

BARNETT GOVERNMENT — APPOINTMENTS

Urgency Motion

THE PRESIDENT (Hon Barry House): I have received the following letter —

Dear Mr President

Pursuant to Standing Order 72, I hereby give notice that at today's sitting I intend to move;

That the Council consider as a matter of urgency, its grave concern at the pattern of appointments made by the Barnett government which demonstrate a disregard for proper process and transparency.

Yours sincerely

Hon Sue Ellery MLC

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.42 pm]: I move the motion standing in my name, and I do so because a very unfortunate pattern is emerging in the actions of the Barnett government. When this government took office, the Premier made, I think, very positive statements about his intention to lead a government of integrity, and his intention that this government would hold in high regard the need for transparency and the application of due process. I have moved this urgency motion because I am concerned that what we are seeing, through a series of appointments—the details of one of which emerged as recently as this morning—is a scant regard to due process and transparency.

A couple of issues need to be looked into, the first being the appointments of people who have clear political links to the government of the day. By itself, that is not problematic, because governments are elected with policy mandates and with policy agendas, and they are entitled to employ expertise for special projects from time to time, and to employ people who they know will execute the policy mandate and the policy agenda they were elected to deliver. Indeed, in their ministerial offices, when it comes to the appointment of policy advisers and people who liaise between the executive—that is, the ministers—and the public sector in carrying out the functions and the policies that the government was elected to do, it is reasonable that ministers should be confident that those policy agendas will be pursued according to the mandate they put at the time of the election. By itself, that is not a problem, and it is reasonable that governments should do that to assist them to deliver whatever their policy agendas might be.

But I think there are two factors that need to be clearly demonstrated have taken place when it comes to some of those appointments. Appointments that are outside the minister's office that go to delivery of the policy, I think, need to be done in a way that demonstrate, firstly, that the process was transparent; and, secondly, that any potential perceived or real conflict of interest is declared and eliminated. If those two processes cannot be demonstrated to have taken place in the appointing of people to deliver a policy agenda, then the risk of public suspicion will be raised, and I think that the pattern that has emerged over the past eight months or nine months has raised that suspicion.

The pattern started at the formation of the government and has continued until as recently as this morning, with revelations about a new appointment. It started with what I might describe as the breaking of the land speed record in the appointment of Mr Peter Conran to the position of Director General of the Department of the Premier and Cabinet. A report was tabled in the other place last week that detailed the process of that appointment, and I urge members who have not already done so, to read it. It examined the process of appointment, the appointment of the selection panel, and the circumstances that led to the appointment. The committee that tabled the report investigated the average time taken to appoint a director general. To ascertain the average time, they used 15 appointments—do not quote me on that number—and the average appointment time was about 117 days; it took 36 days to appoint Mr Conran. That followed on from the Liberal Party flying Mr Conran over, before the new government was sworn in, and the Premier-elect inviting Mr Conran to apply for the position specifically and directly.

I cannot deny that Mr Conran is a man with skill and expertise. I do not know the man, but on the basis of the information that has been made public about his professional background, he is certainly a man of skill and expertise. He held the position of secretary to the cabinet of former Prime Minister Howard, and to hold a position as senior as that he must be a man of expertise. However, it is worth noting that the position he held was actually not a public service position; it was a political appointment. Therefore, any decision to appoint him to a public service position, attainable through merit only and not on a person's personal commitment to a particular

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policy agenda, should have been handled with perhaps greater care than any other appointment to a public sector position, to avoid any public perception that his appointment was conducted without transparency. Once it became clear that the Premier had flown him over to Western Australia and asked him to apply, extra steps should have been taken to ensure that there could be no perception that that appointment was a *fait accompli*.

The selection panel that handled the appointment of Mr Peter Conran comprised three people, two of whom have clear public records of membership of the Liberal Party. They are Mr Barry MacKinnon, former leader of the state parliamentary Liberal Party, and Mr Peter Moore, a former Liberal candidate. I have worked with and know Barry MacKinnon, and I have found him to be a man of personal integrity, about which I make no issue. I do not know Mr Moore.

Hon Norman Moore: Which Peter Moore are you talking about?

Hon SUE ELLERY: The Peter Moore who was appointed to the selection panel to appointment Mr Conran.

Hon Norman Moore: I don't know who gave you that advice.

Hon SUE ELLERY: It is in the report that was tabled in the other house.

Hon Norman Moore: I think you might have made a mistake.

Hon SUE ELLERY: I will stand corrected if I have.

Hon Norman Moore: Do you mean Peter Browne, a former chief executive officer of the Department of Education and Training?

Hon SUE ELLERY: The member might be right, and it might be a typographical error, and I apologise if it is. Maybe something else made me think of his connection with Hon Norman Moore—I do not know!

Hon Norman Moore: I'm just trying to help you out.

Hon SUE ELLERY: I thank Hon Norman Moore.

As I said, I know and have worked with Barry MacKinnon, but when dealing with an appointment of that kind it does not look good if the panel appoints people who have got clear political links with the government of the day. It does not look good because it suggests that they were put there for the purpose of ensuring that the outcome is one the Premier spoke to Mr Conran about before the government was even formed.

