

# **PUBLIC ACCOUNTS COMMITTEE**

## **INQUIRY INTO THE IMPLICATIONS OF THE NEW STRUCTURE AND FUNCTIONS OF THE DEPARTMENT OF THE PREMIER AND CABINET AND THE PUBLIC SECTOR COMMISSION**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 18 MARCH 2009**

### **SESSION TWO**

#### **Members**

**Mr J.C. Kobelke (Chairman)**  
**Mr J.M. Francis (Deputy Chairman)**  
**Mr A.J. Carpenter**  
**Mr A. Krsticevic**  
**Mr C.J. Tallentire**

---

**Hearing commenced at 10.56 am****WALKINGTON, MS TONI****General Secretary, Civil Service Association, examined:**

**The CHAIRMAN:** Thank you very much for appearing before us today. On behalf of the Public Accounts Committee I would like to thank you for your interest and also for the submission that you have given us. The purpose of this hearing is to assist the committee in gathering evidence for its inquiry into the implications of the new structure and functions of the Department of the Premier and Cabinet and the Public Sector Commission. You have been provided with a copy of the committee's specific terms of reference. I will introduce the members of the committee: Tony Krsticevic, Joe Francis, who is the deputy chair, Chris Tallentire, Alan Carpenter and, of course, myself, John Kobelke. The Public Accounts Committee is a committee of the Legislative Assembly of the Parliament of Western Australia. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. This is a public hearing, and Hansard will be making a transcript of the proceedings for the public record. If you refer to my documents during your evidence, it would assist Hansard if you could provide the full title for the record. Before we proceed to the questions that we have for you today, I need to ask you a series of formal questions. Have you completed the "Details of Witness" form?

**Ms Walkington:** I have.

**The CHAIRMAN:** Thank you. Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

**Ms Walkington:** I do.

**The CHAIRMAN:** Did you receive and have you read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

**Ms Walkington:** I did.

**The CHAIRMAN:** Do you have any questions in relation to being a witness before today's hearing?

**Ms Walkington:** No, I do not.

**The CHAIRMAN:** Thank you for the submission to the inquiry, which I read with interest. Together with the information that you provide today, your submission will form part of the evidence to this inquiry and may be made public. Are there any amendments that you would like to make to your written submission?

**Ms Walkington:** There are some additions that I would like to provide to the committee.

**The CHAIRMAN:** We do have a series of questions. Do you wish to provide that additional information in an opening statement before we put some questions to you?

**Ms Walkington:** I would like to make an opening statement.

**The CHAIRMAN:** Then over to you.

**Ms Walkington:** Firstly, we welcome the committee's attention and its focus on the role of the Public Sector Commissioner, and also the management of the public sector, so we want to place on record our view with regard to that. We note that in the separation of the two functions and the

creation of the Public Sector Commissioner, the Premier has expressly stated that the statutory functions are to be delegated to the commissioner so that the statutory functions can be performed independently. In our view, delegation specifically means that the person ought to do what the authority that has prescribed the power would have done. Therefore, the extent of independence is somewhat questionable in our view, in that the Public Sector Commissioner would need to do what he thinks the Premier would have done. We also are of the view that there is a specific advisory role to the Governor from the Premier, who is the minister with the powers in this case. Therefore, we also question how effective the delegation would be given that specific role. We believe that changes to legislation, specifically the Public Sector Management Act, are required to establish the role as envisaged by the Premier's statement.

In terms of the capacity to perform the role, we have several submissions that we want to add. The Premier has stated that the role of the commission is to build the capacity of the public sector. However, the Public Sector Management Act vests responsibility for the operations and management of public service departments in the roles of the department heads, the CEOs, the director generals or commissioners in their various titles. In our view, it is therefore the individual department heads' concern and obligation to build the capacity of their discrete organisations. In our experience, that is what happens in practice as well. There is very little that the head of the Department of the Premier and Cabinet as it was—the director general—and Premiers in the past have actually done in terms of building the capacity of individual organisations. So generally in our representations we have been advised that that role has very little that can be directed or instructed to individual CEOs.

