



**Deputy Premier of Western Australia
Minister for Health; Tourism**

Our Ref: 25-46668

Mr Mark Warner
Committee Clerk, Legislative Council
Estimates and Financial Operations Committee
1st Floor Parliament House
Harvest Terrace
PERTH WA 6000

Dear Mr Warner

WA HEALTH QUESTIONS PRIOR TO HEARING FOR THE 2015/16 BUDGET ESTIMATES HEARING

Please find attached the answers to the following questions on notice submitted by Members of the Legislative Council in relation to the 2015/16 Budget Estimates hearing to be held with the Department of Health on Wednesday, 24 June 2015: 1-11, 13-14, 18-23, 25-29, 64-65 and 67-68.

The remaining responses are being prepared and will be finalised as soon as possible for the Committee.

Yours sincerely

 Dr Kim Hames MLA
**DEPUTY PREMIER
MINISTER FOR HEALTH**

15 JUN 2015

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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
QUESTIONS ON NOTICE SUPPLEMENTARY INFORMATION

Wednesday, 24 June 2015

Department of Health

Question No. 1: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2014/2015 how was HADSCO funded?

Answer: Via State appropriation and Commonwealth funding.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 2: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

Please break down, by agency, where HADSCO received its funding from.

Answer:

\$2,564,000	Treasury administered appropriation
\$15,510	Commonwealth funding for services provided to Indian Ocean Territories
\$2,579,510	Total

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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 3: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

Why does HADSCO not have its own entry in the Budget Papers under WA Health?

Answer: In June 2003, Treasury and the Department of Health agreed to show the (former) Office of Health Review (subsequently renamed the Health and Disability Services Complaints Office) as a separate administered appropriation item in the Department of Treasury's administered statements from 2003-04 onwards. This decision was made to reflect the legislative intent of the Health and Disability Services (Complaints) Act 1995, particularly the statutory independence of the Office.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 4: Hon A Clohesy asked –

*I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –
In 2014/2015 what was the actual expenditure for the Health and Disability Services
Complaints Office (HADSCO)?*

Answer: \$2,310,303 (as at 5 June 2015)

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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 5: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2014/2015 how many FTE, by position, were employed by HADSCO?

Answer: As at 5 June 2015, HADSCO employed 14.34 (permanent) FTE, comprising of

- 1 x Director (Special Division CEO)
- 1 x Assistant Director Complaints and Systemic Improvement, Level 9
- 1 x Assistant Director Strategic Services and Community Engagement, Level 8
- 1 x Manager Complaints, Level 7
- 2.5 x Senior Case Manager, Level 6
- 1 x Data and Systems Manager, Level 6
- 1 x Strategic Communications and Engagement Officer, Level 6
- 3 x Case Manager, Level 4
- 1 x Administrative Coordinator, Level 3
- 0.84 x Human Resources and Governance Officer, Level 3
- 1x Administrative Assistant, Level 1

Additional fixed term contracts include:

- 1 x Mental Health Project Officer, Level 6
- 1 x Project Officer, Level 5
- 1 x Data Assistant, Level 2

Note, the above excludes employees on leave without pay, secondment and casual arrangements.


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Wednesday, 24 June 2015

Department of Health

Question No. 6: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In each of the years 2015/2016, 2016/2017, 2017/2018 and 2018/2019, how much is budgeted for the HADSCO?

Answer:

2015/2016 \$000	2016/2017 \$000	2017/2018 \$000	2018/2019 \$000
\$2,637	\$2,702	\$2,769	\$2,839

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Wednesday, 24 June 2015

Department of Health

Question No. 7: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2015/2016 how many FTE by positions are budgeted to be employed with HADSCO?

Answer: In 2015/2016, HaDSCO's budget will enable 16 FTE to be employed, as follows:

- 1 x Director (Special Division CEO)
- 1 x Assistant Director Complaints and Systemic Improvement, Level 9
- 1 x Assistant Director Strategic Services and Community Engagement, Level 8
- 1 x Manager Complaints, Level 7
- 1 x Project Officer, Level 5
- 3 x Senior Case Manager, Level 6
- 1 x Data and Systems Manager, Level 6
- 1 x Strategic Communications and Engagement Officer, Level 6
- 3 x Case Manager, Level 4
- 1 x Administrative Coordinator, Level 3
- 1 x Human Resources and Governance Officer, Level 3
- 1 x Administrative Assistant, Level 1



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Wednesday, 24 June 2015

Department of Health

Question No. 8: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2013/2014 how many complaints were received by HADSCO by type and outcome?