More recently, the appointment of former Senator Chris Ellison to oversee the consultation process to deliver part of the government's agenda for a science and conservation strategy for the Kimberley and to provide to the government a report of the outcome of that consultation process, I think also raises the same question. It was most unfortunate that when questions were put publicly to the minister about whether any other applicants were considered, the minister took three goes to answer the question. She did not answer. At the end of the third attempt to answer the question, she said that she would refer it to Mr Ellison. That did not give the public confidence that she was able to say categorically that no other people were considered because the government knew that Senator Ellison has X, Y and Z qualifications. The fact that she was not able to answer the question directly raised in people's minds the idea that something was not right.

The issue for Mr Ellison is that he had a perceived conflict of interest. That was dealt with by him removing himself, only temporarily, from the register of lobbyists when the company of which he is an associate director, the Enhance Group, represents a resource sector in the Kimberley. The problem with that is that he has made it perfectly clear that for the period of his engagement he will remove himself but that his connections to that group remain and indeed will be reinstated as soon as he has finished the period of his appointment as a consultant. It could be argued that it still serves the interests of the people he was representing as a lobbyist to have a particular outcome arise from that consultation. If he has not severed his links completely, the question remains about whether he is able to distance himself from the loyalties that apply to his position as an associate director of that group.

I do not know whether the Minister for Local Government was very badly advised, which would be surprising, given he is the former mayor of a major regional centre. One would think that he would have some familiarity with his own act. I am referring to the Local Government Grants Commission appointment. The process is set out in the act. It requires that the minister pick appointments to the grants commission on the basis of a list provided by the Western Australian Local Government Association. WALGA provided a list to the minister. The minister apparently was not satisfied with all the names on the list. He wanted to appoint two others who were not on the list. Indeed, he advised WALGA that he had appointed two others who were not on the list. It would be interesting to know—I suspect we never will—whether that appointment went to cabinet for consideration. I

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would love to have read the cabinet submission on the advice for how the appointment was made and what the compliance with the act was. Even when he was asked during question time in the other place about the interpretation of the act precluding him from appointing his own handpicked Liberal-friendly appointees, he said he did not accept the advice but instructed the department to get a legal opinion.

We had revelations today in respect of Minister Hames in his capacity as Minister for Indigenous Affairs and an appointment to the Aboriginal Cultural Material Committee. Again, the act is quite specific about how a minister is to make appointments to that committee. It appears that the minister appointed Mr Haydn Lowe—a former chief of staff to Paul Omodei and a former campaigner, I understand, on Minister Hames' election campaign committee—as chairperson, in breach of the provisions of the act about how those appointments are to be conducted.

I think a pattern appears here. Unfortunately, it is one that is starting to reek of arrogance. Arrogance in government is a slippery path to go down. We have heard from the Premier that Perth is a small town. He is right; it is a small town. Lots of people in Perth know lots of other people in Perth. If people are engaged in the corporate sector, they know lots of other people in the corporate sector and lots of people in government. If people are in government or in politics, they know lots of people in Perth and indeed across Western Australia. I say that is even more reason that the process must be seen to be extra transparent and above board. It seems to me that the pattern that is appearing is one of the acts being breached. If people are told they have breached the act, they do not accept the advice of the people charged with the responsibility for implementing the act and ask them to get a legal opinion. Decisions and advice from departments, acting in accordance with their acts, have been overridden and appointments fast-tracked. I think several ministers have run fast and loose with the process. Conflicts of interest claims have been dismissed on the grounds that Perth is a small town and that everybody knows everybody else and that it cannot be helped; that people will have to be appointed who will not meet the two other criteria, which I say are the reasonable criteria that need to be applied when appointing people to facilitate a policy agenda. It is arrogant. I think that Western Australia deserves more from a Premier who promised accountable government.

For those reasons, I think this house needs to express its grave concerns about the lack of transparency and the lack of regard for due process.

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [3.57 pm]: I want to read out a list of names and ask members if they can let me know what these people have in common: Jim McKiernan, Ron Edwards, Ian Taylor, Joe Berinson, Tony Cooke, Ben Wyatt, Kay Hallahan, Cheryl Davenport, Mark Cuomo, Sharryn Jackson, Lois Anderson, Ian Taylor—I have mentioned him once already—Kevin Leahy, Clive Brown, John Cowdell, Diana Warnock, Megan Anwyl, Jeff Carr, Michael Barnett, David Smith, Bob Pearce, Dr Judyth Watson, Nick Catania, Malcolm Bryce, Yvonne Henderson, Ron Davies, Jackie McKiernan, Kevin Reynolds, Joe Bullock, Martin Pritchard, Helen Creed, Tony Cooke, Toni Walkington, Mike Kelly and Les McLaughlan. I could find another half-dozen at least. What do they have in common? They clearly have in common the fact that they are all people who got government jobs during the past government's term. They are all Labor Party people—former ministers, former members, Labor Party apparatchiks or trade union officials.

Hon Sue Ellery: You have missed the point.

Hon NORMAN MOORE: I have not missed the point at all. Hon Sue Ellery began her speech by covering herself, hopefully, on the basis that not all political appointments are a bad thing. I agree with her; not all political appointments are a bad thing at all. Many people of a political persuasion who are appointed to jobs by governments do a very good job, and it is a good idea to appoint them. However, the member has come into this chamber and picked out three examples or thereabouts of so-called political appointees, when I have just read out a list of people who were given jobs under the last government, which is probably about a quarter of what I could have read out had I been given an hour and a half to speak on this. Let me pick out a couple of those to emphasise the hypocrisy of the member's argument today.

