

Division 2: Parliamentary Commissioner for Administrative Investigations, \$8 073 000 —

Ms L.L. Baker, Chair.

Mr P.B. Watson, Speaker of the Legislative Assembly.

Mr C.J. Field, Parliamentary Commissioner for Administrative Investigations.

Mrs G.M. White, Deputy Parliamentary Commissioner for Administrative Investigations.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. The Chair will ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall be examined only in relation to their portfolio responsibilities.

The minister may agree to provide supplementary information to the committee rather than asking that the question be put on notice. I ask the Speaker to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the Speaker's cooperation in ensuring that it is delivered to the principal clerk by Friday, 30 October 2020. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

The Leader of the Opposition has the call.

Mrs L.M. HARVEY: I refer to the "Spending Changes" table on page 53 and the line item "Section 25 Transfer—Expanded Child Death Review Function from the Department of Health" under the heading "Ongoing initiatives". How many child deaths have been investigated in the past year?

The SPEAKER: Mr Field will answer.

Mr C.J. Field: Thank you so much, Mr Speaker and Madam Chair. Thank you so much for your question, Leader of the Opposition.

I think there are two parts to that question. The first is on the expanded child death review. That was a process whereby a range of stakeholders, the Department of Health and a number of others, were very keen to see my office undertake an expansion of its existing child death review role—I think the Leader of the Opposition will know from past briefings to her from me that that is the investigation of child deaths in the state—to look at all child deaths that occur to get the most holistic possible idea of child death reviews. On the second part of the question, we have thus far been looking only at triaging historical child deaths. We will commence that expanded child death review process next year. At the moment, we are doing the formative work, developing up databases, stakeholder engagement and a range of other work. That initial funding tranche was to do all the preparatory and development work. Certainly, going forward we will be looking at and examining every child death, not just investigable child deaths.

Mrs L.M. HARVEY: With respect to historical child deaths, are investigations by way of reference or of particular years? I am curious to know the range of historical child deaths and how many of those deaths are being investigated.

Mr C.J. Field: The Department of Health gave us a number originally of, I think, around 80 child deaths going back over several years. At the moment, we are working with a range of stakeholders, including the Registrar of Births, Deaths and Marriages, the Department of Health and others, to ascertain exactly what that number should be and exactly over what time frame. Obviously, for the Leader of the Opposition's purposes, my desire is to make sure that the state and this Parliament—obviously I am an officer of the Parliament and report to the Parliament; I am reporting to the Parliament—has the best possible information on child deaths that hitherto may not have necessarily been investigated by anybody. Some may have been the subject of certain internal or other investigations, but in terms of investigations from my office, I will ensure that as many as possible of those child deaths that historically were not part of my jurisdiction are investigated. Although I cannot give a precise number now because the exact number we will investigate is still developing, I can certainly assure the Leader of the Opposition that it will include all child deaths over a period for which it is as reasonable as possible to gather the data that we can to investigate those deaths.

[9.50 am]

Mrs L.M. HARVEY: Were the 80 child deaths that the Parliamentary Commissioner for Administrative Investigations is currently looking at predominantly children under the care of or known to the Department of Communities, or

are there also other referrals—for example, suicides or deaths of children that were not known to the department? I am interested to understand what the break-up of that is.

The SPEAKER: Mr Field.

Mr C.J. Field: That is an excellent question. To give context to the answer, the history to this is that the Department of Health was concerned that a range of the child deaths that occurred in the state were not being investigated by any body, or a body, to a sufficient extent. Of course, my office has been investigating all the sorts of matters to which the Leader of the Opposition referred, and has been for a decade—that is, the tragedy of child suicide, and deaths of those otherwise known to the department. I suspect that the majority of those 80 deaths or, indeed, it could potentially be more, would not be deaths that would otherwise have historically been investigated by us. They will be deaths in which a child may have died in what appears to be natural circumstances and causes in the care of, for example, a general practitioner or otherwise. Therefore, it is very unlikely that those deaths or, for example, a suicide, are ones that otherwise would be known to the department, because we would have investigated those deaths and they would have been known to us; and, indeed, they would have been mandatorily reported to us over the previous decade.

Mrs L.M. HARVEY: I am interested to know about this, because obviously we have seen some tragedies of children with meningococcal disease misdiagnosed by GPs, for example. Is the commissioner saying that his function is to review the deaths of children who may have been misdiagnosed by a GP or not referred appropriately to emergency services?