Answer:

Type of complaint	2013/14 Outcomes		
	Advice/ Referrals	Complaint management	Total
Health and Mental Health issues	1825	194	2019
Disability issues	38	6	44
Non-Health/Disability issues (referrals provided)	356	0	356
	2219	200	2419

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Wednesday, 24 June 2015

Department of Health

Question No. 9: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2014/2015 how many complaints were received by HADSCO by type and outcome?

Answer:

Type of complaint	2014/15 Outcomes (as at 1 June 2015)		
	Advice/ Referrals	Complaint management	Total
Health and Mental Health issues	1631	184	1815
Disability issues	41	7	48
Non-Health/Disability issues (referrals provided)	312	0	312
	1984	191	2175

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Wednesday, 24 June 2015

Department of Health

Question No. 10: Hon A Clohesy asked –

I refer to the Health and Disability Services Complaints Office (HADSCO), and ask –

In 2015/2016 how many complaints are anticipated to be dealt with by HADSCO?

Answer: In 2015/16, HaDSCO anticipates managing between 2300-2500 complaints. The anticipated increase relates to increased awareness-raising that has been undertaken in 2014/15, as well as additional approved and/or potential responsibilities relating to:

- the *Mental Health Act 2014* (legislative mandate commencing 30 November 2015);
- National Disability Insurance Scheme (potential new responsibilities);
- unregistered health practitioners (COAG priority);
- Review of the National Registration & Accreditation Scheme; and
- potential transfer of mental health complaints from the Office of the Chief Psychiatrist to HaDSCO.



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Wednesday, 24 June 2015

Department of Health

Question No. 11: Hon N Goiran asked –

I refer to the intended reforms to the Human Reproductive Technology Act 1991 which would seek to facilitate posthumous collection of gametes under certain circumstances, and I ask:

Noting the Minister's previous advice that he is now in possession of a position statement from the Reproductive Technology Council, what is the current status of those reforms?

Answer: The Department of Health's Reproductive Technology Unit and Legal and Legislative Services have commenced work to develop a draft policy, which will inform the development of legislative amendments to the *Human Reproductive Technology Act 1991*, subsidiary legislation, and any related legislation.



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Wednesday, 24 June 2015

Department of Health

Question No. 13: Hon N Goiran asked –

I refer to the intended reforms to the Human Reproductive Technology Act 1991 which would seek to facilitate posthumous collection of gametes under certain circumstances, and I ask:

How many women have successfully sought posthumous collection of gametes for reproductive purposes in the terms described by Justice Edelman in Re Section 22 of the Human Tissue and Transplant Act 1982 (WA); ex parte C [2013] WASC 3, by recourse directly to a hospital's designated officer under S4 of the Human Tissue and Transplant Act 1982?

Answer: This information is not reported to the Department of Health. The designated officers are appointed by the Executive Director, Public Health (EDPH) under the *Human Tissue and Transplant Act 1982*, which does not require the EDPH to collect information on the activities on posthumous collection of gametes.



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Wednesday, 24 June 2015

Department of Health

Question No. 14: Hon N Goiran asked –

I refer to the intended reforms to the Human Reproductive Technology Act 1991 which would seek to facilitate posthumous collection of gametes under certain circumstances, and I ask:

Further to Question 13, if this information is not available how will the planned amendments to the Human Reproductive Technology Act be properly informed?

Answer: Any amendments to the *Human Reproductive Technology Act 1991*, subsidiary legislation and any related legislation will be properly informed by the development of policy that reflects ethical standards and values, scientific evidence, potential risks, and the best interest of any future children and the applicants.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 18: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

What was the cost of the Review?

