

**STANDING COMMITTEE ON ESTIMATES AND  
FINANCIAL OPERATIONS**

**2014–15 BUDGET ESTIMATES HEARINGS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
WEDNESDAY, 11 JUNE 2014**

**SESSION THREE  
DISABILITY SERVICES COMMISSION**

**Members**

**Hon Ken Travers (Chair)  
Hon Peter Katsambanis (Deputy Chair)  
Hon Martin Aldridge  
Hon Alanna Clohesy  
Hon Rick Mazza**

---

**Hearing commenced at 4.21 pm**

**Hon HELEN MORTON**

**Minister for Disability Services, examined:**

**Dr RON CHALMERS**

**Director General, examined:**

**Mr GARY MEYERS**

**Director, Funding and Reporting, Disability Reform Directorate, examined:**

**Ms MARION HAILES-MacDONALD**

**Executive Director, Funding, examined:**

**The CHAIR:** On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I would like to welcome you to today's hearing. Firstly, if I can ask the witnesses if they have read, understood and signed a document headed "Information for Witnesses"?

**The Witnesses:** Yes.

**The CHAIR:** I note that all witnesses responded in the affirmative.

Witnesses need to be aware of the severe penalties that apply to persons providing false or misleading testimony to a parliamentary committee. It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private, either of its own motion or at a witness's request. 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 before answering the question. Government agencies and departments have an important role and duty in assisting Parliament to scrutinise the budget papers on behalf of the people of Western Australia. The committee values your assistance with this.

[Witnesses introduced.]

**Hon STEPHEN DAWSON:** I refer to page 410, "Access and Inclusion". My first question relates to ACROD. You do not have to turn to the page; I am just pointing it out. Do you have a sense of how many Western Australians currently have an ACROD sticker? There has been an issue this week. We are all talking about reducing barriers to work for people with disability, yet the government announced a \$2 fee to park at train stations. My understanding is that people with an ACROD sticker will also have to pay this fee; is that correct? Have you or your agency had any conversations with the PTA, or indeed Treasury, to see if we could exempt those people?

**Hon HELEN MORTON:** There are 67 000 people with ACROD parking permits currently. That was the first part of your question, I think. The second part was: am I aware of the \$2 parking fee? I am. Other than the discussions that took place obviously at the time this decision was being made, there has been no further discussion on that from myself or the agency.

**Hon STEPHEN DAWSON:** I will leave that point.

---

**The CHAIR:** Before you move off that, I want to ask some questions. Minister, when you announced the fact that the government would be paying the \$20 fee for a two-year ACROD permit, you said—I have the press release here—that you would ensure that no-one with disability is out of pocket. Is not the introduction of a \$2 parking fee at train stations—that is just five visits a year—now going to mean people with ACROD stickers are out of pocket if they have to park at train stations?

**Hon HELEN MORTON:** Equally, they would be out of pocket if they had to park at a Wilson car park, for example.

**The CHAIR:** But that is not the government, is it?

**Hon HELEN MORTON:** No, but I am saying that when I made it very clear that people would not be out of pocket when paying for their ACROD parking permits, we are going to pay fully for the ACROD parking permits.

**The CHAIR:** Now, as a result of a separate government decision, someone with an ACROD sticker who parks six times a year at a train station is going to be worse off than they were pre this election announcement. Are you satisfied with that?

**Hon HELEN MORTON:** People with disability are not being dealt with differently than anybody else on a pension or any other person across the whole of Western Australia at the moment with regards to parking. This is a way that people with disability are being treated—absolutely equally with every other person on some form of disability services pension, Seniors Card or whatever else.

**The CHAIR:** Are you aware though that in a number of places, including the City of Perth, there are discounts for people with ACROD parking in terms of what they are charged to park?

**Hon HELEN MORTON:** No, I am not fully aware of that.

**The CHAIR:** So you are completely happy with people with ACROD stickers being charged this fee? You are not going to advocate for them in any way?

**Hon HELEN MORTON:** As I said, the discussion that took place around the time that this was being determined is the discussion that stands. It is now government position and that is where I will stay with it.

**Hon STEPHEN DAWSON:** On page 408 there is a reference to “Services and Key Efficiency Indicators”. I am looking at FTEs but it could be there or it could be any of the other areas. Minister, can you tell me how many positions at DSC have been affected by the government’s hiring freeze; that is, the freeze on replacing staff before 1 July 2014? Have any positions been affected; and, if so, what were the positions and where were they?

**Dr Chalmers:** It would take me all of this hearing to go through all of the individual positions on this list in terms of positions that these people hold because it comes across a range.

**Hon HELEN MORTON:** We will table that information.

**Hon STEPHEN DAWSON:** Perfect; I am happy to take that. Will the information you are tabling give me a sense of how many positions might not have been filled or how many positions are vacant as a result of leave—sick leave, annual leave or stress leave?

**Dr Chalmers:** Yes, we can do that.

*[Supplementary Information No C1.]*

**Hon STEPHEN DAWSON:** On page 408 is a reference to “Community-focused Supports”. A line item relates to spending changes about NDIS. Am I right in thinking that there has been a \$2.694 million cut to NDIS funding in Western Australia?

**Hon HELEN MORTON:** What are you asking?

---

**Hon STEPHEN DAWSON:** I am just using page 408 of budget paper No 2—the notes down the bottom relating to NDIS. I am of the understanding that there has been a \$2.694 million cut in funding towards the NDIS in Western Australia. Am I right in thinking that?

**Dr Chalmers:** If the member is reading the last note there, referencing the National Disability Agreement, that has nothing to do with the National Disability Insurance Scheme.

**Hon STEPHEN DAWSON:** I was not. I had heard that \$2.5 million has been chopped in this budget out of moneys that were going to the NDIS previously.

**Hon HELEN MORTON:** From the federal government?

**Hon STEPHEN DAWSON:** No, from the state government.

**Dr Chalmers:** Absolutely not.

[4.30 pm]

**Hon STEPHEN DAWSON:** That is not the case?

**Dr Chalmers:** No.

**Hon STEPHEN DAWSON:** Great, then I will move on to my next question on DSC, with page 408, and reference “Community-focused Supports” again. This question relates to the school holiday respite care program. Is there funding in this budget, both this year and in the out years, for the continuation of the school holiday respite care program?

**Hon HELEN MORTON:** I will ask Dr Chalmers to speak to that.

**Dr Chalmers:** The school holiday respite program will cease in 2013–14, and it was a deliberate strategy for us not to continue that program because it would not be in line with where we are heading in terms of preparation for the National Disability Insurance Scheme. That is the same for a number of different programs that have been operating that are program-based. Where we are heading to in the future is funding allocations for individuals, and that is exactly where the NDIS will be coming from. We have been on this journey for five years, moving away from programs and moving towards funding individuals; so what we have been doing with the school holiday program is that those organisations that we funded in a sort of block grant arrangement—and a classic is Inclusion WA to provide school holiday programs—we have been asking them over the past year, 18 months, to change their service delivery model so that it starts to focus on individuals, knowing that the funding will be coming via individuals rather than block grants, and that is consistent with developments right across the nation.

**Hon STEPHEN DAWSON:** Through you, minister, we are some time away, I guess, from the new system, so will this mean that there are some parents who will miss out in the short term, and what are the short-term options for parents, families?

**Hon HELEN MORTON:** I have to clarify that you are talking about the new scheme, the National Disability Insurance Scheme, being a long way off, but in Western Australia we are already providing individualised funding to individuals and those individuals have as part of that individualised funding the opportunity to access respite and a variety of other services.

**Hon STEPHEN DAWSON:** So at the moment they can use the school holiday care?

**Hon HELEN MORTON:** I will ask Dr Chalmers to comment on this shortly, but, in particular, when we are already going down, without the NDIS, the My Way approach, which is basically ensuring that people can mix and match their funds completely to achieve the best outcomes for themselves without it having to be dedicated funding for this or dedicated funding for that, they can mix and match their funding and access the services that they want to access that makes the best quality of life for them as they see it. I will ask Dr Chalmers to make additional comments about that.

