

Extract from Hansard

[ASSEMBLY - Wednesday, 27 August 2003]

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Mrs Cheryl Edwardes; Mr John Day; Mr John Bradshaw; Mr Phillip Pendal; Ms Sue Walker; Mr Tony McRae;
Acting Speaker; Mr Colin Barnett; Mr Mike Board

**SELECT COMMITTEE INTO THE WESTERN AUSTRALIAN ABORIGINAL COMMUNITY
CONTROLLED HEALTH ORGANISATION**

Amendment to Motion

Resumed from 20 August on the following motion moved by Mrs C.L. Edwardes -

That a select committee of the Legislative Assembly be appointed to -

- (1) conduct an inquiry into any mismanagement of Department of Health funds, provided to the Western Australian Aboriginal Community Controlled Health Organisation - WAACCHO - and other non-government agencies through the Office of Aboriginal Health for the financial periods -
 - (a) 2000-01;
 - (b) 2001-02; and
 - (c) 2002-03;
- (2) examine, report and make recommendations on -
 - (a) the role and conduct of the Director General of Health; staff of the Department of Health; the former Minister for Health, Hon R.C. Kucera MLA; and the Premier, Hon Dr G.I. Gallop MLA, in -
 - (i) authorising funds paid to non-government agencies and in particular WAACCHO, without proper contractual arrangements;
 - (ii) authorising payments of funds to WAACCHO after the former Minister for Health had been advised by the Director General of Health on 19 December 2001, that -
 - (A) “. . . a *prima facie* indication that fraudulent and other dishonest behaviour involving members of WAACCHO may have occurred and may be actionable by relevant regulatory/prosecuting bodies”;
 - (B) “. . . the organisation was insolvent”; and
 - (C) “WAACCHO’s solvency is being maintained currently by grant funding of its operations provided by the OAH”;
 - (iii) acting upon allegations of mismanagement, fraud and corruption within WAACCHO;
 - (iv) failing to act adequately upon information provided by a whistleblower on allegations of mismanagement within the Department of Health; and
 - (v) failing to treat a whistleblower in accordance with the Public Interest Disclosure Act 2003, and
 - (b) any other matter deemed relevant by the committee;

and to report to the Legislative Assembly by 30 September 2003.

to which the following amendment was moved by Mr R.F. Johnson -

To delete all words after “Office of Aboriginal Health” in paragraph (1), down to and including “Hon Dr G.I. Gallop MLA, in -” in paragraph (2), and substitute the following -

- (2) examine, report and make recommendations on -
 - (a) the role and conduct of the Directors General of Health; staff of the Department of Health; the Ministers of Health and the Premiers at all relevant times, in -

MRS C.L. EDWARDES (Kingsley) [4.01 pm]: I will continue my remarks on the amendment moved by the member for Hillarys. The Government indicated very strongly that it would not support the establishment of a select committee. In particular, it was critical of the fact that the terms of reference excluded the period in which the coalition was in government and the member for Darling Range was the Minister for Health. The Opposition is calling the Government’s bluff. If the Government is really serious about having these matters investigated, it will support not only the amendment but also the establishment of the select committee. When I asked the question last week, it was clear from the Premier’s remarks that he had no intention of supporting the

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establishment of a select committee, because he said that we were debating all these issues in the Parliament. However, do members know what cannot happen in this Parliament? The 20-odd public servants who would like to appear before an independent investigative body and tell their story cannot do so. That cannot happen without a select committee being established. They are the ones who are calling for a select committee to be established. Jean Thornton's letter of 3 May calls for an independent investigation by a select committee, and that is repeated in her letter of 15 August. The Premier said yesterday that the Commissioner for Public Sector Standards would carry out an investigation of breaches of conduct, ethics and standards under section 24 of the Public Sector Management Act. However, by close of business last night, and from an answer we received in question time today, it appears that Jean Thornton's letter of 15 August, which letter she has asked to be tabled, had not been given to the commissioner to assist her with her inquiry. If members opposite have any concerns about the matters that have been raised, they will want them to be fully investigated.

I refer to the human resource management material. The matters to which Jean Thornton refers relate to matters that happened during the period of this Government. However, members of the Government are saying that other matters are to be investigated. The Opposition does not have a problem with that. Those matters should be investigated. The motion for the establishment of a select committee should be amended, and we will be happy to have those matters investigated. Some of the matters raised by Jean Thornton in her letter of 15 August that relate to human resource management deal with the grievance process, for example, which is supposed to be for public servants who have a problem within their organisation. Ms Thornton lodged a single grievance on behalf of staff of the Office of Aboriginal Health, because many staff had serious complaints, but were too scared to lodge their own individual grievance against a particular individual. She goes on to say, in her letter -

Michael Jackson asked me to a meeting in his office at 3pm on 31st January 2002 . . . We discussed the list of complaints and it was decided that the best way to deal with it was through a formal grievance procedure. Jackson told me he would employ an independent investigator -

Mr J.C. Kobelke: What is the date on that letter?

Mrs C.L. EDWARDES: It is dated 15 August; this is the one the Premier is supposed to table. The letter continues -

and that turned out to be Barbara Abbott. Jackson later called an OAH staff meeting, introduced Ms Abbott, and explained that anyone in the OAH, DOH and outside the Department could see her to have their say. Ms Abbott told me later that over **twenty-eight** people had been to see her, including a doctor and senior Aboriginal people from outside the DOH etc. and all bar **seven** had serious complaints.

That is, 21 people had serious complaints. They are the people who would come before a select committee. They are the people who should be able to have their say. The letter continues -

She told me that she had given Jackson a report with "*strong recommendations*" about how to deal with the numerous issues. Unfortunately we were never allowed to see the report because it was 'confidential'.

Those people's complaints have again been whitewashed, hidden and lost to the system. That is a total breach of the public sector standards for grievances, and is one of the issues I believe the Commissioner for Public Sector Standards will investigate. Apart from those grievances another three grievances were officially submitted. All were eventually proved, yet the person against whom they were proved was punished by being promoted five levels. That is how this person against whom all these grievances were made was punished - he was promoted! Jean Thornton then refers to the letter in which the Premier replied to hers of 3 May. The letter continues -

None of these grievances were "addressed by the DOH in accordance with proper grievance resolution processes".

This is what the Premier said had happened. The letter continues -

That statement in your letter is completely untrue. In fact, one person was so concerned that they wrote to you about it.

On 14 February 2002, another staff member from the Office of Aboriginal Health had written to the Premier advising of the concerns and problems within the Office of Aboriginal Health within the DOH. Jean Thornton goes on to say -

As usual you could not assist.

This is another letter directly to the Premier. We know what he does with them. He does not read them, but sends them off to the Department of Health against which the complaints have been made, and which will only back itself up. The departmental officials will not say "Oh, woops - we have got caught out, we are in trouble

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now. We own up.” Of course they will not; they will write an answer that satisfies the Department of Health and the Office of Aboriginal Health, which supports the department, not those who are complaining against it. The report by Ms Abbott is not public; it is confidential. Eventually, another consultant was engaged to review the process and report back. The letter continues -

The consultant, Ian Flack, produced a “damning” report on how our grievances had been dealt with by the DOH.

