

**STANDING COMMITTEE ON
ESTIMATES AND FINANCIAL OPERATIONS**

**HEARING IN RELATION TO A MATTER ARISING FROM THE
BUDGET ESTIMATES HEARINGS, JUNE 2010–11**

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 26 MARCH 2012**

Members

**Hon Giz Watson (Chair)
Hon Philip Gardiner (Deputy Chair)
Hon Liz Behjat
Hon Ken Travers
Hon Ljiljanna Ravlich**

Hearing commenced at 3.23 pm

**MORTON, HON HELEN,
Minister for Mental Health, examined:**

**BARTNIK, MR EDWARD,
Mental Health Commissioner, sworn and examined:**

**DILLON, MR ERIC
Director, Policy Planning and Strategy, Mental Health Commission, sworn and examined:**

**FITZGERALD, MS DAWN
Chief of Staff, Office of the Minister for Mental Health; Disability Services, sworn and
examined:**

The CHAIR: On behalf of the committee I would like to welcome you to the hearing this afternoon. Before we begin I am required to ask you to either take an oath or affirmation. If you wish to take the oath, there are copies of the Bible that Renae has there, if you would like one.

[Witnesses took the oath or affirmation.]

The CHAIR: If you could now please state your full name, your contact address and the capacity in which you appear before the committee. Perhaps we might start on this side if that is okay.

Ms Fitzgerald: I am here as an observer.

The CHAIR: You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

The Witnesses: Yes.

The CHAIR: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you might refer to during the course of this hearing for the record. Please also be aware of the microphones and try to talk directly into them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. This prohibition does not, however, prevent you from discussing your public evidence generally once you leave the hearing.

Minister, over to you if you wish to make an opening statement; if not would you just go straight to the documents we are interested in?

Hon HELEN MORTON: Thank you. I have just asked for a copy of the previous standing orders because the advice from the State Solicitor's Office refers to standing order 330(d), and I have not had a chance to have a look and see what that correlates to in the new standing orders. Can I just wait for the old ones to come in? If someone else knows the new standing order that it correlates to, it would be helpful.

The CHAIR: No; I think we will just wait for Renae to bring a new one.

Hon HELEN MORTON: I am also making the assumption that this particular standing order still applies in the new standing orders, but if that is not correct, you might need to let me know too.

The CHAIR: I should know, having been part of the rewriting of the standing orders. I know them all off by heart.

Hon HELEN MORTON: Exactly, and I was there for three quarters of it. But basically at 330(d) “Witnesses entitlements”, it says a witness can —

apply for all or part of that person’s evidence to be given in private session

Or —

... for an order restricting publication of, or access to, that evidence;

So, that is the bit that I am referring to and is the reason that the State Solicitor’s advice is very clear to me along the lines of me being able to either seek to table the edited versions of the documents provided—they are the documents we have brought multiple copies of—or my understanding is that I could also seek to table a full copy under standing order 330(d) which is for an order restricting publication of, or access to, that evidence, notwithstanding that the edited version could be made available for anybody to access; that would be an option. So those are recommendations that I have been given by the State Solicitor’s Office in regards to this. My suggestion would be to table the edited versions; I have had a pretty good look both a full copy and the edited versions. I am imagining that what the committee might be looking for in that, you will easily be able to glean from the edited versions, because the things that have been taken out are things like references to cabinet, that are always taken out. In terms of the three documents, the first of documents that you requested were around the statewide suicide prevention strategy—just before going further, is there a correlation between the two standing orders?

Hon LIZ BEHJAT: I think you might find it at 175.

Hon HELEN MORTON: Is it 175 in the new ones?

Hon LIZ BEHJAT: “Status of Evidence”?

Advisory Officer: Standing order 330, I think we are talking about.

Hon KEN TRAVERS: I do not think there is any argument about the right of a witness to ask for something to be kept private. The issue is —

Hon LIZ BEHJAT: “Status of Documentation” is 176.

The CHAIR: I think we are looking at a working document that we had in the procedures and privileges committee. In fact I think that this document was probably tabled in the house. So it is saying in terms of the old standing order 330, which is now standing order 181, to do with witnesses’ entitlements, that there are no substantial changes, in a nutshell.

Hon HELEN MORTON: Okay, that is fine. So basically I will get back to what I was saying, which is that the advice I have been given is that I can either table—I will table one way or the other, the edited versions of which there are multiple copies. If I were to table the full version, without being ordered to do so, I would table and ask for the section in the new standing orders, wherever it is, that says—what did you say it was, section what?

The CHAIR: Standing order 181 “Witnesses’ Entitlements”, 181(d), on page 90 of the new standing orders.

Hon HELEN MORTON: Sorry, but that does not quite correlate. It might be 180.

Hon LIZ BEHJAT: Standing order 181(d): be informed prior to the examination about privileges.

Hon KEN TRAVERS: The numbering might have changed between that document and the final version, so it will be in that area.

The CHAIR: It might be 180 or 180(d).

Hon KEN TRAVERS: Standing order 181.

Hon LIZ BEHJAT: “Requests and Orders for Evidence” is 180.

Hon HELEN MORTON: But where is that bit about asking for it then not to be—I actually cannot see it, it might not even be —

Hon LIZ BEHJAT: Standing order 180(1) says —

A Committee may request or order a person to provide evidence to the Committee by —

(a) appearing in person before the Committee; and/or

(b) providing written on documentary evidence ...

Hon HELEN MORTON: No, it is not that. Standing order 330(d) in the old standing orders says —

Subject to order any person examined before a committee is entitled to:

... apply for all or part of that person’s evidence to be given in private session and for an order restricting publication of, or access to, that evidence;

I do not see where that correlates anywhere in there.

Hon KEN TRAVERS: It is 181(c), but it is now condensed into a simpler plain English statement. It reads —

request that evidence be deemed private or *in camera*;

And then you need to go back to the definitions, because there is a definition issue in terms of the new standing orders about what is private and what is in camera evidence, so there are two different types of evidence. If you then go to 175 “Status of Evidence” —

Hon LIZ BEHJAT: And 174 is the definitions.

Hon KEN TRAVERS: Yes.

The CHAIR: These iPads are amazing!

Hon HELEN MORTON: It is not quite as straightforward as the old standing orders. As I said, the advice I have been given relates to the old standing orders, which basically said, to once again repeat it, that the edited versions are tabled and for me to table the full versions I would be seeking—I do not believe the committee will give it to me, but I would nevertheless seek it—that the documents will not be given public access or published.

Hon KEN TRAVERS: So you would be asking for it to be treated as in camera evidence.

Hon HELEN MORTON: That is right. The only option that I know of that is available to the outside of that—it is not the only option—but I think the next stage, if neither of those are satisfactory to the committee would be for the committee to order me to provide documents in full. That is an option for the committee of course.

[3.33 pm]

The CHAIR: Thank you for the basis of your position, as it were. So, as I understand you brought along documents which are the edited versions of the documents we identified.

Hon HELEN MORTON: That is correct. Can I just say, when I have had a quick look at it, I started to say that the things that have been removed from it include references to the cabinet, the specific names of the organisations that responded to the EOI tender—this is for the statewide suicide prevention strategy. Although the ranking scores are there, the names of the organisations against the various ranking scores are not there—the names of the organisations from the actual assessment report. When an assessment report is written about various organisations and how they

were assessed by that criteria et cetera, in that assessment report the names of the organisations are not there and the addressees of the letter to whom the subsequent letters were written are missing. That is in regards to the statewide suicide prevention strategy. In regards to the non-government —

The CHAIR: Before we move off that one, in terms of not revealing the names of the organisations, on what grounds is that being kept confidential?

Hon HELEN MORTON: I will just say in my own words first and then I will give you the formal words that were given by the State Solicitor's Office. There are elements, especially in the lower ranking tenders, that could be an embarrassment to those organisations in terms of their lack of understanding and appreciation of what the tender was about and their inability to provide information. The actual name of the organisation, to me, is not relevant for the committee to get a sense of how the various rankings took place and what the actual assessment was against those tenders. In terms of the actual advice—we are just talking about the suicide prevention strategy at the moment?

The CHAIR: Yes, I just thought it might be easiest to break it up into those.

Hon HELEN MORTON: I mean, basically it is putting in more legal terminology what I have already said. It is basically saying it was done to prevent probable adverse impacts on the professional, business or commercial affairs of the relevant organisations, if that were made public.

The CHAIR: Were any assurances given to the organisations at the time that the information would be kept confidential?

Mr Bartnik: I am not 100 per cent sure but I think it is quite a technical process. I think agencies, if they wanted to guarantee confidentiality, needed to specifically identify aspects of the tender that were confidential. Some of the agencies just put “confidential” on the front cover of their application. I think the spirit of it was they deemed information to be confidential, but if you went to the letter of the law to do with the tender regulations, they may not have specified that as perfectly as they probably needed to. There is a bit of greyness around that.

