

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John  
Castrilli; Mr Matt Taylor

---

**Division 4: Public Sector Commission, \$26 664 000 —**

Ms L.L. Baker, Chairman.

Mr C.J. Barnett, Premier.

Mr M.C. Wauchope, Public Sector Commissioner.

Ms F. Roche, Deputy Commissioner.

Mr D. Volaric, Deputy Commissioner, Agency Support.

Mrs A.J. Alderson, Chief Finance Officer.

Mr Z.R.F. Kirkup, Principal Policy Adviser, Office of the Premier.

[Witnesses introduced.]

**The CHAIRMAN:** The member for Girrawheen.

**Ms M.M. QUIRK:** I refer to the third dot point on page 85 on the Public Sector Commissioner's role in maintaining a high standard of accountability, governance and integrity across all areas of the public sector. Reference is made to the commissioner's role of oversight and reporting in the services summary on page 85 and again on page 87. Did the Premier hear or read the comments of the Chief Justice recently in the Whitmore lecture about the capacity of the Public Sector Commission to provide proper independent oversight?

**Mr C.J. BARNETT:** I did not read the speech, but I certainly read some of the commentary about it. I have to say that I do not agree with all of the points of view expressed. I believe that the Public Sector Commission and commissioner have been very effective in dealing with issues. Indeed, one of the issues is the relationship between the Public Sector Commission and the Corruption and Crime Commission. It is the intention of this government that matters of misconduct of public servants that are of a minor nature be dealt with by the Public Sector Commission, rather than the CCC. Also, the inquiries that have been conducted under the Public Sector Management Act, including the Blaxell inquiry and the inquiry into the Peel Health Campus, have in my view proved to be effective, quick and inexpensive compared with the alternative of a royal commission. A royal commission can be appropriate for major issues, but it should be used rarely. For example, some comparison was made to the use of Public Sector Commission powers for the Keelty inquiries into fires, particularly the hills fire and the fire in Margaret River. The point was made in some of the commentary that in Victoria a royal commission was held. But the scale of events was totally different, and there were no injuries or fatalities in the Western Australian fires, whereas in Victoria 120 or 130 people died. I think scale is relevant in an inquiry, and if there was a major disaster we might go for a royal commission, but for the moment the Public Sector Management Act has been very effective, so I disagree with some of the points that were made.

**Ms M.M. QUIRK:** I have a further question. Is it the Premier's understanding that that oversight includes ministers and the conduct in ministerial offices?

**Mr C.J. BARNETT:** Certainly, it could well be appropriate for conduct within a ministerial office.

**Ms M.M. QUIRK:** Is the Premier aware that the terms of reference for an investigation into the culture and processes of the ministerial office that had led to a breakdown of relationship with the Department of Training and Workforce Development and Minister Collier's office were varied?

**Mr C.J. BARNETT:** I am not sure which terms of reference the member is referring to.

**Ms M.M. QUIRK:** I have just read them to the Premier.

**Mr C.J. BARNETT:** By whom?

**Ms M.M. QUIRK:** That is what I am going to ask the Premier. Is the Premier aware they were varied on the minister's instructions?

**Mr C.J. BARNETT:** I am not sure what the member is referring to.

**Ms M.M. QUIRK:** I have a further question, and I will give the Premier some further information.

**Mr C.J. BARNETT:** Is the member talking about the matter involving Dr Ruth Shean?

**Ms M.M. QUIRK:** Yes. An SMS message that was sent to the Public Sector Commissioner reads —

... a bit difficult to talk but Minister will be delighted if you send something saying you will examine the structure and procedures of dtwd seeking his input." He wanted something specific to ... but will be happy to mention that when giving his feedback. Is that doable?

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John  
Castrilli; Mr Matt Taylor

---

The Public Sector Commissioner says —

Yes re your bit in quotes.

An SMS from the minister's office reads —

Great! Thank you Mal and sorry it is so difficult.

In other words, this is an example of a minister seeking to dictate the terms of reference to an independent Public Sector Commissioner. Does the Premier still maintain that such an inquiry is independent?

[4.20 pm]

**Mr C.J. BARNETT:** To be honest, I am not particularly familiar with that situation; I did not take a direct role or interest in it. Under the Public Sector Management Act, as the Premier and the Minister for Public Sector Management, I had a very direct say in drafting the terms of reference for the inquiries that I referred to earlier—the Keelty report and the Blaxell report—as did the Public Sector Commissioner and legal advice and agencies. I do not think there is anything strange about that. I do not know whether the Public Sector Commissioner wants to comment on that. I have to say that I do not have a detailed knowledge of that.

