

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 016

Thursday, 27 June 2013

Questions appear according to the date on which notice was delivered.
When a question has been answered it is removed from the postponed list.

POSTPONED QUESTIONS

Notice Given *Tuesday, 11 June 2013*

82. Hon Sally Talbot to the Minister for Child Protection
83. Hon Sally Talbot to the Minister for Child Protection
84. Hon Sally Talbot to the Minister for Child Protection
85. Hon Sally Talbot to the Minister for Education
86. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
87. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
88. Hon Robin Chapple to the Leader of the House representing the Minister for Energy
89. Hon Robin Chapple to the Leader of the House representing the Minister for State Development
91. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Heritage
92. Hon Robin Chapple to the Minister for Aboriginal Affairs
93. Hon Robin Chapple to the Leader of the House representing the Minister for Energy
94. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
95. Hon Robin Chapple to the Leader of the House representing the Minister for Energy

Notice Given *Wednesday, 12 June 2013*

96. Hon Robin Chapple to the Leader of the House representing the Minister for Energy
98. Hon Sally Talbot to the Minister for Child Protection

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Postponed Questions

- 99. Hon Sally Talbot to the Minister for Child Protection
- 100. Hon Sally Talbot to the Minister for Child Protection
- 101. Hon Sally Talbot to the Minister for Child Protection
- 102. Hon Sally Talbot to the Minister for Child Protection
- 103. Hon Sally Talbot to the Minister for Child Protection
- 104. Hon Sally Talbot to the Minister for Child Protection
- 105. Hon Sally Talbot to the Minister for Child Protection
- 106. Hon Sally Talbot to the Minister for Child Protection
- 107. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 108. Hon Robin Chapple to the Leader of the House representing the Minister for State Development
- 109. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 110. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Fisheries
- 111. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment
- 112. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Water

Notice Given **Thursday, 13 June 2013**

- 113. Hon Lynn MacLaren to the Minister for Mental Health representing the Minister for Environment
- 114. Hon Ken Travers to the Parliamentary Secretary representing the Minister for Transport
- 115. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum

Notice Given **Tuesday, 18 June 2013**

- 116. Hon Robin Chapple to the Minister for Aboriginal Affairs
- 117. Hon Sally Talbot to the Minister for Mental Health
- 118. Hon Darren West to the Parliamentary Secretary representing the Minister for Tourism
- 119. Hon Stephen Dawson to the Parliamentary Secretary representing the Minister for Tourism
- 120. Hon Alanna Clohesy to the Parliamentary Secretary representing the Minister for Health

Notice Given **Wednesday, 19 June 2013**

- 121. Hon Alanna Clohesy to the Minister for Mental Health representing the Minister for Planning
- 122. Hon Sue Ellery to the Leader of the House representing the Premier
- 123. Hon Darren West to the Leader of the House representing the Premier
- 124. Hon Samantha Rowe to the Minister for Mental Health representing the Minister for Environment
- 125. Hon Sally Talbot to the Minister for Disability Services

Notice Given **Thursday, 20 June 2013**

- 126. Hon Amber-Jade Sanderson to the Parliamentary Secretary representing the Minister for Transport

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Postponed Questions

Notice Given *Tuesday, 25 June 2013*

127. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
128. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
129. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
130. Hon Alanna Clohesy to the Minister for Agriculture and Food representing the Minister for Housing
131. Hon Alanna Clohesy to the Parliamentary Secretary representing the Minister for Training and Workforce Development
132. Hon Alanna Clohesy to the Parliamentary Secretary representing the Minister for Training and Workforce Development
133. Hon Sally Talbot to the Minister for Mental Health
134. Hon Darren West to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
135. Hon Adele Farina to the Attorney General representing the Minister for Corrective Services
136. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
137. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
138. Hon Adele Farina to the Minister for Mental Health representing the Minister for Community Services
140. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
141. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
142. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
143. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
144. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
145. Hon Adele Farina to the Attorney General representing the Minister for Police
146. Hon Adele Farina to the Attorney General representing the Minister for Police
147. Hon Adele Farina to the Attorney General representing the Minister for Police
148. Hon Adele Farina to the Attorney General representing the Minister for Police
149. Hon Adele Farina to the Attorney General representing the Minister for Police
150. Hon Adele Farina to the Minister for Mental Health representing the Minister for Culture and the Arts
151. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
152. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
153. Hon Adele Farina to the Minister for Mental Health

