

## COMMITTEE REPORTS - CONSIDERATION

### *Committee*

The Deputy Chairman of Committees (Hon Ken Travers) in the chair.

*Standing Committee on Public Administration - Second Report - "Compliance of the Department of Health with Recommendations of the Auditor General's 2001 Report on Life Matters: Management of Deliberate Self-harm in Young People" - Motion*

Resumed from 30 August on the following motion moved by Hon Barry House -

That the report be noted.

**Hon SUE ELLERY:** I want to make some comments in response to the committee's report. I thank the committee for its work. Recommendation 1 is that the Department of Health actively monitor and facilitate compliance with the guidelines in emergency departments. Recommendation 7 is that the Office of Mental Health within the department develop a formal evaluation framework for the implementation of guidelines for the management of deliberate self-harm in young people. The government makes available to the house the following information about the initiatives that the government has taken, particularly in the provision of mental health services in emergency departments, because it is an area that the government sees as being critical. One of the pressure points that have been identified in emergency departments is the growing emergence of the presentation of people with mental health problems. The need to develop standardised assessment procedures for use in emergency departments for people presenting with a mental illness or self-harm issue has been acknowledged by the Office of Mental Health and its management and implementation committee. It convened a working party that was chaired by Dr Stephen Addis, a consultant psychiatrist, to develop specific guidelines that will improve the consistency of processes when people present. Part of that work involved consulting the heads of the emergency departments. One of the government's initiatives, independent of the work that was done by the committee, is the recruitment and employment of additional mental health liaison nurses and on-duty psychiatric registrars who are providing a service at designated emergency departments as a direct result of the mental health emergency services key initiatives in the mental health strategy. That initiative will significantly enhance the services that are provided to everybody presenting at emergency departments with mental health issues, particularly young people presenting with deliberate self-harm.

Recommendation 2 of the committee is that the Department of Health prioritise the allocation of resources to expedite a pilot project, which was the deliberate self-harm risk assessment tool. The committee commented on the need to ensure that both training and support were in place. A policy to establish minimum standards for clinical risk assessment and management in the Western Australia public mental health service has been endorsed by the management group. It provides for minimum standards for addressing the specific issue of deliberate self-harm as well as of other areas of risk. It is one of several projects being undertaken by the Office of Mental Health as part of its workforce and safety initiative under the mental health strategy.

The development of this policy included a review of a number of policies and guidelines currently in place not only in Australia, but also overseas. The Auditor General's reports, which triggered the committee's investigation, also formed part of the committee's review work.

It has been determined that a training package will accompany the policy implementation.

The Department of Health's Clinical Risk Assessment and Management Guidelines for the Western Australian mental health system released in 2005 - generally referred to by the acronym CRAM - underpin the policy. The guidelines assist Department of Health staff to meet risk-management responsibilities. They are applicable to all age groups, not just young people, and along with the CRAM guidelines and associated training and support, they form a comprehensive deliberate self-harm assessment tool. In accordance with the processes surrounding the development of this policy a standardised format for clinicians to report a risk-management plan will now accompany the document. This will assist in ensuring uniform implementation of the program and approach to risk assessment.

Training to support the implementation of the CRAM policies is currently being progressed. The tender document seeking a provider to deliver the training is being prepared as we speak and it is expected that document will be released in about four weeks' time. CRAM and its associate training and support will be rolled out across the state over the next six to 12 months. It will be evaluated both during and after the rollout in accordance with the committee's comment. This undertaking has a major education focus and it will require evaluation both pre and post rollout. Recommendation 2 seeks to prioritise the allocation of resources. Given what I have just said about the training rollout for the CRAM program, this demonstrates the importance the Department of Health places on the issues raised in this recommendation.

Recommendation 3 suggests that -

... the Department of Health, in consultation with the universities and training institutions, urgently convenes a working group to develop alternative strategies to address immediate and longer-term mental health workforce shortages.

The Additional and Alternative Mental Health Workers subcommittee was established in July 2006. It considered how to recruit additional or alternative vocational groups not currently engaged in mental health work. The Mental Health Directorate has agreed to fund two senior program officers who will provide advice on the issues faced by mental health workers. That initiative is currently underway, and will build on the work already accomplished by the committee, including its assessment of the work already done across the health and mental health fields. The committee sought advice from health professionals and workforce advisors.