The report found many serious breaches of public sector standards. That report is today still confidential and cannot be read. Jean Thornton has sought to receive it under freedom of information. Even though it deals with a grievance she put in on behalf of herself and others in the Office of Aboriginal Health, she is not allowed to see the report. That is a breach of public sector standards. The letter continues -

I would also like to know which part of the “proper grievance resolution process” allows for one side of the grievance (management) to employ a private barrister to advise them how to deal with it when the other party does not?

One person gets taxpayer-funded legal advice in the grievance process, but the other, the whistleblower, who has also asked for her legal advice to be paid for, does not get it. Is there equity in that?

Jean Thornton asked why the cost of legal advice was paid for by the Department of Health when the solicitor was engaged in a personal capacity. She asked also -

If he needed legal advice for ‘Departmental reasons’ why didn’t he use the DOH’s own Legal Section or Crown Solicitors?

It is wrong and iniquitous that a whistleblower gets no support.

The Premier’s response raised the issue of stress. Jean Thornton states in her letter -

No **formal** claims were put in by OAH staff relating to stress because we were advised against it by DOH’s Human Resources Section on the grounds that the process for putting in a claim was highly stressful in itself and would only make matters worse. Putting in stress claims are also used against you - to make it appear that you have some sort of psychiatric problem and therefore your complaints are invalid. So instead of formal claims, people used their sick leave.

That is a very serious matter to be investigated by the Commissioner for Public Sector Standards. It is a total abuse. Jean Thornton brought the matter to WorkSafe, and there was sufficient evidence for WorkSafe to take enforcement action. However, when WorkSafe went to see Jackson about it, he said the problem had been removed, so nothing needed to be done about it. That is appalling. Everything is covered up; therefore, no-one knows what the true problem is.

We also need to address the other allegations that are raised in Jean Thornton’s letter of 25 August. They include a jobs-for-the-boys mentality in recruitment, staff selection and appointment; prolonged and inappropriate use of agency and contract staff; behaviour and conduct breaching the Public Sector Management Act; and breaches of the code of ethics and the code of conduct. Today I have given the Commissioner for Public Sector Standards Jean Thornton’s letter of 15 August and the 70 pages of attachments, which the Premier failed to do. I have given the commissioner all of the documents that I believe will be able to assist her in her inquiry. However, the commissioner is limited in her inquiry. She cannot investigate the actions of the Premier in disclosing to the Department of Health confidential letters that make serious allegations against that department. She cannot investigate the allegations of fraud in contract management. She cannot investigate the actions of the former Minister for Health and Jean Thornton’s allegation that she was bullied and intimidated by the minister. Jean Thornton states in her letter of 15 August -

Premier, you have obviously no idea whatsoever as to what constitutes ‘harassment’. As a powerful male of the species I suppose you have never had to deal with it - hence your comments about Minister Kucera’s behaviour - so it is pointless explaining further.

That is an absolute disgrace. It is okay to point the finger and say, “Be careful what you say.” Where have we heard that today, member for South Perth? Does that ring a bell? That phrase has been used against the member for South Perth today. It is a phrase that is commonly used by members opposite. This is what this whistleblower was told all the time. We have called the Government’s bluff. We have moved an amendment to the motion for the appointment of a select committee so that it will include everything and everybody. Why will the Premier not support the motion if he has nothing to hide? The reason is that he knows the truth will come out.

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The Premier was not telling the truth when he said that the Government had been debating in the House the actions of the former minister. Last week the Minister for Health tabled a document from Hall Chadwick and said that the former Minister for Health knew in 1998 that there was a problem, but did not call in the auditors for two years. The Minister for Health needed only to go to page 3 of the introduction to Hall Chadwick's review report under "Background" and did not need to go through the whole document. The report states -

Western Australian Aboriginal Community Controlled Health Organisation . . . made a request for a special audit. In November 1998, it was brought to the management's attention that there were discrepancies in the books . . .

WAACCHO had an investigation undertaken by Shirley McPherson but, because there was a potential breach of the health services agreement, it had to engage an independent auditor. The document continues -

. . . it was proposed that WAACCHO engage an independent auditor to undertake a review of the alleged misappropriation. The Office of Aboriginal Health . . . had given the names of three independent auditors, one of them being Stanton Partners. From discussion with Di Potter, -

That was an employee of Hall Chadwick -

extensive delays in the audit resulted in Stanton Partner's engagement being terminated.

Therefore, WAACCHO did all the right things. The auditors were obviously under pressure, overworked and the like and did not undertake the review in a suitable time frame. Therefore, another firm of auditors, Hall Chadwick, was appointed. That appointment had nothing to do with the former Minister for Health. What an absolute furphy this minister was flying. He was flying a kite, hoping that someone would pick it up, and blaming the former Minister for Health for the delay of two years in calling for an audit. What absolute nonsense!

Government members will not support the appointment of a select committee because they know that the truth will come out about what is happening, particularly the "jobs for the boys" mentality in the Department of Health and particularly the Office of Aboriginal Health.

MR J.H.D. DAY (Darling Range) [4.17 pm]: I was not in the House last Wednesday to hear the debate; I was in Sydney attending a power and gas conference as a member of the Economics and Industry Standing Committee. However, I have read the debate and I note that the Premier made a relatively brief but inadequate response. He attempted to give the impression that the issues that have been raised are being dealt with effectively. Many people, not only in Parliament but also in the wider community, would very much question whether the serious matters that have been raised are, in fact, being adequately inquired into by the Government.

I also read the comments of the Attorney General and Minister for Health. To a very large extent, he sought to base his argument on the fact that the motion as originally moved would cover only the 2000-01 financial year; in other words, from 1 July 2000. That was about seven to eight months before the last election when the previous Government was in office. To some extent, therefore, it would cover a period when I was responsible under the previous Government as Minister for Health.

My main reason for rising to speak briefly is that I very much support the amendment moved last week by the member for Hillarys to take the period of deliberation for the select committee - if a committee is ultimately established - back as far as necessary to fully inquire into this matter. As the former Minister for Health, I have absolutely no difficulty with that; indeed, I suggested that amendment. Let everything come out. I have absolutely nothing to hide or to apologise for as far as my conduct is concerned in this issue. I hope the Government will take the same approach.

