

South Australia

# Suicide Prevention Act 2021

An Act to reduce the incidence of deaths by suicide in this State, to establish the Suicide Prevention Council, to provide for the preparation and implementation of suicide prevention plans, to encourage the training of persons and organisations in suicide prevention and postvention, and for other purposes.

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## Legislative history

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Suicide Prevention Act 2021*.

### **2—Commencement**

This Act comes into operation on a day to be fixed by proclamation.

### 3—Interpretation

- (1) In this Act, unless the contrary intention appears—

**Aboriginal Affairs and Reconciliation** means—

- (a) the attached office (within the meaning of the *Public Sector Act 2009*) of that name attached to the Department of the Premier and Cabinet; or
- (b) if the attached office of that name is abolished—the administrative unit of the Public Service declared by the Minister by notice in the Gazette to be the replacement for that attached office;

**Chief Executive** means the Chief Executive of the Department;

**Chief Psychiatrist** means the Chief Psychiatrist under the *Mental Health Act 2009*;

**Chief Public Health Officer** means the Chief Public Health Officer under the *South Australian Public Health Act 2011*;

**Commissioner for Aboriginal Children and Young People** means the person holding or acting in the office of the Commissioner for Aboriginal Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*;

**Commissioner for Aboriginal Engagement** means the person from time to time holding or acting in the office of the Commissioner for Aboriginal Engagement;

**Commissioner for Children and Young People** means the person holding or acting in the office of the Commissioner for Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*;

**Department** means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act;

**guidelines** means guidelines prepared and published under section 8, as in force from time to time;

**lived experience of suicide**—a person will be taken to have lived experience of suicide if the person—

- (a) has attempted suicide; or
- (b) has, or has had, suicidal thoughts; or
- (c) cares, or has cared for, a person who has died by suicide, has attempted suicide or has, or has had, suicidal thoughts; or
- (d) is bereaved by the suicide of a person; or
- (e) is otherwise directly affected by the suicide of a person;

**postvention** means support (however described) provided to persons who have been affected by the suicide of another;

**priority population group** means a particular group of people disproportionately affected by suicide or attempted suicide;

**South Australian Suicide Register**—see section 35;

**State authority** means—

- (a) a person who holds an office established by an Act; or

- (b) a public sector agency; or
- (c) South Australia Police; or
- (d) any other person or body declared by the regulations to be a State authority,

but does not include the State Coroner, or any other person or body declared by the regulations to be excluded from the ambit of this definition;

**State Suicide Prevention Plan** means the State Suicide Prevention Plan prepared in accordance with section 20, as in force from time to time;

**Suicide Prevention Council** or **Council** means the Suicide Prevention Council established under section 9;

**suicide prevention network** means a community organisation (however described) that does 1 or more of the following:

- (a) raises awareness of suicide prevention;
- (b) reduces the stigma attached to suicide and suicidal behaviour;
- (c) increases community connections in respect of people with lived experience of suicide;
- (d) provides education and training to communities in relation to suicide prevention;
- (e) provides links to available supports and services and encourages people to seek help in relation to suicide and suicidal behaviour;

**Tribunal** means the South Australian Civil and Administrative Tribunal;

**Wellbeing SA** means—

- (a) the attached office (within the meaning of the *Public Sector Act 2009*) of that name attached to the Department for Health and Wellbeing; or
- (b) if the attached office of that name is abolished—the administrative unit of the Public Service declared by the Minister by notice in the Gazette to be the replacement for that attached office.

- (2) For the purposes of this Act, a reference to suicide prevention will be taken to include a reference to postvention.

#### **4—Act to bind Crown**

This Act binds the Crown in right of this jurisdiction and, in so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

#### **5—Interaction with other Acts**

- (1) This Act does not apply to, or in relation to, the accessing of voluntary assisted dying in accordance with the *Voluntary Assisted Dying Act 2021*.
- (2) This Act is in addition to, and does not derogate from, any other Act or law.

#### **6—Power of delegation**

- (1) A person upon whom a function or power has been conferred under this Act may delegate the function or power to a specified person or body (including a person for the time being holding or acting in a specified office or position).

- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the ability of the person who delegated the function or power to act in any matter; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

## **Part 2—Objects and guidelines**

### **7—Objects**

The objects of this Act are—

- (a) to reduce the incidence of suicide in the State; and
- (b) to promote best practice suicide prevention policies across the State; and
- (c) to articulate the role of the State in implementing suicide prevention strategies; and
- (d) to provide for training and education in relation to suicide prevention; and
- (e) to provide for the identification of priority population groups and implementing suitable initiatives to prevent suicide within such groups; and
- (f) to provide a framework to ensure that suicide prevention response is a priority across all levels of government and community.