Recommendation 4 suggests that the Department of Health -

... more actively assist mental health services to gain and maintain compliance with National Mental Health Standards.

The soon-to-be rolled out CRAM policy is aligned to the National Standards for Mental Health Services and the National Practice Standards for the Mental Health Workforce.

Under the Mental Health Act 1996, the Chief Psychiatrist has a statutory obligation to monitor standards of psychiatric care across the state. This is achieved by undertaking structured comprehensive reviews of mental health services. The objective of the mental health services clinical governance reviews conducted by the Chief Psychiatrist is to evaluate the consistency of the mental health services clinical governance practice and procedures within the requirements of the respective statutes and standards. They include but are not limited to the Mental Health Act 1996; the National Mental Health Policy 1992; the National Mental Health Plan 2003-2008; the National Standards for Mental Health Services 1996; the Western Australia Strategic Plan for Safety and Quality in Health Care 2003-2008; the Mental Health Services: A Framework for Reform 1998; the Complaints Management Policy; and the Clinical Governance Framework for Mental Health Services. The Chief Psychiatrist monitors compliance through the structured clinical governance review framework. To improve the standards of clinical risk assessment and management, the mental health division will actively assist mental health services through the training and the rollout of the CRAM process.

Recommendations 5 and 6 related to the Office of Mental Health. Recommendation 5 seeks to have the Office of Mental Health prioritise the development of a standardised framework and coordinate the establishment of local collaborative care protocols. Recommendation 6 states -

... that the Office of Mental Health works closely with community based mental health services in prioritising resources to ensure that deliberate self-harm patients receive follow-up ...

The management and implementation committee convened the Integrated Bed Management Reference Group, which in turn developed strategies and recommendations to enhance the coordination of all admissions to public mental health services. These encompass episodes of leave, transfers between psychiatric units and discharges from psychiatric in-patient units in Western Australia. A small working group chaired by consultant psychiatrist Dr Sandy Tait has been formed to develop policy and best-practice guidelines to aid in discharge planning and follow-up procedures for consumers of public mental health services. It is anticipated that the new working group will complement the work that has already been done by the integrated-bed group and that it will explore pathways that will take patients out of acute mental health services and move them towards existing community-based support services to ensure that we make best use of the available acute in-care patient resources.

Recommendation 8 stated -

... that the program established by the Ministerial Council for Suicide Prevention to monitor management of deliberate self-harm in metropolitan teaching hospitals be extended to all public hospitals in Western Australia

Deliberate self-harm social workers are located in three metropolitan teaching hospitals and they are responsible for the collection of the deliberate self-harm data that is referred to in recommendation 8. Additional mental health liaison nurses and on-duty psychiatric registrars are now operational at designated emergency departments, enhancing the services available to young people who present with the symptoms of deliberate self-harm. With those comments and on behalf of the government, I again thank the committee for its work.

**Hon BARRY HOUSE:** On behalf of the Standing Committee on Public Administration, I thank the Minister for Child Protection for her response in the past few minutes. As the house will be aware, the committee adopted this approach to the Auditor General's report on the very critical issue of deliberate self-harm in young people in Western Australia. We reported on two Auditor General's reports - they were tabled in the house in 2001 and 2005 respectively - that indicated some need for follow-up in certain areas. The government's

response to the report was tabled in this house on 20 December 2006. It is in the form of a letter signed by Dr Simon Towler, the Acting Director General of the Department of Health. The minister has reiterated and in many cases updated sections of that letter to indicate the government's response to our report and the Auditor General's reports. From the committee's point of view, it is heartening to see that the system works. Often committees in this house do not get very much acknowledgement or credit for the work that is done behind the scenes. This is a classic case in which we have picked up some issues that were highlighted and identified by the Auditor General and have carried out further analysis and checking with the government departments on the progress that they have or have not made in this area of deliberate self-harm. Our job is to look at the generic processes in government and how they address the issues at large.