---

**Dr Chalmers:** Maybe if I can give an example of that. In the Pilbara, during the past few years, Inclusion WA has been running a very effective school holiday program, but their brief was to make that a self-sustaining initiative, drawing in local governments and other supports and services locally. It is not that the funding has disappeared—because there is ample growth in this budget and in 2015–16 to more than meet the needs that we were providing in the past; it is just now that individuals and families will have more control over how they use the resources that they have available rather than a program telling them how they have to access a particular school holiday respite initiative over the school holiday break. We are hearing that in the Pilbara it has been a tremendous success, and we have no reason to doubt that it will fade from that level of success under this individualised approach—in fact, it will get better

**Hon STEPHEN DAWSON:** Minister, perhaps by way of supplementary, can you provide me a list of those services in the Pilbara and Kimberley—that is, a list of those organisations or agencies that are providing or can provide school holiday respite and care?

**Hon HELEN MORTON:** Yes.

**Hon STEPHEN DAWSON:** Not only the organisations but the towns that they operate in as well, if that is possible.

**Hon HELEN MORTON:** Sure.

*[Supplementary Information No C2.]*

**Hon STEPHEN DAWSON:** On page 406, “Outcome, Services and Key Performance Indicators”, I wanted to ask how much of the additional committed funds of \$20 million, as part of the state government’s commitment to building capacity in the community sector, was expended in 2013–14? Was all of that money spent? Is there any of that money left over? What organisations and programs were funded as part of that? Why is there no money in this budget for capacity building?

**Hon HELEN MORTON:** Are you referring to the second dot point?

**Hon STEPHEN DAWSON:** I am, minister, but I am not just referring to the dot point. The question is about the \$20 million in 2013–14 that was set aside for building capacity in the community sector—so the dollars that were in last year’s budget that do not seem to be in this year’s budget. I want to get a sense of why they are not in this budget, or, if they are, where are they. I am also keen to work out what programs and organisations did get some of that money in this financial year and whether that amount was fully expended.

**Hon HELEN MORTON:** Obviously we do not have last year’s budget here with us. We have only this year’s budget and we are focussed on this year’s budget, so do you want us to go back and have a look at something that was allocated last year?

**Hon STEPHEN DAWSON:** I am asking you—there is no line item here at the moment for commitment to building capacity in the community sector. There was in last year’s budget, or this year’s budget. In the 2013–14 year, \$20 million was set aside for this area. I am saying, just because I cannot see it in the papers does not mean it is not there, and you might be able to point that out. If it is not there, I would like to know if it is not there. Separately, though, I would like to know what that \$20 million was used for, what organisations got the money, what programs were funded and whether that \$20 million was used fully, and, if not, what is happening to the money that is leftover.

**Hon HELEN MORTON:** I will ask Dr Ron Chalmers to speak on this. We know what you are referring to now.

**Hon STEPHEN DAWSON:** Sorry, I am not getting cranky this afternoon—it is not my tolerance level; it is just the cold, so excuse me.

---

**Hon HELEN MORTON:** That is fine, because it was last year's budget, and we do not have a reference to it in this year's budget, we were trying to work out which \$20 million you were referring to, but we think we now have that clear.

**Dr Chalmers:** I suspect that the dollars in last year's budget were the dollars that were given to us for increasing the viability and sustainability of the not-for-profit disability —

**Hon STEPHEN DAWSON:** It probably is.

**Dr Chalmers:** Right; they were funds that came into the disability sector as a proportion of, I guess, the \$604 million that state government made available more broadly across the community sector for increasing, as I say, the viability and sustainability of non-government organisations. Those dollars were fully dispersed across a broad range of organisations in two tranches. There was component 1—15 per cent top-up on all of their existing grants, and the vast majority of that money was used for increasing the wages and conditions of their employees. Component 2 went beyond that, and that is where a range of organisations tapped into component 2 funding, and that is where that \$20 million will be coming from. That was done and it was never intended to be a recurrent source of funds. It was to deal with a particular issue at a point in time.

[4.40 pm]

**Hon STEPHEN DAWSON:** For that tranche 2, is there a list? Can you provide by way of supplementary information a list of those organisations that got the funding and the program they got it for?

[*Supplementary Information No C3.*]

**Hon STEPHEN DAWSON:** What were the requirements to get that funding? Presumably you had to meet certain criteria. That would be helpful as well.

**Dr Chalmers:** We can supply that. But just generally we were looking at targeting organisations that could demonstrate that they were historically underfunded. We looked at targeting organisations that needed increased capacity to deal with service deliveries in regional and remote areas. And we were also targeting organisations that could demonstrate they needed a top-up to deal with people with particularly challenging behaviours. We were specifically targeting the areas we would put the money to.

**Hon HELEN MORTON:** Can I just confirm, looking at last year's budget, it would appear that the line item that you are referring to has got the funding for "Sustainable Funding and Contracting with the NFP Sector Initiative (Component II)" line item and it does demonstrate that this is recurrent funding and it would continue through.

**Hon STEPHEN DAWSON:** Thanks, minister. Minister, page 405, under "Spending Changes" down the bottom of the page it says the line item, "Continence Management Aids Support Scheme". This is a question that a lot of us are asked or certainly have an interest in as local members because constituents are interested in it. Can I ask why there is no funding for continence management aids past 2014–15? Separately can I get a sense of how many applications for funding were received in 2013–14, what was the value of the applications and what was the total value of funds expended on the program in this financial year?

**Hon HELEN MORTON:** We are looking for the numbers. I do not know that we have got them here, but we will look for them.

**Dr Chalmers:** The \$2.5 million that is indicated here—the \$2.515 million is a top-up on an existing base of funding that we have for continence. It is building on, rather than being a standalone. That \$2.5 million though will provide supports at a particular level for close to 7 000 people. The other thing that needs to be said here is that a significant proportion of these people are, in fact, not people with disability, but they are people who are ageing with continence problems, so we do this in collaboration with the Department of Health and it was an administrative decision that was

taken some years ago to do this. In terms of the total number of people who are waiting, some of that would be, I guess, figures that would be sourced from the Department of Health rather than ourselves. But we can certainly attempt to get that number for you.

**Hon STEPHEN DAWSON:** This is a top-up funding grant; that is fine. What do we spend in this area? In your agency what is spent on the “Continence Management Aids Support Scheme”? I thought \$2.5 million was on top of —

**Dr Chalmers:** On top of \$2.5 million.

**The CHAIR:** I am still unclear. How much do we spend on the “Continence Management Aids Support Scheme” in total each year?

**Hon HELEN MORTON:** Our normal budget is \$2.5 million. We had an extra \$1 million top up and this is an extra \$2.5 million on top of that.

**Dr Chalmers:** Just a couple of additional points—as people start to commence in the NDIS trials, it is worth knowing that this has extra buying power because their needs will be picked up through either NDIS in the Perth hills, lower south west or Cockburn–Kwinana. This has to spread across a smaller number of people—across 83 per cent of the state instead of 100 per cent of the state, which is worth mentioning.

**Hon STEPHEN DAWSON:** Is it only the Ostomy Association where you can get these aids or is it through chemists or through a range of other organisation or agencies as well?

**Ms Hailes-MacDonald:** We have a contract with Independence Australia, so the assessment is done by continence nurses and people qualified to do the assessment who are contracted by the Department of Health. Once the prescription is done for the continence aid, that is supplied by Independence Australia, so the product is supplied through Independence Australia and that is what the commission’s funding purchases.

**Hon STEPHEN DAWSON:** I think we have got some supplementary information there so I am happy to pass over.

*[Supplementary Information No C4.]*

**Hon NICK GOIRAN:** Minister, if I can just draw your attention to page 407 of the budget papers and “Outcomes and Key Effectiveness Indicators” and the first outcome talks about “People with a disability access appropriate services and supports that promote their wellbeing, and choice and control over their lives.” Minister, thank you for the opportunity to endeavour to send this to you in advance. Are you in a position to indicate how many Western Australians with the following conditions are registered with the commission: Down syndrome; spina bifida; dwarfism; upper limb abnormalities; and 47,XXX syndrome?

