

## Inquiry into the Legislative, Workplace Governance and Clinical Frameworks of DHULWA

### Terms of Reference

#### Inquiry Overview

On 2 May 2022, and on advice from the Australian Nursing and Midwifery Federation (ANMF), the ACT Minister for Mental Health, Ms Emma Davidson MLA, announced an Independent Inquiry into the Governance Frameworks at the DHULWA Mental Health Unit in the ACT.

It is acknowledged that the existence of complex and unsettled governance arrangements at DHULWA has, *inter alia*, likely precipitated the existing significant and concerning workplace safety and clinical practice matters.

This Inquiry will provide the opportunity for clarity, and provide clear and consistent applied policy direction, of these arrangements at DHULWA, and make finding-based recommendations that ensure the safety of all people, in a best practice environment, into the future.

#### Inquiry Purpose

To examine the existing Legislative, Workplace Governance and Clinical Policy Frameworks at DHULWA in the context of ensuring a safe workplace and a best practice environment.

The Inquiry will have particular regard to:

- a. The nature, reciprocation and application of the rights of workers and consumers contained within the relevant enabling legislation (including the *Human Rights Act 2004* (ACT), *Work Health and Safety Act 2011* (ACT), the *Fair Work Act 2009* (Cth) and the breadth of ACT Mental Health legislation);
- b. Available evidence and/or expert advice pertaining to the operation of comparable facilities outside the ACT
- c. The coherence, merits and risks of all DHULWA workplace, clinical and education policies, procedures, structures and committees, and their current operationalisation and compliance;
- d. Opportunities to improve existing workplace and clinical decision-making frameworks, and ensure their consistent application;
- e. Establish a draft comprehensive implementation program from finding-based recommendations for consideration; and
- f. A review of any other relevant matters, including contemporary reviews by other agencies, and recent case and case-mix history, as deemed necessary by the Chair.

#### Inquiry Proper

1. In the spirit of transparent and open government, the Minister establishes the Inquiry as a public inquiry and is convened on a non-statutory basis, with submissions sought from parties including, but not limited to, workers, unions and consumers and their representatives.
2. The Minister will appoint an Independent Inquiry Panel consisting of a Chair, supported by a Panel member with expertise in forensic mental and a Panel member with expertise in work health and safety.
3. The Chair will be granted all relevant powers to provide for a comprehensive inquiry, including the power to hold hearings and require production of all relevant documents.
4. The ACTPS will facilitate, and where appropriate, require employee participation, however no participants will be compelled to provide evidence.

5. The Chair will provide a preliminary report, inclusive of initial findings, to the Minister no later than 12 weeks after commencement on the Inquiry, with a final report to be delivered no later than 6 weeks after the delivery of the preliminary report.
6. The Minister will maintain the power to terminate the Inquiry, and the power to remove/replace the Chair.
7. The Inquiry will be supported by a secretariat from Chief Minister's Directorate.