Answer: \$65,000.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 19: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Are you aware that in the State of Victoria, criminal record checks and child protection order checks are required for arranged parents and for the surrogate mother and partner?

Answer: Yes.



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Wednesday, 24 June 2015

Department of Health

Question No. 20: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Further to Question 19, are you aware that if such checks indicate any conviction for sexual or violent offences or any child protection order, a presumption against treatment will apply?

Answer: Yes.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 21: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Further to Questions 19 and 20, in light of these seemingly sensible Victorian provisions, why did the Review fail to recommend an amendment to the Act mandating for parties to a surrogacy arrangement to undergo a criminal record check?

Answer: The Review recommended support of referral to the Council of Australian Governments to enable a coordinated national approach to surrogacy, relevant legislation and related issues.

Consequently criminal record checks will be an issue for consideration in the provision of consistent surrogacy legislation across jurisdictions. Harmonisation of parentage laws in relation to surrogacy was discussed at the Law Crime and Community Safety Council (LCCSC) meeting on 22 May 2015.

A working group is to be convened under the LCCSC to examine whether further work is required on harmonisation of surrogacy and parentage laws as they relate to international surrogacy.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 22: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Further to Question 21, will the Minister give consideration to seeking an amendment to this effect?

Answer: See answer to question 21.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 23: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

In light of the public outcry following the high-profile baby Gammy case involving a Western Australian couple, has an explanation been provided to the Minister as to why the Review did not recommend that the Act be amended to make it unlawful for Western Australian residents to enter into international commercial surrogacy arrangements?

Answer: The Review highlighted that while Queensland, New South Wales and the Australian Capital Territory have specific extraterritorial provisions in their legislation, to prosecute residents who commission overseas commercial surrogacy, there does not appear to have been any prosecutions to date despite a significant number of cases.

The difficulties of evidentiary issues and achieving successful prosecutions in this area are acknowledged, but explicit provisions providing extraterritorial reach to prohibit commercial surrogacy may nevertheless act as a deterrent.

Given the growing concerns regarding international commercial surrogacy, a nationally consistent approach to provisions that may deal with extraterritorial reach is seen as desirable.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 25: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Noting that recommendation 3 of the Review reads, “Encourage and facilitate more research on national and international surrogacy and the long term social and psychological outcomes” what is the provision in the Budget for this?

Answer: There are no budgetary implications as the Department of Health is collaborating with Professor Jenni Millbank, Law Faculty, University of Sydney, who is undertaking research on “Family Formation Inside and Outside Law’s Reach.”

The Reproductive Technology Unit will liaise with Western Australian (WA) fertility clinics to facilitate the recruitment of WA participants.



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Wednesday, 24 June 2015

Department of Health

Question No. 26: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Noting that the Review states that “[t]here is an emerging need for a coordinated critical evaluation of current policies and legislation, concerning surrogacy arrangements, to consider further state, territory and Commonwealth cooperation on consistent surrogacy laws nationally”, what steps have been taken by the Department since the tabling of the Review to address this emerging need?

Answer: The Department of Health is liaising with State and Commonwealth agencies with responsibilities and interest related to surrogacy.

Importantly, the Commonwealth House of Representatives Standing Committee on Social Policy and Legal Affairs recommended the Commonwealth Attorney General refer to them an inquiry into the regulatory and legislative aspects of national and international surrogacy arrangements.

This will be congruent with the recommendations of the Review of the Surrogacy Act 2008; provision of a coordinated critical evaluation of current policy and legislation, standardised legislation across states, understanding and managing the effect of the global surrogacy market in Commonwealth, State and Territory legislation.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 27: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Further to Question 26, what further steps does the Department intend to take in the 2015/16 year and what provision has been made for this in the Budget?

Answer: The Department of Health will continue to liaise with State and Commonwealth agencies with responsibilities and interest related to surrogacy. This can be achieved within the current budget.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 28: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Noting the assessment in the Review that “Given the scale of international commercial surrogacy arrangements, there is a need to gather demographic information, monitor trends, evaluate outcomes, and investigate the impact of international commercial surrogacy on policies and regulations in Australia”, what provision has been made in the Budget to facilitate this?