### **8—Guidelines**

- (1) The Minister may—
  - (a) prepare and publish guidelines in relation to the preparation of suicide prevention action plans; and
  - (b) publish such other guidelines as the Minister thinks appropriate for the purposes of this Act.
- (2) In preparing guidelines under this section, the Minister must consult with the Chief Public Health Officer, the Chief Psychiatrist and any other person or body prescribed by the regulations.
- (3) The Minister may vary, substitute or revoke guidelines made under this section.
- (4) The Minister must cause guidelines made under this section to be published on a website determined by the Minister.

## **Part 3—Suicide Prevention Council**

### **9—Establishment of Suicide Prevention Council**

- (1) The *Suicide Prevention Council* is established.

- (2) The Suicide Prevention Council consists of the following members:
- (a) a Member of Parliament (not being a Minister of the Crown) appointed by the Minister on the nomination of the Premier;
  - (b) the Chief Public Health Officer (ex officio);
  - (c) the Chief Psychiatrist (ex officio);
  - (d) the Chief Executive of Wellbeing SA (ex officio);
  - (e) the Commissioner for Aboriginal Engagement (ex officio);
  - (f) the Commissioner for Children and Young People (ex officio);
  - (g) the Commissioner for Aboriginal Children and Young People (ex officio);
  - (h) a Mental Health Commissioner appointed by the Minister;
  - (i) up to 13 members appointed by the Minister who, in the opinion of the Minister, collectively have the knowledge, skills and lived experience of suicide necessary to enable the Suicide Prevention Council to effectively carry out its functions under this Act and of whom—
    - (i) at least 1 must have experience of leadership in suicide prevention initiatives or services in a non-government organisation;
    - (ii) at least 1 must have experience in a leadership position (however described) in the Aboriginal and Torres Strait Islander community;
    - (iii) at least 1 must have experience in a leadership position (however described) in a multicultural community;
    - (iv) at least 1 must be a veteran with lived experience of suicide, or experience supporting other veterans with lived experience of suicide;
    - (v) at least 1 must be a current or previous first responder with lived experience of suicide, or experience supporting other first responders with lived experience of suicide;
    - (vi) at least 1 must be a member of the LGBTIQ+ community with lived experience of suicide, or leadership experience in that community;
    - (vii) at least 1 must have lived experience of suicidal behaviour;
    - (viii) at least 1 must be a member of a clinical profession in a primary or specialist care setting that provides care to people with lived experience of suicide, or who may be at risk of suicide;
    - (ix) at least 1 must be a person with experience in suicide prevention commissioning from primary health networks;
    - (x) at least 1 must be a member with research experience in suicidology, suicide prevention or mental health;
    - (xi) at least 1 must have any other experience or qualifications prescribed by the regulations.
- (3) The Minister must, before appointing a member to the Suicide Prevention Council under subsection (2)(i), call for expressions of interest under a scheme determined by the Minister for the purposes of this section.

- (4) The Minister may appoint a person to be the deputy of a member of the Suicide Prevention Council.
- (5) A deputy may act as a member of the Suicide Prevention Council during any period of absence of the member in relation to whom the deputy has been appointed.
- (6) The Suicide Prevention Council is, in performing a function or exercising a power under this Act, subject to the direction of the Minister.

## **10—Terms and conditions of membership**

- (1) Subject to this section, a member of the Suicide Prevention Council will hold office on conditions, and for a term (not exceeding 3 years), determined by the Minister and specified in the instrument of appointment and is, at the expiration of a term of office, eligible for reappointment.
- (2) A member of the Suicide Prevention Council appointed under section 9(2)(i) cannot hold office for terms that exceed 9 years in total.
- (3) The office of a member becomes vacant if the member—
  - (a) in the case of the member appointed under section 9(2)(a)—
    - (i) ceases to be a Member of Parliament; or
    - (ii) becomes a Minister of the Crown; or
  - (b) in any case—
    - (i) dies; or
    - (ii) completes a term of office and is not reappointed; or
    - (iii) resigns by written notice to the Minister; or
    - (iv) is convicted of—
      - (A) an indictable offence against a law of this State; or
      - (B) an offence against a law of this State that is punishable by imprisonment for a term of at least 12 months; or
      - (C) an offence against a law of another jurisdiction that, if committed in this State, would be an offence of a kind referred to in a preceding paragraph; or
    - (v) is sentenced to imprisonment for an offence (whether against a law of this State or another jurisdiction); or
    - (vi) is removed from office by the Minister under subsection (4).
- (4) The Minister may remove a member from office—
  - (a) for misconduct or conduct that may bring the Suicide Prevention Council into disrepute; or
  - (b) for breach of, or non-compliance with, a condition of appointment; or
  - (c) if the member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors; or

- (d) if the member has been disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
  - (e) if the member has, because of mental or physical incapacity, failed to carry out duties of the position satisfactorily; or
  - (f) for incompetence or neglecting the duties of the position; or
  - (g) any other reason the Minister thinks fit.
- (5) An act or proceeding of the Suicide Prevention Council is not invalid by reason only of a vacancy in the office of a member or a defect in the appointment of a member.

