

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
MONDAY, 27 NOVEMBER 2006**

SESSION TWO

Members

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

Hearing commenced at 10.44 am**HUTS, MR ALBERT****Retired Public Servant, examined:**

CHAIR: On behalf of the committee, I would like to welcome you to this meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

Mr Huts: 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 directly 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 the premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that material published or disclosed is not subject to parliamentary privilege. Mr Huts, would you like to make an opening statement? If not, we will move to questions.

Mr Huts: Could I ask a question first: am I entitled to also make a closing comment?

CHAIR: Yes, certainly.

Mr Huts: Thank you. I think I want to address the first term of reference - that is, the MIR - as the first point. However, I will put that in the context to my career, so you might get a sense of why that was a decision that was made, albeit not liked. I commenced with the Department of Education and Training in January 1966 as a student at Claremont Teachers College, and in the subsequent years after graduating I was a primary teacher, secondary teacher, head of the department of mathematics, principal, district superintendent, senior policy adviser to a former Minister for Education, district director and executive director for the Department of Education. Seventeen years of those 40 years that I was employed by the department were in regional and country towns.

When the issue came up - I will just backtrack slightly to not the events of 16 and 17 October, but more the events of the week leading up to that - on the Thursday evening I got a call from one of the minister's advisers, Mr Darren Klarich, to say that they had been presented by the CCC with the report that we all now have knowledge of. He asked me if I could remain available to assist in managing issues arising from that report in the days that followed. In actual fact I was meant to be in Melbourne for a meeting of a national working party I was on on the Monday and Tuesday. I subsequently cancelled my attendance at that, and, as Mr Albert said, we attended a meeting with the minister and a number of ministerial staff at 11 o'clock on the Sunday - I think that was 15 October - and that meeting went for somewhere in the order of about three hours as we reviewed the report and the cases in the report. Subsequent to that, the departmental reps, plus others who came in on that Sunday, spent about another six hours working back for the department to make sure that all of our documentation was ready, if you like, for what we anticipated was going to be quite a hectic day on the Monday.

On the Monday morning I went to work, having had a call from Mr Albert on the Sunday night to reassure me that my position, if you like, as executive director HR, was safe; I think that is probably a good way of saying it. However, on the Monday morning, at around about a quarter to nine, I was called into his office and was advised at that stage that I would no longer have delegation for the complaints management unit - a decision I understood and accepted. We then, as he indicated, discussed a number of options. He offered me an opportunity to be the executive director, teaching and learning, north, a position that is substantively vacant. Given my previous history of having been a school principal, district superintendent and district director, and having been in charge of a number of districts when I first was appointed as an executive director, he felt that my competencies would actually suit that particular position. The concern I had with that particular offer was around the process whenever there is an allegation made against a teacher, or any other employee, for that matter. The process involves and includes a chain, and the chain often starts at the school level where the school gets the complaint, and as part of the process the district director is notified and the executive director is notified.

[10.50 am]

I did not want to put the department, or myself, in a position in the years that followed, if an allegation in some way came forward, that it had been mismanaged, because I felt if that were to happen, people could quite rightly say, "Why is he still in that job?" So in my discussion with the director general, I reminded him in the first instance that we had had a number of discussions during my performance management meetings that my contract was due to end in about 10 or 11 months - some time in mid-August next year, from memory - and that he had indicated in previous conversations that he would roll me over in my role as executive director for another five-year contract. One does not have to be particularly clever in reading the tea leaves. One could say that in making a judgment about that, the chance of being rolled over in the light of this particular report was problematic. So I said to him if the opportunity came up to take an MIR, I would consider it, but I would first want to talk to my wife about it. Like Mr Albert, I went home and discussed it with my wife, and, like Mr Albert's wife, my wife was pretty angry about the circumstances, because you weigh up the work you have done over 40 years in the light of a report that in my view was flawed. If one examines each of the cases closely, you have to ask yourself the question: who actually managed those cases? I accept that in the end it is a report of the department.

Case 5 was the gardener with a diminished intellectual capacity. He was a long-serving servant of the department. That is the one case that, in my recollection, the CCC actually notified us of. In every other case, we notified the CCC. That particular case involved a gardener. They had received an allegation that he had allegedly shown a photo of a nude female at his local club. The manager of that club reported it to the CCC. The CCC exercised an action on the particular gardener, and searched his home. The only photo they found was a photo with a girl in the background, and who was the photo taken by? The photo was taken by a senior gardener who supervised that particular gardener with a diminished intellectual capacity. In terms of natural justice, one has to ask the question: does this mean that you actually sack an individual over that sort of evidence? Clearly the judgment I made, based on the advice that I was provided with, was no. In all these cases, I think without exemption, we sought State Solicitor's advice. In weighing up these matters, one does not look just at an investigation. One looks at industrial law, and one looks at the Public Sector Management Act. As far as that particular decision that was made, my conscience is absolutely clear.

