SECTION I - OPERATING PRINCIPLES

The National Mental Health Commission’s vision is that all Australians achieve the best possible mental health and wellbeing.

Our mission is to give mental health and suicide prevention national attention, to influence reform and to help people live contributing lives by leading, collaborating, advising and reporting.

We value: People; Leadership that makes a difference; Truth, accountability and independence; and Collaboration.

The Commission includes a Chair and a number of Mental Health Commissioners (as determined by the Minister from time to time), as well as the CEO as ex-officio Commissioner.

The main function of the Commission has been to increase accountability and transparency in mental health through public reporting including the delivery of a National Report Card on Mental Health and Suicide Prevention, and to provide independent advice to Government.

The Government has tasked the Commission with carrying out a comprehensive National Review of Mental Health Services and Programmes (the Review). The Review is examining existing mental health services and programmes across all levels of government, and the private and not-for profit sectors. The focus of the Review is to assess the efficiency and effectiveness of programmes and services in supporting individuals experiencing mental ill health and their families and other support people to lead a contributing life and to engage productively in the community.


As the report of the Review is a report to Government, and any future decisions on the public release or otherwise of the report is a matter for Government, the previous approach adopted by the Commission in relation to public transparency and openness has needed to be amended to meet requirements for confidentiality in relation to the Review, but has not changed in relation to other aspects of the Commission’s work. These amendments are contained in these revised Operating Principles which guide the operation of the Commission.

The term ‘Secretariat’ refers to the administrative functions carried out by Commission staff to support the Commissioners.
APPOINTMENTS

Appointments to the positions of Chair, Commissioner and CEO are made by the Australian Government.

ACCOUNTABILITY

The Commission was established by the Governor General as an Executive Agency under the Public Service Act 1999 within the portfolio of the Prime Minister, on 1 January 2012. With Machinery of Government changes announced post the September 2013 election, the Commission retained its independence but was transferred to the Health portfolio. It is formally accountable to the Minister for Health (Minister) who is the Commission’s Agency Minister but the Commission continues to work across a range of portfolio areas.

Formal independent advice from the Commission to Government is provided via the Minister under cover of a brief, letter or report from the Chair and/or the CEO.

The Commission’s general approach is that its reports, advice, policies and governance documents, including the Register of Interests, meeting outcomes and other key documents will be published on its website: www.mentalhealthcommission.gov.au. This approach has been varied to conform with the Government’s tasking of the Commission to undertake the Review and provide a confidential report to the Minister. All other functions of the Commission, outside of the Review process and reporting, will continue to be carried out in accordance with this general approach.

RENUMERATION AND ENTITLEMENTS

Mental Health Commissioners and the Chair will be paid a per diem fee which has been set by the Remuneration Tribunal as follows:
- $1,076 per day for the Chair of the National Mental Health Commission
- $807 per day for National Mental Health Commissioners

The Secretariat will make arrangements for payments for Commission meetings and additional work commitments made within the terms of appointment. Payments are via electronic transfer through a shared services agreement the Commission has in place.

Under the determination of the Remuneration Tribunal, the Chair, Commissioners and CEO are entitled to Tier 2 travel and accommodation. Secretariat support will be provided for the coordination of travel for all flights and accommodation within the allowable budget as necessary for approved Commission business. All flights must be booked in accordance with the Government’s Lowest Practical Fare travel policy for Domestic Air Travel and Best Fare of the Day for International Air Travel guidelines.

MEETINGS

There will be a minimum of six meetings of the Commission per year and meetings, where possible, should be attended by the Chair, Commissioners and CEO. In special circumstances, Commissioners

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1 Source: Remuneration Tribunal Determination 2014/03: Remuneration and Allowances for Holders of Part-Time Public Office
2 Remuneration Tribunal Determination 2013/16: Official Travel by Office Holders
may attend meetings via teleconference or videoconference, where available. Extraordinary meetings such as planning days may be necessary from time to time.

Time commitments for Commissioners will vary from month to month. It is anticipated that Commissioners will need to dedicate and may be reimbursed for up to two days per month. Time commitments of the Chair will extend up to a maximum of four days per month. In light of budget constraints, any variation to these arrangements will need to be approved by the CEO.

