

Consideration in Detail Resumed

Clause put and passed.

Clause 11: Section 63 amended —

Mr D.J. KELLY: Clause 11 inserts a new provision in section 63 of the principal act, the Public Sector Management Act 1994. Section 63 deals with the vacation of the office of executive officer and the ways that the office of an executive officer can become vacant. Section 63(1)(f) of the act states —

the employment of the executive officer in the Public Sector is terminated under section 79(3);

To paraphrase, that is termination for substandard performance. This clause adds the words “or under regulations referred to in section 95A”. Proposed new section 95A will provide regulations to put in place the process to deal with people leading up to involuntary severance. We have heard that these regulations will deal with only a small group of people—we have heard 80, 100 and 200. How many of the catchment group currently the subject of the provisions of the Public Sector Management Act—80, 100 or 200, whatever the number—would fall within the definition of “executive officer”? “Executive officer” is defined in section 3, at page 36, of the principal act. How many executive officers in the public sector are currently in the catchment of 80? How many will be caught by the amendment to clause 11? In comparison, how many employees in that group of 80 are currently within the coverage of United Voice? This is one of the principal concerns that many people have about the way this bill will operate. The Premier is introducing provisions on the basis of a small catchment, which he says currently exists, but the bill is being drafted in such a way that it will catch a great number of people in the future. I have given the specific examples of people who will be made redundant at Royal Perth Rehabilitation Hospital at Shenton Park and Swan District Hospital. The Premier can roll his eyes, but it is reasonable for people to want this information. My question is: how many of the catchment—whether it be 80, 100 or 200—that the Premier says will currently be subject to the regulations fall within the definition of “executive officer”? Those people are specifically affected by clause 11. By comparison, how many of that current catchment is within the coverage area of United Voice?

Mr C.J. BARNETT: All clause 11 does is provide that if a person is terminated through, in this case, involuntary redundancy, and that person holds an office, that position within the agency is deemed to be vacant. I assume that from then on that office would be abolished, if that had not already been done. It is unlikely that those on the redeployment list currently hold an office.

Mr D.J. KELLY: I asked how many people in the current catchment are affected by this. The Premier said that there are 80 or 100 in the system, or maybe 200.

Mr C.J. Barnett: There are fewer than that.

Mr D.J. KELLY: All right; there are fewer than 80. This provision of the bill deals specifically with executive officers, and I simply ask how many of those 80 fall within the definition of “executive officer” and, for comparison, how many are covered by United Voice? I suspect that the answer to the second part of the question is zero. I suspect zero people covered by United Voice make up that 80. Maybe the Premier’s advisers could confirm that; it is not difficult. I would be flabbergasted if there is a cleaner, a patient care assistant, an education assistant or anyone covered by United Voice currently sitting and doing nothing and who, as the Premier put it, has fallen through the cracks. I want the Premier to confirm my suspicion that no-one from areas covered by United Voice is in that catchment of 80, and I want to know how many executive officers fall within the confines of this clause.

Mr C.J. BARNETT: I am advised that, to the best of everyone’s knowledge, within the 80, or fewer than 80, people currently on the redeployment list, no-one holds an executive office—none.

Mr D.J. KELLY: The second part of the question is: how many, by comparison, are within the coverage of United Voice?

Mr C.J. Barnett: I suggest you go back to your mates and check your membership list.

Mr D.J. KELLY: I know how many members of United Voice there are. There are a lot more members of United Voice than there are of the Liberal Party. My question is: of the 80 people the Premier talked about, how many—not how many are members of United Voice because the Premier would not know that—are within the coverage area of United Voice? Let me put it a different way; how many are employed under an industrial instrument—award or agreement—that United Voice is a party to? It is a simple question. My suspicion is that the answer is zero. I suspect none of the people who have fallen through the cracks and are the reason for the introduction of involuntary severance comes within the coverage of United Voice. I suspect the Premier knows the answer is zero but he does not want to say for some reason. He does not want to have on the record —

Mr C.J. Barnett: I don’t know.