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Postponed Questions

154. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
155. Hon Adele Farina to the Minister for Mental Health
156. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
157. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
158. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
159. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
160. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health
161. Hon Adele Farina to the Minister for Mental Health representing the Minister for Local Government
162. Hon Adele Farina to the Minister for Agriculture and Food representing the Minister for Housing
163. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Regional Development

Notice Given Wednesday, 26 June 2013

164. Hon Adele Farina to the Minister for Mental Health representing the Minister for Community Services
165. Hon Darren West to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum
166. Hon Alanna Clohesy to the Leader of the House representing the Minister for Energy
167. Hon Amber-Jade Sanderson to the Minister for Agriculture and Food representing the Minister for Housing
168. Hon Stephen Dawson to the Minister for Agriculture and Food representing the Minister for Fisheries
169. Hon Samantha Rowe to the Leader of the House representing the Minister for Finance
170. Hon Alanna Clohesy to the Minister for Commerce
171. Hon Samantha Rowe to the Minister for Mental Health representing the Treasurer
172. Hon Amber-Jade Sanderson to the Parliamentary Secretary representing the Minister for Water
173. Hon Darren West to the Minister for Mental Health representing the Minister for Planning
174. Hon Adele Farina to the Parliamentary Secretary representing the Minister for Health

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175. Hon Sally Talbot to the Minister for Mental Health representing the Minister for Environment:

- (1) Has the Government adopted the Commonwealth Government's National Standards for keeping freshwater and saltwater crocodiles?
- (2) If no to (1):
 - (a) why not;
 - (b) what current regulations are in place;
 - (c) how are these enforced;
 - (d) does the Government plan to adopt the National Standards in the future; and
 - (e) if so, when?
- (3) If yes to (1):
 - (a) how are the National Standards enforced;
 - (b) has the Government varied or sought exemption from any of the standards; and
 - (c) if so, why?
- (4) Has the Government reviewed Western Australia's compliance with the National Standards:
 - (a) if no to (4), why not; and
 - (b) if yes to (4):
 - (i) what were the findings of the review; and
 - (ii) if the review is ongoing, when will it be completed?

176. Hon Sally Talbot to the Minister for Mental Health:

- (1) Did Janssen-Cilag Pty Ltd run a drug trial at Fremantle Hospital?
- (2) If so, when and who approved it?
- (3) What drug was the drug trial for?
- (4) Did Janssen-Cilag Pty Ltd make payments to Fremantle Hospital for information?
- (5) If so, how much was the payment and for what information was the hospital paid?
- (6) How much funding was paid to Fremantle Hospital for each patient on the trial?
- (7) How was the funding disbursed and to whom?
- (8) Who made this disbursement decision?
- (9) How many of the participants in this trial were involuntary patients?
- (10) What were these patients told about the trial?
- (11) If so, what records were made?

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- (12) Where are the records?
- (13) Were there any Serious Adverse Events arising in any patients at the time they were on the trial or any time after the drugs were stopped that could be related to the drugs the subject of the trial?
- (14) Who were all the internal and external referral sources for the trial (please provide details of companies/individuals)?