Meeting dates will be considered and agreed by the first Commission meeting of the calendar year. Potential meeting locations also will be discussed at an early opportunity to facilitate planning and interaction with key interest groups, services and the local community. Meeting dates will be published on the Commission’s website.

The Commission’s interaction with key stakeholders will be an important factor of success (other than where the confidential conduct of the Review by necessity limits such interaction). Where possible, each meeting will include community and stakeholder engagement to reflect the importance of hearing directly from people with lived experience of mental health issues, their families and support people, as well as those working in the various systems and services that provide support.

Selection of meeting locations will consider accessibility for stakeholders, travel time for Commissioners, budgetary impacts and opportunities to engage with communities on priority issues.

The Minister will be encouraged to attend meetings of the Commission or participate by teleconference wherever practicable.

The Commission also may conduct business out-of-session.

The Chair and Commissioners may be required to participate and represent the Commission in working groups on priority issues, as necessary.

Commissioners also may be called on by the Chair and/or CEO to represent the Commission at speaking engagements, events, conferences or consultations as necessary. The Secretariat will provide presentation materials or summary briefings to assist in such engagements.

MEETING PROTOCOLS
The Chair and Commissioners have agreed a set of meeting protocols. These are designed for efficient and effective conduct and meetings and ensure an effective, open and respectful process for discussion and decision making where every person has an equal right to be heard and have their viewpoint considered.

At all times, the Chair and Commissioners will demonstrate the Commission’s values. Each also is responsible for complying with the Code of Conduct which is signed by all Commissioners and is at Section III of this document.
MEETING AGENDAS
To coordinate meetings, the Secretariat will prepare a draft agenda for the Chair based on the outcomes of the previous meeting, the Commission’s priorities and work programme and emerging issues.

Commissioners also are invited to suggest agenda items to the Chair, and provide this and other input such as suggestions for guests, service visits and community engagement, via the Secretariat.

A pre-Commission meeting or teleconference between the Chair and CEO is held in the month prior to each Commission meeting to confirm the agenda and meeting logistics. Once finalised, the agenda is emailed to Commissioners with an invitation to attend including location and meeting details.

An executive pre-meeting with the Chair and CEO/Deputy CEO is held ahead of Commission meetings. Meeting papers are circulated electronically, at least seven working days ahead of each Commission meeting.

Arrangements can be made to provide hard copy documents at the request of individual Commissioners.

MEETING OUTCOMES AND COMMUNIQUE
Meeting outcomes are cleared by the Chair and CEO and will be sent by the Chair to the Minister after each Commission meeting. A communiqué and draft meeting minutes will be published on the Commission’s website, within seven working days of the meeting and the draft minutes tabled at the following Commission meeting for acceptance.

ENGAGEMENT
The Commission was established in response to requests from stakeholders who wanted an independent body with the sole purpose of facilitating improvements in mental health outcomes. Engagement with people is at the heart of the Commission’s operations.

A contact list of key stakeholders has been developed and is maintained by the Commission to assist in facilitating engagement and communication.

Wherever possible the Commission will hold open community forums and service visits as it travels to states and territories around Australia. The issues raised at these community meetings, and any follow up action, necessary feedback or referral to other bodies or agencies, will be discussed at the subsequent Commission meeting.

ENGAGEMENT WITH PEOPLE WITH LIVED EXPERIENCE OF MENTAL HEALTH ISSUES, FAMILIES AND SUPPORT PEOPLE, OTHER STAKEHOLDERS AND PEAK BODIES
The Commission recognises the valuable specialised and expert contributions to its work made by people who have a first-hand experience of a mental health issue or are a family member or
support person. The Commission’s Paid Participation Policy sets out the Commission’s commitment to supporting paid participation by people with a lived experience of mental health difficulties, their families and support people and sets a benchmark for other organisations.

The Commission also will work with other peak groups to ensure that people with lived experience, families and other support people are able to take a more influential role in advising on policy and service improvements.