The member has talked about Peter Conran. This government appointed Peter Conran—properly in my view and in the view of Ruth Shean—to be the head of the Department of the Premier and Cabinet. The member talked about a Legislative Assembly report, but she did not tell us that it was a Legislative Assembly report from a committee with a majority of Labor members on it. There is also a minority report, which disagrees violently with the findings of the majority. What would we expect a Labor Party majority committee in the Legislative Assembly —

Hon Sue Ellery: They did not disagree with the evidence.

Hon NORMAN MOORE: I did not interject on the member. I have only 10 minutes today.

Hon Sue Ellery: You did actually.

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Hon NORMAN MOORE: Okay; the once. It was to help the member out. The member talks about putting people whom she claims have political affiliations into the public service. What about Sharryn Jackson? What about Helen Creed? Sharryn Jackson was made a level 9 in the Department of the Premier and Cabinet. Was she not a political appointment and is that not a public service position? Helen Creed was appointed as director of women's policy in the former Department for Community Development, which is a public servant's job.

Hon Sue Ellery: They were appointed on merit.

Hon NORMAN MOORE: There we go. The Labor Party is now arguing that somehow Peter Conran's appointment was improper. I argue it was proper. He was good enough to get the job in the Premier's department in the same way that the member would argue, and did, that Helen Creed and Sharryn Jackson were entitled to the jobs that they got.

I will now talk about another couple of issues. The member talked about Chris Ellison. Somehow or other a lobbyist cannot be given a job working for government. I have just had a little look through my list. What was Megan Anwyl? She was the former member for Kalgoorlie and is now a lobbyist working for Hawker Britton—she still does. What job does she get? She gets an appointment to the Esperance Port Authority board. Did anybody ask whether there was a conflict of interest when the member's party was in government? Did anybody ask whether Megan Anwyl had a conflict of interest between her lobbying functions and her role on the Esperance Port Authority? Some people would say that there probably was a conflict of interest, if the truth be known. I am not saying that there was, but people have suggested that to me. Interestingly, Ron Edwards, former ALP federal member of Parliament, is one of those I inherited in my fisheries portfolio. It seems that, to get a job in the fisheries portfolio under Labor, a person must be a former member of Parliament for the Labor Party. About a month after I got the job as Minister for Fisheries, Ron Edwards was accused of having a conflict of interest, because he had an interest in some fishing companies. Who stood up for him and said he did not have a conflict of interest? I did, because I checked it out, and found that his involvement in the fishing industry was sufficiently distant, in my view, from the issues surrounding the Rock Lobster Industry Advisory Committee that as far as I was concerned there was no conflict of interest. The same issue applies with Chris Ellison, but he stood down from his job. Ron Edwards did not, and neither did Megan Anwyl. Chris Ellison has all the attributes required to do the job for which he has been appointed; that is, to give the government an understanding of the views of the people of the Kimberley on this matter.

Hon Sue Ellery: You have not been able to prosecute this argument successfully in the mind of the people.

Hon NORMAN MOORE: I have not finished yet. I have talked about Sharryn Jackson and Helen Creed being public servants.

Hon Sue Ellery: I know the detail of Helen Creed's appointment, because I was minister during some of that process. Are you suggesting that that was not a process of merit?

Hon NORMAN MOORE: Did I say that?

Hon Sue Ellery: I am asking whether you are suggesting it.

Hon NORMAN MOORE: I did not say that. What I said was that, in my view, Peter Conran was appointed properly. The previous government appointed Helen Creed and Sharryn Jackson to the public service, and now the Leader of the Opposition is telling me that it was done properly. I am not arguing with her. However, she is arguing with me about Peter Conran. She cannot have it both ways. She must accept the fact that these things happen, and that governments appoint people to jobs.

Hon Sue Ellery: It was thirty-six days after the Premier asked him to apply.

Hon NORMAN MOORE: Peter Conran is an outstanding public servant. He will do a magnificent job for this state and the opposition will be very pleased in due course that he got the job.

Some of the other people that are on this list are still around. They have not all been put off yet. Mark Cuomo has more government jobs than anybody on earth. What is his job in the Labor Party? A whole stack of former Labor Party members of Parliament have government jobs—Kay Hallahan, Cheryl Davenport, Bob Pearce, and Ian Taylor. Ian Taylor is another one I inherited in the fisheries portfolio, just to give an example of how the fisheries portfolio works. Jim McKiernan, former Labor senator, is chairman of the Integrated Fisheries Allocation Advisories Committee. Hon Jon Ford probably knows about that, because I am sure he was the one who appointed him. He must have been the only person around who could do the job. Ron Edwards, former ALP member for Stirling, is the Rock Lobster Advisory Committee chairman. Ian Taylor, former minister and Deputy Premier, is chairman of the Abalone Advisory Committee. I understand Joe Berinson also had a job involving some inquiry organised by the Department of Fisheries. When I walked in the door of that portfolio, I asked what a person had to do to get a job there. What was the first requirement to get a job—to be a member of the ALP,

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and preferably former member of Parliament? That is what was required to get a job under the Labor Party. Those people are all still there, because they were appointed for a fixed period. I have not kicked them off, and at the moment they are doing a good job, and I am pleased about that. As I said, I even stood up for Ron Edwards in respect of a question of conflict of interest.

