



New South Wales

Suicide Prevention Bill 2025

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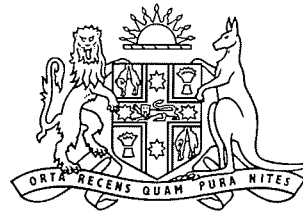
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council
2025

Clerk of the Parliaments



New South Wales

Suicide Prevention Bill 2025

Act No _____, 2025

An Act to provide for matters in relation to suicide prevention.

The Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Suicide Prevention Act 2025*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

The dictionary in Schedule 1 defines words used in this Act.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

4 Objectives

The objectives of this Act are as follows—

- (a) to reduce suicide distress and the incidence of suicide in New South Wales,
- (b) to increase the capabilities of government sector agencies in relation to suicide prevention,
- (c) to address the needs of populations disproportionately impacted by suicide, including by requiring the development and implementation of culturally appropriate initiatives for Aboriginal people.

Part 2 Suicide prevention plans

Division 1 Statewide plans

5 Requirement for Mental Health Commission to prepare and implement Statewide plans

The Mental Health Commission must prepare and support the implementation of the following plans (the *Statewide plans*)—

- (a) a Statewide suicide prevention plan,
- (b) a Statewide Aboriginal suicide prevention plan.

6 Preparation of Statewide plans

In preparing the Statewide plans, the Mental Health Commission must have regard to the following—

- (a) the objectives of this Act,
- (b) the needs of priority population groups,
- (c) the specific needs and circumstances of Aboriginal people,
- (d) the need to increase the capabilities of government sector agencies in relation to suicide prevention,
- (e) the effects of infrastructure and urban design,
- (f) evidence and data related to suicide and suicide prevention,
- (g) lived experience of the impacts of suicide and attempted suicide.

7 Review of Statewide plans

The Mental Health Commission must review each Statewide plan—

- (a) at least once every 5 years, and
- (b) at other times directed by the Minister.

Division 2 Agency plans

8 Requirement for agencies to prepare and implement plans

The head of each of the following government sector agencies must ensure the agency prepares and implements a suicide prevention plan (an *agency suicide prevention plan*) for the agency—

- (a) a Department,
- (b) the NSW Police Force,
- (c) another government sector agency prescribed by the regulations.

9 Preparation of agency suicide prevention plans

- (1) In preparing an agency suicide prevention plan, a government sector agency must have regard to the Statewide plans.
- (2) Without limiting subsection (1), the government sector agency must have regard to the following—
 - (a) the objectives of this Act,
 - (b) the needs of the sections of the population serviced by the government sector agency that are disproportionately impacted by suicide,
 - (c) the effects of infrastructure and urban design, if relevant,

- (d) the need for measures to enhance suicide prevention capabilities by addressing systemic drivers of suicide prevention, including strengthening systems, policies, advice, education and training in relation to the prevention of suicide,
 - (e) the need for measures to help promote access to advice, education, information and training to relevant staff of the agency in relation to the prevention of suicide,
 - (f) lived experience of the impacts of suicide and attempted suicide.
- (3) The regulations may provide for a government sector agency's suicide prevention plan to apply to another government sector agency.
- (4) In this section—
relevant staff, of a government sector agency, means—
 - (a) staff of the government sector agency, and
 - (b) if a regulation has been made under subsection (3)—staff of another government sector agency to which the suicide prevention plan applies.

10 Review of agency suicide prevention plans

- (1) The head of a government sector agency must ensure the agency's suicide prevention plan is reviewed at least once every 5 years.
- (2) The regulations may provide for matters relating to the review of agency suicide prevention plans, including providing for additional reviews of the plans in particular circumstances.

11 Mental Health Commission to assist with agency suicide prevention plans if requested

The Mental Health Commission's functions include reviewing, or giving advice to the head of a government sector agency about, an agency suicide prevention plan if requested by the head of the agency.

Division 3 Miscellaneous

12 Reporting

- (1) The Mental Health Commission must—
 - (a) if directed by the Minister—report to the Minister about the implementation of—
 - (i) Statewide plans, or
 - (ii) agency suicide prevention plans, and
 - (b) if a report is given to the Minister under paragraph (a) in a year—include details about the implementation of the plans to which the report relates in the Commission's annual report for the year.
- (2) The Mental Health Commission must, on at least an annual basis, publish on the Commission's website—
 - (a) a summary of the advice or recommendations given to the Commission by the Councils since the last summary was published, and
 - (b) a statement indicating whether each item of advice or recommendation was or was not accepted by the Commission, and
 - (c) if the advice or recommendation was accepted—a statement about implementation of the advice or recommendation, and

- (d) if the advice or recommendation was not accepted—a statement about why the advice or recommendation was not accepted.