### **11—Remuneration, allowances and expenses**

A member of the Suicide Prevention Council appointed under section 9(2)(i) is entitled to such remuneration, allowances and expenses as may be determined by the Minister.

### **12—Presiding member**

The Minister must appoint a member of the Suicide Prevention Council as the presiding member of the Suicide Prevention Council.

### **13—Functions and powers of Suicide Prevention Council**

- (1) The primary functions of the Suicide Prevention Council are—
- (a) to prepare and maintain the State Suicide Prevention Plan; and
  - (b) to make recommendations on policies and programs intended to reduce deaths by suicide and attempted suicides, and enhance postvention responses.
- (2) The Suicide Prevention Council has the following additional functions:
- (a) to advise and report to the Minister on the operation and effectiveness of the State Suicide Prevention Plan;
  - (b) to oversee the development and review of the State Suicide Prevention Plan;
  - (c) to promote the implementation of the State Suicide Prevention Plan in respect of matters relating to the risk of suicide under the laws of the State;
  - (d) to receive reports from prescribed State authorities in relation to their suicide prevention action plans, and to summarise and submit such reports to the Minister;
  - (e) to ensure that training in preventing suicide is available to the community and professionals in the State;
  - (f) to provide opportunity and a platform for people with lived experience of suicide, and other members of the community working in the area of suicide prevention, to voice their opinions and concerns;
  - (g) to increase the profile and accessibility of suicide prevention initiatives in the State;
  - (h) to support collaboration between suicide prevention networks and local government;



- (i) to increase the profile of, provide support to and promote the work of suicide prevention networks;
  - (j) to identify opportunities in suicide prevention, treatment, crisis intervention and crisis postvention;
  - (k) to identify priority population groups who may require additional consideration, targeted responses and engagement in relation to suicide prevention;
  - (l) to identify, and provide advice to the Minister in relation to, suitable initiatives for reducing suicide and suicidal behaviour in the State;
  - (m) to provide advice to the Minister on any new programs and policies established to meet the objects of this Act;
  - (n) to, where appropriate, refer and give consideration to international, national and State suicide prevention policies, strategies and programs (however described);
  - (o) to coordinate with and bring together key stakeholders to develop, implement and review the effectiveness of the objects of this Act in the State;
  - (p) such other functions as may be assigned to the Suicide Prevention Council under this or any other Act or by the Minister.
- (3) In performing the functions under this section, the Suicide Prevention Council should, as far as is reasonably practicable, seek to work collaboratively with—
- (a) State and Commonwealth agencies that have functions that are relevant to those of the Suicide Prevention Council; and
  - (b) local councils; and
  - (c) relevant industry, professional and community groups and organisations.
- (4) Subject to this Act, the Suicide Prevention Council has such powers as may be necessary or expedient for the performance of the Suicide Prevention Council's functions.

#### **14—Conflict of interest under Public Sector (Honesty and Accountability) Act**

A member of the Suicide Prevention Council will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with persons engaged in suicide prevention (however described) generally or a substantial section of such persons in this State.

#### **15—Procedures of Suicide Prevention Council**

- (1) Subject to this Act, a quorum of the Suicide Prevention Council consists of one half the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) The Suicide Prevention Council must meet at least 6 times in any calendar year.
- (3) The presiding member will preside at a meeting of the Suicide Prevention Council and, in the absence of the presiding member, the members present at a meeting of the Suicide Prevention Council must choose 1 of their number to preside at the meeting.

- (4) A decision carried by a majority of the votes cast by members of the Suicide Prevention Council at a meeting is a decision of the Suicide Prevention Council.
- (5) Each member present at a meeting of the Suicide Prevention Council has 1 vote on any question arising for decision and, if the votes are equal, the person presiding at the meeting will have a casting vote.
- (6) A telephone or video conference between members will, for the purposes of this section, be taken to be a meeting of the Suicide Prevention Council at which the participating members are present.
- (7) A proposed resolution of the Suicide Prevention Council becomes a valid decision of the Suicide Prevention Council despite the fact that it is not voted on at a meeting of the Suicide Prevention Council if—
  - (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Suicide Prevention Council; and
  - (b) a majority of the members express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The Suicide Prevention Council must have accurate minutes kept of its meetings.
- (9) Subject to this Act and any direction of the Minister, the Suicide Prevention Council may determine its own procedures.