This is the first report for which we have done a considerable amount of work in identifying and following up one of the statutory office holder's pieces of work. It has been very productive in the sense that we have further highlighted to the government agencies, in particular, areas of deficiency. We have done some work to improve the processes, accountability and follow-up from government in an area of critical need. We have received responses from the government not only via the tabled letter from Dr Simon Towler in December last year but also during this debate when the minister gave us an indication of progress since that date, and outlined that some significant work has been done. I am sure there is unending demand in an area such as mental health. We will never satisfy the demand completely, but it is pleasing to see that the Department of Health has responded, in most cases very positively, to the deficiencies that were outlined initially by the Auditor General. Our committee has played a very useful role in making public administration even more accountable by requiring organisations to explain their processes to the committee, which in turn reports to the Legislative Council, and also by the minister now explaining what progress has been made.

I thank all committee members and staff who were involved in this very useful exercise. It has probably brought our committee's role to a close in a sense, although we will maintain a watching brief over all these things. If anything does come up relating to issues of deliberate self-harm or the management of resources at emergency departments, I am sure the committee will prick up its ears and take further note and perhaps further action.

**Question put and passed.**

*Joint Standing Committee on the Corruption and Crime Commission - Fourteenth Report -  
"Public Hearing with the Corruption and Crime Commission on 30 August 2006" - Motion*

Resumed from 30 August on the following motion moved by Hon Ray Halligan -

That the report be noted.

**Hon RAY HALLIGAN:** I was speaking to this report when we were last considering committee reports. Report 14 revolves around a public hearing that the Joint Standing Committee had with the Corruption and Crime Commission to ascertain a number of things from the then commissioner, Mr Hammond, and a number of his senior staff. I will not go over the issues that I spoke about earlier, but I will refer to the end of the report and, more importantly, the end of the transcript, at which point the commissioner was talking about the staff within the commission and some of the difficulties the commission may have come 1 January 2009. The reason for the possible difficulties is that apparently members and staff can be employed for no longer than five years and it would appear that the greater majority of the staff were employed at the one time and will conclude their five-year appointment on 1 January 2009. I asked some questions of the commissioner and his staff about that issue. It was mentioned that the commissioner is conscious of that situation and is trying to do something about it. We are talking about a transcript of evidence that was taken on 30 August 2006, just over 12 months ago. I admit to the chamber that I am not sure whether I followed up on those questions to find out exactly what the commission is going to do. Now that I have reminded myself, I will take it up in the very near future.

One of the other issues associated with the employment of staff relates to both the quality and the quantity of staff for the forensic work that has to be undertaken. Highly skilled staff are required. The committee was concerned that the public service conditions that are normally offered under these circumstances may not be sufficient. The commissioner was queried as to whether there was any flexibility to provide additional remuneration to people whom they believe they had a need to retain. It was our understanding that that facility, if I can call it that, was available to the commissioner. The members of the committee left it at that, knowing full well that the commissioner did have some flexibility. As I say, I think it is particularly important, given that it is 12 months since those discussions took place, that the committee finds out exactly what the commission is doing because 1 January 2009 is fast approaching.

I would hope that members of the chamber will read the fourteenth report and the transcript of the hearing. It is one thing to read the report but I think the transcript also shows the ease with which members of the commission - the commissioner and the staff - speak with members of the committee. When talking about things in general and, of course, about non-operational matters, they were quite open with their answers to questions

from committee members. That is to be applauded. Members will find in subsequent reports that the commissioner and commission staff took a similar approach.

**Question put and passed.**

*Joint Standing Committee on the Corruption and Crime Commission - Fifteenth Report - "Public Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 16 August 2006"*

Resumed from 26 October 2006.

*Motion*

**Hon RAY HALLIGAN:** I move -

That the report be noted.

Again, this report concerns a hearing that was held just over 12 months ago. Members have often mentioned that some reports are a little old. However, I believe that it is important that we can reflect on reports that are 12 months old to see what was said at the time.