The Leader of the Opposition raised the question about the Minister for Local Government. The minister acknowledged that a mistake was made in the case of two appointments. What did he do? He cancelled those appointments. He was given a list of names by the Western Australian Local Government Association, together with another list of names. He chose the people whom he thought would be best for the job, as ministers do. He was then advised that he could not do that, and so he cancelled the appointments. That is perfectly proper and appropriate.

Hon Sue Ellery: But he did not accept the advice.

Hon NORMAN MOORE: I say to the Leader of the Opposition that I do not think that it is fair to say that everybody should always get everything right on every occasion. People make mistakes. On this occasion, the minister made a mistake and it has been fixed up. Labor Party members are the ultimate hypocrites in all this. The Labor Party has a history of appointing people of its own persuasion, those involved in the party, to government positions, and it started back in the good old days of Brian Burke. Before Brian Burke, there were no such things as government advisers or advisers in ministerial offices. People were appointed to the public service on the basis of their merit, and that merit tended to carry through from one government to another, because they were not political appointments. Brian Burke made an art form of political appointments, and he is still involved in that art form. Up until the last election, he was still involved in making sure that people got jobs in government. Looking at this list of names, as well as those that I have not read out, we see the hand of Brian Burke all over it, because he was deciding who was going to get jobs in government. We have also seen the Corruption and Crime Commission investigations and all the issues surrounding them, and the comments it made about ministerial advisers and certain individuals during the time of the previous government, which demonstrate quite clearly that this motion is the most hypocritical that I have seen in years.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.06 pm]: I will continue the debate on the same tack. On 20 May 2009, the Minister for Indigenous Affairs, Hon Dr Kim Hames, advised of the appointment of Mr Haydn Lowe to the Aboriginal Cultural Material Committee. I would like to avail the house of the process that led to the appointment. We must first recall the principles contained in the Aboriginal Heritage Act 1972. Section 28(4) of that act states —

Subject to subsection (3), the appointed members shall be selected from amongst persons, whether or not of Aboriginal descent, having special knowledge, experience or responsibility which in the opinion of the Minister will assist the Committee in relation to the recognition and evaluation of the cultural significance of matters coming before the Committee, and shall be appointed by the Minister from a panel of names submitted for the purposes of this Act by the Registrar.

The registrar submitted a list of names to Dr Hames, and Dr Hames sent the list back to the registrar, advising that he would not accept the list of nominees, and wanted a further name put on it. The registrar, who has since resigned, indicated that the list was sent back to the minister with legal advice that the registrar did not have to add any names to the list. The minister then returned the list once more, seeking that Mr Haydn Lowe's name be included on it. Haydn Lowe, as I have already indicated, was appointed on 20 May 2009 at around 12.30 pm. At the same time, we were advised that the existing chairman, Mr Kenneth Ninyette, would no longer be chairperson and had resigned. There seems to be a quandary here, because Mr Ninyette was not advised until a telephone call at 1.30 pm on 20 May 2009 that he was no longer the chair of the committee. That was the very day that the committee was to meet. Mr Ninyette went to the meeting only to find that the chair had been filled. He was then advised that he could sit on the committee, but could no longer chair it. He subsequently resigned from the committee. By implication, the act states that the minister should appoint the chairman of the committee from amongst the committee's members, and shall do so through ministerial discretion. One would assume, therefore, that if the chairman of the committee is being dismissed, that that dismissal would be by some form of communication from the minister; one hopes it would be by letter! The advice Mr Ninyette got—other than to arrive at the meeting to find that his position had been filled—was by a phone message from a member of the staff of the Department of Indigenous Affairs. Mr Ninyette still has not received advice from the minister that he is no longer the chair. My reading of the Aboriginal Heritage Act 1972 would seem to imply that such a letter should be forthcoming.

I want to move on a little further because the Minister for Indigenous Affairs himself has previously provided advice to DIA as a consultant—on 22 occasions—on behalf of various mining companies, exploration companies, Dampier Bunbury Pipeline, and a number of other developments. I will in the time left to me seek

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some sort of commitment from the Minister for Energy that the minister in the other place will no longer be in a position, as minister, to deal with those corporations that he has worked for as a consultant in providing advice to the Aboriginal Cultural Material Committee and to DIA, and would stand aside as a decision maker when dealing with those matters.

When we go back to what other members of the ACMC have said about the appointment of Mr Lowe and, to a degree, about the operations of ACMC, there seems to be a lack of confidence in the whole process as it stands. That is because not only has the current registrar indicated that she has resigned, but also the former adviser Mike Robertson, who had served on that committee as a heritage adviser for a lengthy period of time, has resigned. When one finds long-serving members of an astute body taking the action of resignation because they feel they can no longer work in those circumstances, the rot has truly set in.

A further comment—before anybody on the other side of the house jumps up—is that members of the Greens (WA) have never been appointed to any advisory committee when we have resigned; nobody will have us!

HON PETER COLLIER (North Metropolitan — Minister for Energy) [4.14 pm]: Thank you, Mr President.

Hon Ljiljanna Ravlich: I hope you're not going to talk about integrity!

Hon PETER COLLIER: Is Hon Ljiljanna Ravlich going to carry on with her nonsense, or is she going to contribute to the debate? The member will have her time in a minute!

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! I only called the Minister for Energy.