**Hon HELEN MORTON:** Dr Ron Chalmers will provide that information.

**Dr Chalmers:** The short answer to the question is no because the commission under its act is required to provide support to people with intellectual, physical, cognitive, sensory or neurological disabilities. Beyond that we do not and we never have attempted to try to break down either eligibility or service provision by specific diagnostic labels. Rather what we have done over the past 20 years is to tick the box that says that they clearly have a physical, intellectual, cognitive or other disability and then move very quickly to look at the impact that disability has on the person’s life, so the functional impact. So, we have never gone to the point of looking at—because there are literally thousands of syndromes, just to pick up on your last point there. We would rather focus our time and energy on looking at: how is the disability impacting? In fact, it is interesting just looking at the particular conditions that you mentioned; it could well be that a person with 47,XXX syndrome will become eligible for commission services and another person with the same diagnosis will not because the impact that that is having on their life might be quite different from one person to the next.

**The CHAIR:** Are we able to indicate at what age of life one would be able to make that assessment?

[4.50 pm]

**Dr Chalmers:** This is where we do have some differentiation between people with a suspicion of a developmental disability—intellectual disability—and people who acquire a disability through other means later in life. If we are looking at newborn children, young children, people who have entered their teen years, the internationally recognised way of looking at definitions around intellectual disability is that the onset of that disability has to become apparent before the age of 18 years. There are other adaptive behaviour tests around that as well. For people who acquire a cognitive impairment later in life through substance abuse, accident, trauma of some sort, again, we pretty quickly start focusing on the functional impact it is having on the person's life. If it is at a point where it is having a significant impact on their life, that is where eligibility clicks in. If it is a very minor inconvenience to their life, it would tend not to. The only way age comes into it is at the eligibility around intellectual disability. Then, of course, at the upper range there is an administrative arrangement where the disability world is focused on people up to the age of 65 and then the aged-care world starts to click in beyond 65. That has been recently ratified, I guess, by the introduction of the National Disability Insurance Scheme applying only to people up to 65 years.

**Hon NICK GOIRAN:** If we look at a non-intellectual disability, one of the examples I gave earlier was dwarfism, does the commissioner know whether anyone with that condition is registered with the commission? I heard what you said earlier in that you do not keep raw stats on that. Does anyone in the agency know whether anyone is registered for that condition?

**Dr Chalmers:** The same principle applies if someone with a diagnosis of dwarfism, due to that condition or some other condition, also has a comorbid condition that is having a severe impact on their lives. If dwarfism manifests itself in some form of physically disabling condition for that person, the earlier description clicks in very clearly. The diagnosis itself of dwarfism would not equal access to services with the commission.

**Hon NICK GOIRAN:** Are you in a position to indicate what the assessment criteria is by which someone can be registered with the commission?

**Dr Chalmers:** Yes. It is again in those two parts. If we are looking at intellectual developmental disability and autism, you are looking at a formal diagnosis and looking beyond that to ask: what is the functional impact? Once you get into functional impact territory, we are starting to use adaptive behaviour tools such as: is it having a significant impact on mobility, daily living skills, the ability of people to feed, clothe and take care of themselves? Again, they are internationally recognised adaptive behaviour scales that ultimately give us the determination of yes or no, you are eligible or you are not.

**Hon NICK GOIRAN:** If I am hearing you correctly, in essence, someone might have one of those conditions I referred to earlier, yet be sufficiently functional to not qualify to be registered with the commission.

**Dr Chalmers:** Even further, not wanting to be labelled as requiring services from the commission. I am aware of many people with dwarfism who would not want to come anywhere near the Disability Services Commission.

**Hon NICK GOIRAN:** Yes, exactly. You are saying it is quite complex.

**Dr Chalmers:** It is.

**Hon NICK GOIRAN:** Perhaps to finish on this topic, I note on the same page the other outcome is that the Western Australian community is inclusive of people with disability. If at some point I was able to indicate to you that one or more public authorities were acting in a systemic way contrary to that outcome, you would be interested in me drawing that to your attention?

---



**Hon HELEN MORTON:** Absolutely. Throughout the year people do, and we advocate for and get changes around the way in which organisations provide access to services they provide.

**Hon ALANNA CLOHESY:** What proportion of the NDIS budget and the My Way budget estimates for 2014–15 are for the hills site and what proportion will be used in that year specifically for the hills site at this stage?

**Hon HELEN MORTON:** Gary Meyers will respond to that.

**Mr Meyers:** In terms of the Perth hills, over the two years, 2014–15 and 2015–16, there will be a total budget of \$129.4 million. In the lower south west, Cockburn–Kwinana area, over the same two-year period there will be support packages totalling \$147.6 million.

**Hon ALANNA CLOHESY:** Is it possible to identify the total number of people who are anticipated to receive services?

**Mr Meyers:** Yes it is. Estimates are being used based on the commonwealth population. I think for the Perth hills it is approximately 4 000 and for the south west it is approximately 4 000.

**Hon HELEN MORTON:** Plus Cockburn and Kwinana.

**Hon ALANNA CLOHESY:** Per annum?

**Mr Meyers:** Over the two years.

**Dr Chalmers:** I am loath to override the director of funding, but my understanding is that it is close to 4 200 in both of those locations but it is important to note that the phasing in of people into the scheme in both those locations is happening at a different rate. We have negotiated with the commonwealth in terms of the rate at which people will be phased into the Perth hills and the rate at which they will be phased into the lower south west. In the state scheme, NDIS My Way, we are far more progressed because on day one, which is only three weeks away, we will have 460 people virtually rolled in.

**Hon ALANNA CLOHESY:** Why?

**Hon HELEN MORTON:** What is your question? Why?

**Hon ALANNA CLOHESY:** Why are you more progressed?

**Dr Chalmers:** About 18 months ago we took a conscious decision to start using the principles that now apply to the NDIS. We called it My Way and individualised planning and individualised funding that applied to those plans we started doing some time ago. We are on the starting blocks ready to go, whereas, in the Perth hills they want to use their own systems, the commonwealth-based systems, and that will take more of a person-by-person approach from day one. It is a different scenario.

**Hon ALANNA CLOHESY:** How far has the individual program planning of those 400 progressed down the track?

**Dr Chalmers:** Fully. That is why on day one everyone will have a fully developed plan. Many of them have those plans activated currently. They have dollars applied and so on. Over the period of the trial, as we return to those people to review their plans, or if they sense they require additional support immediately, they can come back in. Those with plans that are up and operating now with funds applied to them are getting on with their lives.

**Hon ALANNA CLOHESY:** Of those 400, is there a way of analysing which proportion have had their IPPs fully implemented to their identified goals and those who still have gaps in their IPPs?

**Dr Chalmers:** In a general sense, there will be about 25 per cent that we feel would, and will, swirl back into our planning process again to be able to access more resources. But there is a large proportion of them who, because the planning has been so recent and we have been able to apply funds to those plans, are quite comfortable with what they have at the moment.

---

[5.00 pm]

**Hon ALANNA CLOHESY:** Is there kind of an independent way to monitor that level of comfort or acceptance of “what we have is what we have”?

**Dr Chalmers:** There are sort of two answers to that. The lens through which we ultimately determine the level of support and level of funding is a lens that was applied nationally called “reasonable and necessary supports”. There are reference tables and national reference tools that have been developed. A range of those tools have been under development with the commonwealth and with the states for some time now—since the middle of last year. They have become the reference package. So it is not just what the individual or the family would like to access; it still has to be seen through that lens of reasonable and necessary. That is one answer. That will be applied nationally across the board for consistency as well. The other part of that —

**Hon ALANNA CLOHESY:** So, in essence, it is actually not really individualised program planning because there is a bureaucratic layer that goes over the top of that that says, “Actually, you can say what you want, but this is what is going to be reasonable that we will provide”?

**Dr Chalmers:** Again, there still needs to be some level of oversight. It is not a wish list plan; it has to be seen through what the community and what the sector and what people would see as reasonable and necessary support for people. I do not think it is intended, in a way, to try to in any way cut away necessary supports for people. I think the people who are in the system now will get what they have, plus what they would achieve through a reasonable and necessary filter from that point onwards.

