

Jurisdictional arrangements for providing support to families affected by an industrial death – Comparative analysis report

Safe Work Australia

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Executive summary

Nous Group (Nous) was engaged by Safe Work Australia (SWA) to undertake a scoping study and comparative analysis of jurisdictional arrangements for providing support to families affected by an industrial death.

Nous previously provided a scoping study outcomes report. The focus of the scoping study was to determine what mechanisms and initiatives exist in Australian jurisdictions for providing support to families in the event of an industrial death, and to obtain a clear understanding of how these operate in practice. The scoping study outcomes report also explored supports provided in international and other Australian models of family supports and identifies features of best practice supports for families.

This report outlines the needs and preferences of families affected by an industrial death gleaned from stakeholder consultation and desktop research (outlined in the scoping study outcomes report). It explores the features of best practice supports for families affected by an industrial death. The report provides insight into how these features were identified, drawing on what families reported they need and want in terms of supports, and discussing specific examples from Australian and international jurisdictions that represent these features. It examines the differences and similarities between these mechanisms and initiatives, as between different Australian jurisdictions and the identified international jurisdictions.

The report articulates implementation considerations and potential modifications to best practice features that might be appropriate where there are barriers, such as resource constraints, geographic issues or limited available services.

The purpose of this comparative analysis report is to provide Safe Work Australia with:

- A clear picture of family needs and preferences (in terms of support) and specific examples of how Australian jurisdictions, and other international and Australian models, currently address each of the identified features of best practice (outlined in section 2)
- Potential risks and implementation considerations in relation to best practice features (outlined in section 3).

Each is discussed in line with each of the features provided in Table 1.

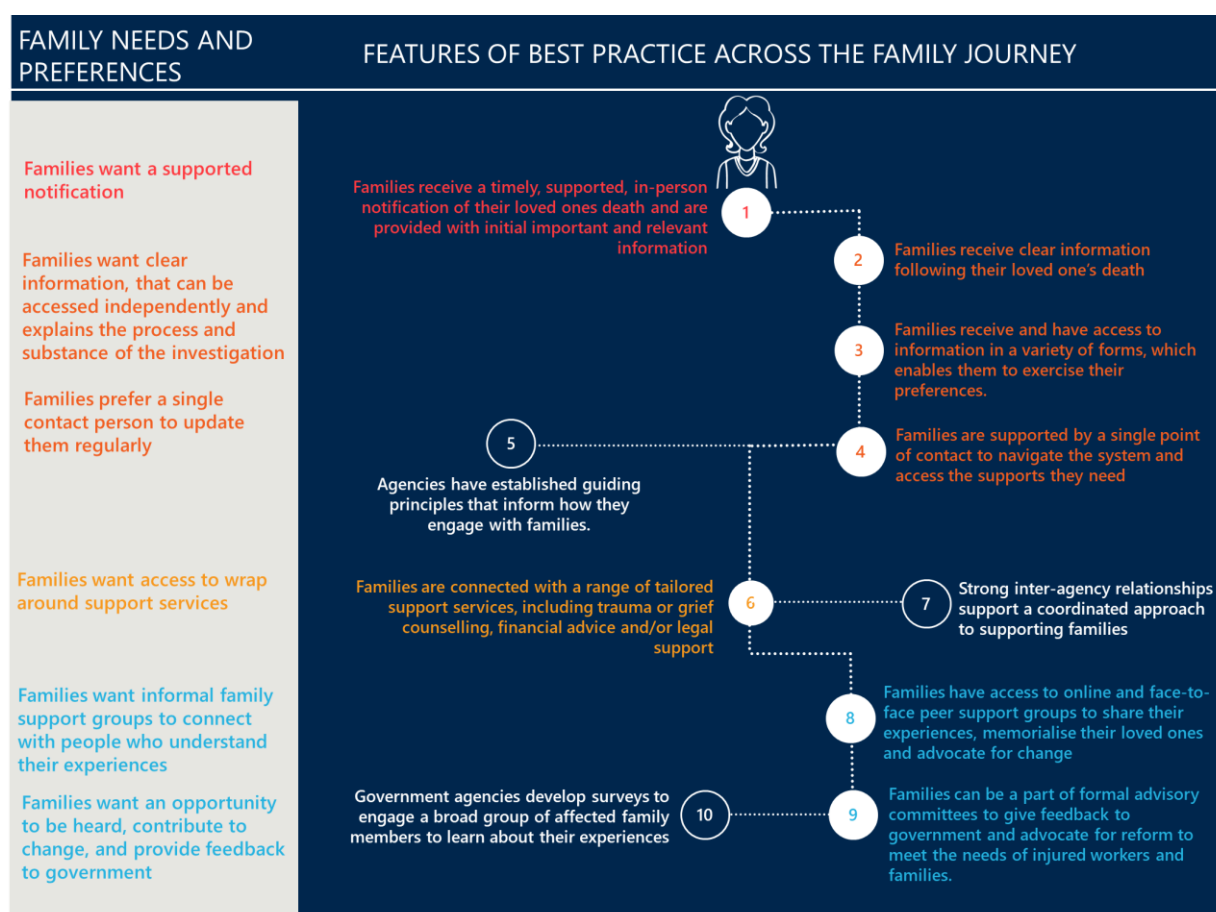
Table 1 | Features of best practice aligned with family needs and preferences

Family needs and preferences	Features of a best practice service system response
<ul style="list-style-type: none">• Families want a supported notification	<ol style="list-style-type: none">1. Families receive a timely, supported, in-person notification of their loved one's death and are provided with initial important and relevant information.<ol style="list-style-type: none">a. Police officers are trained and experienced at delivering news of a death.b. The police provide information about the process that will follow, including the treatment of their loved one's body and the investigation into the death. They provide a written list of people and organisations that families may need to contact.c. Police contact a support person and wait for that person to arrive before they leave.
<ul style="list-style-type: none">• Families want information that explains the process	<ol style="list-style-type: none">2. Families receive clear information following their loved one's death.

<p>and what experiences they might encounter along the way</p> <ul style="list-style-type: none"> Families want to know information about the substance and findings of the investigation 	<ul style="list-style-type: none"> a. Families receive details about the process that will follow, including roles of different government entities and organisations they may interact with. b. Families receive information about the substance of the investigation, to the extent possible and appropriate in the circumstances (given legislative requirements and the need to preserve the integrity of the investigation). At the outset, liaison officers clearly explain what information they will not be able to share and why.
<ul style="list-style-type: none"> Families prefer a single contact person who updates them regularly, in accordance with their preferences Families want to be able to access information independently 	<ul style="list-style-type: none"> 3. Families receive and have access to information in a variety of forms, which enables them to exercise their preferences. For example: <ul style="list-style-type: none"> a. Written information provided to families is comprehensive and user-friendly. It outlines the process and supports available to families. b. Centralised web portals collate relevant resources and present information according to each stage of the family's journey. 4. A single point of contact supports families to navigate the system and access the supports they need. This point of contact would: <ul style="list-style-type: none"> a. be appropriately skilled (e.g. trained to sensitively liaise with families and with a deep understanding of the system and available supports) and have sufficient time to support families (e.g. has capacity to update families approximately once a month and return phone calls and emails within a few days until the matter is finalised by the WHS regulator or the courts) b. host an initial meeting with the family held in person c. adapt their communication style to the family (taking into account considerations such as trauma they may be experiencing, English as a second language or cultural differences) d. proactively check in with families on a regular basis and at key milestones of the investigation, prosecution or coronial processes. 5. Agencies have established guiding principles that inform how they engage with families. These principles can be co-designed with affected families.
<ul style="list-style-type: none"> Some families expect government to provide immediate, wrap-around support Families want access to support services including counsellors with trauma expertise, financial advice and legal advice 	<ul style="list-style-type: none"> 6. Families are connected with a range of tailored support services, including trauma or grief counselling, financial advice and/or legal support. <ul style="list-style-type: none"> a. Families are offered referrals more than once. This recognises that for some families they initially might not process the information or may not think that they need these supports until later. 7. Strong inter-agency relationships support a coordinated approach to supporting families.
<ul style="list-style-type: none"> Informal family support groups and other forums help families connect with people who understand 	<ul style="list-style-type: none"> 8. Online peer-support forums and face-to-face memorials and support group meetings provide opportunities for families to share their experiences, memorialise their loved one and advocate for any change they consider needed.
<ul style="list-style-type: none"> Families want to be heard and contribute to change Families want an opportunity to advise and provide feedback to government 	<ul style="list-style-type: none"> 9. Advisory committees of affected families have a clear role in providing advice to government and advocating for reform to meet the needs of injured workers and families. Effective committee models would involve the group providing advice on policy and practice and advocating for reform. 10. Surveys can provide a way to engage a broad group of affected family members to learn about their experience engaging with government agencies to inform policy and practice.

Figure 1 depicts the features of best practice across the family journey following the industrial death of their loved one.

Figure 1 | Features of best practice across the family journey



1 Introduction

Nous Group (Nous) was engaged by Safe Work Australia (SWA) to undertake a scoping study and comparative analysis of jurisdictional arrangements for providing support to families affected by an industrial death. This section outlines the context of this report.

1.1 This report follows the scoping study outcomes report

Nous previously provided a scoping study outcomes report. The focus of the scoping study was to determine what mechanisms and initiatives exist in Australian jurisdictions for providing support to families in the event of an industrial death, and to obtain a clear understanding of how these operate in practice. The report outlined the institutional structures, the roles and responsibilities of the parties involved and across a range of systems for each Australian jurisdiction. It also articulated findings from research on international models of support for families and supports provided by other Australian agencies to families affected by the traumatic death of a loved one. This report articulates features of best practice support to families, drawing on the research and findings outlined in the scoping study.

1.2 The aim of this report is to provide an overview of current support and best practice

This report outlines the needs and preferences of families affected by an industrial death gleaned from stakeholder consultation and desktop research. The report:

- explores the features of best practice supports for families affected by an industrial death.
- provides insight into how these features were identified, drawing on what families reported they need and want in terms of supports, and discussing specific examples from Australian and international jurisdictions that represent these features.
- examines the differences and similarities between these mechanisms and initiatives, as between different Australian jurisdictions and the identified international jurisdictions.

1.3 Clear parameters of analysis guided our approach

Clear parameters of analysis guided the comparative analysis, to provide Safe Work Australia with:

- A clear picture of family needs and preferences (in terms of support) and specific examples of how Australian jurisdictions, and other international and Australian models, currently address each of the identified features of best practice.
- Examples of how each of the features of best practice could be achieved as well as potential risks and implementation considerations.

These parameters are discussed in line with each of the features provided in Table 1.

The desktop research is limited to publicly available documents – both in relation to existing supports provided to families affected by industrial death in Australian jurisdictions and identified examples of best practice – and documents which were provided to Nous by jurisdictions (see Appendix B). The stakeholder consultation included engagement with government regulators, workers' compensation authorities,

emergency services, coroners' courts and 47 families affected by workplace death from all Australian jurisdictions (see Appendix A).

Nous spoke with a range of families from across Australia to gain insight into the supports that families receive in practice. Families were able to give insight from a variety of perspectives that affect individual needs after an industrial death, including; geographically dispersed families; men and women of varying ages; families that identify as Aboriginal or Torres Strait Islander; families that are culturally or linguistically diverse; individuals with different relationships to the deceased such as a parent, spouse or child.

Some families had recently experienced the death of their loved one whereas for other consulted families, several or many years had passed. Nous notes that the families provided perspectives on the supports available to them *at the time of their loved one's death and the subsequent period* when they were engaging with government agencies during the investigation, prosecution and beyond. In some cases, the available supports have now changed. We have highlighted where this is the case in the body of this report.

Both this report and the scoping study outcomes report outline and acknowledge the variations between jurisdictions that include geography, workforce resources, division of responsibilities between government agencies, and legislation.

2 Best practice features are derived from family needs and existing good practice

This section outlines family needs and preferences, and good practice examples from Australia and overseas that address them. This discussion demonstrates how we identified the features of best practice, namely through family preferences and alignment with previous research about effective supports for families affected by industrial death or other traumatic events. Appendix B outlines a list of sources that inform this report.

We have grouped the features according to six themes, detailed in Figure 2. These themes reflect the structure of this section and relate to family needs and preferences. Each theme is discussed in turn.

Figure 2 | Six themes that relate to family needs and preferences



2.1 Families want to be notified in a supported way

Feature 1: Families receive a timely, supported, in-person notification of their loved one's death and are provided with initial important and relevant information.

- a. Police officers are trained and experienced at delivering news of a death.
- b. The police provide information about the process that will follow, including the treatment of their loved one's body and the investigation into the death. They provide a written list of people and organisations that families may need to contact.
- c. Police contact a support person and wait for that person to arrive before they leave.

Families consistently described the day that they were notified of their loved one's death as highly traumatic. Families acknowledged that there may be no 'good' way to be informed your loved one has died at work. This section outlines family needs and preferences about notification and compares good practice examples.

In particular, families want:

- to be notified as soon as possible in a professional manner
- to be notified in a sensitive and appropriate way

- access to initial information and support.

Each is discussed in turn along with related examples.

2.1.1 Families want to be notified as soon as possible in a professional manner

Families expect to be notified as soon as possible following an industrial death or following an incident that severely injures their loved one and requires hospitalisation. The notification should be delivered in a respectful manner by someone experienced at notifying families of reportable deaths. In all Australian jurisdictions, police are responsible for notifying families of an industrial death and are trained and well-equipped to do so.

Families want to be notified as soon as possible

All families wanted notification to occur as soon as possible following a death. This is particularly important for families whose loved ones were injured at their workplace and later died in hospital, as they want a chance to be with their loved one before they die.

Even when a person dies quickly or immediately, families were insistent on the importance of swift notification. Delays can result in families finding out from other sources such as employers, friends or via social or traditional media.

One example of good practice across jurisdictions occurs when the family of the deceased lives outside of the jurisdiction. In these circumstances, the police officer who attended the scene of the incident will speak to a counterpart who works at the local police department where the family resides. The attending police officer will pass on contact details for the next of kin and explain the known facts of the incident. This approach is taken so that the notifying officer will be equipped to answer basic questions about the incident that might be asked by the family.

Another good practice example is in the ACT, where clear protocols between police and the Coroners Court enables a consistent and supported notification for family members when their loved on has died in a road accident. This example is detailed further at Figure 3.

Figure 3 | Good practice example from the ACT¹

The ACT police have clear protocols for notifying a loved one

Immediately after the death: Police and coronial procedures provides procedural information regarding the ACT Policing approach to notifying the family when someone dies in a road accident. The document makes roles and responsibilities clearer and can provide clarity to families about what to expect from the process, it includes:

- If the family is not already made aware of the death from the employer, hospital staff or other parties, it is the police's responsibility to notify the next of kin of the death as soon as practicable.
- The notification will be delivered in person by a police officer. The notifying police officer may not be the investigating police officer, who will separately contact the family about the identification of the deceased and circumstances of the death. If the families live in another jurisdiction the local police station is to deliver the notification.
- The police officer who contacts the family should give the family a card with their name and contact information.
- The family can also contact the Coroner's Officer with questions. Jurisdictions would benefit from taking a similar approach to addressing family concerns in the industrial death.