The Commission will work closely with peak bodies and seek to build capacity, strengthen networks and develop partnerships wherever possible in carrying out its functions.

Wherever possible, the Secretariat will support Commissioner attendance at stakeholder events where they are requested to attend on behalf of the Commission.

ENGAGEMENT WITH STATES AND TERRITORIES

There will be a high level of engagement between the Commission and the states and territories, particularly on data and information to assist in the Commission’s reporting and advising role, including on reports requested by the Council of Australian Governments (COAG).

The Commission will work closely with state and territory Mental Health Commissions (and those in other countries).

The Commission has a commitment to formally consult with jurisdictions on the use and publication of data relating to mental health service performance and to minimise duplication.

Consultations also will seek to identify opportunities for joint initiatives that align with the Strategies and Actions Plan and Work Plan. The Commission will consult jurisdictions, as appropriate, on its assessment and reporting work. The Commission will consult multilaterally and bilaterally with jurisdictions at appropriate times, across various streams of work. Through the appropriate channels, the Commission will advise the Australian Government of significant engagement with other Governments.

ENGAGEMENT WITH AUSTRALIAN GOVERNMENT AND OTHER PARTNER ORGANISATIONS

The Commission will engage actively and regularly with other Australian Government organisations that have complementary roles to its work.

The Commission also will have strong formal and informal relationships with Non-Government Organisations (NGOs) and various peak groups impacting on mental health and wellbeing.

STAKEHOLDER ENGAGEMENT AND COMMUNICATIONS

A priority for the Commission is to build effective and cooperative relationships with stakeholders including: organisations and individuals representing people with lived experience, families and support people; service providers; researchers; academics; and state and territory governments.
In addition to establishing relationships with the states and territories, the Commission will also establish linkages and work constructively with other mental health commissions in Australia and seek opportunities to share information and draw on international models of best practice.

The Commission’s Participation and Engagement Framework describes how it will meaningfully engage with stakeholders and ensure their inclusion and participation in the Commission’s activities.

SUPPORT FOR THE CHAIR IN KEY STAKEHOLDER MEETINGS

Regular contact will be arranged between the Chair and/or CEO with all key interest groups to maintain a strong focus on ensuring effective engagement with key organisations representing people with lived experience, families and other support people.

Executive summary briefings are provided to the Chair for Commission meetings, meetings with stakeholders and speaking engagements. Support also is provided to other Commissioners when they are representing the Commission at such events, as requested by the Chair or CEO. It is anticipated that due to their high profiles, Commissioners will be regularly approached to meet with stakeholders and key interest groups. If such occasions are clearly defined as Commission business, Commissioners should notify the Chair and CEO.

PUBLIC COMMENTS

The Chair is the official spokesperson for the Commission. In some instances the Chair may elect to use the expertise of individual Commissioners or the CEO and request them to undertake this role. All Commissioners should seek the prior agreement of the Chair and/or CEO should they wish to speak publicly on behalf of the Commission.

Where Commissioners publicly express individual opinions on topics related to, or perceived to be related to, the role of the Commission, it should be clearly noted that these views do not necessarily represent the views of the Commission.

Commissioners should direct any approaches from the media on matters related to the Commission to the Chair or CEO. The decision on which person, if any, will take part in a media interview will be made by the Chair and/or the CEO and, where appropriate, in consultation with the Minister and/or other Commissioners.

REQUESTS FOR ADVICE

The Commission receives many requests from a range of sources to give advice, comment on strategy and policy documents or simply for a ‘Commission view’. The Commission will consider these requests and will focus on advice on matters that align with the Commission’s core business priorities and resources.
CORRESPONDENCE

The Commission receives correspondence on mental health and suicide issues, including invitations to attend meetings, comment on policy and programs and requests to attend conferences.

Correspondence and meeting requests for the Commission to attend or speak at external events will be received and managed by the Secretariat for preparation of a response or referral to another agency where appropriate.

