



**Hon Amber-Jade Sanderson MLA**  
**Minister for Health; Mental Health**

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Our Ref: 76-23334

Mr Matthew Hughes MLA  
Chair  
Joint Standing Committee on the Corruption and Crime Commission  
jscccc@parliament.wa.gov.au

Dear Mr Hughes

**GOVERNMENT RESPONSE TO THE JOINT STANDING COMMITTEE ON THE  
CORRUPTION AND CRIME COMMISSION REPORT 8: UNLAWFUL DETENTION  
IN PUBLIC HOSPITALS**

Thank you for your letter of 31 March 2023, providing me with a copy of the report by the Parliamentary Inspector of the Corruption and Crime Commission about unlawful detention in public hospitals (PICCC report).

On 30 March 2023, the PICCC report was tabled in Parliament, and I have been requested to provide a response.

Following the tabling of the PICCC report, the Acting Director General of the Department of Health wrote to all Health Service Provider (HSP) Chief Executives, making it clear that detaining any person in hospital against their will is only lawful in very limited circumstances, and that unless those very narrow circumstances apply, a person who presents to hospital is at liberty to discharge themselves. The letter also described the key activities required to further strengthen awareness of the law. These are described below.

**Activities which are completed or in progress**

The key activities include the creation of a system-wide Mandatory Policy on restrictive practices, a term commonly referred to the use of restraint and detention, (to supplement existing local policies) and development of an education package for staff across the WA health system.

**A) Policy and procedures**

The Director General of the Department of Health, as System Manager, will develop a Mandatory Policy on restrictive practices which will address both restraint and detention of patients in non-mental health settings.

This policy will include an escalation pathway and support for junior clinicians and security staff, with senior staff oversight, in complex situations where detention and/or restraint might be contemplated. HSPs will be required to amend their policies and procedures to align with the systemwide Mandatory Policy. This is consistent with the approach taken in other jurisdictions.

In the interim, the Acting Director General has requested that Chief Executives of these HSPs urgently review existing policies and procedures to ensure current documented practice reflects the legal framework as set out in the PICCC report.

## **B) Education package**

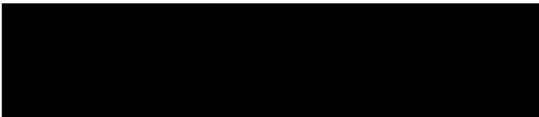
The Chief Psychiatrist has established a Working Group to develop a consistent education package for staff across the WA health system in relation to the appropriate use of detention and restraint in non-authorised settings. The Working Group comprises representatives from the relevant HSPs and the Department of Health. The first meeting is scheduled for mid- July 2023.

The Chief Psychiatrist also:

- held Communities of Practice (online clinician peer discussions) covering the issue in August 2022 and March 2023. This included presentations by senior emergency department physicians and the Office of the Chief Psychiatrist's General Counsel, and was attended by more than 200 staff from across the public and private health sector;
- produced an Information Sheet – *Detention and Restraint in Non-Authorised Settings* – that is available to all clinical and non-clinical staff from the Chief Psychiatrist's website; and
- provided education on the use of restraint and detention to the WA Branch Forum of the Australian College of Emergency Medicine in March 2023.

The Department of Health, HSPs, and the Chief Psychiatrist will continue working together to address the issues identified in the District Court case and highlighted in the PICCC report. The WA health system is committed to supporting safe and high-quality health care in our public hospitals.

Kind regards



HON AMBER-JADE SANDERSON MLA  
**MINISTER FOR HEALTH; MENTAL HEALTH**

**07 AUG 2023**