Hon PETER COLLIER: I will not be supporting this motion, and it is an unnecessary motion. It is an own goal on the opposition's behalf. The opposite is asking in tit-for-tat terms —

Hon Sally Talbot: Are you going to address the issue?

Hon PETER COLLIER: I am going to address the issue in a moment, if Hon Sally Talbot does not mind!

If the opposition wants to bring forward an urgency motion, it needs something that is urgent and that has some foundation or substance. This issue has no substance whatsoever.

The Leader of the Opposition said that it is okay to have like-minded individuals, in a political sense, in ministerial offices or policy offices. She says that that is fine, but it is not okay outside ministerial offices that go to policy development, or if there is a conflict of interest. The problem with that, of course, is that —

Hon Sue Ellery: I also said it is all right for specific consulting jobs that require specific expertise for specific projects and stuff like that that are outside ministerial offices.

Hon PETER COLLIER: Okay, that is fine. I was about to say that that in itself creates a problem. To a degree, I agree with the Leader of the Opposition. In terms of the ministerial office, yes, it is essential because the government sets the agenda. Obviously a government must have people of the same political persuasion because it is setting the policy agenda. I want to pick up on what Hon Norman Moore said on this issue and also what the Leader of the Opposition said about consultants outside the ministerial office. The track record of the previous government is appalling in this regard. That is why this urgency motion goes nowhere! I am not surprised that the media have gone. They probably started yawning five minutes after the Leader of the Opposition started speaking. Quite frankly, all we are doing is hearing the Leader of the Opposition say, "You did this and you did that", which achieves absolutely nothing.

Hon Sue Ellery interjected.

Hon PETER COLLIER: I stayed silent when the Leader of the Opposition was speaking, and I would appreciate the same respect.

Hon Sue Ellery: I am not going to be silent when you are being pious.

Hon PETER COLLIER: I beg your pardon?

Hon Sue Ellery: You heard!

Hon PETER COLLIER: No, I did not.

The PRESIDENT: Order! Stop the interjections—and, minister, do not respond to them.

Hon PETER COLLIER: I do not mind an interjection.

The PRESIDENT: Order!

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Hon PETER COLLIER: Let us look at appointments made by the former Labor government and whether those appointments are in ministerial offices or there is a conflict of interest. If the Leader of the Opposition had stood up and cited specific conflicts of interest that had not been addressed, there would have been some foundation in her argument, but she did not. There was no foundation in her argument. Let us look at whether these appointments were in ministerial offices or, in fact, they were policy advisers: Barbara Wiese, deputy chair of LandCorp, a former South Australian Labor minister; Dr. Rick Charlesworth, WA Institute of Sport Board, a former federal Labor member; Mal Bryce, Information and Communications Technology Industry Development Forum, a former Labor Deputy Premier; Kay Hallahan, Child Death Review Committee and Armadale Redevelopment Authority Board State Advisory Committee, a former Western Australian Labor minister; Yvonne Henderson, Commissioner for Equal Opportunity —

Hon Sue Ellery interjected.

Hon PETER COLLIER: I do not want to take the high moral ground on this, and I am not in any way questioning what is going on here. What I am saying is that when a political party is in government, when the government wants some advice, it is absolutely inevitable that it will make appointments of the same political persuasion. I am saying that it has been going on ad infinitum throughout political history. That is the way it goes! If there is any evidence of a conflict of interest and anyone appointed by this government abusing their position, the Leader of the Opposition should have identified it today.

As I said, I have pages of this stuff and I will read it into *Hansard* because it is valid. I am not passing judgement on any of these Labor government appointments; what I am saying is that it is a part of the political process.

Hon Sue Ellery interjected

Hon PETER COLLIER: This urgency motion is an absolute nonsense! Why are we wasting an hour of our time on this stuff when there are other issues that could have been dealt with? The list of appointees continues: Ian Taylor, Landstart Board, State Housing Commission board, Country Housing Authority, regional housing standing committee of the Housing Advisory Committee, Keystart Housing Scheme Trust, a former Western Australian Labor Deputy Premier; Ben Wyatt, deputy chair, Consumer Advisory Council—he is obviously a current Labor member; David Smith, Bunbury Port Authority, a former Western Australia Labor minister; Megan Anwyl, the only Labor member who lost a seat in 2001 was given a reward for her efforts and was appointed to the Esperance Port Authority; Ron Edwards, Gold Corporation board, a former federal Labor member; Judyth Watson, Council of Official Visitors, a former Western Australian Labor minister; Kevin Leahy, Gascoyne Development Commission, Racecourse Development Trust, a former Western Australian Labor member; and Diana Warnock, Constitutional Centre of Western Australia advisory board.

I am not going to use up the 10 minutes allocated to me, and quite frankly I could just by reading these pages of Labor appointees. I will emphasise yet again that I am not casting aspersions on any of these appointees. I am saying that if the Leader of the Opposition had stood up and provided some credible information of a conflict of interest with any of the appointments made by the current government, or if perhaps any decisions had been made that were inappropriate as a result of those appointments, I could understand this motion. However, the Leader of the Opposition has not done that.

All I am saying is that political appointees for boards, commissions and advisory bodies are as common as is history is long. As long as we have had a democratic system of government whereby we have parties of different political persuasion, inevitably in the decision-making process they will rely for advice and for support on people of a like-minded political bent. That is the simple fact of the matter.

