

**SELECT COMMITTEE INTO  
THE DEPARTMENT OF EDUCATION AND TRAINING**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
TUESDAY, 5 DECEMBER 2006**

**SESSION TWO**

**Members**

**Hon Giz Watson (Chair)  
Hon Norman Moore  
Hon Graham Giffard**

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**Hearing commenced at 11.58 am****KLARICH, MR DARREN****Principal Policy Officer, Department of the Premier and Cabinet, examined:**

**CHAIR:** On behalf of the committee, welcome to the meeting. Please outline the capacity in which you appear before the committee.

**Mr Klarich:** During the period of June this year until 7 November, I was the chief of staff for the Minister for Education and Training. I appear before the committee on that basis.

**CHAIR:** You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**Mr Klarich:** Yes, I have.

**CHAIR:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphone and try to speak into it. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of your evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Did you tell the minister about a conversation that you had with the CCC officer in which the CCC officer commented that the CCC report had "missed its target" in relation to the resignation of Paul Albert and Mr Alby Huts?

**Mr Klarich:** I am going from recollection now. I had had an off-the-record discussion with a CCC officer basically stating that we would like to help the commission in any way we could - communication or whatever our office could do was at the CCC's disposal. Generally, the discussion was along the lines in which I think we were both surprised, if you like, at the fallout from the report. During that conversation it was my interpretation that I think the CCC or the investigation had concerns about the complaints management unit and how that was being handled, more so than Mr Huts or Mr Albert. Sorry, that was the background. To answer your question: my interpretation was that the CCC had missed its target and I think I said words to that effect to the minister. As I said, just from speaking to the investigator, I came to the conclusion, based on our conversation, that the CCC was not gunning if you like for Mr Huts or Mr Albert; it was more so the complaints management unit and the way the unit operated and the culture within that unit.

**CHAIR:** Who was the officer with whom you had that conversation?

**Mr Klarich:** It was Mr Roger Watson, I believe, senior investigator with the CCC.

**CHAIR:** Do you recall when that conversation took place?

**Mr Klarich:** The conversation was over the phone. I had contacted, I think, Mr Watson basically. The minister was quite keen that full cooperation be extended to the CCC, so in my role as chief of staff, I contacted Mr Watson and obviously said, "Whatever we can do, we are more than happy to do." It was a very general discussion and I think I did more of the talking than Mr Watson.

**CHAIR:** When did that occur?

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**Mr Klarich:** It would have been probably that week that the report was tabled. I cannot give you a specific time, but I think I rang Mr Watson on his mobile so I guess if there are transcripts you can probably get an accurate date or record of it. It would have been during that week. As you can imagine, there was huge fallout and our immediate priority or my priority was to make sure that all those recommendations from that tabled report were implemented as soon as possible; hence, that was the purpose of my phone call.

**CHAIR:** Can you perhaps elaborate on what you understood Mr Watson to mean by that comment?

**Mr Klarich:** Mr Watson's comment was not that he was "gunning" or any of those things - that was my interpretation. Mr Watson generally said that there were concerns about the complaints management unit and that type of thing. "Gunning" or "missed the target" was my interpretation based on what he said. It was quite clear to me that the CCC had some grave concerns about the complaints management unit and how that had been managed. I think the CCC was a little bit surprised - when I say the CCC, I think Mr Watson was a bit surprised at the actual fallout that had happened in the prior 48 hours or whatever it was.

**Hon NORMAN MOORE:** Would you describe yourself as a friend of Mr Watson?

**Mr Klarich:** A friend of Mr Watson? No.

**Hon NORMAN MOORE:** Do you know him socially?

**Mr Klarich:** The first time I ever met Mr Watson was when he briefed the minister on the CCC findings.

**Hon NORMAN MOORE:** In respect of that briefing, you were obviously there with the minister when Mr Watson briefed her on the report.

**Mr Klarich:** Yes, I was.

**Hon NORMAN MOORE:** We have heard from the minister that she accepted the recommendations at that meeting. Is that your recollection?

**Mr Klarich:** What had happened, Chairperson, was that we received an executive summary from the CCC. We did not have the report of the executive summary; that executive summary was collected after the meeting. They talked to us about the investigation. They talked to us about cases. They went into quite a bit of detail about that. Then they referred on to the executive summary, of course, which had the recommendations. I think the minister's reply to that was that we will implement these - no questions asked; it must happen. It was quite a direct no questions asked; we will implement this immediately or as soon as we can.

**Hon NORMAN MOORE:** Did she seek your advice or anyone else's advice that you know of on whether these recommendations should be accepted?

