an unlikely source. Likewise as a Mechanical Engineer with disability from mental illness I have put this together between panic attacks over several months. To change millions of lives.

Summary - A call to action

This advocacy is a plea to each state government to deliver the laws to protect their states mental health in their day to day lives . The five assessment methods in this advocacy all point to the need for a simplified guide to the laws designed to protect our mental health. If you are not sure what the 7key Australian laws mean for your mental health, this is exactly my point.

This advocacy proposes a 1-2 page “ start here” guide to the various laws. This advocacy presents the statements of support from 18 expert professional opinions in the fields of suicide prevention, mental health, psychologists and lawyers. See also attached statement of support from Governor of Queensland.

There are only two options after you read this advocacy:

1. Option A) Be Part of the solution to suicide: do something to help State governments to launch a 1-2 page summary of day-to-day laws to protect our mental health – Target Date all States: November 1 2021 to help people over a difficult Xmas period.
2. Option B) Be Part of the problem of suicide: do nothing

It is likely that in this choice moment is one of the few moments in your career where you can help reduce the suffering of the 3million Australians living with Anxiety and Depression + others who are struggling.

Please help shine a light on the laws designed to protect our mental health in day to day life – be a part of the team of government professionals who rolled their sleeves up to make the laws of an invisible illness finally visible.

Can you please reply with which path you are taking?

This advocacy is a little rough around the edges , raw and confronting but is my best ability despite disability. And I am ok with that because now I understand the law I now finally believe “its ok to not be ok”

Assessment Method 1 – Expert Advice

The following organizations have provided support for a basic guide to day-to-day laws. PANDA have made a good point “regardless of their situation” and as such the final proposal in this advocacy is not just workplaces (discrimination law and criminal law are not limited to workplaces). These are their words (complete documents in appendix **A**):

Simply there are now more medical/health recommendations to simplify the laws than to keep their delivery disjointed

1) R U OK?

"Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide. "

2) Travis Schultz and Partners *“From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction”.*

3) Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation,

are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

4) National Mental Health Commission:

“We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. “

5) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

6) Beyond Blue

However, evidence demonstrates that currently, there is a perception that workplace psychological health is confusing and therefore often takes a backseat to physical health. We believe that action is overdue to bring psychological health and safety in the workplace into line with physical health and safety, for the benefit of workers, businesses and the broader community.

7) Suicide Prevention Australia

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians. Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

8) Hope 4 U

I have an extensive client list that have lived experiences to individuals that have lost loved ones to suicide. They all have individual needs and it becomes frustrating when there are legislation issues not adhered to. We need and support the need for guidelines for one legislative guidelines for all workplaces.

9) Linkmate

Thank you for your time and energy in putting this together. A simple and straightforward guide to support workplace mental health has never been more important and we support your advocacy for it.

10) Mental Health Council of Tasmania

As the peak body for community managed mental health services in Tasmania, we welcome any initiatives that make it easier for Tasmanians to access the information, resources and support they need to be mentally healthy. This is reflected in our [Strategic Plan](#) through our Vision Statement: "Every Tasmanian has access to the resources and support needed for good mental health and wellbeing"

11) Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

12) Blue Knot Foundation:

"This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal."

13) Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

14) This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

15) QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

16) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

17) Asami Engagement Psychology

Like yourself I am passionate about and believe in in workplaces that

manage risks. Identifying hazards. control measures. Training and education. reviewing controls. .Consultation. Prevent harm. Intervene early . Support recovery. Return to work. managing psychosocial hazards. Leadership and management commitment . psychosocial hazards and risks. Reasonable adjustments for individuals. Risk management. privacy.

psychosocial risk or incident. This is why I completed my masters in organisational psychology so that I could assist in this transition further.

18) Regain Psychology

I am supportive of education on suicide and suicidality across all sectors of business both private sector and government sector.

[xxx current initiative] is a great health initiative however it isn't enough, a guide would certainly be helpful.

19) Governor of Queensland - Refer letter.

Assessment Method 2 - Desktop Audit Of Government Delivery of Laws

A desktop review was conducted to assess the effectiveness of the Governments product to delivering the day-to-day laws designed to protect public mental health. Refer Appendix B for this assessment

The mental health act was not included in this assessment but may be considered in future work by the Government.-

The laws that QLD people need to know in their day to day lives were assessed as a sample and the findings generally apply to each state based off other spot checks. Recommendation is made for each state government and the commonwealth to perform their own assessment on law delivery from government to mental health consumers – for the the complete package of key laws. Do not assume that PCBUS will pass on law guides as there may be an inherent conflict of interest for PCBUS (Performance vs mental health)


Key findings of assessment:

1. QLD people need to understand 7 different laws and apply to mental health for day-to-day law compliance
2. No overall guide was available to provide the full story
3. The highest scoring guide was Safe work Australia guide. However this is not by a regulator and there was insufficient distribution under the assessment methods. No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
4. The equal highest scoring guide was QLD WHS guide. However this does not guide reader to the remainder of the laws and low distribution (to less than 1% of QLD population via linkedin as a sample). No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
5. **MOST CONCERNING OBSERVATION: The low scoring Guides included those critical to discrimination (Fairwork ,state legislation, federal legislation) . Apart from the federal guide**

from 11 years ago these laws have not been explained by the Government as relevant to mental health. This is a real concern given that World health organisation has stated “*Many people with mental health problems choose not to engage or maintain contact with mental health services, due to stigma and discrimination. Negative treatment and care experiences are another factor contributing to failure to engage*” and “The single most important barrier to overcome in the community is the stigma and associated discrimination towards persons suffering from mental and behavioural disorders” WHO 2001 . Whilst Stigma is not outlawed acting on a stigma is outlawed through our discrimination laws. DELIVERING the 3 DISCRIMINATION LAWS RE MENTAL HEALTH IS A VERY HIGH PRIORITY

6. Privacy and workers comp laws also have much room for improvement across the various criteria
7. Across the board, there is insufficient coordination between the guides to know to find other laws, insufficient explanation on how they apply to mental health, insufficient distribution to PCBU's, consumers and practitioners.

This was a basic desktop audit on delivery. If something has been missed this is not intentional but does reinforce the need for a simplified guide. Please advise any technical concerns with assessment by end of September 2021 so final report can be updated/fixed. Please perform your own states audit on delivery as long as it does not hold up delivery of a 1-2 page basic guide. Recommended impartial agency : Attorney Generals Office to assess law delivery.

It is clear that this is an insufficient delivery of the laws to keep us safe given that someone in Australia dies by suicide every 90 mins. This is an insufficient delivery considering the [state government has committed](#) I qld suicide prevention plan to “The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces ...”  The public needs an urgent response. Every state.

Assessment Method 3 – Authors Lived Experience

We are exhausted. In addition to fighting our illness, we are tired of fighting a strong riptide of:

1. People treating us differently and excluding us due to our illness
2. People at work taking adverse actions because our illness
3. People outside work excluding us because of our illness
4. People with responsibility to provide a safe workplace being complicit and not performing risk assessment or discrimination intervention
5. People who bully us through repeated actions because we can't perform as well someone without our illness
6. Being fired because of our illness

We have enough to battle with our illness let alone people operating outside the law injuring us further and making our illness worse. Unfortunately this is common.

If our illness and the injuries other cause were physical/visible it would be easy.

I am here to make the laws for an invisible illness finally visible.

I am a degree qualified mechanical Engineer (Hons) with 16 years of experience in complex problem solving. I have been trained to make the complex simplified. I also have a mental disability from PTSD, panic attacks, depression to the point I can't work. I am now ok disclosing this without fear of being ignored due to my mental illness as I now know how discrimination law works. I am a survivor of suicide and know what it is like to have nowhere in the world for someone with mental illness. On the 2/9/2016 (5 years today) when I was having suicidal thoughts, I reached out for help and disclosed my illness – reaching for a lifeline.

There was no lifeline there but I was met with repeated “if you can't handle it, why don't you stack shelves at woolies!” . It was premeditated and inflicted psychological injury days before my first son was scheduled to be born. (words that have haunted me for 5 years in psychological decline – these types of words that get in the way of asking for help or calling for support). This just one example of the riptide against us with no lifeline.

Please treat this disclosure as a medical record in compliance with Privacy Act 2009 . You have authorization to distribute within state and federal government and the supporting organizations only - not to general public. See how I am now empowered?

These cowardly perpetrators power is in the invisibility : invisible illness +barely visible chess moves + invisible laws. Firstly, we take away the perpetrators power when we shine light on the laws and make them visible. This light then spreads to the perpetrators actions and spreads to those suffering to know to empower them with their rights – reduce their suffering.

If I had a basic government coordinated document about the undiluted law to put on the table that day, my life would be much different today. We need more than yoga, fruitbowls and warm and fluffy documents about peace and harmony – we need the undiluted law for those operating outside the law!. Only the law can preach to those who opt to be unconverted. After 5 years I break my silence as standing back and watching this happen across Australia is silently complicit. However breaking my silence has been hard as I am having to relive the fear of being ignored/rejected again as I ask for a lifeline (this time for others) . That's how discrimination works . Its like a permanent bark collar to ever stop you from reaching out again. It silences you from fear of rejection, ridicule or simply being ignored. It stops you from calling friends/family, lifeline or 000.

Today I end this suffering for many by making the invisible laws visible. I have been in the deep dark places that very many don't survive and have returned with a message of real hope - A pragmatic lifering to save lives that was not available to me:

We can show people there is a place in this world for those drowning in mental illness. - a place that has been designed by law. I am asking the state government to deliver a 1-2 page summary of what the various laws mean to empower those struggling. This is required urgently as most people do not understand the legal responsibilities and the empowering rights of the law

By contrast by working with great people at work between April and oct 2020 helped save my life by operating within the law (+ genuinely caring) when I needed it the most when my wife was struggling with 12 months of her life threatening illness and I was suicidal from PTSD round 2.

The laws are designed to keep people safe in various day-to-day scenarios . For example the rules around:

- Mitigating poorly designed work
- Mental health days
- Reasonable adjustments for someone with mental illness
- Bullying prevention
- Psychological risk assessment
- What laws apply and who to call

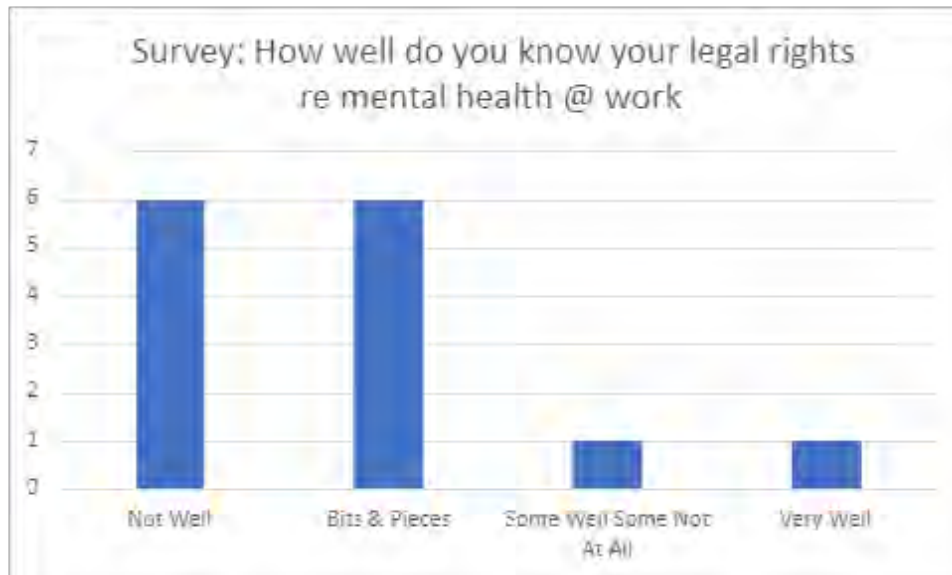
It is simply easier to ask for people to follow the rules rather than what is often seen as a favor. Favors run out. Want to start real conversations? We need to talk about the law. Whilst breaking the stigma is the holy grail we need to stop people acting on stigma. After all it is outlawed...

We have 3 x as many people die by suicide than on the roads each year. Yet we do not understand the rules regarding mental health designed to keep us safe. **This is urgent – every 90 minutes counts.**

Simply, the laws design to keep people with mental illness safe have not yet been practically delivered by the government to those who need it . We are now 16 months into the trauma that is COVID 19 and people need support now not just at the end or after the trauma . Time is up We need+ make the laws for this invisible illness visible. Now.

Assessment Method 4 - Mental Health Consumer survey

A small sample (14) of mental health consumers were surveyed and results are displayed below.



Whilst sample size is small it is clear that the level of understanding of mental health consumers rights are low.

Assessment Method 5 - Your Office

Start conversations around the 7 laws designed to protect our mental health. Ask how many laws people know.

Ask people if they know the definition of the word “health” in the workplace health and safety Act includes psychological aswell as physical. Ask people if they understand that the 7 /8 laws are spread across almost as many departments with no overall guide.

Ask them if they agree we should have a basic 1-2 page guide to mental health laws. Unless they have a conflict in interest most agree...

These are not secrets these are afterall laws. The law has the power to be an icebreaker to break the stigma.

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

[Disability Discrimination Act 1992: MH Guide 1](#)

[Anti-Discrimination Act 1991: Guide 1](#) , [Guide 2](#)

[Fair work Laws: MH Guide 1](#) , [MH Guide 2](#)

[QLD Workplace health and safety Laws: Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003: MH Guide 1](#)

[Privacy Act 1988](#) : [MH Guide 1](#)

Proposed solution.

For any solution to work, government departments need to together and individually with a common goal of educating mental health consumers of the laws. This advocacy is not in any one departments portfolio - that's how we got into this mess. We need to adapt a different mindset to find a solution to the one that got us into this situation.

Proposed document

Proposed solution document (applicable to both at work and outside work where laws apply)

A 1-2 page summary of the complete laws (and links to relevant further guidance) is needed to be provided by state governments to assist:

1. Workplaces in ensuring legislative compliance and empower workplaces to ensure its people receives the full care for mental health designed by law
2. Individuals to empower them with knowledge of what is inside and outside the law and their legal rights
3. Mental health advocates/practitioners and support network. This guide will help identify when a situation warrants discussion with their employer/advocate/regulatory body relating to the law.

Without this basic clarity we are expecting workplaces, individuals and supporters to navigate what i believe is a minefield of the following legislation

- model whs for mental health
- Jurisdiction whs for mental health
- National and state disability discrimination re mental health
- Privacy laws re mental health
- Fairwork re mental health

- Workers compensation laws
- Criminal laws in some states. [Click Here for office of industrial relations document](#). It misses discrimination and a couple of others but makes a good point re criminal laws.

Due to the complexity of navigating these laws and guidance many workplaces, individuals and practitioners may not understand the complete picture of the full workplace mental health support designed by law for their state

If we want people at risk of suicide to feel as though there's a place on earth for them we need them to know there is a place in the workplace and society for them.

I believe that a simple 1-2 page guide per state that summarises the relevant laws listed above is a necessary and urgent government support to assist with the emerging mental health situation in Australia.

Appendix C has a literature review of some of charities that have made a start to guides. However we should not rely on charities in lieu of government information about laws. We don't do this for road rules.

Document Distribution

Once the 1-2 page guide is developed by the state government (suggestion a lawyer is best) it can be distributed to:

1. Workplaces – Via regulators
2. Mental health consumers via mental health charities and social media. For example R U OK? CEO has offered to share. They have about 100k linkedin followers. It would be quite easy to distribute to around 700k mental health consumers using social media.
3. Mental practitioners – Via mental health professional associations to practitioners. Practitioners in turn can provide the guide to their clients to empower them.

This offers N+2 redundant methods of delivery. We simply can not rely on employers to pass on this information re laws to their staff as they may be compromised by conflict in interest (mental health and performance)

This N+2 method of delivery is shown in appendix **D**

Document Engagement

To ensure the public takes document about laws seriously there are various methods available including:

- Include compliance with legislative mental health requirements as a part of the social principles of federal, state and local government procurement. Many of these documents include various other social improvement principles and recommendation is made to include mental health legislative requirements. [Queensland Procurement Policy 2021 \(forgov.qld.gov.au\)](https://www.qld.gov.au/procurement/policy).
- Your portfolio's prequalification process for tenders/funding etc to include in principle commitment to comply with the laws or demonstrate policy compliance with law. Sample Prequalification Question for each state (but use 1-2 page document instead of links):

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

Disability Discrimination Act 1992: [MH Guide 1](#)

Anti-Discrimination Act 1991: [Guide 1](#) , [Guide 2](#)

Fair work Laws: [MH Guide 1](#) , [MH Guide 2](#)

QLD Workplace health and safety Laws: [Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

Qld Worker's Compensation and Rehabilitation Act 2003: [MH Guide 1](#)

Privacy Act 1988 : [MH Guide 1](#)

- No (you must be able to answer yes to this question)
 - Yes (Please submit a copy of policies relevant to mental health)
- Use 1-2 page document to support obligations such as: "In line with the Queensland Procurement Policy, support suicide prevention by ensuring agency procurement practices are focused on the achievement of the government's social objectives including working with suppliers who have a focus on the long-term mental health of the community." QLD Suicide

prevention plan [Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One \(qmhc.qld.gov.au\)](http://Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One (qmhc.qld.gov.au)).

- Your portfolios commitment to distribute the 1-2 page document to all staff. Lead by example
- Email to business operators from regulator
- Mental Health Commissioners: Include the 1-2 page guide to mh legislation in suicide prevention framework, plans, and high level documents. After all it is the care designed by law
- Law enforcement
- Voluntary Initiatives such as “ becoming a signatory to distribute to staff and go beyond the minimum requirements” The government could provide certificates for voluntary signatories. Mates in construction uses as voluntary signatory principle to creat industry social movement (see below)

Signing up to the Blueprint means you agree to work towards doing things in your business, that address some or all of the recommended strategies in the Blueprint:

- Promote work's positive impact on mental health
- Reduce harmful impacts of work
- Provide mental health and suicide prevention literacy
- Facilitate early intervention and treatment
- Provide return-to-work and ongoing support

It also means that you will participate in a confidential evaluation overseen by the University of Melbourne. The evaluation will help the industry understand what is working best in our efforts to implement the Blueprint, and what further supports are needed.

Please contact me to confirm our organisation as a signatory to the Blueprint.

Date

Signed

Name

Position

Organisation

Email

Phone

Please forward a copy of your signed commitment to
info@constructionblueprint.com.au

or

Sign up to confirm your organisation's commitment at
constructionblueprint.com.au

Final words

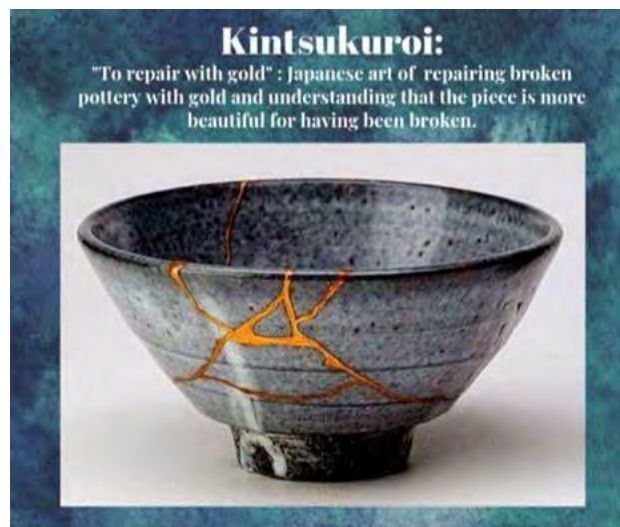
Consider my position. I am classed as disabled. I have no job and cant work despite being a degree qualified engineers and a young family. There is very little I can do to change my outside world in a hurry... it will take time..

Yet through knowledge of the laws I have finally found some forgiveness and some distance from past events as I now know that many situations were simply people operating outside the law. This is a life changing epiphany for me.

imagine what the law can do for many others to empower both their external and internal world.

Will you help throw out this lifering and make the laws for an invisible illness finally visible with a 1-2 page guide by NOV 1 2021?

Only through being completely broken I have created something beautiful:



Appendix A: Expert Support

Appendix B: Desktop Audit

Appendix C: Scattered MH Law Advice

Appendix D: Distributing laws to those who need it



TRAVIS SCHULTZ & PARTNERS

Via email: [REDACTED]

20 August 2021

Dear [REDACTED]

I understand you have highlighted the need for a written guide that allows the general public to understand the areas of law that impact mental illness associated with their employment. Thank you for your advocacy for an easy-to-understand guide on this issue.

I am writing to show my support for you in developing this guide to support individuals and organisations in managing mental health in the workplace.

From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction.

I commend you for your effort towards suicide prevention and to assist the general public with information on all areas of law that pertain to these issues.

It is a mighty task, and I genuinely wish you all the best.

Yours faithfully,

Travis Schultz
Managing Partner
Travis Schultz & Partners

✉ info@schultzlaw.com.au

🌐 schultzlaw.com.au

📞 07 5406 7405

📠 07 5406 7410

✉ PO Box 1070
Mooloolaba QLD 4557

Sunshine Coast

📞 07 5406 7405

📍 31 Brisbane Road
Mooloolaba QLD 4557

Brisbane

📞 07 3058 0026

📍 Level 18
175 Eagle Street
Brisbane QLD 4000

Gold Coast

📞 07 5512 6149

📍 Suite 602
Level 6 "The Rocket"
203 Robina Town
Centre Drive
Robina QLD 4226



15/8/2021

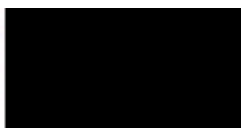
To whom it may concern

This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws.

Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.

We appreciate the efforts of those advocating in this regard.

Yours sincerely,



President

president

Dr Cathy Kezelman AM

patron

Thomas Keneally AO

ABN 19 073 240 005

ambassadors

Jane Caro

Rose Parker

Christine Foster

Deputy Chief Inspector Peter Fox

blue knot helpline 1300 657 380

education & training

information & resources

advocacy & health promotion

other services

contact

T 02 8920 3611

E admin@blueknot.org.au

W blueknot.org.au

PO Box 597 Milsons Point NSW 1565

Mental Health Select Committee

Page 37



17 August 2021

To whom it may concern:

Re: Development of a resource that supports greater accessibility for individuals and workplaces to understand mental health legislation in order to achieve better outcomes for all.

Roses in the Ocean is a national Lived Experience of Suicide organisation, collaborating with individuals and organisations across community, corporate, health and government sectors to effectively and meaningfully engage people with lived experience of suicide and ensure sustainable investment in and meaningful inclusion of lived experience expertise in all aspects of suicide prevention.

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation.

To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome.

As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

Yours sincerely,

[REDACTED]

CEO - Roses in the Ocean

GOVERNMENT HOUSE
QUEENSLAND

[REDACTED]
Via email: [REDACTED]

Dear [REDACTED]

I acknowledge receipt of your email dated 10 August 2021 concerning your advocacy for suicide prevention. The Governor has asked that I reply on his behalf.

Under the provisions of the Queensland Constitution 2001 the Governor has a range of obligations and responsibilities associated with the system of Government in Queensland, including duties associated with Executive Council, the assent to legislation, and the proper operation of Parliamentary process. While I appreciate that you have put considerable thought and effort into your advocacy proposal, mental health policy is a matter for the Queensland Government and is not a matter on which the Governor can intervene or act.

I note that you have also approached a number of departments and offices within the public service to seek support for your proposal and this is the appropriate action to take. You may also like to seek support from your local State member of Parliament. For [REDACTED] this is the Hon Stirling Hinchcliffe MP, Phone: (07) 3639 9100 or Email: Sandgate@parliament.qld.gov.au.

The Governor understands that this is a difficult and distressing issue and he commends you for your advocacy efforts for suicide prevention. I am sorry that Government House cannot be of further assistance to you.

Yours sincerely,



Official Secretary

11 August 2021

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [*Work-related psychological health and safety: a systemic approach to meeting your duties*](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [*Code of Practice on Managing Psychosocial Hazards at Work*](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [*Disability Discrimination Act 1992 \(Cth\)*](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [*Privacy Act 1988 \(Cth\)*](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [*Fair Work Act 2009 \(Cth\)*](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

T ■ | M ■

E ■

www.mentalhealthcommission.gov.au



The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

From: ■

Sent: Friday, 27 August 2021 9:44 AM

To: ■

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi ■

Thanks for contacting Suicide Prevention Australia.

Suicide Prevention Australia supports a whole-of-government, whole-of-community approach to preventing suicide.

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians.

Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

All the best with your advocacy to Government on this matter.

Regards

[REDACTED]

[REDACTED]

Director of Policy and Government Relations

Suicide Prevention Australia

From: [REDACTED]

Sent: Thursday, 26 August 2021 10:42 AM

To: [REDACTED]

Subject: RE: [info] Re: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

[REDACTED]

Our comment below

The Mental Awareness Foundation whose mission is to 'Preserve Lives by Empowering Individuals' supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

Yours sincerely,

[REDACTED]

[REDACTED]

CEO

E: [REDACTED]

P: [REDACTED]



From: [REDACTED] <[\[REDACTED\]@ruok.org.au](mailto:[REDACTED]@ruok.org.au)>

Sent: Wednesday, 25 August 2021 1:33 PM

To: [REDACTED]

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide.

Kind regards,

[REDACTED]

From: Embrace Multicultural Mental Health <multicultural@mhaustralia.org>

Sent: Thursday, 2 September 2021 10:28 AM

To: [REDACTED]

Subject: RE: Request for 1 line statement of support - Please provide by 31st August

Hi [REDACTED]

Thanks you for the information, it's great to see you doing this advocacy. Mental Health Australia is part of the Mental Health Workplace Alliance and works to promote mental health across the community.

We are appreciate your advocacy for clarity in this area and wish you well in your continued efforts.