**Hon ALANNA CLOHESY:** In terms of what people are not able to access and whether it is reasonable and necessary, what I am particularly interested in is what types of services or supports are not available that people have identified that they need, and what mechanisms are there to develop those services and supports?

**Dr Chalmers:** The member has taken us to a fundamental difference between the two trial approaches here in Western Australia, and why, I guess, the commission was advocating for a trial of the NDIS My Way. What appears to be happening in other trial sites is that people are having to choose from a menu of service types. We argued strongly against that.

**Hon ALANNA CLOHESY:** So that is definitely not happening in Western Australia?

**Hon HELEN MORTON:** It is happening in the NDIA in the hills, but it will not be happening in the My Way site in —

**Hon ALANNA CLOHESY:** It is not happening in My Way at all?

**Hon HELEN MORTON:** — in the south west. But I have a feeling that you are asking the question: do services still have to be reasonable and necessary or not?

**Hon ALANNA CLOHESY:** No.

**Hon HELEN MORTON:** The answer is that they do have to be reasonable and necessary. Their package of services might equate to \$150 000 a year and they can go and buy a car or something with that for their brother or somebody, and then find they do not have the reasonable and necessary support they need for themselves.

**Hon ALANNA CLOHESY:** I understand the difference; that is not what I was asking. I might let someone else have a go. I will come back.

**Hon LYNN MacLAREN:** Minister, like in the previous hearings, I submitted a couple of questions beforehand, and I just wanted to try to get a clear answer on the no-fault insurance in WA. I know that you have advised us that the government is looking at it or it is under consideration. I asked a question about the time line for the launch of such a thing, and can I ask when the earliest possible date might be?

---

**Hon HELEN MORTON:** The commitment that has been given by government is that the green paper will be out in this current financial year. I can tell you that I have seen a first cut of that. It is being developed through Treasury, and in particular with the assistance of ICWA. I have provided some feedback on that particular paper, and I expect to see the second cut of that, and I am anticipating it then has to go through cabinet before it has public release. That is how close we are to having that paper ready for the public to provide some feedback on, because it is a discussion paper. It is not the final position; it raises a lot of questions that people will be wanting to have some say on, and I encourage everybody to have their feedback through that discussion paper process to show their support for the NIIS and the options that are being put out in that paper.

**Hon LYNN MacLAREN:** I was a bit confused by the answer, so maybe the questions were not clear, but does that include people who might be injured in boating accidents, as well as motor vehicle accidents?

**Hon HELEN MORTON:** As you know, the first tranche of this whole NIIS is dedicated to motor vehicle accidents.

**Hon LYNN MacLAREN:** No, I was not aware of that.

**Hon HELEN MORTON:** Yes. So it is not including things like occupational accidents at work or medical negligence or any of that sort of thing; it is wholly and solely around motor vehicle accidents, really. Now, you are asking me whether boating accidents would be included, and I cannot tell you off the top of my head whether boating accidents would be part of motor vehicle accidents. My initial thought is no, but I am happy to be corrected on that. But the green paper will be out, I would say, in a very short time frame, and that will actually be clear in that.

**Hon LYNN MacLAREN:** I believe there was some investigation done in that area by, I think, Hon Troy Buswell at that time. I do not know if that is included in the discussion paper, but it would be interesting to see how far they got in looking at the possibilities of boating accidents being included.

**The CHAIR:** I think, member —

**Hon HELEN MORTON:** Is ICWA having a hearing separately from Treasury or not?

**The CHAIR:** No, they are not. I think it might be the difference between the no-fault insurance and the National Injury Insurance Scheme, which I think is slightly different, is it not?

**Hon HELEN MORTON:** The National Injury Insurance Scheme covers a whole raft of things, but the only thing we are going to pick up in the first instance through this green paper is motor vehicle accidents.

**The CHAIR:** I think that may help explain it to the house. So the “no fault” part of third party is only a subset of the National Injury Insurance Scheme, and I think the issues the member is referring to go to the National Injury Insurance Scheme. It will not be picked up as part of the no-fault insurance, even though there is an interesting question mark about the definition of a motor vehicle under the third party act, although it does specifically exclude boats, which would otherwise meet the definition.

**Hon LYNN MacLAREN:** I look forward to the discussion paper, and maybe it will raise those issues as well; it is something that can be pursued further.

**Hon HELEN MORTON:** I just want to add that I think this is such an important issue because I do not think that the general public have yet really sort of started to think about whether you want to include people who are drink-driving and sustain an accident, or people who are speeding and sustain an accident. It is very easy to understand how this would apply to people, for example, who are driving along a road and hit a kangaroo through no fault of their own, but where there are people who are —

**Hon NICK GOIRAN:** At fault.

**Hon HELEN MORTON:** That is true—through their own actions. But this is a no-fault insurance scheme for motor vehicle accidents, and so the public are going to have to get their thinking around the broad aspect of no-fault insurance and that as a taxpayer they will be funding a range of services for people in whatever circumstance that no-fault insurance applies.

[5.10 pm]

**Hon LYNN MacLAREN:** Well, hopefully the green paper will go some way towards teasing out those issues.

**The CHAIR:** I might add that compulsory third-party insurance for boats would actually pick up a far broader range of injuries than would the National Disability Insurance Scheme, which would only pick up where you actually have a permanent, long-standing disability.

**Hon LYNN MacLAREN:** Thank you, Mr Chair; very helpful.

I have another question about the disability justice centres. Obviously it is a good move to establish them. I see that there are two being planned, and one of them is in Caversham. Of course, they are subject to a bill to come before the house, but I wanted to get an idea of how many people the one in Caversham is intended to accommodate.

**Hon HELEN MORTON:** I will just start by saying that everybody unfortunately forgets the third part of this. There is one that is about to commence building in Caversham, there is reference to a second site and, but there is also a third element of this, which is the in-reach program to prisons. I am a bit disappointed, I suppose, that people focus almost solely on the disability justice centres rather than the substantial work that has already commenced and is continuing to have terrific outcomes for the in-reach program; it is particularly having an effect for people in regional centres, for various reasons. The in-reach program is a really important component of it. In terms of the numbers of people that are likely to be provided for at Caversham, it is up to 10 people only.

**Hon LYNN MacLAREN:** That is a very good point that you raise, minister, and on page 407 in the budget papers, all three of those services are mentioned in a dot point, but I wonder if you have the figures for how much funding is allocated to each of those measures?

**Hon HELEN MORTON:** I will ask Dr Chalmers to speak to that.

**Dr Chalmers:** In terms of the costs involved in constructing the first centre—as the minister said, construction is imminent—we are looking at \$1.5 million from the 2012–13 budget as a capital appropriation; for 2014–15, \$4.4 million; plus an additional \$800 000 out of internal disability services cash balances. So for the total construction cost budgeted to get all aspects of that first centre up and running, we are looking at \$6.7 million. By the time we swing around to look at what is going to be required by way of additional infrastructure further down the track, then we will be back in, I guess, modelling up in more detail exactly what is required, dollar-wise, for that second infrastructure. The costs involved in operating the prison in-reach capacity start small and then ramp up as we get more of a bite in the prison system. In 2014–15 we are looking at \$800 000 and that is basically salaries and a bit of on-cost. We are assuming that that will ramp up to approximately \$1 million in salaries in 2015–16. As the minister said, we are already getting some very strong results from that collaboration with Corrective Services.

**Hon LYNN MacLAREN:** Very good, thank you; that is all I have for now.

**Hon AMBER-JADE SANDERSON:** I also have some questions around the disability justice centres relating to time frames. I wonder if the minister can tell us when the commissioner made the decision that those two sites would be the preferred sites—the Caversham and Kiara sites. When was that decision made?

---

**Hon HELEN MORTON:** You asked a question about when the commission made the decision; the commission did not make the decision, the government made the decision, and that was in June.

**Hon AMBER-JADE SANDERSON:** Okay. I know that you have announced previously that 4 June was when the cabinet decision was made, but I refer to a planning control area for public purposes document from the Western Australian Planning Commission, dated 26 April.