**Mr M.C. Wauchope:** Anything that we might look at or that may assist a minister or an agency, including any terms of reference or guidance, will be a matter of discussion between the parties. It is not something I do in isolation.

**Ms M.M. QUIRK:** The difficulty I have with this is that if it is an independent inquiry, an inquiry into a minister's office, and yet that minister is dictating the terms of reference. How independent can the Public Sector Commission be in those circumstances?

**Mr C.J. BARNETT:** The minister does not dictate the terms, they may have a say, but the terms are established through the Public Sector Commissioner himself. I understand the point the member is trying to make, but as the inquiry gets underway, I can assure the member, it is absolutely independent, and that has been scrupulously observed under this government.

**Ms M.M. QUIRK:** There was a further response in that the Public Sector Commissioner deferred to the minister's change of terms of reference and then subsequently a SMS from the minister's office —

Mal, that letter is great and I have shredded the other thought bubble. Minister wants you to know he will respond to your formal letter in writing—and I'll do my best to make that response non-inflammatory.

Is it appropriate for the Public Sector Commissioner to be negotiating the terms of reference of investigations or examinations with the subject of such an investigation?

**Mr C.J. BARNETT:** The government of the day in conjunction and on advice sets the terms of reference on every royal commission, Public Sector Commission inquiry or whatever else.

**Mr P. PAPALIA:** The subject of the investigation.

**Mr C.J. BARNETT:** Again, I will ask the Public Sector Commissioner. But what is being investigated needs to be known; it needs to be defined. I know the member is not suggesting this in this case, but if there is criminality involved, then that goes to a different level.

**Mr W.J. JOHNSTON:** But there was criminality.

**Mr C.J. BARNETT:** I am sorry; it is not a debate. I will ask the Public Sector Commissioner to comment.

**Mr M.C. Wauchope:** I am certainly not aware of any criminality. The matter that I was looking at was in fact the working relationship between the ministerial office and the Department of Training and Workforce Development. When looking at that matter, it is not possible to proceed without discussing it with the minister and, indeed, the department, which is what I did.

**Mr M. McGOWAN:** Can we finish with this issue?

**The CHAIRMAN:** It is up to the members. Are there any further questions on the issue?

**Mr W.J. JOHNSTON:** Yes, there is a further question on this issue.

When this matter was discussed last year, the Premier will recall that documents were refused access on the basis they would disclose the investigation of a criminal matter. I am just trying to clarify why the commissioner says that there was not an issue relating to a criminal matter when that was one of the reasons documents were exempted. The second question I want to ask on the exact same issue is why the FOI request did not disclose the

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

SMS messages from the commissioner to the minister's office when they were clearly within the scope of the FOI request?

**Mr C.J. BARNETT:** I am not aware of any criminal matter at all. If the commissioner wishes to make some comments, that is fine. But I have to say this is more a parliamentary debate the member is getting on to now —

**Mr W.J. JOHNSTON:** I am just asking —

**Mr C.J. BARNETT:** Excuse me. This is more to do with Estimates Committee A and matters relating to the budget. If the member wants to pursue this, I suggest he does it in Parliament. If the commissioner wants to comment on the way the inquiry was set up and conducted, I invite him to do so.

**Mr M.C. Wauchope:** Madam Chair, I have made my comment. I examined the working relationship between the ministerial office and the Department of Training and Workforce Development.

**Ms .M. QUIRK:** Can the Premier advise if it is a common practice for the subject of an inquiry to be consulted about the terms of reference, and for the Public Sector Commissioner to accede to the ministerial requests in this case?

**Mr C .J. BARNETT:** I think, as the commissioner just said, in most inquiries, and in this particular case, it is normal practice for him to talk to the minister and the department in setting the terms of reference.

**Mr P. PAPALIA:** That is not right!

**Mr M. McGOWAN:** The minister said—

**Mr C.J. BARNETT:** Sorry, sorry. Chair, this is question and answer time, not general debate time.

**Ms M.M. QUIRK:** Further question and then I will finish. Is it the practice in the Department of the Premier and Cabinet and the Public Sector Commission to avoid applications for FOI by communicating through SMS? To the Premier's knowledge, is that a common practice?