¹ *Immediately after the death: police & coronial procedures*, Kristine Alilunas Rodgers from the ACT Magistrates Court with the contributions of individuals from the AFP, Coroner's Court https://www.courts.act.gov.au/_data/assets/pdf_file/0007/955303/bk1.pdf

2.1.2 Families want to be notified in a sensitive and appropriate way

All families had the expectation that the notification of death should be delivered in a sensitive way that is respectful of the inherent distress that it causes to families. Families reflected positively on the practice of the jurisdiction when the manner and approach of the individual delivering the notification was trauma-informed (i.e. demonstrated an understanding of, and was responsiveness to, the impact of the trauma they were experiencing and recognised their need for physical, psychological, and emotional safety) and empathetic.

Families want notifications to occur in a trauma-informed way

Given the extreme distress involved in receiving news that a loved one has died at work, families want notification to be timely, sensitive and sometimes accompanied by immediate support. Many families felt strongly that the notifier should be properly trained and experienced in delivering the notification in a respectful and empathetic way.

There were several examples across jurisdictions of sensitive and appropriate notifications. Individual accounts of well-delivered notifications were attributed to the manner and approach of the individual notifier. These police officers sat with the next of kin until a support person could come to the house. During this time the police explained that the body would be taken to the Coroner's to be examined, and that they could be called to discuss releasing the body. We spoke with a police officer from Tasmania who reported that the procedure requires two police officers to go to the family home to notify the family. While they are there, the police offer to contact other family or friends and wait with the family member until support can arrive.

2.1.3 Families want access to initial information and support

Families want information and advice that is easy to understand and pertinent following the death. Some jurisdictions have resources available through the police and the regulator website that provides this information.

Families want the police to offer basic information at the notification stage

Early in the process, families want basic information, so they know what to expect, as a large volume of information can be overwhelming. For example:

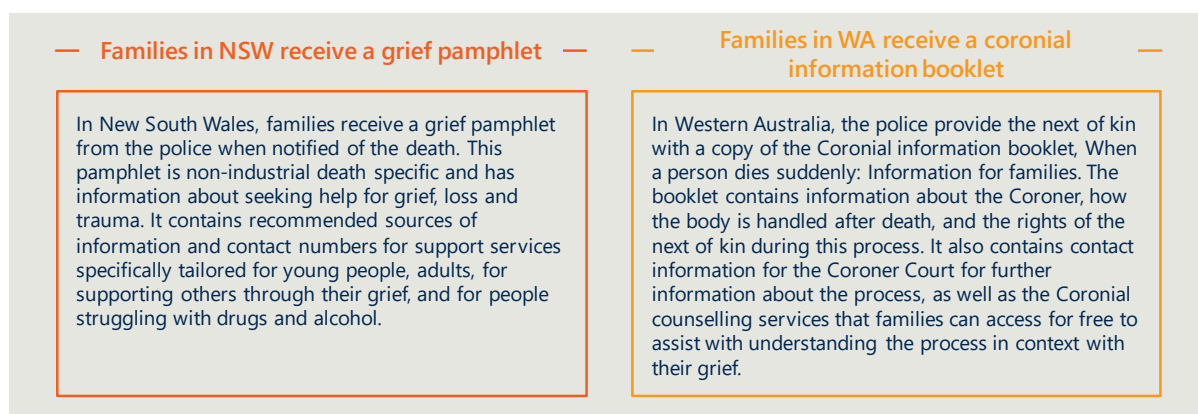
- Families want to know who they should be in contact with following the death. This includes the employer, the Coroner, the funeral home, the regulator, and the insurer.
- Families want general advice about dealing with the practical issues following a death, such as eligibility for reimbursement of funeral expenses.

Families in a few jurisdictions said that the police officers who delivered the death notification did a good job of taking the time to discuss the upcoming process with them.

The police officers who notify families generally do not have substantial information to share with the family at that time. The notifying police may not be the same officers as those who attend the scene of the incident, and therefore will not usually have much information for the family regarding 'what happened'.

Despite this, police officers can provide basic information about the process that follows when someone's loved one dies at work. Some jurisdictions provide guides to families with information about the coronial process. These guides provide information about the coronial process and how to access immediate clinical supports. This is good practice because it provides families with information about how they can interact with services that they may be unaware of. Examples from New South Wales and Western Australia are provided in Figure 4.

Figure 4 | Good practice examples for jurisdictions providing immediate information to families

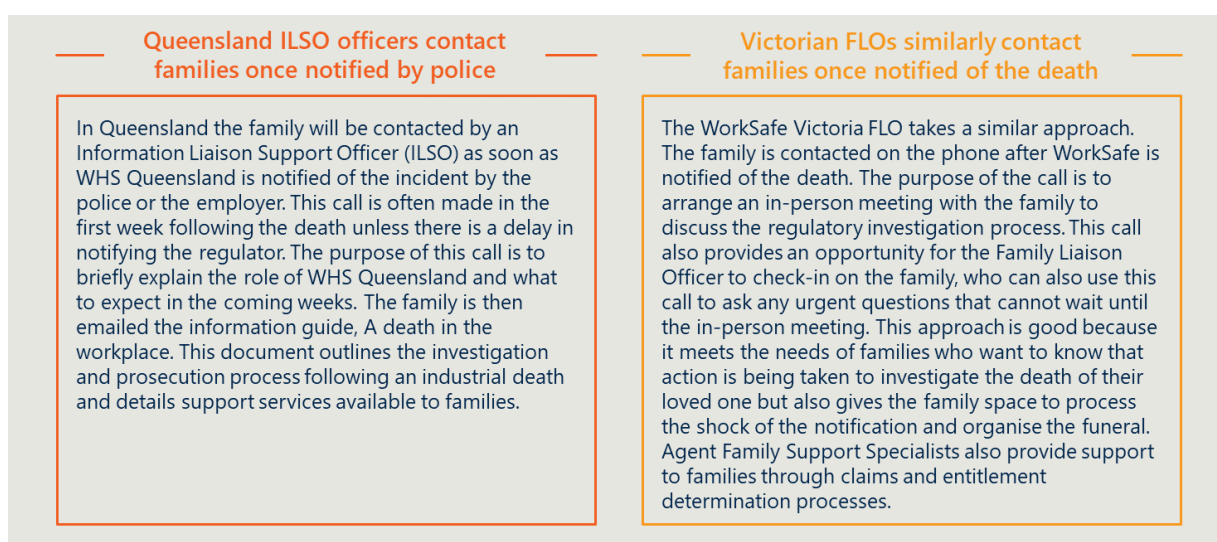


Families want the process explained to them by the regulator early on

Many families want to hear from the regulator early in the process so that they know that their loved one's death is being investigated. Families want clear and user-friendly information that explains the process and prepares them for experiences they might encounter along the way. Families preferred when someone provided an overview of the process, such as who would contact them, who they should contact, and other ways to access information about the process. In some jurisdictions, including Queensland and Victoria, the regulator liaison will also contact the family shortly after the death notice to provide some information about the process and access to information booklets.

Some jurisdictions have taken the approach of contacting families as soon as they are made aware of the death to introduce themselves and the process. Examples from Queensland and Victoria are provided at Figure 5.

Figure 5 | Good practice examples for jurisdictions contacting families early on



2.2 Families want information on the process and substance of the investigation, prosecution and inquest

Feature 2: Families receive clear information following their loved one's death.

- a. Families receive details about the process that will follow, including roles of different government entities and organisations they may interact with.
- b. Families receive information about the substance of the investigation, to the extent possible and appropriate in the circumstances (given legislative requirements and the need to preserve the integrity of the investigation). At the outset, liaison officers clearly explain what information they will not be able to share and why.

After their loved one's death, most families have questions about the process that follows and the substance of findings or emerging findings. This section discusses families' need for these kinds of information and sets out good examples of when jurisdictions meet those needs. This is consistent with recommendation 28 of the Senate Inquiry report *'The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia'* ('the Senate Inquiry') which suggested identifying and formalising family outreach mechanisms to ensure that all impacted families receive information about the formal processes that follow an industrial death.² The information that families receive throughout the processes should be:

- Clear and comprehensive information about the process and the different steps.
- Information about the substance of the investigation as it progressed.

Each is discussed in turn.

2.2.1 Families want to receive information about the process

Families want clear and user-friendly information that explains the process and prepares them for experiences they might encounter along the way. They also want regular updates throughout the process. Some government agencies currently meet these needs in different ways.

Families want to understand the steps in the process and who is responsible for them

Many families need assistance navigating a complex and unfamiliar process, involving numerous actors, at a time when they are grieving. Families want to know what their own role is in the process, what they need to do and what choices are available to them. They also want to know what agencies are doing behind the scenes, including expected timeframes and next steps. Families want access to clearly articulated information that explains:

- the regulator's investigatory and prosecution processes
- the coronial process following the death, and
- how to access relevant resources and support services.

Consistent with the needs identified by families, the Senate Inquiry recommended that SWA work with the WHS regulator in each jurisdiction to identify and formalise family outreach mechanisms to ensure that all

² Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia* report, recommendation 28.

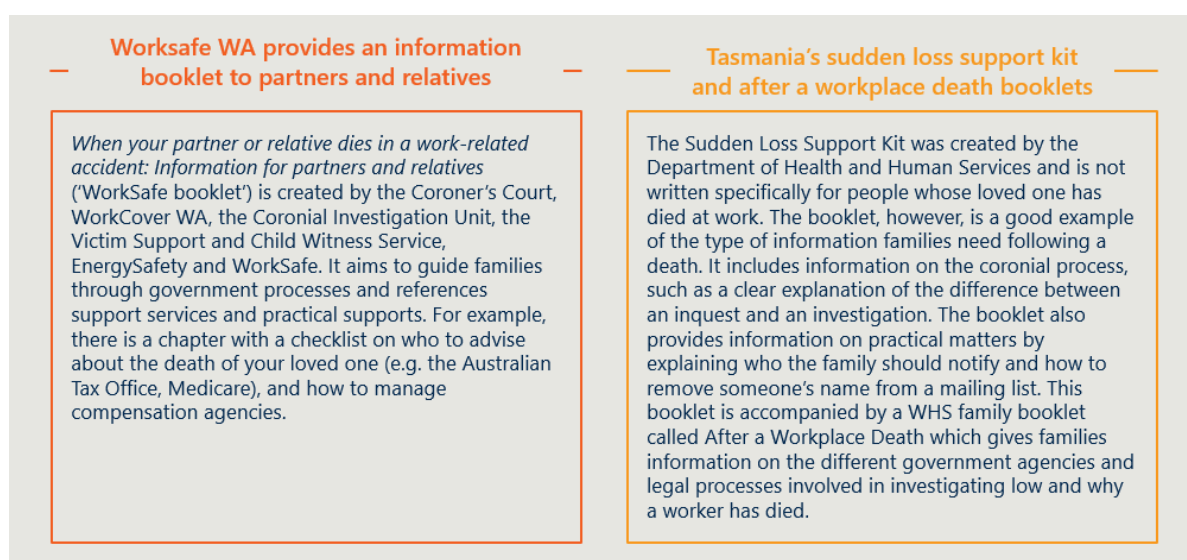
impacted families receive information about the formal processes that follow an industrial death and the associated support that is available to them.³

Some jurisdictions provide families with different types of information resources that give the family members information on the process that follows an industrial death. WHS Queensland⁴ and WA Police⁵ provide families with information guides immediately following the death of a loved one. These guides have information on the immediate coronial process. They include information about how to contact the Coroners Court, information about rights in relation to an autopsy, and where and when the family can see their loved one.

There are also information booklets that are provided to families by some WHS regulators in the following weeks that provide an overview of processes and the agencies that are involved following an industrial death. Some examples of good practice are provided at Figure 6.

Union representatives noted that families want tailored and comprehensive information about all the options available to them that takes into account the context of the industrial death.

Figure 6 | Good practice examples of information booklets



Families want progress updates throughout the process

A family's need for information about the process starts from the moment of the death and extends to the conclusion of government activity, whether that be at the end of the investigation, prosecution or inquest. A common grievance raised by families was in relation to the delays that occurred. Families want investigations and other government processes to be completed in a timely way. Where delays do occur, families are more understanding if they are:

- initially given a realistic estimate of the timeframes and what might affect that estimate
- are provided with regular progress updates, and

³ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia* report, recommendation 28.

⁴ *Coronial Assistance Legal Service: free legal help for bereaved families going through the coronial process*, Caxton Legal Centre inc. & Townsville Community Legal Centre inc. https://www.worksafe.qld.gov.au/_data/assets/pdf_file/0009/139932/Coronial-Assistance-brochure.pdf

⁵ *When a person dies suddenly: information for families*, Department of Justice Western Australia, https://www.coronerscourt.wa.gov.au/files/When_A_Person_Dies_Suddenly.pdf

- are given reasonable explanations when there are delays.

Most jurisdictions provide families with process-related updates (e.g. about delays or upcoming decisions) throughout the investigation, prosecution and inquest through dedicated liaison officers. Families want to be updated about which stage in the process agencies are up to, what has been done and what should be expected next. Union representatives noted that families should have a consistent and clear line of contact with a relevant person who can keep them informed of what is going on with their case throughout the process (rather than frequent turnover of staff in these liaison roles).

2.2.2 Families want information on the substance of the investigation and prosecution

The Work Health and Safety investigation into the cause of an industrial death can be a lengthy process that families find frustrating. Families who received updates about the progress of the investigation felt informed and were more inclined to trust the process. Union representatives reported that families want support to find out ‘what happened’ and for regulators to facilitate access to information. Some jurisdictions take a more collaborative approach to providing families with this information, such as in NSW where the Coordinator, Family Liaison (CFL) will invite the Director of the department to participate in family updates where they can share sensitive information on a case-by-case basis.

Families are confident in the investigation when they feel properly informed

Most families want information about the *substance* of the investigation and prosecution, i.e. what the evidence was showing, what expert reports were saying and the emerging hypotheses. They asserted that this information helps them to process the circumstances of a loved one’s death and ensure the regulator is doing its job properly.

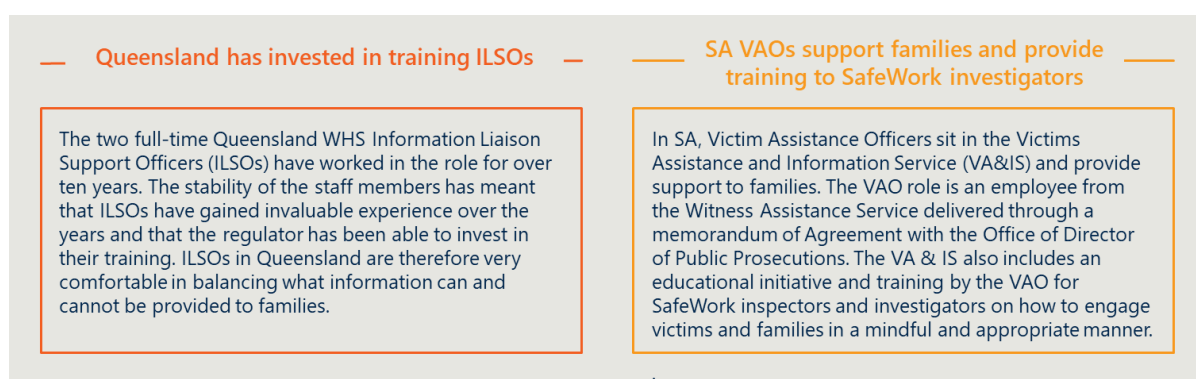
This is particularly important as families want to reassure themselves that their family member did not suffer. However, some investigators will not share the circumstances of the death until it is confirmed. The official cause of death is often not confirmed until much later in the investigation, and sometimes cannot be determined with certainty until the coronial investigation and/or inquest takes place.