## **16—Committees**

- (1) The Suicide Prevention Council may establish committees—
  - (a) to advise the Suicide Prevention Council; or
  - (b) to carry out functions on behalf of the Suicide Prevention Council.
- (2) The membership of a committee will be determined by the Suicide Prevention Council and may, but need not, consist of, or include, members of the Suicide Prevention Council.
- (3) The Suicide Prevention Council will determine who will be the presiding member of a committee.
- (4) The procedures to be observed in relation to the conduct of the business of a committee will be—
  - (a) as determined by the Suicide Prevention Council; and
  - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

## **17—Delegation**

- (1) The Suicide Prevention Council may delegate a function or power under this Act (other than a prescribed function or power)—
  - (a) to a member of the Suicide Prevention Council; or
  - (b) to a committee established by the Suicide Prevention Council; or
  - (c) to a specified body or person (including a person for the time being holding or acting in a specified office or position).

- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the ability of the Suicide Prevention Council to act in any manner; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

## **18—Staff and resources**

- (1) The Minister must provide the Suicide Prevention Council with the staff and other resources that the Suicide Prevention Council reasonably needs for carrying out the Suicide Prevention Council's functions.
- (2) The Suicide Prevention Council may, under an arrangement established by the Minister administering an administrative unit of the Public Service, make use of the staff, equipment or facilities of that administrative unit.

## **19—Annual report**

- (1) The Suicide Prevention Council must, on or before 31 October in each year, report to the Minister on the performance of its functions during the preceding financial year.
- (2) Without limiting the matters that may be included in a report, the report specified in subsection (1) must include data in relation to deaths by suicide during the preceding financial year.
- (3) The Minister must, within 6 sitting days after receiving a report under subsection (1), have copies of the report laid before both Houses of Parliament.

# **Part 4—Suicide Prevention Plans**

## **Division 1—State Suicide Prevention Plan**

### **20—State Suicide Prevention Plan**

- (1) There is to be a *State Suicide Prevention Plan*.
- (2) The State Suicide Prevention Plan is to be prepared by the Suicide Prevention Council and approved by the Minister in accordance with this section.
- (3) The State Suicide Prevention Plan must include—
  - (a) policies and measures that are to be implemented across the State in order to further the objects of the Act; and
  - (b) performance indicators against which progress in relation to the prevention of suicide in the State can be tracked over time; and
  - (c) provisions specifically addressing the prevention of suicide among priority population groups; and
  - (d) provisions relating to the education and training of people in relation to suicide prevention; and

- (e) the part relating to suicide prevention for Aboriginal and Torres Strait Islander people as required under section 21; and
  - (f) any other matter prescribed by the regulations.
- (4) In preparing and reviewing the State Suicide Prevention Plan, the Suicide Prevention Council must, in accordance with any requirements set out in the regulations—
  - (a) consult with the persons or bodies prescribed by the regulations; and
  - (b) call for submissions from members of the public in accordance with a scheme determined by the Suicide Prevention Council (and must have regard to the submissions made in response to the call); and
  - (c) comply with any other requirements set out by the regulations.
- (5) The Suicide Prevention Council may, with the approval of the Minister, vary or substitute the State Suicide Prevention Plan.
- (6) The Suicide Prevention Council must cause the State Suicide Prevention Plan, and any variation or substitution of the State Suicide Prevention Plan—
  - (a) to be published in the Gazette; and
  - (b) to be published on a website determined by the Suicide Prevention Council.
- (7) The State Suicide Prevention Plan, and any variation or substitution of the State Suicide Prevention Plan, has effect from the day on which it is published in the Gazette.
- (8) A failure to comply with a provision of this section does not affect the validity of the State Suicide Prevention Plan.

## **21—State Suicide Prevention Plan to contain part relating to suicide prevention for Aboriginal and Torres Strait Islander people**

- (1) Without limiting any other matters that the State Suicide Prevention Plan may provide for in respect of Aboriginal and Torres Strait Islander people, the State Suicide Prevention Plan must include a separate part that makes specific provision in relation to suicide prevention as it affects Aboriginal and Torres Strait Islander people.
- (2) The part required under this section must include—
  - (a) policies and measures that are to be implemented across the State in order to further the objects of the Act as they relate to Aboriginal and Torres Strait Islander people; and
  - (b) performance indicators against which progress in relation to the prevention of deaths of Aboriginal and Torres Strait Islander people by suicide in the State can be tracked over time; and
  - (c) provisions relating to the education and training of people in relation to suicide prevention in relation to Aboriginal and Torres Strait Islander people; and
  - (d) any other matter prescribed by the regulations.

- (3) In preparing the part required under this section, the Suicide Prevention Council—
  - (a) must consult with such Aboriginal and Torres Strait Islander persons and bodies as may prescribed by the regulations (and may consult with any other person or body as the Suicide Prevention Council thinks appropriate); and
  - (b) comply with any other requirements set out by the regulations.