**Mr C.J. BARNETT:** Does the member use social media?

**Ms M.M. QUIRK:** It is text messages instead of writing anything down.

**Mr C.J. BARNETT:** People communicate by text; so what?

**Ms M.M. QUIRK:** Would the Premier expect communication between a minister and the Public Sector Commissioner to be in a form accessible through FOI? Would the Premier expect it to be on paper and for there to be some record of that communication?

**Mr C.J. BARNETT:** Not necessarily. It is not the way the modern world works, is it?

**Mr G.M. CASTRILLI:** I refer to the fourth dot point under "Significant Issues Impacting the Agency" on page 85. This refers to the "statutory function to promote the efficiency and effectiveness of the public sector" and that "the Commission will continue to advise and assist agencies to implement machinery of government changes." Can I ask the Premier what changes have been made; and what is the Public Sector Commission doing to help implement those changes?

**Mr C.J. BARNETT:** Following the last state election, the government has initiated a number of machinery of government initiatives. I am very conscious that change can be expensive and disruptive, but the experience of one term in government drew to my and other people's attention that some changes were needed. I also took advice from within the public sector. One of the major changes was to create the Department of Parks and Wildlife. The promotion and management of our conservation estate was not what it could be because it was all so confused with environmental regulation, so the Department of Environment Regulation and the Department of Parks and Wildlife were established. Some conjecture is still going on about whether all or part of the Department of Water should be combined with the Department of Environment Regulation; there are mixed views on that. I think we will probably proceed cautiously in that regard. I think the Department of Lands, which had been put with the Department of Regional Development, did not work as well as people thought so it has been put back as a separate Department of Lands. The Department of Local Government and the Department of Communities have been combined, and I think the experience during the first term of government was that local governments were working very well with the state government in the communities area. An obvious example is a program like KidSport. There are a lot of local programs that are best delivered by or in conjunction with local government—I think that marriage is a good one. There are a few complications, but there is a strong case for the Mental Health Commission and the Drug and Alcohol Authority to come together. They deal with the same issues and the same people. Again, there are some administrative matters that make this complicated. I think they are the major changes we are looking at. From my experience at least, it is best to try to avoid overlapping ministerial responsibilities, or an agency reporting to two or more ministers. That exists in some things like the

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

Public Utilities Office, but from my observation, both in government and opposition, when agencies are reporting to more than one minister, it does not tend to work that well. So we are trying to get as clean a structure as we can. There is an issue to do with the Mental Health Commission and the Drug and Alcohol Office, and perhaps the commissioner can make a couple of comments about putting that together.

[4.30 pm]

**Mr M.C. Wauchope:** They are mainly industrial issues at this stage, but in terms of the way people are employed, that is one of the issues; indeed, working through the ultimate organisational form. That one did not have a 1 July start date, for the reason that it was more complex, so we are still working through those issues.

**Mr M. McGOWAN:** I return to an issue of some moment; that is, the Chief Justice's speech and what is called the "Whitmore Lecture 2013", which has received a bit of coverage but is an extraordinary effort. I have read his speech. The Chief Justice talks about what he calls the "four branches of government", which includes various agencies including the Public Sector Commission, so it is relevant here today. I refer to the second dot point on page 85, the role of the commission and the varied work it does. At pages 25 and 26 of the lecture, the Chief Justice talks about the Public Sector Commission having the capacity to, via codes of ethics or public standards, override written laws of the Parliament. He makes the point that traditionally, in fact over 400 or 500 years, parliaments' decisions or written laws have overridden those decisions of administrative bodies, but he points out that that is not the case in relation to the Public Sector Commission. Has the Premier read the speech?

**Mr C.J. BARNETT:** No, I just said I have not, but I have read reports of it.

**Mr M. McGOWAN:** Does the Premier agree with the gist of the argument by the Chief Justice? If not, why not? Surely, his point in relation to these public sector standards and codes of ethics overriding the written laws of the Parliament is correct and there is a requirement for some reform or change of law on the basis of what the Chief Justice of WA has said.

**Mr C.J. BARNETT:** As I said, I have not read the speech, so perhaps the Leader of the Opposition should give me an example of where the commissioner allegedly overrides Parliament.