Hon LJILJANNA RAVLICH: Can I just ask, if you are not identifying organisations or rankings and you are not identifying all those other things —

Hon HELEN MORTON: We are identifying the ranking. You just do not know —

Hon LJILJANNA RAVLICH: But not the name of the organisation.

Hon HELEN MORTON: Next to it; that is correct.

Hon LJILJANNA RAVLICH: So, how would you know who was ranked one, two, three and four?

Hon HELEN MORTON: The report goes on to say that the initial discussion with the first-ranked organisation commenced.

Hon LJILJANNA RAVLICH: Who was the first-ranked organisation?

Hon HELEN MORTON: You know who that was. We talked about that in previous—it was the Telethon Institute.

Hon LJILJANNA RAVLICH: Where was Centrecare ranked, the contract winner?

Hon HELEN MORTON: Two.

Hon KEN TRAVERS: It may be embarrassing to these organisations, but what is the damage to the state?

Hon HELEN MORTON: Well, the damage to the organisations and therefore to the state is that these organisations are involved in varying degrees of tendering for service provision in various mental health and many other services. Where an assessment basically makes it plain that they were incapable of providing a particular service, the embarrassment for that organisation and their

subsequent services that they have been contracted to provide et cetera, I think is damaging to them professionally and in their business sense. My understanding of the gist of what the committee is looking for is somehow around whether a proper process was undertaken to determine who would be the best person to deliver or who would be the best organisation to deliver the statewide suicide prevention strategy and whether that process was above board and whether anything untoward occurred in the process et cetera. By ranking, especially the lower-level tenderers, makes no difference to that whatsoever.

Hon KEN TRAVERS: That is a matter for the committee to work out what we are interested in.

Hon HELEN MORTON: That is fine. I would just ask that you have a look at the documentation you have already been given and see whether that satisfies your purposes and if not you have the option to come back and order me to provide the rest.

Hon KEN TRAVERS: I understand you are seeking to cooperate and I am not trying to make it adversarial. I am just trying to understand. If this committee were to apply the rules that we do not do anything that embarrasses anyone—we often do things that embarrass people. It is not the action of the committee that is embarrassing; it is the fact that they did not have an understanding of the submission. There would be an equal public interest argument that says that if people are putting in submission and tenders for these sort of things that they do not have an understanding of, it is in the public interest for people to know that. So, I am still unaware of where you see the public interest is served by not releasing that information other than it will cause embarrassment to these organisations.

Hon HELEN MORTON: And have adverse impacts on their professional, business and commercial affairs. Some of those organisations are well-meaning organisations that operate across the entire state of Western Australia. I am talking about the lower-ranked part that I am not particularly keen to have people make adverse publicity out of for no particular purpose. It does not impact on the selection process that was eventually entered into to get the successful tender. As I understand it, that is the point of this particular interest by the committee. So, if in that process you inadvertently put up into the public arena comments about if there was—I do not know. I just do not have it at my fingertips, but if there were 10 tenders of which you were only interested in, say, the first three or four to see how they were ranked or whatever—how many? Six. And it makes no difference what the latter three were, why would you want to publicise the committee's assessment of their particular tender in that process if it is in the process going to adversely impact on their ongoing business and other processes?

Hon KEN TRAVERS: It only impacts on their ongoing business if you have a view that they are doing things they do not have the capacity to do.

Hon HELEN MORTON: I do not have a view one way or the other about that; I am just telling you.

Hon KEN TRAVERS: If you do not have that view, how does it have an impact on it? You are saying it impacts on their professional standing, but it would only impact on their professional standing if they are trying to do things beyond their capacities.

Hon HELEN MORTON: I fully understand, if I were a part of those organisations, that having the assessment open to public access would have that impacting negatively or impacting adversely on their professional, business or commercial affairs. That is the advice that I have been given from the State Solicitor's Office. I am seeking to cooperate with the committee in whichever way possible I can without necessarily going against the advice that I have been given. As I have mentioned to you before, I believe that when you look at the information provided, you will get all the information you are looking for; but, if not, you can come back and ask me for the rest.

Hon KEN TRAVERS: Just one last point, when you mentioned cabinet decisions, are we talking about cabinet submissions and cabinet decision sheets or are we talking about a broader interpretation?

Hon HELEN MORTON: We are talking about the word “cabinet”. Those words are deleted from any assessment process or any letters or whatever that goes out. It would have been—it is a longstanding convention that the word “cabinet” in respect to considerations or decisions or —

Hon KEN TRAVERS: It is a longstanding convention that cabinet deliberations are removed and I am not having an argument about that; I am happy to accept that definition. But there is a constant broadening of what is seen as a cabinet decision. That is why I am asking the question as to whether or not—if it is a cabinet decision or a submission sheet, I completely agree with you. Whilst we retain the right as a committee to subpoena those, I would accept that you, in the first instance, would say, “I’m not going to give them to you”. So, I understand that; what I am trying to understand is whether or not it is a broader interpretation. But what you are saying to us is it is just literally the removal of the word “cabinet” from any document, so all of the words before and after “cabinet” are still there.

[3.45 pm]

Hon HELEN MORTON: That is correct.

Hon KEN TRAVERS: I have not heard of that convention but, anyway, I will take your word for it!

Hon HELEN MORTON: Put it this way, as my scanning of the documents when I am looking at the edited version—the editing has been done by State Solicitor’s Office—my understanding of the editing process when I have looked at them both is that there is at least on one occasion the word “cabinet” removed, so if you cannot put two and two together and work out in terms of what the words are before and the words after are and work out what the words in the middle are, I think that —

Hon KEN TRAVERS: If that is what it is, then that is fine. I find it bizarre.

Hon LIZ BEHJAT: Minister, going back to process, which is what I am quite keen to hear about today, when the expressions of interest were advertised for people to tender for these things, in that process itself was mention made of whether or not the tenders would remain private or could go onto the public record at any time? Secondly, were unsuccessful tenderers offered the opportunity for a full briefing as to why they were unsuccessful; and, if the answer to that part is yes, how many of the unsuccessful tenderers did avail themselves of that opportunity?

Mr Bartnik: If I could take the second question first, the unsuccessful tenderers would have been offered the opportunity. I do not have the detail of those that took up that opportunity, but I am very happy to take that on notice and to provide that information.

In answer to the first question, I think the standard tender documentation, or the instructions, do provide provision for people to specify which parts of their application they wish to remain confidential. But I did note in something that I had read that not all the applicants had stuck to that rule precisely. I think I said before that some had just put “confidential” on the front page, whereas I think they were meant to say “section 5D, these paragraphs”, so I think it is probably just a general education issue around tender processes. But efforts are made to ensure that people can specify parts of their tender that they wish to be confidential.

[*Supplementary Information No A1.*]

Hon HELEN MORTON: I was just going to say, Madam Chair, that the reason that we do not have all of this information at our absolute fingertips is because none of us were in our current roles or in any way involved in this process. So, apart from the documentation that we have got, which you now have a copy of, albeit edited, that is what we are working from.

Hon LIZ BEHJAT: Sorry, I did mean to say in my preamble that I know it was prior to you becoming the minister —

Hon HELEN MORTON: And it was also prior to Eddie Bartnik becoming commissioner and also prior to Eric Dillon becoming the director of policy and strategy. But our information is pretty much based on the information that is also available.

Hon LJILJANNA RAVLICH: Minister, can you just explain why the decision was made that the first ranked organisation, Telethon Institute, did not get the contract but rather that went to Centrecare, who was ranked second?

Hon HELEN MORTON: Yes, I have covered that once before, but I am happy to go over it again. The discussions around the initial work that was undertaken with the Telethon Institute—I think this took a number of months, like I think I looked at the date line and there was probably about four months of attempting to get a business plan and an approach to the work that the Ministerial Council for Suicide Prevention was looking for. In that four-month period—I am pretty sure it was four months—in that period of time that those negotiations were taking place, the relationship between the two organisations deteriorated. It became really clear that how the Telethon Institute was wanting to go about delivering on the tender, the business approach to it, was different to what the ministerial council wanted. As a consequence, and you will see in the documentation there that there is a reference to the fact that they had come to an agreement that it was not going to work.

Hon LJILJANNA RAVLICH: Madam Chair, can I just say this might be a bit more informed if we all got at least the edited copies at this point in time?

The CHAIR: Yes. We might ask if those could be tabled.

Hon LJILJANNA RAVLICH: That might help inform this. Can I also just ask you —

Hon KEN TRAVERS: I suspect I am not going to be able to speed read them entirely!

Hon HELEN MORTON: I know that is a problem. It might be good to ask us to come back or something once you have had time to look at it or whatever to see whether you do need anything additional.