MR J.L. BRADSHAW (Murray-Wellington) [4.19 pm]: I support this amendment. The excuse the Government gave last week for not supporting our motion was that the terms of reference of the select committee did not go back far enough to include activities during our time in government. We decided that we had no problems with that and were quite happy to move an amendment to allow for it. We have not had a response from the Government, but under the circumstances I doubt very much that it will accept this amendment, let alone our motion. We wonder what it has to hide. If it has done nothing wrong, that will come out. The other night - I think it was Monday - I watched a television show about an inquest into the heroin overdose death of a young female in the eastern States. I do not know the name of the program. The judge or magistrate at the hearing told the person in the witness box not to answer a question if it would incriminate him. I have a funny feeling that that is why the Government does not want an inquiry. Somebody might have to say something that incriminates him, or it might be pointed out that what has been stated by Ms Jean Thornton is correct. It is a sad state of affairs. This Government says that it is tough, open and accountable. The Premier constantly comes into this place and points out what his Government has done in Lockridge and various other

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places. He boasts that he has the guts to get in and do things. However, when members of the Government are under the hammer, they run a mile. The Government will not have a bar of any debate about it because something might show up.

The person who is in the hot seat never defends himself when he is in that situation. The former Minister for Health has been in this place nearly three years. On several occasions he has been in the hot seat and attacked for his actions on certain issues. I have not once heard him defend himself. I find it very interesting that he never stands and defends himself. Surely, if he had nothing to hide, he would stand and defend himself. I again see similarities with the television show in which the judge or magistrate indicated to the witness that if an answer would incriminate him, he should not provide it.

It is very important that we have open and accountable government. It is interesting that this week we have been debating a code of conduct. This episode represents a disgraceful abuse by a minister or Premier of such a code of conduct. The Government said all sorts of things about protecting whistleblowers. It introduced legislation to that effect. Yet, when a whistleblower appeared, it attacked her because she said something nasty about one of its members. The Government knocked her down and intimidated her. We want the truth. If the Government has nothing to hide, it will support the amendment and also the motion. Our former Minister for Health has nothing to hide. He is quite happy for there to be an investigation into his performance as a minister. If the guys opposite have nothing to hide, they will support this motion. It is about openness and accountability. The Government displays great bravado and speaks much rhetoric about openness, accountability, honesty and all those sorts of things, but when it comes to the crunch, it does not live up to them. That is the problem our society has with politicians. This again relates to the code of conduct. The community's belief in members of Parliament is not that good, and this is a prime example of the reason for that. The Government is not prepared to agree to a select committee that will investigate whether what somebody is saying is correct. I find it disgraceful. I will be very surprised if the Government supports the amendment and our motion for a select committee. It is very important that a select committee be established to determine whether wrongdoing has occurred and whether what Ms Jean Thornton says is correct.

She put her neck on the line. Over the years the poor whistleblowers seem to have copped it rather than the people who did the wrong thing. The whistleblowers cop it and end up worse off. For once, we should show some honesty, accountability and openness and hold a select committee.

MR P.G. PENDAL (South Perth) [4.25 pm]: I will make a few brief comments in support of the amendment. The amendment is important because the motion is important. The amendment will test the Government. If the Government will not support the amendment, it is clear that it will not support the motion. It is important for the public record for the Government to be seen to be taking a stance on both those issues. I hope it takes a positive stance on both matters.

The member for Kingsley outlined the reasons for the amendment. Effectively, the Minister for Health suggested the amendment. The Minister for Health looked with some suspicion at the wording of the original motion and came to the conclusion, rightly or wrongly, that the Opposition was seeking to injure the administration period of the current Government. I was in the House when a number of members asked me whether I would support an amendment to the motion. The buck stopped there. The onus was then passed back to the Minister for Health. That is a good reason to support the amendment.

I will repeat what I said last week about why we ought to support the motion. I view the matter more narrowly than the member for Kingsley, but my views are consistent with her views. I view it a bit more narrowly because I consider the establishment of a select committee and its subsequent inquiry as a test for the whistleblower legislation, which is now called the Public Interest Disclosure Act; it is as simple as that. This is the crucial first test of the integrity of that legislation and the way in which the Government intends to administer it.

If this House were to be less diligent in what it is doing today, it would in effect be saying to the public servants of Western Australia that they should not put too much store in the Public Interest Disclosure Act and that no-one really meant what they said when the legislation was passed. That is the message we would send were we to vote against this motion. The Act was intended to give confidence to and empower public servants. It was intended to give them comfort that if they did the right thing by the public of Western Australia, they would be protected against reprisals and would be assured confidentiality. The word "reprisals" appears often in the statute. Let us make no bones about it, the message that we would send to the public servants of Western Australia if this amendment and subsequently the motion were defeated, is that they should not come forward or bring any public disclosures under the Public Interest Disclosure Act because they would not get the comfort the Parliament originally intended when it passed the legislation last year.

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I have heard members canvass other serious issues, which include accountability and matters involving roughly \$1 million. Those matters might go back to the Administration of the last Government - I do not know. They are important. However, to me they are subsidiary to this issue of the first test of the Public Interest Disclosure Act.

Therefore, for that reason alone, the Parliament today must support the amendment, and the Government must support the amendment. This is the acid test. It is the moment that we have been waiting for in respect of the strength of the Public Interest Disclosure Act. If the Government fails to support the amendment today, and if the Government subsequently fails to support the motion, no public servant will ever come forward and blow the whistle, because all public servants will know that, despite what this Parliament has passed, the statute means nothing. There is nothing more and nothing less than what is at stake today. I urge members to support, first, the amendment and, subsequently, the motion.

MS S.E. WALKER (Nedlands) [4.30 pm]: I support the motion for a select committee because, as the member for South Perth has said, it involves serious issues relating to the Public Interest Disclosure Act, the treatment of Ms Thornton by the former Minister for Health and the Premier and double standards. I could not have a lower opinion of the former Minister for Health and the member for Victoria Park over this issue.

I knew nothing about this issue and I have listened to it unfold through the member for Kingsley, the Leader of the Opposition, the member for South Perth and other members who have spoken. I was horrified to hear what has happened to this woman and to read in the member for South Perth's speech in *Hansard* that she has been under this sort of pressure for some 16 to 17 months now. The unfolding revelations by the member for Kingsley about the conduct of the Premier in this regard must send a clear message to two classes of Western Australian citizens: first, women and, secondly, public servants. As the member for Nedlands, I would like to send a message to Ms Jean Thornton and to public servants, having been one for a while. I worked in private enterprise for 20 years before entering the public service, so I understand a lot of the culture. I know that the member for Kingsley has said that what Ms Thornton has complained about is true. I will not go into that because I have a relatively short time in which to speak. However, I will say something about the treatment of Ms Thornton by two members of the Labor Government, and I will say what has touched me on this issue. As the member for Nedlands I would like to send a message to Ms Thornton and to public servants that I fully support the member for Kingsley's motion and the work that she will do to progress this matter on behalf of all people. I do not like the term whistleblower either.

It is very instructive to read the comments of the Attorney General, now the Minister for Health, when the public interest disclosure legislation was introduced into the Parliament. He always gets to his feet to support the Premier or the former Minister for Health. The Attorney General said -

There is nothing more fundamental to ensuring openness and accountability in Government than to ensure that people who have the courage to stand up and expose wrongdoing are able to do so without fear of reprisal.