**Mr M. McGOWAN:** His paper states that sections 22 and 32 indicate that —

... the section goes on to effectively provide that to the extent that there is any conflict between any public sector standard or code of ethics published by the Commissioner, and any other written law relating to the agency, the public sector standard or code of ethics prevails over the written law. So, under the laws of Western Australia, the power of a Minister to direct the CEO of an agency for which he or she is responsible is, understandably, subject to any written law and independence in human resourcing matters, but both the written law and any directions of the Minister are trumped by any public sector standard or code of ethics published by the Commissioner, who is not subject to direction by anyone.

Put another way, in at least one Australian State, the principle of legality of administrative action has been modified to the extent that a public official not subject to ministerial direction can promulgate standards and codes which have the effect of overriding laws passed by the Parliament.

**Mr C.J. BARNETT:** The Public Sector Commissioner, as I see it, does set down standards for the conduct of public servants, quite properly. One of the first decisions of the Liberal–National government was to separate the public sector management role from the Department of the Premier and Cabinet so that the public service would in a sense have a head, and that head is the Public Sector Commissioner. The Leader of the Opposition read an extract from the Chief Justice's speech, but he has not given an example.

**Mr M. McGOWAN:** I am relying on the Chief Justice to be correct in what he says in relation to the law as it currently stands.

**Mr C.J. BARNETT:** He is expressing an opinion. If the Leader of the Opposition wants to give me an example, I think we could respond to it.

**Mr M. McGOWAN:** The example that, say, a public sector standard or code set by the Public Sector Commission will override a written law of the Parliament according to sections 22 and 32 of the act—does the Premier think that is appropriate? Does the Premier think there is a case for reform?

**Mr C.J. BARNETT:** Give me an example in the Western Australian jurisdiction where that has happened.

**Mr M. McGOWAN:** My example is the Chief Justice's speech.

**Mr C.J. BARNETT:** That is not an example; that is an opinion in his speech.

**Mr M. McGOWAN:** Are you saying he is wrong? It is not his opinion.

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

**Mr C.J. BARNETT:** Give me a real, practical example where a minister has in some way been restricted or the written law of the land has been contravened by a Public Sector Commission ruling. Give me an example and I will try to answer it.

**Mr M. McGOWAN:** What I am saying to you, Premier, is —

**Mr C.J. BARNETT:** I know what the Leader of the Opposition is saying. He is reading out parts of the speech. The Leader of the Opposition does not have an example.

**Mr M. McGOWAN:** The Premier has not read the speech, and perhaps he should.

**Mr C.J. BARNETT:** No, I have not. The Leader of the Opposition has asked the question. All I am saying is give me a practical example and we will try to deal with it.

**Mr M. McGOWAN:** What I am saying to the Premier is that if we are going to have a Public Sector Commissioner with these sorts of powers—and there are a range of concerns out in the public about these sorts of powers overriding written laws of Parliament—surely it should be a matter of concern to the Premier and he should think.

**Mr C.J. BARNETT:** The Leader of the Opposition has obviously done extensive research into this question. Just give me the example.

**Mr M. McGOWAN:** I have just given the Premier the example.

**Mr C.J. BARNETT:** The Leader of the Opposition has not. He cannot. Move on, Chair, please.

**Mr M. McGOWAN:** I have read the speech.

I will go further with this in relation to the high standards of accountability and the like. I refer to the points made by the member for Girrawheen earlier about the inquiry into the former Minister for Training and Workforce Development and the allegations of bullying.

**Mr C.J. BARNETT:** It was not an inquiry into the former Minister for Training and Workforce Development.

**Mr M. McGOWAN:** What was it an inquiry into?

**Mr C.J. BARNETT:** My understanding is that it was an inquiry into the relationship between his office and the department—along those lines—not an inquiry into the minister.

**Mr M. McGOWAN:** Was it not an inquiry into, as I recall, allegations of bullying between his office and the department, and, as you said before, Dr Ruth Shean, who at that point in time ran that particular department, and perhaps still does. Surely in light of the seriousness of that matter, two things should happen: firstly, you should have released all the information in relation to that inquiry, which has been declined to be released; and, secondly, I repeat, do you think it appropriate that the terms of reference for any such inquiry into the minister's office should be discussed with the minister who might be subject to an adverse finding as a consequence of that inquiry?

**Mr C.J. BARNETT:** I will ask the commissioner. I am not dodging responsibility, but I was certainly not involved in that issue, or the inquiry; it was conducted totally independently. I will ask the commissioner to comment on it, but it relates to a conflict between two people, or an office of that person.

