



**ACT**  
Government

**Canberra Health  
Services**

FOI19-17



Dear 

### **Freedom of Information Request: FOI19/17**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Canberra Health Services on 25 March 2019 in which you sought access to:

*"...all critical incident reports between 1 November 2017 and today that include errors in giving medication to detainees at Bimberi Youth Justice Centre. I understand that, because of privacy issues, these reports will be thoroughly anonymised. I also request a copy of the internal review that was completed in response to these incidents, including its six recommendations."*

I am an Information Officer appointed by the Chief Executive Officer, Canberra Health Services, under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Canberra Health Services was required to provide a decision on your access application by 24 April 2019.

#### Decision on access

Documents identified as relevant to your request contain information that I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant partial access, under section 50 of the Act, to a copy of one document with deletions applied to information that I consider would be contrary to the public interest to disclose.

My access decision in relation to the document is detailed further in the following statement of reasons and the document released to you are as Attachment A to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act
- The contents of the documents that fall within the scope of your request.

My reasons for deciding not to grant access are as follows.

The documents identified within the scope of your request, are entirely composed of, or contains information that is considered to be contrary to the public interest to disclose under schedule 1.3 of the Act.

Information contained in the incident reports and the internal review contain personal health information which is deemed a health record under *Health Records (Privacy and Access) Act 1997*. Section 12 of the FOI Act states that this Act does not apply to information held in a health record.

All personal health information has been deleted from the identified internal review document to enable the document to be partially released to you, at [Attachment A](#).

In addition, the information contained in the incident reports is prohibited from disclosure as the information is protected information under the *Children and Young People Act 2008*, section 844. I have not provided partial access under section 50 of the Act, with deletions applied to information that I consider would be contrary to the public interest to disclose, as removing the information would not result in the reports being free from protected information.

#### Charges

Processing charges are not applicable to this request.

#### Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the ACT Health disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

#### Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au).

ACT Civil and Administrative Tribunal (ACAT) review

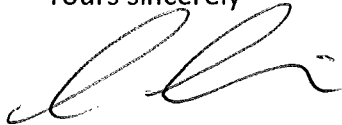
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

If you have any queries concerning Canberra Health Service's processing of your request, or would like further information, please contact the FOI Coordinator on 5124 9829 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely



Bruno Aloisi  
**Acting Executive Director**  
Mental Health, Justice Health and Alcohol & Drug Services

16 April 2019

## RECOMMENDATIONS

The review was finalised in December 2018 and the recommendations were endorsed by the Justice Health Service Clinical Government committee on 12 December 2018.

While work has already commenced on the recommendations, it is anticipated the actions to address the recommendation will be completed within 3-5 months.

1	Review and update medication administration training for BYJC staff to include contact details for AMC nursing staff and reinforce nursing staff as first step for all enquiries relating to medications
2	Discuss and remind medical officers of afterhours processes at BYJC especially in regards to medication
3	Review medication reconciliation process at BYJC to ensure medications in DAA's match current prescriptions.
4	Ask pharmacy to find an alternative medication delivery sign off method that is still compliant with <i>Children and Young People's Act</i> but does not involve YW reading medication chart
5	Review disposal of expired/ceased DAA's to ensure access is limited to Registered Health professionals.
6	Review guidelines for clinical observations of clients following a medication error