Mr C.J. Field: I cannot necessarily speculate at this stage, because we have not commenced those investigations as such. That commencement date will be into next year. The original piece of work we are doing at the moment was always about establishing databases, networks and an advisory panel, and building capacity in the organisation to expand on that. We will have a date next year for commencing those investigations. We are doing some triage on what would effectively be historic cases. I can say that the cases will not be investigable deaths that were otherwise known to the department and otherwise would qualify as an investigable death under the Parliamentary Commissioner Act. They also will not be cases like, for example, youth suicide, because those would have otherwise been captured in matters that would have been investigated by my office. Indeed, of course, matters like youth suicide, which are utterly tragic, as the Leader of the Opposition knows, have been the subject of significant investigations by my office. Indeed, the most recent own-motion investigation was tabled a few short weeks ago. What will constitute those 80 cases? There may be some missed diagnoses in those cases, correct. I can assure the Leader of the Opposition that we will fully, substantially and transparently report on all those matters in our annual report so that there will be a very holistic picture of every child death that occurs in the state.

Mrs L.M. HARVEY: I think this is a really important function. I am unsure of what the reporting mechanism might be at present, but under this expanded function would the commissioner be looking at deaths related to drug overdoses and those sorts of things, or are they already being investigated?

Mr C.J. Field: It will depend. The very simple answer is: the intention is to expand child death review. I agree with the Leader of the Opposition that it is a fundamentally important function that fills a real gap in the state. That is said with humility, obviously, in terms of the work that we do; it is the Parliament that gave me the role. I think there has been a very significant and expansive child death review jurisdiction undertaken by my office in this state during the last 10 years. Of course, others also do fundamental important work in that space, such as the coroner. However, for many years, clearly, there have been gaps in that system. There are children who are not investigated necessarily by my office; therefore, I think all stakeholders are keen for there to be a holistic review. However, that does not mean that those deaths were not investigated by anyone. For example, hospital internal investigations and other potential investigations may have occurred on those deaths, but they would not necessarily be reported in my annual report or with the level of depth of own-motion investigations, for example, about systemic issues, patterns and trend type-issues. That is not to say that there were no investigations, but they would not have been investigations of the sort that we would have undertaken, and there may be some for which there were no investigations at all.

Mrs L.M. HARVEY: Further to that, under this expanded review function, will the commissioner be investigating every death of every child known to the Department of Communities or in the care of the CEO?

Mr C.J. Field: Unquestionably. Leader of the Opposition, that is an excellent question. We should, we do and we will.

Mrs L.M. HARVEY: Thank you.

Mr Z.R.F. KIRKUP: In 2016–17, in Western Australia, 177 child deaths were identified as part of the commission's functions that, as the commissioner alluded, were subsequently referred to the coroner, whether by a non-relative or a notifiable entity under the Department of Communities and the like. Is there a figure for 2017–18 and 2018–19 or is there usually a lag between collating and providing that information?

Mr C.J. Field: I thank the honourable member for his question. All those numbers should be in my annual report, and if I or my deputy can find them very quickly, I will provide them, but rather than take up the Assembly's time —

Mr Z.R.F. KIRKUP: If it is in the annual report, Mr Field, that is okay. The information I have might be older, and I apologise.

Mr C.J. Field: Without speaking for too long, Madam Chair, can I just say that if those figures are not immediately available in the annual report, which I think they are, I personally would be delighted to provide that as a matter of supplementary information or otherwise.

The SPEAKER: I think we will have it as supplementary information. Have we got the numbers?

Mrs G.M. White: I do have available the 2019–20 annual report that was just issued.

The CHAIR: Mrs White, would you like to give us that data?

Mrs G.M. White: Our annual report shows that in 2016–17, there was a total of 181 child deaths in WA; in 2017–18, 138; in 2018–19, 175; and in 2019–20, 135.

Mr Z.R.F. KIRKUP: I have a question on mental health and the issue raised by Leader of the Opposition on the suicides of our young people. I understand that issue was highlighted in the budget allocation with the commission undertaking its own review into Aboriginal youth suicide. I am keen to understand whether that is an ongoing piece of work of the commission. Is the commission seeing an unfortunate trend of increasing numbers of suicide amongst our Aboriginal children?

[10.00 am]

Mr C.J. Field: I thank the honourable member. I recognise through his shadow portfolio his significant interest in these matters, and I appreciate that interest. There is no more significant issue, along with family domestic violence fatalities, upon which my office works. Can I say specifically in relation to the member's questions that we effectively do two things on suicide by children and young people: we undertake investigations of all matters referred to us, and then we undertake own-motion investigations into those matters as well. There was a major piece in 2014, and then just recently a tabled piece a few short weeks ago, which was examining the implementation of the recommendations of the 2014 report and making seven new recommendations.

The CHAIR: Sorry, we need to interrupt. The question is that the appropriation be recommended.

The appropriation was recommended.