**Hon Bruce Donaldson:** Do you think that there is too long a delay in hearing reports?

**Hon RAY HALLIGAN:** That is exactly what I am explaining, Hon Bruce Donaldson. In certain instances, and this report of the Joint Standing Committee on the Corruption and Crime Commission may well be one of those instances, we can talk about not only what was the situation then but also what it should be now, 12 months later. With an ongoing committee of this nature, which has issues continually before it, it is incumbent upon the joint standing committee to undertake its oversight role and to continue to bring to the attention of members of this place information that it believes will be of benefit to members.

**Hon Bruce Donaldson:** I was not being disrespectful; I was just saying that there has been a delay. A period of 12 months is a bit of a worry. We are getting further and further behind in our consideration of committee reports.

**The DEPUTY CHAIRMAN (Hon Ken Travers):** Hon Bruce Donaldson, if you do not interrupt the speaker, I am sure that we will get through many more reports a lot quicker.

**Hon RAY HALLIGAN:** That was a very good point, Mr Deputy Chairman. I think that we will get through a few today, with Hon Bruce Donaldson's assistance of course. The fifteenth report concerns a public hearing with the Parliamentary Inspector of the Corruption and Crime Commission. The committee went over a number of issues with the parliamentary inspector, and I wish to bring a number of those to the attention of members, because they are ongoing.

Committee members clarified with the parliamentary inspector a number of issues regarding what the parliamentary inspector had done about complaints that he had received about the Corruption and Crime Commission. Of course, the act provides for the parliamentary inspector to undertake investigations into matters of public interest as well as specific referrals from individuals or organisations. As I have said before, the joint standing committee is totally reliant upon the parliamentary inspector to look into operational matters and to go inside the Corruption and Crime Commission to find out whether any of the allegations - and more often than not, they are nothing but allegations about what I might term the "mismanagement" of issues by the commission - need to be brought to the attention of the committee and, therefore, through the committee's reports, to the attention of this place. Page 1 of the report states -

Of the 30 complaints before the Parliamentary Inspector during the last financial year, he stated to the Committee his opinion that:

*...I think there has been no case where so far I have reached a conclusion that there has been improper or inappropriate investigation of the complaint by the CCC. Several cases are under review for which it may be that further steps need to be taken before closure of that person's complaint, but in the main, giving a complete overview, in my opinion the CCC in the procedural context has been handling complaints of the public in a proper and appropriate manner.*

My conclusion on reading that was that it could have been written only by a lawyer.

**Hon Bruce Donaldson:** There is one sitting behind you. Perhaps you could ask him.

**Hon RAY HALLIGAN:** He might be able to interpret it. Of the 30 complaints that the parliamentary inspector received about the operations of the CCC, he found that it had done no wrong. The report states that, in the procedural context, the handling of complaints of the public by the CCC was proper and appropriate. That is particularly important. Members of this place need to be aware of that, because we periodically hear about complaints against the CCC. I assure members that the committee receives quite a number of those complaints

itself. A number of people firmly believe, and understandably so to some extent, that they are right, that everybody else is wrong, and that their grievances should be satisfied. They will try all and sundry to try to get others to come to that conclusion. They go to the CCC, the parliamentary inspector, the Ombudsman and the Commissioner for Public Sector Standards. They will go everywhere, including to the joint standing committee, to complain that these bodies have not accepted their arguments. It is extremely difficult for the joint standing committee to deal with such complaints because it is not in a position to reinvestigate matters - not that it would wish to do so, because there are competent bodies that can undertake that work. All that the committee can do with these complainants is to advise them of where they can go. They can provide as much information as possible to those bodies, but they then have to accept the outcome. If they come forward with any evidence that the wrong conclusion has been reached, they have rights of appeal - there are other organisations to which they can appeal. The difficulty I have found is that some complainants appeal four or five times without bringing forward any new evidence. It is interesting and very important to know that the parliamentary inspector has checked the complaints about the commission itself and has come to the conclusions that he says he has drawn from them.

We are aware also from the report that the Parliamentary Inspector of the Corruption and Crime Commission and the Corruption and Crime Commissioner get on particularly well. This is as it should be, even though the parliamentary inspector has been queried, as one might expect, about his role of reporting on the commission adversely if need be. We have been advised that the parliamentary inspector is very conscious of that role. However, there must be some form of working relationship, and the committee has been advised that it does exist.