I now look at case 4. Here is the allegation into an individual, as despicable as the allegation may be, who some 20 years earlier had allegedly had sexual dealings with a student - a minor. What do we do in these instances? We take the individuals out of the school as a matter of course. That individual was removed when that allegation was made. He subsequently went to trial and was acquitted. During the trial process, a second allegation by a different person was made, again going back to the 1980s. In both instances the department went through a process to endeavour to find out

whether anyone in the school some 25 years earlier knew of those facts. We draw a blank on that. That case had its genesis 25 years ago. We removed that individual. We placed him in a district office. The legal processes are such that they often take a long time. In the second case, he was tried and acquitted. Subsequently, a third allegation came forward about this individual. On the balance of probabilities, one can make a judgment, but our policy is always to wait until the court processes are completed. Yes, as a result that individual sat in a district office for probably four years. You may want to ask Mr Denton and Ms Dornan further details in relation to that. Again, our action was to remove the individual. We were waiting for the police matters to be addressed and the court processes to be finalised before we took action with respect to our investigation.

The third case - I am working from the bottom up, if you like; we have dealt with case 5 and case 4 - involved an individual where an allegation was made at a school that he had had sexual relations with a girl - a minor. The department centrally did not know. We were never informed. In his resignation - I admit the resignation was dealt with at the school level - it was subsequently put on his file - again you can get further details from Mr Denton or Ms Dornan about this - that he was not to be re-employed by the department. Mr Albert has talked about the size of our system. Everyone knows how large the state is, with 800 school sites, and something like 50 000-odd group certificates. We have an enormous number of employees. The great majority of those are law-abiding citizens who go about their business as any citizen does. In fact, over the past 12 months we have screened our large teaching work force. The department initially commenced screening its work force in 1997-98 for new employees. In the past two years we have screened every other permanent member of the teaching work force, and no teacher was found to be in any way guilty or charged with respect to any of those offences that might lead to dismissal as a result of sexual misconduct. The great majority of teachers - in fact, all teachers in this state - can go about their work with a clear conscience in those matters.

With this particular individual - case 3 - what happens in those instances where we are a little concerned about the circumstances of the person leaving our employ is that the file is marked "not to be re-employed without consideration or communication with the manager of the complaints management unit". That is flagged on the system. When a person comes into the school, or anywhere else, the person who employs that individual is meant to check the record on the HRMIS to see whether that person can be employed. The person has an ID number. In this instance, for whatever reason, that flag was not followed. So for six weeks this individual was employed centrally in a position where he had no contact with children. Yes, certainly that was a fault of the system, if you like, in making sure that we had acted more appropriately.

Case 2 - I am giving a fairly brief summary; you have the details in our response - was one where the individual was seen on an aeroplane coming back after an overseas musical excursion sitting next to a young student - again a minor. Six members of staff all put to us, and when we investigated it, we found, that there was no untoward behaviour, other than the fact that they had shared a blanket for a period of around five minutes. Subsequently, when that child and that teacher returned to the school, at the school level the question was put to both of them, and both of them denied that there was any untoward behaviour. Twelve months later, however, the girl came forward and said that they did have sexual relationships. As soon as we were aware of that, we took the individual out of the school and took action against him. If you read the CCC report- I have read it in part, not all - you will find that investigations in general for the Department of Education average 182 days. That is fairly consistent with those for other departments because of the way the processes are. That person was subsequently dismissed.

We now come to case 1. Case 1 is one that we wrestled with and sought legal advice on. At the end of the day, in hindsight, if I had all the information that was available to the CCC, I would have made a different decision. My understanding is the CCC is meant to assist departments or other agencies in matters of this kind. You read in the report words to the effect that he had kissed the girl - pecked her on the cheek, call it what you will; I do not want to understate what occurred.

However, he had indicated to the police in the police notes - this is where it is recorded - that if she had responded, he would have gone all the way.