177. Hon Sally Talbot to the Minister for Mental Health:

- (1) How many drug and/or research trials has the Western Australian Mental Health Service conducted since 2000 which included involuntary patients as the subject(s)?
- (2) What were the trials for, what drugs were involved and when were the trials conducted?
- (3) Are there particular ethical guidelines for running drug trials on patients who cannot refuse treatment (i.e. involuntary patients)?
- (4) If so, what are they?
- (5) Were they complied with in all trials?
- (6) If not, for each of these trials, what breaches were there?
- (7) What hospital(s) undertook each of these trials?
- (8) Which doctor was responsible for each of these trials?
- (9) Was the informed consent of involuntary patients obtained to participate in these trials?
- (10) What payments were made in connection with these trials (please provide details of payers, payees, amounts, dates and methods of payment)?
- (11) What was the total income from each of these trials?
- (12) What accounts were the payments directed to?

178. Hon Sally Talbot to the Minister for Mental Health:

- (1) Is the Minister aware that during the hearing of the review in the matter of RD v MHRB (the decision that was reviewed by Parry J in *Rd v MHRB 201s WASAT 80*) the Mental Health Review Board (MHRB) adjourned the review and received evidence about the qualifications of Dr S from Dr P in private (i.e. the evidence did not appear on the transcript) without affording RD his right to hear the evidence and cross-examine the evidence pursuant to the general rules of procedural fairness and RD's statutory rights under clause 2 of Schedule 2 of the *Mental Health Act 1996*?
- (2) Further, is the Minister aware that members of the MHRB then returned to the review and advised RD that the MHRB was satisfied that Dr S was a psychiatrist at the time he signed the order which was the subject of the review?
- (3) If yes to (1) and (2) above, what is the Minister's advice about whether the MHRB's actions comply with the rules of procedural fairness in the MHRB's review?

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179. Hon Sally Talbot to the Minister for Child Protection:

How many children in the CEO's care have had their case management delegated to community sector organisations in the metropolitan area and in the following regions (please provide details for the metropolitan area and each region of (i) number of children and (ii) name of organisation):

- (a) East Kimberley;
- (b) Goldfields;
- (c) Great Southern;
- (d) Murchison;
- (e) Peel;
- (f) Pilbara;
- (g) South West;
- (h) West Kimberley; and
- (i) Wheatbelt?

180. Hon Sally Talbot to the Minister for Mental Health:

- (1) Does the new *Mental Health Bill* planned for introduction this year remove the right to legal representation at Mental Health Review Board hearings:
 - (a) If so, will the Minister consider returning that right to the Bill; and
 - (b) If not, was this removal deleted from earlier drafts of the Bill and why?
- (2) Is the model of the Mental Health Tribunal contemplated by the Bill a model without lawyers?

181. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:

I refer to:

- (a) the Minister's corrected answer to my question without notice on 25 June 2013 in which the Minister tabled a copy of a letter by the Acting Director General of the Department of Health to the State Coroner of Western Australia, dated 6 August 2012; and
- (b) the Minister's answer to my subsequent question without notice on 26 June 2013 in which the Minister advised that two reviews were undertaken, the original review in September 2011 and a further review in July 2012, and I ask:
 - (i) which review was the Acting Director General referring to when he informed the Coroner, in the second paragraph of the letter, of "a review";
 - (ii) which review was the Acting Director General referring to when he informed the Coroner, in the final paragraph of the letter, of "the Review";
 - (iii) for the purposes of the original review of September 2011 and the further review of July 2012 how was the term "significant foetal abnormalities" defined;

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- (iv) in how many of the reviewed cases was there only a single significant foetal abnormality present that was incompatible with life;
- (v) in how many of the reviewed cases were there multiple significant foetal abnormalities present that were incompatible with life;
- (vi) for the purposes of the review, and irrespective of whether it was found in any of the cases, was trisomy 21 considered a significant foetal abnormality;
- (vii) further to (vi) above, was spina bifida considered a significant foetal abnormality;
- (viii) further to (vi) above, was either cleft palate or cleft lip considered a significant foetal abnormality; and
- (ix) further to (vi) above, was dwarfism considered a significant foetal abnormality?

