

**Correspondence to:**

Philip Reed  
Head of Government and Stakeholder Relations

Professor Stephen King  
Presiding Commissioner  
Productivity Commission (Mental Health Draft Report)  
GPO Box 1428  
Canberra City ACT 2601, Australia

Dear Professor King,

**RE: Productivity Commission Mental Health Draft Report**

Slater and Gordon Lawyers appreciates the opportunity to make a comment on the Productivity Commission's Draft Report into Mental Health.

Slater and Gordon Limited is a publicly listed company employing 800 people in 40 locations across the country. We provide specialist legal and complementary services in a broad range of areas including: personal injury, superannuation and insurance, class actions, commercial litigation and employment law.

As one of Australia's leading personal injury law firms, Slater and Gordon assists many Australians to exercise their rights and obtain their correct legal entitlements following a life-changing event such as sustaining a workplace injury or transport accident.

Consistent with our deep commitment to social justice principles Slater and Gordon have long recognised the significant psycho-social difficulties our clients face within the legal context. Over ten years ago our firm identified a service gap and made the decision to employ a social work team to provide free social work services to our clients. In fact, we were the first - and are still the only - law firm in Australia to do so.

The work of both our legal practice and our social work teams has given us unique insights into both the causes and effects of mental health injuries particularly in the areas of compensable injuries. The opportunity to pursue legal rights and entitlements for those who sustain injuries to their mental health, compared to physical injuries, is - in our opinion - unjustly challenging and inefficient (in terms of the broader cost to the community).

In our experience, the prospect of enduring the established legal and insurance processes places unnecessary barriers on claimants who can ultimately be denied compensation despite the legitimacy of their claim and subsequent suffering. It is highly likely these claimants subsequently create cost pressures in other areas of the economy through either the loss of their economic and social potential or subsequent cost pressures on other areas of public administration.

Given the observations of the Productivity Commission's draft report - which also noted the high cost to the Australian economy of mental ill-health generally, and the disproportionate cost and impact of mental health injury workers compensation claims - Slater and Gordon would be happy to work with the

Productivity Commission to explore these issues in more detail, including by providing case studies etc across the various Australian jurisdictions in which we operate.

By way of example, in 2019 Slater and Gordon made a detailed submission to the Victorian Royal Commission into Mental Health (**attached**) which specifically examined the impact of mental health within the context of the Victorian workplace safety and compensation, transport accident, and public liability schemes. Specifically, the Slater and Gordon submission noted that the terms of reference for the Victorian Royal Commission were not broad enough to adequately examine the systemic inequalities that arise when psychiatric injury claims are assessed and litigated within an insurance and compensation framework.

Consistent with the view of the Commission that a generational shift is needed in Australia's public policy approach to mental health, together with Slater and Gordon's appreciation of the various State and Federal legal and legislative environments, we believe there is a considerable opportunity for the Commission to continue its work in this area to ensure the very best outcomes for Australia in terms of economic performance and community wellbeing.

We would welcome the opportunity to contribute to the Commission's work on this, or any associated matters of mutual interest, in the future.

Yours sincerely,

Phil Reed  
Head of Government and Stakeholder Relations  
**SLATER & GORDON LIMITED**

January 23, 2020.