Families have greater trust in the quality of the investigation when there is a degree of transparency, timeframes are understood, and they have continued contact with the same staff throughout the process. The Senate Inquiry noted that ‘bereaved families put their faith in the WHS regulators. This trust must be upheld... [and] a more open and transparent flow of communication should assist this.’⁶ WHS staff must balance families’ desire for more information and transparency with the need to preserve the integrity of the investigation.

Queensland and SA have developed two varying ways to support contact persons in knowing what information can be given to family members during a prosecution or investigation. These examples of good practice are detailed at Figure 7.

⁶ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, 6.29.

Figure 7 | Examples of good practice for keeping families informed



There are limitations on what agencies can share with families

Agencies must strike a balance between meeting families' need for information and managing any risks enlivened by sharing that information. Striking the right balance may be done at the agency level – as a matter of policy – or on a case-by-case basis. In either scenario, what is possible and appropriate in the circumstances would usually involve providing some substantive information during the investigation.

During consultation, government agencies cited many reasons for limiting the substantive information they share with families. Some of those included:

- Secrecy provisions in legislation prevent information sharing. This is discussed in more detail below.
- Some families are involved in the prosecution – they may be the employer subject of the investigation or a witness in the case.
- Hypotheses and findings are subject to change, particularly early in the investigation. It is viewed as disruptive to the family and contrary to good legal practice to share early findings that are subject to change.
- Sharing information with the family may otherwise risk compromising the integrity of a potential court process.

Section 271 of the model WHS Act may limit information sharing

Section 271 of the WHS model Act is considered by some jurisdictions to limit the disclosure of information to family members during an investigation. This section of the Act deals with the confidentiality of information and prohibits the disclosure of information which is obtained by the Regulator in exercising powers or functions under the WHS Act. Information can be shared with family members where consent is provided by an injured worker.⁷

SafeWork SA, in their submission to the 2018 National Review of the Model Work Health and Safety Laws indicated that section 271 *'provides no direct mechanism for a next of kin to obtain information gathered under the functions and powers of the Act about a deceased worker.'*⁸ According to SafeWork SA the provision hinders the regulator's ability to help next of kin *'better understand the circumstances of a workplace incident as such information could potentially help them with the grieving process.'*⁹ A similar view was taken by some of the jurisdictions.¹⁰

⁷ Section 271(3)(a) model *Work Health and Safety Act 2011*

⁸ 2018 Review of the model WHS laws, Safe Work Australia <https://engage.swa.gov.au/32134/documents/83584>

⁹ 2018 Review of the model WHS laws, Safe Work Australia <https://engage.swa.gov.au/32134/documents/83584>

¹⁰ DMIRS in Western Australia has received similar legal advice in relation to information sharing provisions.

2.3 Families want to be provided information in ways that consider their preferences

Feature 3: Families receive and have access to information in a variety of forms, which enables them to exercise their preferences. For example:

- a. Written information provided to families is comprehensive and user-friendly. It outlines the process and supports available to families.
- b. Centralised web portals collate relevant resources and present information according to each stage of the family's journey.

Feature 4: A single point of contact supports families to navigate the system and access the supports they need. This point of contact would:

- a. be appropriately skilled (e.g. trained to sensitively liaise with families and with a deep understanding of the system and available supports) and have sufficient time to support families (e.g. has capacity to update families approximately once a month and returns phone calls and emails within a few days)
- b. host an initial meeting with the family held in person
 - i. adapt their communication style to the family (taking into account considerations such as trauma they may be experiencing, English as a second language or cultural differences)
 - ii. proactively check in with families on a regular basis and at key milestones of the investigation, prosecution or coronial processes.

Feature 5: Agencies have established guiding principles that inform how they engage with families. These principles can be co-designed with affected families.

Families have different preferences about *how* they receive information (about the process and the substance of findings or emerging findings). Families appreciate different options for how information is communicated. Two approaches to accessible information are:

- Information is presented in a form that families can access, read and digest in their own time.
- A single point of contact, who is trained to communicate information sensitively, engages with families and is available to answer questions.

The range of information booklets that are provided to families in Queensland is an example of best practice. Other agencies such as Victims of Crime Victoria also present best practice approaches to online accessible information sources. A family liaison position, which currently exists in some jurisdictions, provides families with a single point of contact and is also an example of good practice.

Each is outlined in turn.

2.3.1 Families want to access information on their own terms

Families appreciate having accessible information from notification and throughout the entire process. Families want information that is available:

- In information booklets that are available in hard and soft copy
- Through an accessible web-browser

Western Australia and Queensland information booklets are examples of good practice for information provided to families. The Victorian Victims of Crime web portal is also a good practice example for online information. These are discussed below.

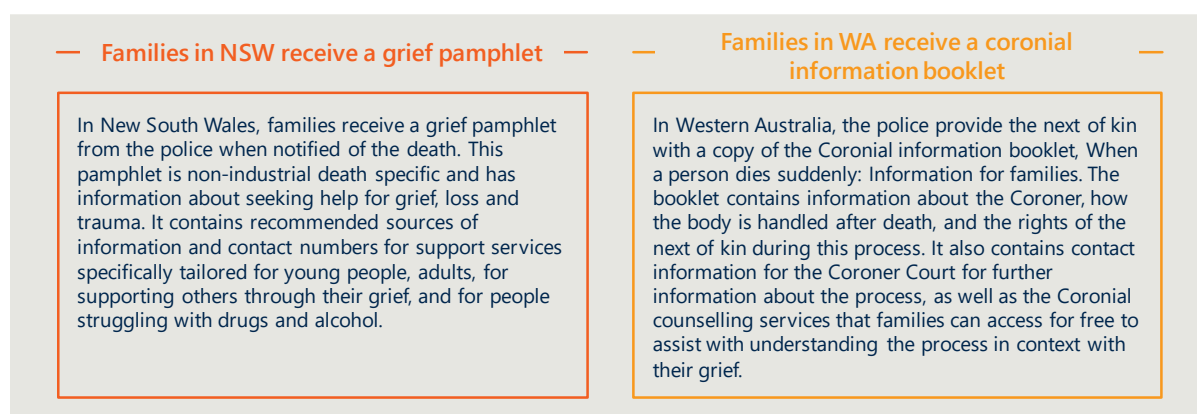
Information booklets help families understand the process

Families considered that written information was beneficial to helping them understand the process, as the information could be reviewed throughout the process. However, some families explained that where information was distressing, complicated or unfamiliar, they wanted to access it in their own time to mitigate its potential to re-traumatise. Families therefore wanted flexibility in how they can access information and for sources of information to be available in hard and soft copy to cater to personal preference.

Some jurisdictions such as Western Australia, Queensland and Tasmania currently provide families with information booklets during the investigation. Information booklets are given to families in hard copy or soft copy and are also available on the agencies' websites.

The booklets are designed to be concise and digestible so as not to overload families with information at a time of shock and grief. Jurisdictions also consider the booklets to be guides to how processes occur. Therefore, some of the language in the booklets is general so that the information does not set a family's expectation for how an investigation or prosecution should run. Examples of good practice in relation to information booklets are detailed at Figure 8.

Figure 8 | Examples of good practice information booklets



Webpages are useful for collating and presenting valuable information

When families need information about the process or contact details, sometimes the first place they go to is the website of the police, regulator or Coroners Court. Many families reported that they would like access to a publicly available centralised web portal that collated all the information they needed into one spot. The idea of a centralised web portal was also recommended by the Senate Inquiry.¹¹ Families also suggested that a personalised user portal would be useful to track the information families receive from different agencies through the investigation and/or prosecution.

Centralised web portals can present information in a clear and accessible way

Families considered they would benefit from an up to date centralised web portal where information about processes and resources can be stored. This is consistent with recommendation 29 of the Senate

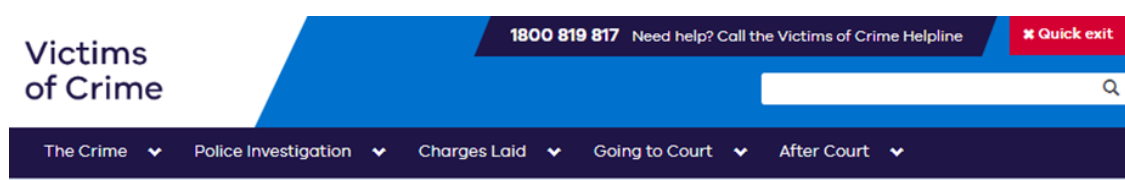
¹¹ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia* report.

Inquiry report which was about the need to create centralised web portals to link all resources relevant to families. The Committee considered that such a portal could help to alleviate the overwhelming experience of navigating ‘a myriad of formal processes’.¹² Web portals offer the opportunity for jurisdictions to present up to date information in an easy to understand and visually engaging way. They can also be formatted to present concise portions of information that links to related pages. This enables agency staff to refer families to specific pieces of information by emailing a link.

A good example of a web portal is the WorkSafe Victoria website, which has a specific page for families seeking information following an industrial death. The page titled ‘what to expect after a work-related death’ details the events that occur in the first week following a workplace incident, outlines the role of the Coroner, and provides information on the funeral process. Additionally, WorkSafe includes separate webpages for each relevant service at each stage of the investigation process, including Victims of Crime support services and non-WHS community support services.

The Victorian Victims of Crime website provides an example of a user-friendly web portal. The website is set out by the stages of a victim’s journey: the crime, police investigation, charges laid, going to court and after court, as depicted in Figure 9. It provides written information about how each stage will proceed, what the victim can expect, how they might be involved and what their rights are.

Figure 9 | Landing page for Victims of Crime website



Families would benefit from a personalised user portal that collates their case specific information

Some families proposed that a personalised user portal that stores information about the substance of their individual case would be valuable. This could be used as a communication tool between the FLO and the family to store updates and serve as a reference for families. It would be helpful for families to have this information documented in one place given the length of investigations and prosecutions.

While no WHS regulators in Australia host a user-portal of this nature, the court system provides an instructive example. The Commonwealth Courts Portal is a joint initiative of the Federal Court of Australia and Family Court of Australia. The Portal provides web-based access to information about cases before these courts. After registering, lawyers and parties can access real-time information about their cases, including documents filed and scheduled listing events, as well as details of any orders made. A screenshot from the Portal is provided in Figure 10.

¹² Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia* report, recommendation 29.

Figure 10 | Landing page for Commonwealth Courts Portal

Welcome to the Commonwealth Courts Portal

The Commonwealth Courts Portal is an initiative of the Family Court of Australia, Federal Court of Australia and Federal Circuit Court of Australia. It provides web-based services for clients to access information about cases before the courts.

If you have already registered, please enter your user name and password to login

If you have not registered, you will need to [Register now](#)

Federal Law Search is temporarily unavailable due to operational reasons

Family Law eService [Obtain Proof of Divorce](#) or [Pay Hearing Fees](#) without registering and logging on to the Commonwealth Courts Portal.

New users

New users can [Register now](#)

Registered users

User name:

Password:

2.3.2 A single contact person regularly updates families

Navigating the various government processes following their loved one's death can be overwhelming and daunting for families. During their engagement with police, the regulator and the Coroner's Court, families feel more supported and informed when they have a central point of contact.

Families want their contact person to provide them with necessary information to understand each step of the process and provide substantive updates. Families have preferences about how they receive information from government agencies, namely:

- The family engages with a single contact person who is appropriately skilled (e.g. trained to sensitively liaise with families and with a deep understanding of the system and available supports).
- The family is updated regularly (e.g. the contact person has time to update families approximately once a month and has capacity to return phone calls and emails within a few days).

For jurisdictions best practice to achieve these features includes a dedicated liaison officer who can interlink the family member with other services and agencies. Victoria, NSW, SA and Queensland currently have liaison type positions. Good practice communication is reflective of the family's preference and requires the contact person to determine a communication strategy with the family member.

Dedicated liaison officers who supply information to families about the process of investigations, prosecutions and other formal processes is consistent with recommendation 25 of the Senate Inquiry report.

Each is discussed in turn.

Primary contacts are qualified and available to offer support throughout the process

Families are required to place a lot of trust and confidence in their contact person as they are often the only source of information for the families throughout the process. Families we spoke with felt strongly that all the designated contact people should receive adequate training so that they are properly equipped to interact with families in an appropriate way. This is consistent with the Senate Inquiry's

recommendation that ‘all staff with access to impacted families have adequate training in working with grieving family members’.¹³

It was also important to families that contact people had experience in communicating in a respectful and compassionate manner with people who had experienced trauma. Some families noted that it would be beneficial if contact people received cultural awareness training so they understand how to communicate appropriately with Indigenous and Culturally and Linguistically Diverse (CALD) families.

Victoria, NSW, SA and Queensland all have dedicated Family Liaison Officer/Coordinators and resources to enable families to keep informed and supported through the investigation and/or prosecution. This approach provides stability to families who are clear on who they can contact for information. It also enables rapport to be established between the family and their liaison. Families reported that they valued how their liaison officer was available to be contacted for questions, and reliably returned calls and emails. Even when families cannot access specific information, they appreciated that their liaison took the time to respond to their request and explain why the information is unavailable.

In other agencies such as the Coroner’s Court, counsellor positions have specific expertise in case management and the coronial system so support families to engage with the Coroners Court. For example, Western Australia a coronial counsellor position requires knowledge and experience of working with people affected by traumatic loss, a degree from an approved school of social work or approved degree in psychology and understanding or coronial medico-legal language.

Frequency and mode of contact should be determined by family preferences

Families would like to be contacted with updates throughout the investigation at regular intervals, though the regularity and mode of updates should depend on family preference.

Families generally wanted a combination of updates on the substance of the investigation and informal check-ins on their wellbeing. Some families preferred a measured approach to communication with regular check-ins occurring in the first few months with a slow easing as the investigation continued. Other families, however, preferred that the communication with regulators was solely focused on updates on the investigation process. Some families considered that too frequent informal check-ins were disruptive to them to their grieving process. Therefore, the frequency and content of communication with families should be discussed with each family and tailored to their individual preferences.

Families have different preferences about how they should be contacted. For some families, an in-person meeting is very important, whereas other families prefer to be updated by phone or email. These preferences are influenced by personal circumstances such as comprehension levels, work schedules and geographical constraints. The mode of contact between the contact person and the family should be mutually agreed upon for these reasons. Some jurisdictions have developed communication plans with family members that enables regular updates that also consider the family members unique position. Some examples of good practice are provided at Figure 11.

¹³ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 33.

Figure 11 | Good practice examples for the frequency and mode of communication with family members

Family Liaison Officers (FLOs) in Victoria regularly by phone	WHS investigators in WA contact families monthly by phone and also in-person	Queensland ILSOs determine the frequency of communication with families
In Victoria, FLOs are the lead contact for families and continually liaise to coordinate support. They contact families on a regular basis to perform an informal welfare check irrespective of whether new information is available. Sometimes this contact is more or less frequent depending on families' needs. These check-ins allow the FLO to assess whether the family requires more frequent or in-depth contact. In particular, FLOs look out for: people feeling isolated; people unfamiliar with the justice system due to an education, cultural or language barrier; and older people that may not have engaged with technology or services prior to the death of a partner that now must manage themselves.	In Western Australia, the WHS investigator contacts family members following the death of a loved one to introduce themselves, and the process. The WHS investigator then asks the family member if they want to meet in person at their house or a coffee shop, or whether they prefer communication occurs over the phone or by email. From the first communication the WHS investigator then updates families on a monthly basis.	Queensland takes a different approach; the ILSO's previously worked on an assumption of calling families every 6 weeks regardless of whether there were updates of substance. Now, the ILSO contacts the family member after the funeral to discuss timeframe and negotiate how best the family member would like to be updated. Every few months, the ILSO asks the family member whether they wish to re-negotiate the frequency of contact.