Part 3 Councils

13 Establishment

The following Councils are established to advise the Mental Health Commission in preparing, implementing and reviewing the Statewide plans—

- (a) the Suicide Prevention Council,
- (b) the Aboriginal Suicide Prevention Council.

14 Functions

The Councils have the following functions—

- (a) for the Suicide Prevention Council—advising the Mental Health Commission about the preparation, implementation and review of the Statewide suicide prevention plan,
- (b) for the Aboriginal Suicide Prevention Council—
 - (i) advising the Mental Health Commission about the preparation, implementation and review of the Statewide plans, and
 - (ii) making recommendations to the Mental Health Commission to ensure the Statewide Aboriginal suicide prevention plan is aligned with the needs and cultural frameworks of Aboriginal people,
- (c) providing advice to the Mental Health Commission about improvements to suicide prevention.

15 Membership of Suicide Prevention Council

- (1) The Suicide Prevention Council must consist of at least 9 and no more than 15 members.
- (2) The members of the Suicide Prevention Council must consist of—
 - (a) members appointed by the Minister by written instrument (*appointed members*), and
 - (b) the Chairperson of the Aboriginal Suicide Prevention Council, and
 - (c) the Mental Health Commissioner, and
 - (d) 2 persons, representing government sector agencies, who hold offices nominated by the Premier.
- (3) The following members are the Co-Chairpersons of the Suicide Prevention Council—
 - (a) an appointed member appointed by the Minister as Co-Chairperson of the Council,
 - (b) the Chairperson of the Aboriginal Suicide Prevention Council.
- (4) The Minister must ensure the appointed members are representative of—
 - (a) persons with lived or living experience of the impacts of suicide, including suicidal distress, attempted suicide, bereavement by suicide and caring for a person impacted by suicide, and
 - (b) population groups disproportionately impacted by suicide, and
 - (c) persons with professional or academic expertise in suicide prevention, mental health or related fields, and
 - (d) other individuals or organisations with expertise relevant to suicide prevention or response or postvention.

- (5) An appointed member holds office for the term, not more than 3 years, specified in the member's instrument of appointment, but may be reappointed.
- (6) A person is ineligible for appointment or reappointment as an appointed member if the person has held office as a member of the Suicide Prevention Council for a total of 6 years, whether or not consecutive terms.
- (7) The procedure for the calling of meetings of the Suicide Prevention Council and the conduct of the meetings must be determined by the Mental Health Commissioner.
- (8) An appointed member is entitled to be paid the fees and allowances determined by the Minister.

Note— See also the *Interpretation Act 1987*, sections 47 and 48, which provide for additional matters relating to powers that are incidental to powers of appointment and for the exercise of statutory functions.

16 Membership of Aboriginal Suicide Prevention Council

- (1) The Aboriginal Suicide Prevention Council must consist of at least 9 and no more than 15 members.
- (2) The members of the Aboriginal Suicide Prevention Council must consist of—
 - (a) a Chairperson and other members appointed by the Minister by written instrument (*appointed members*), and
 - (b) the Mental Health Commissioner, and
 - (c) 2 persons, representing government sector agencies, who hold offices nominated by the Premier.
- (3) The Chairperson of the Aboriginal Suicide Prevention Council must be an Aboriginal person.
- (4) The Minister must ensure the appointed members are representative of—
 - (a) Aboriginal persons with lived or living experience of the impacts of suicide, including suicidal distress, attempted suicide, bereavement by suicide and caring for a person impacted by suicide, and
 - (b) Aboriginal Elders and persons in leadership positions in the Aboriginal community, and
 - (c) persons with professional or academic expertise in Aboriginal suicide prevention, mental health or related fields, and
 - (d) other individuals or organisations with expertise relevant to Aboriginal suicide prevention or response or postvention.
- (5) An appointed member holds office for the term, not more than 3 years, specified in the member's instrument of appointment, but may be reappointed.
- (6) A person is ineligible for appointment or reappointment as an appointed member if the person has held office as a member of the Aboriginal Suicide Prevention Council for a total of 6 years, whether or not consecutive terms.
- (7) The procedure for the calling of meetings of the Aboriginal Suicide Prevention Council and the conduct of the meetings must be determined by the Mental Health Commissioner.
- (8) An appointed member is entitled to be paid the fees and allowances determined by the Minister.

Note— See also the *Interpretation Act 1987*, sections 47 and 48, which provide for additional matters relating to powers that are incidental to powers of appointment and for the exercise of statutory functions.