What we have at this stage is a smoking gun. This urgency motion says, “What on earth have we got here”? We have nothing! If the opposition had stood up and fired a shot that hit us, so be it! But there has been nothing in this argument; it is a waste of this Parliament’s time, quite frankly. I will say once again: if there is anything that the Leader of the Opposition can identify as being an inappropriate decision made as a result of a conflict of interest, she should make that accusation now.

HON SALLY TALBOT (South West) [4.20 pm]: I am very pleased to speak in support of the urgency motion. I thought for one glorious moment that Hon Peter Collier was actually going to engage with the substance of the motion. I thought that he was going to take on board some of the points about what a conflict of interest is and what proper process means. Sadly, government members are behaving like a tired mob. Anyone would think that they had been in government for 10 years. We have given the government a chance to defend what it has done. Has it done that even once? Has one government member defended what the government has done? All government members have done is kick a bit of sand around to see whether they can muddy the waters. Did government members read any of the newspapers last week or listen to any talkback radio? I have all the

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newspaper cuttings and I am happy to table them. In particular, I am happy to table the cartoon from last Thursday —

Hon Peter Collier: It must be the truth!

The PRESIDENT: Order!

Hon SALLY TALBOT: It was Hon Norman Moore who raised the name of Brian Burke in the chamber in this debate. The Leader of the House talked about appointments that were not subject to due process. We spent seven and a half years purging ourselves of Brian Burke's influence and Hon Norman Moore walks in and says that Hon Brian Burke made an art form of this. There is no question about what Hon Norman Moore meant when he said that. I am happy to table the cartoon. It is right. It is the mob opposite that has brought the ghost of Brian Burke back into this debate. I would like to table this cartoon because clearly government members did not have time to read the newspapers last week.

The PRESIDENT: Hon Sally Talbot might like to table it, but she must seek leave to table it.

Hon SALLY TALBOT: I seek leave to table the document.

Leave not granted.

Hon SALLY TALBOT: I will keep the document in the chamber for members opposite who would like to look at it. Let us be absolutely clear about what we are talking about. The one thing that is clear to me is that government members just do not get it. They do not understand what the problem is. Let me tell them what one of the problems is. One of the newspapers pointed out that last week we had a feast of little scandals popping up all over the place. The government was exposed on some very basic conflict of interest matters and we saw belated resignations from appointments. Clearly, members opposite have not had a chance to look at the newspaper. *The West Australian* reported —

The bottom line is that there's a clear perception that the former senator —

Chris Ellison —

is conflicted both through his lobbying role and through his former close relationship to Environment Minister Donna Faragher, who he once employed.

Was that me saying that? Was it the Leader of the Opposition in this place saying that? No, it was the newspaper in this town. The government has a problem and must address it. It does not even understand what the problem is yet. I will tell the government what the problem with the appointment of former Senator Chris Ellison is. The government is about to embark on a process costing it \$9 million to put together a strategy for the protection of the Kimberley. At least two-thirds of the stakeholders have no confidence in that process. The government is spending \$9 million on a process that is flawed before day one. Who are the stakeholders? According to the Minister for Environment, when she announced that the Kimberley conservation strategy was underway back on 18 March 2009 —

... the strategy would protect the region's natural and cultural values as its economic potential was realised.

The three key stakeholders have been identified in that one sentence. The first is the proponents who are advocating for the natural values. We will assume that is the conservation and environmental values. The second stakeholder is those who are interested in the cultural values. Let us say loosely that that is the Indigenous interests in the region. The third stakeholder is the economic potential of the region. The three key stakeholders are those advocating for the environment, those advocating for the cultural values of the region and those advocating for the economic potential of the region. I ask members to play a mind game, although I cannot imagine this mob opposite doing that because they cannot even spell the names of some of the stakeholders. What would have happened if we were in government and set up a similar process? What would have happened if we had put Environs Kimberley in charge of this process? What would members opposite have said? They would have said, with some justification, "How can you do this? You are putting in charge of this process someone with a vested interest in the outcome." That person would be someone for whom whatever they said —

Several members interjected.

The PRESIDENT: Order!

Hon SALLY TALBOT: Members opposite would say, "Well they would say that, wouldn't they?" That is the point.

Hon Norman Moore interjected.

President; Hon Sue Ellery; Hon Norman Moore; Hon Robin Chapple; Hon Peter Collier; Hon Dr Sally Talbot;
Hon Simon O'Brien; Hon Ken Travers

Hon SALLY TALBOT: I am not taking Hon Norman Moore's interjections. I want him to listen. I will send him a copy of *Hansard* afterwards.

What would have happened if a representative of the Kimberley Land Council had been appointed to lead this process? Again, quite rightly, there would have been an outcry because whenever that person advocated for the cultural values of the area, those opposite would say, "Well, you would say that, wouldn't you." What has happened? This government has appointed to lead this process a person who is a paid lobbyist for the mining —

Hon Norman Moore: He is no longer a lobbyist.

Hon SALLY TALBOT: I will take that interjection. Hon Norman Moore just said that Chris Ellison is no longer a paid lobbyist. He has taken leave of absence for three months. Do members know what Chris Ellison said when he announced that? He said that he would resign from the company for as long as the process took. He will be back there in two months, three weeks and about six days. How on earth can that alleviate some of these concerns? The government just does not get it.

Several members interjected.