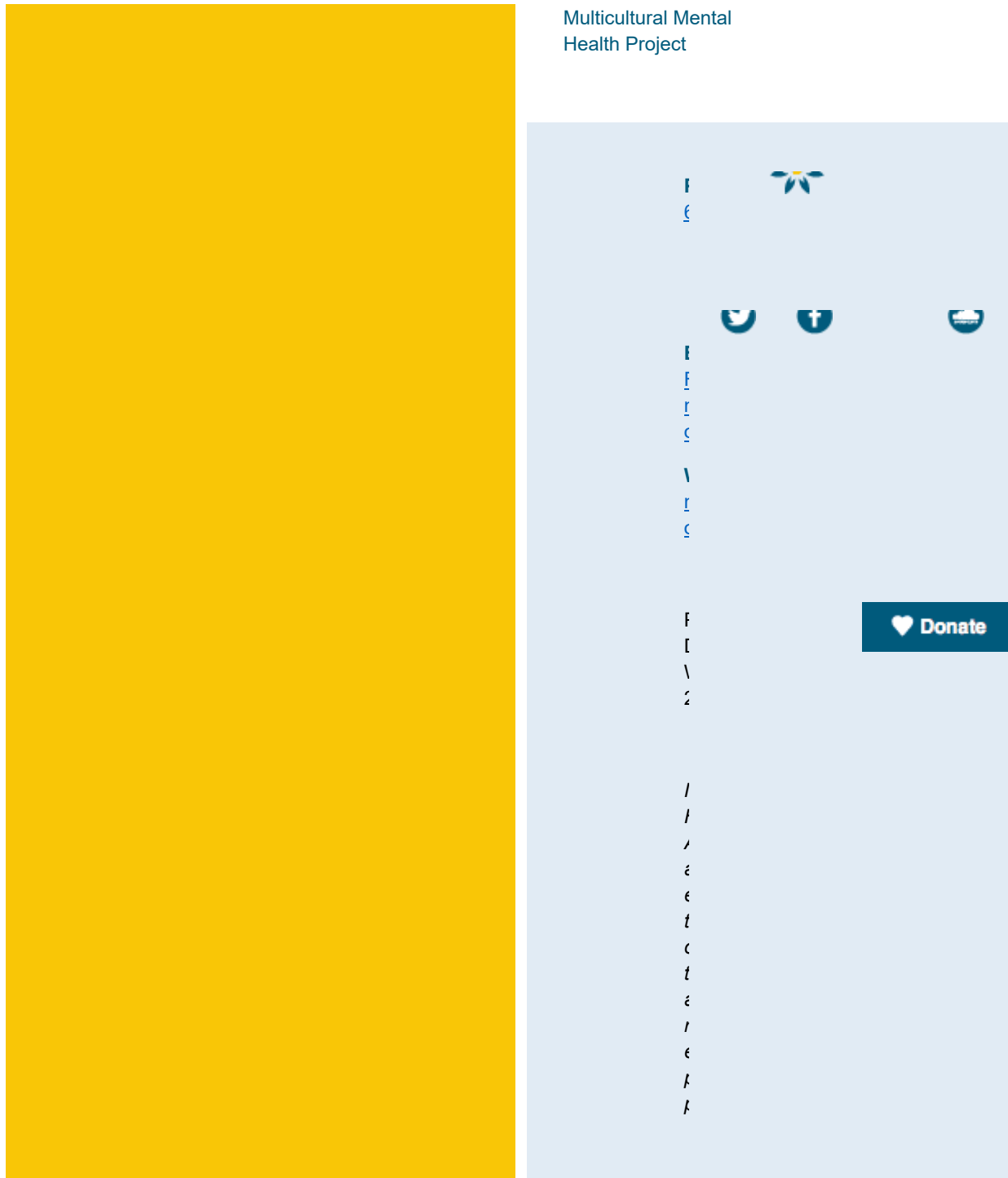
Kind regards,

[REDACTED]



[REDACTED]

National Project
Manager - National



We acknowledge Aboriginal and/or Torres Strait Islander peoples and communities as the traditional custodians of the land we work on and pay our respects to elders past, present and emerging. Mental Health Australia is committed to reconciliation in Australia through day-to-day work and our [Reflect Reconciliation Action Plan \(RAP\)](#). Mental Health Australia also acknowledges the continuous advocacy efforts and co-design by mental health consumers and carers, past and present. As an inclusive organisation we also celebrate people of all backgrounds, genders, sexualities, cultures, bodies and abilities.



Hey [REDACTED]

Sent:Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject:RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

[REDACTED]

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: [02 8004 9873](tel:0280049873)(when calling from Australia)

Tel: [04 887 0300](tel:048870300)(when calling from New Zealand)

Fax: [02 9012 0546](tel:0290120546)

Email:info@anzap.com.au

Web:www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]

[REDACTED]
President

T [REDACTED]

M [REDACTED]

E [REDACTED]

W blueknot.org.au

Blue Knot Helpline and Redress Support Service [1300 657 380](tel:1300657380)

National Counselling and Referral Service (Disability) [1800 421 468](tel:1800421468)

From: [REDACTED]

Sent: Tuesday, 17 August 2021 12:22 PM

To: [REDACTED]

Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]

CEO – Roses in the Ocean

[REDACTED]

[REDACTED]

www.rosesintheocean.com.au

To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

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From: [REDACTED]

Sent: Friday, 20 August 2021 4:01 PM

To: [REDACTED]

Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, 13 August 2021 11:51 AM
To: [REDACTED]
Cc: media@mentalhealthcommission.gov.au <media@mentalhealthcommission.gov.au>
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email regarding the mental health and wellbeing of our communities, regardless of their environment.

PANDA is a national organisation committed to ensuring that people, employers, health professionals and our community more broadly understand the importance of maintaining,

understanding and supporting everyone's mental health and wellbeing in the perinatal period. We spend significant time and resource raising awareness in this area and have tools, peoples stories and guidance related to workplace settings <https://www.panda.org.au/info-support/panda-at-work>

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Kind regards

[REDACTED]

Chief Executive Officer

Pronouns: she/ her

Please note: I am currently working flexibly and may send emails outside of 'normal' working hours. Please do not feel obliged to reply to this email outside of your working hours.

T [REDACTED] M [REDACTED]

F [REDACTED] [REDACTED]

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

From: [REDACTED]

Sent: Thursday, 19 August 2021 3:07 PM

To: [REDACTED]

Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]

Systems Advocate

Human Rights Advocacy Practice

Queensland

Advocacy

Incorporated

Advocacy for vulnerable people with disability

P07 3844 4200 | Wgai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

Please consider the environment before printing this email. This email, including attachments, is intended for the named recipients only. It may contain privileged & confidential information & if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify QAI immediately by reply email, delete the email & destroy any printed copy. Confidentiality and legal privilege attached to this email are not waived or lost by reason of mistaken delivery to you.

From: Govhouse [REDACTED]
Sent: Thursday, 12 August 2021 11:01 AM
To: [REDACTED]
Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001
Street: 168 Fernberg Road, Paddington Qld 4064
[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)

From: [REDACTED]
Sent: Wednesday, 18 August 2021 10:30 AM
To: [REDACTED]
Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]

Virus-free. www.avast.com

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [Work-related psychological health and safety: a systemic approach to meeting your duties](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [Code of Practice on Managing Psychosocial Hazards at Work](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [Disability Discrimination Act 1992 \(Cth\)](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [Privacy Act 1988 \(Cth\)](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [Fair Work Act 2009 \(Cth\)](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

T ■ | M ■

E ■

www.mentalhealthcommission.gov.au

The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

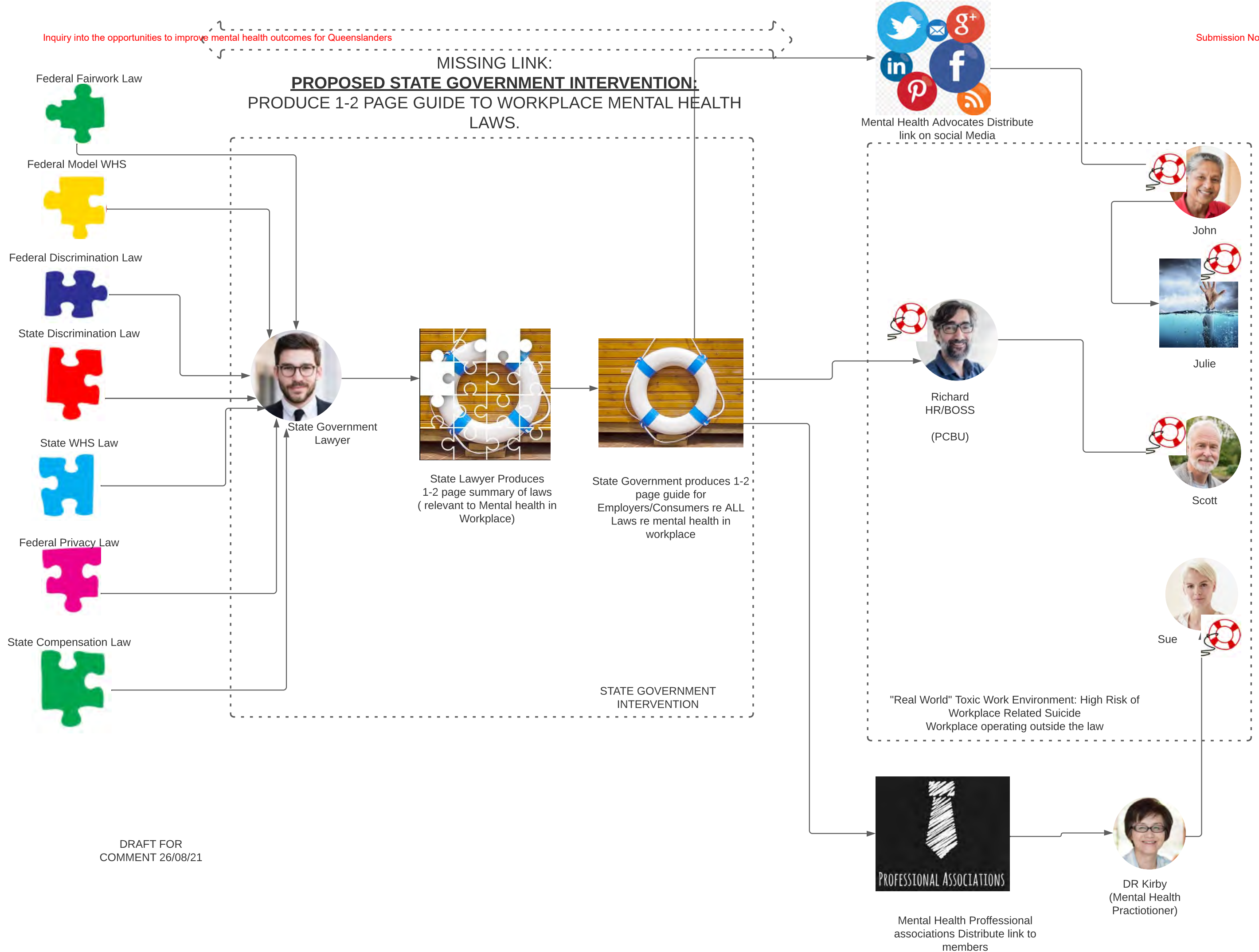
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Sent from [Mail](#) for Windows

Appendix B: Desktop Audit of Day to Day Mental Health Laws (sample only) Delivery

		Overall guide of all laws relevant provided? (to know what to look for)							
Sample Law	Guide Provided by Government		Provided by Regulator	Coordination: Guides reader to the rest of the mental health relevant legislation?	Practically Applied to Mental Health?	Distributed to PCBU Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Consumer Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Practitioners Networks Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Delivery Score
Model WHS	Work related psychological health and safety - A systematic approach to meeting your duties. (safeworkaustralia.gov.au)	No these laws were found through trial and error and much literature review , facebook groups, asking around etc	No	Indicates Criminal laws, Anti-Discrimination laws, Fair Work Act 2009 and some jurisdictional industrial laws, Privacy laws	Yes	Yes - 38,000 followers of safework australia. This is only 0.14% of Australias Population	No Evidence Found	No Evidence Found	36%
QLD WHS Law	Mentally healthy workplaces toolkit. (worksafe.qld.gov.au)		Yes	No	Yes	Yes - 15,000 followers of WHS Q. This is only 0.3% of QLD population	No Evidence Found	No Evidence Found	36%
Disability Discrimination ACT	2010 Appendix A: Knowing the law Australian Human Rights Commission		Provided by Australian Human Rights Commission	Federal Only	Yes but written 11 years ago	No Evidence Found	No Evidence Found	No Evidence Found	21%
Fairwork - Discrimination	Workplace discrimination - Fact sheets - Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Fairwork - Bullying	Bullying and harassment – Employee entitlements – Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Workers Compensation and Rehabilitation	Workers' compensation laws WorkSafe.qld.gov.au		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Qld Anti Discrimination	QHRC: Impairment		Provided by QLD Human Rights Commission	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Privacy	Privacy – OAIC		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Overall SCORE		0%	75%	19%	25%	13%	0%	0%	

Appendix C Scattered Advice Re LAWS (SAMPLE ONLY)						
Part A Legislation	Workplace Legislation Type		Workplace Health and Safety	Discrimination - National	Discrimination - QLD	Fairwork
	Regulatory Law Description		WH&S Act 2011	Disability Discrimination Act	Anti-Discrimination ACT 1991	Fair Work Act 2009 (Cth)
Part A Legislation	Regulatory Law Link		Link TBC	Link TBC	Link TBC	Link TBC
	Example Key concepts		Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC
	Blackdog Institute	black-dog-institute-mental-health-toolkit-2017.pdf (blackdoginstitute.org.au)	Y	Y		Y
	Beyond Blue	Your rights at work when dealing with mental health problems - from the Fair Work Ombudsman (beyondblue.org.au)				Y
	SANE	Legal rights & responsibilities (sane.org.au)	Y			Y
	Heads Up	Legal rights and responsibilities (headsup.org.au)	Y	Y		Y
	Headspace	Managing Your Mental Health in The Workplace headspace	Y	Y		Y
	Mates in Construction (Industry Reference document)	Blueprint For Better Mental Health And Suicide Prevention Construction Blueprint				





Office of the
Minister for Education
Minister for Industrial Relations and
Minister for Racing

29 SEP 2021

Email: [REDACTED]

Dear [REDACTED]

Thank you for your emails in August and September 2021 to the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, regarding Workplace Mental Health Laws: The Australian Compliance Matrix. I have been asked to respond on the Minister's behalf.

I would like to acknowledge the passion that you have for this issue and the level of analysis undertaken in the development of your document titled 'Mental Health Workplace Legislation Guide: Qld'.

It is recognised that prevention is the key to reducing the risk of harm to workers. The Office of Industrial Relations (OIR) is leading many initiatives which aim to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces, and improve the workers' compensation claims experience for workers with a psychological injury. Below is an overview of these initiatives:

- A Code of Practice on managing the risk of work-related psychosocial hazards, which is currently under development. An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.
- People at Work program, which was launched in February this year, aims to assist workplaces to identify psychosocial risks and develop control measures thereby reducing the risk of harm to workers. Consultation with workers at each stage is built into the People at Work program. Further information is available at www.peopleatwork.gov.au.
- The Workers' Psychological Support Service, which aims to provide specialist support to workers experiencing a work-related injury, provide connection to community supports and assist workers to navigate systems that may be unfamiliar. Further information is available at www.wpss.org.au.
- First responders and eligible employees diagnosed with post-traumatic stress disorder (PTSD) can access a new, streamlined workers' compensation claim pathway. This important pathway means first responders will not need to prove their PTSD was caused by work. Due to the nature of the work they do, first responders with PTSD will be deemed to have a work-related injury, unless there is evidence to the contrary, they can access vital treatment and support.
- A Code of Practice for managing psychological injury workers' compensation claims is also currently being considered. The aim of this new code will be to set minimum standards for all insurers managing psychological injury claims.

1 William Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3719 7110
Email: education@ministerial.qld.gov.au
Email: industrialrelations@ministerial.qld.gov.au
Email: racing@ministerial.qld.gov.au

If you would like further information or assistance, please contact [REDACTED], Director Psychological Health Unit, OIR, on [REDACTED]

I trust this information is of assistance.

Yours sincerely

[REDACTED]

[REDACTED]
Chief of Staff
Office of the Hon Grace Grace MP
Minister for Education
Minister for Industrial Relations and
Minister for Racing

Ref: 21/522590; FILE49974; REC50281

From: [REDACTED]
Sent: Monday, 31 January 2022 12:09 PM
To: Mental Health Select Committee
Subject: Fw: Workplace Mental Health Laws : The Australian Compliance Matrix

Follow Up Flag: Follow up
Flag Status: Flagged

Hi MHSC,

Please find attached support from national mental health commission and Sunshine Coast council to equip Qld with a 1-2 page guide to the 8 laws not just 2.

From: [REDACTED]
Sent: Thursday, 20 January 2022 3:27 PM
To: [REDACTED]
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix

Dear [REDACTED]

Thank you for your email and your continued championing for Mental Health.

We also recognise the importance of mentally healthy work and the positive impact this can provide employees. We completely agree with the NMHC and appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

Please continue to keep us in the loop going forward.

Kind regards,

[REDACTED]
Head of People and Culture
Business Performance | Sunshine Coast Council

Mobile: [REDACTED]
Email: [REDACTED]
Website: www.sunshinecoast.qld.gov.au
Mail: Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Please consider the environment before printing this email

Sunshine Coast Council acknowledges the Sunshine Coast Country, home of the Kabi Kabi peoples and the Jinibara peoples, the Traditional Custodians, whose lands and waters we all now share. We commit to working in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development.

From: [REDACTED]
Sent: Sunday, 1 August 2021 2:13 PM
To: mbrc@moretonbay.qld.gov.au; LordMayor <Lord.Mayor@brisbane.qld.gov.au>; council@ipswich.qld.gov.au; Customer Service <Customer.Service@sunshinecoast.qld.gov.au>; mail@goldcoast.qld.gov.au
Subject: Fw: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

[SCC External Email: Use caution with links and attachments]

Hi Local Councils

I would like to make a submission for something very important to reduce mental health illness and suicide in your jurisdiction.

I am proposing a consistent format for a simple overarching "start here" guide to mental health legislation. Do you support this simple tool
So the average business knows where to start?

I have a second meeting with the state government on the 13th for my proposal.
I am seeking a letter/ email confirming you would support a state wide single page "start here" document so businesses can actually comply with legislation

This has support from NMHC in email below

"We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work

My advocacy:

The reason I am writing to you is the current "pigeon hole" system is not working. It is not reasonable to expect the average workplace to understand the various legislation from various departments.

The core of my submission/complaint

It is not reasonable to expect the average Australian workplace to know how to navigate across the various forms of mh legislation - at the cost of those with a mental disability . It is just far too complex without a "start here guide" adopted by the government.

We need a simple single page overarching guide to legislation and guidelines.

I have prepared the attached concept for discussion.

In lieu of an overarching simple guide are we expecting the workplaces to be psychologists and lawyers?

I am proposing this simple format can be adopted across the jurisdictions to provide a consistent message across Australia.

I have done most of the leg work for you (I need to make corrections based on NMHC advice)

Even the National Mental Health Commission appreciate this advocacy!

See below

[REDACTED]

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

- Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.
- Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.
- For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).
- The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

- SafeWork Australia's guide, *Work-related psychological health and safety: a systemic approach to meeting your duties* provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.
- A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.
- Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.
- Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.
- Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a Code of Practice on Managing Psychosocial Hazards at Work.
- Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

- The Disability Discrimination Act 1992 (Cth) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.
- The Privacy Act 1988 (Cth) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.
- The main law governing workplace relations in Australia is the Fair Work Act 2009 (Cth) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.
- States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

T ■ M ■

www.mentalhealthcommission.gov.au



The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.



To find out more about the Sunshine Coast Council, visit us online at www.sunshinecoast.qld.gov.au. If correspondence includes personal information, please refer to [Council's Privacy Policy](#).

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Any views expressed in this email are the author's, except where the email makes it clear otherwise. The unauthorised publication of an email and any attachments generated for the official functions of council is strictly prohibited. Please note that council is subject to the *Right to Information Act 2009 (Qld)* and *Information Privacy Act 2009 (Qld)*.

From: [REDACTED]
Sent: Monday, 31 January 2022 12:33 PM
To: Mental Health Select Committee
Subject: More Support: 1-2 page basic guide to 8 laws
Attachments: State Govt Intervention_ The Missing Link_ 260821.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi MHSC,

To allow you to assess the problem please find guides to 6 out of 8 laws I compiled.

I am asking MHSC to arrange a compilation of a basic guide to laws as per “lifering” Advocacy document.

[Disability Discrimination Act 1992: MH Guide 1](#)

[Anti-Discrimination Act 1991: Guide 1 , Guide 2](#)

[Fair work Laws: MH Guide 1 , MH Guide 2](#)

[QLD Workplace health and safety Laws: Guide 1 \(QLD\) , Guide 2 \(model\) , Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003: MH Guide 1](#)

[Privacy Act 1988 : MH Guide 1](#)

Here is what the mental health experts are saying (refer emails below and attached for context)

Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

National Mental Health Commission:

"We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. "

Travis Schultz and Partners *"From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction".*

Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Blue Knot Foundation:

"This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal."

Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone. It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

— **Governor of Queensland** - Refer letter.

Mental health is a whole of government responsibility:

<https://www.health.gov.au/resources/publications/national-suicide-prevention-adviser-shifting-the-focus-a-national-whole-of-government-approach-to-guide-suicide-prevention-in-australia>

The proposed 1-2 page basic guide to the 7 laws is clearly a strategic lifeline to millions drowning in mental illness and suicidal thoughts.

The problem with my advocacy it is in no one single departments responsibility to throw out this lifeline.

We are all in this together. Right?

Sent: Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: 02 8004 9873(when calling from Australia)

Tel: 04 887 0300(when calling from New Zealand)

Fax: 02 9012 0546

Email: info@anzap.com.au

Web: www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]
President

T [REDACTED]

M [REDACTED]

E [REDACTED]

W blueknot.org.au     



Blue Knot Helpline and Redress Support Service 1300 657 380
National Counselling and Referral Service (Disability) 1800 421 468

From: [REDACTED]
Sent: Tuesday, 17 August 2021 12:22 PM
To: [REDACTED]
Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]
CEO – Roses in the Ocean

[REDACTED]
www.rosesintheocean.com.au



To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

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From: [REDACTED]
Sent: Friday, 20 August 2021 4:01 PM
To: [REDACTED]
Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Regards,

Tel: [REDACTED]
Email: [REDACTED]

We welcome your feedback



T [REDACTED] M [REDACTED]

F 03 9482

6210 [REDACTED]

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

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1300 726 306



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LEARNING HUB

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From: [REDACTED]

Sent: Thursday, 19 August 2021 3:07 PM

To: [REDACTED]

Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]
Systems Advocate
Human Rights Advocacy Practice

Queensland
Advocacy
Incorporated
Advocacy for vulnerable people with disability
P07 3844 4200 | Wgai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

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From: Govhouse <Govhouse@govhouse.qld.gov.au>

Sent: Thursday, 12 August 2021 11:01 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

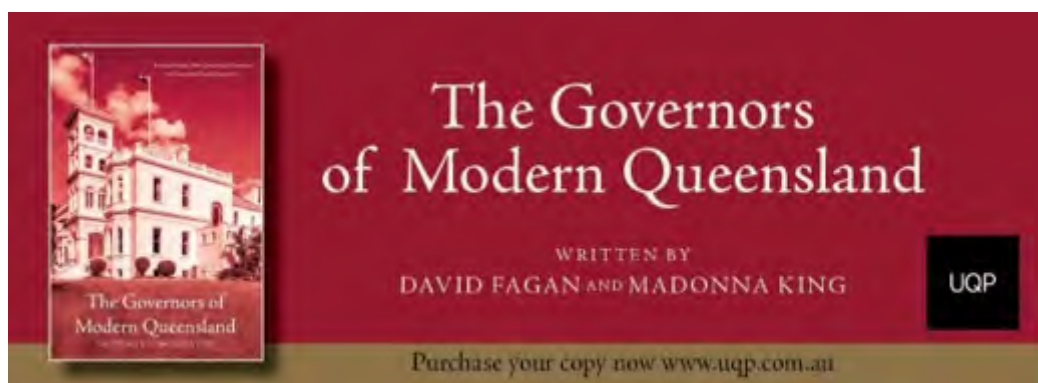


OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001

Street: 168 Fernberg Road, Paddington Qld 4064

[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)



From: [REDACTED]

Sent: Wednesday, 18 August 2021 10:30 AM

To: [REDACTED]

Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]



Virus-free. www.avast.com

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, *Work-related psychological health and safety: a systemic approach to meeting your duties* provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety. Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a *Code of Practice on Managing Psychosocial Hazards at Work*.

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The *Disability Discrimination Act 1992 (Cth)* (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The *Privacy Act 1988 (Cth)* (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the *Fair Work Act 2009 (Cth)* (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards



| Director, Engagement & Communication

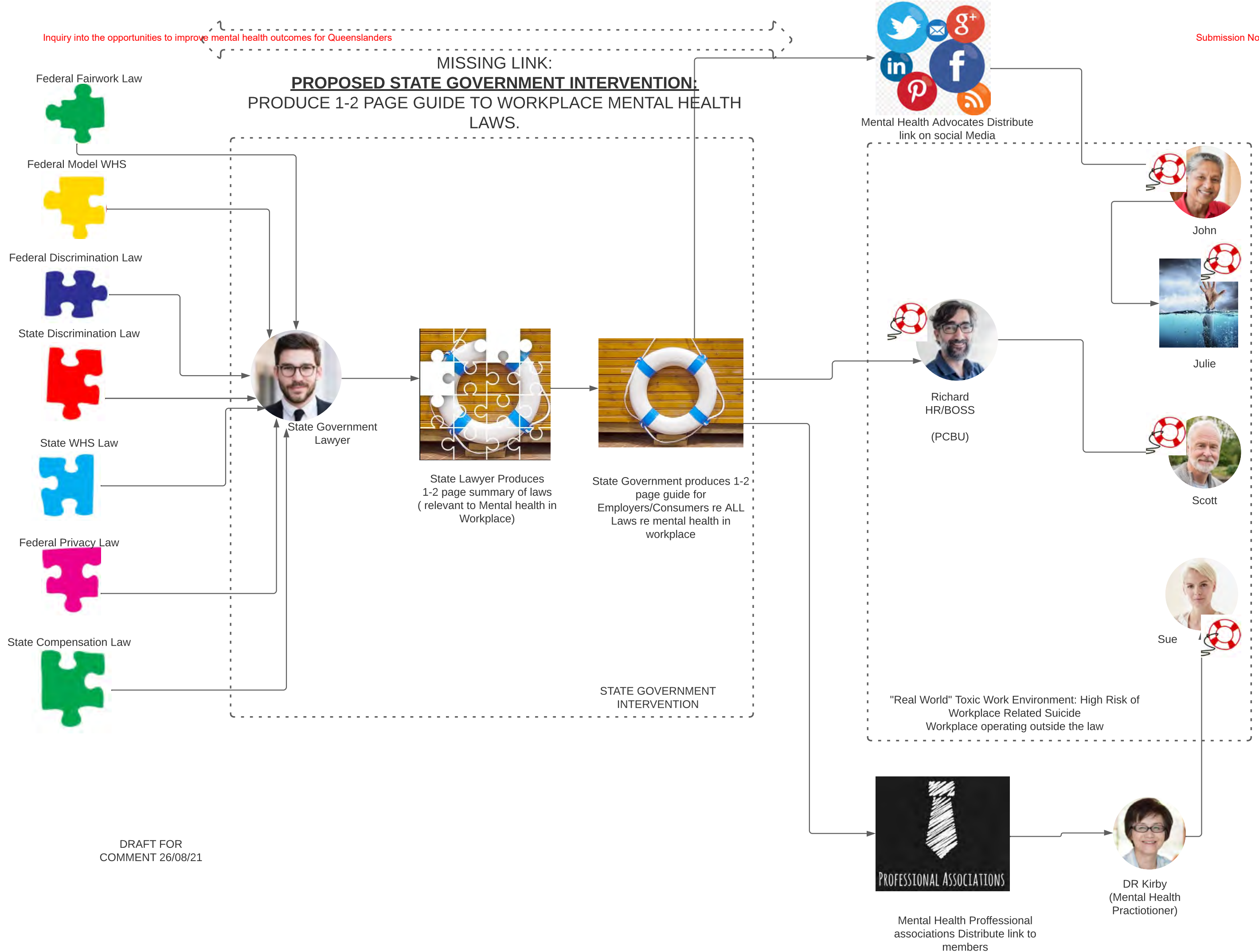
National Mental Health Commission

T [REDACTED] | M [REDACTED]
E [REDACTED]www.mentalhealthcommission.gov.au

The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

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From: [REDACTED]
Sent: Tuesday, 1 February 2022 11:46 AM
To: Mental Health Select Committee
Subject: Fw: Nsw and wa leading the way : day to day mental health laws [SEC=OFFICIAL]

Mhsc,

Please find response below from Ruth Vine directing responsibility to Mental health commissioners.