Hon KEN TRAVERS: And they are also, under the new standing orders, private until we make them public, so we would probably need to do that before we move on.

The CHAIR: Yes, we will deal with that in a moment.

Hon LIZ BEHJAT: That would be under standing order 175(3).

The CHAIR: Let us formally acknowledge that these documents have been received as private.

Hon KEN TRAVERS: These are in the format that you are happy to be made public—is that correct?

Hon HELEN MORTON: Yes.

Hon LJILJANNA RAVLICH: Minister, can you just direct us to where we can see the selection process, because all I am seeing are the applications?

Hon HELEN MORTON: Madam Chair, I do not think the applications are there. I think the first thing that you can see is the evaluation report. Is the briefing note from the —

Mr Bartnik: Perhaps if I could just explain the sequence of the documentation?

The CHAIR: Please, yes, that would be great.

Mr Bartnik: The first document is an internal email to Dr Peter Flett. So, the first part of this process occurred while the mental health division was still part of the health department. It is simply that the recommendations are that the director general accepts the recommendation of the evaluation panel, again, the preferred proponent and that he also approves negotiations with the

preferred proponent and then, if the negotiations are not successful, he can go to the next ranked proponent. The second letter is an internal memo to Neil Guard, the acting commissioner, which reports that the negotiations with the first preferred proponent had broken down and recommending the next preferred proponent. And then a letter to the unsuccessful—in this case, Telethon Institute. So, you have got three bits of correspondence, then you have got the evaluation report, which includes an addendum to do with the second stage of the process. Towards the end, it is the second-stage review of the two equal second-placed proponents. Then you have got Stantons International, who are the probity auditors, who have signed off probity of the entire process.

Hon LJILJANNA RAVLICH: Can I just ask you why you did not provide us with the actual applications from the two key parties in question—Centrecare and the Telethon Institute?

Hon HELEN MORTON: Madam Chair, that was in response to the question that was asked. The question was the selection process of the Telethon Institute and then Centrecare —

What I am really interested to find out is what happened in that selection process. What I am going to ask from you is whether the documents in relation to that selection process can in fact be provided to the committee of the Parliament.

And it is the selection process that we have provided.

Hon LJILJANNA RAVLICH: I would have thought putting in the applications for the contract is a part of the selection process and I would have thought all the correspondence, all the processes associated with the selection process make up the whole of the selection process. What we have here is really the outcome—only the outcome—of the selection process, so I am not sure that was quite the interpretation. I think likewise, minister, if you had some concerns about what was being asked for, perhaps you might have come back to the committee. But really what I wanted as a part of this was the applications that were made by the respective organisations.

Hon HELEN MORTON: Unfortunately, none of us had any idea that is what you were looking for; it was never ever even thought that that is what you were looking for. It was clear, from my point of view, that what you were looking for is an understanding of that process of evaluation and the moving from one to the second proponent on the actual number of proponents that tendered. So, in the absence of you letting us be clearer about that, we have not even anticipated that that is what you might have wanted. It never occurred to us.

Hon LJILJANNA RAVLICH: I just want to go through the transcript, because this is what I said on 15 June 2011, page 31.

The CHAIR: This is a transcript of this committee.

Hon LJILJANNA RAVLICH: Yes. Back in June, I said —

While I am at it, you mentioned in passing that there was a problem with the selection process for the awarding of the \$13 million suicide prevention strategy. My understanding is that originally the Telethon Institute was the frontrunner in the ranking of who should in fact be awarded the funding to implement the suicide prevention strategy. I understand that maybe Centrecare was number three or four on the ranking scale. For some reason, that got turned around and what we have ended up with is Centrecare in fact being the final provider.

To which you said —

It provides the directorate to the Ministerial Council for Suicide Prevention.

To which I said —

What I am really interested to find out is what happened in that selection process.

That is, what happened in that selection process —

What I am going to ask from you is whether the documents in relation to that selection process —

That is, in the selection process —

can in fact be provided to the committee of the Parliament.

To which you said —

I do not know whether the documents can or cannot be provided. I certainly was not the minister at the time that process was undertaken. I am imagining that the selection process was confidential to the organisations involved, but I indicate that I will find out which of those documents could be provided ...

Now, you know “in the selection process” means the selection process.

Hon HELEN MORTON: Yes and I believe we have honoured the intent of what that is about because you are making it really clear in there that you were looking for information about how come you started with one proponent and you moved through that selection process to a second proponent, and that is the information we have provided.

Hon PHILIP GARDINER: Is any clarification needed about why we are here today? Because the assumption, as the minister just said, is about whether it is because a company won this tender when they really were not the first selectable—the cheapest or something. Now, that is partly it, but it is also partly about the documents that are needed by this committee to make that judgement. It is the decision and who makes that decision, given that might be the issue, of who decides whether they are documents which should be available to the committee or not available to the committee, based on what should be kept private. I guess what we are saying is that this committee makes that decision. That I think is what we are about, is it not? So, it is that simple.

It does come back to tenders. I mean, it is interesting hearing the director general talking about how the tender was framed. Perhaps we should then elucidate, after we finish this, about what people who tender should understand about what becomes public and who decides that. It is not fair to go out and say “your tenders will be confidential” because you cannot be assured that the information they provide will be kept confidential in this kind of work.

[4.00 pm]

Hon LIZ BEHJAT: Can I just seek clarification? We have two pieces of paper from previous hearings—the one that Hon Ljiljanna Ravlich just read out and the other one is page 2 of the Standing Committee on Estimates and Financial Operations’ supplementary questions. Question 9 asks whether the minister can provide the actual service agreements and the assessment reports compiled from the Chief Psychiatrist’s monitoring of service standards. That to me makes it fairly clear what Hon Ljiljanna Ravlich was looking for—the service agreements and the assessment reports. At no time has she ever asked to see the applications.

Hon KEN TRAVERS: What question are you talking about?

Hon LIZ BEHJAT: Question 9. I am seeking clarification.

Hon KEN TRAVERS: We are dealing with C5. We have not got on to question 9 yet. We are dealing with C5 from the hearing as opposed to the supplementary questions.

Hon HELEN MORTON: Three issues are being discussed here. One is around the suicide prevention strategy tendering and evaluation process, and that is what is being discussed at the moment. The second item is around the service agreements with the non-government organisations. The third item is around the self-assessment processes that are undertaken by the Chief Psychiatrist. They are three quite separate issues. The first one that is being dealt with right now is around the suicide prevention strategy tendering process.

Hon LIZ BEHJAT: May I ask quickly, Chair, if we could have a copy of C5 as it was sent to the minister and how that was worded?

Hon HELEN MORTON: I have that in front of me. Question C5 refers to the selection process of TICHR and then Centrecare and then states —

What I am really interested to find out is what happened in that selection process. What I am going to ask from you is whether the documents in relation to that selection process can in fact be provided to the committee of the Parliament.

Hon LIZ BEHJAT: I have that extract from *Hansard*. I understand that when we ask for supplementary information following a hearing, you as the minister are then sent the question and we say, “We are asking for this, this and this.”

Hon HELEN MORTON: Nothing other than what was said at the hearing has come in relation to this.

Hon KEN TRAVERS: It still goes back to what was asked for at the hearing. Any other information that is written is only an aide-mémoire. It is not intended to replace what was formally asked for at the hearing.

Hon LIZ BEHJAT: I understand that. I am interested to find out exactly what this committee has asked for.

Hon KEN TRAVERS: Ljiljanna read it out earlier.

Hon LIZ BEHJAT: I understand that as well.

Hon LJILJANNA RAVLICH: All the documents in the selection process, including, obviously, the submissions or the tender documents.

Hon LIZ BEHJAT: It does not say “obviously including the submissions” anywhere, Hon Ljiljanna Ravlich. That is what I am saying. You have never asked for that. Now you are saying to the minister that she should have provided it. I do not see how the minister could provide something that you have never asked for.

Hon LJILJANNA RAVLICH: I am going to ask the minister to provide them now. She may not have them with her at this moment.

Hon KEN TRAVERS: I think the question was a request for the documents that were involved in the selection process. I would have thought the original application would be a part of those documents that are in the selection process.

The other question that I have is that I would have assumed, whilst you have given us the evaluation report, each of those members of the evaluation panel would also have working documents on which they did their own assessments of each of the submissions. I do not seem to see that you have provided those, and whether or not they can also be provided. Maybe they did not but I would assume in a tender like this, there would be a formal assessment document where each of the members of the evaluation panel go through and formally do their assessment, rank them, give markings and the like.

Hon HELEN MORTON: I understand what you are asking for. It is akin to an FOI application where every piece of anything related to the process or anything at all that is contained in the public record in any way, shape or form is —

Hon KEN TRAVERS: It is actually akin to a parliamentary process of asking for documentation involved in the selection process.