**Hon HELEN MORTON:** Was it a draft?

**Hon AMBER-JADE SANDERSON:** Yes, dated 26 April. It states that following consideration of the nominated sites, it had been determined that the two preferred sites were a partial redevelopment of the Bennett Brook hostel on Lord Street, Caversham, and the regional open space in Kiara. That was released on 26 April; there must have been a decision by your department before 26 April to put an application in to the Western Australian Planning Commission to impose a planning control over those sites, so when was that decision made internally?

**Hon HELEN MORTON:** As I said, the decision around these being the two sites was made in June, and it was a decision by government at cabinet, so any work-ups prior to that, as in a draft, a proposal or the other word you used—I cannot remember what it was—were obviously work-ups that were being done by various agencies in case cabinet agreed with this option or that option. The decision-making took place in June. Considerations around the options were occurring within both my office and the Disability Services Commission for a month leading into that, when the Western Australian Planning Commission was providing the various options to us. For those people who have not been a member of cabinet, there is a process for getting something to cabinet; a 10-day rule, and various other things that have to occur to get things to cabinet for a decision-making process. That does not stop work from commencing on behalf of various agencies to try to move things along in anticipation of the decision taking place.

**Hon AMBER-JADE SANDERSON:** Yes, I understand that, but there was clearly a decision because there was an application to the Western Australian Planning Commission to look at those two sites in particular, so when was the decision within the commission made—your department—to look at those two sites in particular?

**Hon HELEN MORTON:** I think you are mistaken. The application to the planning commission was not made prior to the decision. Whether the planning commission did some work in its own right prior to then, that is another matter.

**Hon AMBER-JADE SANDERSON:** This is not for the application for the sites; this is for the planning control so that they could basically have overall planning control over those sites.

**The CHAIR:** An improvement plan, which would remove the planning control from the local council and give them the capacity to rezone the land if they needed to.

**Hon AMBER-JADE SANDERSON:** Thank you, Chair. That was released on 26 April, so what instigated them to do that?

**Hon HELEN MORTON:** I do not have the information with me that you are obviously referring to, and I can be absolutely clear and say that whatever work was undertaken prior to that was done in preparation in case of such a decision taking place.

**Hon AMBER-JADE SANDERSON:** Yes, and when was the decision made in the DSC to progress that work with these two sites as the priority sites, as opposed to the other 11 or so sites?

**Hon HELEN MORTON:** As I say, there was still consideration for at least a month beforehand; there would have been considerations taking place in the Disability Services Commission and my office with Planning and with a whole range of people. If you are asking me for a specific date, I do not have that, but I would say that for at least the month leading up to the cabinet decision, if not a bit longer, considerations were taking place around those sites and the other sites that were given.

---

**The CHAIR:** Minister, I heard that answer, but the member specifically asked about certain actions that occurred and the date on which those actions commenced. I have not actually heard you answer that, but I did hear you say you did not have it, so if you do not have it, I suggest what we might do is take that question on notice.

**Hon HELEN MORTON:** You are going to have to be very specific about quite precisely what you are asking, because I am telling you that action across a whole lot of this stuff was occurring in the month or so before it going to cabinet, so those sorts of cabinet decisions are not taken until you have a reasonable level of information that you can provide to cabinet. You need to ask me quite specifically what you want me to tell you.

[5.20 pm]

**The CHAIR:** Minister, I think she has asked you, and you keep —

**Hon HELEN MORTON:** With all due respect, Mr Chair, she has not.

**The CHAIR:** I will make the point, because I listened to your answer a couple of times, and, with all due respect, I think you are deliberately trying to confuse the issue —

**Hon HELEN MORTON:** I am not.

**The CHAIR:** — by referring back to the cabinet decision. The member is not asking about the cabinet decision.

**Hon HELEN MORTON:** She is asking about “the” decision.

**The CHAIR:** She is asking about the decision to initiate a planning control or an improvement plan by the Planning Commission to commence that process.

**Hon HELEN MORTON:** So that I can clarify this, what you are asking me is: on what date did we first request a planning control decision over those two sites?

**Hon AMBER-JADE SANDERSON:** Yes, and if you could provide that as a supplementary.

**Hon HELEN MORTON:** I will.

[*Supplementary Information No C5.*]

**Hon AMBER-JADE SANDERSON:** The other question that I ask around that is that the time frame seems to demonstrate that there was a long process—that these sites had been identified for quite a while before it went to the June cabinet. There is a declared places consultation strategy document that I have in front of me that I received by FOI, and it says that on the date now—this is from May to July, so I assume that is May—to book venues for a community briefing and book Australia Post for delivery. If you are going to book Australia Post for delivery and book venues, you have to have a clear idea of what the sites are going to be.

**Hon HELEN MORTON:** Again, that is all proposing a decision. That is all in preparation in case a decision is made; and those things, as you know, happen all the time. So it is around the possibility of this happening. There are often actions taken to allow certain bookings to take place that then do not go ahead if things do not happen in that particular way.

**Hon AMBER-JADE SANDERSON:** I will take you to the week after the cabinet decision on 4 June. On Tuesday, 11 June, the plan clearly states that letters will arrive in post boxes by midday to mayors, CEOs, key stakeholders, local principals, satellite TV company, and various engagement, with the announcement to be made at nine o’clock in the morning the next day. At the end of 11 June, at five o’clock, there is the note, “Email letter to local member Dave Kelly from minister’s office”. Is there a particular reason why the local member was singled out, after everyone else received their notification, at five o’clock, at close of business, when the announcement is being made at nine o’clock the next morning?

**Hon HELEN MORTON:** I am really pleased that you asked the question, because I have been wanting to make an explanation about that. When we first commenced the disability justice centre concept and we came up with the earlier sites, we decided that we would involve members of the opposition at an earlier stage in that, and we invited people to come into the ministerial office for a full briefing and for an explanation, letting them know how people were going to be notified et cetera on the basis that they would use that information responsibly. I know that Comrade Luke—I do not know his surname, but he referred to himself as Comrade Luke—attended on behalf of one of the member's electorate officers, and Hon Ljiljanna Ravlich and Andrew Waddell arrived, and I am trying to remember if there was anybody else. But having gone through the discussion with them, they walked out the door, and the only comment they made was, "We'll see you in the media"—no further conversation; no further discussion. So it was very clear to me that the opposition were going to make a media stunt over this, and the next thing I heard is both Andrew Waddell and Hon Ljiljanna Ravlich on radio, talking with various speakers, and I heard comments like, "Psychotic killers living next door to you", and I thought I cannot believe this; we have taken a responsible approach and included the opposition in the briefings on this, seeking a more mature and sensible debate around this, and this is what we are getting.

Well, that is my second experience. My first experience of a similar issue occurred before I came into Parliament and is the reason I came into Parliament, where the Labor Party at that time was doing similar things about a transfer of people from Whitby Falls into transitional housing in the community, again using these people and their families absolutely blatantly as political footballs, in a bid to win a seat.

At this stage, having given Andrew Waddell and Hon Ljiljanna Ravlich the opportunity to take a more measured and responsible approach to this, and having seen what occurred, I was not going to risk it again. These people do not need to be subjected to that sort of commentary on radio or in the media in any other way, and I just was not going to risk it again.

**Hon AMBER-JADE SANDERSON:** So the local member was deliberately left to the very last minute, after everyone else?

**Hon HELEN MORTON:** Absolutely, and I do not apologise for that one little bit. I have seen how the opposition deals with this sort of issue, and I was not going to put them in that situation again.

**Hon AMBER-JADE SANDERSON:** That goes to part of the reason why the community feels that this has been done in secret. It is the process. It is not the principle of the justice centre that is at issue. It is the process that is at issue.

**Hon HELEN MORTON:** People keep saying that. The issue around the process was that the first people that we notified—the very first people that we notified—were the people who live in the nearby vicinity of the disability justice centres.

**Hon AMBER-JADE SANDERSON:** Well, the day before the announcement. It is not really consultation when it is the day before the announcement.

