

# Royal Commission into Victoria's Mental Health System

Supporting public entity employees to engage with the Royal Commission

The Terms of Reference for the Royal Commission into Victoria's mental health system recognise that engagement from the workforce will be vital in identifying opportunities to respond to current pressure points and improve Victoria's mental health system.

This fact sheet provides guidance to employees of Victorian public entities (such as public hospital staff) engaging with the Royal Commission voluntarily and in a personal capacity.

Public entity employees can participate in several ways. The Royal Commission will be undertaking community consultations, seeking submissions and conducting hearings to get input and information to inform its inquiry.

**The Victorian Government encourages public entities to promote the participation of their staff in the Royal Commission by permitting them to participate in their personal capacity as outlined in this fact sheet.**

Further information on ways to engage with the Royal Commission can be found on the [Royal Commission's website](https://rcvmhs.vic.gov.au/) <<https://rcvmhs.vic.gov.au/>>.

## If I volunteer to participate in the Royal Commission in a personal capacity, what information can I provide?

Public entity employees are bound by particular confidentiality obligations which

need to be considered when participating in the Royal Commission in a personal capacity and sharing information voluntarily.

### ***Sharing individual and professional experiences***

If you volunteer to participate in the Royal Commission, you can share your individual experiences, which may be informed more generally by your professional experience.

However, you cannot give information in your official capacity on behalf of your organisation **unless you have been formally authorised to do so.**

Examples of information which is not official information and can be shared include:

- ✓ Personal views on how the mental health system can be reformed
- ✓ Knowledge of research findings in publicly available literature, which were accessed over the course of your employment.

Without formal authorisation, you should not volunteer information that is confidential or was obtained in connection with your job. Confidential or official information may include, for example:

- × Statistical information gained through your employment that is not publicly available
- × Anecdotal / case study information which is directly derived from your employment.

You must also not volunteer information which is the subject of statutory secrecy and confidentiality provisions, or which discloses the personal or health information of an individual unless the requirements of the *Health Records Act 2001* and the *Privacy and Data Protection Act 2014* are met.

The situation will change if you receive a formal notice to produce documents or to attend the Royal Commission to give evidence. If you receive such a notice, you should seek further advice from your employer's legal team to assist you with this.

## What protections are available for people who engage with the Royal Commission?

It is important that staff feel able to engage directly with the Commission. The *Inquiries Act 2014* provides certain protections for staff members who participate in the Royal Commission.

This means that people who give evidence to a Royal Commission are protected from, with limited exceptions:

- being sued (including for defamation) on the basis of that information or evidence
- information that they give to a Royal Commission, or the fact that they have given information to a Royal Commission, being used against them in other proceedings

It is also an offence for an employer to dismiss or take adverse action against an employee because the employee has given information to the Royal Commission. However, this offence only applies in relation to employees rather than contractors.

## What support is available for people who participate in the Royal Commission, or may be affected by it?

If you have any concerns regarding the Royal Commission, discuss your concerns with your manager or seek support through the employee support and wellbeing programs of your organisation.

If you have lived experience of mental illness, including from your own experiences and as a carer, you may wish to contact [Victorian Mental Illness Awareness Council \(VMIAc\)](https://www.vmiac.org.au/) <<https://www.vmiac.org.au/>>, the peak Victorian non-government organisation for people with lived experience of mental health issues. Alternatively, you may wish to contact [Tandem](https://www.tandemcarers.org.au/) <<https://www.tandemcarers.org.au/>>, the Victorian peak body representing family and friends supporting people living with mental health issues.

## Further information

For further information on what information may be voluntarily shared with the Royal Commissions by public entity employees engaging with the Royal Commission, please speak to your employer regarding confidentiality obligations in your employment contracts, organisational policies, the Code of Conduct for Victorian Public Sector Employees and relevant confidentiality and secrecy provisions.

**This fact sheet is not formal legal advice. Please contact your organisations Legal Services for legal information and advice.**

To receive this publication in an accessible format email [MHRC@dhhs.vic.gov.au](mailto:MHRC@dhhs.vic.gov.au).

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