Hon HELEN MORTON: What was asked for here again is very clear —

What I am really interested to find out is what happened in that selection process. What I am going to ask from you is whether the documents in relation to that selection process can in fact be provided ...

The documents that relate to the evaluation and the follow-on from that—the probity auditors, the letters, unsuccessful, et cetera—have been provided. If you now want us to go back and find every scrap of paper that is related in some way, shape or form—if that is what the committee as a whole is asking the Mental Health Commission to do—I think you will need to ask us that formally, Chair, if that is what you believe is good use of time for everybody. You might want to decide whether that is relevant after you have had a look at what you have got. I am still at a loss to really understand the purpose of this line of questioning because I do not know what you are trying to find out.

The CHAIR: That discussion was useful in trying to clarify exactly who wants which bit of information, but to make it clear so there is no ambiguity, we might discuss that after we have finished the hearing and then put it formally to you in writing. Having been involved in a number of inquiries and hearings over a number of years, there is no doubt that obviously it is easier for the receiver of the information to have a very precise request for documents but often it is not unusual to say “all documents that relate to”. It is true; sometimes that takes a bit of clarification in a hearing or by correspondence to get to exactly what that is. I do not think this is unusual.

Hon HELEN MORTON: I make it absolutely clear that there is absolutely nothing whatsoever that any one of us wants to withhold from the committee. This information is absolutely clear and above board. Probity auditors have indicated that they are satisfied with the process. There really is not an issue around anything to do with this from our point of view other than the requirement to protect the reputation of some of the lower ranked organisations in that process. If you make it clear what you want and if you are happy for us to again get State Solicitor’s advice on which of those we can table without being ordered to do so, I am sure we can do that. As I sit here, I cannot and do not understand precisely what the issue is that the committee wants to determine that you feel is warranting this level of inquiry. That is my issue. As soon as I get a feel for that, I guess I will be able to anticipate what it is that you might like. I do not understand that. When I do, I will be able to be more helpful.

Hon KEN TRAVERS: I just have one last question. I understand you do not want to provide us with the order of ranking but is it possible to get a list of the names of the six organisations that did submit tenders? The only reason I say six is because it says six here. Is there any reason why that could not be provided?

Hon HELEN MORTON: Again, the formal advice I have been given is no.

Hon KEN TRAVERS: No, you cannot provide it or no, there is no reason why you cannot provide it?

Hon HELEN MORTON: I am advised by the State Solicitor’s Office that it is not appropriate to do so. You have means at your disposal to order me to do that.

Hon KEN TRAVERS: I have seen hundreds of questions asked in both the current Parliament and the previous Parliament along the lines of which organisation submitted tenders and they have been answered by governments for as long as I can remember. I am just intrigued as to why you could not provide the answer of who were the six organisations that submitted tenders.

Hon HELEN MORTON: I know them. It is not that I am incapable but my advice is that it is not appropriate. If you require me to do that, there is a means at your disposal to do that.

Hon PHILIP GARDINER: I am intrigued because maybe there is a difference that I am not seeing in the business of mental health, social welfare and social infrastructure about tendering which is different to physical infrastructure tendering. In those tenders I am pretty sure that it becomes

publicly available what time we say it is but in the United States it is up to six months. As soon as the tender is awarded, I think all tenders become available.

Hon KEN TRAVERS: And in other jurisdictions in Australia.

Hon PHILIP GARDINER: In this jurisdiction I thought that that is what we have come to conclude here, along with the directions from the Auditor General. Am I escaping something that renders this different from the reputation and everything else? There are reputations in the physical infrastructure side as well as the social infrastructure side. I am not sure where there is a difference.

Hon HELEN MORTON: I am not sure what the difference is, if there is a difference. Once again, I am making it clear that the advice that I have been given is that the information that I have provided is what could be made public. If you wanted the additional information that it sounds like you are wanting—I am not sure for what purpose, but that is not my business to know that—you have a mechanism by which you can order that information from me. I am saying that it then does not become my decision.

Hon KEN TRAVERS: That is true. You are saying to us now that you are not prepared to give us that information. I believe there is an obligation under section 82 of the Auditor General Act for you to submit an answer. I am specifically asking you whether you will provide us with those six names. If you are saying to me that you are not going to provide that information in answer to a simple question, I think there is now an obligation on you to submit a certificate under section 82 of the Auditor General Act and let the Auditor General decide whether it is fair and reasonable not to provide it. I am just asking for the names; I am not asking for their ranking or anything else at this stage.

Hon HELEN MORTON: I am happy to do that. I have already been advised by the State Solicitor's Office that that would be a requirement. I am fully understanding and aware of that.

Hon KEN TRAVERS: As long as we agree that I have asked you, you have said that you are not going to and you will now submit a section 82 certificate to trigger that process with the Auditor General, then I am happy to see what the Auditor General says about it.

The CHAIR: Just to be clear for Hansard, Hon Ken Travers has asked for a specific piece of information. I will give that a number, which is A2.

Hon KEN TRAVERS: I do not think the minister is taking it on notice. She is advising us here and now that she will not provide it. I think the minister even said she has the names there. She is indicating she will not provide it.

The CHAIR: In that case, we will delete A2.

Hon KEN TRAVERS: I was requesting the names of the organisations that submitted tenders. Now section 82 will apply.

Hon HELEN MORTON: I am happy to go down that track. I do not know if I am reading too much into what the State Solicitor's advice is but I am more than happy for the Auditor General to determine that. I do not know what happens in that process. If the Auditor General says, "No, you should have provided them; please do so", that process will follow course and I am happy about that.

Hon KEN TRAVERS: They will report to Parliament whether they think it was fair and reasonable.

The CHAIR: Are there any further questions in relation to this first set of documents? I am assuming, members, that we might want to consider these and respond to the minister after having had that opportunity to consider them. I wondered whether there was anything else at this point.

Hon LJILJANNA RAVLICH: On the second page of the evaluation report under "Demand", it states —

The Government's mental health policy announced during the election included a commitment to:-

“Spend \$13 million in the first two years of government —

We have always had some debate about this “two years of government” —

to develop a comprehensive Western Australian State Suicide Prevention Strategy with a particular emphasis on young people, young men, Aboriginal people and people who live in rural and regional Western Australia.”

[4.15 pm]

Given that we have had \$13 million allocated for the suicide prevention strategy, how come in the last round of answers that you provided to the committee in December last year the spend or the draw-down was only just over \$3 million? Where is the rest of the money?

Hon HELEN MORTON: It is still there, waiting to be spent.

Hon LJILJANNA RAVLICH: Well, minister, given that we have a —

Hon HELEN MORTON: Sorry; a bit more than that has been spent by now, but it is ramping up at a speed of knots right now. If there was a mistake in the strategy, it was the cash flow predictions. The cash flow predictions made prior to an election were predictions that were not borne out in reality. So, the cash flow predictions were not correct, and those predictions were made prior to the election by people who were not in government at the time, and subsequently the cash flow has not been shown to be able to be ramped up at the rate that was expected. Nevertheless, the rate of expenditure was never the important part of this: ensuring that \$13 million was spent on suicide prevention strategies across the state over the term of government was the important part, and that people were making use of that \$13 million to develop community action plans to prevent suicide at both a community level and throughout organisations. I think if you—I do not know if you have asked me questions recently about the numbers of communities that are now developing their community action plans, but there are community action plans covering in the vicinity of 130 and 150 communities. At least 80 organisations are also now developing suicide prevention policies and procedures and participating in suicide prevention through their organisations. When you think about how it has taken more time than we expected to get that traction taking place, from my point of view whether we spent the right amount of money in the right year to get that happening is not the big deal; the big deal is getting the traction and getting the communities on board, and that is what is happening.

Hon LJILJANNA RAVLICH: Can I just say that three and a half years seems to be a very long time to start getting traction—that is just about the whole of this term. On what basis are your cash flow predictions done? It is on an annual basis?

Hon HELEN MORTON: Those predictions were done prior to the election. It is hard for me to explain to you when somebody is in opposition and making predictions about how prevention strategies might ramp up, then faced with the reality of both getting a tender out and getting the valuation for a tenderer. The tendering process was longer than we expected and getting the new organisation involved, developing the protocols and doing the foundation work for this took longer than we expected. I do not apologise for that. I am actually more interested in making sure that it is done right and that the right level of traction takes place. So, I am just saying that the predictions made before an election were predictions that have not been able to be stuck to. We have not been able to stick to them, but that is understandable.

Hon LJILJANNA RAVLICH: Okay: can you provide the committee with a schedule of your cash flow predictions and your actuals, please, that you speak in reference to?

Hon HELEN MORTON: Are you talking about predictions prior to an election?

Hon LJILJANNA RAVLICH: I do not know. You have just given me a long answer about the cash flow predictions and how —

Hon KEN TRAVERS: I was looking forward to using the “Morton defence” if I ever need to when I am in government.