Available information should not be limited by the role of the contact person

Throughout the investigation and/or prosecution, families want to understand the various agencies and processes involved. Families prefer it when they can direct all their questions through a single contact person.

A dedicated contact person can connect families to other sources of information so that the family is assisted to access information that is not directly available.

NSW and Victoria present good practice examples for how a dedicated liaison person can work with other government entities to provide coordinated information to families, detailed at Figure 12.

Figure 12 | Good examples of contact persons seeking information from other agencies

In NSW, the director of investigations can provide sensitive information	In Victoria, the FLO and DPP coordinate their support and information to families
The SafeWork NSW Coordinator, Family Liaison (CFL) contacts the Director of Investigations and Emergency Response (the Director) when a family has questions about the substance of the investigation that the CFL cannot answer. The Director has a greater understanding of what information can be shared with the family without compromising the investigation. The Director will meet the family (together with the CFL) to answer their questions or articulate reasons which prevent the sharing of certain information.	In Victoria when a case moves to prosecution following the investigation, the FLO may 'loop in' the DPP to some meetings with the family where the prosecution process is discussed. This provides an opportunity for the family to ask questions of the DPP, and become comfortable with the new contact before the case progresses to prosecution. This is also an opportunity for the DPP to become familiar with the family's 'story' in a safe environment for the family.

2.3.3 Communications with families would be ultimately underpinned by similar principles

The experience that families have with government agencies varies greatly depending on the jurisdiction, the agency, and the individual people that they interact with. Families would benefit from:

- Consistent, empathetic interactions with government agencies.
- Stronger inter-agency relationships support a coordinated approach.

In Victoria, TAC has developed guiding principles that inform all employees' communication with roadside victims. The TAC guiding principles provide a good framework for consistent and empathetic communication with their clients. The ACT coordinated approach to supports also illustrates a good example of inter-agency collaboration.

Families want consistent, empathetic interactions with government agencies

Families often felt that the level of empathy and professionalism of those they interacted with varied considerably. Many families wanted better consistency among the government agencies so that families received similar responses no matter who they spoke to. In consultations with key government stakeholders it was explained that some jurisdictions take a proactive and informal approach to ensure that staff who meet with families have the necessary knowledge and skills to interact with grieving people. It was reported from South Australia that the Victims Assistance and Information Service can provide a degree of informal training to the SafeWork FLO and investigators on the appropriate way to interact with families. Similarly, we heard from WorkSafe ACT who referenced their internal peer support teams preparing investigators for interacting with families in a respectful manner.

In Victoria, the Transport Accident Commission (TAC) has a Client Voice framework (depicted in Figure 13) that all TAC staff use when working with road accident victims. The framework was co-designed with TAC and is comprised of guiding principles and values that are available to all staff to enable better services. The purpose of the Client Voice framework is to make sure TAC *'work with clients in a consistent way that values their contribution'*.¹⁴ Some of the guiding principles include:

- Build on customers previous interactions rather than making them go back to the beginning every time to retell their story.
- Mirror customers words back to them to make sure you've captured their experience, rather than translating what the customer says into regulatory speak or interpreting from your own perspective.
- Be on a first name basis – use the customer's name and let them know yours.
- Where it feels like the right thing to do, share something authentic and relatable about yourself.
- Use little details like names of family members, hobbies, important dates or holiday destinations in your conversation.

¹⁴ TAC client voice framework, available at: <https://www.tac.vic.gov.au/about-the-tac/client-voice#framework>

Figure 13 | TAC Client Voice Framework example



2.4 Families want to be supported by a range of other services that are tailored to their circumstances

Feature 6: Families are connected with a range of tailored support services, including trauma or grief counselling, financial advice and/or legal support.

- a. Families are repeatedly offered referrals. This recognises that for some families they initially might not process the information or may not think that they need these supports until later.

Feature 7: Strong inter-agency relationships support a coordinated approach to supporting families.

Following the death of a loved one, families have a range of needs that may require professional assistance, such as counselling support, financial advice and/or legal advice. These needs vary greatly depending on the family, as does how jurisdictions respond to and cater for these needs. Families overwhelmingly suggested that clearer information was needed on where and how to access support.

Union representatives noted that families report needing greater access to peer, financial and mental health support. They also stated that it is important for families to have the ability to choose between different professional advice and counselling options.

Queensland presents a good practice model for providing support to families. This model includes warm referrals through a liaison officer and free counselling for family members that is funded by the regulator. This feature, and other examples of best practice approaches to facilitating access to support services, are discussed in this section.

2.4.1 Families want to know where to go for assistance and advice

Many families want to feel supported throughout the process following the death of a loved one. For some people the support they receive from their family and community fulfils their need for emotional, financial and legal support. Other individuals benefit from accessing professional support. South Australia, Queensland and Victoria are examples of good practice as they directly refer families to third party counselling services that understand the industrial death context. This is consistent with recommendation 28 to identify and formalise family outreach mechanisms to ensure that all impacted families receive the associated support that is available to them.

Families want to be offered supports tailored to their circumstances

Families require varying levels of supports. Some individuals need specialised trauma-informed clinical support to help them process their grief. Other families require financial and legal help to manage the estate of their loved one, manage the costs associated with a funeral or advice relating to short-term expenses. Families particularly value supports that are tailored to the needs of families that have lost a loved one in an industrial incident. For example, families appreciated receiving clinical support from mental health professionals with expertise in grief and trauma. Families also found legal and financial advice to be most helpful when the professionals had experience in handling estates of those killed in an industrial incident and understood workers compensation. These tailored legal and financial services were accessed independently, and families would have appreciated some service referral support from the WHS regulators.

While most families do not expect government agencies to directly provide these services, they do think it is reasonable to expect that WHS investigators and/or liaison officers refer or direct families to appropriate support services. Currently, many families rely on support provided through the public health system, not-for-profit organisations and/or unions. Families also want to be periodically reminded that these supports are available throughout the process. This is important because the needs of families change throughout the process and they may decide to accept support later. In Queensland there are clear internal protocols for FLOs to reiterate the available services to family members during all check-ins or information updates.

The Senate Inquiry recommended that SWA work with the WHS regulator in each jurisdiction to make funding available for impacted families to access a range of mental health and counselling support options, including in rural and regional areas.¹⁵ Families would welcome funding for these support services, as accessing them privately can be prohibitively expensive, and some families are not able to access these services through the public system or their compensation scheme.

Many families want to be referred to counselling

Most families require counselling support services. Some families receive these services directly from government agencies, others are referred to external services, and some access mental health support

¹⁵ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 31.

through Medicare or the private health system. Families want affected non-dependent family members to be connected to services as well.

South Australia, Queensland and New South Wales offer good examples of how jurisdictions can refer families to counselling services. These examples are detailed in Figure 14.

Figure 14 | Good practice examples for referring families to tailored counselling services

Families in SA are referred to the Victims Assistance and Information Service (VA&IS)	Families in Queensland free counselling provided by the WHS regulator	Families in NSW receive ten free counselling sessions
<p>Families in SA are referred to the Victims Assistance and Information Services (VA&IS). VA&IS is a state-wide social work service that focused on giving information, education, support and referral service to next of kin. The VA&IS service can also provide families information on court procedures and outcomes, families rights and responsibilities through the court procedures, and attend proofing pre-trial and post-trial meetings between the family and SafeWork SA. The VAO provides families with information and referral for counselling and other support services.</p>	<p>Queensland WHS refers families to an independent counselling service. This service is funded by Queensland WHS and is run by a third-party agency. Families are provided 10 hours of free counselling and no information on who accesses the counselling, or the content of sessions is provided to Queensland WHS. The model works as an employee assistance program for family members and is available at any point through the WHS investigation and prosecution.</p>	<p>In NSW, the Coordinator, Family Liaison (CFL) generally offers and refers interested family member/s to counselling services provided by AccessEAP at first contact. AccessEAP provides ten free counselling sessions to all family members affected by an industrial death, and may be extended if considered appropriate by the service provider and the CFL. A policy official also advised that the CFL will continue to inform family members that access to bereavement counselling is available at any point during the investigation and prosecution.</p>

Families want greater guidance on administrative matters and financial and legal advice

Families have financial and legal decisions to make at various stages following the death of a loved one. Many families can find financial and legal matters to be daunting, and value receiving advice about what decisions need to be made and where they can go for help.

Financial advice (including financial literacy education) is particularly useful for family members who need to finalise their loved one's estate and deal with superannuation funds and insurers. Union representatives also noted that short term financial support is important for families while they wait for the workers' compensation funds to become available. This type of support is critical to alleviate stress and assist families as they grieve and plan for the future.

Legal assistance is also helpful for families. Legal assistance can help families navigate the coronial process, manage legal administrative matters such as finalising a loved one's will, and help families understand and provide advice and support on potential civil action. Union representatives noted that legal assistance has the ability to provide families with more control during the legal process, particularly with formulating their victim impact statements. Union representatives reported that families would benefit from funded representation before and during coronial inquests, and that some families currently value support from unions including representation throughout the process.

Some jurisdictions such as South Australia and the NT have financial counselling services that are available through their compensation schemes. In other jurisdictions such as Queensland and NSW all families can be referred to legal and/or financial assistance outside of the compensation process. In Queensland, pro-bono legal advice is funded by WHS Queensland. The Senate Inquiry highlighted the Queensland model as best practice, and recommended other jurisdictions consider the development of a pro bono legal

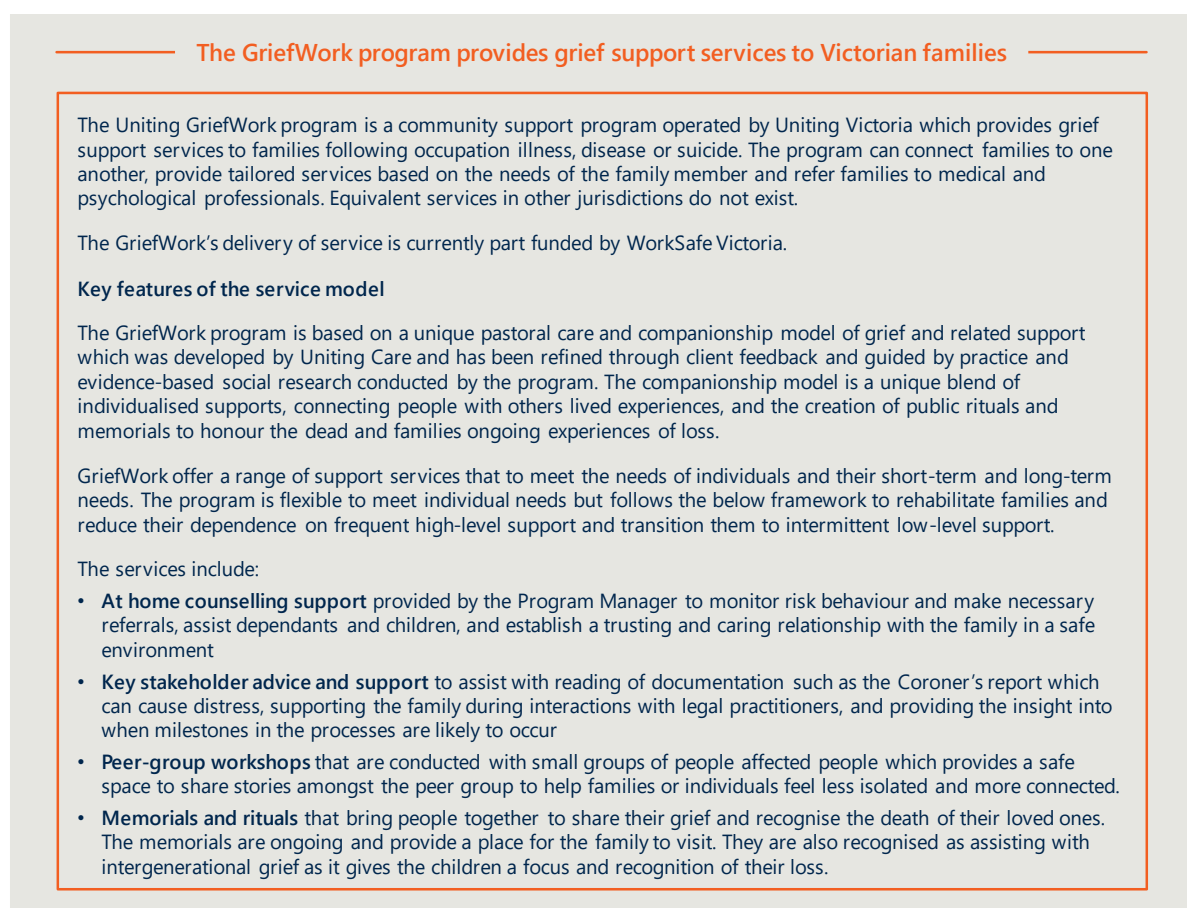
service for families during the coronial process.¹⁶ The case referrals model taken by NSW is another good practice model. These examples are detailed further at Figure 15.

Figure 15 | Examples of good practice in referring families to financial and/or legal support



The GriefWork support model is a good example of a support program that offers practical advice, tailored services and warm referrals. The GriefWork model is detailed further in Figure 16.

Figure 16 | Overview of the GriefWork program



¹⁶ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 32.

The Senate Inquiry recommended that SWA work with the WHS regulator in each jurisdiction to fund a support group or service that is experienced in working with people bereaved by a fatal workplace incident to support impacted families through all formal processes following an industrial death.¹⁷

2.4.2 Families want stronger inter-agency relationships that support a coordinated approach

Families would appreciate more support when transitioning from interacting with one agency to another. This would provide greater clarity about the roles and responsibilities of each government agency. For example, families appreciated when the police were able facilitate contact between the family and the regulator contact person as it eliminated a gap in contact between the two agencies. The Senate Inquiry considered there was a 'pressing need for more effective collaboration and evidence sharing' between agencies.¹⁸

The ACT has built strong inter-agency relationships, which are relied on to provide families coordinated support. Strong inter-agency relationships in ACT enable continuous support to be provided to families affected by industrial death. For example, where WorkSafe investigators think that a prosecution is likely following their investigation, they may introduce the family to the Department of Public Prosecutions (DPP) earlier in the process. This enables the DPP to familiarise themselves with the particulars of a case and explain their role in a prosecution to the family.

2.5 Families want opportunities to connect with other families through informal support groups

Feature 8: Online peer-support forums and face-to-face memorials and support group meetings provide opportunities for families to share their experiences, memorialise their loved one and advocate for change.

Accessing peer support is a way that families can engage with others in an informal manner that have had similar experiences and can give practical guidance on managing grief and the WHS system. Some examples of good practice peer support forums are Voices of Industrial Death (VOID), and the Facebook group of the Queensland Consultative Committee. These are discussed in detail below.

2.5.1 Some families want to informally connect with people who have had similar experiences

Families appreciate the support of people who understand the overwhelmingly disruptive nature of an industrial death for the family. For some families, peer support groups provide an opportunity to talk to other families that have had similar experiences, feel heard and understood. These families felt strongly that engaging with other families was essential to navigating the grief process.

¹⁷ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 30.

¹⁸ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, 4.37.

Families also found that peer-support groups opened a wealth of knowledge for how to navigate an investigation, prosecution and/or coronial inquest. There were benefits in the practical and first-hand nature of information that is shared in informal peer support networks. For families who have been through the process, providing peer support to others was highly valued.