The PRESIDENT: Order! Members will stop making interjections across the chamber.

Hon SALLY TALBOT: I have absolutely no criticism of former Senator Chris Ellison. I have no doubt that he is a capable person and that he went into this process with every intention of doing the best job he could. However, as of Sunday afternoon, a piece of information was still on the Enhance Group's website, although it was removed by Monday morning. I would like to know what happened between Sunday afternoon and Monday morning and whether it involved a call from a journalist. The website states —

As one of Western Australia's most senior parliamentary representatives, he —

Chris Ellison —

was a constant champion for the business interests of a variety of Western Australian companies and industry associations, including those involved with mining and resources.

That is what it said on the website. My point is that there are three key groups of stakeholders and the government has appointed a representative of one of those groups to run the process. I was somewhat interested that, according to the newspapers—we do not know whether this is true, but I have not seen any correction of it—the minister herself, who has had some experience with conflict of interest matters, went to the Premier and said, "Hang on, I've got some reservations about this, Mr Premier. I think that maybe this isn't going to work." It appears that the Premier said, "No, no, no, no." Certainly last week it appeared that the one person who did not understand this was the Premier. The Premier said, "No, no, no. Go right ahead." The problem is that we now know that at that stage the Premier thought that Mr Ellison was just a facilitator. There was the glorious sight of the Minister for Environment contradicting the Premier outside in the fern garden or somewhere. When the Premier said that Mr Ellison was just facilitating, she said, "No, no, no. He's going to write the report."

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [4.29pm]: In considering the wording of this motion, is it the pot calling the kettle black or what? What a bunch of phoneys and frauds we have on the other side. If they want to come in here and accuse decent people such as Hon Donna Faragher of being indulgent and pre-eminent in terms of conflict of interest, they will find that it is a gratuitous and stupid allegation that is not borne out by the facts. What I want to know—Hon Sally Talbot might be able to assist me—is whether Hon Sally Talbot is still the state president of the Australian Labor Party. She does not want to interject about that, does she? I have some questions that I would like to ask her just to clarify things.

Point of Order

Hon SALLY TALBOT: Is Hon Simon O'Brien inviting an interjection, or is he going to sit down and let me respond to the question that he has just asked me?

The PRESIDENT: That is not a point of order.

Debate Resumed

Hon Sally Talbot: Yes, I am still the president.

Hon SIMON O'BRIEN: Okay; good.

Hon Ken Travers: It's on the public record.

Hon Sally Talbot: Check the website.

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Hon Simon O'Brien; Hon Ken Travers

Hon SIMON O'BRIEN: No, there is nothing wrong with it. I do not spend my time checking websites and googling names of people who work in people's offices in pursuit of some grubby little agenda. The reason I would like to address a couple of questions to Hon Sally Talbot, or madam president, as I may call her, is that I am trying to work out which comes first on her side of the house. Is it the cart or the horse? Which way are they placed? Today we have seen the Leader of the House place some evidence on the record—it is only the tip of quite a large iceberg—of Labor putting many ALP identities into many different taxpayer-funded jobs, without any sort of process, apparently —

Hon Sue Ellery interjected.

Hon SIMON O'BRIEN: — before they come into this house. It is obvious that I am ignoring that interjection, Mr President.

Hon Sue Ellery interjected.

The PRESIDENT: Order!

Hon SIMON O'BRIEN: They then come into this house with this sort of pot-calling-the-kettle-black urgency motion. The question that needs to be resolved is: in which order does it happen? Does a person have to be in the ALP to get a job at taxpayers' expense? Is that how it works? Is that the order of the cart and the horse, or does Labor give a person a nice taxpayer-funded job so that that person can then go and do the ALP's business? It is a question that needs to be resolved if we are to examine the integrity of this motion, because, given the evidence that we are all aware of, some of which the Leader of the House has reminded us of, it is fair enough to ask that question. We see so many ALP figures being parachuted into jobs as some sort of reward, perhaps for being a factional heavy, or, dare I even say, for being a state president—one who has taken them from glittering success to glittering success, whether it be the 2008 general election or the 2009 Fremantle by-election, which went really well—or whatever a person's claim to fame might be or whatever sort of hack that person might be that those people must ingratiate themselves with that person by giving him or her a job. Alternatively, is it the case that Labor says, "No, you're a good person and we want to see you moved into higher things", and, therefore, that is why Sharryn Jackson, who happened to be the ALP state president at the material time, was given a level 9 government position?

Hon Norman Moore: A level 9 position in Premier and Cabinet.

Hon SIMON O'BRIEN: A level 9 position, right at the very top. The Leader of the Opposition should not give me any of her due process nonsense. These people parachute a ride in as a gift. What is that worth—a couple of hundred grand a year? What a terrific basis upon which to go out and be a candidate. What a brilliant position to be located in so that people can have access to all the resources of the office of the Premier to run their campaigns and, dare I say it, some other campaigns as well.

Hon Sue Ellery: Don't give me any of your due process nonsense. I hope Hansard got that.

Hon SIMON O'BRIEN: The Leader of the Opposition comes in here asking for some due process. I will give her some due process argument.

Several members interjected.

Hon SIMON O'BRIEN: They do not have a lot now, do they? When we turn the —

Hon Ken Travers: The cliché kid rides again!

Hon SIMON O'BRIEN: When we turn the spotlight back on those opposite, they are seen in all their glory.