Hon LJILJANNA RAVLICH: Just the cash flow predictions that were done—there must be a list of cash flow predictions somewhere, minister, according to the information you have given here to the committee. I would like to —

Hon HELEN MORTON: No; Madam Chair, I would like to say that prior to an election we talk about a \$13 million proposal. Prior to an election, there is no cash flow predictions undertaken in a—you know, prior to that process. The predictions were that there would be \$13 million spent in two years, but it has taken four years.

Hon LJILJANNA RAVLICH: So there is no schedule of cash flow predictions on an annual basis —

Hon HELEN MORTON: Not prior to the election, there was not.

Hon KEN TRAVERS: There would have been.

Hon LJILJANNA RAVLICH: —and not after, clearly.

Hon KEN TRAVERS: There was a Liberal Party cash flow document that would have actually allocated those \$13 million in certain years; that would have been at least before the election.

Hon HELEN MORTON: Not that—no, I don’t —

Hon KEN TRAVERS: Yes. There is.

Hon HELEN MORTON: Well, there might have been, but I did not see that.

Hon KEN TRAVERS: I will give you a copy tomorrow in the chamber. I do not have it here with me today.

Hon HELEN MORTON: You have not seen it!

Hon KEN TRAVERS: Yes; yes! It was made public.

Hon HELEN MORTON: Oh, I know what you are talking about.

Hon KEN TRAVERS: The Liberal Party promises as part of the election and the cash flows —

Hon HELEN MORTON: The promises.

Hon KEN TRAVERS: — were made public. I am not trying to be smart; I am just making sure that you do not get yourself —

Hon LJILJANNA RAVLICH: So, minister, if we can just go back to this, you are saying that you cannot actually spend \$13 million—you are having difficulty spending it.

Hon HELEN MORTON: Did I say that?

Hon LJILJANNA RAVLICH: Well, that is what is implied —

Hon HELEN MORTON: I do not recall. I do not recall saying that at all! I cannot imagine why you have said that.

Hon LJILJANNA RAVLICH: You are saying because of your cash flow predictions —

Hon HELEN MORTON: For the first two years!

Hon LJILJANNA RAVLICH: — not matching up with what is happening on the ground.

Hon HELEN MORTON: For the first two years! You make it really clear here that “spend \$13 million in the first two years”. I am saying, no, we did not meet those predictions in the first

two years, but I am saying that we are on schedule to meet our commitment over the full term of government.

Hon LJILJANNA RAVLICH: Okay; so for the first three and half years, your cash flow prediction was that you would expend \$3 million and \$3 million only; is that correct then?

Hon HELEN MORTON: Our prediction, or our actual? I think our actual was more than that. I think that we predicted more than that, too. I do not know —

Hon LJILJANNA RAVLICH: Well, can you give me —

Hon HELEN MORTON: I do not think that you have got your information correct there.

Hon LJILJANNA RAVLICH: Well, look it is in response to an answer that you gave to a question when you came before us in December, and the drawdown at that time was just over—marginally over—\$3 million out of the \$13 million —

Hon HELEN MORTON: That was in December.

Hon LJILJANNA RAVLICH: Yes; it was in December—out of \$13 million. All I am asking is that given that you have spent only \$3 million in the first three and half years of government, you have explained to us that you are having difficulty spending it, because, you know, you have to get the community ready and so on, on the ground —

Hon HELEN MORTON: That has been done.

Hon LJILJANNA RAVLICH: Yes. All I am asking you is: are you having difficulty in spending the remainder of the money? Is that —

Hon HELEN MORTON: No.

Hon LJILJANNA RAVLICH: No.

Hon HELEN MORTON: No.

Hon LJILJANNA RAVLICH: So you intend to spend \$10 million prior to going to the election? That is correct?

Hon HELEN MORTON: There is quite a difference between “spending” and “commitment to spend”. Significant amounts of funding has already been committed over and above the actual drawdown, and that level of extra funding that has been committed is going to occur or has started to occur in this latter stage of the project—of the term of government. The work that individual communities have been taking place at the moment in developing the awareness, creating the community action plans, seeking the range of initiatives that they want the government to invest in within the community—that is the hard work and that is the work that has taken place to date. In that process, there has been a level of commitment that has been made to, but not drawn down on, by these communities. At the end of the day, the government is totally committed to ensuring that the suicide prevention strategy involves at least this number of communities and more—although I am at the stage now of thinking that the funds available may not be able to afford any more, so we are having to kind of consolidate the work that we have got with the communities and the organisations that are involved. But if by some chance I am successful in getting additional funding, then to take this through to the next term—assuming that we will be in a position to be able to do that—then I would hope to see this strategy continue and expand even further. My overall objective is never to be overly concerned with how much we have spent on one year or the next year; my overall objective was always to ensure that this strategy got the sufficient traction in the community and was then taken up by individual communities and organisations to develop a statewide approach to suicide prevention at a community level.

The CHAIR: I do not know whether it assists you, honourable member, but would it be useful to have a schedule of how that additional money is anticipated to be spent?

Hon LJILJANNA RAVLICH: Yes.

The CHAIR: Would that sort of documentation be useful?

Hon LJILJANNA RAVLICH: It would certainly help me, Madam Chair.

The CHAIR: Okay. Perhaps we might ask for that as supplementary information.

[*Supplementary Information No A2.*]

Hon KEN TRAVERS: Have we covered the documents under additional question 9 yet?

The CHAIR: No. I suggest that we move to question 9, about service agreements under 9 for organisations for the provision of community mental health services, as referred to in additional question 9. Does anyone want to ask a question?

Hon KEN TRAVERS: Does the minister want to make a statement about those first in the same way that she did about C5—about what is there and what has been deducted. Is that the right word?

The CHAIR: Redacted.

Hon KEN TRAVERS: Redacted—that is it!

Hon HELEN MORTON: I am happy to. We are just talking about, first of all, the standards monitoring program—the non-government organisations standards monitoring program. What you will find in there is a full set of documents, but removed from them, again at the advice of the State Solicitor's Office, is the name of the individual organisation only. The remaining information is all present to the best that I can see. For the same reasons that were mentioned before, the State Solicitor's advice was that this was done to prevent potential adverse impacts on the professional business and commercial affairs of the relevant organisations. Once again, my understanding of the intent of this question is that it was to get a good understanding of how that process occurs rather than looking at the individual organisations and which ones were so-called good and which ones were so-called bad.

Hon LJILJANNA RAVLICH: Well, not really; that was in part true, minister, but having a quick look at what we have before us, it would indicate to me that there are certainly organisations that fall way short of community expectation when it comes to service delivery. It is one thing to actually contract out to the private sector; it is another thing to make sure that the private sector in fact meets the standards—and therein lies a lot of risk for consumers and for their families.

I will just quickly take you through the first one, for example. First of all, it is a self-assessment that is used by the Chief Psychiatrist. He does it on an annual basis, as I understand—assess all the providers. He takes a sample of providers, as I understand. But if we take the first one, the self-assessment data demonstrates that organisation X has met 46 of the 63 indicators. When allowing for the six indicators that were deemed not relevant to the service, this equates to 81 per cent of the indicators. That means that 19 per cent are not met. If we go to the bottom of that page, we can see that from 2009 to 2010, organisation X has decreased the number of “met” indicators from 49 to 46, which represents a five per cent increase in the number of “further action needed” from seven to 11—and changed the number of indicators deemed not relevant from seven to six. The sense I get from having read that is that this is an organisation that is not meeting indicators, and not meeting indicators would be translated into not meeting national standards for mental health—or some of the national standards set for mental health—and this would be reflected in the service delivery. Now that is particularly concerning, and I want to know what happens to these organisations. I mean, I have had a look through and there are a lot of them that are much the same.

[4.30 pm]

Hon HELEN MORTON: No. This is the only one that went down. All of the others have improved. I do not know if that is why this is on the front—if it is not, it should be—but the reason that this is on the front is to demonstrate that even through self-assessment processes, the fact that

this organisation rated itself down from one year to the next by a small amount of a five per cent reduction demonstrates that at least there is some honesty about the way they are undertaking that work. But nevertheless, if 81 per cent of the assessment criteria is being met, that is a fairly high level, really. I know you are saying what about the 19 per cent that is not met. But they are at varying stages of being met as well. It is not an either/or kind of situation in these organisations. I think the last time you talked about this I made a comment about looking at whether the cup is half full or the cup is half empty. Our approach has always been to work with organisations to encourage and provide them with the support necessary to improve their standards, rather than bang them over the head with something negative. In the absence of a variety of other alternatives, we want to keep working with these organisations. They are providing a number of services that are relevantly important to people with a mental illness, and from my point of view, when they are meeting 81 per cent of the indicators, that is not a reason to suddenly do something negative to them, other than to work with them and support them further to improve that.