**Mr Klarich:** After the meeting?

**Hon NORMAN MOORE:** As I understand your evidence, she advised the CCC, Mr Watson, that she accepted the recommendations.

**Mr Klarich:** I think it was Mr Watson - Mr Silverstone was there as well.

**Hon NORMAN MOORE:** And that they would be implemented. Before she made that decision, did she seek anyone's advice?

**Mr Klarich:** No. She read through the recommendations point by point, and, as far as she was concerned, it was a matter of priority that the recommendations were to be fully implemented. If your question is: did she ask for my advice? No - not at that meeting.

**Hon NORMAN MOORE:** Was anyone else there whose advice she might have sought?

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**Mr Klarich:** I am going from recollection. I am not too sure. I think it was only - no; it was only us two. The minister and I were present at the meeting with Mr Silverstone and Mr Watson.

**Hon GRAHAM GIFFARD:** Is it your evidence that Mr Watson expressed concerns about the way the CMU had been functioning?

**Mr Klarich:** The CCC had concerns about the complaints management unit.

**Hon GRAHAM GIFFARD:** Okay. It had concerns about the CMU. Did he express in that conversation with you for how long he had had those concerns about the CMU?

**Mr Klarich:** Without recalling the finer detail - you must appreciate it is a while ago now - my interpretation, looking back after that conversation, was that the CCC had had those concerns for a period of time.

**Hon GRAHAM GIFFARD:** I suppose I am asking you - notwithstanding your interpretations, if you can just try to recall as best you can what Mr Watson said to you: did he say to you that the CCC was frustrated at all with the CMU, or any words, at that general meeting?

**Mr Klarich:** Not the word "frustrated", but the CCC had definitely reached the point at which they felt that they had been stonewalled by the CMU.

**Hon GRAHAM GIFFARD:** Did he say to you that the CCC had reached a point where it had been stonewalled?

**Mr Klarich:** He intimated during the meeting with me and the minister that they had reached a point where they felt that they needed to come up with a report or table a report because they were not satisfied at the progress being made with the department in terms of reforms and management and that type of thing. In the conversation I had with him, my impression was that that was a concern, but in terms of the meeting they had with the minister they expressed that the report was basically a culmination of quite a bit of frustration on their part and with dealing with the culture of the department.

**Hon GRAHAM GIFFARD:** Did Mr Watson say to you that the report was going to bring those things to a head? What was the explanation for the report at this time?

**Mr Klarich:** Recalling from the meeting I had with the minister, Mr Watson and Mr Silverstone, it was my belief, that they had had for an amount of time concerns about the complaints management unit within the department. Their purpose was - my belief and from what they said - that they had tried to negotiate with the department, they had tried to work closely with the department and they had tried to get things implemented in the department through negotiation. But, they were frustrated, I guess, at the non-cooperation by the department, the stonewalling and the whole culture of, if you like - I would not say secrecy, of basically keeping it in-house and "We'll handle it."

**Hon GRAHAM GIFFARD:** These things were made clear to you from Mr Watson, were they?

**Mr Klarich:** From Mr Watson and Mr Silverstone, it became apparent to me. From what I recollect, I think Mr Watson as chief investigator had been frustrated for some time, and I think the CCC as a whole had been frustrated for some time in its dealings with the department.

**Hon NORMAN MOORE:** Following up on that, were you aware of what the department's attitude was towards the CCC inquiry at the time of the meeting with the minister and Mr Watson and Mr Silverstone?

**Mr Klarich:** I think it is fair to say that the department's attitude towards the CCC was that - this is, of course, from departmental personnel and general discussions and those types of things - it was frustrated with the CCC. The department felt that the CCC had come in looking for scapegoats or targets, if you like, and the investigation was a bit of a payback. That was quite clear to me at some meetings after the report went down. The message that was coming through was that this was

basically a payback - there was a bit of a power struggle between the education department and the CCC, and the CCC was going to do a job on the department.

[12.10 pm]

**Hon NORMAN MOORE:** You were saying that you were aware of this fractured relationship between the department -

**Mr Klarich:** I was aware of the fractured relationship after. When it was tabled and became public, a lot of these things started emerging. Until then, let me just say that we were not aware of anything in terms of what the relationship was with the CCC. The assumption would have been that the department would have had a good relationship with it.

**Hon NORMAN MOORE:** I take you back to my first question. I am now a little confused. I asked whether you had any idea of the department's position on this matter when you went into the meeting with the minister and Mr Watson and Mr Silverstone.