Part 4 Information sharing

17 Register

- (1) The Secretary may keep, or arrange for another person to keep, a register in relation to confirmed or suspected deaths by suicide.
- (2) The purposes of the register are—
 - (a) to monitor and report on deaths by suicide, and
 - (b) to identify potential risk factors or patterns in relation to deaths by suicide, and
 - (c) to enable the identification and monitoring of suicide prevention and response strategies.

18 Sharing of information

- (1) The Secretary may disclose information in the register to a government sector agency or other entity for the following purposes—
 - (a) monitoring and preventing deaths by suicide,
 - (b) evaluating services relating to, and responses to, deaths by suicide and suicide prevention,
 - (c) conducting research into deaths by suicide and suicide prevention.
- (2) However, the Secretary may disclose personal information or health information in the register to a government sector agency or other entity only—
 - (a) if the disclosure is for the purpose of the agency or other entity conducting a review into the agency's or entity's interactions with a person who has died by suicide or whose death is suspected to be by suicide, or
 - (b) if the disclosure is for the purpose of research in relation to deaths by suicide or suicide prevention and any publication of the information will be in a form that ensures the identity of a person—
 - (i) is not apparent, or
 - (ii) cannot reasonably be ascertained, or
 - (c) with another lawful excuse, or
 - (d) in other circumstances prescribed by the regulations.
- (3) The Secretary may disclose information in the register to—
 - (a) the Mental Health Commission for the purpose of the Commission exercising the Commission's functions, or
 - (b) a Council for the purposes of the Council exercising the Council's functions.
- (4) A disclosure by the Secretary of information in the register under this section may be subject to conditions the Secretary considers necessary or appropriate.
- (5) A person must not contravene a condition imposed on the disclosure of information under subsection (4).
Maximum penalty—100 penalty units.
- (6) The Secretary may publish information in the register but only if the information is published in a form that ensures the identity of a person—
 - (a) is not apparent, or
 - (b) cannot reasonably be ascertained.
- (7) The Secretary may enter into an agreement with a government sector agency or other entity for the purposes of the register.

- (8) The following entities may disclose information to the Secretary for the purposes of the register—
 - (a) a government sector agency,
 - (b) another entity prescribed by the regulations.
- (9) This section applies despite another law, including the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

Part 5 Miscellaneous

19 Review of Act

- (1) The Minister must review this Act to determine whether—
 - (a) the policy objectives of the Act remain valid, and
 - (b) the terms of the Act remain appropriate for achieving the objectives.
- (2) The review must be undertaken as soon as practicable after the period of 5 years from the commencement of this Act.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 6 years after the commencement of this Act.

20 Regulations

The Governor may make regulations about the following matters—

- (a) matters that are required or permitted by this Act to be prescribed,
- (b) matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Schedule 1 Dictionary

section 3

agency suicide prevention plan—see section 8.

Councils means the following Councils established under section 13—

- (a) the Suicide Prevention Council,
- (b) the Aboriginal Suicide Prevention Council.

Department has the same meaning as in the *Government Sector Employment Act 2013*.

government sector agency—

- (a) has the same meaning as in the *Government Sector Employment Act 2013*, and
- (b) includes another entity—
 - (i) constituted by or under an Act, or
 - (ii) otherwise exercising public functions.

head, of a government sector agency, means—

- (a) for a government sector agency within the meaning of the *Government Sector Employment Act 2013*—the head of the agency within the meaning of that Act, or
- (b) for another entity—the chief executive officer, however described, of that entity.

health information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

Mental Health Commission means the Mental Health Commission of New South Wales constituted by the *Mental Health Commission Act 2012*, section 5.

Mental Health Commissioner means the Mental Health Commissioner appointed under the *Mental Health Commission Act 2012*, section 6.

personal information has the same meaning as in the *Health Records and Information Privacy Act 2002*.

Secretary means the Secretary of the Department in which this Act is administered on behalf of the Minister.

Statewide plans—see section 5.

Schedule 2 Amendment of Mental Health Commission Act 2012 No 13

[1] Section 9 Ministerial Control

Insert at the end of the section—

- (2) To avoid doubt, subsection (1) applies to the Commission in exercising functions under the *Suicide Prevention Act 2025*.

[2] Section 12 Functions of Commission

Insert after section 12(1)(h)—

- (h1) other functions given to the Commission by this Act or another Act,

[3] Section 14A Staff

Insert “under this Act or another Act” after “functions”.

[4] Section 15 Delegation of Commission’s functions

Insert “under this Act or another Act” after “functions”.