These families valued forums that were clearly structured with an agenda to the meeting to steer the discussions. Families also stressed the importance of taking a trauma-informed approach to facilitating discussions that are mindful of the needs of families as they are at different points of their grieving process.

Many peer support networks are available through virtual platforms and social media. Online forums open the benefits of peer support groups to geographically isolated families. Online forums also provide an alternative opportunity to connect for those who are not comfortable with an in-person meeting. Some jurisdictions have existing forums that have established informal networks for families – these examples are detailed at Figure 17.

Figure 17 | Good practice examples for peer support forums

VOID is a family peer support group and advocates for better WHS protections	The Royal Melbourne Hospital provide trauma-informed support groups for affected families	The Queensland Consultative Committee host a Facebook group for affected families
Voices of Industrial Death (VOID) is a South Australian support and lobby group that focuses on workplace death and the need for improvement in workplace health and safety. VOID creates a platform for family's voices to be heard. The VOID website includes overviews of the agencies that people affected by industrial deaths are likely to interact with, including emergency services, SafeWork, the Coroner's Court and workers' compensation. The website navigates to pages that provide anecdotal information about the process based on the experiences of families. Families commented that, through VOID, they were able to access practical support and advice about navigating the process, and emotional support from people with similar experiences.	During consultations a networking event hosted by The Royal Melbourne Hospital for families who have lost a loved one in the ICU was identified as providing a well-structured and trauma informed forum for families to come together and share their stories. This event was facilitated by health professionals who are familiar with the experiences of families who have lost a loved one in the ICU, who guided the session and discussion to centre on the sharing of information and peer support. The session had a focus on the different stages of grief and families at different points in their journey were able to give practical advice to each other.	The Queensland Consultative Committee has created a Facebook group for family members whose loved ones have died in the workplace. This Facebook group is open to any family member across Australia. It is used as a forum for families to ask questions, draw on the experience of others. It can also open opportunities up for family members to connect with others online and develop their own support systems with those who've had similar experiences.

2.6 Families want to be able to provide feedback to government

Feature 9: Advisory committees of affected families have a clear role in providing advice to government and defined aims. Effective committee models would involve the group providing advice on policy and practice and advocating for reform.

Feature 10: Surveys can provide a way to engage a broad group of affected family members, to learn about their experience engaging with government agencies to inform policy and practice.

For many families, reform to the laws and policies regarding industrial death is something positive that can come from their family's experience. Contributing to a consultative committee, which includes other families or participating in informal peer support groups, can also have therapeutic benefits.

Recommendation 27 of the Senate Inquiry report promotes advisory committees as a way for families to make recommendations on the information and support needs of those affected by an industrial death.¹⁹

Stakeholders suggested that membership of advisory committees should be voluntary and commence at least a couple of years following the death. Families suggested that it would be preferable that Committee members are financially compensated for their participation in advisory committees and any travel and accommodation costs are covered.

Advisory Committees that are formally established in Queensland and Victoria are examples of good practice. These are discussed in detail below.

Some families want to actively engage in driving change

Many families wanted to know that justice, to their mind, has been done, and they also want to have the opportunity to contribute to creating change. Families considered that participation in Committees was a way to hold regulators and employers accountable by actively seeking reform in the law. For some families, legislative changes or changes in regulatory practice has increased the safety of the professions their loved one has worked in. Families believe participating in dedicated forums for those affected by an industrial death enables them to share their insights and influence change.

Figure 18 | Example of advisory committee

The Queensland Consultative Committee is a well-established advisory committee

The Queensland Consultative Committee provides a strong example of how a family led advisory committee can give families a voice to be heard by government. The scope of the Committee is provided by the *Work Health and Safety Act 2011*:

- Giving advice and making recommendations to the Minister about support needs of affected persons
- Contributing to the development and review of policies, practices and strategies for liaison with and providing information and support to affected persons
- Making recommendations about other matters relating to the information and support needs of affected person

The Committee website goes further to list the aims of the Committee as to:

- Provide a centralised, public voice regarding the support services required to assist injured workers, their families, and families affected by a workplace death
- Achieve a consistent response and approach by all government agencies involved in investigating fatal and serious workplace incidents.

In addition to functions of the Committee families benefits from peer support and connecting with others who had similar experiences.

The Consultative Committee has given family members an opportunity to make positive change in the laws and policies that affect industrial deaths. For example, committee members Nous spoke to commented on their advocacy work that supported the introduction of industrial manslaughter laws in Queensland and the Coronial Assistance Legal Service. Contribution to an advisory committee can also have therapeutic benefits. Family led committees present an opportunity for family members to share stories in a safe environment with others who understand their experiences. This was reflected in families experience in Queensland who felt the relationships and support they received was as important as the advocacy work.

In response to Recommendation 27 from the Senate Inquiry, several jurisdictions have established advisory committees. Victoria has recently established the Workplace Incidents Consultative Committee to review policies and programs to improve family supports.²⁰ The Committee have access to a counsellor during meetings to assist members with any vicarious trauma. Western Australia has also established a family reference group to consider how a consultative committee would work in their jurisdiction.

¹⁹ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 27.

²⁰ *Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Act 2019* (Vic), s 4 (inserted s126A *Occupational Health and Safety Act 2004* (Vic))

Recently, the NSW Government announced a new advisory group to decrease workplace injury and fatality. The Family and Injured Worker Support Group will advise SafeWork NSW on the types of support given to those affected by workplace incidents, what services are available and how to access them, ways to improve service delivery, as well as advocating for increased workplace safety in NSW's communities. The group will be headed up by Ambassador who will advocate for safer work practices in the community, including through contributing to workplace safety campaigns and messages and provide support for families.

Family insights can be gathered through surveys

Some families who considered themselves unable to participate in a consultative committee wanted to contribute in some other way to improve the overall system. For these families, engagement can be accessed through surveys that capture a broad group of effected persons to learn about their experience engaging with government agencies.

The New Zealand Ministry of Justice runs an annual Victims of Crime survey to collect reliable data about citizens' experiences with government agencies. The survey enables the Ministry of justice to understand the full picture of victimisation in New Zealand and gain reliable data about the experience of victims of crime. The results of the survey are used to assist government agencies to create safer neighbourhoods and communities.

3 Best practice features and examples of how they could work in practice

This section sets out practical examples that relevant WHS authorities could follow to improve family support services and meet best practice standards as identified in the scoping study. The practical examples illustrate how features of best practice might be incorporated into jurisdictional models of support for families affected by industrial death. It articulates implementation considerations and potential modifications that might be appropriate where there are barriers, such as resource constraints, geographic issues or limited available services.

Development of recommendations is beyond the scope of the project. Nous notes that many elements of best practice are already reflected in existing support systems across the jurisdictions, such as family liaison officers and advisory committees. This section provides helpful examples for jurisdictions to identify features or services that may improve support for families affected by industrial death. Nous acknowledges that the examples would need to be tailored to suit the circumstances of each jurisdiction, including specific legal frameworks.

3.1 Ensuring families receive a timely, and supported notification

This section details how jurisdictions can provide families a timely and appropriate notification of their loved one's death by a trained police officer with enough information and support. Best practice features include:

- Families receive a timely, supported, in-person notification of their loved one's death.
- Police officers are trained and experienced at delivering news of a death.
- The police provide information about the process that will follow, including the treatment of their loved one's body and the investigation into the death. They provide a written list of people and organisations that families may need to contact.
- Police contact a support person and wait for that person to arrive before they leave.

The features of best practice are described in section 2.1. How jurisdictions might implement these features is detailed below.

3.1.1 Review police and employer practices so that families receive a timely notification

Best practice notification is as soon as possible after the death of a loved one. Jurisdictions can help to mitigate any potential factors that can delay the notification of a senior next of kin.²¹ This is consistent with the Senate Inquiry's recommendation 23 which is about clear guidelines for the notification of families, with a focus on timeliness and the manner in which the notification is made.²²

²¹ Senior next of kin is defined as ones spouse or partner and if they are not available then the next of kin proceeds to a child over the age of 18, then a parent, then a sibling, then a named executor.

²² Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 23.

Consider how to facilitate employer cooperation to speed up the notification process

Employers who contact the police in a timely manner can speed up the notification process. Though employers have an obligation to report an industrial death to WHS regulation authority, there is no parallel obligation to immediately report the incident to police.²³

Police stakeholders noted that they often rely on employers to supply the home address and contact details for the next of kin. Where these records are not up to date, police protocols to identify the body and senior next of kin can be delayed. WHS regulators can support employer cooperation with police through the promotion of good record-keeping practice. WHS can provide education materials to employers on the importance of having up to date emergency contact protocols for primary and secondary emergency contacts.

Jurisdictions may need to consider geographical constraints

In-person notification is considered the best practice but where geographical constraints are a factor, this best practice feature may be difficult to implement. The next of kin may:

- be away from home for several hours
- have a different residence than what is provided to the police
- live outside of the jurisdiction.

When the next of kin lives outside of the jurisdiction the local police could be informed of the incident and required to notify the family following procedure.

Where phone notification occurs, police can ensure the safety and welfare of families by checking with the next of kin that someone is with them before they are notified. The person with them should ideally be another adult who can act as a support person and contact other family members.

3.1.2 Train police officers to deliver empathetic notification of an industrial death

This section details the approaches jurisdictions might take to equip police with appropriate training to deliver death notifications.

Training provided to police officers can be specific to delivering notifications of death caused by an industrial incident

Jurisdictions might consider updating existing Academy training to ensure that new police officers are equipped to deliver notification in line with the identified best practice features. New training initiatives for qualified police officers can be developed to provide industrial death specific education and to ensure that there is a consistent level of capability across all personnel for delivering notifications.

Jurisdictions could:

- Take a collaborative approach between the WHS regulator and the police to develop a specific protocol for interacting with families affected by an industrial death at this initial stage. This approach can be informed by a Memorandum of Understanding between the WHS regulator and the police.
- Engage with experts in trauma-informed communication to develop new police internal protocols and support police officers who are responsible for notifying families.

²³ Section 38 of the model WHS laws.

- Consult local Aboriginal or Torres Strait Islander communities to develop culturally informed protocol for notifying families. This would also inform police officers of how to identify who should be notified of a death in accordance with any cultural protocols.

Jurisdictions can utilise the experience of senior officers

Many jurisdictions train new officers through pairing them with more experienced peers. This gives the new officers an opportunity to gain experience in a comfortable setting and is an effective way for best practice notification to be modelled and emulated. Jurisdictions may consider other ways that senior officers can share their knowledge and experience with new officers. Internal knowledge-sharing could be considered by jurisdictions with a lower number of deaths and less experience with delivering such notifications to families. Approaches that can be taken to utilise the valuable experience of senior officers may include professional development workshops led by senior officers.

3.1.3 Police to provide information so that families feel supported and informed

Though most jurisdictions have some form of relevant policy, they may consider reviewing existing notification policies to ensure families are adequately informed and supported at this stage. Families should be made aware of the necessary practical steps that have and should be taken after police notification. Police and the WHS regulator could develop an approach together to ensure that all families receive the same level of information at this time. Police could provide family members the information booklet detailed at Table 2. Police could also then verbally explain where their loved one is, whether that is the hospital or State Mortuary and what the family member is required to do (e.g. identify the body, call their loved one).

3.1.4 Police to provide in-person support to family members following the notification

An important aspect to supporting families in the moment is the manner of the notifying police officer. It is also best practice for the police to remain with the senior next of kin until they can ensure their safety. Police can offer additional support by contacting another family member or friend on the phone to inform them of the death and request that they come and provide support. Police officers should have the appropriate training to provide empathetic support at the time of notification – this is discussed above at section 3.1.2.

3.2 Providing families detailed information throughout the WHS process

The information provided to families following their loved one's death should be clear and include:

- **Details about the process that will follow, including roles of different government entities and organisations they may interact with.**
- **Information on the substance of the investigation.**

The features of best practice for providing families information on the process and substance of an investigation and prosecution are described in section 2.1. How jurisdictions can implement these features is detailed below.

3.2.1 Providing families detailed information on the processes that follow an industrial death

There are a few ways that jurisdictions can provide clear information on the processes that follow an industrial death. Jurisdictions could give families the following information:

- information booklets that set out the processes of relevant agencies and how they interact
- guidance on the administrative processes that are required following an industrial death
- information on realistic timeframes
- and explanations of the legal jargon and protocols during a WHS investigation.

These are discussed in turn below.

Provision of this information is consistent with recommendation 24 of the Senate Inquiry report that encourages transparency in investigation processes, including providing written guidance to impacted families on the formal stages of the investigation, regular updates on the progress of an investigation, the reasons for decisions and the future direction of the investigation.

Detailed booklets that outline the procedural steps and issues across the different agencies.

This information could be broken into two separate information guides. The first gives family's information they require in the first 24 hours following an industrial death. The second guide provides an explanation of the WHS investigation and prosecution processes and other agencies processes. Suggested content of these two booklets are detailed in Table 2.

Table 2 | Information booklets that detail the investigation and prosecution processes

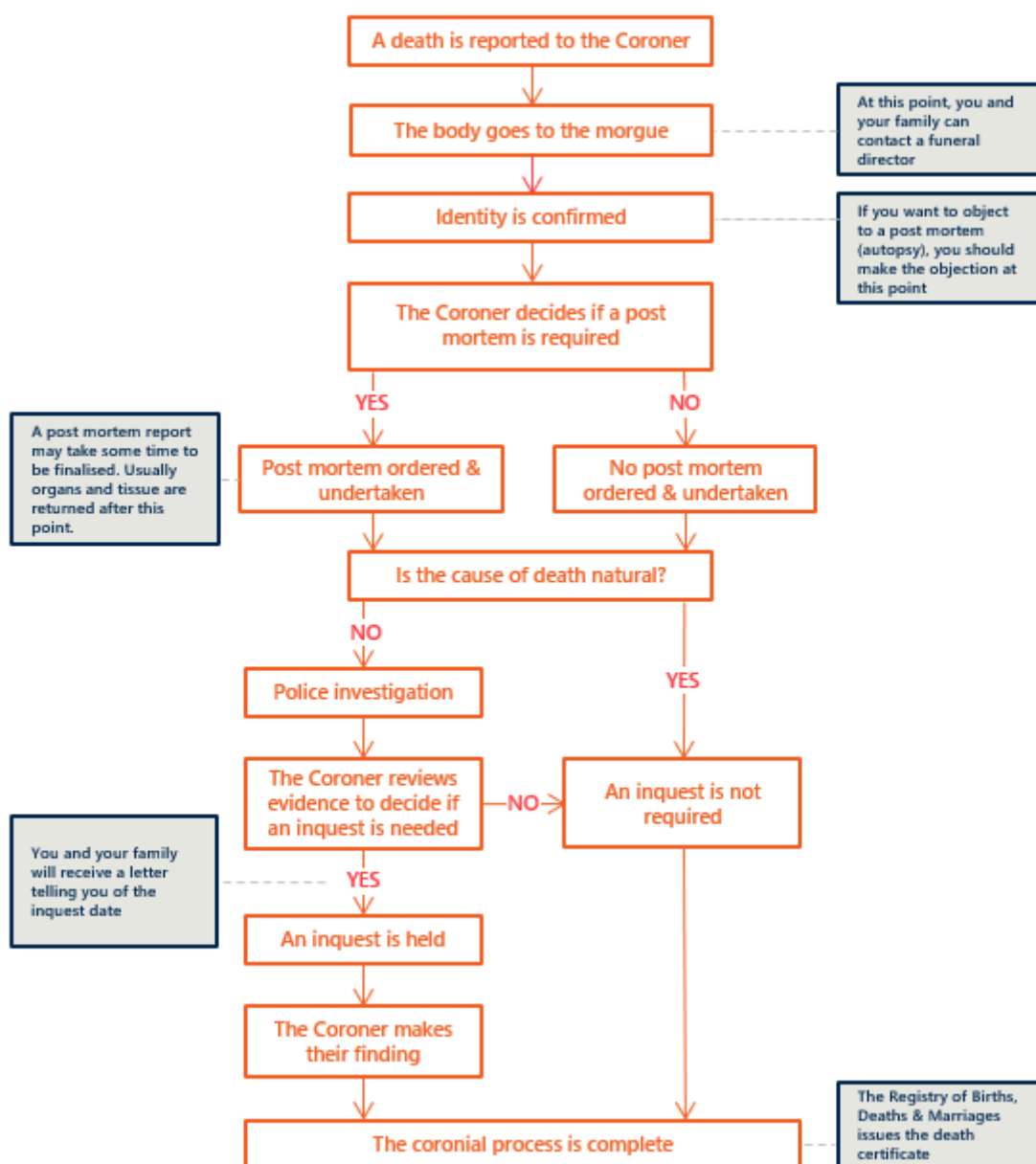
Type of information	Description
A short 2-page document that is given to family members in the first 24 hours after the death of a loved one	<p>Jurisdictions could develop a short 2-page document that introduces the role of the police and the Coroner and what action a family member should take. Information could include:</p> <ul style="list-style-type: none">• The location of their loved one, what happens to their belongings and what the family's rights are in relation to autopsy and organ donation.• Contact details for the police, the Coroner, and the WHS regulator.• Concise information on practical matters to consider, such as when to call a funeral home, how to engage with the employer, and what the media can and can't do.• Any other issues that the regulator consider to be front of mind at the notification stage. <p>This document could be given to families by police at the point of notification in hard copy. Jurisdictions could also establish procedures for families to access a hard copy version of the booklet where the notification did not occur in person.</p>
A longer information booklet that explains the processes of all the agencies involved	<p>Jurisdictions could develop a longer information booklet that details the process of the police, the Coroner, WHS and any other relevant agency from beginning to end. The booklet could be co-designed with input from all the agencies that interact with families after a workplace death.</p> <p>In the weeks following an industrial death the information booklet could be emailed to families by the WHS regulator. Further detail on the information that jurisdictions can include in this document is provided below.</p>

