

ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural - Leader of the House) [9.50 pm]: I move -

That the house do now adjourn.

Minister for Health and Neale Fong - Adjournment Debate

HON HELEN MORTON (East Metropolitan) [9.51 pm]: I agree with the editor of *The West Australian* who believes that accountability has been treated like a joke by Minister McGinty and the Director General of the Department of Health, Neale Fong. He wrote -

Once again, Western Australians have cause for believing public accountability has been treated as an optional extra, if not a joke.

Hon Paul Omodei, the Leader of the Opposition, believes that both the Minister for Health and Dr Fong have lied. I do not disagree. I believe that they have colluded to obstruct the accountability and transparency of government. I do not care too much about what is contained in the emails between Dr Fong and Brian Burke. They are of no interest to me, although the content of the emails might become interesting when it becomes known. I am more interested in what motivated Dr Fong to lie to, or for, his minister in a parliamentary estimates hearing. Why is Mr McGinty going to such lengths to protect this director general when other chief executive officers have been pushed aside and silenced without too much concern? I have known Dr Fong really well for a long period, and his actions are out of character. Unfortunately, Dr Fong's ability to act independently from the minister was compromised from day one, when the independent legislative process for chief executive officer recruitment and selection advocated by the WA Inc royal commission was circumvented. The Commissioner for Public Sector Standards raised concerns about this situation in August last year and likened it to the practices identified by the WA Inc royal commission. Interestingly, so does reporter Keryn McKinnon, who wrote -

Ironically, it was these actions by Mr Burke and his government's lack of transparency exposed by the WA Inc royal commission that led to the two pieces of legislation which have landed Mr Burke, Health boss Neale Fong and the State Government in hot water once again. The Freedom of Information Act and State Records Act, introduced to keep governments accountable and ensure the integrity of the public record keeping systems of government agencies, have now both been shown to be failing the people of WA.

I remind members that in the middle of last year, the commissioner released a discussion paper entitled "CEO recruitment and selection in the WA public sector". The review itemised, month by month, the steps taken to get Dr Fong into his current position. He applied for the position of, and was appointed, chief executive officer of the North Metropolitan Health Service in August of that year. His salary was determined at the minister's discretion. Dr Fong was taken on to become the health reform task force chief. In November 2004, Mike Daube, the then director general, resigned and Neale Fong was brought into the department as the acting director general. In December 2004, the Commissioner for Public Sector Standards was asked to advertise the position but, because she knew that Dr Fong was already getting a salary well above the \$237 000 to \$288 000 determination made by the Salaries and Allowances Tribunal for that position, she asked what she should do about the salary when advertising the position. She was told that the position would be removed from the Salaries and Allowances Tribunal determination, and it subsequently was.

Dr Fong was selected from a field of two. In September 2005 he was appointed after the gazettal of amended Public Sector Management (General) Regulations. Before the amendment went through in September 2005, the regulation in place allowed for a non-Salaries and Allowances Tribunal CEO to receive an allowance from the employing authority that would bring the remuneration up to the level payable to a person were he or she to be employed outside the public sector to perform similar functions. In other words, if a person could do a similar job outside the public service, it was okay to pay to the level of that similar job. The amendment that went through in September 2005 repealed that regulation and replaced it with a new regulation that permits the remuneration for a non-Salaries and Allowances Tribunal CEO position to be determined by the employing authority. Interestingly enough, the employing authority is the Minister for Health.

Ever since the health boards were abolished and Mr McGinty inserted himself in place of the boards, he has become the employing authority of all people who work in the health system. The risk is that the director general has now become beholden to the minister, who is his employing authority - and a very generous one at that. This is a serious risk to the integrity of the accountability and independence of the director general's position and the minister's position. The important principle of independence or separation between the director general and the minister has been lost in this process. The situation has been compromised from day one because of the arrangement that the Commissioner for Public Sector Standards warned us about. The minister has bought the director general's loyalty and the director general has sold his independence to the minister. Why

would he not lie if he thought it would save the minister some embarrassment? Maxine Murray's warnings about the risk of this are coming back to haunt the minister and the rest of us. That is because of the manner in which the appointment process was manipulated to circumvent the regular process.

As a final comment I state clearly that any thought of a whistleblower within the government being protected under these circumstances is an absolute fallacy. The person who has brought this information into the public arena is now not covered by the Public Interest Disclosure Act by the very fact that he has gone outside the government to bring this information forward. I have seen many examples in the past two years in which people who genuinely believed that they were bringing their public interest disclosure to the fore for very important reasons have subsequently had their career, personal life and other aspects of their lives damaged.