**Mr M.C. Wauchop:** I repeat that during the course of 2010 I became aware of working relationship issues between the ministerial office of the then Minister for Training and Workforce Development and the Department of Training and Workforce Development. I undertook a number of matters and towards the end of 2010 I suggested a number of courses of action to assist in improving the working relationship. Some of that advice included review of the section 74 communication agreement; review of the systems and procedures in the minister's office to determine how communication may be improved; a repeat of the accountable and ethical decision-making training program for ministerial officers; recommended considering the function, structure and operations of the department to determine if any finetuning was required, given that the department had been only recently formed; and, subject to ministerial and director general approval, as the director general of the Department of Training and Workforce Development, placed two departmental officers in the minister's office for a limited time to assist with matters relating to the department.

**Mr M. McGOWAN:** What was the nature of the difficulty or the working relationship issue? If there was such an issue, surely something of that significance between a minister of the Crown and the head of a department would be a matter of public importance in that whatever information had been generated as a consequence of that inquiry should be released into the public domain?

**Mr C.J. BARNETT:** Not necessarily in my opinion.

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John  
Castrilli; Mr Matt Taylor

---

**Mr M. McGOWAN:** Why?

**Mr C.J. BARNETT:** I have just given my opinion—not necessarily. I am not talking about that particular inquiry, but if there was a matter of criminality or corrupt behaviour or the like, if the commissioner thought that extended beyond his powers, he would refer it to the Corruption and Crime Commission or the police. There were no issues of that; it was about a working relationship.

[4.40 pm]

**Mr M. McGOWAN:** What does that mean?

**Mr C.J. BARNETT:** I am answering the Leader of the Opposition's question. The Leader of the Opposition can ask —

**Mr M. McGOWAN:** I asked the question.

**Mr C.J. BARNETT:** Sorry; I just give up. Forget it.

**Mr M. McGOWAN:** So that is it—that is the Premier's answer.

**Mr C.J. BARNETT:** The Leader of the Opposition interrupted all the way through, so I have finished.

**Mr N.W. MORTON:** I refer to the third service and key efficiency indicator on page 87 of volume 1 of budget paper No 2. What progress has been made in amending the Public Sector Management Act in relation to oversight and compliance?

**Mr C.J. BARNETT:** A number of proposed changes affect the Public Sector Commission. Obviously, legislation is to come forward in relation to the redundancy packages, particularly involuntary redundancy. I stress in that regard that although all other jurisdictions have provision for involuntary redundancy, we do not. Once introduced and if passed, it will be used sparingly. It will simply be used in this case: if, after attempts to redeploy and retrain, there is no job or no capacity for someone to work productively, the last resort can be involuntary redundancy. I think that will help senior executives to manage their agencies better. As I may have said before, we are also looking at transferring from the Corruption and Crime Commission to the Public Sector Commission the minor misconduct and education functions, where I think they belong properly. If a public servant either does the wrong thing or is accused of doing the wrong thing, it can be heavy-handed for them to suddenly be under investigation by the CCC. In the public mind at least, that implies serious misconduct or corrupt behaviour. Many of them may be inappropriate but need to be kept in balance. I think they can be more quickly and more efficiently handled by the Public Sector Commission. We will also be looking at the Equal Opportunity Act, and some work is going on to have the Salaries and Allowances Tribunal look at remuneration for board members, particularly the heads or the senior executive of government trading enterprises, as well as, I think it is fair to say, under the Attorney General—it will obviously involve the Public Sector Commission—the children's commissioner legislation. There is quite a bit of prospective legislation. I think the most important, and probably the one that will come first, is transferring minor misconduct functions from the CCC to the Public Sector Commission, which I hope will be supported.

**Mr R.H. COOK:** My question relates to the second dot point on page 85, which refers to the Aboriginal employment strategy. Can the Premier please provide a percentage figure for Indigenous representation in public sector employment as of today, in 2013, and the impact of the commonwealth incentives for the Aboriginal traineeship program in meeting that objective of 3.2 per cent Indigenous representation in the public sector by 2015?

**Mr C.J. BARNETT:** Yes. The objective of increasing Aboriginal employment is, I think, something that we would all support. This particular program was initiated by the Public Sector Commissioner, so I think it is fair that I get him to give a progress report.

**Mr M.C. Wauchope:** We have been allocated total funding of \$8.5 million over five years to address the Aboriginal employment strategy. It has five components to it, but the one that will impact most directly on the percentage of employment is a trainee program under which we are aiming to employ up to 200 Aboriginal youths across the sector. To date, we have had 110 Aboriginal young people commence their traineeships—78 in the metropolitan area and 32 in the regions. We will be continuing that program through to 2015 to address the target of 3.2 per cent that we signed up to at the Council of Australian Governments meeting.