From: [REDACTED]
Sent: Monday, 4 October 2021 8:45 AM
To: [REDACTED]
Subject: RE: Nsw and wa leading the way : day to day mental health laws [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email and for your advocacy to improve the coordination and awareness of laws that impact mental health, although they are not specifically mental health legislation. I am aware that you have included other government departments in your correspondence so will not directly reply to the issues you have raised at this time. I am pleased to note that mental health commissions have been included as their work includes addressing stigma and discrimination affecting those who experience mental illness.

Yours sincerely,
[REDACTED]

[REDACTED]
Deputy Chief Medical Officer for Mental Health

[REDACTED]
Health Systems Policy and Primary Care Group
Australian Government Department of Health
Location: Sirius Building 8.S.107
Ph: [REDACTED] | E: [REDACTED]
GPO Box 9848, Canberra ACT 2601, Australia

Executive Assistant | [REDACTED]
P: [REDACTED] | E: [REDACTED]
MentalHealthDepCMO@health.gov.au

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: [REDACTED]
Sent: Friday, 1 October 2021 9:36 PM
To: [REDACTED]
Subject: Nsw and wa leading the way : day to day mental health laws

REMINDER: Think before you click! This email originated from outside our organisation. Only click links or open attachments if you recognise the sender and know the content is safe.



Minister Kevin Anderson has been able to confirm safe work nsw have in fact developed a guide across various laws and is committed to developing further.

<https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

Safe work nsw are listening and are considering my feedback as a part of their commitment to provide a consolidated summary of laws.

Similarly wa have committed to coordinate between mental health commission and regulators to develop a consolidated summary

Whilst their advice does not cover the outside workplaces component it is a really good example of what governments can achieve if they act as one.

As soon as these guides are completed "r u ok? " Have offered to circulate to their 550k followers ... as just one mental health advocate.

Thank you



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From: [REDACTED]
Sent: Tuesday, 1 February 2022 11:47 AM
To: Mental Health Select Committee
Subject: Fw: COR-06535-2021 - Response to your letter to the Minister for Better Regulation and Innovation
Attachments: COR065352021 LETTER Letter SafeWork.PDF; Letter of Support for [REDACTED].pdf; BKF Letter of Support - simplification of Mental Health Workplace laws.pdf

Hi MHSC,

Please find attached advice from NSW Kevin Anderson that they have made a start at a consolidated guide of the various laws

<https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

However Qld government only delivers safe work laws.

I also found some more substantiation attached.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 14 September 2021 2:18 PM
To: [REDACTED]
Subject: Workplace laws related to mental health

Good afternoon [REDACTED]

Thank you for taking the time to speak with me earlier today and for your feedback on our mental health at work website. It's always nice to know that we have had a positive impact. As advised I would be happy to pass on any constructive suggestions you have on <https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

You'll find my contact details below.

Thanks again and regards,

[REDACTED]
Acting Manager, Psychological Health and Safety
SafeWork NSW

Health and Safe Design, Better Regulation Division, Department of Customer Service

[REDACTED] | www.safework.nsw.gov.au

4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150



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Any views expressed in this message are not necessarily the views of SafeWork NSW.

From: donotreply.correspondence@customerservice.nsw.gov.au

<donotreply.correspondence@customerservice.nsw.gov.au>

Sent: Tuesday, 5 October 2021 9:52 AM

To: [REDACTED]

Subject: COR-06535-2021 - Response to your letter to the Minister for Better Regulation and Innovation

Dear [REDACTED]

Please see the attached letter in response to your correspondence to the Minister for Better Regulation and Innovation.

Kind regards

Department of Customer Service



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email: EmailAttachmentAdvice3

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**SafeWork**

Our Reference: COR-06535-2021

By email: [REDACTED]

Dear [REDACTED]

Thank you for your correspondence to the Hon Kevin Anderson MP, Minister for Better Regulation and Innovation about mental health protection laws. The Minister has asked me to respond to you.

I appreciate your concern in this matter and acknowledge your advocacy for clarity in legislation which affects worker mental health and that of the broader community.

I understand you have been liaising with Alexandra Rowe, Acting Manager Psychological Health and Safety Team, and are aware any additional SafeWork NSW guidance on the website requires significant resourcing from multiple jurisdictions and may be considered in 2022. Consideration may be given to any additions that could be made in the meantime.

You may also be aware that SafeWork NSW is currently committed to delivering education on the Code of Practice for Managing Psychosocial Hazards at Work and initiatives through the Mentally Healthy Workplaces Strategy.

Should you have any further queries please contact [REDACTED] of SafeWork NSW on [REDACTED] or [REDACTED]

Yours sincerely

Jim Kelly
Director Health and Safe Design

Date: 01/10/21



17 August 2021

To whom it may concern:

Re: Development of a resource that supports greater accessibility for individuals and workplaces to understand mental health legislation in order to achieve better outcomes for all.

Roses in the Ocean is a national Lived Experience of Suicide organisation, collaborating with individuals and organisations across community, corporate, health and government sectors to effectively and meaningfully engage people with lived experience of suicide and ensure sustainable investment in and meaningful inclusion of lived experience expertise in all aspects of suicide prevention.

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation.

To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome.

As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

Yours sincerely,

[REDACTED]

CEO - Roses in the Ocean



National Centre of Excellence
for Complex Trauma

15/8/2021

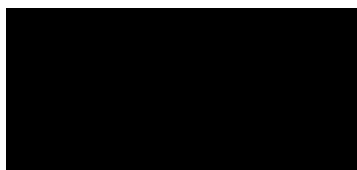
To whom it may concern

This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws.

Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.

We appreciate the efforts of those advocating in this regard.

Yours sincerely,



[Redacted Name]

President

president

Dr Cathy Kezelman AM

patron

Thomas Keneally AO

ABN 19 072 240 005

ambassadors

Jane Caro

Rose Parker

Christine Foster

Deputy Chief Inspector Peter Fox

blue knot helpline 1300 657 380

education & training

information & resources

advocacy & health promotion

other services

contact

T 02 8920 3611

E admin@blueknot.org.au

W blueknot.org.au

PO Box 597 Milsons Point NSW 1565

Mental Health Select Committee

Page 89

From: [REDACTED]
Sent: Tuesday, 1 February 2022 12:19 PM
To: Mental Health Select Committee
Subject: Submission 2: review Suicide prevention plan actions against mental health legislation

Submission 2:

Mhsc,

Please audit the 60 actions in this report

https://www.qmhc.qld.gov.au/sites/default/files/every_life_the_queensland_suicide_prevention_plan_2019-2029_web.pdf

Against the following legislation:

Disability Discrimination Act 1992: MH Guide 1

Anti-Discrimination Act 1991: Guide 1 , Guide 2

Fair work Laws: MH Guide 1 , MH Guide 2

QLD Workplace health and safety Laws: Guide 1 (QLD) , Guide 2 (model) , Guide 3 (model)

Qld Worker's Compensation and Rehabilitation Act 2003: MH Guide 1

Privacy Act 1988 : MH Guide 1

It is unlikely that the state governments actions are consistent with the law as the laws have not been delivered to the various lead departments nominated.

The state government has only delivered 2 of these laws in terms of mental health.

Can you please provide the outcome of this review for transparency?

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 2 February 2022 10:45 AM
To: Mental Health Select Committee
Subject: Submission 3: law delivery clarification and procurement
Attachments: SIGNED VERSION Chief of Staff response to [REDACTED]

Hi Mental Health Select Committee,

Final submission 3 of 3

Problem:Qld business that operate well outside the following laws in terms of mental health are inadvertently being provided with state and local government work.

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

The department of energy and public works has done a great job of including mental health initiative in construction in procurement . However this needs to expand to include legislative requirements when they are delivered in terms of mental health by OIR/QMHC
This needs to be expanded to all agencies state and local.

What I originally thought was a state and local government procurement issue is actually a more fundamental problem -> the state government has not delivered the 7 laws in terms of mental health .. only 2. Worse still is the government has not agreed who has overall responsibility for delivering the laws in terms of mental health

Can you please advise me who has overall responsibility of delivering these laws in terms of mental health to Queensland?

Can you please ensure these laws are delivered to the parties responsible for the 60 actions in the Qld suicide prevention plan.

Follow my logic:

The Qld suicide prevention plan requires

"In line with the Queensland Procurement Policy, support suicide prevention by ensuring agency procurement practices are focused on the achievement of the government's social objectives including working with suppliers who have a focus on the long-term mental health of the community.

Lead: Department of Housing and Public Works"

A fundamental part of procurement is compliance with legislative requirements.

I recommend that compliance with the following legislative requirements (in terms of mental health) be written into the Qld state and local government procurement policy and subsequent prequalification requirements to ensure compliance in terms of mental health:

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws: Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

However to support this the state government will need to provide a guide to what the laws mean in terms of mental health.

Similar to nsw

<https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

This should be already available given the state governments commitment in suicide prevention plan

"The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces through its role as the primary workplace health and safety regulator and workers compensation insurance provider.

Lead : Office of industrial relations "

Ok this makes sense upto this point right?

This is where there's a bizarre twist by the state government. ..

The state government has written to me (the OIR as the nominated lead) and confirmed they are only delivering whs law. Refer attached.

I have allowed 4 months to pass for the office of industrial relations to re consider their defiant position. However, it is clear they do not wish to fix their mistake and only delivering their own laws. They simply refuse to take leadership responsibility for the other laws at the detriment of Queensland.

Is the office of industrial relations the appropriate leader for the task given their persistent defiance to take leadership or refer me to another department/body?

Once I received a response from Ruth Vine below I thought maybe the OIR believes that the mental health commission is the appropriate statutory body. However OIR (as the lead) has not referred me to the qmhc.

When I spoke to the nominated officer on the OIR letter she commended me on my efforts to get government departments to work together and did not want to say qmhc but suggested talking to someone that has overall responsibility. As such I have waited for the right time... this select mental health committee to decide who is responsible for delivering the following laws to Queensland:

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

We have a situation where we have state government charged with 60 responsibilities for Suicide prevention and local governments wanting to comply with legislation (refer below) but a stand off between qmhc and OIR to agree who has overall responsibility of delivering the laws in terms of of mental health.

From: [REDACTED]
Sent: Thursday, 20 January 2022 3:27 PM
To: [REDACTED]
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix

Dear [REDACTED]

Thank you for your email and your continued championing for Mental Health.

We also recognise the importance of mentally healthy work and the positive impact this can provide employees. We completely agree with the NMHC and appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

Please continue to keep us in the loop going forward.

Kind regards,

[REDACTED]
 Head of People and Culture
 Business Performance | Sunshine Coast Council

Mobile: [REDACTED]
 Email: [REDACTED]
 Website: www.sunshinecoast.qld.gov.au
 Mail: Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Please consider the environment before printing this email

Sunshine Coast Council acknowledges the Sunshine Coast Country, home of the Kabi Kabi peoples and the Jinibara peoples, the Traditional Custodians, whose lands and waters we all now share. We commit to working in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development.

From: [REDACTED]
Sent: Monday, 4 October 2021 8:45 AM
To: [REDACTED]
Subject: RE: Nsw and wa leading the way : day to day mental health laws [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email and for your advocacy to improve the coordination and awareness of laws that impact mental health, although they are not specifically mental health legislation. I am aware that you have included other government departments in your correspondence so will not directly reply to the issues you have raised at this time. I am pleased to note that mental health commissions have been included as their work includes addressing stigma and discrimination affecting those who experience mental illness.

Yours sincerely,

[REDACTED]
Deputy Chief Medical Officer for Mental Health

Health Systems Policy and Primary Care Group
Australian Government Department of Health
Location: Sirius Building 8.S.107

[REDACTED]
GPO Box 9848, Canberra ACT 2601, Australia

Executive Assistant | [REDACTED]
[REDACTED]
MentalHealthDepCMO@health.gov.au

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: DETE, Correspondence <Correspondence.DETE@qed.qld.gov.au>
Sent: Wednesday, 29 September 2021 3:44 PM
To: [REDACTED]
Subject: Letter from the Chief of Staff, Office of the Minister for Education, Minister for Industrial Relations and Minister for Racing

Dear [REDACTED]

Thank you for your correspondence to the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing.

Please find attached a response from the Minister's Chief of Staff.

Yours sincerely
Ministerial and Executive Services Unit



Department of Education
1 William Street | Brisbane QLD 4000
PO Box 15033 | City East QLD 4002
www.education.qld.gov.au

Working together to lift learning and skilling outcomes for Queensland.

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-----< Content Manager record Information >-----

Record Number : [21/594322](#)

Title : **SIGNED VERSION** Chief of Staff response to [REDACTED]

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Office of the
Minister for Education
Minister for Industrial Relations and
Minister for Racing

29 SEP 2021

Email: [REDACTED]

Dear [REDACTED]

Thank you for your emails in August and September 2021 to the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, regarding Workplace Mental Health Laws: The Australian Compliance Matrix. I have been asked to respond on the Minister's behalf.

I would like to acknowledge the passion that you have for this issue and the level of analysis undertaken in the development of your document titled 'Mental Health Workplace Legislation Guide: Qld'.

It is recognised that prevention is the key to reducing the risk of harm to workers. The Office of Industrial Relations (OIR) is leading many initiatives which aim to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces, and improve the workers' compensation claims experience for workers with a psychological injury. Below is an overview of these initiatives:

- A Code of Practice on managing the risk of work-related psychosocial hazards, which is currently under development. An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.
- People at Work program, which was launched in February this year, aims to assist workplaces to identify psychosocial risks and develop control measures thereby reducing the risk of harm to workers. Consultation with workers at each stage is built into the People at Work program. Further information is available at www.peopleatwork.gov.au.
- The Workers' Psychological Support Service, which aims to provide specialist support to workers experiencing a work-related injury, provide connection to community supports and assist workers to navigate systems that may be unfamiliar. Further information is available at www.wpss.org.au.
- First responders and eligible employees diagnosed with post-traumatic stress disorder (PTSD) can access a new, streamlined workers' compensation claim pathway. This important pathway means first responders will not need to prove their PTSD was caused by work. Due to the nature of the work they do, first responders with PTSD will be deemed to have a work-related injury, unless there is evidence to the contrary, they can access vital treatment and support.
- A Code of Practice for managing psychological injury workers' compensation claims is also currently being considered. The aim of this new code will be to set minimum standards for all insurers managing psychological injury claims.

1 William Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3719 7110
Email: education@ministerial.qld.gov.au
Email: industrialrelations@ministerial.qld.gov.au
Email: racing@ministerial.qld.gov.au

If you would like further information or assistance, please contact [REDACTED], Director Psychological Health Unit, OIR, on [REDACTED]

I trust this information is of assistance.

Yours sincerely

[REDACTED]

[REDACTED]
Chief of Staff
Office of the Hon Grace Grace MP
Minister for Education
Minister for Industrial Relations and
Minister for Racing

Ref: 21/522590; FILE49974; REC50281

From: [REDACTED]
Sent: Thursday, 3 February 2022 3:21 PM
To: Treasurer; Mental Health Commissioner; [REDACTED]; Mental Health Select Committee; Health; DLO; [REDACTED] EPW; Safety Info; The Premier
Subject: VERY IMPORTANT: Mental health : procurement prequalification requirements

All,
This is a very important opportunity to improve mental health. Just imagine the improvement in Qld mental health if Qld government only purchased from suppliers that had mental health first aid trained staff and complied with legislative requirements. Just a pipe dream? Read below how Qld Government has made an Australian first start. Well done 🍷 Andrew , Logan and Peter your work is truly ground breaking!!!

Qld Mental Health Select Comittee,

This is my 4th and final submission.

The Qld government has done something very amazing. I have written to all states and it appears to be an Australian first.

It is very simple: include Suicide prevention in social procurement. The Qld government asks builders to demonstrate their commitment to Suicide prevention in the prequalification process.

Take it from me who is in medical terms totally disabled : there is no business case for those who have severe mental illness. Whilst many governments talk the talk about “yoga and fruitbowl” style nice to haves to help mental health it is simply bullshit when compared against the fact there is no business case for mental disability in business. Trust me.

However Qld government have walked the walk for those with mental illness on large construction sites and created a business case for looking after those with mental illness .

My recommendation is this and very simple .

I recommend that procurement process that local and state government buys from suppliers across ALL departments that are committed to mental health of Queenslanders. This can be simple through 2 basic procurement requirements

1. Self declaration that they are compliant with anti discrimination law and whs law etc. (the 7 laws as per my previous submissions) in terms of mental health. Provide evidence of procedures /practices on sample audit to maintain prequalification.
2. Provide a certificate of mental health first aid training in workplace <https://mhfa.com.au>



Homepage | Mental Health First Aid

Each year 1 in 5 Australians will experience a mental illness. Many people are not knowledgeable or confident to offer assistance. Physical first aid is accepted and widespread in our community, however most do not cover mental health problems.

mhfa.com.au

These are generic procurement principles that are simple that can be applied to any supplier.

To achieve this please refer to:

https://www.qmhc.qld.gov.au/sites/default/files/every_life_the_queensland_suicide_prevention_plan_2019-2029_web.pdf

“In line with the Queensland Procurement Policy, support suicide prevention by ensuring agency procurement practices are focused on the achievement of the government’s social objectives including working with suppliers who have a focus on the long-term mental health of the community.

Lead: Department of Housing and Public Works”

However the Qld procurement policy does NOT include Suicide prevention.

I recommend that the Qld procurement policy be amended to

A) reflect the Suicide prevention requirements of the Qld suicide prevention plan

B) include evidence of mental health first aid training from suppliers

C) include compliance with legislative requirements for mental health as per the 7 laws previously outlined and endorsed by 19 Suicide experts.

Also this would need to be communicated to various departments and local government (if possible).

P.s the key legislative requirements for mental health to be included in Qld procurement policy are:

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

From: [REDACTED]
Sent: Thursday, 3 February 2022 5:55 PM
To: Treasurer; Mental Health Commissioner; [REDACTED]; Mental Health Select Committee; Health; DLO; [REDACTED]; EPW; Safety Info; The Premier; [REDACTED]
Subject: Re: VERY IMPORTANT: Mental health : procurement prequalification requirements

Mental Health Select Committee

Supplementary info:

To give you an idea how powerful this is ,Please refer to attached picture. In just a few words, department of energy and public Works have taken Australian first leadership and provided commercial driver for builders to undertake "mates in construction" and other initiatives.

From DEPW website:

Mental health and suicide prevention

There are a range of suicide prevention and mental health services available to individuals and hosts a register of programs and services.

Accredited on-site programs

Have you delivered projects with site accreditation by a recognised mental health and suicide prevention [Construction](#) in the past?

☐ No ☐ Yes

Signatory to the Blueprint

Are you a signatory to the [Australian Blueprint for Better Mental Health and Suicide Prevention in the](#)

☐ No ☐ Yes

Other initiatives

Are there any other workplace policies, programs or initiatives your company has implemented to improve prevention for your workforce?

☐ No ☐ Yes

For more information please have a look where the department of energy and public Works ground breaking Work has been featured in this industry magazine alongside R u ok? Mates in construction, mental health first aid, Tiacs Suicide crisis service, HALT, bully zero . these organisations and others will share this great news of DEPW to their networks . The connected by Association initiative was opened by Minister Stirling Hinchcliffe in June last year to support my rehabilitation from disability (ptsd panic attacks and severe depression)

<https://www.flipsnack.com/connectedbyassociation/advocacy-for-construction.html>



Advocacy For Construction

this magazine present the hardwork of 27 associations/advocacy groups/charities

www.flipsnack.com

DEPW work for using procurement to combat Suicide is simply amazing example for construction sites.. but needs to go further.

Instead of mates in construction I recommend mental health first aid australia AU for business other than builders.

SCRAPING THE BOTTOM OF THE BARREL:At a bare minimum: Please don't reward suppliers that operate outside the following laws with government work while Qld families and healthcare budgets pay the cost.

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

If they can not declare they are operating within the law for the purposes of mental health , do not be complicit and reward them with work. Simple.

You can make more social impact here then regulators ever will because of the commercial driver . Will you recommend this improvement below?

[REDACTED]

From: [REDACTED]

Sent: Thursday, 3 February 2022 3:20 PM

To: Treasurer <treasurer@ministerial.qld.gov.au>; Mental Health Commissioner

<Commissioner@qmhc.qld.gov.au>; [REDACTED] Mental Health Select Committee <mhsc@parliament.qld.gov.au>; Health <health@ministerial.qld.gov.au>; DLO <DLO@health.qld.gov.au>; [REDACTED]; EPW <EPW@ministerial.qld.gov.au>; Safety Info <safetyinfo@oir.qld.gov.au>; The Premier <The.Premier@premiers.qld.gov.au>
Subject: VERY IMPORTANT: Mental health : procurement prequalification requirements

All,

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Take it from me who is in medical terms totally disabled : there is no business case for those who have severe mental illness. Whilst many governments talk the talk about “yoga and fruitbowl” style nice to haves to help mental health it is simply bullshit when compared against the fact there is no business case for mental disability in business. Trust me.

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1. Self declaration that they are compliant with anti discrimination law and whs law etc. (the 7 laws as per my previous submissions) in terms of mental health. Provide evidence of procedures /practices on sample audit to maintain prequalification.
2. Provide a certificate of mental health first aid training in workplace <https://mhfa.com.au>



Homepage | Mental Health First Aid

Each year 1 in 5 Australians will experience a mental illness. Many people are not knowledgeable or confident to offer assistance. Physical first aid is accepted and widespread in our community, however most do not cover mental health problems.

mhfa.com.au

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To achieve this please refer to:

https://www.qmhc.qld.gov.au/sites/default/files/every_life_the_queensland_suicide_prevention_plan_2019-2029_web.pdf

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Also this would need to be communicated to various departments and local government (if possible).

P.s the key legislative requirements for mental health to be included in Qld procurement policy are:

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[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

From: [REDACTED]
Sent: Friday, 4 February 2022 9:41 AM
To: Treasurer; Mental Health Commissioner; [REDACTED]; Mental Health Select Committee; Health; DLO; [REDACTED]; EPW; Safety Info; The Premier; [REDACTED]
Subject: Mental Health Inquiry : Who is responsible for delivering the 7 laws to protect our mental health?
Attachments: 40E593A6-3456-4221-8B77-EC80C0234C39.jpeg; 27628.pdf; COR055112021 LETTER Signed letter Minister for Better Regulation and Innovation.pdf; SIGNED VERSION Chief of Staff response to [REDACTED] PDF; Main Document_Lifering Advocacy.pdf; SKM_C450i21082015351.pdf

Hi [REDACTED]

Many thanks for your email of support from Sunshine Coast Council. I believe That your support represents a local government commitment to reduce Suicides in their lga if the laws were available in terms of mental health.

However I am struggling to get state government lead representative the Office of Industrial Relations to fulfill their responsibilities outlined in Qld suicide prevention plan beyond just whs law. As such I am escalating to the mental health select Comittee inquiry below to determine who is responsible overall in terms of mental health. I will keep you and the 18 mental health experts that have supported with any updates.

Qld Mental Health Select Comittee ,

Submission 5 to untangle this mess.

I have an important fundamental question for you please.

Who has overall responsibility for delivering the laws designed to protect our mental health to Queenslanders?

I.e the following (in terms of mental health

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

Is it

A) still in no mans land in terms of overall responsibility for mental health . This would be inconsistent with the whole of government approach recommended (generally) by NMHC in their advice to PM. This is the disorganised mess we are in.

B) Office of industrial relations . This would be consistent with the Qld suicide prevention plan

"The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces through its role as the primary workplace health and safety regulator and workers compensation insurance provider.

Lead: Office of Industrial Relations" NOTE : this nominates " their obligations " and does not limit this all encompassing statement to just whs laws.

It is clear that OIR are not taking my concerns seriously as their attached response basically says we are just looking after our own patch.

It should have said something like " we are consulting with qmhc to find a solution " to show some teamwork like Western Australia teamwork between derms and mental health commissioner. Attached.

Better still it would have said we have already compiled what the various laws mean like Kevin Anderson attached.

<https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

See how NSW safe work prioritises cooperating with others to save lives over just looking after their own patch? Clearly I am disappointed by Qld OIR response that ignores my concern about the lack of coordination. This is the same thinking that landed Qld to the point where we don't understand the 7 day to day laws to protect our mental health.

The OIR have even published a paper stating (in conclusion) it is up to employers to piece together the laws. This fails to recognise that those struggling with mental health have a right to understand the law regardless of their employer.

It also fails to recognise the complexity of this task and is unreasonable to expect the average baker, plumber, shop, office, etc etc to compile the laws!! Refer advice from Travis Schultz lawyers .. what chance does the average workplace have or someone struggling with mental health have if lawyers even think it is hard to navigate.

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0015/23550/paper-mental-health-and-the-law-michael-tooma.pdf

Look at the stark contrast between the Qld OIR response and the "working together for basic education of the laws" style response from nsw, wa and 18 Suicide experts attached in lifering advocacy.

When I see my coordination concerns being ignored and their letter only addressing their patch, I have reached the conclusion that

There is a conflict in interest here with OIR and they are interested in taking the lead of ""The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations " (as required by Qld suicide prevention plan) for the 7 laws. I have waited patiently for OIR to rethink their defiant position for 4 months without the integrity to actually respond to my concerns. I simply give up on OIR .

C) Queensland mental health commission as the statutory body for mental health of Queensland . This makes sense and is consistent with Ruth Vines advice below 🖱️. However obviously this will need input from various regulators both inside and outside workplaces.

P.s please refer to attached lifering advocacy where 18 suicide prevention experts agree we need a basic compiled explanation of the laws in terms of mental health. Their letters/emails of support is attached within the 50 pages of this comprehensive document. It could look something like what national mental health commission provided but of course taylorred to fit Queenslanders(and include outside work places)

Please scroll to bottom to find national mental health commission summary of many of the various laws .

If you as the reader do not understand the 7 laws in terms of mental health. This is a symptom of lack of clarity around who is responsible.

Sincerely

[Redacted signature]

From: [Redacted]
Sent: Monday, 4 October 2021 8:45 AM
To: [Redacted]
Subject: RE: Nsw and wa leading the way : day to day mental health laws [SEC=OFFICIAL]

Dear [Redacted]

Thank you for your email and for your advocacy to improve the coordination and awareness of laws that impact mental health, although they are not specifically mental health legislation. I am aware that you have included other government departments in your correspondence so will not directly reply to the issues you have raised at this time. I am pleased to note that mental health commissions have been included as their work includes addressing stigma and discrimination affecting those who experience mental illness.

Yours sincerely,

[Redacted signature]

[Redacted]
Deputy Chief Medical Officer for Mental Health

Health Systems Policy and Primary Care Group
Australian Government Department of Health
Location: Sirius Building 8.S.107

[Redacted]
GPO Box 9848, Canberra ACT 2601, Australia

Executive Assistant | [Redacted]
[Redacted]
MentalHealthDepCMO@health.gov.au

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: [REDACTED]
Sent: Thursday, 20 January 2022 3:27 PM
To: [REDACTED]
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix

Dear [REDACTED]

Thank you for your email and your continued championing for Mental Health.

We also recognise the importance of mentally healthy work and the positive impact this can provide employees. We completely agree with the NMHC and appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

Please continue to keep us in the loop going forward.

Kind regards,

[REDACTED]
Head of People and Culture
Business Performance | Sunshine Coast Council

Mobile: [REDACTED]
Email: [REDACTED]
Website: www.sunshinecoast.qld.gov.au
Mail: Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Please consider the environment before printing this email

Sunshine Coast Council acknowledges the Sunshine Coast Country, home of the Kabi Kabi peoples and the Jinibara peoples, the Traditional Custodians, whose lands and waters we all now share. We commit to working in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development.