Answer: See answer to question 25.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 29: Hon N Goiran asked –

I refer to the report on the statutory review of the Surrogacy Act 2008 (“the Review”), and I ask:

Noting the Review states that “the Department of Health is working with fertility clinics to undertake research on the experiences and perspectives of people who have been, or are currently, involved in an altruistic surrogacy arrangement in Western Australia” I ask,

(a) When did this research commence?

(b) What has been the cost of the research project to-date?

Answer: (a-b) The research has not yet commenced.

(c) What are the further expected costs in order to complete the research project?

Answer: See answer to question 25.

(d) Has the Department provided any funding to fertility clinics for this research?

Answer: No.

(e) If yes to point d above, to whom and how much?

Answer: Not applicable.

(f) What is the target date for the completion of this research project?

Answer: 2018.


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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 64: Hon S Ellery asked –

Budget Paper: 2, Vol 1, Part 3

Page: 125

Line Item: Sustainable Delivery of Public Hospital Services

I refer to the weighted activity unit cost (WAU) and the aim of a State Price that converges to the national cost over a defined period of time.

Previous budgets stated the State Price will converge to the national average cost by 2017/18, this current budget now does not specify the timeframe and only says 'over a defined period of time,' does that mean that WA has conceded it will not be able to converge to the national price by 2017/18? If so, when do you predict WA will be able to converge with the national price?

Answer: As noted on page 131 of Budget Paper No. 3, the 2015-16 Budget is predicated on transitioning the State Price to the projected national average cost within the timeframe for the completion of the WA Health Reform Program i.e. by 2020-21.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 65: Hon S Ellery asked –

Budget Paper: 2, Vol 1, Part 3

Page: 125

Line Item: Sustainable Delivery of Public Hospital Services

I refer to the weighted activity unit cost (WAU) and the aim of a State Price that converges to the national cost over a defined period of time.

In 2013/14 the State WAU was projected to be \$5,319, \$167 higher than the national price, - what was the actual or real WAU price in 13/14, as opposed to the projected WAU for 13/14?

Answer: The actual unit cost per weighted activity unit for 2013-14 will not be available until the Independent Hospital Pricing Authority has completed their analysis of the National Hospital Cost Data Collection data for 2013-14.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
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Wednesday, 24 June 2015

Department of Health

Question No. 67: Hon S Ellery asked –

Budget Paper: 2, Vol 1, Part 3

Page: 125

Line Item: Sustainable Delivery of Public Hospital Services

I refer to the weighted activity unit cost (WAU) and the aim of a State Price that converges to the national cost over a defined period of time.

In 14/15 was the WAU projected cost to be \$5540 per activity, what is current real or actual price per WAU in 2014/15?

Answer: The actual unit cost per weighted activity unit for 2014-15 will not be available until the Independent Hospital Pricing Authority has completed their analysis of the National Hospital Cost Data Collection data for 2014-15.



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ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE
QUESTIONS ON NOTICE SUPPLEMENTARY INFORMATION

Wednesday, 24 June 2015

Department of Health

Question No. 68: Hon S Ellery asked –

Budget Paper: 2, Vol 1, Part 3

Page: 125

Line Item: Sustainable Delivery of Public Hospital Services

I refer to the weighted activity unit cost (WAU) and the aim of a State Price that converges to the national cost over a defined period of time.

What was the projected average cost, or the nationally efficient price for 2014/15?

Answer: The National Efficient Price (NEP) for 2014-15 as per the Independent Hospital Pricing Authority's (IHPA) price determination is \$5,007 per weighted activity unit (WAU).

This information can be sourced from the IHPA website¹.

The NEP is used to calculate the Commonwealth's contribution for in-scope public hospital services. The Projected Average Cost (PAC) on the other hand is used to provide a complete average price of activity, and is based on a total expenditure view, regardless of the funding source.

Based on the 2014-15 NEP, the corresponding 2014-15 PAC was estimated at \$5,160 per WAU by WA Health based on advice provided by IHPA.

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¹ The National Efficient Price Determination 2014-15 is available online: <http://www.ihipa.gov.au/internet/ihipa/publishing.nsf/Content/nep-determination-2014-15-html>.