**Mr Klarich:** No, I did not.

**Hon NORMAN MOORE:** You said that you did, as I understand your comments.

**Mr Klarich:** No. I clearly did not know what the department's attitude was to the CCC. Following on from the subsequent meetings that we had from that briefing of the CCC and from speaking to various people in the department, it became quite evident to me what the problem was. Forty-eight hours afterwards, we had a meeting on the Sunday and we had a meeting on the Monday with departmental people. It was expressed at those meetings that the department was a scapegoat, if you like, of the CCC. This was after we had the briefing. I did not go into that meeting with any knowledge of what the department's attitude was, but it became quite evident to me what its attitude was in the next 72 hours as things were unravelling and unfolding.

**Hon NORMAN MOORE:** I understand all that, but I will check the Hansard transcript. My recollection of your earlier evidence is that you were aware of the department's attitude prior to the meeting, and now you are saying that you were not.

**Mr Klarich:** I could not recollect that. In my prior evidence that I have given -

**Hon NORMAN MOORE:** No, in the evidence you have given today. I asked whether you went into the meeting with any knowledge of this and you said that you had, through various conversations about how the department was unhappy about things -

**Mr Klarich:** Sorry; let me clarify that.

**Hon NORMAN MOORE:** I would like you to.

**Mr Klarich:** I did not go into the meeting with it; let me clarify that. After that meeting, it became apparent to me that there were definitely attitudes and problems between the CCC and the department.

**Hon NORMAN MOORE:** Are you telling this inquiry that you went into the meeting with the minister and the CCC for the briefing on the report knowing absolutely nothing about the CCC's inquiry into these matters?

**Mr Klarich:** No. As I have stated previously, I did not know that. As I have also stated previously, through my industrial relations background, I am quite aware that the process for any type of abuse cases or whatever between teachers and students is to notify the police and the CCC. However, as I have made quite clear in prior evidence, I was not aware of a major inquiry into complaints management handling by the department. I do not think I could be any more clear than that.

**Hon NORMAN MOORE:** I regret to say that some of the earlier comments you made today are not clear, and I will read the Hansard transcript and see whether I am mistaken or whether you are.

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When the minister made the decision to accept the recommendations, because you knew nothing about the department's attitude, you could not provide that advice to her.

**Mr Klarich:** I could not provide the advice. If she had turned to me and said, "What do you think? We need to put down these recommendations and implement them," my advice would have been, "Of course we do; these are serious allegations and serious matters." From the executive summary, I thought that what the CCC wanted implemented was quite reasonable. If the minister had turned to me and asked me what I thought, I would have said, "We need to get moving on this as soon as possible."

**Hon NORMAN MOORE:** Did you become aware subsequent to that that the department had a strong view to the contrary, and were you aware -

**Mr Klarich:** In the 48 or 72 hours after this, which would have been over the weekend and before the Monday that it was tabled, we had a meeting on the Sunday. There were departmental people there. The State Solicitor's representatives were there. It was quite clear to me that there was definitely friction between the Department of Education and Training and the CCC - or a perceived friction. Whatever it was, they said that they thought the report was flawed and the CCC looked only at certain cases and did not present all the facts. They were concerned about the report. From my point of view, from a political point of view, it was quite clear-cut that it was a very problematic and damning report. I did not care, and neither did the minister, about the politics between the agencies. We needed to act on it and act on it quickly.

**Hon NORMAN MOORE:** You are concerned about the politics of the report as opposed to its substance.

**Mr Klarich:** I am concerned about both. Having three children - two in the state school system and one on the way next year - I am very concerned about, and I take it very seriously in terms of what the content is. However, that is part of it, and also my job is to look at the political concerns as well.

**Hon NORMAN MOORE:** Can you tell us why the meeting was held on the Sunday with departmental representatives to consider their attitude towards the report -

**Mr Klarich:** It was not their attitude -

**Hon NORMAN MOORE:** Excuse me; I have not finished. Why was the meeting held with departmental representatives to consider their attitude to the report when the minister had already made a decision that the recommendations would be implemented?

**Mr Klarich:** I guess that the minister wanted a full briefing. As you can imagine, if something like this came down and you were not aware of it, you would want a full briefing by all the key people within the department to find out exactly what had happened and how long the investigation had been going for. That was the purpose of that Sunday meeting.

**Hon NORMAN MOORE:** Was that even though the decision had been made to implement the recommendations?

**Mr Klarich:** Recommendations will happen no matter what, but the minister, I guess, would still want to know exactly what had been going on in the department and for how long - yes, a full explanation. I think it is quite reasonable to expect that.

**CHAIR:** Thank you very much for your time, Mr Klarich.

**Hearing concluded at 12.16 pm**

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