**Mr R.H. COOK:** My original question was: what are the current participation rates and what are the numbers associated with that?

**Mr C.J. BARNETT:** I will defer to the Public Sector Commissioner.

**Mr M.C. Wauchope:** I do not have the actual number but I have the percentage, and it is sitting at 2.7 per cent.

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

**Mr R.H. COOK:** I take it that it was around 2.6 per cent, and that was two years ago. In that time, the Public Sector Commissioner has made a 0.1 per cent gain. What confidence can we have that the commissioner will get to the full objective of 3.2 per cent?

**Mr C.J. BARNETT:** I defer to the commissioner.

**Mr M.C. Wauchope:** Yes, I agree it is a difficult ask, and we are finding the same issue in other jurisdictions around Australia that signed up to varying degrees of percentages in the COAG agreement. We find that the problem is the retention of people. We recruit people and they drop out of the programs. Sometimes they have been recruited through the resource companies as well. I accept that it is going to be a difficult target to meet, but we are achieving some good things along the way.

**Mr C.J. BARNETT:** I will just add that I think we are improving school retention rates for Aboriginal kids and improving participation in higher education. I think the commissioner will find it easier in years to come to recruit public servants.

**Mr M.H. TAYLOR:** Further to the question of the member for Forrestfield, I refer to “Oversight and Reporting” on page 87 of the budget papers. Can the Premier provide more information on what the Public Sector Commission is doing to support accountability and public interest disclosure?

**Mr C.J. BARNETT:** That is part of the ongoing role. I think it goes right across government. I know the commission has been doing quite a bit of work with government boards and committees. In my view, there is a job to be done relating to the boards of major government trading enterprises. I do not think there is a clear understanding amongst some of those boards or members of what their role and responsibilities are. I see that as a very important part of the work of the Public Sector Commission. I will ask the commissioner whether he wants to add any comments. People who serve on public boards and committees go in and out of the public sector. I know that it is good to bring in people with private sector experience, but often they do not understand the way in which government operates and the different accountability requirements. I will ask the commissioner whether he wants to comment on those programs.

**Mr M.C. Wauchope:** Yes. We have been doing a lot more work around government boards and committees in recent years. The two key issues from our point of view are around accountability—that is, understanding the fairly complex accountability framework that exists in the public sector, which is quite different from that which applies in the private sector and the not-for-profit sector—and also around board governance. Again, in a government context, there are differences between the government sector and the non-government sectors. There are issues around the relationship between ministers, the CEO of the agency, the chair of the board and, indeed, me, as the employer of many of the CEOs in those agencies supporting the board. A lot of work has been done around that in recent times. I think I have personally addressed 38 boards in the last 12 months. That gives members an idea of how importantly we regard it.

**Mr M. McGOWAN:** I have a question about the “Assistance and Support” line item under the service summary on page 85. The government made a commitment in 2010 via a Premier’s circular, which states —

To ensure transparency, the Public Sector Commission ... is developing a publicly accessible database of all State Government Boards and Committees. The database will include information on the purpose, membership, remuneration and term of operation of each Board and Committee.

As far as I am aware, such a database does not exist, at least in a publicly available format. Is there still a commitment to provide such a database; and, if not, why not?

**Mr C.J. BARNETT:** That is true. When this government came into power, one of the first questions I asked was, “How many boards and committees do we have?” I could not get an answer. It took a long time to find an answer, and we found all sorts of boards and committees. We found that virtually every fish and every vegetable had a committee, and we wondered why we were dealing with things like country cemetery boards, and even country cemetery boards that rarely had a burial these days. It was a kind of interesting exercise. We have progressively reduced and got rid of a lot of committees. That is no disrespect to them; perhaps their function was no longer there. We had one committee that abolished itself. It wrote to me and said, “We always wondered what we were meant to be doing, so we have abolished ourselves and you can take us off the list.” Only recently I met with what I think is quite a significant area that had been operating as a committee, and technically still does. These people said that they would much rather just meet informally with the minister every six months or so and talk about industry issues rather than be on a formal committee that had minutes and had to have procedures and the like. That was obviously an industry group. I think we will do more of that. Again, one of the things that this government has started and will be more evident this year is Repeal Day, or week, when we will repeal legislation and abolish committees that have served their purpose or no longer have a purpose. We will

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

see a great deal of cleaning up of the statutes and the administrative side of government, but I will ask the commissioner to comment on how that is going, because there are a lot of committees we do not need.