Hon LJILJANNA RAVLICH: Minister, I have to say that while that one actually had a decrease, and the rest of them do not have a decrease, there is no doubt, when you go through this, that the majority of them are not meeting the standard.

Hon HELEN MORTON: None of them are meeting 100 per cent.

Hon KEN TRAVERS: One is.

Hon HELEN MORTON: There is one at 100 per cent.

Hon LJILJANNA RAVLICH: This is a self-assessment.

Hon HELEN MORTON: There are actually a couple at 100 per cent.

Hon KEN TRAVERS: Yes, and in fact you are slurring them all by not saying who the bad ones are.

Hon HELEN MORTON: You are absolutely right about me saying they are not meeting 100 per cent when they are.

Hon LJILJANNA RAVLICH: The only point I make is that a full self-assessment model seems not to be particularly rigorous. They are only spot checks.

Hon HELEN MORTON: This is only part of it, yes.

Hon LJILJANNA RAVLICH: This is a part of it, and the Chief Psychiatrist does go out and do sampling. But I have to say to you that given the amount of money that has been transferred to non-government providers—private providers—it seems to me that the checks and balances are nowhere near as stringent as they should be. It is all well and good to say they meet 80 per cent of the standards —

Hon HELEN MORTON: A few are 100.

Hon LJILJANNA RAVLICH: In this case, the self-assessment demonstrates that X number have met 48 of the 65 indicators. That is probably only about 65 per cent, 70 per cent. So that means 30 per cent are not being met, by their own assessment. If I had a family member there, I would be particularly concerned. I guess from my point of view, and from the view of this committee —

Hon HELEN MORTON: Sorry, can I just interrupt. I think you are looking at the one that says that the self-assessment data demonstrates that X have met 48 of the 63 indicators; when allowing for the six indicators that were deemed not relevant to that particular service, that equates to 98 per cent of the indicators being met. The report goes on to say that these people are only two per cent away from being perfect.

Hon LJILJANNA RAVLICH: According to them.

Hon HELEN MORTON: According to this part of that process, yes.

Hon LJILJANNA RAVLICH: According to them.

Hon HELEN MORTON: That is the part that you are focusing on. If you are focusing on the self-assessment process part of it—it is not all that happens—there is a very good process in that to ensure that the non-government organisations are aware that these are the criteria they have to meet, and they are constantly being asked to self-report about that. I think it is a valuable part of that process.

Hon LJILJANNA RAVLICH: Could you provide the committee with an overview of what the whole of the process is?

Hon HELEN MORTON: Off the top of my head, I cannot, obviously, because I am not fully across all aspects of it. But this is a part of it. I know that the spot checks by the Chief Psychiatrist are also a part of it. There are also the contract management processes that go into it. You have to be a bit more specific about precisely what it is that you are now asking for.

Hon LJILJANNA RAVLICH: I am asking you, as the Minister for Mental Health, how is the success or otherwise in terms of the services delivered, which are contracted by government, evaluated by government, comprehensively? I understand that part of that function sits within the health department and the Chief Psychiatrist. I do not know how much of it sits with you. There seems to be a bit of a disconnect from anybody else —

Hon HELEN MORTON: There is absolutely no disconnect, I can assure you.

Hon LJILJANNA RAVLICH: Then maybe you might like to explain it to us.

Hon HELEN MORTON: There is not a problem with disconnect. You do say that frequently, and I know that that is a particular theme that you are trying to pursue. But there no disconnect, especially when it comes to the non-government organisations in particular. But I can also assure you that in the process of the changes, where the Chief Psychiatrist will be relocated within the Mental Health Commission, any concerns that you have around disconnect will be completely eradicated.

Hon LJILJANNA RAVLICH: Then, minister, do you want to explain to the committee how the system works, given that there is no disconnect and you have a comprehensive understanding of how it all works?

Hon HELEN MORTON: Are you wanting me now to explain to the committee the entire Mental Health Commission process? I think, with all due respect, Madam Chair, this is —

Hon LJILJANNA RAVLICH: No; just the evaluation.

Hon HELEN MORTON: I have indicated to you that I am more than happy to do that, but because it covers so many different aspects of the way in which non-government organisations are engaged with the Mental Health Commission, apart from the contract itself, apart from this self-reporting, apart from the Chief Psychiatrist's role in ensuring that the standards are being monitored, and all of the complaints mechanisms that are in place—I mean, there are so many different aspects to it—that to try to recall them all off the top of my head right now is not appropriate because I am sure to miss something out. There are so many different processes, but I would like the commissioner to add to that if he can.

Mr Bartnik: There are two things to add. One is the licensing of psychiatric hostels, and the second is the evaluation processes that the Mental Health Commission has. For example, we are currently doing an independent evaluation of all the recently funded residential services. The government has put a significant investment into a range of services in the last three or four years. We have got consultants, a broad sector steering committee, and we are looking to ensure in depth that what we have contracted agencies to do is in fact being achieved. As the minister has added, there are four or five layers to the whole process. I have simply explained the additional licensing and also the independent evaluation.

Hon LJILJANNA RAVLICH: Are there any non-performing contracted agencies, and what happens to them?

Mr Bartnik: With non-performing contracted agencies, there are probably two things there. One would be that some agencies might be in breach of their licence. For example, if they are a licensed psychiatric hostel they might be in breach of some of their licence conditions. So there is a whole protocol there with the licensing branch, which could lead to the cancellation of people's licences. We have contract renewal, so that the contracts are reviewed and renewed on a regular basis. As part of that process, there will be evaluation of the services being provided.

Hon LJILJANNA RAVLICH: Are there any non-performing contracted agencies that are on a watch list because they are not delivering a quality of service?

Mr Bartnik: I think to do with the licensed facilities —

Hon LJILJANNA RAVLICH: I am not talking about just licensed facilities. I am talking about all services; that is accommodation; that is —

Mr Bartnik: At any point in time, if you are funding between 80 and 100 different organisations, you will have different organisations at different stages of operation. There are some organisations that we are watching to do with cash flow, for example. We may have funded that particular initiative, and we looking at the acquittal of the funds. That might be one issue. I will pass over to Mr Dillon.

Mr Dillon: I would like to reiterate that point. When you are dealing with a large number of organisations, there are lots of different issues that come and go and that need to be managed on an ongoing basis. There are none, to my knowledge at this point in time, that would cause serious concerns. That said, there are always issues that need to be followed up on and progressed—chased across a segment of the sector. My experience is that with good follow up, agencies do respond.

Hon LJILJANNA RAVLICH: You do not seem to have any that are causing you serious concerns. Do you have any that cause you concerns?

Mr Dillon: To the extent that it is necessary to follow up with an agency where they perhaps have not provided something exactly in accordance with the time frame that might be required, or there is some information missing that is required, that is a concern to some level, but it is not a concern in terms of the ongoing viability of the organisation or our willingness to continue to contract with them and for them to provide services.

Hon HELEN MORTON: It is not like we do not get complaints from people in different parts of the service, where the complainant makes contact through either the Council of Official Visitors or the Chief Psychiatrist or the Mental Health Commission, or whatever, and these things are followed up and dealt with and pursued. But, again, the complaints are such that they are usually managed and the contract is not a contract that we would withdraw as a result of that.

The CHAIR: A couple of members have indicated that they have further questions. Just to be clear in my mind, are there certain contractual obligations to report if there is a noncompliance?

Hon HELEN MORTON: Can you say that again?

The CHAIR: Are there obligations to report if there is a noncompliance with their contract? I am trying to get my head around this self-reporting process and how that actually works.

Mr Dillon: If I might assist with that, there are some instances where organisations are required to report, for example, a significant incident. That might be an assault on someone who is receiving support or care from them, or other events of that nature. Those are required to be notified to the commission and to the Office of the Chief Psychiatrist, and those issues would be investigated. Many of the issues that come to light are through the regular reporting that agencies provide on a

six-monthly basis, and also through regular liaison and visits to the service providers. So through that dialogue, issues come to light and are followed up through that process as well.

Hon KEN TRAVERS: I want to make sure that I understand this correctly. The NGO standards monitoring program status updates are related to the organisations for which you have given us the service agreements. Is that correct? So in theory there should be a NGO standards monitoring document for each of the 10 or 12 organisations that we have service-level agreements with?

Mr Bartnik: Yes.

Hon KEN TRAVERS: So in this case, unlike the previous issue that we were dealing with, we do actually know the names of the organisations that have service-level agreements. What we do not know is which ones of them are performing to 100 per cent, and which ones are only performing to 70 per cent. I just want to be clear, minister, that you are saying it is not in the public interest for people to know which are the organisations that are performing at 100 per cent and which are the organisations that are performing as low as 70 per cent?

