

GRAYLANDS HOSPITAL — PSYCHIATRIC PRACTICE

Statement by Minister for Mental Health

HON HELEN MORTON (East Metropolitan — Minister for Mental Health) [2.03 pm]: I wish to update the house following a recent media article regarding the practice of an individual doctor at Graylands Hospital who is the subject of a current State Administrative Tribunal hearing. Allegations have been raised that the doctor has been operating in contravention of the Mental Health Act 1996.

Between 9 September 2004 and 18 October 2010, the doctor was qualified to carry out the functions of a psychiatrist under the act. During this period of time, the doctor's name was entered on the register of psychiatrists maintained under section 17 of the act because he was recognised as having appropriate skills and expertise in the field and there was a need for psychiatrists. Accordingly at that time he was a "psychiatrist" for the purposes of the Mental Health Act. This authorisation arose by virtue of the Medical Board of WA, which was the relevant regulatory body at the time to maintain the register of psychiatrists under the act. Included on the register of psychiatrists at the time were medical practitioners who had special skills in the area of psychiatry and were recognised by the board as a specialist in psychiatry. In placing a medical practitioner on the register, the board would take into account a number of factors, including the length of time a practitioner had been practising in psychiatry. As such, doctors who had sufficient experience, but who did not hold fellowship, could be placed on the register and operate as a psychiatrist for the purposes of the act.

From 18 October 2010, the definition of "psychiatrist" in the Mental Health Act was amended by the Health Practitioner Regulation National Law (WA) Act 2010. The full implications of this amendment were not appreciated at the time. In fact, this amendment created a temporary impediment to the registration of overseas qualified psychiatrists in Western Australia, which has since been rectified. These overseas doctors, who were previously authorised as psychiatrists under the act and deemed competent to carry out the functions of the act by the Royal Australian and New Zealand College of Psychiatrists, were inadvertently excluded by virtue of this change in definition. The change in definition of "psychiatrist" from 18 October 2010 also acted to exclude this doctor from being authorised to carry out the functions of a psychiatrist under the Mental Health Act. This is despite the fact that the doctor was previously deemed competent and authorised to carry out the functions of a psychiatrist.

Subsequent to the change in definition, the doctor applied for specialist registration as a psychiatrist under the national scheme, the National Health Practitioners National Law (Western Australia) Act 2010. That application was refused and he was granted registration only as a general practitioner. However, in 2011 he was advised by Australian Health Practitioner Regulation Australia that he could continue to perform the functions of a psychiatrist on the register of psychiatrists for the purpose of section 17 of the Mental Health Act at Graylands Hospital. I am advised that the doctor relied in good faith on the advice of AHPRA in the doctor's continuation to administer the Mental Health Act.

In November 2012, the Mental Health Act was amended in order to address the loophole surrounding the registration of overseas qualified psychiatrists. At this point in time, queries were raised regarding the doctor's ability to continue to administer the act, as the doctor's registration with AHPRA is as a general practitioner and not under the specialist or provisional categories. Accordingly, the Department of Health sought further advice on this matter. Upon receiving legal advice on 15 January 2013, the doctor immediately ceased administering the Mental Health Act.

I appreciate that the findings of the SAT case may cause concern to some people. However, I am advised that the doctor has a long-standing career as a senior medical officer at Graylands Hospital; he is highly competent and is highly regarded by colleagues and peers. The doctor's capabilities have been recognised in the past by the Medical Board of WA, which provided the doctor with authorisation to operate as a psychiatrist for the purposes of the Mental Health Act for more than six years between September 2004 and October 2010.

The Department of Health is currently identifying all patients for whom the doctor administered the Mental Health Act between 18 October 2010 and 15 January 2013. The Department of Health will attempt to advise all patients in question of the SAT determination and of their rights to obtain legal advice. It is anticipated that this may involve 214 people. However, the Department of Health is currently undertaking a full review of patient files for the period in question. The Department of Health is seeking further advice regarding the implications of the SAT decision.

Point of Order

Hon SALLY TALBOT: Mr President, in the fourth paragraph from the end of the minister's written version of this statement, there is clearly a typographical error that refers to a date. Given that the dates in this matter are clearly one of the critical factors, I ask the minister to confirm what that date is.

The PRESIDENT: Yes.

Hon HELEN MORTON: Thank you, Mr President. It is as I read out—2012.