[11.00 am]

That is very good information to have, if you can have it. It was not in the court transcript, and it was not provided to us by the CCC. I can say to you without any equivocation whatsoever that, if we had known that information, that gentleman would have been dismissed instantly. Perhaps, in hindsight, as someone said to me, I failed the parent test on this occasion. The reality is that a range of sanctions can be applied to individuals. We sought legal advice, and worked through all the sanctions. We had a psychiatrist's report that indicated that the individual was low risk. The individual had tried to commit suicide and badly burnt himself. These are matters that you do not weigh up lightly, because, in the previous 12 to 18 months, at least two other teachers had committed suicide as a result of allegations. These things weigh on your mind. They are the cases as I see them, from our perspective.

My understanding of our relationship with the CCC is that it is a bit fractured, and it is tense at times, but they come from a different perspective than we do. They look at it purely from an investigation perspective, whereas we look at it in terms not just of the investigation, but also industrial law - whether we can take a particular action against individuals - and the Public Sector Management Act. As Mr Albert said, we met regularly with the CCC for three or four months prior to that report. My understanding was that we were working collaboratively on a path. In fact, at our very last meeting, about a week preceding the publication of the report, when Mr Watson advised us that that report was going to be published - which surprised me because we thought that at that stage we were still discussing a number of issues - I asked him if he would give us a heads up about exactly when it would be published, and the department was notified late on a Friday afternoon that it would be in Parliament on the Monday morning. During the particular meeting he indicated with his hands. He said, "When we started our meeting we were here, and I want to get you there. We are over this halfway path, and we are actually making good progress." Those were his very words, so when that particular report came out in its final iteration, we were a bit surprised by it. Perhaps we were a bit naive.

I can say about the cases of assault that Mr Albert mentioned that we have, if you like, a difference of view about the interpretation of regulation 39 from that of the CCC. Regulation 39 under the School Education Act enables a teacher to restrain children if they are likely to harm themselves or others, or damage property, or words to that effect. We also have an interpretation of section 257 of the Criminal Code that the CCC believes we have misinterpreted. We have sought advice, as Mr Albert said, and my advice is the same as his - you may wish to discuss this with Mr Andrijich from the State Solicitor's Office - that our actions were in actual fact right. You must bear in mind that assault is such that, when a teacher sees a fight and tries to break it up, and then the parents of one of the children make an allegation, or a teacher grabs a child to stop them hurting themselves, and then a parent or child makes an allegation. Some of these allegations are, if you like, on the lowest scale of assault. They are not all about somebody actually thumping someone, to put it in the vernacular. At that last meeting, when they did table those 13 cases of assault, when we discussed the first case and put our point of view to the CCC they said that they understood our view and then they took all the other 12 cases off the table. Does that mean they will resurface in the current climate? I do not know; they probably will. You can understand that we were not, if you like, in a collaborative, harmonious working environment with the CCC, but we were pursuing the common goals that had come as a result of the Browne report and its recommendations. They had made a significant submission to that.

I need to come back to case 1. It is not the department's responsibility to notify the Western Australian College of Teaching when a teacher has been charged over an allegation involving sexual dealings with a child. It is actually the responsibility of the Director of Public Prosecutions

and the police, under the Western Australian College of Teaching Act. Neither of those organisations did their duty or responsibility in this matter. Having said that, in hindsight if we had the information that the CCC had, and it had been made available to us, I would have made a different decision. I also chair the department's police screening committee and, during a committee hearing three months ago we made a determination that, in the light of all the events around this particular individual, we would notify WACOT even though it was not our responsibility, which we did, and as a result the person was not registered as a teacher. For a few weeks, or a couple of months, this gentleman was teaching year 11 and 12 geography in a senior high school. Other than that, all the other people were not in schools, or were no longer working for the department.

I think I will leave it there for the moment, and wait for the questions.

CHAIR: Thank you very much. I might start with some questions. As executive director of human resources for the department, were you contacted by the CCC whenever it commenced a new investigation involving allegations of sexual contact with children against an officer of the department?

Mr Huts: As I said, the only recall I have of any contact from the CCC about an investigation is one that the CCC initiated, and it was to do with a gardener, and that particular photo.

Hon NORMAN MOORE: Was that case 5?

Mr Huts: Yes, that was case 5. Every other one was a matter in which they reviewed our processes. I can give you a little illustration of one case in which they reviewed our processes. In a northern suburbs school, a teacher confiscated a can of Coke from a student in a classroom. We investigated and determined an outcome. The CCC was not happy with the way we investigated that allegation. We investigate a range of matters, from the very trivial to the very serious. I am not understating the seriousness of any of these cases; they are all serious.