I reiterate that in August 2006 the Commissioner for Public Sector Standards raised concerns that the independent legislative process for CEO recruitment and selection advocated by the WA Inc royal commission and outlined in the Public Sector Management Act was circumvented through regulatory amendments to accommodate Dr Fong's huge salary. It is my absolute belief that from that time onwards, the independence of and the separation between the minister and Dr Fong were compromised.

Council Estimates Hearings - Hon Nigel Hallett's Press Release - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [10.01 pm]: Before the house adjourns, I want to make some comments about a press release that I found on the Internet today that is purported to have been put out by Hon Nigel Hallett. It is headed "Labor continues to pay lip service to regions". When I read the press release, I found it to be quite extraordinary. I certainly invite Hon Nigel Hallett before I move on to indicate whether he still stands by this press release or whether there has been some misunderstanding in the way it was written. Does Hon Nigel Hallett not want to make a comment? Is it his press release?

Hon Nigel Hallett interjected.

Hon KEN TRAVERS: I found the press release to be quite extraordinary. It basically relates to the estimates hearings that occurred last week in this chamber as part of the hearings of the Standing Committee on Estimates and Financial Operations. The press release reads -

... the Carpenter Labor Government continued to ignore regional Western Australia, this time in the annual Budget Estimates hearings in the Legislative Council.

Mr Hallett said only two government Ministers with responsibility to regions attended Estimates Hearing and they were unprepared for the questions the Opposition wanted answered.

It also states -

"Only two Ministers that we requested ...

I am not sure to whom Hon Nigel Hallett is referring when he says "we". Is he referring to the committee or to himself and his colleagues? Again, I would be fascinated to know from Hon Nigel Hallett - I am happy to take an interjection - whether the "we" he is referring to when he says "Only two Ministers that we requested" is him and his colleagues or the estimates committee.

Hon Nigel Hallett: You'll find out when I respond to you, won't you? Just carry on with what you want to say.

Hon KEN TRAVERS: That is fine. He goes on to say in the press release -

"The other Ministers responsible for regional portfolios simply failed to attend with no reason given"...

I found that to be one of the most extraordinary things I have ever seen from someone who is a member of the estimates committee. He would know why no other ministers attended the hearings. They did not simply fail to attend without giving a reason; they were not called before the estimates committee hearings. I refer members to the documentation that was distributed to people in the lead-up to the estimates hearings. I am sure that all members would have received a letter from Hon Giz Watson inviting members to provide a list of the agencies that they wanted called for both the ongoing and annual estimates. As a result, the committee, after it had deliberated, released a list of the agencies that had been called. I have with me the timetable for the hearings and the list of the agencies that were called. We called the Department of Education and Training, which was division 50; the Curriculum Council, which was division 52; the Department of Housing and Works, which was division 38; and the Department of Local Government and Regional Development, which was division 19. We also called a number of other agencies, including the Department for Child Protection, the Department for Communities, the Water and Rivers Commission, the Department of Water, the Department of Environment and Conservation and Main Roads Western Australia. They were the only agencies that were called to the annual hearings of the estimates committee. This decision was made by the estimates committee, as everyone in this place would know. Unfortunately, members in this place, with the exception of those who are members of the

committee, do not know how we arrived at that decision, but they can certainly look at previous annual reports that make it clear that we use the surveys that are provided to us as a clear guide on which agencies to call. If an agency is not on that list, the ministers are not asked to come before the estimates committee. Hon Nigel Hallett knows exactly what went on in that committee. Unfortunately, I am not in a position to inform members of this house of what went on in that committee until it has reported to this place on the full nature of its deliberations. Hon Nigel Hallett knows that the only minister that had any responsibility in relationship to regional development was the Minister for Regional Development, and he was called with respect to division 19.

I note that the member sought to ask questions on divisions 17, 57 and, I think, 59. Those divisions relate to the Wheatbelt Development Commission, the Kimberley Development Commission, the Pilbara Development Commission and the Gascoyne Development Commission. They were not even called. It is not the first time that this member has taken this action. Members can look at last year's *Hansard* to see that he made the same mistake. If members want agencies called, they need to submit their requests and the committee will seek to accommodate them, which is what it has done in the past. Those agencies might be called to an annual hearing or an ongoing hearing.