I have read what the Attorney General said about the issue. He had all sorts of law documents with him. Honestly, I have reached the stage at which I cannot rely on him for anything. He said that people should be able to expose wrongdoing without fear of reprisal. I have read the *Hansard* report of what happened to Ms Thornton at a meeting she attended with the Minister for Health and eight other people. She said that she was bullied and intimidated by the former Minister for Health and that witnesses supported her. We have heard a lot about the conduct of the Minister for Health in his prior life and in his life in this Parliament. Section 14 of the Public Interest Disclosure Act 2003 states -

A person must not take or threaten to take detrimental action against another because anyone has made, or intends to make, a disclosure of public interest information under this Act.

Ms Thornton, who is 54 years of age, is obviously an intelligent, articulate woman who is well known in her area, and is financially secure. I have looked at what has happened to this woman. She has some information that is relevant to the running of this State - incompetence in an organisation. She took her complaint to the Minister for Health and was berated. She was demeaned in front of the representatives who were there and her views were dismissed. She was then warned not to say anything. What happened to her? She was moved on and sidelined. She was told to watch what she said.

Mr A.D. McRae interjected.

Ms S.E. WALKER: The member for Riverton should not quibble. He is used to those tactics in the union. The woman was sidelined and sent to Grace Vaughan House. She was then further demeaned.

Mr A.D. McRae interjected.

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Ms S.E. WALKER: Why does the member for Riverton not read *Hansard*? I know his type. He is a thug. That is how he behaves in this Parliament towards women.

Withdrawal of Remark

Mr A.D. McRAE: Mr Acting Speaker, the member and I have been engaged in a little bit of a cross-floor exchange about the precise quote that she was using from previous debates in this Parliament. In the course of a debate about standards of conduct in this place, to revert to the kind of language that accuses somebody of being a thug with all the implied meanings of the word, I find unparliamentary. I ask you, Mr Acting Speaker, to request the member to withdraw.

Mr R.F. Johnson: It may be true but unparliamentary.

Ms S.E. WALKER: The member for Hillarys said that it may be true but unparliamentary. I withdraw if it is unparliamentary.

The ACTING SPEAKER (Mr J.P.D. Edwards): I thank the member for Nedlands.

Debate Resumed

Ms S.E. WALKER: Did Ms Jean Thornton suffer a reprisal contrary to section 14 of the Public Interest Disclosure Act? I would say so. She was moved sideways and had her authority stripped from her, according to the *Hansard* report of the member for Kingsley's speech. Was she victimised contrary to section 15 of the Public Interest Disclosure Act? I think so, and I think a select committee should be looking at that. Was she victimised? She complained to the minister and then complained to the Premier - I have not got to his reaction yet - and they were afraid of what she was saying, so they victimised her. I want to send the message that I think that is completely inappropriate. I do not want us to be part of the message that this Government is sending to women or public servants on this issue.

The Attorney General said -

It is totally unacceptable that such people should be maligned or victimised as a result of their efforts to report - and therefore stop - improper or illegal behaviour in Government instrumentalities.

That is what happened to this woman. It is so ridiculous. The Attorney General further said -

This Bill will ensure that it cannot happen again.

What bull-dust. What are we doing in this Parliament with this sort of stuff?

Mr R.F. Johnson: This sort of stuff is hypocrisy. What happened was that the woman was bullied for carrying out her duties.

Ms S.E. WALKER: Absolutely. She was bullied, intimidated, sidelined and victimised, had her power taken away and was demeaned. To crown it all, I read in *Hansard* at page 10302 that she sent a private letter to the Premier's home. The member for Kingsley paraphrased the letter she wrote - this is what really gets me -

I am sorry for sending this letter to your home but it is because I do not want it to be made public; in particular I do not want it to go to the Department of Health.

Where does it end up? It ends up tabled in this Parliament.

Mr R.F. Johnson: And it is sent to the Department of Health.

Ms S.E. WALKER: Yes, the very people who can affect her salary, the way in which her lifestyle operates and the way in which she operates in her career. The Premier's conduct in allowing that letter to be tabled is despicable. He is totally and fully responsible. I would like all the women and the public servants who think they can complain and have faith in this Premier to know that, because it is disgraceful, bald-faced, despicable behaviour.

I return to what the Attorney General said. I have seen these two men operating in this Chamber. I refer to the first paragraph of the second reading speech on the Whistleblowers Protection Bill. The member for South Perth amended the Bill. I said that the Bill was insensitive; I do not know whether the member for South Perth did. The Attorney General said -

Currently, there is no comprehensive Western Australian legislation that enables a whistleblower to make an allegation of wrongdoing without fear of reprisal.

Is that a joke? He continued -

This Bill implements an important Government policy commitment.

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There is no commitment. The Government cannot demonstrate a commitment in relation to this situation. Frankly, it has gone too far. What the Premier will do and what the previous Minister for Health is capable of are laid out exactly before members. The second reading speech further reads -

Whistleblowers who uncover improper or illegal conduct or substantial mismanagement of public resources in state and local government authorities must be encouraged to make disclosures to proper authorities and must be protected when they do so.

This woman had no protection. Her letters referring to what was happening within her department and other issues were tabled in this Parliament and made public. Also, the previous Minister for Health reported in the paper, I think, that she was always whingeing; he tried to make out that she is a bit of nuisance. I heard in Parliament that someone said she is not quite all there up top, which is a classic thing to do to a person; that is, make everyone think that that person does not have his or her marbles. I am sure this woman has her marbles; otherwise, she would not have been in the position she held. The Attorney General also stated -

To achieve and maintain open and accountable government, there must be a free flow of information. Corrupt, illegal or improper conduct must be exposed and prevented. There will be no improvement so long as potential whistleblowers who are aware of such conduct and want to report it, remain silent.

Government members tried to shut Jean Thornton up by sending her to Grace Vaughan House, by demoting her and by removing her authority. That is why it is important to have a good Opposition, an Opposition with integrity, and an Opposition with courage and the backbone to stand up for any public servant or person who wants to blow the whistle - women and men - and expose this Government on this legislation.

I support the member for Kingsley in this motion and her work in this regard. If people in this State cannot turn to a member of Parliament to get a matter fixed when such whistleblower legislation is in place, where can they turn? I finish by quoting the Attorney General -

Reluctance of public officers to disclose improper conduct is often due to a fear of reprisal. The purpose of this Bill is to create an environment in which whistleblowers are protected and encouraged.

I say to the Government: show us by voting with this motion that those words are true. Let a select committee look at all aspects of this issue. I agree with the member for South Perth that the scope of the motion is wide. The unbelievable way this woman was treated really got to me. I fully support the member for Kingsley's motion.

Amendment put and passed.