Another issue that was brought up by the parliamentary inspector was his workload because of the number of complainants who ask the parliamentary inspector to investigate their issues and report back to them. Without knowing the totality of the circumstances associated with the complaints, but knowing some of the dates that have been mentioned, one might guess the time that would be taken to reinvestigate a matter that was 10 or 15 years old. I believe those types of demands place an onerous task on the parliamentary inspector. In the first instance, many such demands could never have been envisaged. However, the parliamentary inspector now has an assistant parliamentary inspector because of a number of issues, not the least of which was a possible conflict of interest, but also possibly because he was overworked. My understanding, though, is that the assistant parliamentary inspector has been used in only one instance; that is, when Mr Malcolm McCusker believed there could have been a perceived conflict of interest. In that case, he stood down and allowed the assistant to take his place.

**Hon Ljiljanna Ravlich:** There must be some routine things that are done by the parliamentary inspector that, given his expertise, somebody else could do because it is lower-order work; such as administrative functions that he has to deal with, or whatever, that could be done by an assistant or somebody else.

**Hon RAY HALLIGAN:** The minister is correct, and I applaud the government for allowing that to take place. I believe someone is about to be appointed to undertake that role. There is no doubt that that will assist in the collection of a lot of information that the parliamentary inspector might require to be collected. I am a little concerned because a number of issues appear to be accelerating. I have previously mentioned in this place my belief that we must consider whether to establish an office of the parliamentary inspector, with Malcolm McCusker at the head and a number of assistant parliamentary inspectors employed on a purely part-time basis. I am not talking about employment on an annual remuneration basis but, like the current assistant parliamentary inspector, as and when required. I believe that would provide the type of flexibility that to date we have found is required. It is understood that the future will be no better, as more and more inquires and more and more complaints come forward. I do not suggest for one moment that all the complaints are vexatious, but many come from people whom I described previously as being dissatisfied with the rulings handed down. Unfortunately, those complaints take up an enormous amount of the parliamentary inspector's time.

**Hon Ljiljanna Ravlich:** They might be concerned with procedural fairness and due process issues, too, in terms of people's perception of how they have been treated by the CCC.

**Hon RAY HALLIGAN:** That is true. However, I suggest that the processes of the commission and other bodies that investigate these matters give due consideration to procedural fairness as well.

**Hon Ljiljanna Ravlich:** It may be a perceived thing rather than an actual thing, because I know that the parliamentary commissioner has found that in most cases these complaints are not substantiated.

**Hon RAY HALLIGAN:** The minister is right: a lot of it is perceived. That does not make it any easier to try to get the message across to people. A lot of time is still taken up by these people wanting satisfaction - satisfaction by their description - which just cannot be provided.

Certain other matters that have been raised with the parliamentary inspector include key performance indicators. One difficulty I have had in the past with KPIs is that in many instances they are totally and utterly meaningless.

I have queried the Auditor General about KPIs in annual reports and KPIs in budget papers and have found quite often that the budget KPIs for an agency differ completely from those in the agency's annual report. When I asked the Auditor General whether he looked at KPIs in the budget, the answer was no. He looks at them within the annual report and virtually reports on them, but not those in the budget; therefore, there is quite often no comparison between the two.

I also asked the Auditor General whether he had some input into what these KPIs might look like; again the answer was no. It was therefore interesting to talk to the parliamentary inspector about KPIs for his role. We came to some agreement that it was ludicrous to say that he will in the next 12 months undertake a certain number of investigations or that he will respond to a certain number of complaints. As he rightly said, he does not have a crystal ball. He has no idea, and neither does the committee, how many he will undertake or respond to. Members will find, if they care to read the transcript, a general discussion with the parliamentary inspector about the form that his KPIs might take. Hopefully, ultimately they will be far more meaningful than many other KPIs that I have read over the years.

