

Mr Bernie Masters; Dr Geoff Gallop; Mr Colin Barnett; Ms Margaret Quirk; Chairman; Mr John D'Orazio; Mr
Max Trenorden

Division 7: Office of the Public Sector Standards Commissioner, \$3 069 000 -

Mr A.D. McRae, Chairman.

Dr G.I. Gallop, Premier.

Ms M. Murray, Commissioner.

Ms M. White, Acting Executive Director, Equity and Evaluation.

Mr B.K. MASTERS: If capital is excluded from the total appropriations on page 129, a reduction has occurred in the amount provided to the Office of the Public Sector Standards Commissioner. However, I understand the Public Interest Disclosure Act - the whistleblower Act - has just come, or is about to come, into force. Is any extra money allocated to allow the whistleblower legislation to be put into full effect? If not, is it fair to say that no new money or people are allocated to enforce the Public Interest Disclosure Act, and, therefore, the commissioner will be required to take staff and resources from other areas of her responsibilities?

Dr G.I. GALLOP: The Public Interest Disclosure Bill 2002 was passed by Parliament on 8 May 2003. The purpose of the legislation is to facilitate the disclosure of public interest information and to provide protection for those who make disclosures as well as those about whom disclosures are made. It is a significant step forward in reducing and eliminating corrupt conduct in the State's administration. To assist the commissioner, an allocation in 2003-04 of \$150 000 has been made. This will initially be used by the commissioner on policy development of the code and guidelines, and to consult with agencies and stakeholders to implement the legislation. Once the legislation is fully implemented, the commissioner will concentrate on monitoring compliance and reporting, as well as ensuring the code and guidelines are up to date and reflect best practice in the field. The commissioner is currently developing the code and guidelines for a wide consultation process with the directors general and chief executive officers in state and local governments, university vice-chancellors and other relevant people. The code and guidelines will be launched on 26 June 2003, to be operative from 1 July 2003. The commissioner will emphasise the need for public authorities and their employees to implement the legislation in accordance with its purposes; that is, to create an environment to encourage legitimate disclosures, and for them to be examined in a forthright and honest manner.

Mr B.K. MASTERS: I accept that \$150 000 has been made available to put that Act into force. Page 130 contains outputs and outlines the appropriation summary for outputs 1, 2 and 3. If the total of \$3.329 million includes \$150 000 for the purpose, it represents a significant reduction on the estimated expenditure for 2002-03. Does that mean that cuts are taking place in the commissioner's current activities in other areas?

Dr G.I. GALLOP: I push the member for Vasse a little on this matter. The actual was \$2.976 million in 2001-02, and the figure for 2002-03 is \$2.912 million. The estimate for 2003-04 is \$3.329 million. The member's question relates to 2002-03, does it not?

Mr B.K. MASTERS: I compared the budget estimates for next year with the estimated actual for this year; that is, a reduction of \$300 000-odd. I admit that it is more money than that allocated in the 2001-02 actual. I ask a different question: why did the actual expenditure go up for 2002-03?

Dr G.I. GALLOP: The answer I have been given is that the increase in 2002-03 related to a shift in premises and, therefore, the budget is not a good base on which to judge the ability of the office to carry out the public disclosure task. If a longer period of budget comparisons were followed, it would be seen that next year's estimate is not a decrease.

Mr B.K. MASTERS: What will the \$150 000 do? Will it employ one person and provide an office somewhere?

Ms MURRAY: It will be used to employ one extra staff member, for printing and the development of the code and guidelines, and to provide assistance programs for agencies. I have a number of functions under the Public Sector Management Act to assist and monitor. I will add to those roles staff already carry out under the Public Sector Management Act. However, there will be one new staff member for the public interest disclosure system.

[8.20 pm]

Mr B.K. MASTERS: I assume that the commissioner is presuming that there will not be many whistleblowers appearing in the first year of the operation of the Act. I would not expect too many either.

Dr G.I. GALLOP: It is impossible to know how many there will be.

Mr C.J. BARNETT: I refer to the dot point at the bottom of page 129, which refers to the filling of vacant positions. Currently, what is the number of chief executive officer positions, how are they filled, either substantively or in an acting position, and how many are vacant?

Mr Bernie Masters; Dr Geoff Gallop; Mr Colin Barnett; Ms Margaret Quirk; Chairman; Mr John D'Orazio; Mr Max Trenorden

Dr G.I. GALLOP: I had an answer to that question in the material for the Department of the Premier and Cabinet.

Mr C.J. BARNETT: I am happy to receive it as supplementary information. I want to know how many positions are vacant, how many have acting CEOs, and how many have substantive CEOs in place.

Dr G.I. GALLOP: I will provide that as supplementary information.

[Supplementary Information No A32.]

Ms M.M. QUIRK: I note the observation in the third dot point on page 129, which relates to the formation of the Australian Council of Human Rights Agencies, that by participating in that body, there may be some impact on timing for action in relation to racial and religious vilification. I ask the Premier to expand on that.