In terms of the function to evaluate the performance of the public sector, we say again that this is a mismanagement of authority and responsibility. Currently, the departments hold that responsibility. To then vest in and require the Public Sector Commissioner to have that responsibility without the authority we say is a mismatch of the classic doctrine of responsibility and authority. We would also add that we note that one of the functions is to develop public sector management policies and practices. We do consider that there is the power to develop those policies and practices. What we would like to see is a further power to be able to implement those policies and practices and require compliance. That is something that is lacking at the moment, unless the matter is in an approved procedure or public sector standard. We would say that in order for those policies practices to have effect and make a difference, further power needs to be provided through legislation to do that. What occurs and what will continue to occur in the future under the current arrangement is that departments may use whatever is developed by the Public Sector Commissioner as a template, but they not required to necessarily comply with it.

In terms of driving public sector reform, our view is that it is essential that the Public Sector Commissioner be given the power to make changes. In terms of leading and driving public sector reform, you need to have the power to implement changes. We believe that is currently lacking under the current arrangements.

Another function is to advance the government's diversity and accountability agenda. In our view, in terms of the accountability agenda it is also essential that the Public Sector Management Act be amended and the Western Australian Industrial Relations Act be amended to enable matters that are currently the subject of public sector standards to be a matter that the Western Australian Industrial Relations Commission can conciliate and hear and, if necessary, determine. Currently, there is a prohibition on matters that are republic standards being heard and determined, or, indeed, being the subject of an application to the Industrial Relations Commission. We believe that prohibition ought to be removed in the interests of accountability of the public sector. What it effectively means is that public sector workers have fewer avenues of redress than other workers covered by the state industrial relations legislation. In our view that is unfair, but it is also an important matter in terms of accountability. We believe that to be able to advance government's accountability as stated by

---

the Premier as being one of the functions of the Public Sector Commissioner, that legislation ought to be changed to achieve that.

In terms of advancing government's diversity, we note that this relates to another of the functions that has been stated in the Premier's Statement; that is, administering the public service classification and appointment process. It has been a long held concern of ours that the current job evaluation process that is required to be used by government departments does not enhance diversity or advance diversity. In fact, it is used to inhibit diversity. There have been a number of reports and reviews of the job evaluation tool that have concluded that the job evaluation tool is discriminatory on the basis of gender and race and ought to be changed. A report in 1999 found that. It was further affirmed in 1990 by a further review, and again in 2004.

[11.10 am]

It was not part of the terms of reference of the particular review, but it was concluded that it ought to be investigated because of the number of concerns raised about its discriminatory outcomes. It was also the subject of a provision in our general agreements in 2006 and 2008, with the government as a party. Unfortunately, very little has been done in terms of a proper review to replace that particular job evaluation system, which is not only outdated but also discriminatory, and in our view ought to be replaced. That concludes the additions that I wanted to provide.

**The CHAIRMAN:** Clearly, what you have taken up is the promise made in terms of this new structure that there will be building capacity and driving reform in the public sector. I would like your advice on the simple change from what was in the Department of the Premier and Cabinet going to the Office of the Public Sector Standards Commissioner, as it is currently constituted, in terms of what improvement possibilities that opens up for the Civil Service Association. We can then enter into what statutory and other requirements there might be to enhance it. However, in terms of the changes already made, what advantages or benefits do you see, hopefully, in being able to drive reform and improve professionalism in the public sector?

**Ms Walkington:** We would hope that the separation of roles means that there is a more focussed role for the Public Sector Standards Commissioner, and that will then lead to a number of issues that we have identified being constructively worked through and addressed. We see that as potentially a benefit. However, it does, in our view, rely on that being enthusiastically embraced and taken up.

**The CHAIRMAN:** You cited in your submission the Queensland board of commissioners as an appropriate model for adoption in this state. Would you like to elaborate on what the CSA sees as the specific advantages in the Queensland model?

**Ms Walkington:** That model provides the capacity to implement policies and practices through the public sector. The current arrangement in Western Australia provides for the capacity to develop policies and practices, but in order to implement that individual we need directors general and CEOs wishing to implement what is supported or what has been developed. The model of the Queensland board of commissioners contains greater authority and the power to ensure that the policies are implemented.

**The CHAIRMAN:** That relates to my next question—the additional information that you provided to us also touched on it—on whether there are inadequate powers to enforce decisions. Could you be a bit more specific as to what powers you believe should be provided to either the public sector commission or the Office of the Public Sector Standards Commissioner to achieve those goals?