Here is what the mental health experts are saying (refer emails below and attached for context)

Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

National Mental Health Commission:

“We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. “

Travis Schultz and Partners *"From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction".*

Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Blue Knot Foundation:

"This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal."

Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

Governor of Queensland - Refer letter.

Mental health is a whole of government responsibility:

<https://www.health.gov.au/resources/publications/national-suicide-prevention-adviser-shifting-the-focus-a-national-whole-of-government-approach-to-guide-suicide-prevention-in-australia>

The proposed 1-2 page basic guide to the 7 laws is clearly a strategic lifeline to millions drowning in mental illness and suicidal thoughts.

The problem with my advocacy it is in no one single departments responsibility to throw out this lifeline.

We are all in this together. Right?



Sent: Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: [02 8004 9873](tel:0280049873) (when calling from Australia)

Tel: [04 887 0300](tel:048870300) (when calling from New Zealand)

Fax: [02 9012 0546](tel:0290120546)

Email: info@anzap.com.au

Web: www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]

President

T [REDACTED]

M [REDACTED]

E [REDACTED]

W blueknot.org.au     



Blue Knot Helpline and Redress Support Service 1300 657 380
National Counselling and Referral Service (Disability) 1800 421 468

From: [REDACTED]
Sent: Tuesday, 17 August 2021 12:22 PM
To: [REDACTED]
Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]
CEO – Roses in the Ocean

[REDACTED]
www.rosesintheocean.com.au



To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

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–
From: [REDACTED]
Sent: Friday, 20 August 2021 4:01 PM
To: [REDACTED]
Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Regards,

[REDACTED]
Community and Brand Manager

Tel: [REDACTED]
Email: [REDACTED]



Head Office: 07 5406 7405

Postal Address: PO Box 1070, Mooloolaba Qld 4557

Website: www.schultzlaw.com.au

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From: [REDACTED]
Sent: Friday, 13 August 2021 11:51 AM
To: [REDACTED]
Cc: media@mentalhealthcommission.gov.au <media@mentalhealthcommission.gov.au>
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email regarding the mental health and wellbeing of our communities, regardless of their environment.

PANDA is a national organisation committed to ensuring that people, employers, health professionals and our community more broadly understand the importance of maintaining, understanding and supporting everyone's mental health and wellbeing in the perinatal period. We spend significant time and resource raising awareness in this area and have tools, peoples stories and guidance related to workplace settings <https://www.panda.org.au/info-support/panda-at-work>

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Kind regards

[REDACTED]
Chief Executive Officer

Pronouns: she/ her

Please note: I am currently working flexibly and may send emails outside of 'normal' working hours. Please do not feel obliged to reply to this email outside of your working hours.

We welcome your feedback



T [REDACTED] M [REDACTED]

F [03 9482](tel:0394826210)

[6210](tel:0394826210)

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

DONATE



PANDA National Helpline
1300 726 306



PANDA
LEARNING HUB

Visit courses.panda.org.au

From: [REDACTED]

Sent: Thursday, 19 August 2021 3:07 PM

To: [REDACTED]

Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]
Systems Advocate
Human Rights Advocacy Practice

Queensland

Advocacy

Incorporated

Advocacy for vulnerable people with disability

P07 3844 4200 | Wgai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

Please consider the environment before printing this email. This email, including attachments, is intended for the named recipients only. It may contain privileged & confidential information & if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify QAI immediately by reply email, delete the email & destroy any printed copy. Confidentiality and legal privilege attached to this email are not waived or lost by reason of mistaken delivery to you.

From: Govhouse <Govhouse@govhouse.qld.gov.au>

Sent: Thursday, 12 August 2021 11:01 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

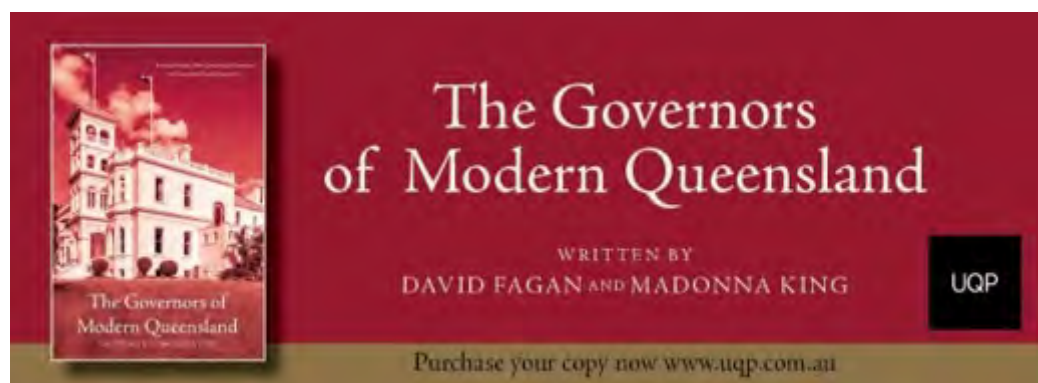


OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001

Street: 168 Fernberg Road, Paddington Qld 4064

[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)



From: [REDACTED]

Sent: Wednesday, 18 August 2021 10:30 AM

To: [REDACTED]

Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]



Virus-free. www.avast.com

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, *Work-related psychological health and safety: a systemic approach to meeting your duties* provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety. Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a *Code of Practice on Managing Psychosocial Hazards at Work*.

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The *Disability Discrimination Act 1992 (Cth)* (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The *Privacy Act 1988 (Cth)* (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the *Fair Work Act 2009 (Cth)* (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards



 | **Director, Engagement & Communication**

National Mental Health Commission


www.mentalhealthcommission.gov.au

The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

This email is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's consent. Unless otherwise stated, the State of Queensland accepts no liability for the contents of this email except where subsequently confirmed in writing. The opinions expressed in this email are those of the author and do not necessarily represent the views of the State of Queensland. This email is confidential and may be subject to a claim of legal privilege. If you have received this email in error, please notify the author and delete this message immediately



The Honourable Kevin Anderson MP
Minister for Better Regulation and Innovation

Our reference: COR-05511-2021

By email: [REDACTED]

Dear [REDACTED]

Thank you for your correspondence to the Hon Bronnie Taylor MLC, Minister for Mental Health about workplace laws related to mental health. Your correspondence was referred to me as the Minister responsible for work health and safety in NSW. When I received your correspondence I asked SafeWork to look into the matter and provide me with advice.

SafeWork NSW is the regulator for work health and safety in NSW workplaces and recognises the importance of making legislation simple and clear for business owners and workers to understand. Mental health at work is overseen by multiple pieces of legislation and acknowledge your vision to simplify this information.

SafeWork NSW has consolidated relevant laws affecting workplace mental health which can be found here: <https://www.mentalhealthatwork.nsw.gov.au/what-you-can-do/i-am-a-manager/meeting-your-duties>.

A Code of Practice for *Managing psychosocial hazards at work* has also been released this year to help workplaces understand how to prevent work-related psychological injury. The Code of Practice is available here: https://www.safework.nsw.gov.au/_data/assets/pdf_file/0004/983353/Code-of-Practice_Managing-psychosocial-hazards.pdf

To further support workplaces, SafeWork NSW is developing further advice on how the work health and safety law in NSW interacts with other laws such as privacy legislation, for example. This information will be available on the SafeWork website later this year.

If you have any further queries, I encourage you to contact [REDACTED] Acting Manager Psychological Health and Safety Team at SafeWork NSW on [REDACTED]

Thank you for raising these concerns with the NSW Government.

Yours sincerely

Kevin Anderson MP
Minister for Better Regulation and Innovation

Date:

8.9.2021



**Minister for Mental Health; Aboriginal Affairs; Industrial Relations;
Deputy Leader of the Legislative Council**

Our Ref: 62-27628

[REDACTED]
[REDACTED]

Dear [REDACTED]

WORKPLACE MENTAL HEALTH LAWS – THE AUSTRALIAN COMPLIANCE MATRIX

Thank you for your correspondences from 6 August 2021 to 20 August 2021, suggesting that a Western Australian guide to mental health workplace legislation be produced.

The mental health of Western Australian workers is a high priority for the McGowan Government and I acknowledge the importance of assisting individuals and workplaces to understand the laws relating to workplace mental health, which is spread across various legislation.

Consistent with this commitment, the Department of Mines, Industry Regulation and Safety (DMIRS) has engaged with the Western Australian Mental Health Commission (MHC) and will consult relevant stakeholders to draft guidance on workplace mental health laws.

The Western Australian Government is committed to and has been working to support individuals and workplaces to create supportive environments that foster positive mental health and wellbeing. For example, in 2017 the MHC provided foundational funding to Curtin University's Future of Work Institute to develop new resources and tools to equip Western Australian workplaces to optimise mental health and wellbeing. This resulted in the Thrive at Work workplace wellbeing initiative, and involved the development of an integrated, evidence-based framework that explains how we can support people in workplaces to get well (Mitigate Illness), stay well (Prevent Harm) and be the best they can be (Promote Thriving).

The framework was developed in consultation with industry, and is underpinned by an extensive evaluation of the academic literature. A Thrive at Work toolkit, audit tools and a website hub have been produced to support all workplaces to develop a strategic approach to workplace mental health, which can be accessed at: www.thriveatwork.org.au.

The MHC's evidence-based *Think Mental Health* public education campaign is part of the comprehensive approach in Western Australia that aims to build mental health and wellbeing and reduce mental health issues. The *Think Mental Health* campaign messages support and reinforces other initiatives, such as those targeting workplaces, which aim to prevent and reduce mental health issues in Western Australia.

Level 12, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005.
Telephone +61 8 6552 5800 Email: Minister.Dawson@dpc.wa.gov.au

The *Think Mental Health* website includes a check-up tool which assists the Western Australian community to connect with the best information, support and services for their particular situation, which can be accessed at www.thinkmentalhealthwa.com.au.

DMIRS as the regulator for workplace safety creates publications and resources which focus on mental health in the workplace in the context of the *Occupational Safety and Health Act 1984* (OSH Act), the *Occupational Safety and Health Regulations 1996* (OSH Regulations) and accompanying codes of practice. Approved codes of practice in Western Australia relevant to mental health include the following:

- *Workplace behaviour* code of practice; and the *Violence, aggression and bullying at work* code of practice – The Western Australian Commission for Occupational Safety and Health (Commission) sought feedback on the draft codes, with the public consultation period ending on 30 August 2021 and 23 September 2021, respectively. The consultation drafts can be accessed at: www.dmirs.wa.gov.au/content/closed-consultations.
- 'Mentally healthy workplaces for FIFO workers in the resources and construction sectors', at www.commerce.wa.gov.au/sites/default/files/atoms/files/fifo_cop.pdf.

In addition to the above, the Commission is currently seeking public comments on its draft code of practice *Psychosocial hazards in the workplace*. This code of practice is intended to provide practical guidance for workplaces where workers may be exposed to psychological and social hazards such as inappropriate behaviours, violence and aggression, fatigue, burnout, stress and trauma, which can be harmful to their health. I strongly encourage you to provide your feedback on the draft code at www.dmirs.wa.gov.au/content/open-consultations.

DMIRS also has a number of other resources available to assist employees and employers with respect to mental health in the workplace, all located on the Mentally Healthy Workplaces online hub, which can be accessed at the following link - www.dmp.wa.gov.au/Safety/Mentally-healthy-workplaces-25121.aspx

DMIRS and MHC are now engaged in a process to produce further guidance on this topic, as previously mentioned above. As the Minister with portfolio responsibilities for industrial relations and mental health, I hold a deep commitment to improving mental health and workplace safety outcomes for all Western Australians.

Thank you for taking the time to write to me on this important issue. I very much appreciate your advocacy in this area regarding consolidating guidance material on mental health in the workplace.

Yours sincerely



Hon Stephen Dawson MLC
MINISTER FOR INDUSTRIAL RELATIONS
22 SEP 2021



The Honourable Kevin Anderson MP
Minister for Better Regulation and Innovation

Our reference: COR-05511-2021

By email: [REDACTED]

Dear [REDACTED]

Thank you for your correspondence to the Hon Bronnie Taylor MLC, Minister for Mental Health about workplace laws related to mental health. Your correspondence was referred to me as the Minister responsible for work health and safety in NSW. When I received your correspondence I asked SafeWork to look into the matter and provide me with advice.

SafeWork NSW is the regulator for work health and safety in NSW workplaces and recognises the importance of making legislation simple and clear for business owners and workers to understand. Mental health at work is overseen by multiple pieces of legislation and acknowledge your vision to simplify this information.

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To further support workplaces, SafeWork NSW is developing further advice on how the work health and safety law in NSW interacts with other laws such as privacy legislation, for example. This information will be available on the SafeWork website later this year.

If you have any further queries, I encourage you to contact [REDACTED] Acting Manager Psychological Health and Safety Team at SafeWork NSW on [REDACTED]

Thank you for raising these concerns with the NSW Government.

Yours sincerely

Kevin Anderson MP
Minister for Better Regulation and Innovation

Date:

8.9.2021



Office of the
Minister for Education
Minister for Industrial Relations and
Minister for Racing

29 SEP 2021

Email: [REDACTED]

Dear [REDACTED]

Thank you for your emails in August and September 2021 to the Honourable Grace Grace MP, Minister for Education, Minister for Industrial Relations and Minister for Racing, regarding Workplace Mental Health Laws: The Australian Compliance Matrix. I have been asked to respond on the Minister's behalf.

I would like to acknowledge the passion that you have for this issue and the level of analysis undertaken in the development of your document titled 'Mental Health Workplace Legislation Guide: Qld'.

It is recognised that prevention is the key to reducing the risk of harm to workers. The Office of Industrial Relations (OIR) is leading many initiatives which aim to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces, and improve the workers' compensation claims experience for workers with a psychological injury. Below is an overview of these initiatives:

- A Code of Practice on managing the risk of work-related psychosocial hazards, which is currently under development. An approved code of practice is a practical guide to achieving the standards of health, safety and welfare required under the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.
- People at Work program, which was launched in February this year, aims to assist workplaces to identify psychosocial risks and develop control measures thereby reducing the risk of harm to workers. Consultation with workers at each stage is built into the People at Work program. Further information is available at www.peopleatwork.gov.au.
- The Workers' Psychological Support Service, which aims to provide specialist support to workers experiencing a work-related injury, provide connection to community supports and assist workers to navigate systems that may be unfamiliar. Further information is available at www.wpss.org.au.
- First responders and eligible employees diagnosed with post-traumatic stress disorder (PTSD) can access a new, streamlined workers' compensation claim pathway. This important pathway means first responders will not need to prove their PTSD was caused by work. Due to the nature of the work they do, first responders with PTSD will be deemed to have a work-related injury, unless there is evidence to the contrary, they can access vital treatment and support.
- A Code of Practice for managing psychological injury workers' compensation claims is also currently being considered. The aim of this new code will be to set minimum standards for all insurers managing psychological injury claims.

1 William Street Brisbane 4000
PO Box 15033 City East
Queensland 4002 Australia
Telephone +61 7 3719 7110
Email: education@ministerial.qld.gov.au
Email: industrialrelations@ministerial.qld.gov.au
Email: racing@ministerial.qld.gov.au

If you would like further information or assistance, please contact [REDACTED], Director Psychological Health Unit, OIR, on [REDACTED].

I trust this information is of assistance.

Yours sincerely

[REDACTED]

[REDACTED]
Chief of Staff
Office of the Hon Grace Grace MP
Minister for Education
Minister for Industrial Relations and
Minister for Racing

Ref: 21/522590; FILE49974; REC50281

“LifeRing Advocacy”

Saving lives through making day-to-day laws of an invisible illness finally visible.

This is not another initiative. This is simply asking or government to deliver the day-to-day laws to those who need its power both inside and outside work.

At the intersection of law and mental health is a lifering.

Will you help throw it out for those drowning?

TRIGGER WARNING: THIS ARTICLE DISCUSSES SUICIDE



Revision 01 (2/9/21): Draft for Government comment/corrections by 1/Oct/21 - NOT PUBLIC VERSION

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Dedication

To those who are drowning. I have seen you and I know the suffering. I am running with this advocacy to the state governments and pleading them to throw out this lifering. I simply can not standby and watch as someone dies by suicide in Australia every 90mins – especially knowing that the laws to keep them safe are not clear as a whole or delivered to those who need its power.

As I run to the lifeguards I know my voice is just one so I invite anyone to help. This is my advocacy warcry and I just hope this lifering reaches you in time:

Yeah, It's been a ride...
 I guess I had to go to that place to get to this one
 Now some of you might still be in that place
 If you're trying to get out, just follow me
 I'll get you there

I'm not afraid to take a stand
 Everybody come take my hand
 We'll walk this road together, through the storm
 Whatever weather, cold or warm
 Just let you know that, you're not alone
 Holla if you feel that you've been down the same road

Eminem – [Not Afraid](#)

You see inspiration can come from an unlikely source. Likewise as a Mechanical Engineer with disability from mental illness I have put this together between panic attacks over several months. To change millions of lives.

Summary - A call to action

This advocacy is a plea to each state government to deliver the laws to protect their states mental health in their day to day lives . The five assessment methods in this advocacy all point to the need for a simplified guide to the laws designed to protect our mental health. If you are not sure what the 7key Australian laws mean for your mental health, this is exactly my point.

This advocacy proposes a 1-2 page “ start here” guide to the various laws. This advocacy presents the statements of support from 18 expert professional opinions in the fields of suicide prevention, mental health, psychologists and lawyers. See also attached statement of support from Governor of Queensland.

There are only two options after you read this advocacy:

1. Option A) Be Part of the solution to suicide: do something to help State governments to launch a 1-2 page summary of day-to-day laws to protect our mental health – Target Date all States: November 1 2021 to help people over a difficult Xmas period.
2. Option B) Be Part of the problem of suicide: do nothing

It is likely that in this choice moment is one of the few moments in your career where you can help reduce the suffering of the 3million Australians living with Anxiety and Depression + others who are struggling.

Please help shine a light on the laws designed to protect our mental health in day to day life – be a part of the team of government professionals who rolled their sleeves up to make the laws of an invisible illness finally visible.

Can you please reply with which path you are taking?

This advocacy is a little rough around the edges , raw and confronting but is my best ability despite disability. And I am ok with that because now I understand the law I now finally believe “its ok to not be ok”

Assessment Method 1 – Expert Advice

The following organizations have provided support for a basic guide to day-to-day laws. PANDA have made a good point “regardless of their situation” and as such the final proposal in this advocacy is not just workplaces (discrimination law and criminal law are not limited to workplaces). These are their words (complete documents in appendix **A**):

Simply there are now more medical/health recommendations to simplify the laws than to keep their delivery disjointed

1) R U OK?

"Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide. "

2) Travis Schultz and Partners *“From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction”.*

3) Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation,

are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

4) National Mental Health Commission:

“We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. “

5) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

6) Beyond Blue

However, evidence demonstrates that currently, there is a perception that workplace psychological health is confusing and therefore often takes a backseat to physical health. We believe that action is overdue to bring psychological health and safety in the workplace into line with physical health and safety, for the benefit of workers, businesses and the broader community.

7) Suicide Prevention Australia

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians. Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

8) Hope 4 U

I have an extensive client list that have lived experiences to individuals that have lost loved ones to suicide. They all have individual needs and it becomes frustrating when there are legislation issues not adhered to. We need and support the need for guidelines for one legislative guidelines for all workplaces.

9) Linkmate

Thank you for your time and energy in putting this together. A simple and straightforward guide to support workplace mental health has never been more important and we support your advocacy for it.

10) Mental Health Council of Tasmania

As the peak body for community managed mental health services in Tasmania, we welcome any initiatives that make it easier for Tasmanians to access the information, resources and support they need to be mentally healthy. This is reflected in our [Strategic Plan](#) through our Vision Statement: “Every Tasmanian has access to the resources and support needed for good mental health and wellbeing”

11) Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

12) Blue Knot Foundation:

“This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.”

13) Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

14) This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

15) QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

16) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

17) Asami Engagement Psychology

Like yourself I am passionate about and believe in in workplaces that

manage risks. Identifying hazards. control measures. Training and education. reviewing controls. .Consultation. Prevent harm. Intervene early . Support recovery. Return to work. managing psychosocial hazards. Leadership and management commitment . psychosocial hazards and risks. Reasonable adjustments for individuals. Risk management. privacy.

psychosocial risk or incident. This is why I completed my masters in organisational psychology so that I could assist in this transition further.

18) Regain Psychology

I am supportive of education on suicide and suicidality across all sectors of business both private sector and government sector.

[xxx current initiative] is a great health initiative however it isn't enough, a guide would certainly be helpful.

19) Governor of Queensland - Refer letter.

Assessment Method 2 - Desktop Audit Of Government Delivery of Laws

A desktop review was conducted to assess the effectiveness of the Governments product to delivering the day-to-day laws designed to protect public mental health. Refer Appendix B for this assessment

The mental health act was not included in this assessment but may be considered in future work by the Government.-

The laws that QLD people need to know in their day to day lives were assessed as a sample and the findings generally apply to each state based off other spot checks. Recommendation is made for each state government and the commonwealth to perform their own assessment on law delivery from government to mental health consumers – for the the complete package of key laws. Do not assume that PCBUS will pass on law guides as there may be an inherent conflict of interest for PCBUS (Performance vs mental health)


Key findings of assessment:

1. QLD people need to understand 7 different laws and apply to mental health for day-to-day law compliance
2. No overall guide was available to provide the full story
3. The highest scoring guide was Safe work Australia guide. However this is not by a regulator and there was insufficient distribution under the assessment methods. No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
4. The equal highest scoring guide was QLD WHS guide. However this does not guide reader to the remainder of the laws and low distribution (to less than 1% of QLD population via linkedin as a sample). No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
5. **MOST CONCERNING OBSERVATION: The low scoring Guides included those critical to discrimination (Fairwork ,state legislation, federal legislation) . Apart from the federal guide**

from 11 years ago these laws have not been explained by the Government as relevant to mental health. This is a real concern given that World health organisation has stated “*Many people with mental health problems choose not to engage or maintain contact with mental health services, due to stigma and discrimination. Negative treatment and care experiences are another factor contributing to failure to engage*” and “*The single most important barrier to overcome in the community is the stigma and associated discrimination towards persons suffering from mental and behavioural disorders*” WHO 2001 . Whilst Stigma is not outlawed acting on a stigma is outlawed through our discrimination laws. DELIVERING the 3 DISCRIMINATION LAWS RE MENTAL HEALTH IS A VERY HIGH PRIORITY

6. Privacy and workers comp laws also have much room for improvement across the various criteria
7. Across the board, there is insufficient coordination between the guides to know to find other laws, insufficient explanation on how they apply to mental health, insufficient distribution to PCBU's, consumers and practitioners.

This was a basic desktop audit on delivery. If something has been missed this is not intentional but does reinforce the need for a simplified guide. Please advise any technical concerns with assessment by end of September 2021 so final report can be updated/fixed. Please perform your own states audit on delivery as long as it does not hold up delivery of a 1-2 page basic guide. Recommended impartial agency : Attorney Generals Office to assess law delivery.

It is clear that this is an insufficient delivery of the laws to keep us safe given that someone in Australia dies by suicide every 90 mins. This is an insufficient delivery considering the [state government has committed](#) I qld suicide prevention plan to “The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces ...”  The public needs an urgent response. Every state.

Assessment Method 3 – Authors Lived Experience

We are exhausted. In addition to fighting our illness, we are tired of fighting a strong riptide of:

1. People treating us differently and excluding us due to our illness
2. People at work taking adverse actions because our illness
3. People outside work excluding us because of our illness
4. People with responsibility to provide a safe workplace being complicit and not performing risk assessment or discrimination intervention
5. People who bully us through repeated actions because we can't perform as well someone without our illness
6. Being fired because of our illness

We have enough to battle with our illness let alone people operating outside the law injuring us further and making our illness worse. Unfortunately this is common.

If our illness and the injuries other cause were physical/visible it would be easy.

I am here to make the laws for an invisible illness finally visible.

I am a degree qualified mechanical Engineer (Hons) with 16 years of experience in complex problem solving. I have been trained to make the complex simplified. I also have a mental disability from PTSD, panic attacks, depression to the point I can't work. I am now ok disclosing this without fear of being ignored due to my mental illness as I now know how discrimination law works. I am a survivor of suicide and know what it is like to have nowhere in the world for someone with mental illness. On the 2/9/2016 (5 years today) when I was having suicidal thoughts, I reached out for help and disclosed my illness – reaching for a lifeline.

There was no lifeline there but I was met with repeated “if you can't handle it, why don't you stack shelves at woolies!” . It was premeditated and inflicted psychological injury days before my first son was scheduled to be born. (words that have haunted me for 5 years in psychological decline – these types of words that get in the way of asking for help or calling for support). This just one example of the riptide against us with no lifeline.

Please treat this disclosure as a medical record in compliance with Privacy Act 2009 . You have authorization to distribute within state and federal government and the supporting organizations only - not to general public. See how I am now empowered?

These cowardly perpetrators power is in the invisibility : invisible illness +barely visible chess moves + invisible laws. Firstly, we take away the perpetrators power when we shine light on the laws and make them visible. This light then spreads to the perpetrators actions and spreads to those suffering to know to empower them with their rights – reduce their suffering.

If I had a basic government coordinated document about the undiluted law to put on the table that day, my life would be much different today. We need more than yoga, fruitbowls and warm and fluffy documents about peace and harmony – we need the undiluted law for those operating outside the law!. Only the law can preach to those who opt to be unconverted. After 5 years I break my silence as standing back and watching this happen across Australia is silently complicit. However breaking my silence has been hard as I am having to relive the fear of being ignored/rejected again as I ask for a lifeline (this time for others) . That's how discrimination works . Its like a permanent bark collar to ever stop you from reaching out again. It silences you from fear of rejection, ridicule or simply being ignored. It stops you from calling friends/family, lifeline or 000.

Today I end this suffering for many by making the invisible laws visible. I have been in the deep dark places that very many don't survive and have returned with a message of real hope - A pragmatic lifering to save lives that was not available to me:

We can show people there is a place in this world for those drowning in mental illness. - a place that has been designed by law. I am asking the state government to deliver a 1-2 page summary of what the various laws mean to empower those struggling. This is required urgently as most people do not understand the legal responsibilities and the empowering rights of the law

By contrast by working with great people at work between April and oct 2020 helped save my life by operating within the law (+ genuinely caring) when I needed it the most when my wife was struggling with 12 months of her life threatening illness and I was suicidal from PTSD round 2.