Ms WHITE: The council has recently been set up and it is currently focusing on race and religious matters. If there were any cooperative arrangements that might arise from that council, it would be appropriate for us to adjust our activities to coincide with them and support them in an appropriate way, in particular the antiracism strategy in this State which may also be linked to it.

Mr B.K. MASTERS: I refer to the last dot point under major initiatives for 2003-04 on page 133. It is important that I read it out in full. It states -

Develop an agency assistance program to enable public sector bodies to achieve improved compliance with human resource management and ethics and to develop codes of conduct.

I refer to Mr Shane Houston of the Department of Health, who I understand has been subject to a departmental inquiry that commenced in October 2000 and, as of 30 April 2003, has still not been concluded. The inquiry relates to whether there had been a breach of a related section of division 3 of part 5 of the Public Sector Management Act 1994. I do not know the details of it. Nonetheless, he is a public servant who has been subject to an inquiry for some two and a half years which I understand has not yet been resolved. Does the Commissioner for Public Sector Standards have a role in resolving these sorts of issues; and, if so, how can Mr Shane Houston progress this to try to get the inquiry completed with reasonable haste?

Ms MURRAY: I do not resolve the agency complaint; that is the agency's responsibility. If there has been a breach of standards - in this case it is a breach of the grievance resolution standard - people will lodge a claim for a breach of standards and then I will look to see whether the standard has been breached. The member has raised an issue of great concern to me. Under the current regulations that govern the breach of standards process, under section 97 of the Public Sector Management Act, that can happen only once an agency has made a decision and conveyed that to the individual. I wait for the agency to give the outcome of its investigation or its resolution of the person's grievance before the person can lodge a breach of standards claim with me. I have initiated a review of the regulations because I think it is inappropriate that some of these inquiries go on for so long. I should be able to take the initiative and say that even though there has not been a decision from the agency, it has gone on too long. I have just initiated a review of the regulations.

Mr B.K. MASTERS: Do I understand the commissioner correctly in that she does not have the power to make a decision in that case but can only mediate, review and maybe pressure the Department of Health to do the right thing? Do I also interpret her comments to mean that she has done that specifically in the case of Mr Shane Houston?

Dr G.I. GALLOP: In answer to the first question, it has always been the case that the Commissioner for Public Sector Standards makes a recommendation and it then goes back to the relevant agency. That has been a source of some debate in the Parliament and in the public domain. I refer the second question to the commissioner.

Ms MURRAY: There has been some ongoing work with the Department of Health on this issue. As I said, there is an inability on the part of the individual to be able to lodge a breach of standards claim because the agency has not finalised its process.

Mr B.K. MASTERS: Specifically, what is being reviewed by the commissioner? It is clearly not the situation in which Mr Shane Houston finds himself. I presume it is the way in which the Department of Health is dealing with it. Is that a fair statement?

Ms MURRAY: Much of this work was undertaken by my predecessor. As the member highlighted, it was some three years ago. I would need to get that information. I do not have it at my fingertips.

Mr B.K. MASTERS: I ask whether the status of the commissioner's activities in this instance can be provided to me by way of supplementary information.

Dr G.I. GALLOP: There could be an issue as it is an ongoing inquiry.

The CHAIRMAN: I am not convinced that we are dealing with an appropriation for this year's budget.

Mr Bernie Masters; Dr Geoff Gallop; Mr Colin Barnett; Ms Margaret Quirk; Chairman; Mr John D'Orazio; Mr Max Trenorden

Mr B.K. MASTERS: It relates to the final dot point on page 133, which refers to developing codes of conduct, resource management and the like, and in particular developing an agency assistance program to enable public sector bodies to achieve improved compliance. This is a very specific example.

The CHAIRMAN: I understand that, but the member is asking for some historical information.

Mr B.K. MASTERS: I am not interested in the history. I am interested in finding out where the issue is right now, because it has been going on for two and a half years.

The CHAIRMAN: I am struggling to see that as an appropriation matter. I am trying to accommodate it, but my guidelines indicate that I need to limit questions in debates and the provision of information to matters directly related to an appropriation. I ask that the member lodge that question on notice.

Dr G.I. GALLOP: I suggest to the member that he ask the Minister for Health a question about the status of the Department of Health issue. That might be a better way to go.

Mr B.K. MASTERS: I appreciate the advice.

Mr J.B. D'ORAZIO: I refer to the first dot point on page 135. As the first mayor in local government to appoint a female director, I am intrigued by the strategy for improved representation of women in management positions in local government and how the Premier will achieve that.

Mr C.J. BARNETT: What year was that?

Mr J.B. D'ORAZIO: In 1987. She is now the director of Telstra or something.

The CHAIRMAN: The point that the Leader of the Opposition is raising is how that relates to this year's appropriation.

[8.30 pm]

Mr J.B. D'ORAZIO: It relates to the strategy to improve the representation of women in management positions in local government. What is the strategy and how will it be implemented?