**Ms Walkington:** Currently the Public Sector Standards Commissioner is able to recommend to CEOs of departments—only recommend. There is no power, if a breach of standard has been found, for the Public Sector Standards Commission, nor any other authority, to direct a remedy of that breach; there is no power to direct specific remedy for the individual who has had the grievance and complained of the breach. We would like to see the power either specifically to recommend, and

directors general and CEOs need to comply with such a direction, or, alternatively, a capacity to take the matter to the Industrial Relations Commission and then have a decision coming out of the Industrial Relations Commission; and that currently means they would need to comply with an order of the Industrial Relations Commission.

**The CHAIRMAN:** I certainly understand that, and I know that for some time you have been trying to get an improvement so there can be enforcement. To reiterate what you said, that relates to a breach of standard, which comes under the current statutory responsibilities of the Office of the Public Sector Standards Commissioner—and I thought you made the case very clearly there. What about the Public Sector Commission? Do you see the need there for statutory changes so it can enforce decisions, or is that not a key focus of your concern?

**Ms Walkington:** We believe there should be changes to ensure compliance if the Public Sector Commissioner has developed a policy or a practice. At the moment, the only way to ensure compliance is by adopting that as a standard or approved procedure. We believe that the approved procedure process is cumbersome and does not encompass sufficient scope, if you like; therefore, we believe there should be direct reporting to ensure that policies are implemented. It seems to be pointless to have an office developing policies and practices that are then not able to be enforced.

**The CHAIRMAN:** I am trying to put my questions under categories and, basically, they were about how we can get that better public service through the changes that are there. Other members may wish to ask questions before we change to a slightly different topic? No.

The next area I would like to look at is the new structure of the Public Service Commission, vis-à-vis the whole DPC doing the same job and the budget allocation there. Are you aware of any positive or negative impacts on workforce management or staffing numbers as a consequence of the division of functions between DPC and the Public Sector Commission?

**Ms Walkington:** We have been seeking that information in negotiations, firstly, by way of representation to the Premier. We have not been advised of the impact, and we are finding it difficult to access that information in a way that I could tell you is reliable.

[11.15 am]

**The CHAIRMAN:** Do you have any information or evidence with respect to the structuring of the new Public Sector Commission in terms of the levels at which appointments are being made and the responsibilities that the new agency will take up compared with those functions being performed in the Department of the Premier and Cabinet?

**Ms Walkington:** What we are aware of is that there has been the creation of three assistant commissioner positions and that in the old structure there had been one assistant director general position of the Department of the Premier and Cabinet. My understanding is that the functions are now being spread across three positions.

**The CHAIRMAN:** Are you suggesting that perhaps it will need to be a much bigger agency or that it is perhaps top heavy?

**Ms Walkington:** It is hard to tell at the moment until we have the advice on the full staffing numbers. However, in the face of efficiency drives or savings cuts, what we would hope is that, if those positions have been created, some matters that have been long outstanding—such as the capacity to take a matter to the Industrial Relations Commission and the review and change of the job evaluation system and classification system—are addressed as a matter of urgency.

**Mr A.J. CARPENTER:** My recollection, which is hazy, is that there were three deputy director general positions in the Department of the Premier and Cabinet and that most of the time only two were filled; one was nearly always vacant. Now, of course, you have two structures; you have the commission and the Department of the Premier and Cabinet. I am assuming that there is only one

---

deputy director general in the Department of the Premier and Cabinet now, if there is one, but there may not be. There were three deputy director general positions.

**The CHAIRMAN:** But did those three cover the area that has now gone across to the commission, or was it because of the broader scope of the DPC?

**Mr A.J. CARPENTER:** There was no commission. What you have had is an unthreading of the responsibilities and functions of what used to be DPC and two entities created. All I was pointing out was that we have to be a bit careful about suggesting to Toni that we have created a bureaucratic top-heavy bureaucracy. There were three deputy director general positions.

**Mr A. KRSTICEVIC:** And there still are.

**Mr A.J. CARPENTER:** I do not know how many there are now. I think there was always one vacant; for years there was one vacant, which we filled with Anne Nolan.

**Mr A. KRSTICEVIC:** In terms of the restructure and the break-up of the department, do you now see this as an opportunity to deal with some of those issues that have been left languishing for a long period?

