

| Recommendations  | Proposed legislative amendment | Government response   |
|--|--------------------------------|---|
| <p>1. That the Objects of the Act (section 3) be amended to focus the work of the Commission on: monitoring, reviewing and improving the mental health and wellbeing of the people of New South Wales.</p>   | <p>Yes</p>                     | <p>Supported.</p> <p>The Government supports the review findings that the purpose for which the Commission was established needs to be more tightly defined, particularly given the strategic and operational context in which the Commission now operates.</p> <p>The Government supports the review’s recommendation that the Object of the Act be amended to focus the Commission’s purpose on monitoring, reviewing and improving the mental health and wellbeing of the people of NSW.</p> |
| <p>2. That the Mental Health Commission of New South Wales be renamed the Mental Health and Wellbeing Commission of New South Wales, with amendment to section 1 of the Act to reflect this.</p>   | <p>Yes</p>                     | <p>Noted.</p>   |
| <p>3. That the Commission’s functions be rearticulated and refocused, providing clarity on the role and functions of the Commission in the broader system. The Commission should focus on three primary functions: strategic planning, systemic reviews and advocacy, with other functions to remain in the Act but considered enabling functions. Section 12(1) of the Act to be amended such that:</p> <ul style="list-style-type: none"> <li>i. s12(1)(a) be amended to remove historic reference to developing a draft strategic plan, to provide for an ongoing role for the Commission in strategic planning and in implementation of the strategic plan, or other strategic priorities that may be identified by Government.</li> <li>ii. s12(1)(b) remain without amendment. The Commission should also establish a regular reporting cycle, against key reform</li> </ul> | <p>Yes</p>                     | <p>Supported.</p> <p>The Government supports the review findings that the functions of the Commission are too broad to effectively focus the Commission’s work.</p> <p>To strengthen the impact of the work of the Commission on improving the mental health and wellbeing of the people of NSW, the Government supports proposed amendments to the Commission’s functions in line with the review’s recommendations.</p>   |

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| <p>indicators.</p> <p>iii. s12(1)(c) be amended so the current section (c) is revised to: review, evaluate, report and advise on the mental health and wellbeing of the people of New South Wales, including systemic reviews of programs and services provided to people who have a mental illness, and other issues affecting people who have a mental illness.</p> <p>iv. s12(1)(f, g, h) be amended so these functions continue, but that they be set out in a different order to flow from whole-of-community education to specific issues (i.e. s12(1)(h, f, g)).</p> <p>v. s12(1)(e) be amended to remove policy development from the Act. In addition, the Commission should consider the functions of commissioning research, innovation, as an enabling function. The enabling functions should be listed last in the revised Act.</p> <p>vi. s12(1)(d) remain without amendment, but the Commission should also consider this function an enabling function. The enabling functions should be listed last in the revised Act.</p> |                                |   |
| <p>4. That the Commission’s independence in relation the preparation of reports should be retained; but as the Act pre-dates the adoption of <i>Living Well</i> by the Government, section 9 should be amended to remove the reference to the development of a strategic plan.</p>   | Yes                            | <p>Supported.</p> <p>The Government accepts this proposed amendment, which removes the historic reference to the ‘contents of a draft strategic plan’. The Strategic Plan has now been adopted by Government.</p> |
| <p>5. That section 14 of the Act be amended to remove the historic reference to progress reports on the draft strategic plan (s14(1)(a)).</p>  | Yes                            | <p>Supported.</p> <p>Government accepts amendments to remove the historic reference to the draft strategic plan (<i>Living Well</i> has now been adopted by Government).</p>                                      |

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| <p>6. That the Act be amended to require that if the Commission makes recommendation/s in a report pursuant to section 14 that relate to an agency, that agency must respond to the Minister tabling the report in writing within a reasonable period:</p> <ul style="list-style-type: none"> <li>i. detailing the steps it has taken, or plans to take, in relation to the recommendation; or</li> <li>ii. advising that it has decided not to take any action in relation to the recommendation.</li> </ul> <p>If subsection (2)(b) applies, the agency must provide the reasons for its decision.</p> | <p>Yes</p>                     | <p>Supported.</p> <p>The Government accepts the review’s findings that the impact of the Commission’s reporting function needs to be strengthened, and supports the requirement that relevant government agencies provide a response to any report that is prepared by the Commission and then tabled in Parliament by the Minister.</p> <p>‘A reasonable period’ should be clearly delineated in the Act; subject to consultation with Government departments.</p> |
| <p>7. That the Commission’s role in whole-of-government mental health governance be strengthened, such that:</p> <ul style="list-style-type: none"> <li>i. the Commission be made a full member of the Mental Health Taskforce</li> <li>ii. Government and agencies invite the Commissioner to meet with other relevant whole-of-government committees to discuss whole-of-government priorities relating to mental health</li> <li>iii. the Commission work with government agencies to develop a whole-of-government engagement strategy between the Commission and government.</li> </ul>             | <p>No</p>                      | <p>Supported.</p> <p>The Government accepts the review findings that the Commission’s role in whole of government governance in relation to mental health can be strengthened, and supports the recommendations in this regard.</p>   |
| <p>8. That NSW Health and the Commission make publicly available these whole of government mental health governance mechanisms (as appropriate) and related roles and responsibilities; with these to be communicated broadly to increase stakeholder awareness of the overarching system governance.</p>  | <p>No</p>                      | <p>Supported.</p> <p>To support stakeholder understanding of the operation of the Commission in the broader context, the Government will make publicly available, as appropriate, these governance mechanisms and related roles and responsibilities.</p>   |