Motion, as Amended

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [4.44 pm]: I am glad that the Government has accepted the amendment that no time restriction will apply to the select committee inquiry. I hope that means the Government will endorse the select committee. What could be more fundamental than the Parliament of Western Australian looking into matters arising before this House? I do not intend to repeat what I have said previously. I remind the House that this is about the issue of Aboriginal health. There are acute health problems in Aboriginal populations, particularly among very young Aboriginal children. Public money designed for Aboriginal health should go to Aboriginal health. In this case we know that approximately \$1 million intended by successive Governments for Aboriginal health did not get there; it disappeared. We also know there is evidence and questions raised in the minds of public servants about the misappropriation of money, perhaps even fraud - a matter that raised doubts first during the time of the previous Government. Various inquiries were established and internal and external audits were undertaken. Clear evidence of a substantive case of fraud went to the previous Minister for Health, Hon Bob Kucera. He failed to act on it. Aboriginal health is an issue and fraud is an issue. A minister of the Crown was given significant substantive evidence - a prima facie case of fraud - and failed to act. How much more money went missing? Why did he not act? It is his sworn responsibility to act. On the memo advising him of the situation was the inscription "NFA" - no further action. Not only did the minister fail to act, but also the decision at the time was to ensure there was no further action. Any line of inquiry was, presumably, to stop. The issue was finally referred to the police 16 months later. How much more money went missing? When a whistleblower, Ms Jean Thornton, came forward, what happened to her? A long-standing, experienced, respected public servant was intimidated by a minister of the day. She was bullied and intimidated. The same whistleblower drew the matter to the attention of the Premier and the Premier's response in this House was to immediately defend the minister for bullying and intimidating a female public servant. The public servant provided written material to the Premier on a confidential basis. The Premier did not respond. The letter went to the Department of Health and the minister, the very people the allegations were made against. When the Premier was challenged about why he did not respond to the letter and why it was passed on to health department officials and the minister, he let his chief of staff take the blame. We all have

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strengths and weaknesses but one thing my father taught me, which I will never forget, is that if you do something wrong be man enough to accept the responsibility. The Premier was not man enough to do that. He chose to let his loyal lieutenant take the blame and fall on his sword. That was an unmanly thing to do. It reflects poorly on the Premier.

What annoys me more than anything else about this issue is that when the Premier came under pressure - particularly from issues raised by the member for Kingsley - about his response to the letter, tabling it, and failing to respect the confidentiality of the public servant and passing it on to the Minister for Health and the health department bureaucrats, we saw the dirty tricks of the Premier's office in full flight. It was not something from the health department or some other agency. The personal staff of the Premier spoke to the media to try to denigrate and discredit the whistleblower. The Premier was involved directly because the dirty tricks campaign was directed from his office. It suggested that she was emotionally and mentally unstable, or words to that effect - erratic and scatty were the sorts of terms used. I will not implicate individual members of the media but many were shocked by the dirty tricks of the Premier's closest or second-closest adviser. Where is the Premier? He is missing in action, as he is in every issue of accountability and when he may be seen not to have done the right thing. How can this Parliament have any credibility in terms of its sworn responsibility to the people of this State? How can it have any credibility over its responsibility to protect and use properly taxpayers' funds? How can this Labor Government have any credibility if it refuses to have a parliamentary inquiry? No other body or group can do this, including anticorruption bodies or the police. This is about the conduct of a Premier, a minister and their staff. The only group that can look at this issue and express accountability and parliamentary and public responsibility is this House of Parliament.

I will again state the issues. A crisis exists in Aboriginal health, which is a tragedy. One million dollars is missing, which is a tragedy for taxpayers. Allegations of fraud have been made, yet the former Minister for Health failed to act on the prima facie case of fraud that was substantiated by audit reports; a decision was made to take no further action. A whistleblower courageously came forward to a Labor Government that had campaigned on the need for legislation to protect whistleblowers. She would have thought that she would be safe in coming forward to the Premier, particularly by writing to him in private and in confidence. He betrayed her. That whistleblower - Jean Thornton - was betrayed by the Premier of Western Australia. When that betrayal became public, the Premier's action was to have his chief of staff fall on his sword and take the blame. When the former Minister for Health was confronted with the allegations, he adopted a bullying and intimidating approach to this longstanding, female public servant. When the issue went one step further, dirty tricks were played by the Premier's office.

What is the Labor Party hiding from? What has it to fear from a parliamentary committee? What is it trying to hide? Why does it fear it? If the Government does not support this motion, it should never again come into this Parliament and talk about accountability, whistleblowers, respect for public servants, or ministerial or parliamentary standards. The vote on this motion will determine whether there is any substance to the rhetoric of the Premier. He says a lot. He uses fine words and makes nice speeches. However, every time he has been brought to the line to make a decision he has failed. Will he change the pattern? Will he be accountable this time by allowing the Parliament to fulfil its proper role by looking into this scandalous situation? It is a scandal. This issue will not be swept under the carpet. It should be open for this Parliament to inquire properly into this issue through a select committee that involves members of all parties in this House.

MR M.F. BOARD (Murdoch) [4.52 pm]: I support the motion before the House. I implore the new Minister for Health to also support the motion, because he has inherited a problem within the Department of Health. It is not of his doing or choosing. The reality is that he is saddled, as a minister of the Crown, with a Department of Health that has difficulties with funding accountability. This money is supposed to be used to meet clinical outcomes, particularly for Aboriginal people, but those outcomes are not being achieved. The funding is not reaching the places to which it should go. A range of issues needs to be resolved in accountability, reporting mechanisms and possibly even impropriety. Those issues are before the minister. That was not of his choosing. However, he needs to address those issues and sweep this issue clean. Members on this side of the Parliament are not concerned about the tail of the problem; whether it started in the 1980s and continued in the 1990s or started only a few years ago. The reality is that this large issue needs to be resolved. The minister and the Government have the power in front of them today to put in place an inquiry that might systematically resolve not only the issue involving the Western Australian Aboriginal Community Controlled Health Organisation, but also all the issues throughout Aboriginal health care and other non-government organisations that were raised by the Auditor General. Before referring to the report of the Auditor General and why it is so important that we support the Auditor General in what he has asked for and the warnings he has systematically made about the Department of Health and, particularly, Aboriginal health, I will comment on Aboriginal health itself.

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The Premier today in this Parliament argued passionately for more support from the federal Government in the area of health in Western Australia. He argued that the federal Government needed to fund Western Australia to a higher degree under the Australian health care agreement. Whether he is right or wrong, the reality is that we are all aware that every dollar in health is vital - every single dollar. Health accounts for 25 per cent of the state budget and 20 per cent of the federal budget. The reality is that something of the order of \$6 billion a year, from federal and state coffers, goes into health in Western Australia. The area of greatest need in the community has been Aboriginal health. The child mortality rates, glaucoma and diabetes, alcoholism, and a whole range of infectious and sexually transmitted diseases are rampant in the Aboriginal community. Notwithstanding that funds have been made available by the Commonwealth and the State, the indications are that we have not improved any of the major performance indicators for Aboriginal health. Child mortality is steady. The life expectancy for Aboriginal people has not improved, even though ours has. The reality is that we are failing in Aboriginal health. That is why it is such a tragedy when vast amounts of money that are provided to Aboriginal health are not providing the clinical outcomes and are being wasted and in many ways are not being accounted for in a proper sense.