## **22—Duty of State authorities in respect of State Suicide Prevention Plan**

- (1) Every State authority must, in carrying out its functions or exercising its powers, have regard to, and seek to give effect to, the State Suicide Prevention Plan.
- (2) A State authority will be taken not to be in breach of subsection (1) if the State authority is acting—
  - (a) in accordance with a requirement under this or any other Act or law; or
  - (b) in any other circumstances prescribed by the regulations.
- (3) A failure by a State authority to comply with this section does not, of itself, give rise to any civil liability against the Crown, the State authority or any other person.

## **23—Annual report on operation of State Suicide Prevention Plan**

- (1) The Suicide Prevention Council must, on or before 31 December in each year, report to the Minister on the operation of the State Suicide Prevention Plan during the preceding financial year.
- (2) The Minister must, within 6 sitting days after receiving a report from the Suicide Prevention Council, have copies of the report laid before both Houses of Parliament.

## **24—Review of State Suicide Prevention Plan**

- (1) The Suicide Prevention Council must cause a review of the State Suicide Prevention Plan to be undertaken at least once in each 4 year period, and a report on the review to be prepared and submitted to the Minister.
- (2) The Minister must, within 6 sitting days after receiving a report submitted under this section, have copies of the report to be laid before both Houses of Parliament.

## **Division 2—Certain State authorities to have suicide prevention action plan**

### **25—Certain State authorities to have suicide prevention action plan**

- (1) There is to be a plan (a *suicide prevention action plan*) for each prescribed State authority.
- (2) A suicide prevention action plan is to be prepared by a prescribed State authority in accordance with this section.
- (3) A suicide prevention action plan must—
  - (a) set out the strategies and measures that the prescribed State authority intends to put in place to prevent suicide by—
    - (i) officers or employees of the prescribed State authority; and

- (ii) members of the community that engage with the prescribed State authority; and
  - (b) explain how the prescribed State authority proposes to further the objects of this Act; and
  - (c) explain how the prescribed State authority proposes to give effect to the State Suicide Prevention Plan; and
  - (d) explain how the prescribed State authority proposes to give effect to the part of the State Suicide Prevention Plan required under section 21; and
  - (e) set out the prescribed State authority's policies in relation to supporting officers and employees of the prescribed State authority, or members of the community that engage with the prescribed State authority, following the death by suicide of a person; and
  - (f) explain how suicide prevention strategies will be incorporated into the primary functions and programs of the prescribed State authority and how they will be adapted to suit service level delivery; and
  - (g) contain such other provisions as may be required by the guidelines or the regulations.
- (4) In preparing a suicide prevention action plan, a prescribed State authority—
  - (a) must comply with the guidelines; and
  - (b) must, in accordance with any requirements set out in the regulations, consult with—
    - (i) persons who identify as being within a priority population group; and
    - (ii) persons who have lived experience of suicide; and
    - (iii) persons who identify as Aboriginal or Torres Strait Islander; and
    - (iv) persons or bodies who represent persons or groups specified in a preceding subparagraph; and
    - (v) any person or body prescribed by the regulations,and may consult with any other person or body that the prescribed State authority thinks appropriate; and
  - (c) must call for submissions from members of the public in accordance with the scheme set out in the regulations (and must have regard to the submissions made in response to the call); and
  - (d) must comply with any other requirements prescribed by the regulations.
- (5) A prescribed State authority may vary or substitute its suicide prevention action plan at any time in accordance with any requirements prescribed by the regulations.
- (6) A prescribed State authority must, as soon as is practicable after preparing, varying or substituting a suicide prevention action plan, publish the suicide prevention action plan or the variation or substitution of the suicide prevention action plan (as the case may be) on a website determined by the prescribed State authority.

- (7) A prescribed State authority must cause a review of their suicide prevention action plan to be conducted on or before 31 October in every fourth year after the publication of the prescribed State authority's first prevention plan.
- (8) The regulations may make further provisions with regard to suicide prevention action plans (including, to avoid doubt, the suicide prevention action plan of a particular prescribed State authority) including, without limiting the generality of this subsection, provisions relating to—
- (a) how suicide prevention action plans are to be prepared and reviewed; and
  - (b) the form of suicide prevention action plans and any variation or substitutions of suicide prevention action plans; and
  - (c) the kinds of information to be included in suicide prevention action plans; and
  - (d) consultation requirements relating to suicide prevention action plans; and
  - (e) requirements as to the ongoing review of suicide prevention action plans; and
  - (f) variation or substitution of suicide prevention action plans,
- including provisions limiting a matter referred to in a preceding paragraph.
- (9) In this section—
- prescribed State authority* means a State authority prescribed by the regulations for the purposes of this section.