[4.50 pm]

**Mr M.C. Wauchope:** A joint review was undertaken some time ago by officers of the Public Sector Commission and the Department of the Premier and Cabinet. As a result of that review and decisions taken by the government, there are currently 334 registered Western Australian government boards and committees. The Public Sector Commission's role with boards and committees, apart from doing what I indicated earlier, which related to governance issues, is to recommend to ministers what remuneration should be paid to the chairs and members of the board.

**Mr M. McGOWAN:** My question was: where is the publicly available database that was promised?

**Mr C.J. BARNETT:** Reports listing the committees have been tabled in Parliament. It is also on the Department of the Premier and Cabinet's website.

**Mr M. McGOWAN:** A full database of all the lists?

**Mr C.J. BARNETT:** Yes, to the best of our knowledge. I am not suggesting that we know of every committee. There may be some yet to be discovered. That report was tabled in Parliament a couple of years ago. It is on the Department of the Premier and Cabinet's website.

**Mr W.J. JOHNSTON:** Go and look at what was tabled. It is not a list of committees; it is a list of numbers and it does not have any details.

**Mr C.J. BARNETT:** I am pretty sure we tabled something. I will stand corrected if I am wrong. I have been told that it is on the website.

**Mr M. McGOWAN:** What the Premier did was redefine "committee", just for the factual record. When the Premier arrived in government, he said that committees would no longer be defined as "committees". They were redefined because they did not have a remuneration component.

**Mr C.J. BARNETT:** We got rid of a whole lot and we will get rid of a whole lot more. When I asked how many committees there were, I was told that it was something like 1 340. A lot of those have disappeared and a lot more will disappear. Some will require legislative change, because they were established by statute. A number of committees will be removed by statute during repeal week, which was something the previous Labor government did not address.

**Mr M. McGOWAN:** We did not just redefine them and say that they no longer existed.

**Mr C.J. BARNETT:** The Labor government did not address the issue and when we came in it was a complete mishmash—no-one could tell us how many committees there were. It has taken some time.

**Ms S.F. McGURK:** I refer to the question I previously asked the Premier about the savings under public sector management reform, which is quite a significant public sector workforce reform, and page 73 of the *Budget Statements*. The Premier said that that matter would be more properly asked under this agenda item. Can the Premier go through in more detail where the savings will come from?

**Mr C.J. BARNETT:** The redundancy programs are being overseen from both a policy and implementation point of view by the Public Sector Commission, and they apply right across government. The target of 1 000 voluntary redundancies, from the information that has been given to me, is likely to be achieved. Applications remain open until the end of the calendar year. Maybe the commissioner can provide an update on the response to that. It is a generous package. It is more generous than normal redundancy provisions and the take-up rate is high. People see it as generous. Involuntary redundancies will require legislative change. Such legislation is being drafted and is in pretty good shape. I anticipate bringing it before Parliament shortly and we hope to get it through. The commissioner can provide an update on how the voluntary redundancy program is progressing.

**Mr M.C. Wauchope:** We have had almost 300 applications under the targeted voluntary severance scheme. We understand from discussions with agencies that between 460 or 470 will be coming down that path. We are aware of another agency that might have a large number to be considered. We are getting close to the thousand in terms of applications. How many of those will translate into approvals and acceptances is something else, but at this stage those are the indications we have.

**Ms S.F. McGURK:** The line item that I am referring to is "Public Sector Workforce Reform" on page 73. The budget estimate for this financial year is a saving of \$338 000 but in the forward estimates in 2016–17 it goes out to \$1.6 million.



Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

**Mr C.J. BARNETT:** I think the member may be straying back into the Department of the Premier and Cabinet. I am not trying to stop the member from asking her question; I am happy to try to answer the question, but reference to that page has already been dealt with.

**Ms S.F. McGURK:** Okay. Those are the savings I am talking about. When I asked the question I was told to ask it when the Public Sector Commissioner was available. Are all those savings envisaged under public sector workforce reform envisaged under redundancies?

**Mr C.J. BARNETT:** The Treasury budget is allocating \$100 million for the redundancies initially. Obviously the savings will accrue over future years. It depends on whether people are above or below their staffing or salary caps. I ask the commissioner to comment on how that works.