For a member of the committee who knows and is actively involved in the process, Hon Nigel Hallett knew exactly why the regional development commissions were not called. However, for him to put out the press release to which I referred is absolutely outrageous, and the member knows it. I challenge Hon Nigel Hallett to stand in this place and repeat the words in the press release and tell the house that he stands by everything in it. He knows that he cannot do that. If he does, I will be ready to move a motion that the member is misleading the house. To say what is in the press release - that is, that ministers simply failed to attend with no reasons given and two ministers who were requested to attend to answer questions turned up when they were not invited - is an absolute misrepresentation of the truth. Hon Nigel Hallett knows it. I challenge him to stand in this house and say what is in the press release and indicate that he stands by it. He knows he cannot do so. I do not think that Hon Nigel Hallett would want to mislead the house.

Greenhouse Gas Emission Targets - Adjournment Debate

HON PAUL LLEWELLYN (South West) [10.07 pm]: I was cleaning out my 80-year-old mother's house when I found a small envelope that had "Paul" written on it. It so happens that my mother is so dedicated to her son that she kept a range of things. One thing she kept was one of the first statements that came of the WA Green Party from 18 Burns Street, North Fremantle. It was one of the party's first statements on what it stands for. Of course, members would know that the party was operating in three spheres. First, the natural environment; second, society; and, third, the economy. The document states -

Green Politics recognises that we have a choice in the way in which we go about providing for society's material needs. Each day we make individual and collective choices, which affect both the natural environment and human society in positive or negative ways.

We wanted to get to the bottom of that and the policy states -

The Green Party will act as a catalyst to encourage individuals and the community to reappraise present social and economic processes and structures.

Further on it states -

In the 1989 State Election, the WA Green Party intends to focus on six key issues which reflect the effects of inappropriate social arrangements and environmentally destructive modes of production. Our policies will lead to the restoration and maintenance of the environment and the restructuring of society along more democratic and socially beneficial lines.

The document then refers to the key policy issues, the first of which is the greenhouse effect. I repeat that this was the first policy statement from the WA Green Party in 1989, 18 years ago. It states -

Pollution and alteration of the atmosphere, leading to major climatic shifts, is directly related to:

- Our use of polluting technologies,
- Excessive consumption of fossil fuels such as coal and oil,
- Ongoing destruction of forests, and Social attitudes that condone extravagant and wasteful levels of production and use of natural resources.

The Green Party will work to redress these problems. In particular we will encourage major reductions in the consumption of fossil fuels in WA by: -

This is 1989 -

- Encouraging people and industries to use energy in more conservative ways,

- Promoting the use of natural gas as an energy source in preference to coal and oil, particularly for domestic and transport purposes,

Does that sound familiar? Does it sound like the government policy today? It is very interesting. It continues -

- Favouring renewable solar-based energy technologies.

We also advocate that the remaining native forests should be conserved, and new forests be established on cleared lands. The WA Green Party is committed to encouraging strategies to adapt to climatic changes, to prevent further atmospheric damage, and to repair existing damage.

It is interesting that that was the first document I wrote as a policy coordinator for the Greens in 1989. The Greens (WA) wrote its "Response to the Premier's Climate Change Action Statement", which states -

The State Government's Climate Change Action Statement, released on 6 April 2007, has some positive features but falls well short of being an adequate response to the climate change challenge.

On the positive side, it sets targets for substantial reductions in greenhouse gas emissions, confirms Western Australia's support for a national emissions trading scheme and commits to some new initiatives such as a strengthening of energy efficiency standards for new residential buildings.

On the negative side:

- The new initiatives that are announced are unlikely to lead to substantial reductions in greenhouse gas emissions;
- The Statement does not quantify the greenhouse gas reductions that are expected from these initiatives;
- The Statement fails to implement most of the recommendations of the Government's Greenhouse and Energy Taskforce, including the Taskforce's important recommendation for a mandatory renewable energy target of 15 to 20 per cent by 2020;
- No initiatives are proposed for transport, agriculture, land clearing/revegetation or fugitive emissions; and
- Insufficient funding has been allocated to implement the Statement.

I note that \$100 million over five years has been allocated from a total budget expenditure of about \$18 billion. That is just \$20 million a year. The Greens' response further states -

The lack of public consultation is also a concern. Given the importance of climate change and the public interest in this issue it is unfortunate that there was no opportunity for public comment on a draft statement. If there had been such an opportunity, it is likely that the final result would have been a more substantial document.

It would have been more substantial regarding mechanisms to address climate change. It was a secretive document that was released at a secret location on a Sunday morning.

Hon Kim Chance: It was not that secret.