The laws are designed to keep people safe in various day-to-day scenarios . For example the rules around:

- Mitigating poorly designed work
- Mental health days
- Reasonable adjustments for someone with mental illness
- Bullying prevention
- Psychological risk assessment
- What laws apply and who to call

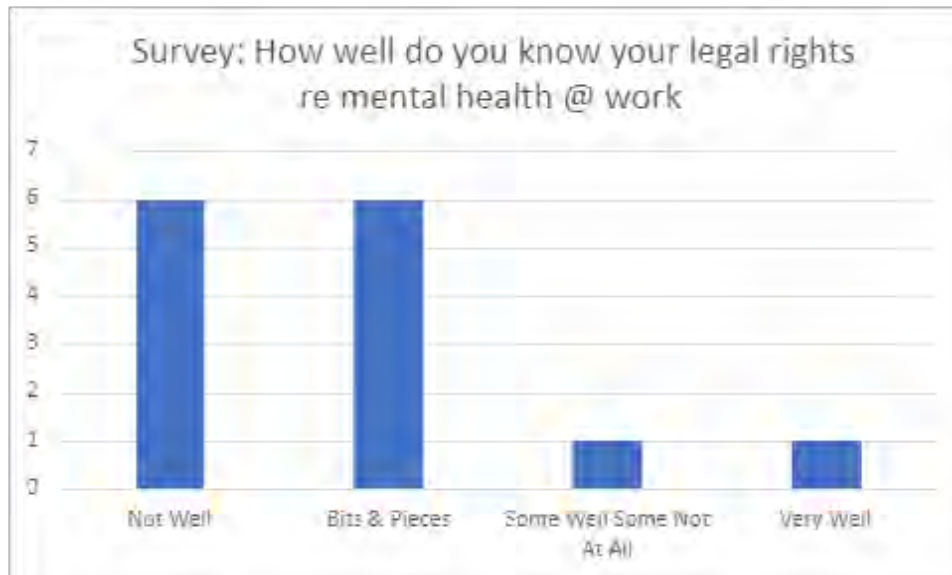
It is simply easier to ask for people to follow the rules rather than what is often seen as a favor. Favors run out. Want to start real conversations? We need to talk about the law. Whilst breaking the stigma is the holy grail we need to stop people acting on stigma. After all it is outlawed...

We have 3 x as many people die by suicide than on the roads each year. Yet we do not understand the rules regarding mental health designed to keep us safe. **This is urgent – every 90 minutes counts.**

Simply, the laws design to keep people with mental illness safe have not yet been practically delivered by the government to those who need it . We are now 16 months into the trauma that is COVID 19 and people need support now not just at the end or after the trauma . Time is up We need+ make the laws for this invisible illness visible. Now.

Assessment Method 4 - Mental Health Consumer survey

A small sample (14) of mental health consumers were surveyed and results are displayed below.



Whilst sample size is small it is clear that the level of understanding of mental health consumers rights are low.

Assessment Method 5 - Your Office

Start conversations around the 7 laws designed to protect our mental health. Ask how many laws people know.

Ask people if they know the definition of the word “health” in the workplace health and safety Act includes psychological aswell as physical. Ask people if they understand that the 7 /8 laws are spread across almost as many departments with no overall guide.

Ask them if they agree we should have a basic 1-2 page guide to mental health laws. Unless they have a conflict in interest most agree...

These are not secrets these are afterall laws. The law has the power to be an icebreaker to break the stigma.

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

[Disability Discrimination Act 1992: MH Guide 1](#)

[Anti-Discrimination Act 1991: Guide 1](#) , [Guide 2](#)

[Fair work Laws: MH Guide 1](#) , [MH Guide 2](#)

[QLD Workplace health and safety Laws: Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003: MH Guide 1](#)

[Privacy Act 1988](#) : [MH Guide 1](#)

Proposed solution.

For any solution to work, government departments need to together and individually with a common goal of educating mental health consumers of the laws. This advocacy is not in any one departments portfolio - that's how we got into this mess. We need to adapt a different mindset to find a solution to the one that got us into this situation.

Proposed document

Proposed solution document (applicable to both at work and outside work where laws apply)

A 1-2 page summary of the complete laws (and links to relevant further guidance) is needed to be provided by state governments to assist:

1. Workplaces in ensuring legislative compliance and empower workplaces to ensure its people receives the full care for mental health designed by law
2. Individuals to empower them with knowledge of what is inside and outside the law and their legal rights
3. Mental health advocates/practitioners and support network. This guide will help identify when a situation warrants discussion with their employer/advocate/regulatory body relating to the law.

Without this basic clarity we are expecting workplaces, individuals and supporters to navigate what i believe is a minefield of the following legislation

- model whs for mental health
- Jurisdiction whs for mental health
- National and state disability discrimination re mental health
- Privacy laws re mental health
- Fairwork re mental health

- Workers compensation laws
- Criminal laws in some states. [Click Here for office of industrial relations document](#). It misses discrimination and a couple of others but makes a good point re criminal laws.

Due to the complexity of navigating these laws and guidance many workplaces, individuals and practitioners may not understand the complete picture of the full workplace mental health support designed by law for their state

If we want people at risk of suicide to feel as though there's a place on earth for them we need them to know there is a place in the workplace and society for them.

I believe that a simple 1-2 page guide per state that summarises the relevant laws listed above is a necessary and urgent government support to assist with the emerging mental health situation in Australia.

Appendix C has a literature review of some of charities that have made a start to guides. However we should not rely on charities in lieu of government information about laws. We don't do this for road rules.

Document Distribution

Once the 1-2 page guide is developed by the state government (suggestion a lawyer is best) it can be distributed to:

1. Workplaces – Via regulators
2. Mental health consumers via mental health charities and social media. For example R U OK? CEO has offered to share. They have about 100k linkedin followers. It would be quite easy to distribute to around 700k mental health consumers using social media.
3. Mental practitioners – Via mental health professional associations to practitioners. Practitioners in turn can provide the guide to their clients to empower them.

This offers N+2 redundant methods of delivery. We simply can not rely on employers to pass on this information re laws to their staff as they may be compromised by conflict in interest (mental health and performance)

This N+2 method of delivery is shown in appendix **D**

Document Engagement

To ensure the public takes document about laws seriously there are various methods available including:

- Include compliance with legislative mental health requirements as a part of the social principles of federal, state and local government procurement. Many of these documents include various other social improvement principles and recommendation is made to include mental health legislative requirements. [Queensland Procurement Policy 2021 \(forgov.qld.gov.au\)](https://www.forgov.qld.gov.au).
- Your portfolio's prequalification process for tenders/funding etc to include in principle commitment to comply with the laws or demonstrate policy compliance with law. Sample Prequalification Question for each state (but use 1-2 page document instead of links):

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

Disability Discrimination Act 1992: [MH Guide 1](#)

Anti-Discrimination Act 1991: [Guide 1](#) , [Guide 2](#)

Fair work Laws: [MH Guide 1](#) , [MH Guide 2](#)

QLD Workplace health and safety Laws: [Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

Qld Worker's Compensation and Rehabilitation Act 2003: [MH Guide 1](#)

Privacy Act 1988 : [MH Guide 1](#)

- No (you must be able to answer yes to this question)
 - Yes (Please submit a copy of policies relevant to mental health)
- Use 1-2 page document to support obligations such as: "In line with the Queensland Procurement Policy, support suicide prevention by ensuring agency procurement practices are focused on the achievement of the government's social objectives including working with suppliers who have a focus on the long-term mental health of the community." QLD Suicide

prevention plan [Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One \(qmhc.qld.gov.au\)](http://Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One (qmhc.qld.gov.au)).

- Your portfolios commitment to distribute the 1-2 page document to all staff. Lead by example
- Email to business operators from regulator
- Mental Health Commissioners: Include the 1-2 page guide to mh legislation in suicide prevention framework, plans, and high level documents. After all it is the care designed by law
- Law enforcement
- Voluntary Initiatives such as “ becoming a signatory to distribute to staff and go beyond the minimum requirements” The government could provide certificates for voluntary signatories. Mates in construction uses as voluntary signatory principle to creat industry social movement (see below)

Signing up to the Blueprint means you agree to work towards doing things in your business, that address some or all of the recommended strategies in the Blueprint:

- + Promote work's positive impact on mental health
- + Reduce harmful impacts of work
- + Provide mental health and suicide prevention literacy
- + Facilitate early intervention and treatment
- + Provide return-to-work and ongoing support

It also means that you will participate in a confidential evaluation overseen by the University of Melbourne. The evaluation will help the industry understand what is working best in our efforts to implement the Blueprint, and what further supports are needed.

Please contact me to confirm our organisation as a signatory to the Blueprint.

Date

Signed

Name

Position

Organisation

Email

Phone

Please forward a copy of your signed commitment to
info@constructionblueprint.com.au

or

Sign up to confirm your organisation's commitment at
constructionblueprint.com.au

Final words

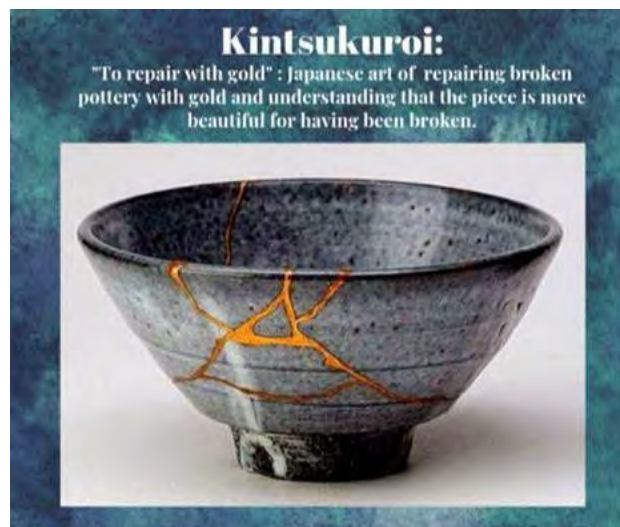
Consider my position. I am classed as disabled. I have no job and cant work despite being a degree qualified engineers and a young family. There is very little I can do to change my outside world in a hurry... it will take time..

Yet through knowledge of the laws I have finally found some forgiveness and some distance from past events as I now know that many situations were simply people operating outside the law. This is a life changing epiphany for me.

imagine what the law can do for many others to empower both their external and internal world.

Will you help throw out this lifering and make the laws for an invisible illness finally visible with a 1-2 page guide by NOV 1 2021?

Only through being completely broken I have created something beautiful:



Appendix A: Expert Support

Appendix B: Desktop Audit

Appendix C: Scattered MH Law Advice

Appendix D: Distributing laws to those who need it



TRAVIS SCHULTZ & PARTNERS

Via email: [REDACTED]

20 August 2021

Dear [REDACTED]

I understand you have highlighted the need for a written guide that allows the general public to understand the areas of law that impact mental illness associated with their employment. Thank you for your advocacy for an easy-to-understand guide on this issue.

I am writing to show my support for you in developing this guide to support individuals and organisations in managing mental health in the workplace.

From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction.

I commend you for your effort towards suicide prevention and to assist the general public with information on all areas of law that pertain to these issues.

It is a mighty task, and I genuinely wish you all the best.

Yours faithfully,

Travis Schultz
Managing Partner
Travis Schultz & Partners

✉ info@schultzlaw.com.au

🌐 schultzlaw.com.au

📞 07 5406 7405

📠 07 5406 7410

✉ PO Box 1070
Mooloolaba QLD 4557

Sunshine Coast

📞 07 5406 7405

📍 31 Brisbane Road
Mooloolaba QLD 4557

Brisbane

📞 07 3058 0026

📍 Level 18
175 Eagle Street
Brisbane QLD 4000

Gold Coast

📞 07 5512 6149

📍 Suite 602
Level 6 "The Rocket"
203 Robina Town
Centre Drive
Robina QLD 4226



National Centre of Excellence
for Complex Trauma

15/8/2021

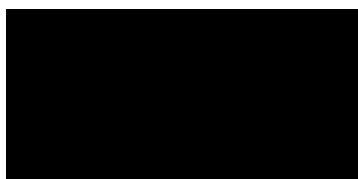
To whom it may concern

This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws.

Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.

We appreciate the efforts of those advocating in this regard.

Yours sincerely,



[Redacted Name]

President

president

Dr Cathy Kezelman AM

patron

Thomas Keneally AO

ABN 19 072 240 005

ambassadors

Jane Caro

Rose Parker

Christine Foster

Deputy Chief Inspector Peter Fox

blue knot helpline 1300 657 380

education & training

information & resources

advocacy & health promotion

other services

contact

T 02 8920 3611

E admin@blueknot.org.au

W blueknot.org.au

PO Box 597 Milsom Park NSW 1565

Mental Health Select Committee

Page 148



17 August 2021

To whom it may concern:

Re: Development of a resource that supports greater accessibility for individuals and workplaces to understand mental health legislation in order to achieve better outcomes for all.

Roses in the Ocean is a national Lived Experience of Suicide organisation, collaborating with individuals and organisations across community, corporate, health and government sectors to effectively and meaningfully engage people with lived experience of suicide and ensure sustainable investment in and meaningful inclusion of lived experience expertise in all aspects of suicide prevention.

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation.

To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome.

As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

Yours sincerely,

[REDACTED]

[REDACTED]

CEO - Roses in the Ocean

GOVERNMENT HOUSE
QUEENSLAND

[REDACTED]
Via email: [REDACTED]

Dear [REDACTED]

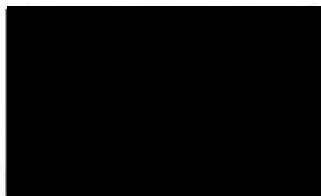
I acknowledge receipt of your email dated 10 August 2021 concerning your advocacy for suicide prevention. The Governor has asked that I reply on his behalf.

Under the provisions of the Queensland Constitution 2001 the Governor has a range of obligations and responsibilities associated with the system of Government in Queensland, including duties associated with Executive Council, the assent to legislation, and the proper operation of Parliamentary process. While I appreciate that you have put considerable thought and effort into your advocacy proposal, mental health policy is a matter for the Queensland Government and is not a matter on which the Governor can intervene or act.

I note that you have also approached a number of departments and offices within the public service to seek support for your proposal and this is the appropriate action to take. You may also like to seek support from your local State member of Parliament. For [REDACTED] this is the Hon Stirling Hinchcliffe MP, Phone: (07) 3639 9100 or Email: Sandgate@parliament.qld.gov.au.

The Governor understands that this is a difficult and distressing issue and he commends you for your advocacy efforts for suicide prevention. I am sorry that Government House cannot be of further assistance to you.

Yours sincerely,



Official Secretary

11 August 2021

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [*Work-related psychological health and safety: a systemic approach to meeting your duties*](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [*Code of Practice on Managing Psychosocial Hazards at Work*](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [*Disability Discrimination Act 1992 \(Cth\)*](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [*Privacy Act 1988 \(Cth\)*](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [*Fair Work Act 2009 \(Cth\)*](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

■

■

www.mentalhealthcommission.gov.au



The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

From: ■

Sent: Friday, 27 August 2021 9:44 AM

To: ■

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi ■

Thanks for contacting Suicide Prevention Australia.

Suicide Prevention Australia supports a whole-of-government, whole-of-community approach to preventing suicide.

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians.

Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

All the best with your advocacy to Government on this matter.

Regards

[REDACTED]

[REDACTED]

Director of Policy and Government Relations

Suicide Prevention Australia

From: [REDACTED]

Sent: Thursday, 26 August 2021 10:42 AM

To: [REDACTED]

Subject: RE: [info] Re: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

[REDACTED]

Our comment below

The Mental Awareness Foundation whose mission is to 'Preserve Lives by Empowering Individuals' supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

Yours sincerely,

[REDACTED]

[REDACTED]

CEO

E: [REDACTED]

[REDACTED]



From: [REDACTED] ruok.org.au>

Sent: Wednesday, 25 August 2021 1:33 PM

To: [REDACTED]

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Dear [REDACTED]

Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide.

Kind regards,

[REDACTED]

From: Embrace Multicultural Mental Health <multicultural@mhaustralia.org>

Sent: Thursday, 2 September 2021 10:28 AM

To: [REDACTED]

Subject: RE: Request for 1 line statement of support - Please provide by 31st August

Hi [REDACTED]

Thanks you for the information, it's great to see you doing this advocacy. Mental Health Australia is part of the Mental Health Workplace Alliance and works to promote mental health across the community.

We are appreciate your advocacy for clarity in this area and wish you well in your continued efforts.

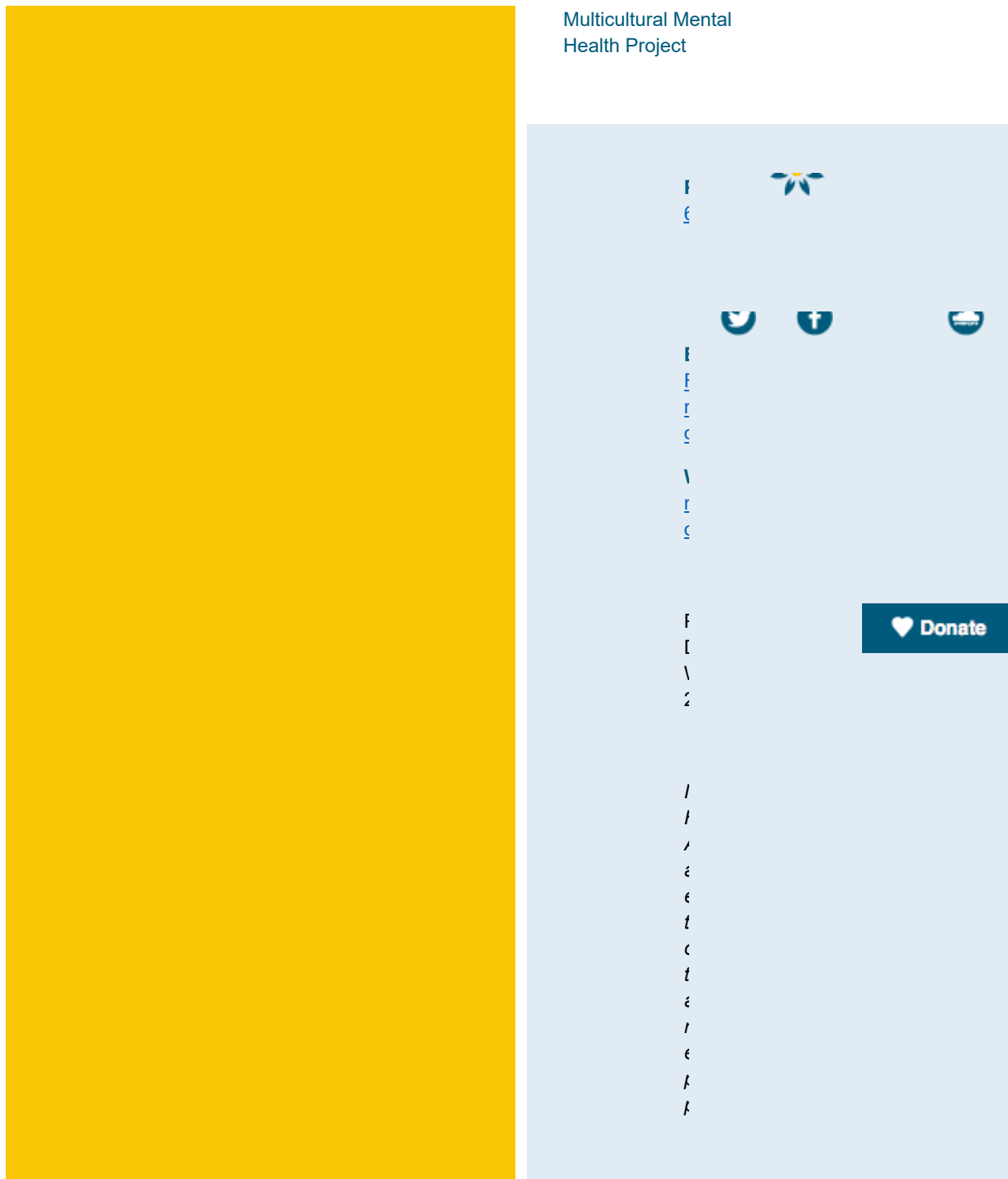
Kind regards,

[REDACTED]



[REDACTED]

National Project
Manager - National



We acknowledge Aboriginal and/or Torres Strait Islander peoples and communities as the traditional custodians of the land we work on and pay our respects to elders past, present and emerging. Mental Health Australia is committed to reconciliation in Australia through day-to-day work and our [Reflect Reconciliation Action Plan \(RAP\)](#). Mental Health Australia also acknowledges the continuous advocacy efforts and co-design by mental health consumers and carers, past and present. As an inclusive organisation we also celebrate people of all backgrounds, genders, sexualities, cultures, bodies and abilities.



Hey [REDACTED]

Sent:Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject:RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

[REDACTED]

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: [02 8004 9873](tel:0280049873)(when calling from Australia)

Tel: [04 887 0300](tel:048870300)(when calling from New Zealand)

Fax: [02 9012 0546](tel:0290120546)

Email:info@anzap.com.au

Web:www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]

[REDACTED]
President

[REDACTED]

[REDACTED]

[REDACTED]

W blueknot.org.au

Blue Knot Helpline and Redress Support Service [1300 657 380](tel:1300657380)

National Counselling and Referral Service (Disability) [1800 421 468](tel:1800421468)

From: [REDACTED]

Sent: Tuesday, 17 August 2021 12:22 PM

To: [REDACTED]

Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]

CEO – Roses in the Ocean

[REDACTED]

[REDACTED]

www.rosesintheocean.com.au

To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

This email is intended only for the use of the individual or entity named above and may contain information that is confidential. If you are not the intended recipient, please notify us by return email and delete the original message. Unless clearly stated, the opinions expressed in this email are those of the author and may not reflect the official view of Roses in the Ocean.

Whilst every attempt has been made to ensure that material contained in this email is free from computer viruses or other defects, any attached files are provided, and may only be used, on the basis that the user assumes all responsibility for use of the material.

From: [REDACTED]

Sent: Friday, 20 August 2021 4:01 PM

To: [REDACTED]

Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Community and
Brand Manager

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
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From: [REDACTED]
Sent: Friday, 13 August 2021 11:51 AM
To: [REDACTED]
Cc: media@mentalhealthcommission.gov.au <media@mentalhealthcommission.gov.au>
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email regarding the mental health and wellbeing of our communities, regardless of their environment.

PANDA is a national organisation committed to ensuring that people, employers, health professionals and our community more broadly understand the importance of maintaining,

understanding and supporting everyone's mental health and wellbeing in the perinatal period. We spend significant time and resource raising awareness in this area and have tools, peoples stories and guidance related to workplace settings <https://www.panda.org.au/info-support/panda-at-work>

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Kind regards

██████████
Chief Executive Officer

Pronouns: she/ her

Please note: I am currently working flexibly and may send emails outside of 'normal' working hours. Please do not feel obliged to reply to this email outside of your working hours.

T ██████████ M ██████████

F [03 9482 6210](tel:0394826210) ██████████

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

From: ██████████

Sent: Thursday, 19 August 2021 3:07 PM

To: ██████████

Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]

Systems Advocate

Human Rights Advocacy Practice

Queensland

Advocacy

Incorporated

Advocacy for vulnerable people with disability

P07 3844 4200 | Wgai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

Please consider the environment before printing this email. This email, including attachments, is intended for the named recipients only. It may contain privileged & confidential information & if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify QAI immediately by reply email, delete the email & destroy any printed copy. Confidentiality and legal privilege attached to this email are not waived or lost by reason of mistaken delivery to you.

From: Govhouse <Govhouse@govhouse.qld.gov.au>
Sent: Thursday, 12 August 2021 11:01 AM
To: [REDACTED]
Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001
Street: 168 Fernberg Road, Paddington Qld 4064
[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)

From: [REDACTED]
Sent: Wednesday, 18 August 2021 10:30 AM
To: [REDACTED]
Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]

Virus-free. www.avast.com

From: [REDACTED]
Sent: Thursday, 29 July 2021 4:05 PM
To: [REDACTED]
Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [Work-related psychological health and safety: a systemic approach to meeting your duties](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [Code of Practice on Managing Psychosocial Hazards at Work](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [Disability Discrimination Act 1992 \(Cth\)](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [Privacy Act 1988 \(Cth\)](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [Fair Work Act 2009 \(Cth\)](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

T ■ | M ■

E ■

www.mentalhealthcommission.gov.au

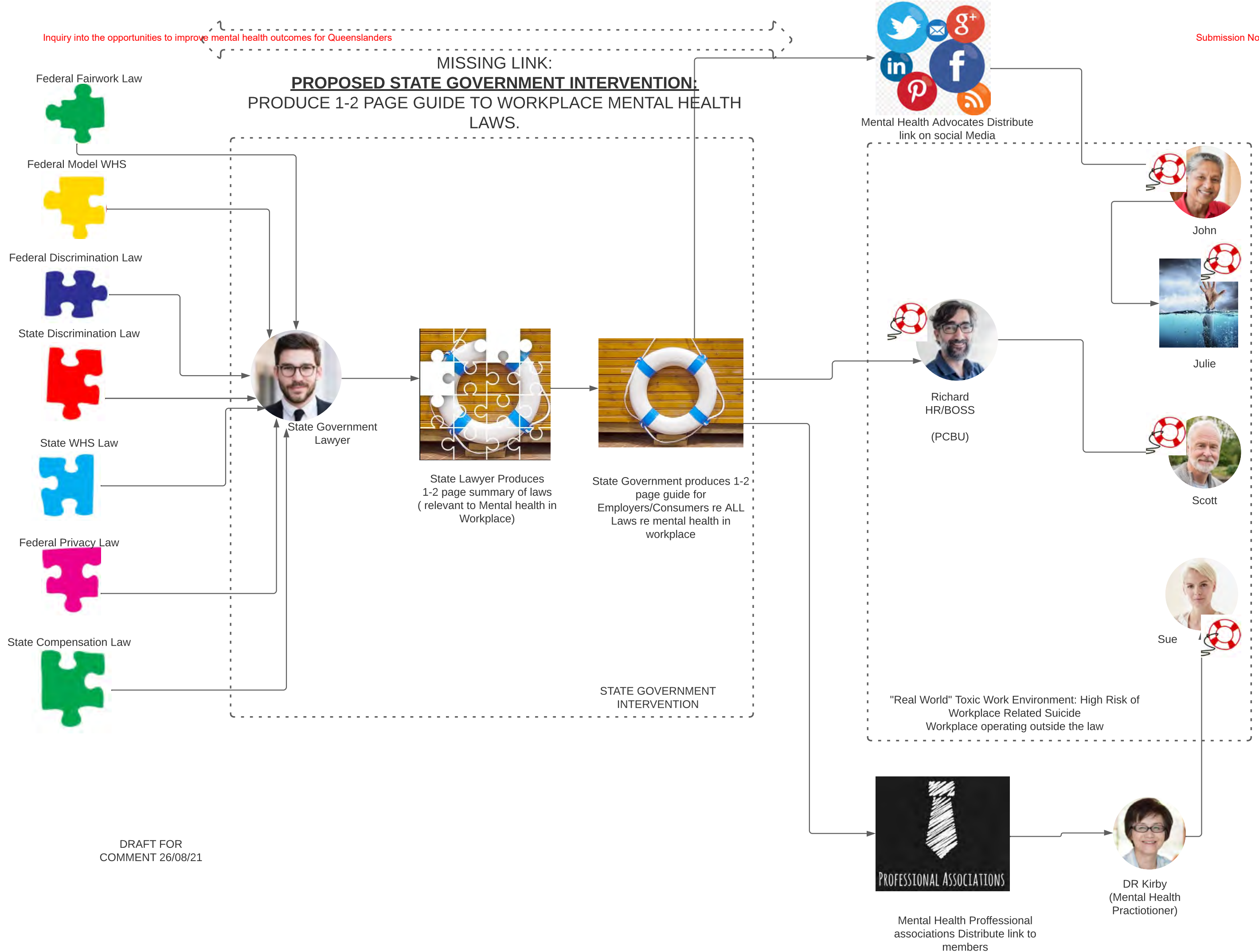
The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

This email is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's consent. Unless otherwise stated, the State of Queensland accepts no liability for the contents of this email except where subsequently confirmed in writing. The opinions expressed in this email are those of the author and do not necessarily represent the views of the State of Queensland. This email is confidential and may be subject to a claim of legal privilege. If you have received this email in error, please notify the author and delete this message immediately

Appendix B: Desktop Audit of Day to Day Mental Health Laws (sample only) Delivery

		Overall guide of all laws relevant provided? (to know what to look for)							
Sample Law	Guide Provided by Government		Provided by Regulator	Coordination: Guides reader to the rest of the mental health relevant legislation?	Practically Applied to Mental Health?	Distributed to PCBU Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Consumer Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Practitioners Networks Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Delivery Score
Model WHS	Work related psychological health and safety - A systematic approach to meeting your duties. (safeworkaustralia.gov.au)	No these laws were found through trial and error and much literature review , facebook groups, asking around etc	No	Indicates Criminal laws, Anti-Discrimination laws, Fair Work Act 2009 and some jurisdictional industrial laws, Privacy laws	Yes	Yes - 38,000 followers of safework australia. This is only 0.14% of Australias Population	No Evidence Found	No Evidence Found	36%
QLD WHS Law	Mentally healthy workplaces toolkit. (worksafe.qld.gov.au)		Yes	No	Yes	Yes - 15,000 followers of WHS Q. This is only 0.3% of QLD population	No Evidence Found	No Evidence Found	36%
Disability Discrimination ACT	2010 Appendix A: Knowing the law Australian Human Rights Commission		Provided by Australian Human Rights Commission	Federal Only	Yes but written 11 years ago	No Evidence Found	No Evidence Found	No Evidence Found	21%
Fairwork - Discrimination	Workplace discrimination - Fact sheets - Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Fairwork - Bullying	Bullying and harassment – Employee entitlements – Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Workers Compensation and Rehabilitation	Workers' compensation laws WorkSafe.qld.gov.au		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Qld Anti Discrimination	QHRC: Impairment		Provided by QLD Human Rights Commission	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Privacy	Privacy – OAIC		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Overall SCORE		0%	75%	19%	25%	13%	0%	0%	

Appendix C Scattered Advice Re LAWS (SAMPLE ONLY)						
Part A Legislation	Workplace Legislation Type		Workplace Health and Safety	Discrimination - National	Discrimination - QLD	Privacy
	Regulatory Law Description		WH&S Act 2011	Disability Discrimination Act	Anti-Discrimination ACT 1991	Fair Work Act 2009 (Cth)
Part A Legislation	Regulatory Law Link		Link TBC	Link TBC	Link TBC	Link TBC
	Example Key concepts		Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC
	Blackdog Institute	black-dog-institute-mental-health-toolkit-2017.pdf (blackdoginstitute.org.au)	Y	Y		Y
	Beyond Blue	Your rights at work when dealing with mental health problems - from the Fair Work Ombudsman (beyondblue.org.au)				Y
	SANE	Legal rights & responsibilities (sane.org.au)	Y			Y
	Heads Up	Legal rights and responsibilities (headsup.org.au)	Y	Y		Y
	HeadSpace	Managing Your Mental Health in The Workplace headspace	Y	Y		Y
	Mates in Construction (Industry Reference document)	Blueprint For Better Mental Health And Suicide Prevention Construction Blueprint				





TRAVIS SCHULTZ & PARTNERS

Via email: [REDACTED]

20 August 2021

Dear [REDACTED]

I understand you have highlighted the need for a written guide that allows the general public to understand the areas of law that impact mental illness associated with their employment. Thank you for your advocacy for an easy-to-understand guide on this issue.