Dr G.I. GALLOP: The Minister for Local Government has established a working party to look into this matter, so the member may be able to take up the matter with him to see what progress is being made. The Equal Employment Opportunity Office is represented on that working party.

Ms M.M. QUIRK: Excuse my reticence, Premier, but I am pleased to see the number of references on page 134 to the Government's equity and diversity plan. What stage of development has that plan reached?

Dr G.I. GALLOP: The progress report on the equity and diversity plan for the public sector work force 2001-05 was sent by me to all public sector chief executive officers. The progress report provides feedback on the progress towards achievement of the objectives set out in the equity and diversity plan and encourages the setting of aspirational objectives. I will make a couple of points at this stage. The first is with regard to women in management tiers. In tier 1, the 2005 objective to have women in 20 per cent of CEO positions has already been achieved. This progress is likely to continue given that 42 per cent of the CEO positions referred by the Commissioner for Public Sector Standards in 2002-03 have resulted in female appointments. Five out of the 12 CEO appointments have been women. The relevant departments are the Peel Development Commission, the Department for Community Development, the South West Regional College of TAFE, the Gascoyne Development Commission and the Curriculum Council. In tier 2, there has been only very slight improvement in the representation of women, including senior executive service positions. Recent public sector restructures and amalgamations are likely to be the cause of the lack of movement in that area. It is probable that recruitment action will commence shortly; therefore, opportunities for improvement are likely to increase over the next 12 months. In tier 3, there has been substantial improvement in the 2002 results, and it is likely that the objective will be met. To support the improved representation of women in management, the Government's supporting strategy document titled "Executive and Management Recruitment - Encouraging Women Applicants" was put out in July 2002. In respect of the most senior positions in government, there has definitely been movement. There have been improvements in tier 3. However, at this stage there has not been enough movement in tier 2, and we expect that as things settle down and the appointments come through, we will achieve our objective.

There has been a decrease in the number of indigenous Australians employed at senior levels in the public sector - level 6 and above. The actual number decreased from 42 in 2001 to 32 in 2002, so there is a clear issue that we need to address. The representation of indigenous Australians has improved generally in the public sector. Agencies have identified individual objectives that will enable achievement of the 2005 objective of 2.9 per cent. We are currently at 2.2 per cent. To support this improvement in indigenous employment, we put out a document late last year titled "Indigenous Employment in the WA Public Sector - Valuing the Difference".

Mr Bernie Masters; Dr Geoff Gallop; Mr Colin Barnett; Ms Margaret Quirk; Chairman; Mr John D'Orazio; Mr Max Trenorden

There has been some achievement, but a lot remains to be done. The first progress report, dated April 2003, of the equity and diversity plan has been published. If members are interested I can get a copy for them.

Ms M.M. QUIRK: The objective of 2.9 per cent is interesting. Does that reflect the percentage of indigenous people in the general population? How was that figure arrived at?

Ms WHITE: In establishing the objectives in the equity and diversity plan we looked at the number of vacancies and the recruitment action that we had taken in the past and we tried to push the recruitment action beyond what had been the historic increase to what we thought might be a realistic figure. We were aiming in the longer term for a match with the community. Currently the representation of indigenous people in the community is three per cent, so 2.9 per cent will be very close to the population figure by 2005.

Mr C.J. BARNETT: Is the 2005 objective 2.9 per cent indigenous employment in the public sector?

Dr G.I. GALLOP: Yes.

Mr C.J. BARNETT: What is the current level of indigenous employment in the WA public sector?

Dr G.I. GALLOP: It is 2.2 per cent.

Mr M.W. TRENORDEN: What is the percentage of indigenous people in the population of Western Australia?

Dr G.I. GALLOP: The community percentage of indigenous Australians is three per cent. The number of indigenous people in public sector employment in Western Australia as at 30 June 2001 was 2.1 per cent and in 2002 was 2.2 per cent. The equity and diversity plan objective is 2.9 per cent by 2005.

The CHAIRMAN (Mr A.D. McRae): Have any other groups been set out in the equity and diversity plan?

Dr G.I. GALLOP: Obviously we are looking at indigenous Australians, people from culturally diverse backgrounds, people with disabilities, and youth. I know that the chairman has an interest in the issue of objectives for people from culturally diverse backgrounds, and an objective in that area has been set for the Government. The objective is 6.7 per cent by 2005. We are currently at 4.8 per cent, the number having gone up from 4.3 per cent in 2001.

Mr M.W. TRENORDEN: The fifth dot point under major initiatives for 2003-04 at page 133 is to finalise the thematic review of performance management and offer targeted assistance to public sector bodies on compliance with the performance management standard. Where can I get hold of the performance management standard? Is there one?

Dr G.I. GALLOP: It is on the web site, but the commissioner is happy to get a copy for the member.

Mr M.W. TRENORDEN: Thank you. I would like to read it.

The CHAIRMAN: I will not register that as supplementary information; the commissioner can just forward it to the member.

The appropriation was recommended.