Information provided during the investigation to give detail on the processes of various agencies

Families should be able to read the **second longer information booklet** and know who the responsible agency is at certain points and where action is required by family members. The type of information that could be included in the booklet is:

- A detailed description of the roles and responsibilities – this could include information on the role of the police, Coroner and relevant regulators (e.g. WHS and Energy regulator).
- Information on what will happen during the investigation – jurisdictions can consider how to step the process out in linear terms, this information can detail where a process point involves family interaction and where one process is impacted by another. For example, in jurisdictions where the coronial inquest cannot start until a WHS investigation or prosecution is finalised, this can be clearly communicated to families early in the process. One way this could be shown is through detailed process maps that draw on existing ones that explain the coronial process (see Figure 19).

Figure 19 | Example diagram of the coronial process²⁴



Providing guidance on administrative processes

WHS regulators can give families information to help them with practical matters, such as:

- how to manage the superannuation of your loved one
- who to contact to advise about the death of your loved one
- how to begin a worker's compensation claim and who to contact
- how to check whether compensation is available to pay for the funeral

²⁴ Coroner's Court NSW, *Diagram of the Coronial Process*

<http://www.coroners.justice.nsw.gov.au/Pages/what_happens_process/first_steps/map_process.aspx>

- a family member's right to information under the *Right to Information Act 2009*
- and information on how a WHS or Coronial investigation may affect a family's ability to complete certain administrative tasks.

Documents provided can use comment boxes like those detailed in Figure 19 to highlight the points in the process that involve administrative issues the family has to address (e.g. finalising death certificates).

Jurisdictions to provide realistic timeframes to family members

WHS regulators could endeavour to provide families with estimates for when parts of the investigation may be finalised to give families greater clarity about the process. Clear timeframes help families in the grieving process because they understand what to expect and can plan accordingly. Where there are delays during the investigation, jurisdictions should attempt to provide reasonable notice and explanation.

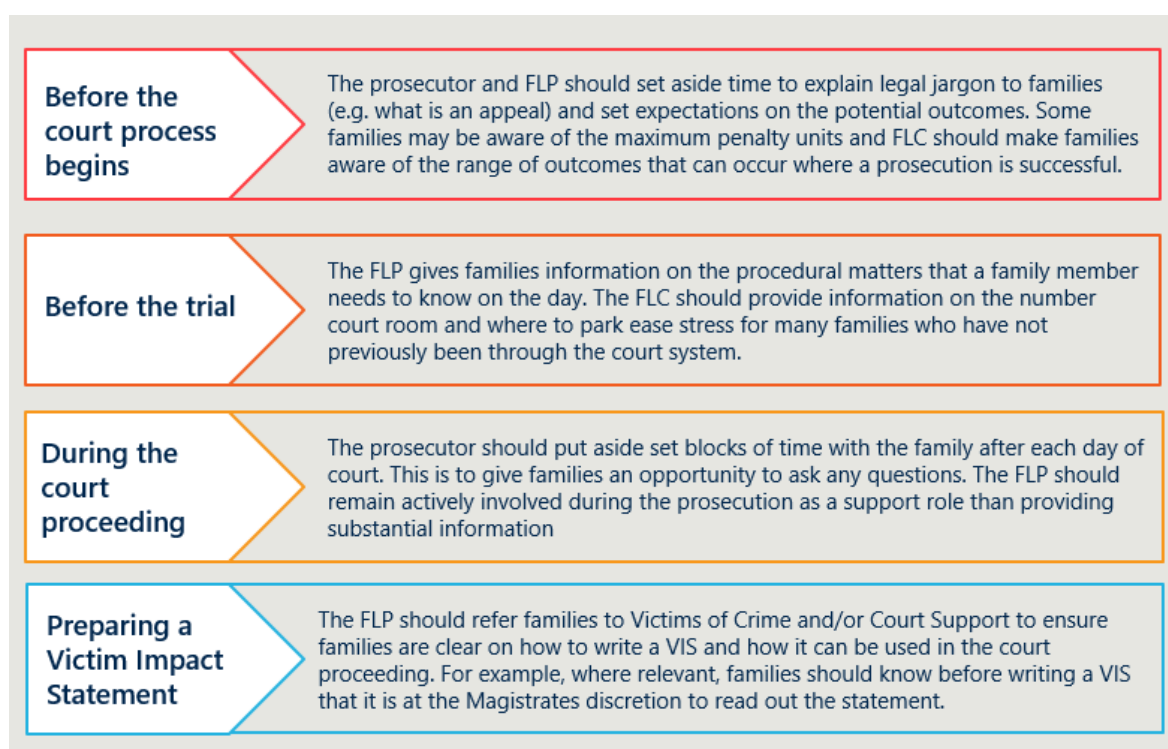
For some jurisdictions there are timeframes that are set in legislation and policy practice, where these exist, they can be clearly communicated to families early on. These defined timeframes change depending on the jurisdiction and may include:

- Where there are statutory limitation periods for when an WHS prosecution has to be brought.
- When a WHS investigation is handed over to the legal team, the timeframe for legal review is often set in policy practice.

Family Liaison Position (FLP) and prosecution to keep families updated during a WHS prosecution

The FLP in each jurisdiction can help families understand the complexity of the prosecution process through enabling open communication channels between the prosecutor, the WHS investigator or FLP, and family members. The FLP and prosecutors can help families to understand the legal terminology and court protocols throughout the entire court proceeding. An example of the types of information that families could receive during the court proceeding is detailed at Figure 20.

Figure 20 | Keeping families informed during a prosecution



WHS regulators that do not have an internal legal team could develop a coordinated communication approach to support families during the prosecution

In jurisdictions where the prosecution of an industrial death is brought by a separate agency to the WHS regulator there could be a greater focus on inter-agency relationships. The WHS regulator could develop internal protocols to enable a clear oversight of the legal proceedings so that families receive a coordinated response in the information they are given.²⁵

3.2.2 Providing information to families on the substance of the investigation

Critical consideration needs to be given to what can, and cannot, be communicated to families during an ongoing investigation and prosecution. Jurisdictions can develop stronger policies on information sharing to support investigators and liaison officers when engaging with families. Such policies can enable jurisdictions to help families understand what information that can and cannot expect to receive.

Jurisdictions may be limited in what they can share due to privacy laws

Some jurisdictions may have legal limitations placed on them for what information they can share with family members.

²⁵ This is discussed in section 3.3.3.

- Jurisdictions could develop policy guidelines that detail the legislative obligations for information sharing. Jurisdictions can draw on existing privacy manuals that relate to privacy obligations in the health and policing sector that provide operational guidance on the legislative obligations imposed by privacy legislation.²⁶

Jurisdictions could consider developing formal processes for providing families information once significant decisions are made in the investigation. For example, the Senate Inquiry recommended that jurisdictions, with input from the coroner, publish the reasons for why a coronial inquest was not conducted.²⁷

Providing information to families on relevant regulatory activities

Jurisdictions could provide families with information on regulatory activities that relate to areas of high industrial death. Many families seek this information to see that change in the system has occurred after the death of their loved one. WHS regulators could consider how they can publish this information through their websites, information can include:

- the number of deaths in the jurisdiction and how many relate to a specific industry
- education initiatives
- the number of audits
- target areas of compliance
- the number of enforcement actions taken.

WHS regulators could develop case studies that reflect on the regulatory changes that have occurred. Regulators could also use published information to highlight where changes have occurred in response to a high-risk industry, WHS investigation and/or recommendations of a coronial inquest. This information can be published on the WHS regulators website and social media platforms so that families can easily track the information. The regulator could give families an option to sign up to updates from the regulator, so they are emailed directly to the family member.

3.3 When providing information and support, jurisdictions to consider family preferences and accessibility

Greater consideration could be given to what information is available, who delivers the information and its accessibility to family members. For example:

- **Information can be designed in a variety of forms to meet the diversity and preferences of the family members.**
- **Jurisdictions can provide a single point of contact to support families and help them navigate the complexity of the information given to them and the system more broadly.**
- **The WHS regulator and other relevant agencies can establish guiding principles to inform their engagement with families. These principles could be co-designed with affected families.**

²⁶ See section 11.2.9 of the Health Privacy Manual for health records and privacy obligations under the Information privacy Act 2002 <https://www.health.nsw.gov.au/policies/manuals/Documents/privacy-manual-for-health-information.pdf>

²⁷ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 16.

The features of best practice for how to provide information and support to families that reflects their preferences are described in section 2.3. How jurisdictions can implement these features is detailed below.

3.3.1 Information provided by jurisdictions to be accessible in a variety of forms

A layered and flexible approach can be taken by jurisdictions to meet the varying needs of families in receiving information. Information can be made available to families in the follow ways:

- in hard and soft copy documents that are in an informal tone
- through accessible online resources.

How these varying forms of communication can be integrated into WHS regulatory practices is detailed below.

Jurisdictions to make information available in hard and soft copy

Jurisdictions can create hard and soft copies of the documents that are provided to families.²⁸

A hard copy version of information booklets could be available for families that prefer tangible resources to hold onto. The value of providing hard copy information resources is that the giver of the information resource is immediately available to answer questions.

Jurisdictions could also provide soft copy version of information resources that are emailed to family members and available online. Soft copy versions give families the opportunity to refer back through the documents, and review in their own time.

Hard and soft copy resources can be written in an informal tone, in second person and should read as though they are guiding a family member step by step. For example, when a family first encounters the Coroners Court, the booklet could say:

*"You and your family are able to attend the State Mortuary to view their body. When you speak to someone at the State Mortuary, ask them questions about what you can do, such as how long you can stay, who can go with you and how many times you can visit. Touching your partner or relative's body will be permitted, unless the Coroner has determined that it is undesirable or dangerous to do so."*²⁹

Developing accessible online resources for families

Information guides should be easily accessible on the regulator's website to ensure families can access adequate information on their own terms. A digital version of resources could also be available to families in case hard copy booklets are lost or not well-received.

The benefit of a website as a medium is that you can present information in small concise engaging ways that isn't confronting to families. Jurisdictions can consider how their webpages present information in a user-friendly way that reflects the capability of the platform. Information needs to be easy to find, use simple language and link to other channels and other agency web pages.

One way this could be addressed is by elevating information for families to the top heading or homepage of a WHS website. Web information can feel personalised and consider the experience of the user. For

²⁸ The substance of the information provided to families is detailed in Figure 6.

²⁹ *Information for bereaved families following a mining fatality*, Department of Mines, Industry Regulation and Safety Resources Safety, https://www.dmp.wa.gov.au/Documents/Safety/MSH_B_BereavedFamilies.pdf.

example, the different pages on the webpage could reflect the steps that a person has to go through after an industrial death.

3.3.2 Jurisdictions could consider a single point of contact to support families in navigating the WHS system and information

Jurisdictions could consider a single contact person position where all information that the family received is filtered through this person. This mitigates the risk of families feeling overwhelmed by information from various sources. Families can also build rapport with their single point of contact potentially leading to greater trust in the WHS process. Jurisdictions might consider implementing the following best practice approaches:

- **Create a Family Liaison Position ('FLP') to function as a single contact person**
- **The FLP could update families by phone, in-person and by email**
- **Jurisdictions could develop guidelines and protocols to ensure that communication between the FLP and families is consistent and reflects the family's preferences.**

These are discussed below.

A FLP position to support families through the investigation and/or prosecution

The Senate Inquiry recommended that WHS regulators develop dedicated liaison positions to provide information to families about the processes that follow an industrial death.³⁰ Having a dedicated FLP is an effective way to ensure that families have a single point of contact throughout the experience. The FLP position allows investigators, who in some jurisdictions are the contact support person for families, to focus their time on the WHS investigation. In addition, the family liaison position can have training in case management and soft skills to bolster the support they provide families. Some of the skills and training that could be considered for a liaison position are:

- Mental health first aid training
- An understanding of trauma informed practice
- Experience working with people affected by traumatic loss
- A degree in psychology, social work or allied health
- Experience community engagement and social services.

Some jurisdictions could consider alternative FLP arrangements where they do not have the demand or resources for a dedicated position

For some jurisdictions the resources and number of industrial deaths that occur per year limit their ability to have a person dedicated to a liaison role. These jurisdictions might consider investing time in upskilling current investigators in case management and trauma-informed engagement. These jurisdictions could also consider introducing cross-agency liaison officers. For example, the Coroners Court, Victims of Crime and the WHS regulator might work together to develop a cross-agency FLP that supports families in the cases of notifiable deaths across the state.

Where it is not possible for jurisdictions to have a cross-agency FLP, there might be a strong focus on the training of WHS investigators. Investigators likely come from a police or investigations background

³⁰ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 25.

and will require additional training in case management and working with people affected by trauma to be able to effectively support family members. In this alternative, WHS investigators can have a clear line of communication to someone with case management or allied health experience. For some jurisdictions expertise in primary prevention programs and initiatives have been developed in community health services.³¹ WHS investigators could draw on this expertise through cross-agency training workshops to bolster their early intervention skill set.

FLPs to regularly update families by phone, in person and by email, communication methods can be informed by a communication action plan

FLPs can use a range of methods (e.g. phone, in-person and email) to communicate with families. The method of communication used by a FLP may depend on the preference of the family and the seriousness of the information that is being communicated. Jurisdictions could develop a milestone checklist and communication plan to guide FLP interaction with family members.