**Ms Walkington:** We would hope that that provides that opportunity. That is what we would be looking for.

**Mr A. KRSTICEVIC:** That previously did not happen because this was lost in the DPC and priorities were all over the place, or was it because no-one was really interested or they did not think it was an issue?

**Ms Walkington:** In our negotiations, the representation made to us was that they did not have the power to address a number of those issues. In terms of the matter to do with the changes required to be able to access the Industrial Relations Commission, that of course is a provision of legislation and therefore needs Parliament to change that. What we would hope is that, in line with the function of leading the public sector, that matter would be taken up so that accountability can be advanced as one of the other functions or roles of the Public Sector Commissioner, as stated by the Premier. In terms of the job evaluation and classification system, we were advised that there were insufficient resources. It is certainly a large undertaking and exercise, although there is certainly a wealth of information and advice out there about job evaluation and classification. However, the implementation of the change may well require resources in order to do that.

**Mr A. KRSTICEVIC:** Have you been advocating this sort of change?

**Ms Walkington:** We have advocated the establishment of a Public Sector Commission or board of commissioners that has power to direct. In our view, that is a preferred system. It enables clear policies and practices to be put in place with the assurance that they will be complied with. We feel that the myriad compliance processes that exist today serve only to confuse employees, at times employers, and the public in terms of accountability processes.

**The CHAIRMAN:** I will move on to ask questions regarding the independence of the Public Sector Commission. You have already made it very clear that you think there needs to be powers for enforcement. A subset or a different aspect of that is independence. In your submission, if I am correct—I do not want to misrepresent you—you said that the Public Sector Commission should be enshrined in legislation in order to achieve the government's intention to strengthen the independence, professionalism and integrity of the public service. Would you like to give some reasoning as to those guarantees that you would like to see in legislation to create that independence, professionalism and integrity?

**Ms Walkington:** Under the current legislation, the Premier is the minister responsible. Although the Public Sector Management Act provides for individual ministers not to be able to direct in terms of human resource management, employee relations practices et cetera, it still enables the Premier to direct on those matters. Our view is that there should be an independent Public Sector

Commissioner or board of commissioners established by Parliament; that means that they direct on human resource and employee relations matters.

**Mr A.J. CARPENTER:** Toni, can you just retrace that ground a little? Are you telling me that the Premier has the right to direct at sub-CEO level?

**Ms Walkington:** Yes, they do; they can direct.

**Mr A.J. CARPENTER:** The Premier, as the minister for public sector management?

**Ms Walkington:** Yes.

**The CHAIRMAN:** Through Premier's statements or through what means?

**Ms Walkington:** Presently, there is a delegated power to the Public Sector Commissioner. If there is a delegated power, the delegator still holds power. They, at any time, can revoke that power or can instruct their delegatee on how to exercise that power.

**Mr J.M. FRANCIS:** Have you ever known it to happen?

**Ms Walkington:** No, I have not.

**Mr A.J. CARPENTER:** I can only imagine what would happen if it did happen!

**Mr J.M. FRANCIS:** I thought you might say that!

**Mr A.J. CARPENTER:** I think it is quite interesting. What you see here is an opportunity. There is a very big change, so there is an opportunity to address some of these outstanding problems. I am a bit curious as to the process by which you get a recommendation for redress. At the moment it goes up through the Public Sector Standards Commissioner. There is no power to direct, but he or she makes a recommendation. What you are suggesting now is that with the creation of the Public Sector Commission, that process ends up with the Public Sector Commissioner who can then direct. That whole strand of functioning comes away from the Office of the Public Sector Standards Commissioner and comes under the Public Sector Commission—yes?

**Ms Walkington:** Yes.

**Mr A.J. CARPENTER:** With the power to direct at the end of that residing with either the commission or the board yet to be established?

**Ms Walkington:** Yes.

**The CHAIRMAN:** So that is what you would be asking for rather than perhaps the ability to use the Industrial Relations Commission to uphold a determination or a finding of the Office of the Public Sector Standards Commissioner?

**Ms Walkington:** We would see that there ought still be a right for employees to take matters to the Industrial Relations Commission as a process of appeal of that. Like any other large organisation, CEOs ultimately can direct or comply with their own policies, but if somebody has not done the right thing and has acted outside of compliance with that, the employee ought to have a right to be able to have specific redress for their own situation. The right to implement —

**Mr A.J. CARPENTER:** A mechanism to exercise the right.

**Ms Walkington:** Yes.

**The CHAIRMAN:** Continuing on that matter of the independence of the Public Sector Commissioner, you mention in your submission that certain delegations to the Public Sector Commissioner are in fact non-delegations, given the requirement for decisions to go to executive council following the political decision made in cabinet. Would you like to elaborate further on that point when you suggest there really is not independence?