Requests for opportunities to meet with or present at Commission meetings, or with individual Commissioners, will be forwarded to Commissioners for information. Given the potential for Commission meetings to be overwhelmed by large numbers of meeting and presentation requests, generally such requests will be handled outside of Commission meetings eg. By meetings or responses from the Chair, CEO or Commission staff. However where a Commissioner considers that such a meeting or presentation is important for the Commission as a whole, and it is aligned to the Strategies and Actions Plan and Work Plan of the Commission, the Commissioner may approach the Chair to suggest that the meeting or presentation be included on a Commission meeting agenda, or be managed in some other manner.

Correspondence to the Chair is referred to the Chair in the first instance for consideration, with a draft reply or briefing (if appropriate) provided by the Secretariat as required.

Items also are directed to Commissioners with particular interests or expertise on an issue, or where based in the relevant state or territory.

Correspondence which is addressed to an individual Commissioner in their role as Commissioner but which is not related to the work of the Commission is recorded and forwarded to the Commissioner.

PECUNIARY INTERESTS

The Chair and Commissioners will take all steps to avoid conflicts of interest in accordance with requirements under the PS Act and the Public Governance Performance and Accountability (PGPA) Act.

The Chair and Commissioners must provide assurance to the Minister that, to the best of their knowledge, their private, business and financial interests, including taxation affairs, do not conflict with their public duties or otherwise cause embarrassment to the Commissioner or to the Commission.

Commissioners must advise the Chair, the CEO and the Minister at the earliest opportunity should any situation arise which might cause a conflict of interest with their responsibilities under the appointment.

Similarly, if the Chair has an interest relating to a matter under consideration or to be considered by the Commission, the Chair must disclose the interest to the CEO and the Minister.
Notification of any potential conflict of interest on any item to be discussed at a Commission meeting or any other issue which may lead to a real or perceived conflict of interest should be declared by a Commissioner at the earliest opportunity and wherever possible prior to the relevant Commission meeting. Where such a declaration has been made, the Commission will discuss the matter. The Commission’s determination will resolve the issue. In these circumstances it should be noted that the CEO has statutory responsibilities in terms of the sound management of the Commission and its resources. A Commissioner must not take part, or continue to take part, in the consideration of the agenda item or issue if the Commission has determined that he/she has a real or perceived conflict of interest.

A Register of Interests will be maintained and published on the Commission’s website.

USE OF SUB GROUPS, EXPERTS AND CONSULTANTS

The Commission may form sub groups and engage consultants or experts to assist its work, provide advice or inquire into particular matters.

Sub groups will be jointly chaired by a Commissioner or other expert, and a person with lived experience of mental health issues, either personally or as a family member or support person. Expert participants on sub groups, unless representing a government agency, will be offered payment according to the Commission’s Paid Participation Policy or equivalent Remuneration Tribunal determination.

The Commission may draw upon data collection agencies and subject experts, enter into Memorandums of Understanding with partner agencies, or engage technical experts as part of its data analysis or performance assessment work.

SECTION II - GOVERNANCE

The Commission is formally accountable to the Minister for Health.

Commissioners are appointed on the basis of their relevant expertise and experience. They do not act as representatives of particular sectors, groups or organisations.

In the provision of independent advice to Government, the Chair and Commissioners will strive to seek consensus. It is the role of the Chair to provide leadership and direction and to facilitate the development of a coherent and agreed position.

Commissioners may identify a Deputy Chair to assist the effective conduct of Commission business.

Documents that communicate the view or position of the Commission must be cleared by the Chair and CEO prior to any release or publication.
ACCOUNTABLE AUTHORITY

In accordance with Clause 12 of the Public Governance, Performance and Accountability Act 2013, the CEO is the accountable authority for the Commission. As the accountable authority, the CEO must:
- promote the proper use and management of public resources for which the Commission is responsible;
- promote the achievement of the purposes of the Commission; and
- promote the financial sustainability of the Commission.

The CEO also has a duty to establish and maintain systems relating to risk and control, and to encourage cooperation with others. Commission staff are accountable to the CEO and budget decisions are a matter for the CEO (or the CEO’s delegate).

As an Executive Agency of the Australian Government, staff are subject to all the usual financial accountability obligations of all members of the APS, including the PGPA Act.