FLPs to use a milestone checklist and communication plan to inform their communication with family members

Jurisdictions could develop a milestone checklist to guide FLPs communication with families. The checklist can provide guidance on what points in the process require a family member to be informed. A milestone checklist reflects the Senate Inquiry recommendation that jurisdictions review, improve and formalise practices to make the investigation process as transparent as possible.³² The Committee recommended that jurisdictions develop written guidance on the formal steps of the investigation, providing regular updates and around reasons for a decision and future direction of an investigation.³³

A communication plan could sit alongside the milestone checklist and detail how different points in the investigation should be communicated to family members. FLPs can present the milestone checklist and communication plan to family members at their first in-person or over the phone interaction so that the plan can be tailored to their preferences. Where the family member would prefer lighter or more regular support these preferences could be noted in a *communication action plan*. The communication action plan could then inform all further communication. This is illustrated in Table 3.

Table 3 | Example milestone checklist and communication action plan

Milestone checklist	Communication method – this can be flexible to the family's preference
When a FLP is made aware of the case	<p>The FLP to contact the relevant family member:</p> <ul style="list-style-type: none"> • by email in the week following the industrial death. This email can include a copy of the information booklet. Standardised emails could be designed to ensure that all families are receiving the same initial information. • over the phone after the funeral of their loved one to check whether the family has received the information booklets, and whether they have any questions. A follow up email can then be sent to the family member summarising the phone conversation. • After first phone conversation, the FLP can ask the family member whether they would like to meet in-person. During this in-person meeting, the FLP could go through the communication plan and detail the family's preference for future communication.

³¹ Mr Marcia Neave, Patricia Faulkner, Tony Nicholson, *Royal Commission into Family Violence: Summary and recommendations* (2016) <https://www.parliament.vic.gov.au/file_uploads/1a_RFV_112ppA4_SummaryRecommendations.WEB_DXQyLhqv.pdf_page_5>.

³² Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 24.

³³ Ibid.

When WHS undertake interviews and or the police report is finalised.	<ul style="list-style-type: none"> FLP could contact the family over the phone where steps have progressed in the case that do not require a detailed explanation. The FLP could also contact the family at regular intervals throughout the investigation even where there were updates of substance.³⁴ All phone conversations could also be followed up with an email.
Key decisions in the investigation such as when an enforceable undertaking has been offered or there is a decision to prosecute	<ul style="list-style-type: none"> FLP could endeavour to meet in-person with families where key decisions or changes in the investigation occur to explain in detail the information and answer any questions.³⁵ Representatives from other agencies may attend these in-person meetings where technical questions need to be answered. For example, where there is a decision to prosecute the prosecutor could attend the in-person meeting alongside the WHS investigator or liaison officer.

Some forms of communication may not be available to geographically dispersed jurisdictions

For larger jurisdictions where families live regionally or remotely it may not be feasible for FLP to meet families in person. These jurisdictions need to rely heavily on regular phone communication to help develop a relationship between the family member and the FLP. Phone check-ins could be regular, ask about the family members well-being and reiterate available support services.

3.3.3 The WHS regulator and other relevant agencies could establish guiding principles to inform their engagement with families

Jurisdictions could develop guiding principles that inform regulators engagement with families so that family's engagement with the regulator are consistent. There is a range of ways these guidelines could be developed. For example:

- Each WHS regulator could work with their FLPs and WHS investigators to develop guiding principles for how to communicate with families during a WHS investigation.
- Guiding principles could be developed with the input of WHS regulators and other agencies in each jurisdiction (e.g. police and the Coroner's Court). These principles would extend beyond the WHS investigation and inform all government interactions with family members. Cross-agency guiding principles would support an integrated approach to supporting and communicating with families.
- The value of developing principles like this is to set out the broad best practice for family engagement that can then be tailored to individual jurisdictional requirements.

Guiding principles could assist a range of jurisdictional agencies including WHS regulators, police or Coroner employees to support them in their communication with families. Some examples of principles that could be included are:

- Provide additional resources to family members who have different communication needs. For example, offer family members a translator where appropriate.
- Ask family members if there is someone else that should be kept informed through the process, such as the parent or sister of the deceased. When asking, be considerate of complex family dynamics.

³⁴ Some jurisdictions considered regular communication at 6-week intervals to be best practice.

³⁵ For example, where the WHS regulator decides to accept an enforceable undertaking.

- Consider use of language, show the family that you are listening and appreciate their situation without trying to relate to their experience
- Always reflect on the family's preferences, ask families their view and actively seek their input
- Use simple, plain-speaking language rather than complicated WHS and legal terminology
- Facilitate warm referrals to suggested, available services
- Acknowledge family's stories and leave room for family members to speak before jumping into a technical discussion
- Ask the family member where and when is comfortable to meet when organising in person meetings. For phone conversations, ask family members what time is most appropriate to call.
- Get to know the family member, and match support and services to who they are as an individual
- Commit to timeframes and keep family's informed about changes that affect them

3.4 Jurisdictions could develop stronger referrals to tailored support services for families

This section details how jurisdictions could incorporate features of best practice that relate to providing families with information during the investigation, prosecution and inquest. Jurisdictions could:

- **Repeatedly connect families with tailored support services, including trauma counselling, financial advice and/or legal support.**
- **Develop strong inter-agency relationships to develop a coordinated approach to supporting families.**

The features of best practice in providing families information are described in section 2.4. How jurisdictions can implement these features is detailed below.

3.4.1 Jurisdictions could repeatedly connect families with tailored support services.

Jurisdictions could connect families to tailored support services in a variety of ways.

FLOs could provide the details of support services in information booklets and websites for families to access

Many jurisdictions have information booklets that provide the contact details for national wide crisis hotlines. However, many of these services are not appropriate or tailored enough to meet the needs of family members. Jurisdictions might do further research and connect families with local support services that are suitable for an industrial death and the specific needs of family members. For example, information booklets and online resources that provide information to families could include the details of:

- Camp Magic – a camp for grieving children (only available in some jurisdictions)
- GriefLine – a telephone and online counselling service that specialises in grief, loss and trauma
- Support for families of workplace fatalities, illness and injury Facebook group³⁶
- Counsellors that are experienced in trauma and grief counselling that are available in each jurisdiction

³⁶ Though this group was created by the QLD consultative committee, it is open to all families across Australia.

The information on the services that are included in the information book can detail the type of service, their contact details, opening hours, cost and other relevant information to ensure families can independently contact a service that is right for them.

In most jurisdictions there are legal aid providers that can support families and give advice on matters such as wills, debt and financial law. WHS regulators could include the contact details for these financial and legal support services. An example is provided below at Table 4.

Table 4 | Examples of legal and financial support services across jurisdictions

Jurisdiction	Legal support service
ACT	Consumer Law Centre of the ACT – provides advice on consumer credit, debt recovery, banking, simple contracts laws for low and middle-income earners in the ACT.
NSW	Macarthur Legal Centre – provides advice on credit and debt, wills, employment law, and civil law matters in person or over the phone. There are also 25 legal community centres across metropolitan and regional NSW.
NT	Darwin Community Legal Service – provides advice on employment, credit and debt, social security, and consumer issues and complaints.
QLD	Caxton Legal Centre – provides advice on all areas of law except immigration, taxation, complex commercial matters, native title, building disputes and personal injury. There are 34 accredited Community Legal Centres located throughout metropolitan and rural Queensland. ³⁷
SA	Uniting Communities Law Centre – provides advice in family law, consumer complaints, debt and employment. Uniting communities which runs the legal centre also provides free independent financial counselling and budget support.
Tas	Worker Assist Tasmania – provides advice on workers compensation including rehabilitation and return to work. Claims under the Asbestos Related Diseases Compensation Scheme and limited industrial advice.
Vic	Southport Community Legal Service – provides advice on general law, including family law, domestic violence, debt, motor vehicle accidents, wills, powers of attorney and criminal.
WA	Consumer Credit Legal Service (WA) – provides advice on credit code, general banking, and financial and debt disputes.

Jurisdictions could consider ways in which they can find more tailored support services in their jurisdiction to refer families to. The WHS regulator can:

- Reach out to organisations such as the unions who, Nous was told through consultation, have counselling contacts (both psychological and financial) and legal contacts (that can support families with civil, criminal and coronial matters including wills, superannuation, etc.) that understand the context of an industrial death.
- Gain insights from Consultative Committees to compile and refresh information about what are good services that help families.
- Integrate financial counselling and support services where these services are offered by other related agencies such as WorkCover

³⁷ About free legal advice, Community Legal Centres Queensland, <https://communitylegalqld.org.au/find-legal-help/about-free-legal-advice>

- Form partnerships with not-for-profits that provide financial counselling support.

Jurisdictions could undertake regular and proactive service referral

Proactive referral can make all families are aware of services so they can get early support. FLPs can reiterate the availability of these services throughout the process. The value of early and regular referrals is so all family members can access help when they need it. This recognises that each family member is different, some will require support early, frequently, later and/or sporadically.

FLPs could develop relationships with a person in the organisation to contact for information and guidance. This is to ensure that families are not simply made aware of available services but understand their value, context and what to expect.

Jurisdictions could invest in training so that FLOs know how and when legal aid can help families, and are able to explain the legal aid process to family members.

3.4.2 The WHS regulator could develop strong inter-agency relationships to support a coordinated approach to supporting families.

There are various ways in which WHS regulator might develop stronger inter-agency relationships. Jurisdictions could:

- **Connect with other services in the jurisdiction that offer support to families.**
- **Provide support to families through partnerships with third-party agencies.**

These are discussed below.

Jurisdictions could connect families with other services that offer support

There are three ways that jurisdictions might better connect with other support agencies, these are:

- Strengthen existing relationships with support services such as victims of crime, legal aid and friends of the court.
- Review internal guidance and information systems to support an information sharing culture.
- Organise regular meetings with the Coroners Court to coordinate coronial counselling services with those offered by WHS.

Strengthen existing relationships

Jurisdictions might draw on the existing services that provide families with counselling, legal and financial support. For example, stronger relationships between services could enable liaison to call legal aid or victims of crime to determine whether a family member is eligible for their service and whether it meets their needs. A memorandum of understanding ('MOU') could be developed between the WHS regulator and other services. A MOU would help to develop clear lines of accountability and communication across services. FLPs would be able to easily contact support services to ask whether the service is appropriate for a family member so that referred services are tailored.

Develop an information sharing culture

Jurisdictions may want to consider ways to develop an information sharing culture. Any cultural change would need to be supported by enabling legislation and systems. This may include producing internal guidance material and training or a review of agency policies on information sharing.

Another example would be for jurisdictions to consider a review of information technology systems to determine whether systems undermine information sharing between agencies. A better integrated online system may facilitate a smoother hand-over of a family's case from the police to the WHS regulator, to the compensation authority. This could ensure that no information or previous support history is lost when they move from one agency service to another.

Establish inter-agency meetings to better integrate services

WHS regulators may consider regular inter-agency meetings with other organisations to better coordinate the services and information that is given to family members. For example, the WHS regulator could:

- Develop regular monthly or bi-monthly meetings with representatives from the Coroner's Court and Victims of Crime. Both agencies provide counselling supports for families through the coronial process and prosecution respectively. Inter-agency meetings would strengthen WHS's understanding of the supports these agencies offer, and how they can be integrated into those already offered or referred by the WHS. Better communication between these three offices may also help to recognise arising trends in the needs of families and design services to meet those trends. Jurisdictions may need to consider strict information sharing protocols so that shared information does not affect a WHS or coronial investigation. Information shared would be purely about the supports and should not discuss specific family members.
- Organise regular coordination meetings with the public prosecutor. During a WHS prosecution, the prosecutor often provides information and updates directly to family members. Information sharing and coordination between the prosecution and the FLP is important so that families receive harmonious information and support during legal proceedings.

Some jurisdictions may face legislative barriers to information sharing and inter-agency coordination

For similar reasons to sharing information with family members, many jurisdictions are limited by legislation and policy to share information with other agencies such as WorkCover or the Coroner's Court. Jurisdictions may want to consider whether existing frameworks hinder information sharing between agencies and consider implementing an Information Sharing Scheme. An Information Sharing Scheme could streamline information sharing arrangements by enabling increased collaboration and better risk assessment and management across the service system.³⁸

WHS regulators could provide support services in conjunction with third party agencies

Jurisdictions could consider developing a partnership model with local legal centres to provide tailored legal and financial legal advice to family members. Jurisdictions could reach out to appropriate legal centres and co-develop a service that caters specifically to families that have experienced an industrial death. This service can offer advice in wills, superannuation insurance, the legal coronial process, and can represent you at a coronial inquest. By having one legal centre per jurisdiction that manages these supports, families will have a clear understanding of where to get answers on financial and legal matters. These legal services, over time, can build up an expertise on coronial matters and industrial law to be able to solve family members issues responsively. This model would involve some resource commitment by the WHS regulator.

³⁸ *Information sharing*, Department of Health and Human Services Victoria, <https://providers.dhhs.vic.gov.au/information-sharing>

Jurisdictions may face difficulties in providing tailored support to geographically remote families

For geographically dispersed jurisdictions and those where industrial centres are outside of metropolitan cities, finding adequate support services in non-metropolitan areas may be difficult. In such circumstance's jurisdictions may have to rely more heavily on other services such as victims of crime and online support services. Some examples of online services that are available for counselling, legal and financial support are:

- GriefLine – free telephone and online counselling service that specialises in grief, loss and trauma
- Insurance Law Service – free telephone advice about insurance problems, including funeral insurance, life insurance and superannuation related insurance
- Many jurisdiction-based community legal centres provide over the phone services. For example, the Roma Mitchell Community Legal Centre in South Australia and the Workers Assist Tasmania centre offer free over the phone consultation.

3.5 Jurisdictions could enable families to connect with others through informal family support groups

Jurisdictions could provide greater support to third-party information family support groups, such as online peer-support forums and face-to-face memorials. These types of groups give families an opportunity to share their experiences and memorialise their loved one and advocate for change. Jurisdictions and/or could:

- Ensure that all families have access to peer support in some form
- Consider how to support the creation and continuation of support group and other opportunities for families to publicly share their experience.

Recommendation 26 of the Senate Inquiry suggests a forum for families to submit and publish impact statements in order to give them a voice and outlet for their experiences in the processes that follow an industrial death.³⁹

The features of best practice in connecting families with peer support groups are described in section 2.5. Examples of how these features could be implemented are detailed below.

Jurisdictions could consider ways to facilitate family involvement in online peer support forums

FLPs could provide information to families about where to access and participate in online peer support forums. FLPs and other family contacts can familiarise families with the available groups and provide them with a link via email or contact details so that they can connect with groups that align with their preferences.

Online forums may be an effective way to provide more geographically distant families with support and connections to other families. These forums would allow families to connect on a regular basis and discuss the process with people that have experience in an informal and safe space. There are some existing online peer support groups that are loosely tied to specific jurisdictions, though available to families across Australia. These include, Queensland Consultative Committee Facebook page and VOID.

³⁹ Senate standing committees on education and employment, *The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, recommendation 26.