[4.45 pm]

Hon HELEN MORTON: I will just go back to the advice I got from the State Solicitor's Office on this, which did not refer to —

Hon KEN TRAVERS: But this is a policy issue, minister; you cannot hide behind legal advice on these matters. In my view, it comes back to a policy decision of you as minister, and that is why I am asking you. You, ultimately, can take your legal advice, but you need to make a policy decision, so I am asking for your policy view.

Hon HELEN MORTON: Yes. My policy view is that this information is provided on the basis that I understand that the committee's interest is trying to find out how that process works. So the information related there gives you the contracts and gives you how the self-assessment part of the monitoring of that goes. Consequently, I think the advice that has been given to me by the State Solicitor is good advice that says that to reveal the individual organisations against that assessment process—the performance—could possibly have potential adverse impacts on the professional business and commercial affairs of the relevant organisations. Now, if I felt that we were not able to provide you with what was requested of us—information relating to the process and to the contract being undertaken—I would seek more information. But on the basis of the question as it was put to us—I will just go back and check that I am being absolutely correct there—I believe we have provided you the information precisely how you sought it. We were asked: can the minister provide the actual service agreements and the assessment reports compiled from the Chief Psychiatrist's monitoring and service standards for the nine non-government providers of community mental health services conducted as a part of his 2010 timetable during the month of February; and, if not, why not?

Hon KEN TRAVERS: And I accept that you have provided the information; I am not arguing that point.

Hon HELEN MORTON: Yes.

Hon KEN TRAVERS: What you have done though, by deleting the names, is that those organisations that —

Hon HELEN MORTON: That do fantastically well.

Hon KEN TRAVERS: I mean, if your concern is that you are damaging the reputations, what you potentially can be doing by releasing this information and not giving the names of which organisations is that, potentially, this could lead to someone not knowing which one of those 10 organisations is actually performing at 100 per cent and which ones are performing at 70 per cent. I appreciate that you have given us that information, but it is information that I would have thought—certainly when I read it—would give cause for concern that an organisation in 2009 failed

to meet it and required further action, and a year later they still require further action about ensuring the privacy and confidentiality of children as clients is upheld and considering ways in which children can be involved in more fully understanding the need to talk to professionals in order to assist them. Now, if that was what was happening last year and it is still happening this year, I think the public have a right to know which organisation that is. If there are organisations that are getting it right—that is why I am asking you—you are saying it is not in the public interest for people to know the answer to that question of which organisation it is that is failing in that area, and to leave it as a potential slur against any one of these organisations.

Hon HELEN MORTON: That was a statement.

Hon KEN TRAVERS: Well, no; it is a question.

Hon HELEN MORTON: Sorry; what was your question then? I heard the statement —

Hon KEN TRAVERS: You are saying it is not in the public interest for people to know which organisation —

Hon HELEN MORTON: You see—that is a statement.

The CHAIR: Do you think it is?

Hon KEN TRAVERS: So, you are saying that in the document we have here—I do not know what it is because it does not have an identifying name—if you turn to the page that shows the 40 out of 60 indicators, and when allowing for six indicators, this equates to 69 per cent of the indicators being met, which means 30 per cent are not being met, and it then lists the actions that are required —

Hon HELEN MORTON: I cannot find it.

Hon KEN TRAVERS: It is towards the back.

The CHAIR: Attachment 2—towards the back.

Hon KEN TRAVERS: Yes, attachment 2; the last monitoring program status update.

Hon HELEN MORTON: Hon Ken Travers, you keep making a statement and then you say it is a question, but could you please ask the question because I do not know what question you are asking me?

Hon KEN TRAVERS: So you have that document in front of you.

Hon HELEN MORTON: Yes.

Hon KEN TRAVERS: You are telling the committee that it is not in the public interest to know which organisation had that standards report prepared about it.

The CHAIR: The question is: do you agree with that statement?

Hon HELEN MORTON: What is your question, because you keep making a statement?

Hon KEN TRAVERS: No; I am asking if you agree —

Hon HELEN MORTON: Oh—do I agree with that?

Hon KEN TRAVERS: The issue is that you have told us that it is not in the public interest to release the names of the organisations.

Hon HELEN MORTON: No, I have not said that at that all; I am sorry. You keep saying that I have said that, but that is not what I have said.

Hon KEN TRAVERS: What are you saying then? You have had legal advice to that effect, but what is your decision then?

Hon HELEN MORTON: My decision is to follow the legal advice that the information that people were seeking, as I understood it, from the estimates hearing has been provided. But in terms of these

individual organisations, these are organisations that are followed up, the criteria they are self-assessing on has different components to it, and although we might be following up with a particular area of work in one of these organisations this year, that criteria has, as I say, different components. It may be a different level of information that they are not meeting the second time around, so I do not want you to make an assumption that automatically they have failed on exactly the same information two years in a row—it is possible, but it is not likely. But, nevertheless, this is information that is self-reporting information, and it is just one part of an overall management process, as we have already discussed, around managing a contract and ensuring that outcomes are being delivered. So I think —

Hon KEN TRAVERS: If it is self-reporting, we therefore can assume that if they are saying they are not doing something, they are not doing it. Do you accept that that is right?

Hon HELEN MORTON: Yes; absolutely, if they are self-reporting. But there is a total—what is the word? The indicator has a single heading—“Awareness of Consumer Rights”, for example—and if you look across at the actions and the above booklet we made available, that might be an area that they focused on improving this time around, but there still might be something in that criteria that they are not doing well enough to actually feel that they are meeting that criteria completely. So what I am saying is that just because they are suggesting that they have not met the criteria, it does not mean that they are not focusing on a part of the criteria that they identified the previous year as not being up to scratch.

Hon KEN TRAVERS: I understand all of that, but it still comes back to the point that by your refusal to give us the documents with the name of the organisation included in it you are denying the public of Western Australia being able to know which organisations are not fully meeting their standards. Now, that is a statement; and you are comfortable with that—that is my question. You are comfortable that the public does not know which organisation it is that is not complying; you are comfortable with that—that is my question to you.

Hon HELEN MORTON: You never, ever say it as a question, though; you always say it as a statement.

Hon KEN TRAVERS: Are you comfortable with it?

The CHAIR: That is a question.

Hon HELEN MORTON: Okay; that is better.

Look, I believe in weighing up the pros and cons of this process so that the process actually achieves a fair degree of what we are hoping it will achieve. We are intending to continue this process and we are intending to put additional resources into the process to ensure that we have an even better process, but at the moment, under the variety of ways that we have at our disposal to look at the standards and management and contract management and ensuring that patients have means of raising issues if they need to, we think there is a variety of processes in place and this is just one of them. This is a process that gives the individual organisation the opportunity to self-evaluate, and we think that that is a good part of that process as well.

Hon LIZ BEHJAT: I am just trying to get my head around some of these documents, having seen them now for the first time, as we all have. We have 10 service agreements as addenda to the information, and we have 13 status updates, so can I assume that there are three service agreements that we do not have, or a service agreement where they might be providing two lots of information? That is my first question. Out of the 13 pieces of information we have with regard to the status update, four of those providers went up in their self-assessment, one is in its first year of self-assessment, one went down, and seven have stayed the same. Out of the seven that have stayed the same, three of those are performing at between 95 and 100 per cent, so I would have to say you would be pretty happy with that going on. So, my quick self-assessment here tells me that there are probably four providers that might be needing a closer look at in relation to this self-assessment, but

what we do not know—but you did mention that in answering that last question—is that the criteria that they say they have not met this time, are they the same criteria as last time or are they different? That is not provided in the information here that has been signed off; we only have the indicators requiring action in 2010. That is just a series of questions just to help me understand what we have here.

Hon HELEN MORTON: I had also noticed that the numbers of the —

Hon LIZ BEHJAT: I am not very good at adding up either —

Hon HELEN MORTON: Their standards monitoring does not exactly match the actual number of contracts, but an individual contractor may have or may be providing more than one type of service —

Hon LIZ BEHJAT: And that is what I thought, and that is why I asked that question.

Hon HELEN MORTON: — so it is likely that that is the reason they do not precisely match in terms of numbers. But the other element is that in terms of whether we can be 100 per cent assured—I do not know; I think I am paraphrasing what you said there and I might not be getting it right—that the individual indicator or the criteria that people are wanting to check is not necessarily the same as was not working well for them last year; is this what you are asking?

Hon LIZ BEHJAT: What I was actually just drilling down to is that out of those 13 we have there, there are only four that I find that—the one that went down, obviously you are going to go and look at that closely and say, “Why have you gone down?”

Hon HELEN MORTON: As I say, spot checks take place.

Hon LIZ BEHJAT: And then, out of the seven that stayed the same—as I said, three of those are between 95 and 100 per cent, so you obviously would not go and spot check someone is sitting on 100, and maybe probably not someone sitting on 95—there is actually only four that would even require any further looking at, I would have thought, on my quick assessment here.