**Hon HELEN MORTON:** But the day before the announcement, letting them know that these are the sites that we have chosen; come along this evening if you have got some immediate issues to talk about, or come along at the weekend and we will have another discussion then. So people were saying they have to be notified before it happens in the media. If we had gone out two weeks before the public announcement, people would have taken it to the media the next day and we would not have had an opportunity to put that information into the media. So your idea of somehow or other going out to the public and saying, "We are thinking of putting a disability justice centre in your community; what do you think about that?" would not have achieved anything different to what has been achieved. So let me just tell you that, again, it was a deliberate strategy to let the people on the ground know first, the local governments involved to know at the same time, and to make a public announcement about it, inviting people to a meeting that evening if they were really concerned and

wanted to know something more about it right there and then, or on the weekend, and they got that in that letter. Those were the options that were given to people.

**Hon AMBER-JADE SANDERSON:** One of the commitments that was made by the government when it pulled the first proposal —

**Hon HELEN MORTON:** That commitment —

**Hon AMBER-JADE SANDERSON:** — was that there would be greater community consultation.

**Hon HELEN MORTON:** That commitment —

**Hon AMBER-JADE SANDERSON:** This clearly demonstrates that there was not consultation.

**The CHAIR:** Order, members; one at a time. I went to pull Hon Amber-Jade Sanderson up, and then she stopped, and I was going to pull the minister up. One at a time. Hon Amber-Jade Sanderson was making comments, and then I will let the minister respond. Have you finished, Hon Amber-Jade Sanderson?

**Hon AMBER-JADE SANDERSON:** Just to finish, the consultation time line demonstrates that you did not keep your commitment to engage properly with the next community that was potentially affected by these centres, and that there was a deliberate strategy to do it at the last minute and to keep the local member in the dark.

**Hon HELEN MORTON:** Have you finished now?

**Hon AMBER-JADE SANDERSON:** Yes.

**Hon HELEN MORTON:** I have explained to you why the local member was briefed the day before. Also, if you are talking about a commitment to somehow or other go out and talk to the community earlier in the piece, I would like you to show me that commitment, because I think you are referring to some newspaper article that said that I would keep people informed of the process, and that is precisely what I have done. As soon as cabinet knew where those locations were going to be, we went out—I think it was within a week of that cabinet decision—and let them know about it. At that stage, we had, and continue to have, every intention of keeping the community informed of what we are doing out there. We have a community reference group that meets fortnightly. I have ongoing conversations with people who want to meet with me, and there are a variety of letters and other things that are taking place. People are being kept informed through the processes that we have. They are being kept misinformed, unfortunately, by a very dedicated local member who deliberately misinforms people.

[5.30 pm]

**Hon AMBER-JADE SANDERSON:** Does the government intend to wait for the declared places bill to pass before it signs a building contract for the first site?

**Hon HELEN MORTON:** No, not at all; the building contract has been signed, so that is off and running. One way or another, these facilities will be built and will be operated. The legislation is around allowing the Disability Services Commission to do that operation. But one way or another, these facilities will be built and operated.

**The CHAIR:** I have a couple of questions arising out of those comments, minister. You made the comment earlier that you briefed, I think, Hon Ljiljanna Ravlich and Hon Andrew Waddell; was that to actually consult with them about the appropriate location for those venues or was it to just simply tell them where they would be located?

**Hon HELEN MORTON:** I do not know, Hon Ken Travers, how long you have been around in politics, but government makes those decisions, oppositions are not normally involved in that decision-making. Consequently, once the decision had been made around which sites were going to be used, we wanted the opposition to know about it and to in some way be informed well enough so that they could in turn inform their local constituents. Unfortunately, on that particular occasion, the



outcome was that they had made a deliberate strategy to go straight to the media. I happen to know, for all sorts of reasons—they did not even write to me after that, I did not get one single letter from those people.

**The CHAIR:** Minister, you have answered my question and I will just make a retort to you: I have also been around in politics long enough to know that there can also be from time to time bipartisan processes on matters that are contentious. The other question I asked you was, you mentioned that you had briefed the local member and the shadow minister, had you briefed the Liberal candidate for Forrestfield before that occurred?

**Hon HELEN MORTON:** No.

**The CHAIR:** When did you brief the now member, the then Liberal candidate for Forrestfield on these matters?

**Hon HELEN MORTON:** I did not involve any candidates. My interest was to ensure that members of Parliament were informed —

**The CHAIR:** Did anyone from your office notify the candidate or did you notify the campaign strategy—how would the candidate have become aware of this announcement prior to it being made public?

**Hon HELEN MORTON:** It was not. I do not know if he did. He might have heard—I do not know if he did—but I certainly was not involved in that. I can assure you that the people who were involved were the members of Parliament.

**The CHAIR:** With all due respect, minister, I think there is a difference between telling someone and involving them. I suspect with something like this, if I could give you some advice from the Chair, if you want to actually involve people, you need to get them in very early on in the process.

**Hon NICK GOIRAN:** I appreciate the honourable member bringing it up, because it is a very important issue. Minister, on the issue of the establishment of these disability justice centres; does the Disability Services Commission keep a record of the number of Supreme Court decisions and judgements in which judges have made comments about the need for these centres?

**Dr Chalmers:** The short answer is yes, we are constantly monitoring that through our relationship with the Mentally Impaired Accused Review Board and Robert Cock. We are in constant communication about who these individuals are who would be a prospect for heading to a justice centre or who are candidates for support through our prison in-reach program. We have been monitoring this for a number of years now.

**Hon NICK GOIRAN:** When you say constant communication; are you able to be more specific about that?

**Dr Chalmers:** In terms of the numbers?

**Hon NICK GOIRAN:** When you say constant, is it a weekly meeting set up to discuss this or fortnightly or monthly? What does constant mean?

**Dr Chalmers:** It is not weekly. I personally have had meetings with Justice Robert Cock twice so far this year. We appointed a new disability justice service manager three or four months ago, and she meets with either the head of the board or other members of the board, I would say, at least monthly; they are monitoring this. We will continue to build on that. We are in the process of developing a memorandum of understanding between the commission and the board, because it is critically important that the interface is very strong as the board is the entity that will be making the initial judgement on whether people find their way to the justice centre or whether in fact they remain in prison. So it is very important that we get that right. It is also important that we get it right, because the Mentally Impaired Accused Review Board is the entity that would determine the time when people in these justice centres will be given orders to allow them to commence

---

community access again and take the first step back into the community. We need to ensure that we have got that all lined up. We are very confident that we will.

**Hon NICK GOIRAN:** Is this all pending the outcome of the passage of the bill before Parliament?

**Hon HELEN MORTON:** Is all “what” pending?

**Hon NICK GOIRAN:** The outcome of the discussions between the commission and Robert Cock, QC, and the board.

**Dr Chalmers:** No, we were in discussions with the board well and truly before the bill was introduced to Parliament. But, obviously, for the commission to have the powers to be able to detain people within a disability justice centre—declared place, as it is known—we would need legislative backing for that.

**Hon HELEN MORTON:** I might just add that the conversations around the need for this commenced with Hon Justice Narrelle Johnson, who made contact with me when I first became minister—I think it was within the first couple of months of becoming a minister—prior to me even becoming aware of the high-profile cases, which have subsequently become very public. In essence, it was a meeting in my office with Hon Narrelle Johnson that led me to the belief that this was something that we could not ignore any longer.

**Hon NICK GOIRAN:** It is fair to describe her advocacy as strong and passionate at the time.

**Hon HELEN MORTON:** Absolutely.

**Hon LIZ BEHJAT:** Minister, earlier you touched on an area that I am quite interested in about the disability justice centres, and that is the prison in-reach service. I notice there is money, as you mentioned, set aside in relation to salaries—for the reinstatement of salaries for that service. It states that it is to be rolled out progressively during 2014–15; can you give me an idea of how that will be rolled out? I assume the idea will be that this in-reach service will fill the gap that there is while we are waiting for the disability justice centres to be completed. Obviously, there are people in the corrective services system who need the services provided by in-reach; will they be transferred out of the system into a disability justice centre?