Today the Premier and others spoke about the importance of funding health, and in the past 12 months the razor gang in operation in Western Australia spared the Department of Health from cuts. Thank God for that! I wonder whether, when it was considering programs of importance in Western Australia, the razor gang knew that people in some difficult areas would like to have been funded but huge amounts of money were being wasted and were not providing the outcomes that the Government and the community expected in the area of Aboriginal health.

Today reference was made to Professor Michael Reid and the fact that this Government will spend hundreds of thousands of dollars of taxpayers' money bringing in experts to try to arrive at better clinical outcomes in Western Australia. I wonder what the community thinks about the Government spending that money, when it has the opportunity to plug a bleeding hole and is not doing anything about it. Whilst this is not the minister's anchor at the present time, if he votes against this motion and does not to clean up the Department of Health, it will become his anchor and he will lose an opportunity to show some leadership in resolving a difficult and sensitive issue. Issues involving Aboriginal affairs are always sensitive, but the Premier has shown that in some respects he is prepared to take on those issues. Let us take on those issues in the health portfolio and stop the wastage and the bleeding that has been occurring.

I want to indicate clearly to the Parliament what the Auditor General reported in April 2003. This had nothing to do with the whistleblower incidents; these are separate Auditor General warnings to the Government. The report stated -

- Sixteen of the 19 sampled contracts for provision of Aboriginal health services did not adequately specify service delivery requirements.

The report continued -

- Over \$1.2 million of sampled 'new' funding, mostly for Aboriginal health services, was provided in the absence of any documented assessment and/or contract agreement.

In other words, money was being dolled out without adequate contracting or documented assessment of the funding. It continued -

- Accountability could be improved in the Office of Aboriginal Health by more consistent and detailed documenting . . .
- In almost 60 per cent of sampled contracts, NFPOs -

Not for profit organisations -

frequently did not meet activity and financial reporting obligations and in 90 per cent of these, contract managers took no action.

It goes on to say -

Contract management guidelines were either not in place or not consistently followed and little training had been given to contract managers.

It reported far worse practices than that. I particularly want to read the following part of the report into the record -

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The Office of Aboriginal Health did not form an assessment panel to evaluate any submissions for a contract valued at \$572 410, rather, the task was undertaken by a single staff member. The only application received was from an NFPO -

We know which organisation that was -

that was currently providing the service, but was known by Senior Office of Aboriginal Health staff to be a high risk in terms of financial viability because it was technically insolvent.

Without establishing a panel and without any adequate documentation that one officer provided that organisation with \$572 410. It continues -

A mandatory selection criterion for the tender was that applicants be financially viable.

It was mandatory, yet it was ignored. It continues -

The tender applicant did not reveal the true nature of its financial circumstances in their application.

In other words, it misled. The report continues -

The one page evaluation and selection report made no mention of the financial difficulties facing the NFPO that were known by the Office of Aboriginal Health.

The Office of Aboriginal Health knew the circumstances and the issues but it continued to dole out half a million dollars without any documentation or adequate support. I do not need to remind the House where we could have used that money in health services. The Auditor General went on to say -

The Office of Aboriginal Health in August 2001 -

It was more than two years ago -

made payment of \$125 578 to an NFPO to cover a shortfall in staff wages. The NFPO assumed that these funds were additional to their existing allocation, but were not told until November 2001 that the funding for wages had been offset against health services.

It refers to other sums of money. The amount of \$87 000 in June 2002 was unaccounted for. It says further -

The Office of Aboriginal Health used an interim letter of agreement to formalise the 2001-02 funding arrangement worth \$497 000 with an NFPO that did not comply with undertakings aimed at ensuring the NFPO would achieve a balanced budget in . . .

It said also that at least \$1.2 million has not met accountability audit requirements.

Having tabled that report in April 2003, in June 2003 the Auditor General provided not only a further warning to the Minister for Health but also a qualified audit to the minister himself. The findings at the time state -

Health agencies failed to meet their statutory deadlines for reporting performance indicators, despite an extension of time. This failure reflects adversely on the management reporting systems in place and had significant impact on the timing and cost of the audits.

. . . A qualified opinion was issued on the controls of the Minister for Health in his capacity as the Deemed Board of Metropolitan Public Hospitals in relation to failure to record all postal remittances relating to hospital Special Purpose Accounts . . .

The Auditor General has spent quite a bit of time within the Department of Health because he knows it is facing accounting difficulties. Large sums of public money are not being controlled adequately. Contract management support within the Department of Health has not been provided, particularly in the Office of Aboriginal Health. Why? For whatever reasons, whether they be political or for fear of offending members of the Aboriginal community, public money is not being spent where it should be and the large amount of funds provided to the Office of Aboriginal Health have not delivered any clinical outcomes.

We have an opportunity today to put in place a parliamentary select committee to look at the issues that have been raised by the member for Kingsley, members of the community and, in particular, a member of the Department of Health. The woman to whom I refer has come forward courageously and put her reputation on the line to try and provide justice for the community in terms of funding and where it is being spent. Her motive is not hurting people or bringing them down; it is trying to achieve an outcome in health for Aboriginal people and justifying the large amounts of money that are not providing any kind of outcome for the community. That is what this is about. I would think that any minister in any Government would jump at this opportunity and say "This issue has come forward; we have had wastage. The issue needs to be sorted out and the Opposition has offered its assistance, so let us get on with it." What is there to hide? This area has been documented by the

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Auditor General. The issue is out there; we know it is happening. Let us find out the extent to which it is happening and put a plug in it so that it does not happen again.

Perhaps the problem goes beyond the Office of Aboriginal Health. Perhaps other non-government organisations are wasting money and not achieving clinical outcomes. Perhaps the Department of Health and some of our hospitals need tidying up in that regard. I do not know. All I know is this: every dollar in health is precious. There are many needs in our community and many places in which money can be spent. We can ill afford to have money wasted and not achieve those outcomes. In closing my remarks, it is very important that the new Minister for Health seizes this opportunity and shows leadership in accountability. The problem is not his doing; however, if he votes against the opportunity of establishing a select committee, it is my understanding that he will take on the responsibility for the continual wastage and haemorrhaging in Aboriginal health.

MR J.H.D. DAY (Darling Range) [5.07 pm]: I have spoken in support of the amendment and I support the motion for reasons similar to those that I mentioned a short while ago. I thought it was instructive to consult the 2001 Labor Party election policy on accountability. I went to the library and had a brief read of it. I was interested in what it read. Some worthy words were presented in the Labor Party's accountability policy. For example, it states -

A Gallop Labor Government will aim for:

- the highest standards of openness and accountability;
- more integrity in public life; and
- an enhanced democracy.

Is that what we are seeing from this Government? Many people would very much doubt that. The policy continues -

Labor is concerned by the marked decline in Government standards and the impact this has on people's respect for the processes of government in our democracy.

It further reads -

Labor wants to restore public faith to our political processes and our public institutions. In doing so Labor understands that government must set the standards and lead by example.