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| <p>9. That the Commission should strengthen efforts to enhance integration, coordination and collaboration across government and the broader system, promote a broad understanding of the mental health system, and to continue to communicate this to stakeholders.</p>  | <p>No</p>                      | <p>Supported.</p> <p>Recognising that the integration of mental health across the health and social system is fundamental to sustained change, the Government supports the review’s findings that the Commission should strengthen efforts by the Commission in this regard.</p>   |
| <p>10. That the Act be amended to:</p> <ul style="list-style-type: none"> <li>i. move the principles to follow the Objects of the Act, to signify the overarching importance of these to the work of the Commission and government agencies</li> <li>ii. move ‘Cooperation between Commission and public sector agencies’ from Miscellaneous provisions to follow the principles, to see that there is a closer alignment between these.</li> </ul> | <p>Yes</p>                     | <p>Supported.</p> <p>Government supports in principle amendments to enhance the way the Act is structured.</p>   |
| <p>11. That section 12(2)(d) be amended to require the Commission to engage, consult and consider the views of the populations identified in the Act.</p>   | <p>Yes</p>                     | <p>Supported.</p> <p>The Commission must ensure that it actively considers the views of those it is established to serve, particularly people with a lived experience of mental illness and their families and carers.</p> <p>The Government supports amendments to strengthen the way that the Commission engages, consults and particularly that it considers the views of people with lived experience of mental illness, as well as the government and non-government sectors and the community.</p> |

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| <p>12. That the Commission’s engagement with young people be strengthened, in that:</p> <ul style="list-style-type: none"> <li>i. the Commission co-design and implement appropriate strategies to engage young people (particularly those with lived experience of mental illness) and carers in its work, and advise the Minister for Mental Health on whether the Community Advisory Council appropriately includes the views of young people.</li> <li>ii. section 12(2)(e) be amended to include consideration of the needs of young people.</li> </ul>  | Yes                            | <p>Supported.</p> <p>The Government accepts the review findings that the Commission needs to strengthen its engagement and work with young people, and supports the review recommendations in this regard.</p>   |
| <p>13. That the Commission’s engagement with those identifying as LGBTQI be strengthened, in that:</p> <ul style="list-style-type: none"> <li>i. the Commission co-design and implement appropriate strategies to engage people identifying as LGBTQI (particularly those with lived experience of mental illness) and carers in its work, and advise the Minister for Mental Health on whether the Community Advisory Council appropriately includes the views of the LGBTQI community.</li> <li>ii. section 12(2)(e) be amended to include consideration of the needs of the LGBTQI community.</li> </ul> | Yes                            | <p>Supported.</p> <p>The Government accepts the review findings that the Commission needs to strengthen its engagement and work with the LGBTQI community, and supports the review recommendations in this regard.</p>   |
| <p>14. That the Commission partner with Aboriginal people and communities to prioritise Aboriginal social and emotional wellbeing; and that the Commission establish an Aboriginal governance and engagement mechanism to support this.</p>   | No                             | <p>Supported.</p> <p>The Government accepts the review findings that the Commission needs to strengthen its engagement and work with Aboriginal people and communities to enhance prioritisation of Aboriginal social and emotional wellbeing; and supports the review recommendations in this regard.</p> |

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| 15. That the Community Advisory Council remains in statute, and related appointments remain Ministerial appointments.   | No                                    | Supported.<br><br>Given the importance and priority of mental health, the Government supports the review recommendation that the Community Advisory Council remain in statute, and that related appointments to the Council remain Ministerial appointments. |
| 16. That the Commission establish a regular strategic planning and prioritisation process, through stakeholder engagement, to set the priorities for the Commission. This process should inform the Commission’s own strategic plan and Ministerial Charter letters | No                                    | Supported.<br><br>The Government supports the recommendation that the Commission strengthen its strategic planning and prioritisation process, to be done in consultation with stakeholders.   |
| 17. That the Commission consider the appropriate structure and staff capabilities, to ensure that it is capable of fulfilling its functions and the outcomes of this Review.  | No                                    | Supported.<br><br>The Government supports the recommendation that the Commission consider the internal staffing profile and capabilities required to deliver to its functions and the outcomes of the review.  |

Notes:

**Mental Health Commission of New South Wales (the Commission)**  
***Mental Health Commission Act 2012 (NSW) (the Act)***