DEPARTMENT OF HEALTH

The Department of Health provides support to the Minister for Health. This support includes briefing materials for events, handling of correspondence to the Minister which is related to the Commission and the process to appoint Commissioners. The Department has a direct working relationship with the Commission.

STRATEGIC PLANNING AND WORK PLAN

The Strategies and Actions Plan is a public document outlining the priorities for the Commission, and detailing how the Commission will achieve its strategic goals. The Plan will be reviewed annually and where amended will be provided to the Minister.

The Commission will outline its work program in an annual Work Plan and will provide this to the Minister.

The Work Plan will be kept under review to enable it to respond to emerging issues. The endorsed Work Plan, including outcomes and timeframes, will be available publicly on the Commission’s website.

The Commission’s Operating Principles also will be kept under regular review, published on the Commission’s website, and provided to the Minister when significant changes occur.

PERFORMANCE EVALUATION

The Commission has developed a performance evaluation system, including a set of Key Performance Indicators (KPIs) against its objectives, which is part of the Strategies and Actions Plan and Work Plan. An internal review, against the KPIs and including financial performance and compliance measures, will be conducted annually by the Commission. A formal external two-year review of performance against the Commission’s objectives, which was under preparation, has been put on hold pending Government decisions on the report of the Review.
The CEO of the Commission has established an Audit Committee in accordance with the PGPA Act and related Orders. A key role of the Audit Committee is to contribute to ongoing improvements in the efficiency and effectiveness of the Commission’s performance.

ANNUAL REPORT

The Commission submits an Annual Report to the Minister by 31 October each year for tabling in Parliament in accordance with the PS Act. The Commission’s annual report will include:

- a summary review of the Commission’s work over the preceding 12 months
- audited Financial Statements

COMMISSION RESOURCES

The Commission’s budget is published in the annual Portfolio Budget Statements.
SECTION III - CODE OF CONDUCT

The National Mental Health Commission Chair and Commissioners (collectively described in this document as “Commissioners”) were selected because they have significant experience in being able to lead, collaborate, advise and report across the broad field of mental health. However, as Commissioners may participate significantly in the mental health and related sectors outside of their appointment to the Commission, the onus is on the Commissioners to avoid any real or perceived conflict of interest.

In signing this code of conduct, National Mental Health Commissioners acknowledge that they agree to abide by the principles of operation contained in this document and any further updates to this living document as agreed by the Chair and Commissioners at a future date.

National Mental Health Commissioners are expected to observe the following standards when dealing with Commission-related matters.

1. Commissioners should perform the duties of their office impartially, uninfluenced by fear or favour.

2. Commissioners should be frank and honest in official dealings with colleagues.

3. Commissioners should avoid any situation in which the private interests of themselves or of their immediate family, whether pecuniary or otherwise, conflict or might reasonably be perceived to conflict with their public duty.

4. Commissioners should not use information obtained in the course of official duties to gain directly or indirectly a pecuniary or other advantage for themselves or for any other person.

5. Commissioners should not:

   a) Solicit or accept from any person any remuneration or benefit for the discharge of the duties of their office over and above the official remuneration;

   b) Solicit or accept any benefit, advantage or promise of further advantage, whether for themselves, their immediate family or any business concern or trust with which they are associated from persons who are in, or seek to be in, any contractual or special relationship with government;

   c) Accept any gift, hospitality or concessional travel offered in connection with the discharge of the duties of the office.

6. Commissioners should be scrupulous in their use of public property and services, and should not permit their misuse by other persons.

7. Commissioners should not allow the pursuit of their private interests to interfere with the proper discharge of their public duties.
8. All Commissioners should seek the prior agreement of the Chair and/or CEO should they wish to speak publicly on behalf of the Commission.

9. Where Commissioners of the National Mental Health Commission publicly express individual opinions on topics related to the role of the Commission, it should be clearly noted that these views do not necessarily represent the views of the Commission.

I acknowledge that I have read and understood the Operating Principles of the National Mental Health Commission. I agree to abide by this code of conduct throughout my term of appointment.

Signed _________________________________ date ________________

Commissioner Name _________________________________