Is this the type of example we get as far as accountability is concerned? The Government has an opportunity to put some of these notions into practice and to practise what it has preached. It will be interesting to see how it votes when the final vote on this motion is taken. Under the heading "Protecting Whistleblowers", the 2001 Labor election policy states -

Labor supports the introduction of whistleblowers' legislation.

There is a need to protect those that disclose information on the basis of the public's right to know, while also guarding against malicious disclosures.

Public servants who 'blow the whistle' on corruption, maladministration and waste within government and the public sector will be protected - not persecuted - under a Gallop Labor Government.

That is what was said before the 2001 election campaign. Is it any wonder that many Western Australians are now losing faith in this Government and why those who voted for Labor in the 2001 election campaign feel they were very much duded? When the Labor Party has the opportunity to put words like that into practice, but it is running a million miles an hour in reverse and doing everything it can to cover up the truth, people are sceptical; and is there little wonder why?

MRS C.L. EDWARDES (Kingsley) [5.11 pm]: In response I will summarise a few points that have led to the moving of this motion for a select committee. A motion was moved to establish an independent inquiry, which was rejected by the Government. For some time it has had knowledge of the matters that have been occurring within the Department of Health, and particularly the Office of the Aboriginal Health, relating to financial mismanagement, contracting with non-government organisations without the proper paperwork in place, and allegations of fraud occurring within those non-government organisations. Worse still, this Government has been advised consistently by not one person but a number of people. One person took it upon herself, as she is the union delegate within the Office of Aboriginal Health, to represent the concerns of the many. She has been the one who has lost in this matter. She has been criticised, intimidated, bullied, shifted sideways and pilloried. Why? It was because she had the temerity to complain about not only the financial mismanagement but also the human resources mismanagement. When people are not dealt with as human beings, it is a sign that the

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organisation is very sick. This woman alerted this organisation to the level of sickness within the Department of Health and the Office of Aboriginal Health. For her comments, she has been sidelined and criticised and she has not been listened to one little bit, yet she has been proved correct.

As soon as the Attorney General became Minister for Health, what happened to the funding of that non-government organisation? The funding stopped because there were no outcomes. What had Ms Jean Thornton been saying over the past two and a half years? She said that this money was going to an organisation that produced no outcomes. She is a proven whistleblower. Senior staff did not listen to this whistleblower when they were advised about the matter by not only her but others. They ignored her. They put in place grievance processes that have breached the public sector standards. They have breached the code of ethics and the Public Sector Management Act. Although the Public Interest Disclosure Act came into existence only on 1 July this year, that has also been breached. Complaints, allegations and concerns have been raised about the recruitment, appointment and selection process. There appears to be a "jobs for the boys" mentality operating within the Office of Aboriginal Health and the Department of Health. There have been long-term appointments of agency staff. Why would a level 1 person from an agency be employed for three years while redundancies are given to other level 1 positions within the organisation? It does not make sense. More money is paid for agency staff. Why would the office and the department bring in contract staff on a temporary basis and continue to reappoint them, contrary to all the instructions from the Premier's office?

Expressions of interest have been used extensively to fill positions. In any restructuring, that is always one way to put people into positions that are created. However, expressions of interest have been used constantly in this case to fill positions and to avoid the merit selection process, which has enabled the culture of jobs for the boys to operate. If people are left in those positions for long enough, they will argue that they have a greater claim to them. This also applies to the number of staff placed in acting positions, again without being required to go through the proper merit selection process.

The grievance process has not been fair and equitable, certainly not for Ms Thornton or for the many others on whose behalf she raised her grievance. Ms Thornton has not been able to see any of the grievance reports. She has been led to believe - parts of them have even been read out to her - that they are very damning and critical of the grievance processes. A public servant's legal advice has been paid for by taxpayers, yet Ms Thornton, who is a proven whistleblower, had her request refused.

The former General Manager of the Office of Aboriginal Health, Shane Houston, was investigated by the Anti-Corruption Commission back in 2000 regarding the use of taxpayers' funds for a box at Fremantle Dockers games and the use to which that box was put. The ACC found that there was sufficient evidence to refer the matter to the Director of Public Prosecutions for a charge to be laid. The DPP laid a charge. However, it dropped the charge when the Department of Health said that it would undertake a disciplinary process instead. That disciplinary process was not completed until 2003 - three years later. It is not fair to the public servant involved, to the complainant or to other public servants for whom the standards are being set for that sort of matter to be left hanging around for that length of time. It is an absolute disgrace.

During this time, in 2001 Mr Shane Houston was shifted from the general manager's position to another position in the Office of Aboriginal Health while he was undergoing investigation. However, he continued to be involved with the Office of Aboriginal Health. He attended meetings on restructuring, appointment of staff and the like. He has since found employment in the Northern Territory. It is interesting that the Director General of the Department of Health provided support for his appointment in the Northern Territory, even though the inquiry had not been completed. The director general provided that support on the basis that he had a draft report of the inquiry, and he was able to use that to provide relevant information to the people in the Northern Territory.

We have heard serious complaints and allegations about the behaviour and conduct of public servants and about the many breaches of public sector standards, the code of ethics and the Public Interest Disclosure Act. WorkSafe was called in by Ms Thornton to investigate the high levels of stress within the Office of Aboriginal Health. The WorkSafe report indicates that the levels of stress in that office are higher than in any other unit within the Department of Health. The response by the department is not supportive of the staff. Instead, it is to encourage the staff not to put in for stress leave, but to take sick leave instead. That is what happens when there is a problem in an agency, and a staff member is under stress - sick leave is taken, instead of stress leave. When WorkSafe says that there are sufficient grounds for applying a prohibition notice, the department's response is that the problem has been shifted, so it is not necessary for any further action to be taken. Many of these human resource matters can be investigated by the Commissioner for Public Sector Standards, and I have raised them directly with her. However, her powers are limited under section 24 of the Public Sector Management Act. While I welcome and openly acknowledge her investigation, it will not address many of the other broader and more serious issues raised by Ms Thornton.

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The issues about the fraud within WAACCHO was referred to the police some 16 months after the matter was brought to the attention of the previous Minister for Health. The police will therefore then be able to deal with that matter. The problem for the police is that the delay in the reference of the matter by 16 months means that witnesses and documentation will be harder to obtain. As such, it will not be an easy job for the police to carry out that investigation. I would not be surprised at that. The other matter that cannot be investigated other than by this House is the involvement of the Premier and the minister.

I refer first to the involvement of the previous Minister for Health. In December, 2001, he is advised by memo of some serious matters, which are contained within the terms of reference for the select committee - a prima facie indication that fraudulent and other dishonest behaviour involving members of WAACCHO may have occurred and may be actionable by a relevant regulatory prosecuting body. The organisation was insolvent, and its solvency was being maintained by grant funding of its operations provided by the Office of Aboriginal Health. The taxpayer was continuing to hold up this organisation, which was being investigated for mismanagement, fraud and corruption. The minister asks in the memo where to go from there. His staff have a meeting with the Department of Health, and they say that no further action is required, and the Minister for Health leaves it at that. With all the ongoing audit reports, management audit letters, the advice, the allegations and the Auditor General's report itself highlighting all these concerns, particularly the fact that there was no contract to support the amount of money going to WAACCHO, the matter was not referred to the police until May 2003. The lack of a contract will also hamper the police in taking action against anybody in WAACCHO, or the body itself.