**Hon HELEN MORTON:** You have not quite got it right, and I will allow Dr Ron Chalmers to the have first shot at this.

**Dr Chalmers:** When we first developed the concept of better supporting people who are caught under the banner of the Mentally Impaired Accused Act, people with intellectual disability and cognitive impairment—these are not people with mental illness, they have an intellectual disability—we realised that the centres would provide what was provided for in the 1996 legislation, a declared place for these people, but which was never acted upon out of that legislation. The centres—the alternative environment for dealing with people’s issues with a developmental focus supporting them in a way so that they would be ready to take their place back out in the community again—were only part of the solution. We realised that at the same time, as part of the package, we needed to be able to get into the prison system and work alongside corrective services to be able to ensure that people were getting the right support and development, and the right therapeutic intervention so they could make the transition to these centres or be better placed overall to lead a better quality of life, because these people are very vulnerable in the prison system.

[5.40 pm]

It is not a case of this is a stop-gap measure and when the centres are built people will flow to the centres. I actually have a meeting with the Commissioner of Corrective Services next Wednesday to put some more detail into that and how we can actually have a better impact within the prison system for people who are currently held under the mentally impaired accused legislation. But we hope that other people with disabilities in the prison system will also benefit from the people we are bringing on. We have employed a forensic psychologist in the past eight months and people with

skills in occupational therapy and speech pathology. These are the people who will be working in the prison system making sure that people are developing and dealing with the issues that got them into prison in the first place.

**Hon LIZ BEHJAT:** I am assuming that that will be across the entire prison estate. Does that include regional prisons, minister?

**Hon HELEN MORTON:** Absolutely!

**Hon LIZ BEHJAT:** My only other question is to the minister. In 2005–06 the minister was the shadow spokesperson for public sector management, women’s interests and mental health issues. I wonder whether you could share with us the number of times that you were called into a ministerial office to give your input into decisions that were to be made by the government.

**Hon STEPHEN DAWSON:** What page is that on? Point of order, Mr Chair!

**Hon HELEN MORTON:** Thank you very much for that, but obviously the answer is —

**The CHAIR:** Wow! The minister was struggling to go back to 2012–13 a few moments ago!

**Hon LIZ BEHJAT:** I could see the look on her face said, “Please don’t ask me a hard question.”

**Hon HELEN MORTON:** I did not know where you were heading with that one. But no, the answer is zero. In fact, I practically had to force my way in to meet with Minister McGinty at that stage to talk about a couple of issues that were really dear to my heart, one of them being the promise that had not come to fruition about the relocation of the men from Whitby Falls but has subsequently been completed; and of course the other was about the maternity services at Kalamunda Hospital

**Hon STEPHEN DAWSON:** Some might say that the minister had as much difficulty getting in to see him as some of the backbenchers at the time did too!

**Hon LIZ BEHJAT:** I think it should be on the record that you are wonderful at the way you try to include everybody in those things that you do, minister, and I know that you go quite a long way. You can look as much as you like, Hon Sally Talbot, but it needs to be on the record how much work this minister is doing.

**Hon HELEN MORTON:** Can I also add that I did make the effort of ringing the shadow Minister for Disability Services, even though she was on holiday in Tasmania at the time, I think, and inform her about the disability justice centres as well.

**The CHAIR:** All right, the mutual admiration society will close now and we will go back to estimates.

**Hon SALLY TALBOT:** I will be very brief. I have a whole tranche of questions that I will pursue at a later date. I know that Hon Stephen Dawson is seeking the call again, so I will just ask one quick question. I refer to the third dot point on page 406, which is about the inclusion in the NDIS of people with what is called in these budget papers a “psychosocial disability”. What provisions have been made, knowing that this was something of a new area for the providers of disability services to be venturing into and knowing that there were some clear places where the requirements of people with a mental illness and the requirements of the NDIS had no clear interface, particularly in light of the fact that people with a mental illness do not see their conditions as permanent, whereas people under the NDIS will be judged on that criteria? Can you tell us how that is going; what sort of money is being made available to effect this inclusion; and whether it is not people with a mental illness but only people with a psychosocial disability who will be included in both the trial sites in WA?

**Hon HELEN MORTON:** I want to make some general comments first and then leave it to Dr Chalmers to complete. There are quite a raft of people whose disability is so profound from a chronic mental illness that they see themselves as having a permanent chronic disability. Many of

these people are long-stay residents of psychiatric hostels and stay in those environments for a very long time.

**Hon SALLY TALBOT:** Are you defining people in that category as people who currently would not pick up assistance from DCS?

**Hon HELEN MORTON:** That is correct. So I just want to tell you that it has been a long-term goal of mine to find a way for those people to get a better quality of life than that which they can currently aspire to in those particular places; and this is the vehicle by which this is going to occur.

**Hon SALLY TALBOT:** Are you implying that it is a permanent condition, even their psychosocial disability or their mental illness?

**Hon HELEN MORTON:** The people I am referring to are people whose family and everybody around them see them as having a permanent, long-term disability as a result of their chronic mental illness over many years. I cannot remember the second thing I was going to say, so I will ask Dr Chalmers to complete the comments.

**Dr Chalmers:** I think the member was interested to know what has been done about this in recent times. When the National Disability Insurance Scheme agreements were struck, within that was this concept of people with enduring mental health conditions. The modelling that the Productivity Commission undertook said that they were looking at about 56 000 people across the nation, which if we look at WA's sort of share, we are looking at about 5 600 people. So, we have been grappling with how we would be building that into the NDIS My Way model that starts in three weeks, and we have been working very collaboratively with the Mental Health Commission and also with mental health services down in the lower south west to make sure that we are good to start on day one. Other trial sites around the country are still toe in the water, I guess, in terms of being able to draw people into the NDIS. I also need to say that we have been searching for a clear definition of who will be in scope from the commonwealth government and from the National Disability Insurance Scheme agency, and we are still to get that definition. I think it is safe to say that they do not know how to define the scope of people that we are going to be drawing into the system.

**Hon SALLY TALBOT:** May I ask you, Dr Chalmers, are you using the word "enduring"? Is that used as the adjective?

**Dr Chalmers:** I guess what we are referring to are the people that the minister has just described: people whose condition, either in their view or in their family's view, will be enduring or a permanent condition that they are living with; and that is the way it was described within the Productivity Commission's report as well. What we are doing, though, in the lower south west is moving quickly, not dealing with who might be on the edges of that definition, but starting to identify people who are clearly going to be in the middle of that definition and start to provide support to those people from day one. We have recruited My Way coordinator capacity with skills, a mental health background, into our teams down there in the lower south west; and, as I said, we are collaborating very strongly with mental health services down there, government and non-government, so that we have action and support happening for people from day one when we start in three weeks' time.

**Hon SALLY TALBOT:** So, will there be any provision for people with a mental illness who do not need the assistance that they get under the NDIS or under the My Way banner permanently or even full time over the course of, say, five years?

**Dr Chalmers:** I guess I come back there to once we get a clear definition from the commonwealth, and there have been many meetings with mental health commissioners across the country over the past 12 months to try to finally get a clear definition, we will be better placed to answer your question.

**Hon SALLY TALBOT:** What is the provision under My Way, which is the state scheme?

---

**Dr Chalmers:** We are just using at this point the best description that we can get out of the Productivity Commission report, and this is now worded up within the agreements that we have between the state and the commonwealth governments, and I think they do refer to it as a psychosocial condition.

[5.50 pm]

**Hon SALLY TALBOT:** So once we have got the scheme underway in three weeks' time, will we be able to ask you questions about how many people with psychosocial conditions are being funded under the program?

