

Our Ref: CMA:889261

26 May 2021

BY EMAIL ONLY

**Attention: Coroner Bracken**

Coroners' Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

**Email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)**

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Dear Coroner Bracken

**Investigation into the Death of [REDACTED]  
COR 2017 003739  
Response to Recommendation**

We refer to the above matter where we act for [REDACTED]  
trading as [REDACTED].

We also refer to the recommendation of Coroner Bracken at paragraph 72 of the Findings into Death Without Inquest of [REDACTED] dated 21 February 2021 (**the Findings**).

Recommendation

At paragraph 72 of the Findings, Coroner Bracken makes the following recommendation:

"With the aim of promoting public health and safety, I recommend that [REDACTED] assiduously evaluate their internal processes and procedures for dealing with employees who are considered not to be performing up to expectation and explicitly consider strategies for minimising the inevitable stress caused by such processes and procedures particularly in employees with mental ill-health." (**the Recommendation**)

Action Taken on Recommendation

In response to the Findings and Recommendation, our client engaged third party, Superfriend, to undertake an assiduous review of its performance management process in the context of mental health.

We **enclose** a copy of the Superfriend Final Report dated 12 May 2021 (**the Report**).

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The Report makes three priority recommendations, being:

1. Develop a policy and/or guidelines for managing performance and associated support processes that encourage early intervention.
2. Replace the *Agreed Deliverables* template with a more holistic *Workplace Support Plan* in the context of mental health.
3. Implement an ongoing program to uplift leadership capability in workplace mental health and performance management.

The Report confirms that the Recommendation has been implemented in that our client has:

- a. assiduously evaluated its internal processes and procedures for dealing with employees who are considered not to be performing up to expectation; and
- b. explicitly considered strategies for minimising the inevitable stress caused by such processes and procedures particularly in employees with mental ill-health.

Further to and beyond the Recommendation, we are instructed by our client that it will implement the three priority recommendations made in the Report.

Yours faithfully



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