We then have the meeting with the then Minister for Health, which was organised by the union and was attended by eight other people as well as Ms Jean Thornton. At that meeting Ms Jean Thornton outlined the problems very clearly. That was not the first time the then Minister for Health had heard about them, because she had had an earlier meeting with the minister to talk about general matters within the Office of Aboriginal Health. Ms Jean Thornton also talked about some of the individuals involved. However, she was warned to be very careful about what she said, and the finger was pointed at her. Therefore, not only was she not listened to, but also she was told ostensibly that the minister did not want to hear what she was saying; so she left the meeting knowing that she had not been heard. She has said that she felt intimidated and bullied by the then Minister for Health. We believe Ms Jean Thornton. The Premier believes the previous Minister for Health. However, the Premier does not need to leave it at that. There were eight other people at that meeting. Why did the Premier not contact the union and ask for some corroboration of Ms Jean Thornton's allegations?

Mr P.G. Pental: Perhaps because he was frightened of getting that corroboration.

Mrs C.L. EDWARDES: The Premier does not want to know the truth. He is happy to accept the then Minister for Health's explanation that he did not intend to intimidate and bully her. The minister either intimidated and bullied her or he did not. The Premier is not interested in protecting this whistleblower. He is more concerned about protecting his neck and that of the then Minister for Health. The then Minister for Health was the Premier's appointee. The Premier gave him the health portfolio. Therefore, any criticism of the then Minister for Health is a criticism of the Premier.

I turn now to the Premier's involvement, which also cannot be investigated by anyone other than this select committee. The Premier received a letter sent to his home in February-March 2001 clearly highlighting serious issues in human resource mismanagement in the Department of Health and the Office of Aboriginal Health. He received a letter from another staff member in February 2002. Again that staff member received no assistance. He received a further letter from Ms Jean Thornton on 3 May. That letter was sent to the Premier's electorate office - not the Premier's office - and was marked private and confidential. The previous letter was marked with words to the effect "Please don't give this to the Department of Health. I don't want it to go public." However, what happened? On 13 June the letter was sent to the Department of Health. The Premier sent the letter to the very people who will not agree with Ms Jean Thornton's allegations but will back up their own story to protect themselves. The Department of Health has taken no action to date, so why will it take action now?

The Department of Health drafted a nice response for the Premier, and he sent that response to Ms Jean Thornton on the Monday evening before he tabled in this House on the Tuesday both her letter and his response. He did not ask Ms Jean Thornton whether he could send her letter to the Department of Health. He did not ask her whether he could table in the Parliament both her letter and his response. He just told her that is what he would do. A member in the upper House then asked the minister representing the Premier whether the Premier would table in the Parliament the letter of February-March 2001 sent to his home, and, if not, why not; and because the Premier thought that everyone was picking on him and saying he already knew about the fraud, mismanagement and corruption in WAACCHO, and because the letter from Ms Jean Thornton did not deal with any of that but dealt only with the mismanagement of staff, he thought he would table it. However, the Premier forgot about the

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fact that he has a whistleblower who now is not only identified by name but also is linked very much with the very complaints that she is making. That is an absolute betrayal of Ms Jean Thornton.

The Premier did not ask Ms Thornton whether he could table the letter. That was an absolute betrayal and a total breach of the Public Interest Disclosure Act. Members can table material on a public interest basis after they have given reasonable notice to the whistleblower that they will do so, but it should not have been tabled in the way the Premier tabled it and I believe he has breached his own Act by doing so. He did not have the courtesy to go through any semblance of proper process, which process his Government passed in this Parliament in the form of the Public Interest Disclosure Act.

This is a very serious matter. As the member for South Perth said, it is a serious betrayal of not only a whistleblower but also of all whistleblowers. Other members of the public service will think twice before coming forward. They have seen what has happened to Jean Thornton and Chris Read. It would be a very courageous person who would take on not only the public service but also the previous Minister for Health and the Premier, only to be whacked down and hear informal messages going around the corridors that the person is a bit touched.

Many issues have been raised about the mismanagement of human resources in the Department of Health and the Office of Aboriginal Health, which is also a serious matter. I was pleased to hear that the Commissioner for Public Sector Standards will conduct an investigation into these matters. I hope that she is able to get to the bottom of all these matters and make a discrete report to the Parliament, not just include it in her annual report to the Parliament.

The financial management of the Department of Health is also a serious matter. Health funds are and always will be scarce. When we are told that money has been wasted on a Fremantle Dockers box - which must have been of no benefit whatsoever to the health of Aboriginals - and on the mismanagement of a non-government organisation in the payment of double wages, extra travel and other money, which may or may not have been for personal purposes, it is clear to see that money has been going into a non-government Aboriginal organisation with no benefit whatsoever to Aboriginal health in this State. In addition, not only have senior staff at the Department of Health condoned that mismanagement but also encouraged it and given the organisation more money without establishing proper contractual arrangements.

Madam Deputy Speaker, the Parliament must appoint a select committee to investigate these matters for a number of reasons that I have outlined and summarised. Public servants will have no confidence in the way this Government manages the Public Sector Management Act and the Public Interest Disclosure Act until it agrees to the establishment of a select committee.

Question (motion, as amended) put and a division taken with the following result -

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Ayes (16)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr T.K. Waldron
Mr M.J. Birney	Mr J.P.D. Edwards	Mr A.D. Marshall	Ms S.E. Walker
Mr M.F. Board	Ms K. Hodson-Thomas	Mr P.G. Pendal	Dr J.M. Woollard
Mr J.H.D. Day	Mr M.G. House	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (23)

Mr P.W. Andrews	Mr J.C. Kobelke	Ms S.M. McHale	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr R.C. Kucera	Mr N.R. Marlborough	Mrs M.H. Roberts
Mr C.M. Brown	Mr F.M. Logan	Mrs C.A. Martin	Mr P.B. Watson
Mr A.J. Dean	Ms A.J. MacTiernan	Mr M.P. Murray	Mr M.P. Whitely
Mr J.B. D'Orazio	Mr J.A. McGinty	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)
Dr J.M. Edwards	Mr M. McGowan	Ms J.A. Radisich	

Pairs

Mr B.J. Grylls	Mr S.R. Hill
Mr M.W. Trenorden	Mr A.J. Carpenter
Mr B.K. Masters	Mr D.A. Templeman
Mr P.D. Omodei	Mr J.N. Hyde
Mr C.J. Barnett	Dr G.I. Gallop

Independent Pair

Dr E. Constable

Question thus negatived.