Hon HELEN MORTON: And, again, what is the question; sorry?

Hon LIZ BEHJAT: Is that right? Am I reading that right? Because it seems that other committee members may be trying to infer that there is this massive problem with this program of self-assessment and what is happening.

Hon KEN TRAVERS: I was not.

Hon LIZ BEHJAT: I said “others may”; I did not name who.

Hon HELEN MORTON: Certainly not.

Hon LIZ BEHJAT: I am just saying that when I quickly look at these, and if you were looking at it to work out which are the ones I want to go and look at, I could only see that there would be four out of the 13. Then it would be a matter of, out of that four, looking at whether it is the same criteria this year as last year that they have not met, and you have said that it could be different.

Hon HELEN MORTON: Yes, and it could be different elements of that criteria. But the other thing I think is that because there are other mechanisms for people alerting, or for an alert to go up that there is an area of concern—obviously, you would do the spot checks on the ones you think you need to anyway—if you suddenly found that there was, say, a series or variety of complaints or concerns coming through the Council of Official Visitors, a serious incident reported to the Chief Psychiatrist or problems perhaps financially or otherwise, well, you would not let it get to that point, but you would be obviously recognising that there is a service provider in trouble, and you would get out there and do whatever is necessary to do that.

[5.00 pm]

I know that in past years—certainly not while we have been in government—the Chief Psychiatrist has had to take serious action and withhold funding from an organisation that was not performing and that needed to upgrade and develop and change its approaches to the services it delivered. Consequences are available if ever they are needed. You would use a variety of those things to identify a service that was in trouble.

Hon PHILIP GARDINER: I was actually pleased to hear those last remarks, minister, because I think we all understand that you guys have an incredibly tough job. I know firsthand that the culture becomes hardened in various organisations and the way in which people deal with mental health. That has changed over the years, and I hope it continues to change, but it needs continuous involvement at the grassroots. That comes back to the transparency of this thing. As a committee, I think we are moving more and more towards transparency, consistent, as I have referred to before, with the Auditor General. I am still coming back to why names are taken out of all this. If the self-assessment is private, there is a tendency to greater openness and transparency by those organisations doing their own self-assessment to be honest about where they are at, whereas if it is public, there may be a temptation to gild the lily. Is that one of the reasons underpinning this transparency, which is different in the social infrastructure industry to that from the physical services industry of the non-social type? Is that one of the bases that you are talking about?

Hon HELEN MORTON: Hon Philip Gardiner, I would love to be able to say that that came into my mind, but until you mentioned it, it never did. I believe what you are saying to be true, but it was never a consideration in my approach to providing information in this form to the committee. I would like to have said that it was, but I am sorry that it was not.

Hon KEN TRAVERS: It can work the other way too, if they lie and it is public, people can say, “Hang on a minute, that’s not right,” and therefore trigger more spot checks to highlight it. You could argue that point either way.

Hon PHILIP GARDINER: That is exactly right. Self-assessment on its own is never sufficient. It has to be a package of things. It is a bit like a self-assessment you have when you review your employees. People self-assess themselves but when they go to their group above them, the self-assessment possibly becomes more realistic than it might have been.

Hon LIZ BEHJAT: And men always overinflate and women underestimate.

Hon PHILIP GARDINER: I am sure there is a review of self-assessments that take place in that same structure, if you like. I really would like to know—this is a question—about that whole package of assessment, so we know that the culture you are building is something, firstly, that we understand; secondly, that we can relate to; and, thirdly, that we think will make it better. The minister can respond either now or on notice.

Hon HELEN MORTON: What did you want on notice?

The CHAIR: Can I attempt to paraphrase it, because I think it might be a similar question that we were trying to capture earlier—I have some useful notes here—which is an explanation of the evaluation process of the Mental Health Commission.

Hon PHILIP GARDINER: That is really it.

Hon HELEN MORTON: What are the different components of it?

The CHAIR: What are its objectives and what are its weaknesses and strengths? That is what I am grappling to understand.

Hon LJILJANNA RAVLICH: This is only one part.

The CHAIR: We want to know how it fits in.

Hon HELEN MORTON: Apart from the fact that we have already given an overview of that, are you saying that you want provided on notice more information about that?

The CHAIR: Yes.

Hon HELEN MORTON: That is fine.

Hon PHILIP GARDINER: With some detail, if you can.

[Supplementary Information No A3.]

Hon HELEN MORTON: Can I also respond to your comments? I think that you captured a lot of the information really well. The issue around why we are moving down the track of individualised funding for individual people—similar to the way in which disability services has done that—means that if an individual or people who advocate for that individual are unhappy about or not satisfied with what is occurring in that person's package of services, they can move to another service provider and the money will go with them. At the moment in mental health services, we are 30 years or more behind disability services in that respect. We have program funding and we provide the provider, and individual people with a mental health illness go to that provider hoping that that provider can accommodate their particular needs. What would be a more honest and transparent approach would be to make the funding available to an individual person, determined by their level of need, and then ensure that that person and that person's advocates can broker or negotiate their services packages around whichever services best fit their requirements. We started that this year. Our first 100 homes and 100 packages are designed to operate like that. However, there is a long way to go to get the culture around mental health services in the same vein as what has already occurred down that track within disability services.

The CHAIR: Just before I go to Hon Ljiljanna Ravlich, it seems to me that that is an interesting model, and I do not disagree with it, but surely that would even increase the need for being able to compare services provided by the providers and the transparency around it. I can see the dilemma around this issue but I would have thought that if you were trying to allow consumers greater choice, I guess, you need to have an even more up-front evaluation of who are the good providers and who are the bad providers. I am new to this area, but it seems to me that if you are moving to that model would you not have to actually increase your accountability and transparency to facilitate individuals being able to make that choice?

Hon HELEN MORTON: I am thinking that the brokers—the people who are assisting in this process —

Mr Dillon: The service providers who are appointed to the panel have to demonstrate their capability to deliver the services and they will be held to account by the recipients of the services because there will be regular process monitoring and the people who are receiving the services will advise whether they are happy with them. If they are not, they will have the ability to seek to move to an alternative service provider. Ultimately, the power will rest with the consumer of the service to be able to change the service provider. To get onto the panel in the first place, the service provider has to demonstrate that it has processes in place and a track record that can demonstrate that it is capable of delivering the services being requested.

The CHAIR: So they have to meet a certain threshold?

Mr Dillon: That is right, through a selection process to get onto the panel.

Hon LJILJANNA RAVLICH: I quickly want to touch on the role of the Chief Psychiatrist. Obviously he is involved in the self-assessment and reporting, but he is also responsible under the act for looking at licensed psychiatric hostels and non-government agencies, which he monitors. He is also responsible for these organisations reporting any unexpected deaths that occur and any serious incidents that have to be reported. There are, you would be aware, categories of serious incidents that need to be reported. For the sake of Hansard, I just want to quote them because there are about eight or nine of them—I will ask you a question that you can take on notice: serious assaults on/or by staff, other patients or visitors; alleged sexual assault on/or by staff, other patients or visitors; serious medication error, which may require review; absconding of any forensic patient;

absconding of any detained involuntary patient and serious risk of self-harm or harm to others; serious misuse or mistake of a function performed under the act; involvement of any government or non-government organisation, which is contrary to the functions under the act; criminal activity reported at a mental health facility; and, any incident, which, by its nature or person involved, may receive attention by the media or the wider community. I ask the minister to provide information on the unexpected deaths and/or serious incidents by each category for the 2010–11 financial year, through you, to the Chief Psychiatrist, because that will enable us to get a sense, perhaps, of some of the incidents that are occurring in some of these funded organisations.

Hon HELEN MORTON: Can I just clarify that the member is looking for that information for the non-government services that we have been referring to?

Hon LJILJANNA RAVLICH: He should have a summary for not just these nine we are talking about, but the whole of —

Hon HELEN MORTON: I am just asking you a question. Are you looking for this information in regards to non-government organisations that we are contracted with?

Hon LJILJANNA RAVLICH: Yes, the ones we are contracted with; not the public organisations, just the ones that we buy the services from.

[Supplementary Information No A4.]

The CHAIR: I am mindful of the time and that we probably need time to look at these documents properly. In terms of any further questions we might have, I think we need to stop now and see where we go from there. The committee will forward any additional questions it has to you in writing in the next couple of days, together with a transcript of evidence, which includes the questions that have been taken on notice. If members have any unasked questions, please submit them at the close of the hearing. The response to these questions will be requested within 10 working days of the receipt of the questions. Should the agency be unable to meet this due date, please advise the committee in writing as soon as possible before the due date. The advice is to include specific reasons as to why the due date cannot be met. On behalf of the committee I thank you very much for your attendance this afternoon.

Hearing concluded at 5.12 pm