I am writing to show my support for you in developing this guide to support individuals and organisations in managing mental health in the workplace.

From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction.

I commend you for your effort towards suicide prevention and to assist the general public with information on all areas of law that pertain to these issues.

It is a mighty task, and I genuinely wish you all the best.

Yours faithfully,

Travis Schultz
Managing Partner
Travis Schultz & Partners

info@schultzlaw.com.au

schultzlaw.com.au

07 5406 7405

07 5406 7410

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Brisbane

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Level 18
175 Eagle Street
Brisbane QLD 4000

Gold Coast

07 5512 6149

Suite 602
Level 6 "The Rocket"
203 Robina Town
Centre Drive
Robina QLD 4226

From: [REDACTED]
Sent: Friday, 4 February 2022 2:30 PM
To: Treasurer; Mental Health Commissioner; [REDACTED] Mental Health Select Committee; Health; DLO; [REDACTED] EPW; Safety Info; The Premier; [REDACTED]; Leader
Subject: Re: Mental Health Inquiry : Who is responsible for delivering the 7 laws to protect our mental health?
Attachments: Legislative Guide Distribution Due DATE 01_11_21.pdf; Main Document_ Lifering Advocacy.pdf; BKF Letter of Support - simplification of Mental Health Workplace laws.pdf; Letter of Support for [REDACTED].pdf

Hi All,

My open personal plea to MHSC, QMHC, State Government and the Opposition Leader

I have shown you below why according to the Qld suicide prevention plan we should already have clarity around what the 7 laws mean to protect our mental health. Here I am exposing my disability in the lifering document and you will see in this document why this is so important . I am speaking for those who have perpetrators operating outside the laws that Qld government has not yet delivered in terms of mental health. I am speaking on behalf of 18 Suicide experts organisations and their network of people with lived experience (you can read their words directly) . I am speaking for the families that have lost someone that did not receive the protection to mental health and empowerment it provides (refer Roses 🌹 in the ocean 🌊 statement)

At the very core I am asking you to make a decision. Do we continue to expect those in mental distress to piece together the puzzle their rights to protect their mental health from discrimination etc or do we give them a complete undiluted puzzle

Please find attached powerful diagram “ legislative distribution guide “ showing how an independent lawyer could piece together the puzzle (est 10k) to allow Queenslanders, local government and those responsible for the 60 actions in Qld suicide prevention plan.

This diagram shows that the completed puzzle is a lifering to save many lives.

We live in a county that has 3 times as many people die by suicide than on the road yet we still don't understand the laws
 To keep us safe

I.e the following (in terms of mental health

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

This is about cutting red tape and dysfunctions between government departments to allow the Qld government to act as one and save lives. If it wasn't important for saving lives I would not have received advice below and attached from 2 coroners courts.

My lifering advocacy received a standing ovation from 18 Suicide experts attached in lifering document.

I have returned from a very dark place few survive to give you this lifering. Will you throw it out or say it's not my department?

I Amin medical terms totally disabled from ptsd but this is my ability despite disability.

[REDACTED]

From: [REDACTED]
Sent: Monday, 18 October 2021 10:31 AM
To: [REDACTED]
Subject: RE: State coroner support letter: undelivered laws: Trigger Warning - Suicide

Dear [REDACTED]

Thank you for your recent correspondence. It has been placed before the State Coroner.

While the State Coroner cannot officially endorse such projects, you have raised many interesting matters and should be commended for the work you are doing to try and create a simple resource in this field.

The State Coroner shares your concerns about the prevalence of suicide and has recently collaborated with the NSW Ministry of Health, Department of Communities and Justice and NSW Police in establishing the NSW Suicide Data Monitoring System.

This system will allow provision of information to support communities, local organisations and government organisations to respond to suicide in a more timely and effective manner.

The work of the Monitoring System can be found on the NSW Health website and may be of interest to you.

Thank you for submission

kind regards

[REDACTED] |Senior Case Co-ordinator to NSW State Coroner| Department of Justice
NSW State Coroner's Court, 1A Main Avenue LIDCOMBE NSW 2141
18/10/21
Telephone: [REDACTED]
Facsimile: (02) 8584 7788
Email: local-court-lidcombe@justice.nsw.gov.au
Website: www.coroners.justice.nsw.gov.au

From: [REDACTED]
Sent: Friday, 4 February 2022 9:40 AM
To: Treasurer <treasurer@ministerial.qld.gov.au>; Mental Health Commissioner <Commissioner@qmhc.qld.gov.au>; [REDACTED] Mental Health Select Committee <mhsc@parliament.qld.gov.au>; Health <health@ministerial.qld.gov.au>; DLO <DLO@health.qld.gov.au>; [REDACTED] EPW <EPW@ministerial.qld.gov.au>; Safety Info <safetyinfo@oir.qld.gov.au>; The Premier <The.Premier@premiers.qld.gov.au>; [REDACTED]
Subject: Mental Health Inquiry : Who is responsible for delivering the 7 laws to protect our mental health?

Hi [REDACTED]
 Many thanks for your email of support from Sunshine Coast Council. I believe That your support represents a local government commitment to reduce Suicides in their lga if the laws were available in terms of mental health.

However I am struggling to get state government lead representative the Office of Industrial Relations to fulfill their responsibilities outlined in Qld suicide prevention plan beyond just whs law. As such I am escalating to the mental health select Committee inquiry below to determine who is responsible overall in terms of mental health. I will keep you and the 18 mental health experts that have supported with any updates.

Qld Mental Health Select Committee ,

Submission 5 to untangle this mess.

I have an important fundamental question for you please.

Who has overall responsibility for delivering the laws designed to protect our mental health to Queenslanders?

I.e the following (in terms of mental health

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

Is it
 A) still in no mans land in terms of overall responsibility for mental health . This would be inconsistent with the whole of government approach recommended (generally) by NMHC in their advice to PM. This is the disorganised mess we are in.

B) Office of industrial relations . This would be consistent with the Qld suicide prevention plan

"The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces through its role as the primary workplace health and safety regulator and workers compensation insurance provider.

Lead: Office of Industrial Relations" NOTE : this nominates " their obligations " and does not limit this all encompassing statement to just whs laws.

It is clear that OIR are not taking my concerns seriously as their attached response basically says we are just looking after our own patch.

It should have said something like " we are consulting with qmhc to find a solution " to show some teamwork like Western Australia teamwork between derms and mental health commissioner. Attached.

Better still it would have said we have already compiled what the various laws mean like Kevin Anderson attached.

<https://www.nsw.gov.au/mental-health-at-work/legal-obligations-and-rights>

See how NSW safe work prioritises cooperating with others to save lives over just looking after their own patch? Clearly I am disappointed by Qld OIR response that ignores my concern about the lack of coordination. This is the same thinking that landed Qld to the point where we don't understand the 7 day to day laws to protect our mental health.

The OIR have even published a paper stating (in conclusion) it is up to employers to piece together the laws. This fails to recognise that those struggling with mental health have a right to understand the law regardless of their employer.

It also fails to recognise the complexity of this task and is un reasonable to expect the average baker, plumber, shop, office, etc etc to compile the laws!! Refer advice from Travis Schultz lawyers .. what chance does the average workplace have or someone struggling with mental health have if lawyers even think it is hard to navigate.

https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0015/23550/paper-mental-health-and-the-law-michael-tooma.pdf

Look at the stark contrast between the Qld OIR response and the "working together for basic education of the laws" style response from nsw, wa and 18 Suicide experts attached in lifering advocacy.

When I see my coordination concerns being ignored and their letter only addressing their patch, I have reached the conclusion that

There is a conflict in interest here with OIR and they are interested in taking the lead of ""The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations " (as required by Qld suicide prevention plan) for the 7 laws. I have waited patiently for OIR to rethink their defiant position for 4 months without the integrity to actually respond to my concerns. I simply give up on OIR .

C) Queensland mental health commission as the statutory body for mental health of Queensland . This makes sense and is consistent with Ruth Vines advice below 🙏 . However obviously this will need input from various regulators both inside and outside workplaces.

P.s please refer to attached lifering advocacy where 18 suicide prevention experts agree we need a basic compiled explanation of the laws in terms of mental health. Their letters/emails of support is attached within the 50 pages of this comprehensive document. It could look something like what national mental health commission provided but of course taylored to fit Queenslanders(and include outside work places)

Please scroll to bottom to find national mental health commission summary of many of the various laws .

If you as the reader do not understand the 7 laws in terms of mental health. This is a symptom of lack of clarity around who is responsible.

Sincerely

[Redacted signature]

From: [Redacted]
Sent: Monday, 4 October 2021 8:45 AM
To: [Redacted]
Subject: RE: Nsw and wa leading the way : day to day mental health laws [SEC=OFFICIAL]

Dear [Redacted]

Thank you for your email and for your advocacy to improve the coordination and awareness of laws that impact mental health, although they are not specifically mental health legislation. I am aware that you have included other government departments in your correspondence so will not directly reply to the issues you have raised at this time. I am pleased to note that mental health commissions have been included as their work includes addressing stigma and discrimination affecting those who experience mental illness.

Yours sincerely,

[Redacted signature]

[Redacted]
Deputy Chief Medical Officer for Mental Health

Health Systems Policy and Primary Care Group
Australian Government Department of Health
Location: Sirius Building 8.S.107
Ph: [Redacted] E: [Redacted]
GPO Box 9848, Canberra ACT 2601, Australia

Executive Assistant | [Redacted]
P: [Redacted] E: [Redacted]
MentalHealthDepCMO@health.gov.au

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

From: [Redacted]
Sent: Thursday, 20 January 2022 3:27 PM
To: [Redacted]
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix

Dear [REDACTED]

Thank you for your email and your continued championing for Mental Health.

We also recognise the importance of mentally healthy work and the positive impact this can provide employees. We completely agree with the NMHC and appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

Please continue to keep us in the loop going forward.

Kind regards,

[REDACTED]
Head of People and Culture
Business Performance | Sunshine Coast Council

Mobile: [REDACTED]
Email: [REDACTED]
Website: www.sunshinecoast.qld.gov.au
Mail: Locked Bag 72 Sunshine Coast Mail Centre Qld 4560

Please consider the environment before printing this email

Sunshine Coast Council acknowledges the Sunshine Coast Country, home of the Kabi Kabi peoples and the Jinibara peoples, the Traditional Custodians, whose lands and waters we all now share. We commit to working in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development.

Here is what the mental health experts are saying (refer emails below and attached for context)

Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

National Mental Health Commission:

“We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. “

Travis Schultz and Partners *“From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction”.*

Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Blue Knot Foundation:

"This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal."

Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone. It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

— **Governor of Queensland** - Refer letter.

Mental health is a whole of government responsibility:

<https://www.health.gov.au/resources/publications/national-suicide-prevention-adviser-shifting-the-focus-a-national-whole-of-government-approach-to-guide-suicide-prevention-in-australia>

The proposed 1-2 page basic guide to the 7 laws is clearly a strategic lifering to millions drowning in mental illness and suicidal thoughts.

The problem with my advocacy it is in no one single departments responsibility to throw out this lifering.

We are all in this together. Right?



Sent: Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: [02 8004 9873](tel:0280049873) (when calling from Australia)

Tel: [04 887 0300](tel:048870300) (when calling from New Zealand)

Fax: [02 9012 0546](tel:0290120546)

Email: info@anzap.com.au

Web: www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]

[REDACTED]

President

[REDACTED]

[REDACTED]

[REDACTED]

[W blueknot.org.au](http://blueknot.org.au)     



Blue Knot Helpline and Redress Support Service [1300 657 380](tel:1300657380)
National Counselling and Referral Service (Disability) [1800 421 468](tel:1800421468)

From: [REDACTED]

Sent: Tuesday, 17 August 2021 12:22 PM

To: [REDACTED]
Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]
CEO – Roses in the Ocean

[REDACTED]
www.rosesintheocean.com.au



To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

This email is intended only for the use of the individual or entity named above and may contain information that is confidential. If you are not the intended recipient, please notify us by return email and delete the original message. Unless clearly stated, the opinions expressed in this email are those of the author and may not reflect the official view of Roses in the Ocean.

Whilst every attempt has been made to ensure that material contained in this email is free from computer viruses or other defects, any attached files are provided, and may only be used, on the basis that the user assumes all responsibility for use of the material.

–
From: [REDACTED]
Sent: Friday, 20 August 2021 4:01 PM
To: [REDACTED]
Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Regards,

[REDACTED]
Community and Brand Manager


Tel: [REDACTED]
Email: [REDACTED]



Head Office: 07 5406 7405

Postal Address: PO Box 1070, Mooloolaba Qld 4557

Website: www.schultzlaw.com.au

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From: [REDACTED]
Sent: Friday, 13 August 2021 11:51 AM
To: [REDACTED]
Cc: media@mentalhealthcommission.gov.au <media@mentalhealthcommission.gov.au>
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email regarding the mental health and wellbeing of our communities, regardless of their environment.

PANDA is a national organisation committed to ensuring that people, employers, health professionals and our community more broadly understand the importance of maintaining, understanding and supporting everyone's mental health and wellbeing in the perinatal period. We spend significant time and resource raising awareness in this area and have tools, peoples stories and guidance related to workplace settings <https://www.panda.org.au/info-support/panda-at-work>

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Kind regards

[REDACTED]
Chief Executive Officer

Pronouns: she/ her

Please note: I am currently working flexibly and may send emails outside of 'normal' working hours. Please do not feel obliged to reply to this email outside of your working hours.

We welcome your feedback



T [REDACTED] M [REDACTED]

F [03 9482](tel:0394826210)

[6210](tel:0394826210)

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

DONATE



PANDA National Helpline
1300 726 306



PANDA
LEARNING HUB

Visit courses.panda.org.au

From: [REDACTED]

Sent: Thursday, 19 August 2021 3:07 PM

To: [REDACTED]

Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]
Systems Advocate
Human Rights Advocacy Practice

Queensland

Advocacy

Incorporated

Advocacy for vulnerable people with disability

P07 3844 4200 | wqai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

Please consider the environment before printing this email. This email, including attachments, is intended for the named recipients only. It may contain privileged & confidential information & if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify QAI immediately by reply email, delete the email & destroy any printed copy. Confidentiality and legal privilege attached to this email are not waived or lost by reason of mistaken delivery to you.

From: Govhouse <Govhouse@govhouse.qld.gov.au>

Sent: Thursday, 12 August 2021 11:01 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

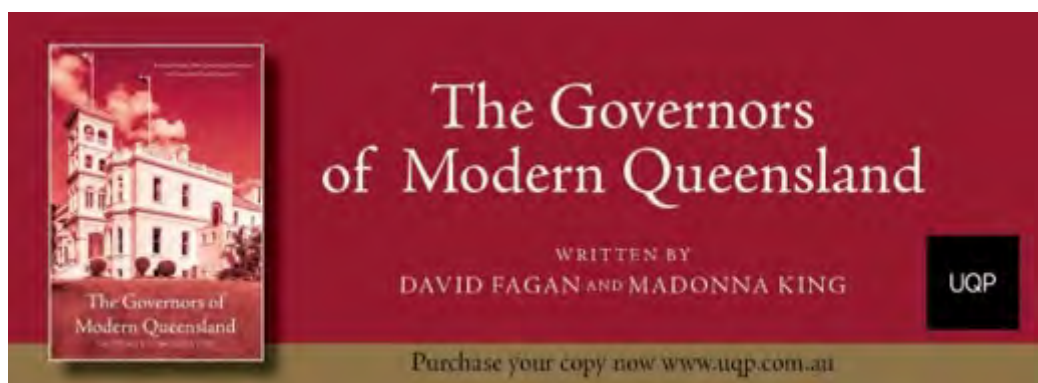


OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001

Street: 168 Fernberg Road, Paddington Qld 4064

[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)



From: [REDACTED]

Sent: Wednesday, 18 August 2021 10:30 AM

To: [REDACTED]

Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]



Virus-free. www.avast.com

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, *Work-related psychological health and safety: a systemic approach to meeting your duties* provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety. Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a *Code of Practice on Managing Psychosocial Hazards at Work*.

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The *Disability Discrimination Act 1992 (Cth)* (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The *Privacy Act 1988 (Cth)* (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the *Fair Work Act 2009 (Cth)* (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards



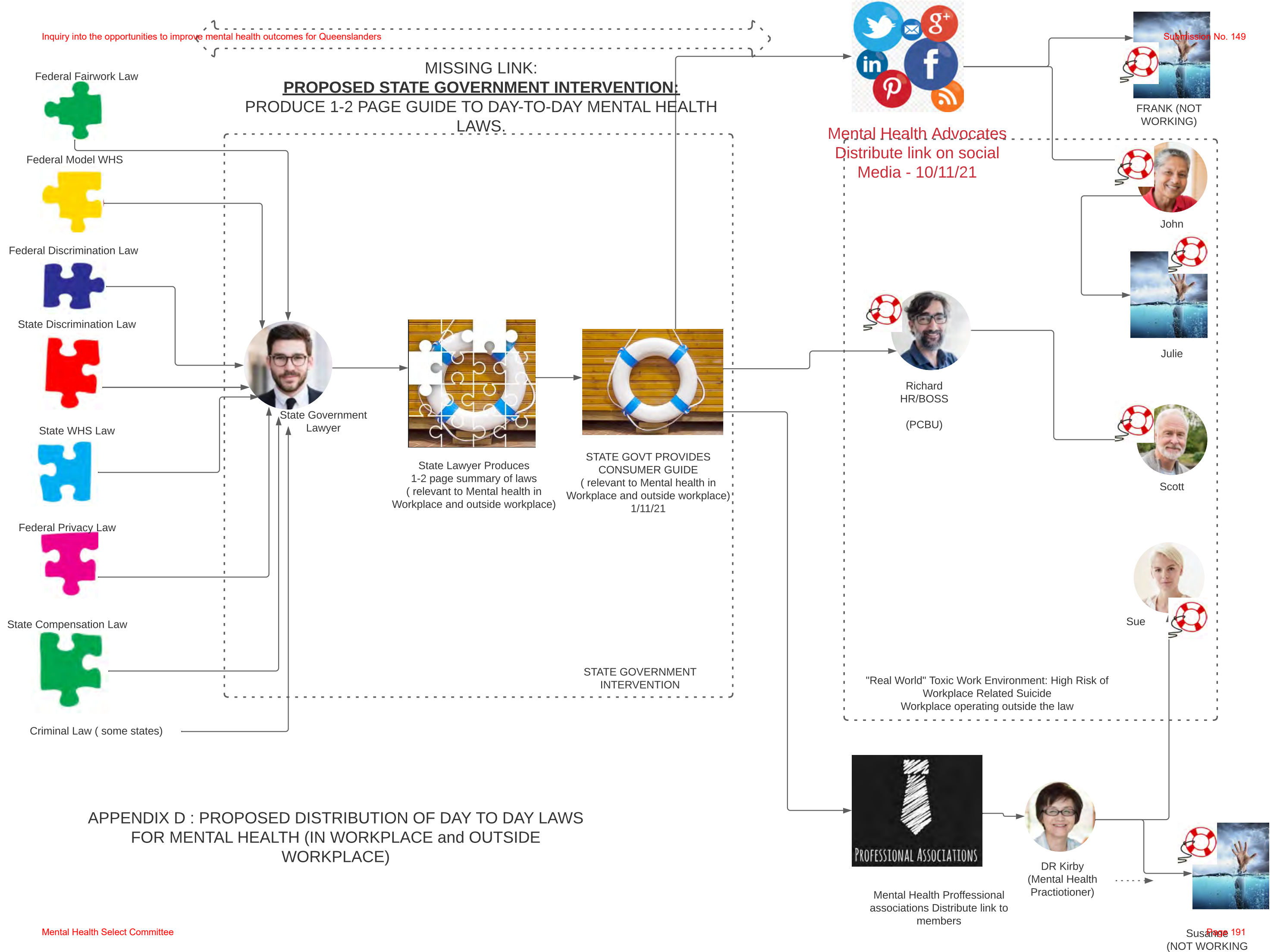
Director, Engagement & Communication

National Mental Health Commission


www.mentalhealthcommission.gov.au

The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

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“LifeRing Advocacy”

Saving lives through making day-to-day laws of an invisible illness finally visible.

This is not another initiative. This is simply asking or government to deliver the day-to-day laws to those who need its power both inside and outside work.

At the intersection of law and mental health is a lifering.

Will you help throw it out for those drowning?

TRIGGER WARNING: THIS ARTICLE DISCUSSES SUICIDE



Revision 01 (2/9/21): Draft for Government comment/corrections by 1/Oct/21 - NOT PUBLIC VERSION

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Dedication

To those who are drowning. I have seen you and I know the suffering. I am running with this advocacy to the state governments and pleading them to throw out this lifering. I simply can not standby and watch as someone dies by suicide in Australia every 90mins – especially knowing that the laws to keep them safe are not clear as a whole or delivered to those who need its power.

As I run to the lifeguards I know my voice is just one so I invite anyone to help. This is my advocacy warcry and I just hope this lifering reaches you in time:

Yeah, It's been a ride...
 I guess I had to go to that place to get to this one
 Now some of you might still be in that place
 If you're trying to get out, just follow me
 I'll get you there

I'm not afraid to take a stand
 Everybody come take my hand
 We'll walk this road together, through the storm
 Whatever weather, cold or warm
 Just let you know that, you're not alone
 Holla if you feel that you've been down the same road

Eminem – [Not Afraid](#)

You see inspiration can come from an unlikely source. Likewise as a Mechanical Engineer with disability from mental illness I have put this together between panic attacks over several months. To change millions of lives.

Summary - A call to action

This advocacy is a plea to each state government to deliver the laws to protect their states mental health in their day to day lives . The five assessment methods in this advocacy all point to the need for a simplified guide to the laws designed to protect our mental health. If you are not sure what the 7key Australian laws mean for your mental health, this is exactly my point.

This advocacy proposes a 1-2 page “ start here” guide to the various laws. This advocacy presents the statements of support from 18 expert professional opinions in the fields of suicide prevention, mental health, psychologists and lawyers. See also attached statement of support from Governor of Queensland.

There are only two options after you read this advocacy:

1. Option A) Be Part of the solution to suicide: do something to help State governments to launch a 1-2 page summary of day-to-day laws to protect our mental health – Target Date all States: November 1 2021 to help people over a difficult Xmas period.
2. Option B) Be Part of the problem of suicide: do nothing

It is likely that in this choice moment is one of the few moments in your career where you can help reduce the suffering of the 3million Australians living with Anxiety and Depression + others who are struggling.

Please help shine a light on the laws designed to protect our mental health in day to day life – be a part of the team of government professionals who rolled their sleeves up to make the laws of an invisible illness finally visible.

Can you please reply with which path you are taking?

This advocacy is a little rough around the edges , raw and confronting but is my best ability despite disability. And I am ok with that because now I understand the law I now finally believe “its ok to not be ok”

Assessment Method 1 – Expert Advice

The following organizations have provided support for a basic guide to day-to-day laws. PANDA have made a good point “ regardless of their situation” and as such the final proposal in this advocacy is not just workplaces (discrimination law and criminal law are not limited to workplaces). These are their words (complete documents in appendix **A**):

Simply there are now more medical/health recommendations to simplify the laws than to keep their delivery disjointed

1) R U OK?

"Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide. "

2) Travis Schultz and Partners *“From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction”.*

3) Roses in the Ocean (recognised by world health organisation “Live Life” document):

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation. To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome. As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation,

are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

4) National Mental Health Commission:

“We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work. There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. “

5) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

6) Beyond Blue

However, evidence demonstrates that currently, there is a perception that workplace psychological health is confusing and therefore often takes a backseat to physical health. We believe that action is overdue to bring psychological health and safety in the workplace into line with physical health and safety, for the benefit of workers, businesses and the broader community.

7) Suicide Prevention Australia

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians. Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

8) Hope 4 U

I have an extensive client list that have lived experiences to individuals that have lost loved ones to suicide. They all have individual needs and it becomes frustrating when there are legislation issues not adhered to. We need and support the need for guidelines for one legislative guidelines for all workplaces.

9) Linkmate

Thank you for your time and energy in putting this together. A simple and straightforward guide to support workplace mental health has never been more important and we support your advocacy for it.