**Hon HELEN MORTON:** Yes.

**Dr Chalmers:** No, the short answer to that is no, and —

**Hon SALLY TALBOT:** The minister said yes.

**Hon HELEN MORTON:** No, no.

**Dr Chalmers:** Sorry?

**Hon HELEN MORTON:** No, I am saying it will come on gradually.

**Dr Chalmers:** Yes.

**Hon SALLY TALBOT:** What will come on gradually?

**Hon HELEN MORTON:** The inclusion of people with psychosocial problems relating to—so, with what I consider permanent disability related to their mental health problems. I do not know; I mean, there are many people living in this state with permanent disability and it is based on their functional disability. I think we have got to keep going back to the comments that Dr Chalmers made earlier in the day that it is about functional disability, not about diagnosis. Functional disability means you cannot care for yourself in a home, you cannot go out to work or enjoy yourself in a community setting. You have problems with connections with family and other social engagements. Now, people with enduring disability as a result of a mental illness have those problems, and people are living with them day in, day out and have lived with them for 10, 15, 20 years, and those people are considered permanent.

**Hon SALLY TALBOT:** But I mean there are people with, for example, schizophrenia who would fit your definition of dysfunction at certain periods of their life, but not at others.

**Hon HELEN MORTON:** That are—what? What was the last comment?

**Hon SALLY TALBOT:** But not at others. There are people with conditions like schizophrenia who would clearly fit your definition at certain periods of time, but not at others.

**Hon HELEN MORTON:** That is correct, and there are people that I am talking about now who are going to need short-term admissions to hospital from time to time. The same as other people with disability need admission to hospital for various things, whether it is pneumonia, cardiovascular disease or a mental illness—whatever it is. They will need admission to hospital from time to time, but when they are living in the community, they are permanently unable to care for themselves.

**Hon STEPHEN DAWSON:** Minister, on page 407, the second dot point relates to the 60 per cent of accommodation places that are being outsourced to the non-government sector. First of all, approximately 60 per cent are planned to be outsourced. What is that in a figure? How many people does that equate to?

**Hon HELEN MORTON:** I will ask Dr Ron Chalmers to respond to that.

**Dr Chalmers:** We currently have close to 500 people in our accommodation service. They are people with intellectual disability and/or autism. The modelling tells us that 60 per cent is roughly 300 of those, and that would mean that the commission retains 200 people within a reformed accommodation service into the future.

---

**Hon STEPHEN DAWSON:** Thank you. Minister, can you give me a sense of where the agencies are in relation to that outsourcing? I am aware that there have been some concerns expressed by a number of NGOs in relation to the Fair Work Act and that may be limiting them coming forward in taking on some of these people in care. Can you give us a sense of where we are at, so how many people have moved so far and what timeline we are working to?

**Hon HELEN MORTON:** Again, I will ask Dr Chalmers to speak to that.

**Dr Chalmers:** When we commenced this process, we made it very clear to the families of residents in our accommodation services that we had been given a starting date for this process but not an end date for this process. We also made it very clear that we would be providing as much support as families needed to ultimately make their decision about which alternative service provider they would choose for their family member to transition to. We have had a team of people working with those families over the past few months, and the process, while it started, focused on people's anxieties and some of their questions and concerns. I have to say that it has moved to a very productive spot now where those family members are in fact encouraging us to move faster in that area.

Some of those families in the first group of people that we have chosen to focus in on have made their decisions about which alternative service providers they want to move to, and we are very close now to getting final agreements in place that will allow the first two of those homes. They happen to be families who have chosen to move as a group. In fact, they are not moving; they are actually just staying where they are. So, one set of families who have residents in one house have made their decision, and we are in the process now of doing the mechanics of it, if you like. The second house is very close to getting consensus as well, and we anticipate within a matter of weeks we will be able to, with signatures on bits of paper, facilitate the transition.

**Hon STEPHEN DAWSON:** Okay, so they will be the first group. If it continues to happen very slowly, is there enough money in the budget for the agency to keep running the service or keep providing the accommodation service as we do currently?

**Dr Chalmers:** Absolutely.

**Hon STEPHEN DAWSON:** So if 60 per cent is moving out, is it fair to say that the 40 per cent who will remain will be people who require higher levels of care? Is it the kind of more difficult cases that will remain within the agency's responsibility?

**Dr Chalmers:** No, and we were clear from the start that this was not an exercise in just recasting the role of the commission as a service provider for people with very high and complex needs. We will end up having a mix of clientele, if you like, with a range of different support conditions. We will still be providing—in fact, probably even more—capacity for people who have high-level needs, behaviour challenges and so on, but we will also be running group homes like we do now. What we are effectively doing here is just shrinking the volume of the service overall to where we are going to look comparable with other large service providers that we have, and we have got 45 of them out in the sector now. We were moving away from the commission just being a fairly large entity; we will look more normal in the sector overall.

**Hon STEPHEN DAWSON:** Is the Fair Work Act having an effect on how quickly the rollout happens? I mean, are NGOs expressing real concerns? Is that stopping them taking some of these people into their care?

**Hon HELEN MORTON:** I will allow Dr Chalmers to speak to that again.

**Dr Chalmers:** I think it is fair to say that initially it did cause the CEOs and chairs and boards of NGOs to look very carefully at the provisions of the commonwealth legislation, and a number of them sought legal advice on what the implications of that piece of legislation would mean for them. As the weeks have ticked by and they have begun to become much clearer on exactly what the implications will be and what strategies they might employ, knowing that that act is in place, they

become far more comfortable that, in fact, transition can take place in a way that is going to be acceptable to their boards.

**Hon STEPHEN DAWSON:** Minister, one of the concerns that I am hearing relates to DSC staff leaving now due to the Fair Work Act. So if there is this three-month preclusion period for NGOs taking on these staff, the staff are leaving the agency now so that they are not caught up in this three-month rule. But one of the concerns I am hearing is that we are replacing those staff with big levels of contracted labour hire workers. Are you in a position to tell me how many contracted labour hire staff DSC has got at the moment? How many have we got at, say, 1 June, because I think this would probably change on a weekly basis? If we could deal with 1 June, then, if I could have information on how many we had as an average in the last financial year, and the financial year before that.

**Hon HELEN MORTON:** We can get it for you on notice because although it looks like we have got some of it, I do not know that we would have all of last year either.

**Dr Chalmers:** To get a complete answer, we would need to go back and look at last year and so on. But can I just say that having labour hire staff involved is not new to our organisation. We have been doing it for as long as I have been part of this organisation as well, but we can certainly get you those numbers.

**Hon STEPHEN DAWSON:** Sure.

*[Supplementary Information No C6.]*

**The CHAIR:** I am just noting the time, if you have got a last quick question.

[6.00 pm]

**Hon STEPHEN DAWSON:** Minister, some families have been advised that only two weeks will be allotted for the handover of homes to new providers. There are lots of concerns floating around. What is the agency doing to mitigate those concerns and to ensure that valid concerns that have been raised by families are actually being addressed and that people are not having all this pressure put on them and that they are actually getting an appropriate amount of time to make a decision on the future of their loved one?

**Dr Chalmers:** I come back to my earlier comment that we have got a team of highly skilled people working with families. There is no time limit. If people need to take weeks or months in transition, then we are happy to accommodate that, but, as I said before, what we are finding is that families, once they look around at what qualities the other service providers have—skilled staff and so on—and they make their decision, then they are putting pressure on us to say, “Well, let’s make this happen now and let’s not draw this out.”

**Hon STEPHEN DAWSON:** One final thing. What will you do if families and advocates do not choose an alternative provider? What will happen in those cases?

**Dr Chalmers:** From the start, we said that it is, I guess, the goal of government to move 60 per cent out of our world and out into this range of alternative service providers. So the conversation at the start was not, “Do you want to or do you not want to?” The choice in all of this comes beyond that line. Again, once people realise what that array of choices is, and they get to see it and talk with people, the anxiety that was there to start with fades away very quickly. So it is not an option that is put: “Do you want to or do you not want to?”

**Hon STEPHEN DAWSON:** Chair, I know we are out of time. I have loads more on this, but I will put them in as supplementary.

**The CHAIR:** The committee will forward any additional questions it has to you via the minister in writing in the next couple of days, together with the transcript of evidence, which includes the questions you have taken on notice. Responses to these questions will be requested within

---

10 working days of the receipt of the questions. Should you 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. If members have unasked questions, I ask them to submit these to the committee clerk at the close of this hearing. On behalf of the committee, again I thank you very much for your attendance today.

**Hearing concluded at 6.02 pm**

---