Mr D.J. KELLY: Rather than just say “I don’t know”, ask an adviser. I am sure the Premier’s advisers know that there is no-one employed under industrial instruments to which United Voice is a party. About 30 000 public sector workers are employed under instruments to which United Voice is a party, and as I read it, they will be subject to the new provisions in this bill and the regulations that will follow. The principal reason these measures are to be introduced, which the Premier has stated over and over again, is the small group of people—about 80—who are sitting around doing nothing and who, in the Premier’s words, have fallen through the cracks. I would like to go back to United Voice and say, “Look, none of you guys is the reason this is being introduced.” I suspect I know the answer. In the public sector, if United Voice members are made redundant, the public sector managers move heaven and earth to make sure they have either a job doing something useful in their current position or are redeployed elsewhere. They almost never get offered voluntary severance. I do not know why, but the lower down the pay scale someone is, the less likely they are to be offered voluntary severance. In my experience, the higher up the chain someone is, the more likely they are to get voluntary severance. It is a simple question: of the catchment of 80, is anyone employed under an industrial instrument to which United Voice is a party?

Mr C.J. BARNETT: I think the member is probably right. To the best of my knowledge, I do not think there are any. If the member wants a more accurate answer, I suggest that he ask a question on notice.

Mr W.J. JOHNSTON: In answer to the member for Bassendean’s question, the Premier said that there were no executive officers in this small group of 79 or 80—whatever it is—people whom he described as having fallen through the cracks. If there is nobody on that list, and if nobody will be covered by the arrangement, why is this provision needed?

Mr C.J. Barnett interjected.

Mr W.J. JOHNSTON: So this provision will come into effect and there may be people other than those 80 who will be captured by these provisions. And that would include all of the provisions of this bill. Sorry?

Mr C.J. Barnett: You don’t want me to interject.

Mr W.J. JOHNSTON: I am taking the Premier’s interjections. In fact, I am inviting them because it is a little confusing. The Premier said that only 80 people were affected, yet we are passing the provision —

Mr C.J. Barnett: There are 80 people currently on the redeployment list.

Mr W.J. JOHNSTON: Right; that is cool. I am trying to clarify whether it is 80 today and potentially 138 000 tomorrow, because I am unaware of any part of this bill that restricts these arrangements to just those 80 people. If the Premier could draw my attention —

Mr C.J. Barnett: Eighty individuals today, and there will be others tomorrow.

Mr W.J. JOHNSTON: Absolutely; I agree with the Premier. That is my reading of the bill; that it is not restricted to those 80 people he has regularly referred to. That means —

Mr C.J. Barnett: Anyone in the public service who does not have a job and who, after an exhaustive process, is deemed to be redundant will be up for voluntary redundancy.

Mr W.J. JOHNSTON: The Public Sector Commissioner, in his very kind “State of the sector report 2013”, identifies 138 000 people in the public sector and these provisions—not this particular provision because it applies just to those executive officers—in the bill apply to everyone on that list.

Mr C.J. Barnett: Of course it does. It is the Public Sector Management Act 1994 and it applies to everyone in the public service—all 138 000. But all 138 000 will not be deemed to be redundant. It will be a very tiny number, and it is currently around 80.

Mr W.J. JOHNSTON: If an agency is outsourced, every single person in the agency could be subject to these provisions. If the government made a policy decision to outsource a function, everyone currently in the public service dealing with those matters would be covered by these provisions. That is the very reason —

Mr C.J. Barnett: Provisions like that are already in the act. They are already there and this does not change anything.

Mr W.J. JOHNSTON: It does not change anything.

Mr C.J. Barnett: If an agency is privatised or outsourced, there are already provisions in the act to deal with that. This bill does not change that.

Mr W.J. JOHNSTON: The Premier is saying that it is not his intention, through the passage of this legislation, to amend provisions that he did not discuss in his second reading speech.

Mr C.J. Barnett: The act is what the act is.

Mr W.J. JOHNSTON: The things the Premier did not raise before the Parliament are not intended to be amended by the passage of this bill. Is that what the Premier is saying to us?

Mr C.J. Barnett: Read the bill.

Mr W.J. JOHNSTON: Yes, I have. That is why I am trying —

Mr C.J. Barnett: The bill is the bill; you cannot assume that all sorts of other provisions apply. If they are not in the bill, they are not there.

Mr W.J. JOHNSTON: Thank you very much. This is a very important issue because, as I raised with the Premier in my contribution to the second reading debate, it is not the answer but the question that is important. If the Premier did not discuss something in his second reading speech, it is not the government's intention, and therefore it is not this chamber's intention, to restrict those other arrangements. We are not seeking to in some way or another argue later on that we did something that the Premier is saying we are not doing. I think that is very important. I am very pleased by the answer that the Premier has given because, as I say, it is the question, not the answer, that is always important. If we are now confident that, for example, the chief executive officers and the chief employees are clearly obliged to comply with section 30 of the Public Sector Management Act 1994, as it exists today —

Debate interrupted, pursuant to standing orders.

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