---

**Ms Walkington:** I am advised that, because of the role of the minister in advising the Governor and executive council, that really cannot be delegated because it is a specific requirement and a specific power and therefore the delegation is questionable.

**Mr J.M. FRANCIS:** Toni, when did your union first suggest legislation to support and empower the Public Sector Commissioner?

**Ms Walkington:** I think in our submission to the royal commission.

**Mr J.M. FRANCIS:** You called for a separation and for legislation to empower it?

**Ms Walkington:** I do not know that we at the time called for separation. What we have called for is enforceable power and direct employment by the board or Public Sector Commissioner. We first raised that when the devolution of power to CEOs and directors general of departments was decided. I am trying to think how far back —

**Mr A.J. CARPENTER:** Was it to Whitehead?

**Ms Walkington:** We made a submission to the Whitehead review. It has been an ongoing dialogue that we have had with various governments.

**The CHAIRMAN:** If I could continue with a slightly different theme: you mentioned in your submission that the Public Sector Commissioner is dismissible under section 49 of the Public Sector Management Act. A number of questions flow from that. How, in your view, does this undermine the ability of the Public Sector Commissioner to act independently?

**Ms Walkington:** Sorry; can you just refresh —

**The CHAIRMAN:** Section 49 is about the removal of chief executive officers. It is a very short section. It states —

The Governor may, on the recommendation of the Minister made under section 48, at any time remove a chief executive officer from office.

I am not aware that that has ever been used.

**Ms Walkington:** I am not aware of it being used either.

**The CHAIRMAN:** You did mention in your submission that that was an issue with respect to how independent the commissioner was when you had the ability to apply section 49.

**Ms Walkington:** That relates to a view that if you establish the Public Sector Commissioner or board of commissioners as an accountable officer in terms of Parliament, such as the Office of the Information Commissioner, the Auditor General et cetera, the removal is done by Parliament, not by a single minister or the Premier.

**The CHAIRMAN:** Just going back to the comment I made, are you aware of any instances in which section 49 has been used to remove a CEO?

**Ms Walkington:** No, I am not.

**The CHAIRMAN:** You are also aware—I think you were alluding to it—that the Public Sector Standards Commissioner has in the act specific reference to how they would be dismissed, which is seen as a form of protection. Do you want to make any comment on that?

**Ms Walkington:** Our view is that that also would provide a level of independence. It is not as strong an independence as the Auditor General's independence, but it does provide a greater independence than being able to be dismissed by the Premier or a minister for public sector management.

**The CHAIRMAN:** I would like to turn now to the CEO selection processes, as opposed to public sector officers at other levels. The most recent appointment of the CEO for the Department of the Premier and Cabinet took 36 days, which was less than half the mean time for appointments.

---

Certainly, Alan and I have been frustrated that these things have taken so long, so we see the benefit in being able to do it more quickly. But we also want to make sure that there is not a lowering of standards or a lack of integrity or that you end up with a shallow talent pool because of that short process. Do you believe that a five-week period is adequate to maintain standards of efficiency and effectiveness and to give that credibility to the appointment process for a director general?

[11.30 am]

**Ms Walkington:** In our view you have to balance those needs to ensure a proper and appropriate selection process with the need to expeditiously appoint in such vacancies. It would seem to us that the turnaround time for this particular appointment was extremely quick in comparison with many other appointments for senior executive and CEO positions. We have had whole concerns about whether that did provide an appropriate executive search for applicants and whether the selection process was comprehensive. The difficulty is that there is not a process by which that can be reviewed, unlike with other officers in the public service where there can be a breach of appointment if another applicant or prospective applicant feels that the process has not been properly conducted.

**The CHAIRMAN:** I certainly accept that as correct. Are you suggesting that it should be changed? My understanding is that generally around Australia, although other jurisdictions do allow appeals on public sector appointments generally and we do not here, I am not aware that they are allowed at the most senior level. My question just went to the senior level. Are you suggesting there should be an appeal process at the very senior level?