10) Mental Health Council of Tasmania

As the peak body for community managed mental health services in Tasmania, we welcome any initiatives that make it easier for Tasmanians to access the information, resources and support they need to be mentally healthy. This is reflected in our [Strategic Plan](#) through our Vision Statement: “Every Tasmanian has access to the resources and support needed for good mental health and wellbeing”

11) Panda:

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

12) Blue Knot Foundation:

“This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws. Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.”

13) Australia and New Zealand Association for Psychotherapy:

ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

14) This is a conversation starter:

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

15) QAI:

QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

16) Mental Awareness Foundation

The Mental Awareness Foundation whose mission is to ‘Preserve Lives by Empowering Individuals’ supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

17) Asami Engagement Psychology

Like yourself I am passionate about and believe in in workplaces that

manage risks. Identifying hazards. control measures. Training and education. reviewing controls. .Consultation. Prevent harm. Intervene early . Support recovery. Return to work. managing psychosocial hazards. Leadership and management commitment . psychosocial hazards and risks. Reasonable adjustments for individuals. Risk management. privacy.

psychosocial risk or incident. This is why I completed my masters in organisational psychology so that I could assist in this transition further.

18) Regain Psychology

I am supportive of education on suicide and suicidality across all sectors of business both private sector and government sector.

[xxx current initiative] is a great health initiative however it isn't enough, a guide would certainly be helpful.

19) Governor of Queensland - Refer letter.

Assessment Method 2 - Desktop Audit Of Government Delivery of Laws

A desktop review was conducted to assess the effectiveness of the Governments product to delivering the day-to-day laws designed to protect public mental health. Refer Appendix B for this assessment

The mental health act was not included in this assessment but may be considered in future work by the Government.-

The laws that QLD people need to know in their day to day lives were assessed as a sample and the findings generally apply to each state based off other spot checks. Recommendation is made for each state government and the commonwealth to perform their own assessment on law delivery from government to mental health consumers – for the the complete package of key laws. Do not assume that PCBU's will pass on law guides as there may be an inherent conflict of interest for PCBUS (Performance vs mental health)


Key findings of assessment:

1. QLD people need to understand 7 different laws and apply to mental health for day-to-day law compliance
2. No overall guide was available to provide the full story
3. The highest scoring guide was Safe work Australia guide. However this is not by a regulator and there was insufficient distribution under the assessment methods. No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
4. The equal highest scoring guide was QLD WHS guide. However this does not guide reader to the remainder of the laws and low distribution (to less than 1% of QLD population via linkedin as a sample). No Evidence was found that this was distributed through mental health networks (linkedin as a sample)
5. **MOST CONCERNING OBSERVATION: The low scoring Guides included those critical to discrimination (Fairwork ,state legislation, federal legislation) . Apart from the federal guide**

from 11 years ago these laws have not been explained by the Government as relevant to mental health. This is a real concern given that World health organisation has stated “*Many people with mental health problems choose not to engage or maintain contact with mental health services, due to stigma and discrimination. Negative treatment and care experiences are another factor contributing to failure to engage*” and “The single most important barrier to overcome in the community is the stigma and associated discrimination towards persons suffering from mental and behavioural disorders” WHO 2001 . Whilst Stigma is not outlawed acting on a stigma is outlawed through our discrimination laws. DELIVERING the 3 DISCRIMINATION LAWS RE MENTAL HEALTH IS A VERY HIGH PRIORITY

6. Privacy and workers comp laws also have much room for improvement across the various criteria
7. Across the board, there is insufficient coordination between the guides to know to find other laws, insufficient explanation on how they apply to mental health, insufficient distribution to PCBU's, consumers and practitioners.

This was a basic desktop audit on delivery. If something has been missed this is not intentional but does reinforce the need for a simplified guide. Please advise any technical concerns with assessment by end of September 2021 so final report can be updated/fixed. Please perform your own states audit on delivery as long as it does not hold up delivery of a 1-2 page basic guide. Recommended impartial agency : Attorney Generals Office to assess law delivery.

It is clear that this is an insufficient delivery of the laws to keep us safe given that someone in Australia dies by suicide every 90 mins. This is an insufficient delivery considering the [state government has committed](#) I qld suicide prevention plan to “The State Government will continue to build and monitor the capacity of Queensland workplaces to meet their obligations to provide mentally healthy and safe workplaces ...”  The public needs an urgent response. Every state.

Assessment Method 3 – Authors Lived Experience

We are exhausted. In addition to fighting our illness, we are tired of fighting a strong riptide of:

1. People treating us differently and excluding us due to our illness
2. People at work taking adverse actions because our illness
3. People outside work excluding us because of our illness
4. People with responsibility to provide a safe workplace being complicit and not performing risk assessment or discrimination intervention
5. People who bully us through repeated actions because we can't perform as well someone without our illness
6. Being fired because of our illness

We have enough to battle with our illness let alone people operating outside the law injuring us further and making our illness worse. Unfortunately this is common.

If our illness and the injuries other cause were physical/visible it would be easy.

I am here to make the laws for an invisible illness finally visible.

I am a degree qualified mechanical Engineer (Hons) with 16 years of experience in complex problem solving. I have been trained to make the complex simplified. I also have a mental disability from PTSD, panic attacks, depression to the point I can't work. I am now ok disclosing this without fear of being ignored due to my mental illness as I now know how discrimination law works. I am a survivor of suicide and know what it is like to have nowhere in the world for someone with mental illness. On the 2/9/2016 (5 years today) when I was having suicidal thoughts, I reached out for help and disclosed my illness – reaching for a lifeline.

There was no lifeline there but I was met with repeated “if you can't handle it, why don't you stack shelves at woolies!” . It was premeditated and inflicted psychological injury days before my first son was scheduled to be born. (words that have haunted me for 5 years in psychological decline – these types of words that get in the way of asking for help or calling for support). This just one example of the riptide against us with no lifeline.

Please treat this disclosure as a medical record in compliance with Privacy Act 2009 . You have authorization to distribute within state and federal government and the supporting organizations only - not to general public. See how I am now empowered?

These cowardly perpetrators power is in the invisibility : invisible illness +barely visible chess moves + invisible laws. Firstly, we take away the perpetrators power when we shine light on the laws and make them visible. This light then spreads to the perpetrators actions and spreads to those suffering to know to empower them with their rights – reduce their suffering.

If I had a basic government coordinated document about the undiluted law to put on the table that day, my life would be much different today. We need more than yoga, fruitbowls and warm and fluffy documents about peace and harmony – we need the undiluted law for those operating outside the law!. Only the law can preach to those who opt to be unconverted. After 5 years I break my silence as standing back and watching this happen across Australia is silently complicit. However breaking my silence has been hard as I am having to relive the fear of being ignored/rejected again as I ask for a lifeline (this time for others) . That's how discrimination works . Its like a permanent bark collar to ever stop you from reaching out again. It silences you from fear of rejection, ridicule or simply being ignored. It stops you from calling friends/family, lifeline or 000.

Today I end this suffering for many by making the invisible laws visible. I have been in the deep dark places that very many don't survive and have returned with a message of real hope - A pragmatic lifering to save lives that was not available to me:

We can show people there is a place in this world for those drowning in mental illness. - a place that has been designed by law. I am asking the state government to deliver a 1-2 page summary of what the various laws mean to empower those struggling. This is required urgently as most people do not understand the legal responsibilities and the empowering rights of the law

By contrast by working with great people at work between April and oct 2020 helped save my life by operating within the law (+ genuinely caring) when I needed it the most when my wife was struggling with 12 months of her life threatening illness and I was suicidal from PTSD round 2.

The laws are designed to keep people safe in various day-to-day scenarios . For example the rules around:

- Mitigating poorly designed work
- Mental health days
- Reasonable adjustments for someone with mental illness
- Bullying prevention
- Psychological risk assessment
- What laws apply and who to call

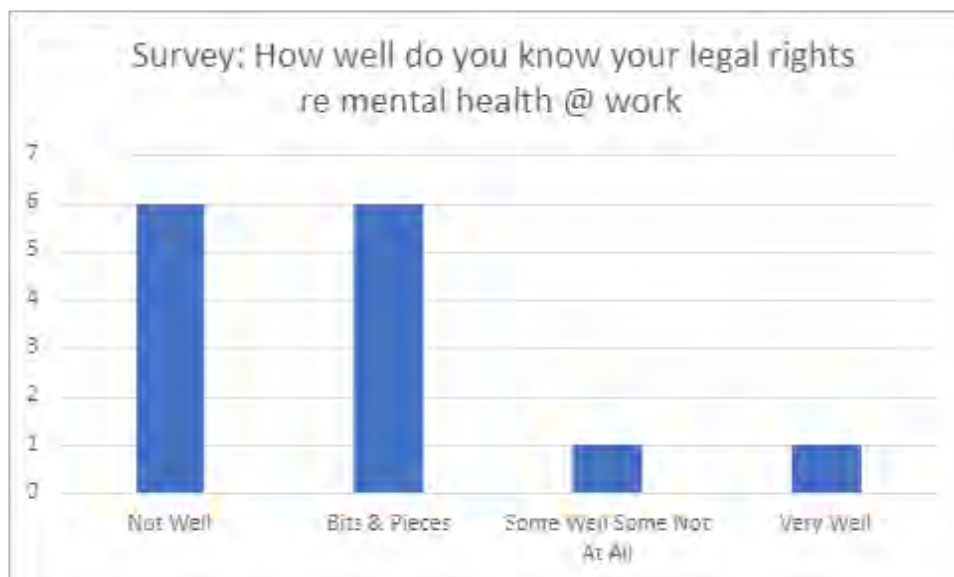
It is simply easier to ask for people to follow the rules rather than what is often seen as a favor. Favors run out. Want to start real conversations? We need to talk about the law. Whilst breaking the stigma is the holy grail we need to stop people acting on stigma. After all it is outlawed...

We have 3 x as many people die by suicide than on the roads each year. Yet we do not understand the rules regarding mental health designed to keep us safe. **This is urgent – every 90 minutes counts.**

Simply, the laws design to keep people with mental illness safe have not yet been practically delivered by the government to those who need it . We are now 16 months into the trauma that is COVID 19 and people need support now not just at the end or after the trauma . Time is up We need+ make the laws for this invisible illness visible. Now.

Assessment Method 4 - Mental Health Consumer survey

A small sample (14) of mental health consumers were surveyed and results are displayed below.



Whilst sample size is small it is clear that the level of understanding of mental health consumers rights are low.

Assessment Method 5 - Your Office

Start conversations around the 7 laws designed to protect our mental health. Ask how many laws people know.

Ask people if they know the definition of the word “health” in the workplace health and safety Act includes psychological aswell as physical. Ask people if they understand that the 7 /8 laws are spread across almost as many departments with no overall guide.

Ask them if they agree we should have a basic 1-2 page guide to mental health laws. Unless they have a conflict in interest most agree...

These are not secrets these are afterall laws. The law has the power to be an icebreaker to break the stigma.

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

[Disability Discrimination Act 1992: MH Guide 1](#)

[Anti-Discrimination Act 1991: Guide 1](#) , [Guide 2](#)

[Fair work Laws: MH Guide 1](#) , [MH Guide 2](#)

[QLD Workplace health and safety Laws: Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003: MH Guide 1](#)

[Privacy Act 1988](#) : [MH Guide 1](#)

Proposed solution.

For any solution to work, government departments need to together and individually with a common goal of educating mental health consumers of the laws. This advocacy is not in any one departments portfolio - that's how we got into this mess. We need to adapt a different mindset to find a solution to the one that got us into this situation.

Proposed document

Proposed solution document (applicable to both at work and outside work where laws apply)

A 1-2 page summary of the complete laws (and links to relevant further guidance) is needed to be provided by state governments to assist:

1. Workplaces in ensuring legislative compliance and empower workplaces to ensure its people receives the full care for mental health designed by law
2. Individuals to empower them with knowledge of what is inside and outside the law and their legal rights
3. Mental health advocates/practitioners and support network. This guide will help identify when a situation warrants discussion with their employer/advocate/regulatory body relating to the law.

Without this basic clarity we are expecting workplaces, individuals and supporters to navigate what i believe is a minefield of the following legislation

- model whs for mental health
- Jurisdiction whs for mental health
- National and state disability discrimination re mental health
- Privacy laws re mental health
- Fairwork re mental health

- Workers compensation laws
- Criminal laws in some states. [Click Here for office of industrial relations document](#). It misses discrimination and a couple of others but makes a good point re criminal laws.

Due to the complexity of navigating these laws and guidance many workplaces, individuals and practitioners may not understand the complete picture of the full workplace mental health support designed by law for their state

If we want people at risk of suicide to feel as though there's a place on earth for them we need them to know there is a place in the workplace and society for them.

I believe that a simple 1-2 page guide per state that summarises the relevant laws listed above is a necessary and urgent government support to assist with the emerging mental health situation in Australia.

Appendix C has a literature review of some of charities that have made a start to guides. However we should not rely on charities in lieu of government information about laws. We don't do this for road rules.

Document Distribution

Once the 1-2 page guide is developed by the state government (suggestion a lawyer is best) it can be distributed to:

1. Workplaces – Via regulators
2. Mental health consumers via mental health charities and social media. For example R U OK? CEO has offered to share. They have about 100k linkedin followers. It would be quite easy to distribute to around 700k mental health consumers using social media.
3. Mental practitioners – Via mental health professional associations to practitioners. Practitioners in turn can provide the guide to their clients to empower them.

This offers N+2 redundant methods of delivery. We simply can not rely on employers to pass on this information re laws to their staff as they may be compromised by conflict in interest (mental health and performance)

This N+2 method of delivery is shown in appendix **D**

Document Engagement

To ensure the public takes document about laws seriously there are various methods available including:

- Include compliance with legislative mental health requirements as a part of the social principles of federal, state and local government procurement. Many of these documents include various other social improvement principles and recommendation is made to include mental health legislative requirements. [Queensland Procurement Policy 2021 \(forgov.qld.gov.au\)](https://www.forgov.qld.gov.au).
- Your portfolio's prequalification process for tenders/funding etc to include in principle commitment to comply with the laws or demonstrate policy compliance with law. Sample Prequalification Question for each state (but use 1-2 page document instead of links):

Do your documented policies demonstrate compliance with the following laws applied to mental health in your workplace?

Disability Discrimination Act 1992: [MH Guide 1](#)

Anti-Discrimination Act 1991: [Guide 1](#) , [Guide 2](#)

Fair work Laws: [MH Guide 1](#) , [MH Guide 2](#)

QLD Workplace health and safety Laws: [Guide 1 \(QLD\)](#) , [Guide 2 \(model\)](#) , [Guide 3 \(model\)](#)

Qld Worker's Compensation and Rehabilitation Act 2003: [MH Guide 1](#)

Privacy Act 1988 : [MH Guide 1](#)

- No (you must be able to answer yes to this question)
 - Yes (Please submit a copy of policies relevant to mental health)
- Use 1-2 page document to support obligations such as: "In line with the Queensland Procurement Policy, support suicide prevention by ensuring agency procurement practices are focused on the achievement of the government's social objectives including working with suppliers who have a focus on the long-term mental health of the community." QLD Suicide

prevention plan [Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One \(qmhc.qld.gov.au\)](http://Every life :: The Queensland Suicide Prevention Plan 2019-2029 :: Phase One (qmhc.qld.gov.au)).

- Your portfolios commitment to distribute the 1-2 page document to all staff. Lead by example
- Email to business operators from regulator
- Mental Health Commissioners: Include the 1-2 page guide to mh legislation in suicide prevention framework, plans, and high level documents. After all it is the care designed by law
- Law enforcement
- Voluntary Initiatives such as “ becoming a signatory to distribute to staff and go beyond the minimum requirements” The government could provide certificates for voluntary signatories. Mates in construction uses as voluntary signatory principle to creat industry social movement (see below)

Signing up to the Blueprint means you agree to work towards doing things in your business, that address some or all of the recommended strategies in the Blueprint:

- Promote work's positive impact on mental health
- Reduce harmful impacts of work
- Provide mental health and suicide prevention literacy
- Facilitate early intervention and treatment
- Provide return-to-work and ongoing support

It also means that you will participate in a confidential evaluation overseen by the University of Melbourne. The evaluation will help the industry understand what is working best in our efforts to implement the Blueprint, and what further supports are needed.

Please contact me to confirm our organisation as a signatory to the Blueprint.

Date

Signed

Name

Position

Organisation

Email

Phone

Please forward a copy of your signed commitment to
info@constructionblueprint.com.au

or

Sign up to confirm your organisation's commitment at
constructionblueprint.com.au

Final words

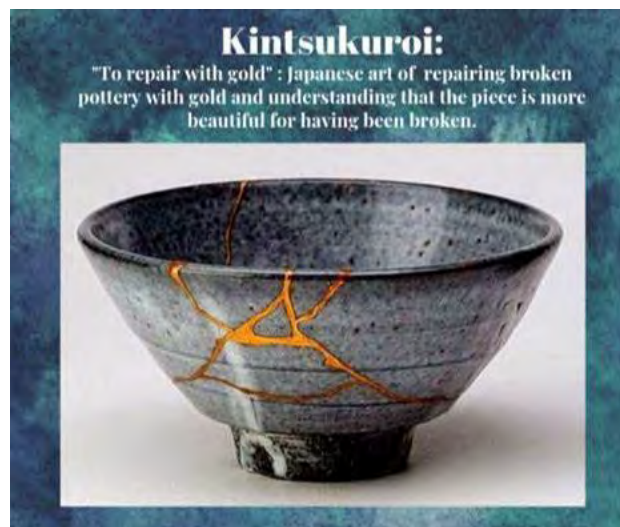
Consider my position. I am classed as disabled. I have no job and cant work despite being a degree qualified engineers and a young family. There is very little I can do to change my outside world in a hurry... it will take time..

Yet through knowledge of the laws I have finally found some forgiveness and some distance from past events as I now know that many situations were simply people operating outside the law. This is a life changing epiphany for me.

imagine what the law can do for many others to empower both their external and internal world.

Will you help throw out this lifering and make the laws for an invisible illness finally visible with a 1-2 page guide by NOV 1 2021?

Only through being completely broken I have created something beautiful:



Appendix A: Expert Support

Appendix B: Desktop Audit

Appendix C: Scattered MH Law Advice

Appendix D: Distributing laws to those who need it



TRAVIS SCHULTZ & PARTNERS

Via email: [REDACTED]

20 August 2021

Dear [REDACTED]

I understand you have highlighted the need for a written guide that allows the general public to understand the areas of law that impact mental illness associated with their employment. Thank you for your advocacy for an easy-to-understand guide on this issue.

I am writing to show my support for you in developing this guide to support individuals and organisations in managing mental health in the workplace.

From my experience working with many clients who have sustained a psychological injury in the course of their employment, I understand how difficult and distressing these circumstances can be and how hard it can be to navigate the different areas of law relevant to mental health. The areas of law are spread across federal and state jurisdictions then across various departments within each jurisdiction.

I commend you for your effort towards suicide prevention and to assist the general public with information on all areas of law that pertain to these issues.

It is a mighty task, and I genuinely wish you all the best.

Yours faithfully,

Travis Schultz
Managing Partner
Travis Schultz & Partners

info@schultzlaw.com.au

schultzlaw.com.au

07 5406 7405

07 5406 7410

PO Box 1070
Mooloolaba QLD 4557

Sunshine Coast

07 5406 7405

31 Brisbane Road
Mooloolaba QLD 4557

Brisbane

07 3058 0026

Level 18
175 Eagle Street
Brisbane QLD 4000

Gold Coast

07 5512 6149

Suite 602
Level 6 "The Rocket"
203 Robina Town
Centre Drive
Robina QLD 4226



National Centre of Excellence
for Complex Trauma

15/8/2021

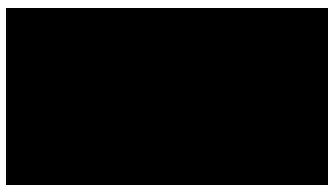
To whom it may concern

This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws.

Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.

We appreciate the efforts of those advocating in this regard.

Yours sincerely,



President

president

Dr Cathy Kezelman AM

patron

Thomas Keneally AO

ABN 19 073 240 005

ambassadors

Jane Caro

Rose Parker

Christine Foster

Deputy Chief Inspector Peter Fox

blue knot helpline 1300 657 380

education & training

information & resources

advocacy & health promotion

other services

contact

T 02 8920 3611

E admin@blueknot.org.au

W blueknot.org.au

PO Box 597 Milsom, Port Jervis NSW 1565



17 August 2021

To whom it may concern:

Re: Development of a resource that supports greater accessibility for individuals and workplaces to understand mental health legislation in order to achieve better outcomes for all.

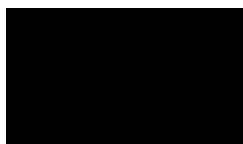
Roses in the Ocean is a national Lived Experience of Suicide organisation, collaborating with individuals and organisations across community, corporate, health and government sectors to effectively and meaningfully engage people with lived experience of suicide and ensure sustainable investment in and meaningful inclusion of lived experience expertise in all aspects of suicide prevention.

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation.

To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome.

As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

Yours sincerely,



CEO - Roses in the Ocean

GOVERNMENT HOUSE
QUEENSLAND

[REDACTED]
Via email: [REDACTED]

Dear [REDACTED]

I acknowledge receipt of your email dated 10 August 2021 concerning your advocacy for suicide prevention. The Governor has asked that I reply on his behalf.

Under the provisions of the Queensland Constitution 2001 the Governor has a range of obligations and responsibilities associated with the system of Government in Queensland, including duties associated with Executive Council, the assent to legislation, and the proper operation of Parliamentary process. While I appreciate that you have put considerable thought and effort into your advocacy proposal, mental health policy is a matter for the Queensland Government and is not a matter on which the Governor can intervene or act.

I note that you have also approached a number of departments and offices within the public service to seek support for your proposal and this is the appropriate action to take. You may also like to seek support from your local State member of Parliament. For [REDACTED] this is the Hon Stirling Hinchcliffe MP, Phone: (07) 3639 9100 or Email: Sandgate@parliament.qld.gov.au.

The Governor understands that this is a difficult and distressing issue and he commends you for your advocacy efforts for suicide prevention. I am sorry that Government House cannot be of further assistance to you.

Yours sincerely,

[REDACTED]
Official Secretary

11 August 2021

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [*Work-related psychological health and safety: a systemic approach to meeting your duties*](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [*Code of Practice on Managing Psychosocial Hazards at Work*](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [*Disability Discrimination Act 1992 \(Cth\)*](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [*Privacy Act 1988 \(Cth\)*](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [*Fair Work Act 2009 \(Cth\)*](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

■

■

www.mentalhealthcommission.gov.au



The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

From: ■

Sent: Friday, 27 August 2021 9:44 AM

To: ■

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Hi ■

Thanks for contacting Suicide Prevention Australia.

Suicide Prevention Australia supports a whole-of-government, whole-of-community approach to preventing suicide.

We recognise the opportunity to build capability in our workplaces to identify and respond to risks that arise in the daily lives of working Australians.

Supporting individuals to better understand the complex laws and regulations relevant to their workplace is an important initiative. I can see merit in the development of an accessible, plain-English guide to such legislation.

All the best with your advocacy to Government on this matter.

Regards

[REDACTED]

[REDACTED]

Director of Policy and Government Relations

Suicide Prevention Australia

From: [REDACTED]

Sent: Thursday, 26 August 2021 10:42 AM

To: [REDACTED]

Subject: RE: [info] Re: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

[REDACTED]

Our comment below

The Mental Awareness Foundation whose mission is to 'Preserve Lives by Empowering Individuals' supports every effort to make workplaces more mentally health aware and to empower all people to understand their rights to such workplaces under the law.

We look forward to seeing the outcomes and outputs of your efforts to achieve this goal.

Yours sincerely,

[REDACTED]

[REDACTED]

CEO

[REDACTED]

[REDACTED]



MENTAL
AWARENESS
foundation

From: [REDACTED] <[\[REDACTED\]@ruok.org.au](mailto:[REDACTED]@ruok.org.au)>

Sent: Wednesday, 25 August 2021 1:33 PM

To: [REDACTED]

Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for efforts in this area and we agree that simple is best. We would use and share a simplified guide.

Kind regards,

[REDACTED]

From: Embrace Multicultural Mental Health <multicultural@mhaustralia.org>

Sent: Thursday, 2 September 2021 10:28 AM

To: [REDACTED]

Subject: RE: Request for 1 line statement of support - Please provide by 31st August

Hi [REDACTED]

Thanks you for the information, it's great to see you doing this advocacy. Mental Health Australia is part of the Mental Health Workplace Alliance and works to promote mental health across the community.

We are appreciate your advocacy for clarity in this area and wish you well in your continued efforts.

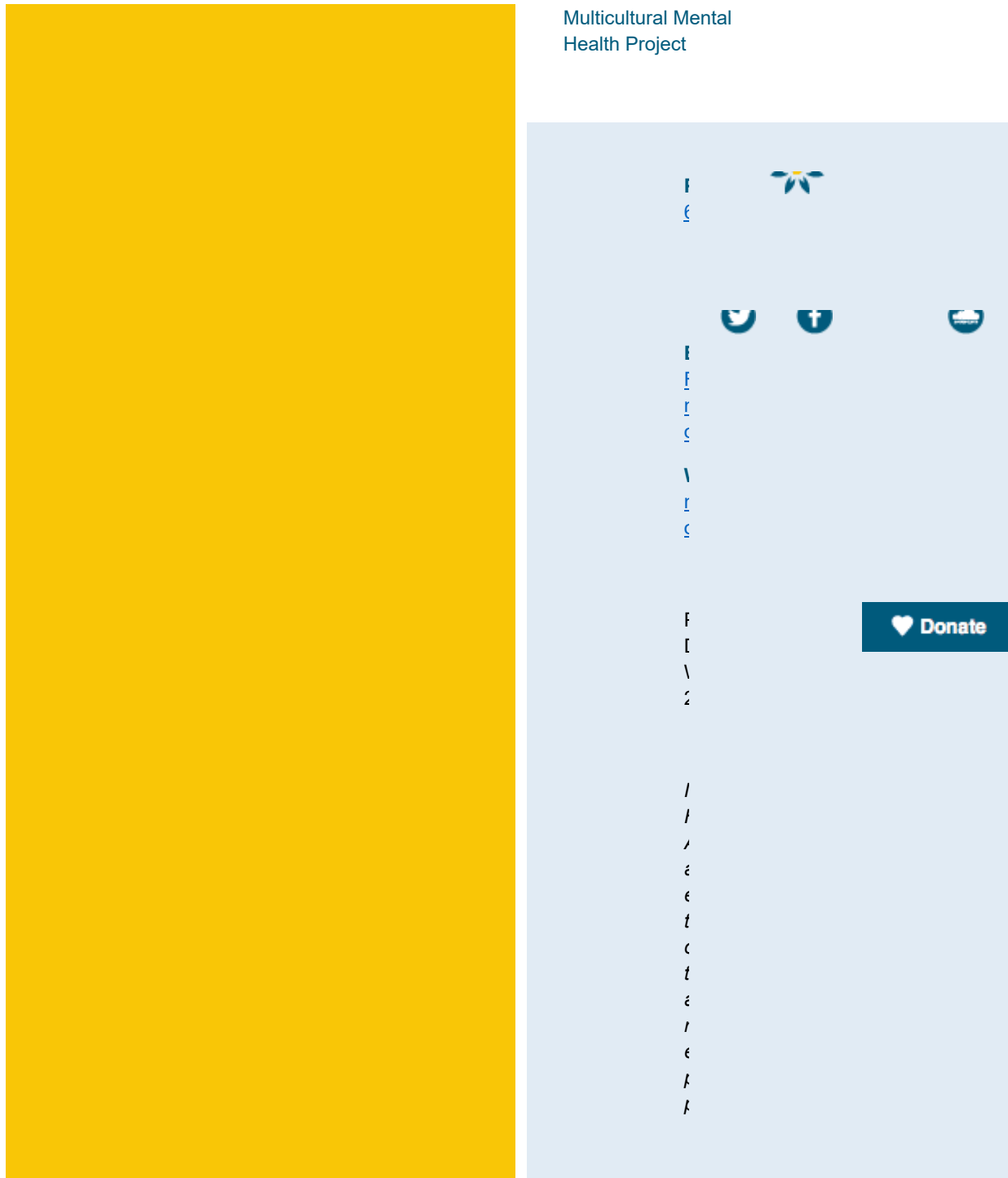
Kind regards,

[REDACTED]



[REDACTED]

National Project
Manager - National



We acknowledge Aboriginal and/or Torres Strait Islander peoples and communities as the traditional custodians of the land we work on and pay our respects to elders past, present and emerging. Mental Health Australia is committed to reconciliation in Australia through day-to-day work and our [Reflect Reconciliation Action Plan \(RAP\)](#). Mental Health Australia also acknowledges the continuous advocacy efforts and co-design by mental health consumers and carers, past and present. As an inclusive organisation we also celebrate people of all backgrounds, genders, sexualities, cultures, bodies and abilities.