CHAIR: Can you outline what the department's internal processes were when it became aware of a CCC investigation involving an allegation of sexual contact with children against an officer of your department?

Mr Huts: As I and the former director general have said, we remove that individual immediately from the classroom, regardless of the source of the allegation, if it is an allegation of sexual misconduct.

CHAIR: Generally, what information were you given personally about the status of any ongoing CCC investigations involving an allegation of sexual contact with children against an officer of the department, both by departmental staff and by the CCC over the course of such investigations?

Mr Huts: I do not recall being notified by them at all. As I said, we initiated all the investigations ourselves. By and large, we outsource the investigations; they are done by private investigators. As part of the process, when a complaint comes to us, in serious cases of sexual misconduct, we take the individual out of the school. We provide that individual with documentation about the nature of the event, and the individual has an opportunity to respond. We appoint an investigator. The investigator has roughly 20 working days. The individual has 10 days and the investigator has 20 days to determine whether there is a case to answer. Invariably, almost without exception, we then appoint an inquirer to determine whether there is a need to impose a sanction. The range of sanctions goes from reprimand to dismissal, with a number of steps in between.

CHAIR: When did you first become aware that the CCC was going to publish a report on the five selected case studies? You are obviously aware of which report we are talking about.

Mr Huts: I cannot recall the exact date because, when I left the department on 17 October I left with very little, if any documentation - just a handful of papers. The draft report was provided to us and, as the letter indicated, with my handwritten note on it, I sent it to the manager of the

complaints management unit asking him to draft a response and to discuss it in the first instance. Part of that discussion involved getting the advice of the State Solicitor. Ms Bev Dornan worked on that response for three or four days non-stop, as well as with the State Solicitor's Office. In our view, we were hopeful, in our working relationship with the CCC, that it would lead to an understanding of why we arrived at those decisions, and why those actions took place. Bear in mind that a number of those cases started before the director general or I were appointed and before the establishment of the complaints management unit. To go back over a number of cases spanning a number of years as wide as that - again, I do not want to understate the seriousness of the cases - is not appropriate. In the report you read sweeping statements that we have a culture that is resistant to change.

[11.10 am]

I absolutely deny that. In fact, if you go back, as the former DG said about the Browne report, we commissioned that report ourselves and invited a whole range of agencies to participate, including the CCC, the Office of Public Sector Standards, the Department of the Premier and Cabinet and a number of other agencies, the teachers' union, the miscellaneous workers' union and the CSA, because we wanted to get a range of views and understandings of how this process that we have in place could be improved. We have an executive officer who studied the processes at all the other states. That came forward as part of that report. When we received the draft report, we looked at the recommendations that the CCC had put to us. We did not see there was much difference from what was already in the Browne report. In fact, our view was that we were already progressing the Browne report recommendations.

Hon GRAHAM GIFFARD: Is it your apprehension, or your evidence to us that, prior to receiving the draft report, you were of the view that there would not necessarily be a report?

Mr Huts: Yes. Mr Albert mentioned the Ombudsman's report. Some three or four years ago - I am not sure of the exact date - some of the officers who actually wrote the CCC report or were party to it were actually part of writing that Ombudsman's report - they have since moved onto the CCC. On the basis of one case that had its origins in a country goldfields town back in 1999, I believe, they decided that the department's processes were flawed. Like any organisation given the size we are - the biggest organisation west of Melbourne - from time to time errors do occur. That does not mean you condone the errors but you learn from them and move on. After that particular review the Ombudsman came to us with a report and we provided a response to it. The Ombudsman took it away and about two years later she wrote to us to say that she was thinking of publishing the report but she would like to talk to us about it in the first instance. The director general at the time, Mr Albert, and I met Deidre O'Donnell, the Ombudsman, and discussed it with her. When we saw the draft report, although there were some issues around the edges that we could have argued about, we were actually quite happy with it. In essence, it had again followed through on the recommendations of the Browne report and it gave us a number of tools that could improve our complaints management processes. That is the sort of review we were expecting, if you like, from the CCC; that is, it was actually a way of improving the business.

CHAIR: How much contact did you have personally with the CCC investigators over the course of their investigations and during the preparation of the draft report?

Mr Huts: The only contact I had with them was when the draft was delivered and I was in the office with Mr Albert and at subsequent meetings with the CCC, Mr Watson, and a number of staff; namely, Barbara Engles, Michael Baker, Phil Bardon and a fifth person whom I cannot recall

CHAIR: Who was involved in the preparation and drafting of the department's response that was dated 7 August to the draft CCC report?