**Ms Walkington:** We feel there should be an appeal process. Currently, the senior executive service can reach to level 8, so it is level 8 and above. We believe there ought to be an appeal process for all jobs within the public sector.

**The CHAIRMAN:** Would you like to make any suggestion about the appointment process, in terms of advertising, talent searches et cetera, and how that can seek to encourage the broadest possible field of applicants and ensure there is real depth of talent? Do you have any comments on the criteria that should be used to try to achieve that?

**Ms Walkington:** We think one element of that is that there should obviously be broad advertising. We are concerned at the length of time that it can take to select and appoint a CEO. At times it has been a very long period of time. We think that then acts as a detriment to prospective applicants who, during that period, may well have found alternative offers because of the length of time. Presently, the process seems to be also lengthy in order to get a job established or classified by what was a division of the Department of the Premier and Cabinet. We would see the separation as an opportunity to speed up that process and to speed up the recruitment selection process with a degree of the job search being done and talent being identified.

**The CHAIRMAN:** With regard to the last comment you made on establishing the position and the criteria, are you saying that it applies to director general and CEO positions or more at the lower level?

**Ms Walkington:** It can apply at the lower levels of the senior executive service. We have received a number of complaints from departments, employees and HR employee relations and CEOs about the time it takes for the classification of some critical positions in their organisation that, because they are classified level 8, are then referred to a central agency, whatever it be.

**The CHAIRMAN:** The committee is aware that Mr Conran, now Director General of the Department of the Premier and Cabinet, was mentioned in the media as a prospective applicant for that position prior to the advertising and the finalisation of the selection process. Do you have a view on whether the public revelation of a lead candidate for a director general's position is likely to impact on the efficacy of the selection and appointment process?

---

**Ms Walkington:** Yes, I think that applicants ought to be able to expect confidentiality in the process of recruitment and selection.

**The CHAIRMAN:** This was a slightly different issue because the applications had not been submitted, but there was speculation in the media that someone was a potential frontrunner. My question goes to what impact that has on people making an application and therefore ensuring that you have the breadth and depth in the applications, and whether or not there is an impact through people feeling that someone has the inside running.

**Ms Walkington:** I think there would be that effect; that a number of people may assess their chances as being reduced. However, having said that, I would also submit that one ought to not always believe what is said in the media and in the press. I would hope that people would make their own independent assessment. If they believe that they have a claim or are competitive for the job, I would hope that they would nevertheless submit an application, particularly when you are talking about jobs in those roles.

**The CHAIRMAN:** With respect to the selection panels for director general positions, do you have any view on how they should be constituted or the criteria for membership? Have you ever served on a selection panel for a SES or CEO position?

**Ms Walkington:** No, I have not served on those selection panels. I have served on selection panels in other organisations, such as not-for-profit organisations and universities. We believe that selection panels should be gender balanced, should ensure diversity and should have regard to the selection criteria, and that it should be published, open and accountable.

**Mr A.J. CARPENTER:** It should be apolitical?

**Ms Walkington:** It should be apolitical.

**The CHAIRMAN:** On the issue of the selection panel criteria, what sort of qualities would you expect members of the panel to have? You have indicated diversity, so they would not all be 60-year-old blokes in suits who are all at the same level. What are some of the criteria for a director general appointment? Would you expect there to be another director general? What criteria would go with the selection of such people?

**Ms Walkington:** There ought to be somebody on the panel who is in a similar role to the role that is being selected for. There is also value in having subordinates on panels, because they can bring a different perspective about what is needed in a CEO. A CEO needs to lead an organisation, so it can be quite valuable to have a subordinate viewpoint on that. There should be somebody who knows the subject area, so if you are recruiting for a position of director general in environment or environmental regulation, there should be somebody who understands regulatory processes and functions. It may not be specifically environmental regulation but it could be of a regulatory nature, such as consumer protection or something like that.

**Mr J.M. FRANCIS:** Are you aware of the composition of the members of the selection panel who appointed the Director General of the Department of the Premier and Cabinet?