Hey [REDACTED]

Sent:Monday, 23 August 2021 4:23 PM

To: [REDACTED]

Subject:RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Dear [REDACTED]

Thank you for your recent correspondence. ANZAP admires your advocacy in this important area of mental health in the workplace. We commend your efforts to make the laws easier to navigate to ensure that anyone who is affected receives the support they so rightly deserve.

Yours sincerely

[REDACTED]

President

ANZAP (NSW) Ltd

PO Box 3595

WAREEMBA NSW 2046

Tel: [02 8004 9873](tel:0280049873)(when calling from Australia)

Tel: [04 887 0300](tel:048870300)(when calling from New Zealand)

Fax: [02 9012 0546](tel:0290120546)

Email:info@anzap.com.au

Web:www.anzap.com.au

From: [REDACTED]

Sent: Monday, 16 August 2021 8:33 AM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL

Hi [REDACTED]

Please find in principle letter of support attached

Best with it

[REDACTED]

[REDACTED]
President

[REDACTED]

[REDACTED]

[REDACTED]

W blueknot.org.au

Blue Knot Helpline and Redress Support Service [1300 657 380](tel:1300657380)

National Counselling and Referral Service (Disability) [1800 421 468](tel:1800421468)

From: [REDACTED]

Sent: Tuesday, 17 August 2021 12:22 PM

To: [REDACTED]

Subject: Re: Response to your advocacy request

Hi [REDACTED]

All the best with your advocacy. Letter of Support attached

Warm regards

[REDACTED]

CEO – Roses in the Ocean

[REDACTED]

[REDACTED]

www.rosesintheocean.com.au

To encourage safe discussions about suicide Roses in the Ocean is a proud signatory to the @LifeinMindAU #CommsCharter. Working together with unified messages can reduce stigma & empower people to get support. To sign, visit: <https://www.lifeinmindaustralia.com.au/the-charter>.

This email is intended only for the use of the individual or entity named above and may contain information that is confidential. If you are not the intended recipient, please notify us by return email and delete the original message. Unless clearly stated, the opinions expressed in this email are those of the author and may not reflect the official view of Roses in the Ocean.

Whilst every attempt has been made to ensure that material contained in this email is free from computer viruses or other defects, any attached files are provided, and may only be used, on the basis that the user assumes all responsibility for use of the material.

From: [REDACTED]

Sent: Friday, 20 August 2021 4:01 PM

To: [REDACTED]

Subject: RE: Draft - Letter of Support for [REDACTED]

Hi [REDACTED]

Please see attached letter signed by Travis Schultz.

All the best with your advocacy.

Community and
Brand Manager

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Figure 1**
 10. **Figure 2**
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From: [REDACTED]
Sent: Friday, 13 August 2021 11:51 AM
To: [REDACTED]
Cc: media@mentalhealthcommission.gov.au <media@mentalhealthcommission.gov.au>
Subject: FW: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email regarding the mental health and wellbeing of our communities, regardless of their environment.

PANDA is a national organisation committed to ensuring that people, employers, health professionals and our community more broadly understand the importance of maintaining,

understanding and supporting everyone's mental health and wellbeing in the perinatal period. We spend significant time and resource raising awareness in this area and have tools, peoples stories and guidance related to workplace settings <https://www.panda.org.au/info-support/panda-at-work>

Thank you for advocating for clarity, I agree that the simpler we can make the guidance the more people are able to ask for and implement best practice approaches.

Kind regards

[REDACTED]
Chief Executive Officer

Pronouns: she/ her

Please note: I am currently working flexibly and may send emails outside of 'normal' working hours. Please do not feel obliged to reply to this email outside of your working hours.

[REDACTED]
F [03 9482 6210](tel:0394826210) [REDACTED]

810 Nicholson St North Fitzroy VIC 3068

panda.org.au | howisdadgoing.org.au

From: [REDACTED]
Sent: Thursday, 19 August 2021 3:07 PM
To: [REDACTED]
Subject: Employment rights of persons with mental illness

Dear [REDACTED]

Thank you for contacting QAI with your concerns about the legal framework regarding the employment rights of people living with mental illness. QAI agrees that this is a very complex area of law, and one that is not widely understood. QAI agrees that a user-friendly resource providing an overview of the relevant legislation and legal rights of employers living with mental illness, would help to uphold the employment rights of people with disability. This resource should be informed by lawyers practicing in employment and discrimination law with an understanding of the impact of mental illness on employees.

QAI would be available to engage in further discussions regarding the development of such a resource, however our ability to substantially contribute is limited by current resource constraints.

We wish you all the best with your endeavours.

Kind regards,

[REDACTED]

Systems Advocate

Human Rights Advocacy Practice

Queensland

Advocacy

Incorporated

Advocacy for vulnerable people with disability

P07 3844 4200 | Wgai.org.au

QAI respectfully acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of this land and recognises their role in our work, in the disability community and in society.

Please consider the environment before printing this email. This email, including attachments, is intended for the named recipients only. It may contain privileged & confidential information & if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this email in error, please notify QAI immediately by reply email, delete the email & destroy any printed copy. Confidentiality and legal privilege attached to this email are not waived or lost by reason of mistaken delivery to you.

From: Govhouse <Govhouse@govhouse.qld.gov.au>
Sent: Thursday, 12 August 2021 11:01 AM
To: [REDACTED]
Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Please find attached a response to your correspondence of 10th August 2021.

Yours sincerely,

OFFICE OF THE GOVERNOR | GOVERNMENT HOUSE QUEENSLAND

Postal: GPO Box 434, Brisbane Qld 4001
Street: 168 Fernberg Road, Paddington Qld 4064
[Facebook](#) | [Instagram](#) | [Twitter](#) | [Website](#)

From: [REDACTED]
Sent: Wednesday, 18 August 2021 10:30 AM
To: [REDACTED]
Subject: RE: workplace mental health laws

Hi [REDACTED]

I want to apologise for my delayed response. Somehow, I missed your previous email.

It's been a while since we last spoke. It warms my heart and makes me very proud to see you pursuing what you believe in and that you are turning your pain into a greater cause. As Nietzsche correctly said "He who has a why, can bear almost any how". You are doing your community a great justice [REDACTED]

As someone working in the mental health space, I have no doubt that a simplified and centralised document containing state-based workplace mental health laws will irrefutably benefit everyone.

It is for this reason that I support your advocacy. Unfortunately, I am not, presently, a qualified psychologist but a counsellor. Still, I do wish to offer my support to your cause as I believe this resource would be a huge step forward in empowering and equipping individuals with the ammunition to take charge of their own mental health. Knowledge, truly, is power after all.

I honestly hope this email from me strengthens your advocacy.

Please let me know if there is any other way I may be of support. I will try my best to support you with what I can.

All the best.

Sincerely,

[REDACTED]

TIACS

[REDACTED]

Virus-free. www.avast.com

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBUs must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, [Work-related psychological health and safety: a systemic approach to meeting your duties](#) provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety.

Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a [Code of Practice on Managing Psychosocial Hazards at Work](#).

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The [Disability Discrimination Act 1992 \(Cth\)](#) (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The [Privacy Act 1988 \(Cth\)](#) (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the [Fair Work Act 2009 \(Cth\)](#) (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards

■

■ | **Director, Engagement & Communication**

National Mental Health Commission

■

■

www.mentalhealthcommission.gov.au

The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

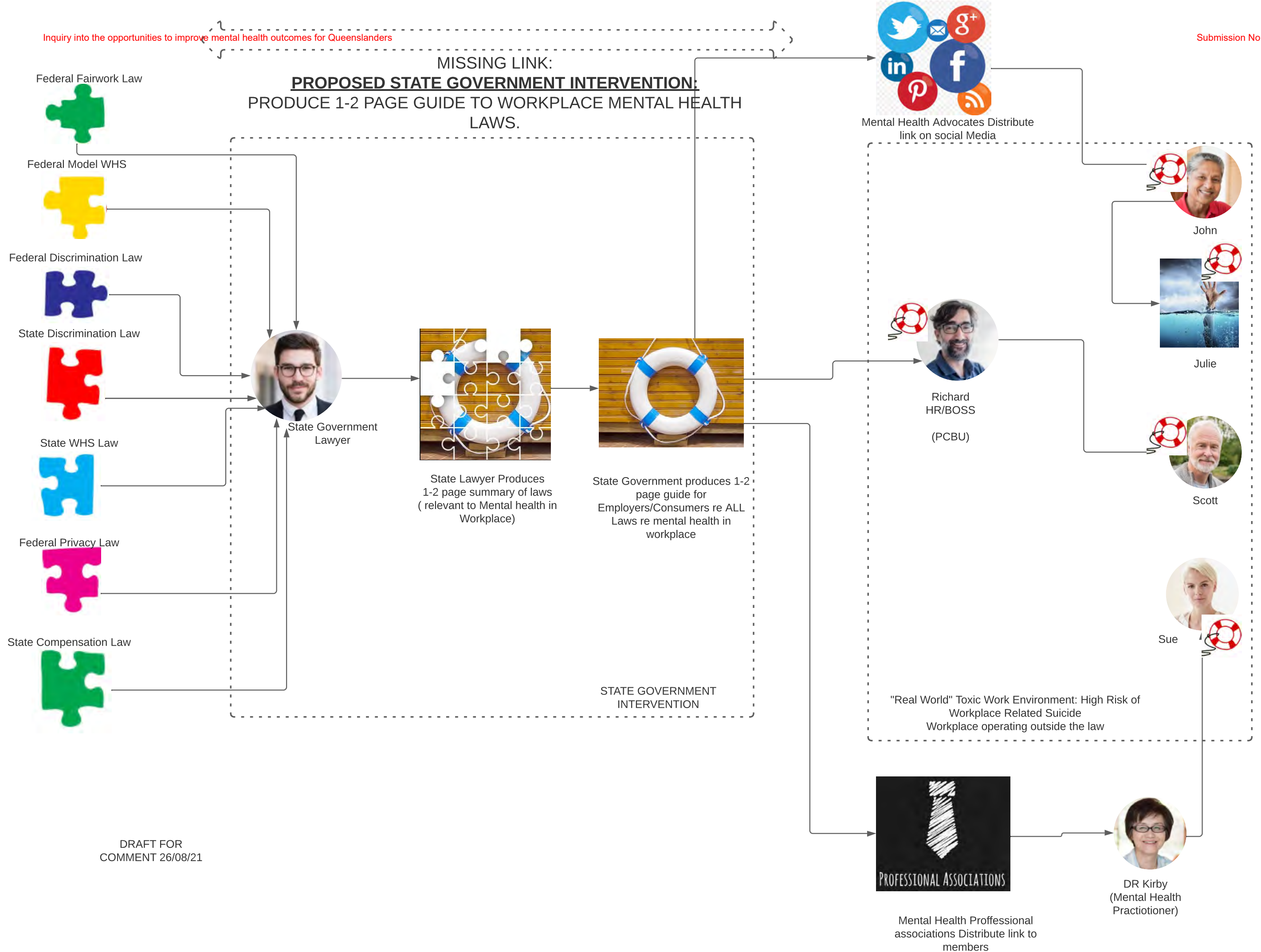
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Sent from [Mail](#) for Windows

Appendix B: Desktop Audit of Day to Day Mental Health Laws (sample only) Delivery

		Overall guide of all laws relevant provided? (to know what to look for)							
Sample Law	Guide Provided by Government		Provided by Regulator	Coordination: Guides reader to the rest of the mental health relevant legislation?	Practically Applied to Mental Health?	Distributed to PCBU Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Consumer Networks (Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Distributed to Practitioners Networks Sample: Past 6 months of pandemic relevant to mental health on linkedin)	Delivery Score
Model WHS	Work related psychological health and safety - A systematic approach to meeting your duties. (safeworkaustralia.gov.au)	No these laws were found through trial and error and much literature review , facebook groups, asking around etc	No	Indicates Criminal laws, Anti-Discrimination laws, Fair Work Act 2009 and some jurisdictional industrial laws, Privacy laws	Yes	Yes - 38,000 followers of safework australia. This is only 0.14% of Australias Population	No Evidence Found	No Evidence Found	36%
QLD WHS Law	Mentally healthy workplaces toolkit. (worksafe.qld.gov.au)		Yes	No	Yes	Yes - 15,000 followers of WHS Q. This is only 0.3% of QLD population	No Evidence Found	No Evidence Found	36%
Disability Discrimination ACT	2010 Appendix A: Knowing the law Australian Human Rights Commission		Provided by Australian Human Rights Commission	Federal Only	Yes but written 11 years ago	No Evidence Found	No Evidence Found	No Evidence Found	21%
Fairwork - Discrimination	Workplace discrimination - Fact sheets - Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Fairwork - Bullying	Bullying and harassment – Employee entitlements – Fair Work Ombudsman		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Workers Compensation and Rehabilitation	Workers' compensation laws WorkSafe.qld.gov.au		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Qld Anti Discrimination	QHRC: Impairment		Provided by QLD Human Rights Commission	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Privacy	Privacy – OAIC		Yes	No	No	No Evidence Found	No Evidence Found	No Evidence Found	14%
Overall SCORE		0%	75%	19%	25%	13%	0%	0%	

Appendix C Scattered Advice Re LAWS (SAMPLE ONLY)						
Part A Legislation	Workplace Legislation Type		Workplace Health and Safety	Discrimination - National	Discrimination - QLD	Privacy
	Regulatory Law Description		WH&S Act 2011	Disability Discrimination Act	Anti-Discrimination ACT 1991	Fair Work Act 2009 (Cth)
Part A Legislation	Regulatory Law Link		Link TBC	Link TBC	Link TBC	Link TBC
	Example Key concepts		Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC	Example Key concepts TBC
Part A Legislation	Blackdog Institute	black-dog-institute-mental-health-toolkit-2017.pdf (blackdoginstitute.org.au)	Y	Y	Y	Y
	Beyond Blue	Your rights at work when dealing with mental health problems - from the Fair Work Ombudsman (beyondblue.org.au)	Y	Y	Y	Y
	SANE	Legal rights & responsibilities (sane.org.au)	Y	Y	Y	Y
	Heads Up	Legal rights and responsibilities (headsup.org.au)	Y	Y	Y	Y
	Headspace	Managing Your Mental Health in The Workplace headspace	Y	Y	Y	Y
	Mates in Construction (Industry Reference document)	Blueprint For Better Mental Health And Suicide Prevention Construction Blueprint	Y	Y	Y	Y





National Centre of Excellence
for Complex Trauma

15/8/2021

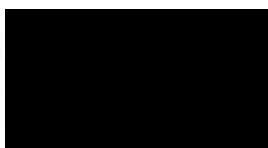
To whom it may concern

This is to certify that Blue Knot Foundation provides in principle support to the simplification of State-based mental health workplace laws.

Mentally healthy workplaces are a priority for us all more than ever given the mental health impacts of the COVID-19 pandemic. The provision of laws which are accessible to all the relevant stakeholders is an important step in supporting this goal.

We appreciate the efforts of those advocating in this regard.

Yours sincerely,



President

president

Dr Cathy Kezelman AM

patron

Thomas Keneally AO

ABN 19 073 240 005

ambassadors

Jane Caro

Rose Parker

Christine Foster

Deputy Chief Inspector Peter Fox

blue knot helpline 1300 657 380

education & training

information & resources

advocacy & health promotion

other services

contact

T 02 8920 3611

E admin@blueknot.org.au

W blueknot.org.au

PO Box 597 Milsom Point NSW 1565

Mental Health Select Committee

Page 242



17 August 2021

To whom it may concern:

Re: Development of a resource that supports greater accessibility for individuals and workplaces to understand mental health legislation in order to achieve better outcomes for all.

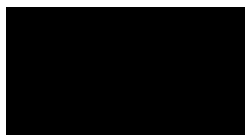
Roses in the Ocean is a national Lived Experience of Suicide organisation, collaborating with individuals and organisations across community, corporate, health and government sectors to effectively and meaningfully engage people with lived experience of suicide and ensure sustainable investment in and meaningful inclusion of lived experience expertise in all aspects of suicide prevention.

We have reviewed [REDACTED] concerns relating to the difficulty of understanding the laws relevant to mental health in the workplace. We know from our extensive engagement with people from a lived experience of suicide in community that one of the key frustrations is the difficulty in navigating a range of areas from services availability, human rights, policy and legislation.

To this end, we are in support of the creation of a user-friendly resource of relevant legislation and guiding documents relating to workplace mental health and suicide prevention. We feel this has the potential to be a useful resource for both individuals and organisations with the ultimate goal being to support workplaces to work within the legislation, for employees to be aware of their rights and for the two parties to be able to collaboratively work together for a positive outcome.

As Australia moves toward a whole of community and whole of government approach to mental health and suicide, there is an important role for workplaces to ensure they are providing safe and supportive work environments, are well informed of the relevant legislation, are able to communicate this to their employees, and work with them to achieve mutually beneficial outcomes.

Yours sincerely,



CEO - Roses in the Ocean

From: [REDACTED]
Sent: Friday, 4 February 2022 8:41 PM
To: Treasurer; Mental Health Commissioner; [REDACTED]; Mental Health Select Committee; Health; DLO; [REDACTED]; EPW; Safety Info; The Premier; [REDACTED]; Leader; [REDACTED] MHLC
Subject: Pricing: 1-2 page guide to QLD laws related to day to day mental health
Attachments: Legislative Guide Distribution Due DATE 01_11_21.pdf

To Mental Health Select Committee and Mental Health Legal Centre

Hi Rebecca/ Mental Health select Comittee,

I have work very very hard to present you with all the information before deadline of 5pm today. However due to my disability I became overwhelmed with anxiety and panic attacks today as I am re living trauma to help others...As a result I have missed one piece of information : pricing of 1-2 page basic guide.

Under both state and federal anti discrimination laws I request a reasonable adjustment resulting from my disability to please submit supporting pricing next week when available from mental health legal centre?

[Disability Discrimination Act 1992:MH Guide 1](#)
[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

Documents provide excellent guidance on reasonable adjustment and indirect (aka unintended) discrimination .

My sincere apologies I won't make any other changes to my submission as this is not reasonable.

See how through knowing the laws I am empowered to know my rights and responsibilities... I know know that there is a place for me on earth and it has been designed by law. This is the empowerment I want to pass on to fellow Queenslanders!!

Thank you for consideration of this and my submission I have put many months of work into.

I really appreciate your consideration of my 5 submission

Hi [REDACTED]

Many thanks for mental health legal centre support to date. I have submitted a proposal this week to Qld government included in this email. This has been accepted as a submission for consideration by the Qld Parliament Mental Health Select Comittee. An important part of supporting documentation is your budget estimate please.

It is looking likely that Qld government will require services of an independent specialist lawyer who specialises in mental health..

Can you please provide the pricing document provided below as it expired sorry. Can you please provide at your earliest convenience as soon as possible please?

If we take Qld as an example I suggest the scope of Scope of work is to provide a 1-2 page guide document to

the following (in terms of mental health)

[Disability Discrimination Act 1992:MH Guide 1](#)

[Anti-Discrimination Act 1991:Guide 1,Guide 2](#)

[Fair work Laws:MH Guide 1,MH Guide 2](#)

[QLD Workplace health and safety Laws:Guide 1 \(QLD\),Guide 2 \(model\),Guide 3 \(model\)](#)

[Qld Worker's Compensation and Rehabilitation Act 2003:MH Guide 1](#)

[Privacy Act 1988:MH Guide 1](#)

The intended application is to

A) guide the Qld government departments to ensure their actions (for compliance with the Qld suicide prevention plan) are consistent with the laws.

B) be developed further by Qld government/mental health commission to guide public including consumers on the laws. Refer attached diagram.

I really appreciate your support and your help will be well received by all parties. Budget estimate guide is fine at this stage. If your pricing is based on another state no problem at this stage as it is just a guide please.

I have included links above (from government websites) and also draw your attention the following examples of “ consolidated guides” as the type of outcome of the process.

A) [MH Guide 1](#)



Appendix A: Knowing the law | Australian Human Rights Commission

The Commonwealth Disability Discrimination Act 1992 (Cth) (DDA) and equivalent state and territory laws make it unlawful to discriminate against, harass or victimise people with disabilities or their associates – including in employment. The term ‘disability’ is broadly defined. It covers ...

humanrights.gov.au

B) nsw

: <https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nsw.gov.au%2Fmental-health-at-work%2Flegal-obligations-and-rights&data=04%7C01%7C%7C3e2999f402a84585ab4008d97736b7f2%7C84df9e7fe9f640afb435aaaaaaa>

[aaaa%7C1%7C0%7C637671899170151493%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQljoiv2luMzliLCJBTiI6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=dm3q2l1azBqLM%2F%2Ffn7wU0hZ5OtBclVP8xQ%2BlxWz4YWI%3D&reserved=0](#)

C) national mental health commission advice below your email below.

It's all been done before but not for Queenslanders.

[REDACTED]

From: pCloud Transfer <transfer@pcloud.com>

Sent: Monday, 22 November 2021 8:11 PM

To: [REDACTED]

Subject: You received files via pCloud Transfer



[REDACTED]
sent you 1 file(s) (195.45 KB) via
pCloud Transfer

Files (195.45 KB)

– Mental Health Legal
Centre_SKB566339389311.pdf

[REDACTED] *Mental
Health Legal Centre Inc SKB635002663637 FYI -
Kindly find the following document i sent you related
to our prices and associated amount from the
Mental Health Legal Centre Inc. You will need
access to the document. Kind regards, [REDACTED]
Junior Lawyer Mental Health Legal Centre Inc. P.O
Box [495 72-82](#) Errol Street, North Melbourne VIC
3051 Ph: [REDACTED], Extension 219. Work days:
Monday to Friday."*

The following files will be available for download
until Mon, 29 Nov 2021.

[DOWNLOAD NOW](#)

Best wishes,
The pCloud team

[With pCloud, you can store and share large files
without limits. Join pCloud now FOR FREE!](#)

To ensure delivery to your inbox, please add [transfer@pcloud.com] to
your address book.

2021 © pCloud AG, 74 Zugerstrasse Str, 6340 Baar, Switzerland.

From: NMHCMedia <Media@MentalHealthCommission.gov.au>

Sent: Thursday, 29 July 2021 4:05 PM

To: [REDACTED]

Subject: RE: Workplace Mental Health Laws : The Australian Compliance Matrix [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your emails. Since talking to you the other day, I forwarded your request to our National Workplace Initiative team.

The National Mental Health Commission recognises the importance of mentally healthy work and the positive impact this can provide employees. We appreciate your advocacy in this area as it helps to create a wider discussion and understanding across workplaces about the importance of mental health at work.

There are many laws that are related to mental health at work, and these can vary across different jurisdictions and industries. Different Government agencies are responsible for different pieces of legislation, which can create a challenge in coordinating this information.

The National Workplace Initiative team have pulled together the below summary of some legislation that may be of interest to you in your advocacy activities.

Workplace health and safety laws

Workplace health and safety (WHS) laws impose duties and requirements on employers, employees and others to protect the health, safety and welfare of people in the workplace. These duties and requirements generally extend to protecting psychological health.

Model WHS laws are a single set of laws which have been implemented in all jurisdictions (except for Victoria, Western Australia transitioning to model laws). The model WHS laws impose a range of duties on people in the workplace to ensure the health and safety of workers and others, whereby 'health' is defined to also include 'psychological health'.

For each jurisdiction, there is a WHS Act (which contains the key requirements), WHS Regulations (which impose more detailed obligations) and Codes of Practice (which are practical guides designed to assist people to meet health and safety standards required under the Act and Regulations).

The model WHS laws do not contain specific requirements about how a 'person conducting a business or undertaking' (PCBU) must ensure the psychological health of workers and others. Rather, the PCBU must consider psychological health in the context of meeting their general health and safety duties

SafeWork Australia's guide, *Work-related psychological health and safety: a systemic approach to meeting your duties* provides practical guidance about how to identify, assess, control and review measures relating to psychosocial hazards.

A PCBU is required consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to health and safety. This includes consultation on matters relating to psychological health.

Each jurisdiction has its own regulator which is responsible for administering the model WHS laws. Their functions include to monitor and enforce compliance and provide information and advice about work health and safety. Each workplace varies in how they meet their WHS obligations depending on business size, industry, and location. Some businesses can be uncertain how to best address psychological health in the workplace and require guidance to help them identify and manage psychosocial risks and hazards.

Many jurisdictions are drafting codes of practice to guide workplaces on meeting their WHS duties. Safe Work NSW was the first state to release a *Code of Practice on Managing Psychosocial Hazards at Work*.

Several recent reviews in this area have recommended strengthening WHS laws to better address workplace psychological health. In May this year, WHS ministers voted to support the introduction of regulations related to psychological health at work.

Additional legislation

The *Disability Discrimination Act 1992 (Cth)* (DDA) is the most detailed law relating to disability discrimination and operates nationally. The DDA makes it unlawful to discriminate against a person on the ground of the person's disability, which can include a mental illness.

The *Privacy Act 1988 (Cth)* (Privacy Act), which includes the Australian Privacy Principles (APPs), imposes obligations on certain entities in relation to dealing with 'personal information'. An example of sensitive information is 'health information', which includes information or an opinion about an individual's 'illness, disability or injury' or the health services provided to them.

The main law governing workplace relations in Australia is the *Fair Work Act 2009 (Cth)* (FW Act). The FW Act generally applies to 'national system employers' and 'national system employees', which include the majority of employers and employees in Australia. The Fair Work Act deals with a range of issues related to mental health at work including management of bullying and harassment through to carers leave.

States and territories have their own Workers Compensation laws. A person may be entitled to compensation in relation to a work-related injury. In each jurisdiction, 'injury' is defined in terms that expressly include psychological or mental injury, or in broad terms which are capable of including psychological or mental injury.

I hope you find this useful.

Kind regards



| Director, Engagement & Communication

National Mental Health Commission



www.mentalhealthcommission.gov.au



The Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past, present and emerging.

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