## **26—Annual report on operation of suicide prevention action plans**

- (1) Each prescribed State authority must, on or before 31 October in each year, report to the Suicide Prevention Council on the operation of its suicide prevention action plan during the preceding financial year (including a summary of the extent to which the suicide prevention action plan has been implemented by the prescribed State authority).
- (2) The Suicide Prevention Council must, on or before 31 December in each year, provide to the Minister a report summarising the reports received under subsection (1) in respect of the preceding financial year.
- (3) The Minister must, within 6 sitting days after receiving a report from the Suicide Prevention Council under subsection (2), have copies of the report laid before both Houses of Parliament.
- (4) A report under this section may be combined with a report under section 23(1).
- (5) In this section—
- prescribed State authority* has the same meaning as in section 25.

## **Part 5—Suicide prevention measures**

### **27—Minister may make recommendations relating to suicide prevention**

- (1) The Minister may, for the purpose of furthering the objects of this Act, make recommendations relating to suicide prevention on a website determined by the Minister (and in any other manner the Minister thinks fit).

- (2) Without limiting the recommendations that may be made under this section, recommendations may include the following:
  - (a) a recommendation that specified action, or action of a specified kind, be taken or stopped to reduce the risk of suicide occurring at a particular place, or places of a particular kind, or amongst particular groups of people;
  - (b) a recommendation that certain voluntary steps be taken in relation to the packaging, manufacture or sale of controlled lethal means of a particular kind in the State;
  - (c) a recommendation that specified persons or bodies limit or control access to controlled lethal means by particular groups of people.
- (3) Before making a recommendation under this section, the Minister must, in accordance with any requirements set out in the regulations, consult with—
  - (a) the Chief Public Health Officer; and
  - (b) the Chief Psychiatrist; and
  - (c) the Suicide Prevention Council.
- (4) In the case where the manufacture, sale, use or possession of a particular controlled lethal means is regulated under a law of the State, the Minister may only make a recommendation referred to in subsection (2)(b) or (c) with the approval of the relevant Minister in respect of the controlled lethal means.
- (5) Before granting approval under subsection (4), the relevant Minister must undertake such consultation as may be required by the regulations.
- (6) The Minister must cause any recommendations made under this section to be published on a website determined by the Minister.
- (7) The Minister may vary or revoke a recommendation under this section.
- (8) In this section—

*controlled lethal means* means a method or means by which people take their own life declared by the regulations to be a controlled lethal means (including, without limiting the methods and means that may be so declared, an object, substance or place);

*relevant Minister*, in respect of particular controlled lethal means, means—

- (a) if the administration of the Act that regulates the controlled lethal means is committed to a Minister—that Minister; or
- (b) in any other case—the Minister.

## **28—Minister may publish details of compliance with recommendations**

- (1) The Minister may, in accordance with any requirements set out in the regulations, publish, on a website determined by the Minister, details of—
  - (a) compliance by a specified person or body with a recommendation under section 27; or
  - (b) non-compliance by a specified person or body with a recommendation under section 27.



- (2) The Minister must, in publishing details of non-compliance with a recommendation that identifies a particular person or body (not being a State authority), afford procedural fairness to the person or body.

### **29—Chief Public Health Officer or Chief Psychiatrist may make recommendations relating to suicide prevention**

- (1) The Chief Public Health Officer or the Chief Psychiatrist may make recommendations relating to suicide prevention (including, to avoid doubt, that persons or bodies of a specified class implement a specified suicide prevention policy or undertake or provide training in relation to suicide prevention).
- (2) The Chief Public Health Officer or the Chief Psychiatrist (as the case requires) may vary, substitute or revoke a recommendation made under this section.
- (3) The Chief Public Health Officer or the Chief Psychiatrist (as the case requires) must cause any recommendations made under this section to be published on a website determined by the Chief Public Health Officer or the Chief Psychiatrist (as the case requires).
- (4) To avoid doubt, a recommendation published under this section—
  - (a) is not binding; and
  - (b) is an expression of policy only and does not create legally enforceable rights or obligations.

### **30—Review of decisions by Tribunal**

- (1) Subject to this section, the Tribunal is, by force of this section, conferred with jurisdiction to deal with matters consisting of the review of the following decisions (*reviewable decisions*):
  - (a) a decision of the Minister under section 27 or 28;
  - (b) any other decision under this Act declared by the regulations to be a reviewable decision.
- (2) An application for review of a reviewable decision may be made to the South Australian Civil and Administrative Tribunal by—
  - (a) a person or body aggrieved by the reviewable decision; or
  - (b) any other person or persons prescribed by the regulations for the purposes of this paragraph.
- (3) An application must be made within 28 days after the applicant receives notice of the reviewable decision (or such longer period as the Tribunal may allow).
- (4) However, the South Australian Civil and Administrative Tribunal may only allow an extension of time under subsection (3) if satisfied that—
  - (a) special circumstances exist; and
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing the proceedings.