Hon Ken Travers: Hon Simon O'Brien has about 57 clichés, which is almost his record —

Hon SIMON O'BRIEN: It is nowhere near my record! I could do better than that, and these constant interjections from my friend Hon Ken Travers are preventing me from getting to that record, but I will persevere. It just shows what a joke it is when the Leader of the Opposition comes into the house to put this sort of debate on the books and those opposite have such feet of clay themselves. We have seen the ALP state presidents and others. Do members know what? They have the gall to try to attack anyone who is not of their party. No-one who is not inside their tent gets any form of job that they would like to have an eye on themselves, such is their small-mindedness in these matters.

Before I sit down—because I would love to hear from other members of the opposition about this very worthy matter—we must look at what happened most recently under the shining knight in white armour's leadership, under the premiership of Alan Carpenter most recently, when they tried —

Hon Robyn McSweeney: The dream team.

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Hon Simon O'Brien; Hon Ken Travers

Hon SIMON O'BRIEN: Yes, the dream team—when they tried to play footloose and fancy free with ordinary and what would for the ALP pass as respectable and established selection procedures to parachute in a dream team. Can a Labor Premier do that in the ALP? Apparently, Labor Premiers have that power. Do they have to act in concert with the state president, I wonder, to make sure that they are parachuting the right people into the right jobs? Have they been given the right taxpayer-funded level 9 positions to enable them to campaign? Are they going to be rewarded in the right way? Where are the positions for the Reece Whitbys and the Rita Saffiotis—hang on, no, she had her position; she was all right, and still is.

Hon Norman Moore: Is she the one who worked for the Premier?

Hon SIMON O'BRIEN: Apparently so. Maybe that is a subject for another day. There was all the glitterati. However, in conclusion, let us not forget—I will sit down—the foot soldiers. Mr President, cast your eye down the list of ALP candidates at the last state election. People must have some prerequisite qualifications to stand for election in this Parliament. They have to be qualified to be electors themselves. A number of other qualifications relate to their status regarding bankruptcy, criminal record, mental competence and so on. However, if a person is going to be a candidate for the ALP, I think there might be another one: he or she must be a paid officer in somebody's ministerial office. The list of ALP candidates at the last state election shows that that is what a heck of a lot of them were. But it does not resolve that question —

Hon Sally Talbot: What a load of nonsense.

Hon SIMON O'BRIEN: It is a lot of nonsense. It does not resolve, though, that initial question which I posed and which I hope will now be answered: is it cart before horse or horse before cart? Does a person have to be in a taxpayer-funded position to get ALP endorsement, or is it the other way around? Either way, those people certainly get endorsement when that lot on the other side have their trotters in the trough. Therefore, they should not come into this place with this sort of allegation, because, frankly, they do not have anything to back it up with.

HON KEN TRAVERS (North Metropolitan) [4.40 pm]: I want to get back to the topic, but I first want to talk about the final words said by the Minister for Transport. The Minister for Transport said that every Labor candidate needs to be a staffer in a ministerial office.

Hon Simon O'Brien: No. Some of them were electorate officers.

Hon KEN TRAVERS: Okay—electorate officers and ministerial officers. I ask those members on the other side who have worked for Senator Chris Ellison to put up their hands.

Hon Donna Faragher: You are so funny!

Hon KEN TRAVERS: It was a minister on the member's side who brought that up! Go on! If members opposite want to go down that path —

Several members interjected.

The PRESIDENT: Order!

Hon KEN TRAVERS: Now they say, "So what!" It is now suddenly an issue for the Labor Party, but when we ask how many members on the other side have worked for ministers in the federal government, or for federal members of Parliament, we get silence. That is very relevant to this issue. I have worked for Chris Evans, but I have never appointed him to anything as a minister. That is where this debate needs to get back to. Hon Simon O'Brien was trying to take us away from a debate about the process that members opposite have followed with key appointments. Members opposite made allegations about Sharryn Jackson both now and when she was appointed. There was no evidence of improper behaviour with respect to that appointment. However, there are serious questions about the appointment of Mr Peter Conran. I think the Leader of the Opposition referred to that appointment as a land speed record. In fact, that appointment was almost as fast as the speed of light!

Several members interjected.

Hon KEN TRAVERS: Absolutely. I can match the clichés any time. We need to focus on the defence from the government today. The defence from government members today is, "Well, you did it as well." That is their defence.

Several members interjected.

Hon KEN TRAVERS: We do not accept that defence. At the very least, members opposite leave themselves open to the allegation that they are nothing but hypocrites, because they tried to attack us for that when we were in government. There are numerous questions that need to be asked. I hope that the "Inside Cover" story this morning that says that a staffer from the office of the Minister for Transport is now a member of the public

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service is incorrect. I hope that is the case. I hope the Minister for Transport has not allowed one of his term-of-government employees to be transferred to the public sector. I do not know whether the minister wants to tell us whether that is true or not. Is "Inside Cover" incorrect?

Hon Simon O'Brien: I think it was the Corruption and Crime Commission bloke who once said of your government that you wouldn't know a conflict of interest if it came up and bit you on the backside!

Hon Helen Morton: And you still don't! You did it more than once!

The PRESIDENT: Order!

Hon KEN TRAVERS: A conflict of interest is not when we absent ourselves for three months from the conflict of interest.

Motion lapsed, pursuant to standing orders.