**Ms Walkington:** No, I am sorry, but I cannot remember. I did know, but I cannot remember.

**Mr J.M. FRANCIS:** You did not have concerns with any one of those members?

**Ms Walkington:** I cannot recall having any.

**Mr A. KRSTICEVIC:** I think it is a matter of public knowledge that there were three applicants for the director general position. Given that we all want to see greater diversity in the public service and the very short timeline that was used here, do you think perhaps that the panel should have said that it had only three applicants and perhaps it needed to cast the net further? Is that something you would see as an important issue; that sometimes you just have to accept that timeliness might not occur because you want to get a broader field of applicants?

---

**Ms Walkington:** Yes, I would agree. I think there needs to be a balance. Leaving a CEO position vacant for a long period of time causes considerable instability in an organisation and can lead to a lack of leadership. However, if there are only three applicants for a role such as this, I would have expected that there would have been a wider search conducted.

**Mr A.J. CARPENTER:** Just to refresh your memory, the three members of the panel were Jenny Matthews, who is the Director General of the Department of Local Government and Regional Development; Barry MacKinnon, who is a consultant and lobbyist basically; and Peter Browne, who I think is an adjunct professor at Curtin University who consults with BHP and so on. Those are the three.

**Ms Walkington:** Okay. If I can return to the question about whether I had any concerns, I would certainly have concerns with consultant-lobbyists being on the selection panel.

**Mr A.J. CARPENTER:** I hope I have not miscast him. I think that is what he described.

**The CHAIRMAN:** He has been in the past.

**Mr A.J. CARPENTER:** I do not know if you would describe Peter as a lobbyist, so I must be a bit careful about that. Peter does work for BHP and is an adjunct professor, I suppose, in education.

**Mr A. KRSTICEVIC:** You mentioned that you were not familiar with the process that was undertaken in this selection, but prior to that you mentioned that you had concerns with the process. I am just wondering, if you did not know the process, how you could have had concerns with it?

**Ms Walkington:** I had concerns about the time frame and what the time frame indicated about the process.

**Mr A. KRSTICEVIC:** So you think the quality of the process is determined by the length of time and the longer the time frame the better the process?

**Ms Walkington:** In our experience the process conducted to recruit and select CEOs has taken very long periods, so it was extremely unusual in this case to have such a quick turnaround. It is on that basis that I have made my comments that it indicated to me that the process was not as thorough, otherwise why does it take so long to do others?

**Mr A. KRSTICEVIC:** I suppose you could assume that the other processes were not done as efficiently and that is why it takes years to fill a position. It is hard to know. You are right; from your perspective you do not know what the process was. In saying that, I think we can be pretty confident that the process was similar in some respects to other processes. It was just that more care was taken to make sure that time frames could be met for applicants being available and interviews being made. I suppose, just to give the background to the process, it is a matter that people did their homework for the process first relatively quickly and then obviously embarked on that process. As you know, sometimes panel members are not available for six, eight or 12 months or whatever, because they could be travelling. It is interesting to note. What you would be saying is that if this is a good benchmark for a quality outcome, hopefully we can have this benchmark in the future for all processes. If they are efficient in terms of their outcome, they could go through in five weeks because it will be better for the departments to have stability and leadership potentially.

**The CHAIRMAN:** Do you want to make a closing comment?

[11.45 am]

**Ms Walkington:** If the process was five weeks, that would seem to me to be somewhat short for the role. Taking your point that if all the pre-homework had been done and the five weeks was just from when applications were submitted and the panel selection process, that may not be an issue. But if it was five weeks from when they decided to create the job and make the appointment, the selection panel had not by then convened and applications had not yet been sought at that point, that would be regarded as —

**The CHAIRMAN:** If five weeks was the start of the process, well before any advertising —

**Mr A.J. CARPENTER:** Sorry, you were going to say five weeks from press the button would be regarded as?

**Ms Walkington:** As insufficient in my view. You are talking about a very senior position and a very important role in the public sector. In order to ensure you had a range of competitive applications I would have thought quite a lot of work would have to be done putting the job's availability out to a wide-ranging audience.

**Mr J.M. FRANCIS:** Now that you are aware of the composition of that panel, and you said you had concerns about one member of it, will you be raising those concerns with Ruth Shean?

**Ms Walkington:** I do not know whether we will or not.

**The CHAIRMAN:** Thank you very much for your evidence here today at the committee. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within 10 days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcripts of evidence. Thank you very much for giving your time and your evidence here today.

**Ms Walkington:** Thank you.

**Hearing concluded at 11.46 am**

---