**Mr M.C. Wauchope:** The other element to the savings generally across the public sector is a policy of a salary cap based on the expected estimated outturn for the last financial year, plus the projected consumer price index increase of 2.5 per cent. That in itself is reflected in the budget papers under the terminology of public sector workforce reform. Again, I do not want to talk about the DPC budget specifically because I do not know. Those are the general issues across the sector.

**Ms S.F. McGURK:** It relates to redundancies and the salary cap. Is it only those two items?

**Mr M.C. Wauchope:** I cannot say that they are the only two items, but certainly they are the universal two items across the public sector.

**Mr M. McGOWAN:** The Public Sector Commissioner indicated there might be about 1 000 voluntary redundancies “coming down the track”, I think was the term he used. Maybe by way of supplementary information and without revealing names, can the Premier advise the profile of those people? For example, what is their age and how long have they been in the public sector? Can the Premier also advise on the expected number of forced redundancies that will be put in place as part of the new legislation?

**Mr C.J. BARNETT:** The target for voluntary redundancies is 1 000. On the figures given by the commissioner, it is likely to be somewhere around that number. Applications are open until the end of the year, so we expect more to come in. There is no target for involuntary redundancies. It becomes a management tool in agencies. If a job disappears, if a person cannot be properly employed with an agency or cannot be redeployed or does not accept redeployment, the last resort is involuntary redundancy. I do not know the numbers and I am hesitant to speculate. I invite the commissioner to make comment about it if he wishes to.

**Mr M.C. Wauchope:** Involuntary severance is basically a matter of last resort. We do not expect it to be used all that often. Experience in other jurisdictions is that it is not something that agencies resort to very often, but it completes the package of management options for the public sector.

**Mr M. McGOWAN:** I follow on from that question. Originally, either the Premier or the Treasurer said that the figure was about 200. Has the figure for involuntary redundancies changed from 200? I also refer to the profile of the people who are seeking involuntary redundancies. I am interested in them because often people who use these schemes are going to retire anyway or are people whom an agency might not wish to lose. Such people may comprise the 1 000 applicants.

[5.00 pm]

**Mr C.J. BARNETT:** As to how many involuntary redundancies there will be, no-one knows. I think I said around 100. It is not likely to be 100 in one year; it is probably spread over time.

**Mr M. McGOWAN:** The Premier said 200; I am just quoting him.

**Mr C.J. BARNETT:** I also just said there is no target for involuntary redundancies. When asked, I thought I said 100; it might have been 100 to 200. That is not going to happen in year one. If someone is identified as perhaps an involuntary redundancy, I am advised that the process itself will probably take a year before they get there. As to the profile of people applying for voluntary redundancies, I doubt that we have a view of what the profile might be. Maybe the commissioner can speculate on the sorts of characteristics of those who are likely to put their hands up, otherwise it is a matter of fact when we get to the point at the end of the day.

**Mr M.C. Wauchope:** We can have a look at that and see if we can provide it by way of supplementary information.

**Mr M. McGOWAN:** Can I seek supplementary information therefore through the commissioner?

**Mr C.J. BARNETT:** That is my decision. I am happy to provide it but I caution a little bit. The Leader of the Opposition may get a different demographic from those who apply early compared with those who apply late.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 20 August 2013]

p61b-70a

Ms Margaret Quirk; Mr Colin Barnett; Mr Paul Papalia; Mr Bill Johnston; Mr Mark McGowan; Mr John Castrilli; Mr Matt Taylor

---

Incorrect conclusions could be made if we took characteristics of age or sex, or whatever it might be. We can only properly draw any conclusions about the demographic mix when the 1 000 program is completed. Having said that, if there are any broad indications, I am prepared to provide that but I would really caution interpreting anything from data like that.

**Mr M. McGOWAN:** Therefore it is supplementary information about the profile—that is age, position, sex and any other relevant information—of people who have sought or received a voluntary redundancy arrangement.

**Mr C.J. BARNETT:** I did not agree to that level of detail. I would say to the extent that there are some indications of the demographic profile, we will provide that. I am not agreeing to any particular categories, but I imagine that some of those would be included.

**The CHAIRMAN:** It is current information, Premier; not past information.

**Mr C.J. BARNETT:** This is information on those who, to this point, have applied for voluntary redundancy.

[*Supplementary Information No A13.*]

**The appropriation was recommended.**