

CRIMINAL LAW (MENTAL IMPAIRMENT) BILL 2022

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Stephen Pratt) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 2: Commencement —

Committee was interrupted after the clause had been partly considered.

Hon TJORN SIBMA: Sometimes it is difficult to recall precisely where we were before we were adjourned, particularly after we start contemplating other matters in question time.

Hon Matthew Swinbourn: Member, if it helps to prompt your memory —

Hon TJORN SIBMA: The parliamentary secretary read something in. Is he in a position to table that or provide a precis again? I am sorry.

Hon MATTHEW SWINBOURN: I cannot table it because it has other material attached to it, but it was about how the implementation of the bill is being coordinated. I indicated to the member that approximately 10 agencies and statutory bodies were involved in the implementation of these reforms, and I gave the member the details of the executive level interagency implementation steering committee. That has been established, and its role is to drive and oversee the implementation. The steering committee is chaired by the Department of Justice, and the group meets on a bimonthly basis; I presume bimonthly means every two months. Below that is an officer-level program board that is responsible for the day-to-day implementation, planning and preparations, and that group meets on a monthly basis. Just to be clear, the body I referred to before is programmed to meet on a bimonthly basis, but it will meet more often if it is required.

There is also the program plan that has been developed to provide agencies with a structured framework for the planning and undertaking of and reporting on the implementation activity. I suspect the program plan somewhat goes to what the member was talking about previously, and we have given an undertaking to produce a document that the member might find useful.

Hon TJORN SIBMA: I very much appreciate the parliamentary secretary providing that precis, and I anticipate the receipt of that document probably next week.

Hon Matthew Swinbourn: I had also forgotten what we had covered.

Hon TJORN SIBMA: Quite genuinely, we compartmentalise bits of our brains for different bits of business in here. Going back into them and retrieving what was just provided to us can sometimes be a bit challenging.

Hon Matthew Swinbourn: I visited the strangers' bar as well.

Hon TJORN SIBMA: That is for another time. What I might do is reflect on the advice the parliamentary secretary has helpfully provided again. May I initially ask, aside from the Department of Justice, which is quite obvious, which are the other nine agencies in the group that will be meeting on a bimonthly basis?

Hon MATTHEW SWINBOURN: It is the Department of Justice, but the Department of Justice, like many departments, is large, so I will provide a breakdown: it includes representatives from corrective services, the Office of the Commissioner for Victims of Crime, the Office of the Public Advocate and the office of the Public Trustee, which are still within the Department of Justice; the Department of Communities; the Mental Health Advocacy Service; the Mental Health Commission; the North Metropolitan Health Service; the State Forensics Mental Health Services; the Office of the Chief Psychiatrist; the Office of the Director of Public Prosecutions; the State Solicitor's Office; the Western Australia Police Force; and the government-funded legal assistant providers Legal Aid Western Australia, the Mental Health Law Centre and the Aboriginal Legal Service of Western Australia. That might be more than 10 when we add them all up.

Hon TJORN SIBMA: I presume to get a sense of the terms of reference of this group, understanding the agency composition, is it effectively an umbrella steering committee for the implementation of the entire work program? Other than for obvious reasons, I am interested in the membership to determine whether there might be elements of the work program that come out of this that might require, for example, more detailed consultation with groups or organisations that fall outside of that composition momentarily. I would like to understand whether, for example, there might be a need to go back to the Chief Justice on something. Depending on the issue, is there the scope for the inclusion of other organisations or representatives on an as-needed basis?

Hon MATTHEW SWINBOURN: In response to the last part of Hon Tjorn Sibma's question, basically, yes, there is an opportunity to engage with groups that are external to those particular groups. That could include non-government stakeholders as well. There will certainly be quite direct consultation with non-government stakeholders in this particular space. In terms of the first part of the question, the steering committee will be responsible for providing

overall direction to the CLMI—for the sake of *Hansard*, I will use that constantly—program and for the delivery of the reform. The specific responsibilities of the steering committee include providing cross-agency oversight over the implementation of the CLMI program; receiving and providing updates as appropriate on the progress of legislation, implementation activities and budget—I think it refers to this legislation but later it will be the subsidiary legislation; receiving progress reports from the CLMI program board, including detail of significant risks and issues; providing direction to the CLMI program board and project-specific working groups as required and when matters are escalated for decision; reviewing and endorsing and/or prioritising key project documentation, such as new project initiatives or significant project change requests; driving and coordinating implementation activity within and across agencies, ensuring it remains within scope, time frame and budget; driving agency input into business case preparation and ensuring that relevant departmental and ministerial approvals are obtained for agency input; and identifying and providing advice on interdependencies, issues, concerns and risks, such as the work of the Graylands Reconfiguration and Forensic Taskforce. The word “interdependencies” could only be in a document produced for this purpose!

Hon TJORN SIBMA: That is probably an apt description considering the issues at play and their relationships. The obvious question is: who at the Department of Justice is chair of this group?

Hon MATTHEW SWINBOURN: I will not name that person for the sake of privacy, but I will give the member their position. It is the executive director of strategic reform.

Hon TJORN SIBMA: In the role that the executive director fills as chair or chief steward of this group, is there an understanding or some sort of agreement about the regular reporting of progress to the Attorney General?

Hon MATTHEW SWINBOURN: I know this person, and I know that this person has significant contact with the Attorney General’s office because that is part of their job. To confirm the member’s question, yes, there will be regular reporting by the executive director to the Attorney General, and also to the director general of Justice. That will be at least monthly. It will be in conjunction with other reporting to the Attorney General, but it may be more than that if the group to which we referred earlier requires it.

Hon TJORN SIBMA: That is good. I now want to ask a more prosaic question. On what date was this group that is chaired by the executive director formed, and when was the first meeting held?

Hon MATTHEW SWINBOURN: I do not have the dates available for the member at the table, but we will be able to confirm that information for him between now and when we sit again. We can say that the group was formed over a year ago. We do not know the precise time frame but we will be able to report back to the member when we return.

Hon TJORN SIBMA: I will await precise confirmation about the date. I am obviously interested in the date for a range of reasons, one of which is to ascertain what progress has been made in the last 12 months. I think that is a reasonable interest of mine considering the extensive part of the Attorney General’s second reading speech that dealt with the implementation and the fact that this has been initiated. I also want to underline the fact, without reflecting upon an earlier vote of this chamber, that reference to a committee might imperil or delay its work if it has already been going for 12 months, but we will await that. I do not know at what time we will have to move on, so if the chair could give me a nod about whether I have 30 seconds left or not.

Progress reported and leave granted to sit again, on motion by Hon Matthew Swinbourn (Parliamentary Secretary).