## **Part 6—Information gathering and sharing**

### **31—Minister etc may require State authority to provide report**

- (1) The Minister, the Chief Public Health Officer or the Chief Psychiatrist may, if of the opinion that it may assist in the performance of functions under this Act, by notice in writing, require a State authority to prepare and provide a report to the Minister, the Chief Public Health Officer or the Chief Psychiatrist (as the case requires) in relation to the matters, and in accordance with any requirements, specified in the notice.
- (2) If a State authority refuses or fails to comply with a notice under subsection (1), the Chief Public Health Officer or the Chief Psychiatrist may, after consultation with the State authority—
  - (a) report the refusal or failure to the Minister and to the Minister responsible for the State authority (if any); and
  - (b) include details of the refusal or failure in the annual report of the Chief Public Health Officer or the Chief Psychiatrist.

### **32—Minister etc may require information**

- (1) The Minister, the Chief Public Health Officer or the Chief Psychiatrist may, by notice in writing, require a specified person or body (whether or not the person or body is a State authority, or an officer or employee of a State authority) to provide to the Minister, the Chief Public Health Officer or the Chief Psychiatrist (as the case requires) such information, or such documents, as may be specified in the notice (being information or documents in the possession of the person or body that the Minister, the Chief Public Health Officer or the Chief Psychiatrist (as the case requires) reasonably requires for the performance of functions under this Act).
- (2) A person of whom a requirement is made under subsection (1) must give the specified information or documents to the Minister, the Chief Public Health Officer or the Chief Psychiatrist (as the case requires) within the period specified in the notice.
- (3) A person who refuses or fails to comply with a notice under subsection (1) is guilty of an offence.  
Maximum penalty: \$5 000.
- (4) If a State authority refuses or fails to comply with a notice under subsection (1), the Chief Public Health Officer or the Chief Psychiatrist may, after consultation with the State authority—
  - (a) report the refusal or failure to the Minister and to the Minister responsible for the State authority (if any); and
  - (b) include details of the refusal or failure in the annual report of the Chief Public Health Officer or the Chief Psychiatrist.
- (5) However, this section does not apply to a person or body, or person or body of a class, prescribed by the regulations.

### 33—Sharing of information between certain persons and bodies

- (1) This section applies to the following persons and bodies:
  - (a) the Chief Public Health Officer;
  - (b) the Chief Psychiatrist;
  - (c) the Suicide Prevention Council;
  - (d) a State authority;
  - (e) the State Coroner;
  - (f) the Registrar of Births, Deaths and Marriages;
  - (g) any other person or body declared by the regulations to be included in the ambit of this subsection.
- (2) Despite any other Act or law, a person or body to whom this section applies (the *provider*) may, in accordance with any requirements set out in the regulations, provide prescribed information and documents to another person or body to whom this section applies (the *recipient*) if the provider reasonably believes that the provision of the information or documents would assist the recipient—
  - (a) to perform official functions relating to the health, safety, welfare and wellbeing of a particular person who may be at an increased risk of suicide or a class of persons who may be at an increased risk of suicide; or
  - (b) to manage any risk of suicide of persons who engage with or benefit from the services provided by a person or body to whom this section applies.
- (3) Despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.
- (4) Subsection (3) applies—
  - (a) whether or not the information or documents consist of or include prescribed information and documents; and
  - (b) whether the information or document ever disclosed the identity of a person, or has been redacted so as to de-identify it.
- (5) Information may be provided under this section regardless of whether the provider has been requested to provide the information.
- (6) In this section—

*prescribed information and documents* means—

  - (a) information relating to the health, safety, welfare and wellbeing of a particular person who may be at an increased risk of suicide, or a class of persons who may be at an increased risk of suicide;
  - (b) any other information or document of a kind prescribed by the regulations for the purposes of this definition.

### 34—Interaction with *Public Sector (Data Sharing) Act 2016*

Nothing in this Part affects the operation of the *Public Sector (Data Sharing) Act 2016*.

## Part 7—South Australian Suicide Register

### 35—South Australian Suicide Register

- (1) The Chief Executive must establish and maintain a register (the *South Australian Suicide Register*) containing information and statistics in relation to deaths by suicide occurring in the State.
- (2) The South Australian Suicide Register must contain any information required by the regulations, and may contain any other information the Chief Executive thinks appropriate.
- (3) The regulations may make further provision in relation to the South Australian Suicide Register (including, to avoid doubt, by limiting the purposes for which the South Australian Suicide Register can be accessed or used).