Hon PAUL LLEWELLYN: I found out about it. My mum actually said that I ought to be there. Back in 1989 she said, "You've got to go out there and do this, boy." She gave me leave to do this. We all must have some higher authority. The Greens' response to the government's statement continues -

The Statement sets a goal of reducing Western Australia's greenhouse gas emissions by 60 per cent of 2000 emissions by 2050. This would require that by 2050:

- aggregate emissions are reduced from current levels of 71 million tonnes per annum to 26 million tonnes per annum; and

That sounds like a lot -

- annual per capita greenhouse gas emissions drop from the current 34 tonnes per person to 7-10 tonnes per person by 2050.

Three criticisms can be made of the target.

- First, the target is insufficient if Western Australia is to equitably contribute to the global task of constraining global emissions to acceptable levels. If everyone on the planet in 2050 was responsible for annual emissions of 7-10 tonnes, global emissions would not reduce at all - indeed, they would be well above current levels.

If all other countries had the same aspirations as Western Australia, we would be in big trouble. To continue -

- Second, it would be more appropriate to have a target that uses 1990 levels as a benchmark. This is the internationally accepted benchmark year used for the purposes of the Kyoto Protocol.

Why, therefore, is Western Australia setting its target based on 2000 and not 1990? To continue -

- Third, a shorter-term target or targets, in addition to a 2050 target, would promote urgent action to address climate change.

It is easy to set a target as far out as 2050, with no interim targets and no mechanisms to achieve that.

Internationally, based on the science, people are recognising that the level of greenhouse gas emission cuts must be significantly more than what the government is proposing. We commend the government for going halfway down this pathway, and we will support it in its objective. However, the Greens have set a much more ambitious target of 30 per cent below 1990 levels by 2020 and 80 per cent below 1990 levels by 2050. If targets of this nature were set at a national level, the state and territories' subtargets would not be necessary. In other words, on the basis of scientific evidence, we need to set much deeper cuts in greenhouse gases. The economic analyses coming out of global modelling suggest that we will achieve economies of scale by addressing climate change more vigorously and by investing in more efficiency, as I have said in this house before.

The Greens have made a comprehensive analysis of the government's climate change action statement, and I seek leave to table the paper.

Leave granted. [See paper 2916.]

Princess Royal Harbour - Unexploded Ordnance - Adjournment Debate

HON MATT BENSON-LIDHOLM (South West) [10.17 pm]: I am pleased to report that, after some six or more years of obfuscation and reluctant negotiation, the commonwealth government has seen the light in relation to unexploded ordnance in Princess Royal Harbour. The commonwealth has finally accepted some responsibility for the clean-up of ordnance dropped into the harbour between October 1947 and March 1948 somewhere near the site of the now nonexistent deepwater jetty. I am told that the original intention was to take the bombs out and drop them off the continental shelf. However, that did not happen and they were dropped into Princess Royal Harbour. The seriousness of the situation was revealed in 2000 when it was found that among other items uncovered in dredging activities was a 250-pound aerial bomb and a number of 18-pound military shells. Such discoveries have had a significantly negative impact on construction and export activities at a time when the south coast and its hinterland need a dynamic and safe port facility. Hopefully, the bad days are over.

I am pleased to announce that, as of last Friday, the commonwealth has agreed to pay to the port of Albany some \$5.25 million for past and future dredging and clean-up costs, and something like \$1 million for legal bills. This brings to an end a puzzling stance by the federal government, a stance that saw in its early days the federal government putting the blame on even the Americans rather than itself, when it was patently obvious that the responsibility lay with the commonwealth government and the defence department. It is a pity that it took millions of dollars of taxpayers' money before the federal government saw the light. I congratulate the Albany Port Authority and its CEO, Mr Brad Williamson, for their commitment and endeavour in pursuing the ordnance issue with the commonwealth through the Western Australian Supreme Court. The more the Defence Department refused to accept its responsibility for the cleanup, the more the port authority put into its case for a just resolution, which will ultimately see this magnificent harbour and port deliver for all who live and work in the great southern. I would also like to acknowledge the hard work of Albany MLA Mr Peter Watson in alerting federal MPs to the disgraceful behaviour of the federal government in relation to its neglect of legal responsibilities. Indeed, the federal government should be ashamed of its appalling behaviour since 2000 in wasting so much of taxpayers' money. With Friday's resolution, hopefully Albany and Princess Royal Harbour can put to rest the problems of the past and we should be able to see real economic progress on the south coast.

Question put and passed.

House adjourned at 10.21 pm