Mr Huts: As I indicated several moments ago, Ms Dornan did a fair bit of work supported by the secretariat - that is the complaints management unit - and the State Solicitor's Office through Mr Ray Andretich.

Hon NORMAN MOORE: Did you have occasion to attend any briefings of the minister in company with the director general to discuss the CCC's involvement in these matters?

Mr Huts: I have attended a number of briefings with the minister but, to the best of my knowledge, at no time was I present when a CCC report or draft report was discussed or any matter involving the CCC. My recollection of the eight to 10 meetings I attended with the minister over the past 18 months is that they were in essence about the negotiation with the teachers' agreement.

Hon NORMAN MOORE: I am going to ask every witness this question, so it is no reflection on you. Have you had any contact with any government official, or been approached by any government official, about these matters since you left your job?

Mr Huts: On the Saturday night following, as I was about to go to the movies - a good movie it was - I had a call from the acting director general asking about my knowledge about a particular document. I indicated to her at the time that I could not recall the document but 10 minutes later, on reflection, I recalled sending up a briefing - this had to do with the Browne report - on that to the minister and for questions in Parliament about it. I rang her back about that and left a message on her voice mail. The only other government employee I have spoken to other than in a social context was Ms Michelle Reynolds when I received my letter requesting my attendance. I wanted to be assured that if I was compelled to give evidence, it would not in any way reflect on my agreement in terms of the confidentiality of the document I signed. I have met a number of people socially over the past five or six weeks but not in relation to these matters.

Hon GRAHAM GIFFARD: What caused the Browne review to be undertaken?

Mr Huts: That is a fair question. We had had a number of longstanding acrimonious matters dealing with particular individuals. They felt that they had not had a fair hearing. I can give you a number of those particular cases. They wrote to the Premier, the minister, the Ombudsman, the Commissioner of Equal Opportunity and the State Administrative Tribunal; they went everywhere. Clearly, they were not satisfied with the outcome of our processes. In its initial phase, the focus of that particular review was looking at improving processes and procedures in dealing with complaints management. That was why the executive officer went to other states. We were particularly looking at, if you like, the New South Wales model because that was a model that we felt had something to offer. Having said that, we needed some resourcing. The complaints management FTE was 7.5. If we were to adopt a model like the New South Wales model, 7.5 FTEs does not do it. About six months ago, one of the members of the complaints management unit left. I think it was a part-time employee, Peter Denton - he had written a number of submissions to me and to the corporate executive to ask for increased staffing levels of the complaints management unit. He asked whether I could see whether I could provide some additional staff. The corporate executive was particularly conscious of the fact that there was meant to be a functional review of the department about now. It was meant to start about October. Decisions were made, if you like, that put on hold staffing not just for the complaints management unit but a range of units within the department. Because a part-time member was leaving, we ratcheted up the 7.5 to eight. When the department had its budgetary deliberations in August, we put a case that the complaints management unit FTE should go up by an additional four. Unfortunately, I was not able to win that battle. Like lots of other battles, there are a range of conflicting demands on the department, so it was increased by two. In about August-September we made a determination that the FTE for the complaints management unit would be increased to 10 and subsequent to the outcome of final deliberations on the complaints management review report recommendations, and the appointment of at that time a director of professional standards, we then determined that we would make other decisions subsequently in terms of whether we would increase that FTE.

Hon GRAHAM GIFFARD: Do you recall whether you were in a meeting with the director general and the minister on 2 August this year?

Mr Huts: I do not have my diary, so I cannot recall. I may have been but I would have to look at the agenda of the meeting.

Hon GRAHAM GIFFARD: Did you prepare a briefing note for the director general?

Mr Huts: I would have to look at the briefing note to see whether I signed off on it, if I could please? I should have brought my reading glasses. Would someone read to me the fine print?

The Committee Clerk: “Endorsed by Alby Huts and forwarded to DGs office.”

Mr Huts: Yes.

Hon GRAHAM GIFFARD: Are you able to revisit your answer to my first question? Does that refresh your memory about whether you attended the briefing on 2 August? Did you attend the meeting that that briefing was prepared for?

[11.20 am]

Mr Huts: I do not recall attending the meeting; I may have. That is not something I recall.

Hon GRAHAM GIFFARD: You also prepared a briefing note for the minister dated 13 October, which was when the report was released.