### 36—Chief Executive may require information for purposes of State Suicide Register

- (1) The Chief Executive may, by notice in writing, require a specified person or body (whether or not the person or body is a State authority, or an officer or employee of a State authority) to provide to the Chief Executive such information, or such documents, as may be specified in the notice (being information or documents in the possession of the person or body that the Chief Executive reasonably requires for the preparation or maintenance of the South Australian Suicide Register).
- (2) A person of whom a requirement is made under subsection (1) must give the specified information or documents to the Chief Executive within the period specified in the notice.
- (3) A person who refuses or fails to comply with a notice under subsection (1) is guilty of an offence.  
Maximum penalty: \$5 000.
- (4) If a State authority refuses or fails to comply with a notice under subsection (1), the Chief Executive may, after consultation with the State authority—
  - (a) report the refusal or failure to the Minister and to the Minister responsible for the State authority (if any); and
  - (b) include details of the refusal or failure in the annual report of the Department.

### 37—Access to South Australian Suicide Register

The South Australian Suicide Register may only be inspected in accordance with the regulations.

## Part 8—Miscellaneous

### 38—Exemptions

- (1) The Minister may, by notice in writing, exempt a specified person or body, or a specified class of persons or bodies, from the operation of a specified provision or provisions of this Act.

- (2) An exemption—
  - (a) may be conditional or unconditional; and
  - (b) may be varied or revoked by the Minister by further notice in writing.

### **39—False and misleading statements**

A person must not make a statement knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided under this Act.

Maximum penalty: \$10 000.

### **40—Confidentiality**

- (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—
  - (a) as required or authorised by or under this Act or any other Act or law; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in connection with the administration or enforcement of this or any other Act; or
  - (d) for the purposes of referring the matter to a law enforcement agency, or a person or agency exercising official duties under an Act relating to the prevention of suicide; or
  - (e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions; or
  - (f) if the disclosure is reasonably necessary for the protection of the lawful interests of that person.

Maximum penalty: \$10 000.

- (2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.
- (3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
  - (a) the person to whom the information was disclosed; or
  - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$10 000.

- (4) The regulations may make further provision in respect of the disclosure of information obtained in the course of the administration of this Act.

### **41—Limitation of liability**

- (1) No liability attaches to the Minister, a member of the Suicide Prevention Council or any other person for any act or omission in good faith and without negligence in the exercise or purported exercise of powers or functions under this Act.

- (2) A person who does anything in accordance with this Act, or as required or authorised by or under this Act, cannot by so doing be held to have breached any code of professional etiquette or ethics, or to have departed from any acceptable form of professional conduct.

#### **42—Service**

- (1) Subject to this Act, a notice or document required or authorised to be given to a person for the purposes of this Act may—
- (a) be given to the person personally; or
  - (b) be posted in an envelope addressed to the person at the person's last known residential, business or (in the case of a corporation) registered address; or
  - (c) be left for the person at the person's last known residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or
  - (d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may, if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served on the person in accordance with that Act.

#### **43—Review of Act**

- (1) The Minister must cause a review of the operation of this Act to be conducted and a report on the review to be prepared and submitted to the Minister.
- (2) The review and the report must be completed before the third anniversary of the commencement of this Act.
- (3) The Minister must, within 6 sitting days after receiving a report submitted under subsection (1), have copies of the report laid before both Houses of Parliament.

#### **44—Regulations**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Without limiting the generality of subsection (1), the regulations may—
- (a) provide for the registration, accreditation or other recognition of suicide prevention networks; and
  - (b) provide for the exemption of a person or body, or a class of persons or bodies, from the operation of a specified provision or provisions of this Act; and
  - (c) prescribe fees in respect of any matter under this Act and their payment, recovery or waiver; and
  - (d) provide for the keeping of registers and access to registers; and
  - (e) prescribe penalties, not exceeding \$5 000, for offences against the regulations; and

- (f) fix expiation fees for alleged offences against the regulations; and
  - (g) provide for the facilitation of proof of the commission of offences against the regulations.
- (3) The regulations may—
- (a) be of general or limited application; and
  - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
  - (c) make provisions of a saving or transitional nature; and
  - (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of a specified person or body; and
  - (e) apply or incorporate, wholly or partially and with or without modification, a code, standard, policy or other document prepared or published by the Minister or another specified person or body.
- (4) If a code, standard or other document is referred to or incorporated in the regulations—
- (a) a copy of the code, standard or other document must be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified in the regulations; and
  - (b) evidence of the contents of the code, standard or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act

Year	No	Title	Assent	Commencement
2021	51	<i>Suicide Prevention Act 2021</i>	9.12.2021	5.9.2022 except ss 19, 23 & 26—1.2.2023 ( <i>Gazette 1.9.2022 p5811</i> )