Some examples of ways that jurisdictions could support online peer support forums are:

- Consider how formally developed Consultative Committees can help in the establishment of new online peer support groups.
- Reach out to large not-for-profit organisations that run support networks for bereavement, such as Compassionate Friends to develop WHS specific support groups within these existing organisations.
- Support forums by providing financial and logistic support to bolster the capability and availability of events, while still allowing the event organiser to host and run the event. This approach would not infringe on the safe and 'family and victims only' space that is created at such events.
- The introduction of an online forum may require expertise support and additional resources to prevent the occurrence of hacking, inappropriate comments, and ensure the sustainability of the forum.

Jurisdictions could provide families the opportunity to engage in in-person peer support forums

In some jurisdiction's family reference groups and consultative committees operate as peer support networks. Jurisdictions can support families by ensuring that in-person peer support networks are safe, meet the needs of all attendees and are available to all interested families. Some considerations jurisdictions can have in developing an in-person forum are:

- Whether individuals with grief and trauma-informed counselling should be present at network meetings to check in on the mental health of attendees.
- How the forum can support families at different stages in the process. Families that are further along in the process may prefer to use this time as an opportunity for discussing needed reform, whereas a family that is newer to the process and community may prefer to receive advice on how to tackle the practical issues that arise after a death, or ways in which to cope with grief. In consideration of these differing needs, in-person meetings should have a structured agenda and a qualified facilitator to guide the discussion.

Smaller jurisdictions with a lower number of deaths may have less resources and opportunities to develop in-person supports.

These jurisdictions may want to consider how smaller support groups can exist in a way that is still a family-led safe space that does not place undue responsibility on eager families. These families may benefit from connecting with a wider range of families from other jurisdictions that can share generalised knowledge on the process and coping with the loss of their loved one. In smaller jurisdictions, peer-supports can be more informal, with one family member who has gone through the experience helping the other. FLPs can work as a mediator between families that are interested in supporting others and families who have recently suffered a loss to ensure both are appropriately supported.

3.6 Jurisdictions could give the families the opportunity to provide feedback

This section details how jurisdictions can incorporate features of best practice that relate to giving families the opportunity to provide feedback. Jurisdictions could:

- Establish advisory committees of affected families that have a clear role in providing feedback to government and defined aims.
- Introduce safety advocates to promote safety within the industry
- Utilise surveys to engage a broad group of affected family members to learn about their experience engaging with government agencies to inform policy and practice.

The features of best practice for giving families an opportunity to provide feedback and advice are described in section 2.6. How jurisdictions can implement these features is detailed below.

3.6.1 Jurisdictions could develop advisory committees for affected families to have a voice to government

Jurisdictions can consider how to structure the membership and function of consultative committees to best position them for success.

Advisory committee membership to be representative and structured

Jurisdictions might consider how to ensure that families from a broad range of culturally, linguistically, and geographically diverse backgrounds have equal opportunity to participate in consultative committees.

There are a range of ways that jurisdictions could ensure families are able to participate in a committee that ease the financial burden, the time commitment and geographical distance. For example, jurisdictions could:

- Financially reimburse members for travelling expenses incurred to attend meetings. This would encourage families that are geographically dispersed to participate and share their unique perspectives.
- Consider alternating the location of the Committee to the location of its members. For example, if half of the committee members live in the eastern part of the state then every third meeting could be held at a location closer to the east. Even where families are financially reimbursed flexibility in meeting locations supports those whose work may not accommodate regular travel.
- Utilise technology to run some online meetings. In consultation Nous was told that in person participation is a key component of best practice for advisory committees. However, jurisdictions may consider some form of online meetings to enable greater participation from families with less flexibility to attend in person meetings. Any development of an online forum may consider management and resourcing requirements to ensure group remain secure and safe.
- Ideally have a secretariat with social work or mental health training and experience. This will assist with facilitating meetings in a productive way and ensure that families in distress as a result of a committee meeting will have immediate support.

Membership to make participation easy and diversify input

Jurisdictions might introduce structures around membership to ensure that a diverse range of people can collaborate with government to improve family experiences. Membership and engagement in committees could take into account a person's suitability to participate, consider participants own mental welfare and how long a person can serve as a member. Some requirements for participation that jurisdictions could include are:

- A minimum amount of time having passed since the death of the loved one to prevent newly traumatised people from taking on a further burden and emotional labour.

- Term limits for committee members to introduce new members and input into the committee (the Queensland term is 3 years and members may be reappointed at the Ministers discretion).
- Facilitation or guidance at meeting from a someone with trauma and grief training.

When appointing committee members, jurisdictions should consider balanced gender representation. Committees could also consider how to be representative of culturally and linguistically diverse people and Aboriginal or Torres Strait Islander peoples.

Advisory committees to have clear parameters around function

An effective advisory committee requires a clear scope and objectives to guide their work. Some jurisdictions may want to embed the committee's functions and objectives in legislation. The Queensland Committee is an example of this, and the scope of their committee is discussed in 2.6.

A consultative committee that is enshrined in WHS legislation would have formal scope and purpose that cannot be easily altered or disbanded, providing an assurance of longevity to committee members despite changes in Administrations.

Jurisdictions may also consider establishing a committee through Ministerial order, this may offer jurisdictions greater flexibility where the scope and objectives of the committee develop over time.

The WHS regulator or relevant department could provide secretarial support to the committees. Jurisdictions can also help to ensure that government employees work constructively alongside the committee. This may require training for WHS employees in working with people who have experienced trauma.

Jurisdictions could establish clear parameters around the scope and aim of the committees so that they have a clear function. An example of the potential scope and aim of a committee is provided below.

- Give advice and make direct recommendations to the Minister about the support needs of affected people.
- Review and advise on the development of policies, practices and strategies for providing information and support to affected people.
- Make recommendations about other matters relating to the information and support needs of affected people.
- Assess and provide recommendations on how all government agencies involved in investigating fatal and serious workplace injuries can achieve a consistent response and approach.

There may be some jurisdictions where advisory committees are not feasible due to limited numbers of families who would like to participate.

Smaller jurisdictions may consider alternatives to advisory committees

Jurisdictions that have a lower number of fatalities may consider alternative approaches to giving families an advisory role to government. They may consider if it is appropriate for families affected by industrial death to be incorporated into existing advisory committees dealing with similar issues, such as Victims of Crime committees. Jurisdictions that have existing WHS advisory committees (see section 2.6) that currently comprise of industry representatives could expand their scope to family supports and include affected family members.

Alternatively, WHS regulators and/or the WHS Commissioner where relevant could develop a working group with family members, advocacy groups, unions and/or relevant community services (e.g. legal aid). This type of working group can contribute their knowledge to help:

- Develop, guide and review family support policies and guidelines and services as they relate to industrial death.
- Address matters referred to the working group by family members.
- Address current and emerging issues that affect family support.

The Working Group could be co-chaired by the Commissioner or WHS representative.⁴⁰

3.6.2 Committee members are also Safety Advocates

Jurisdictions may wish to involve the families in their jurisdiction that are eager and equipped to do so, to get involved in local industry communities, to raise awareness of the importance of safety in the workplace. This can be achieved through taking an approach similar to Queensland who have several WHS Safety Advocates that are members of the Consultative Committee. These Safety Advocates utilise their own experiences with industrial injuries and deaths to promote awareness of the importance of workplace safety, highlight the personal impact that injuries can have on workers and their families, and encourage workers to develop work health and safety solutions together.

Safety Advocates can get involved in local industry communities through attending workplace safety meetings or hosted social gatherings to speak to workers, supervisors and managers about the importance of being safe at work.

Safety Advocates are not qualified inspectors and are not able to provide specific safety advice or guidance on compliance with WHS laws. Their function is to provide a voice advocating for safety that is not coming from the government that people can relate to and trust.

3.6.3 Jurisdictions to utilise surveys to capture the views on family supports of the wider community

Not all families can contribute to a consultative committee or make the resource and time commitment to do so. Participating in a survey may provide an accessible and less-time-consuming way for families to share their views on how regulators and other relevant agencies can improve family supports. Surveys can provide a way to engage with a broader group of affected people to gain their insight without creating a disincentivising commitment. Surveys can also be conducted semi-regularly and are not affected by government timeframes.

⁴⁰ An example of a recent Working Group is the LGBTIQ Family Violence Working Group in Victoria: <https://www.vic.gov.au/lgbtiq-family-violence-working-group>

Jurisdictions could consider how the data gathered from surveys can be effectively utilised. For example, jurisdictions can use the data from an annual survey to review how satisfied families are with:

- The level of information they receive from their contact person
- The support they receive from their contact person
- Any referral processes.

Data gathered from surveys can be a rich and reliable source of data about the experiences of victims and families navigating the WHS investigation and prosecution processes. This data could be used to inform policy and procedural reform of WHS regulators, to improve upon identified areas where adaptation is needed to properly support victims and families.

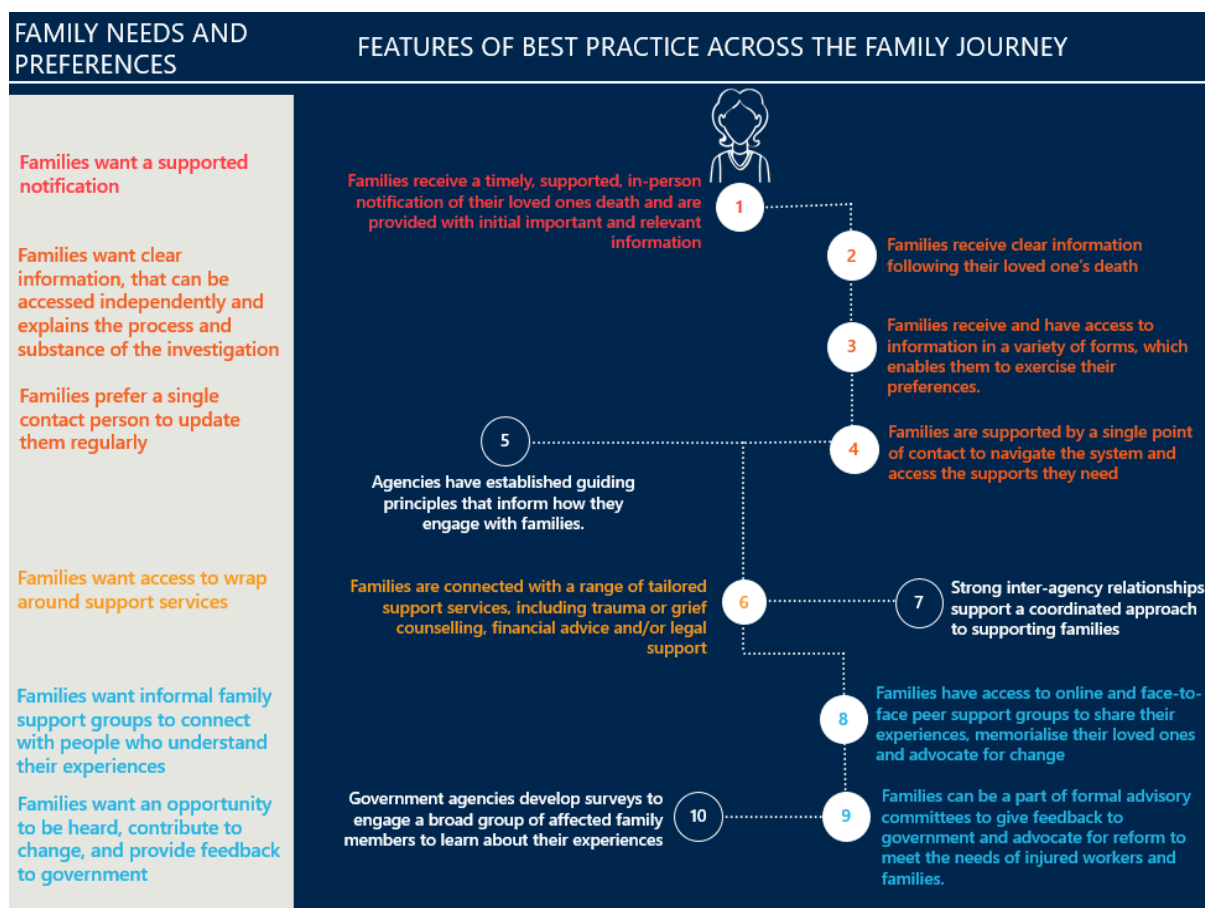
Jurisdictions can also communicate back to participating families how their contributions have been used to improve family experiences. Generalised information about how the data is used could be communicated on the regulator website. Case studies about effective reform that reflect trends from survey data could also be publicly accessible.

4 Conclusion

This report provides a comparative overview of the supports for families affected by an industrial death. Section 2 sets out a clear picture of family needs and preferences (in terms of support) and specific examples of how Australian jurisdictions, and other international and Australian models, currently address each of the identified features of best practice. It provides insight into how these features were identified, drawing on what families reported they need and want in terms of supports, and discussing specific examples from Australian and international jurisdictions that represent these features. It examines the differences and similarities between these mechanisms and initiatives.

Figure 21 depicts the features of best practice across the family journey following the industrial death of their loved one.

Figure 21 | Features of best practice across the family journey



Section 3 provides examples of how each of the features of best practice might be achieved as well as potential risks and implementation considerations. This includes how gaps or systemic issues can be addressed in different jurisdictions through improvements or changes to current support models, the relevant institutional structures, and/or roles and responsibilities of the parties involved.

This report is intended to assist jurisdictions to better understand the needs and preferences of families and features of best practice. The good practice examples illustrate the features and provide practical insight into the types of supports families value.

The report also provides jurisdictions with examples of how they might incorporate the best practice features into their existing models of support, to form a cohesive service model that complements existing strengths and addresses current gaps.

Adoption of these features of best practice could lead to greater consistency between jurisdictions in terms of the supports provided to families affected by industrial death.

Appendix A Stakeholder list

Table 5 outlines the stakeholders consulted during the scoping study by jurisdiction. Nous also engaged representatives from the Australian Council of Trade Unions (ACTU), Australian Services Union (ASU), Australian Education Union (AEU), Australian Manufacturing Workers' Union (AMWU), Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU), Electrical Trades Union (ETU) and Victorian Trades Hall Council (VTHC).

Table 5 | Stakeholders consulted

Jurisdiction	Stakeholder
Australian Capital Territory	<ul style="list-style-type: none"> • 1 x WHS Compliance and Enforcement Reform project • 2 x ACT Fire and Rescue • 2 x Work Safe ACT • 1 x Workplace Safety & Industrial Relations Group • 2 x Family interviews
Commonwealth	<ul style="list-style-type: none"> • Director, WHS Framework Policy, Attorney-General Department • 2 x Comcare • 1 Family interview
New South Wales	<ul style="list-style-type: none"> • 3 x SafeWork NSW • 2 x iCare • 9 x Family interviews
Northern Territory	<ul style="list-style-type: none"> • 4 x NT WorkSafe • 1 x Family interview
Queensland	<ul style="list-style-type: none"> • 1 x Office of Industrial Relations • 1 x Caxton Legal Service • 1 x Ambulance QLD • 2 x Coronial Police Unit QLD • 10x Family interviews
South Australia	<ul style="list-style-type: none"> • 2 x Office of the Executive Director, SafeWork SA • 4 x SafeWork SA • 3 x Return to Work SA • 6 x Family interviews
Tasmania	<ul style="list-style-type: none"> • 1 x WorkSafe Tasmania • 1 x Police Tasmania • 1 x Family interviews

Western Australia	<ul style="list-style-type: none"> • 5 x WorkSafe • 1 x WorkCover Policy • 10 x Family interviews
Victoria	<ul style="list-style-type: none"> • 1 x Griefwork • 3 x Department of Justice and Community Safety • 1 x Coroners Court of Victoria • 3 x WorkSafe Victoria • 7 x Family interviews

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