Mr Huts: Yes.

Hon GRAHAM GIFFARD: Did you prepare that, Mr Huts?

Mr Huts: When you say “prepared”, at the end of the day like any large organisation I had officers that provide support. In this instance the preparation was done by the secretariat of the complaints management unit. I certainly went through it and discussed it with the manager and a consultant. I certainly read it before I signed off on it. The body of the work was prepared by individuals but, yes, it has my signature on it.

Hon GRAHAM GIFFARD: I draw your attention to a couple of points. The fourth paragraph states that the CCC reports reflects significantly a flawed understanding of legislative and regulatory environment. It also states that it was based on factual inaccuracies and that it is disingenuous, misleading and sensationalist. Is that the sort of thing you would say in your evidence today?

Mr Huts: I would have thought that my emotion at the beginning of the hearing would say that that was true. That is how we felt about it - absolutely. In my view the complaints management unit staff are absolutely professional in the way that they deal with every one of these cases. To get a public slap in the face - the officers concerned have taken it to heart - was something that I was not happy about. Yes, I stand by those words.

Hon NORMAN MOORE: I refer to the MIR. Did you discuss it with the Minister for Education and Training or the Premier?

Mr Huts: Sorry; can I go back to one other question? You asked me which other government official. Can I have that question again?

Hon NORMAN MOORE: You can just add to your answer, if you like.

Mr Huts: I want to hear the question if I could, please.

Hon NORMAN MOORE: The question was: have you had any contact with or been approached by any government official with respect to this matter?

Mr Huts: Can you define “government official”? I do not want to be pedantic, but I need some clarity.

Hon NORMAN MOORE: A person employed by the government. For example, someone who works for the Department of Education and Training or someone from the Minister for Education and Training's office or the Premier's office -

Mr Huts: Or the minister or the Premier?

Hon NORMAN MOORE: Yes.

Mr Huts: I forgot to mention that I spoke with the Premier subsequent to my leaving the department. He rang me on Friday, 20 October. I had a conversation with the Premier on 20 October. The conversation was about the fact that he and I had enjoyed a close working relationship when he was the Minister for Education and Training. He basically wished me well for the rest of my life.

Hon NORMAN MOORE: With respect to your leaving the department, did the minister or the Premier discuss the idea of a MIR with you before it occurred?

Mr Huts: I discussed it with the director general as one option. I indicated that I had to go for the sake of the department; I would be prepared to go after having discussed with my wife. I did not hear back from anybody; however, a number of people rang me on the Tuesday morning. Was it Tuesday? The dates are a bit of a blur. Whatever the day was it was Tuesday morning. It was reported in *The West Australian* that the director general and I had agreed on an MIR. No-one from the Department of the Premier and Cabinet or the Premier's office or the minister's office has spoken to me about it - whatsoever. The only conversation I had about the possibility of an MIR was with the director general. Under the Public Sector Management Act, as my employer I guess that is the only place I should have a conversation.

Hon NORMAN MOORE: Who thought of the MIR - you or Mr Albert?

Mr Huts: In the heat of all that! I think in weighing it up we talked about a number of options. One was to move to the executive director, teaching and learning, north. One was the possibility of moving out of the department into another agency and another was the possibility of a MIR. I do not recall who initiated the conversation about the MIR. It could have been me. To be honest, in the heat of all that, I cannot -

Hon NORMAN MOORE: You came to a mutual conclusion.

Mr Huts: That is fair statement. We were both a little bit gun-shy as a result of what had occurred the previous day; it was probably a reflection of our state of emotions at that particular moment. I went back to my desk and wrote down a range of options. What should I do? Should I fight the CCC report and stay or move on and take an MIR? I tried to think my way through. I rang Michelle Reynolds on 17 October. I told her that I did not want to make a decision right away. I told her that there were a couple of bits of work I wanted to finish before I left. Further, I wanted to get some financial advice. One should not make that type of decision quickly. She said she would try. She rang me back and said - I do not know who she spoke to - that they were prepared to let me stay to the end of the week if I went on annual leave. What was the point of staying? I walked out the door at 4.30 that afternoon.

Hon NORMAN MOORE: Michelle Reynolds is from the Department of the Premier and Cabinet?

Mr Huts: Yes. She is the one I had the conversation with.

CHAIR: That concludes our questions. Do you have anything further to add?

Mr Huts: I have said all I needed to say. Thank you for the opportunity.

CHAIR: Thank you for your time.

Hearing concluded at 11.27 am