I will record in *Hansard* the agreed actions to be undertaken by the parliamentary inspector. Admittedly, they were agreed to 12 months ago, but they are, again, something that must be followed up and checked to see whether they have been put in place. Page 6 of the fifteenth report states -

The following is a summary of actions agreed to by the Parliamentary Inspector at the public hearing:

- (i) Review the CCC's website to better clarify the complaints process and the basis upon which complaints can be made about the CCC;
- (ii) Seek to engage a suitably qualified executive officer on a part-time basis to assist the Parliamentary Inspector in an administrative and research capacity to fulfil his statutory functions;
- (iii) Maintain a formal register of actual and alleged conflicts of interest raised by individuals who make complaints about the CCC;
- (iv) Inform the Committee when the Parliamentary Inspector decides to conduct investigations on matters of "public interest";
- (v) Provide the Committee with a submission in relation to its inquiry into witness protection programmes in Western Australia;
- (vi) Inform the Committee about proposed KPIs to be included in future annual reports of the Parliamentary Inspector prior to them being finalised; and
- (vii) Advise the Committee in writing as to whether the Acting Parliamentary Inspector obtained a security clearance prior to his appointment.

Paragraph (vii) related to a purely technical matter.

They are some of the things that the parliamentary inspector agreed to do. They were very important issues that, again, I have no doubt members would like to see in place to ensure that the parliamentary inspector is undertaking the task that is expected of him. We will await a further report to learn exactly what transpired with those agreed actions.

**Hon LJILJANNA RAVLICH:** On behalf of the government, I am happy to support the motion.

Having read the report on the public hearing held with the Parliamentary Inspector of the Corruption and Crime Commission on 16 August 2006, I was interested to learn that the Joint Standing Committee on the Corruption and Crime Commission holds meetings with the parliamentary inspector on a quarterly basis. It is a very good opportunity for the parliamentary inspector to present to the committee any issues or any concerns that the parliamentary inspector may have on a range of issues related to the function that he performs. It was interesting to note that action was taken on a range of issues after making a number of recommendations, and, that, as a result of those recommendations, some changes have already been made.

One of the issues that seems to have arisen is the review of the CCC's website to better clarify the complaints process and the basis upon which complaints can be made about the CCC. There is no doubt that some people feel aggrieved with the way that they perceive they are treated vis-a-vis process, and with what they regard to be a lack of procedural fairness or due process. That may be, in part, because those people have a perception of how those principles apply in other areas, and they may not be au fait with the rights and responsibilities of the CCC. Clarification of the complaints process by the CCC is very worthwhile. Clearly, the agreed action by the parliamentary inspector is a good thing. It may have already resulted in a review of the CCC's website to identify ways of better clarifying the complaints process and the basis upon which complaints can be made about

the CCC. As well as providing people with a greater degree of clarity and better understanding of that process, it might also lead to an overall reduction in the number of complaints that are made to the parliamentary inspector about process matters. I suspect that the parliamentary inspector has a considerable workload, and I suspect that even the parliamentary inspector is surprised by that. Quite clearly, it was an issue that he raised with the committee and, as a result of that, it has been recommended that some assistance be provided to him.

It is good to know that these quarterly meetings occur and that there is an exchange of information, feedback and points of view between the parliamentary inspector and the Joint Standing Committee on the Corruption and Crime Commission on a range of issues. I do not doubt that, as a result of those meetings, there will be refinements to processes and perhaps even policy. Overall, that can only be a positive thing. We have gone through a period in this state in which some people have had the view that the CCC was on a learning curve or may have overstepped the mark. For example, the CCC holding the majority of its hearings as open hearings has resulted in widespread media scrutiny that to some extent bordered on hysteria, which has certainly adversely impacted on the lives of quite a number of individuals. The existence of the CCC is indeed a good thing. The government supported the establishment of the CCC. We funded the CCC to do a job, and we do not have any problems with the CCC going about its business. The government wants to ensure that the CCC operates in an efficient way and achieves the outcomes that it was intended it achieve, and that any consequential adverse outcomes are avoided or significantly reduced. Having said that, the government is more than happy to support the motion that the report be adopted.

**Question put and passed.**

**Progress reported, on motion by Hon Ljiljana Ravlich (Minister for Local Government).**

*Sitting suspended from 1.00 to 2.00 pm*