182. Hon Nick Goiran to the Parliamentary Secretary representing the Minister for Health:

I refer to the Minister's answer to my question without notice on 26 June 2013 in which the Minister referred to:

- (a) an original review conducted by senior clinical staff of King Edward Memorial Hospital completed on 15 September 2011; and
- (b) a further review undertaken in July 2012, and I ask:
 - (i) were the senior clinical staff members who undertook the original review the same as those who conducted the further review of July 2012;
 - (ii) if no to (i), what were the differences in the composition of team of personnel who conducted the further review of July 2012;
 - (iii) if no to (i), why were different personnel used to conduct the further review of July 2012;
 - (iv) what was the level of clinical experience of each staff member involved in the original review of September 2011;
 - (v) what was the level of clinical experience of each staff member involved in the further review of July 2012;
 - (vi) on what date did the further review of July 2012 commence; and
 - (vii) on what date was the further review of July 2012 concluded?

183. Hon Sue Ellery to the Parliamentary Secretary representing the Minister for Health:

For each of the financial years 2011-12 and 2012-13 to date, what is:

- (a) the number of accrued annual leave hours for nurses across the public sector;
- (b) the number of accrued long service leave hours for nurses across the public sector; and
- (c) the number of accrued sick leave hours for nurses across the public sector?

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184. Hon Robin Chapple to the Minister for Agriculture and Food representing the Minister for Mines and Petroleum:

I refer to the period since the Reform and Development at Resources Safety (RADARS) strategy was established by the Department of Mines and Petroleum in 2010, and I ask:

- (a) what has been the total number of reported incidents where an injured worker was absent from work for two weeks or more;
- (b) how many of these reported incidents have been assessed by an associated site visit by a safety inspector;
- (c) how many of these reported incidents resulted in enforcement action; and
- (d) how many of these reported incidents have an associated investigation file?

185. Hon Stephen Dawson to the Minister for Agriculture and Food representing the Minister for Housing:

- (1) How many eviction notices were issued by the Department of Housing's Kununurra office in each of:
 - (a) February 2013;
 - (b) March 2013;
 - (c) April 2013;
 - (d) May 2013; and
 - (e) to date in June 2013?
- (2) In each of these months, how many eviction notices related to non-payment or late payment of rent?
- (3) In each of these months, how many eviction notices resulted in tenants vacating properties?
- (4) In each of these months, how many of these eviction notices were subsequently withdrawn by the department?

186. Hon Sally Talbot to the Minister for Mental Health:

I refer to the recent State Administrative Tribunal decision (MHA5) about the qualifications of Dr S, and I ask:

- (a) does the Mental Health Review Board (MHRB) review the detention of all involuntary patients:
 - (i) if not, why not;
- (b) how many orders made by Dr S did the MHRB review;
- (c) did the MHRB satisfy itself about the validity of Dr S's qualifications:
 - (i) if not, why not; and
 - (ii) if so, what steps did it take to confirm the validity of Dr Ss qualifications;

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- (d) did the Mental Health Law Centre and the Council of Official Visitors question the qualifications of Dr S at any of these MHRB reviews:
 - (i) if so, at which reviews were these questions raised;
- (e) does the MHRB have a published procedure for the conduct of MHRB reviews:
 - (i) if not, why not; and
 - (ii) if yes, where is it published and does it include procedures for reviewing the validity of involuntary orders;
- (f) who employs the members and the President of the MHRB;
- (g) are the lawyers on the MHRB subject to the *Legal Profession Conduct Rules 2010*;
- (h) how is the conduct of the MHRB members regulated;
- (i) at how many MHRB reviews did lawyers represent patients in 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13 (to date) and what was this in percentage terms in each year;
- (j) does the Minister believe that it is in the best interests of patients to be legally represented at MHRB reviews of their involuntary status:
 - (i) if not, why not; and
 - (ii) if yes, what are the plans for improving the MHRB legal representation rate in the future;
- (k) what is the current budget for the MHRB:
 - (i) what percentage of the mental health budget is this funding;
- (l) what time is allocated by the MHRB for each review; and
- (m) does the Minister have confidence in the MHRB?

MALCOLM PEACOCK

Clerk of the Legislative Council