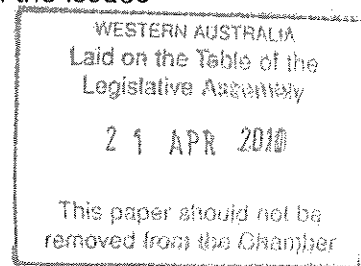
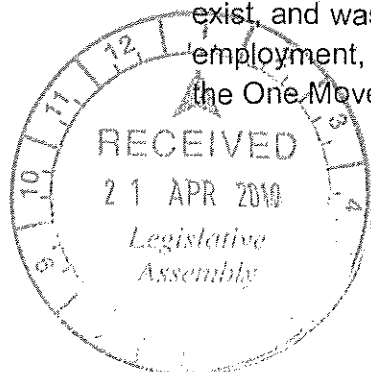


BRIEFING NOTE

CONFLICT OF INTEREST MATTER - TOURISM WA

- On 27 November 2009 the Chief Executive Officer (CEO) of Tourism WA contacted the Public Sector Commissioner regarding claims made in Parliament by Mr John Hyde MLA on 24, 25 and 26 November, on radio (26 November on Sattler 6PR) and reported in The West newspaper (2 December), relating to the One Movement Music Festival.
- The claims centred around three main areas:
 - That funding to the Festival from Tourism WA is problematic because it involves the festival organisers self reporting on attendance numbers;
 - Key decisions were made during the Caretaker period of Government in August/September 2008; and
 - That a conflict of interest existed in that Ms Saskia Doherty, an employee of Tourism WA, worked on the approval process for the Festival and then went on to work for Festival organisers.
- The Public Sector Commissioner offered the CEO of Tourism WA assistance in examining these matters, particularly that relating to the alleged conflict of interest involving Ms Doherty. The Commissioner agreed to make Ms Fiona Roche, Executive Director from the Commissioner's Office, available to work with Mr David Lowe, the Executive Director of Corporate and Business Services at Tourism WA, on this matter.
- Ms Roche and Mr Lowe met on 2 and 7 December to discuss the issues. A review of files was undertaken and a chronological sequence of events prepared. It was decided that key employees in the EventsCorp Division of Tourism WA should be interviewed. It was agreed that the allegations in relation the funding arrangements and decisions made during the caretaker period would be handled by Tourism WA, and that an investigation should occur into the alleged conflict of interest.
- As part of the investigation, interviews with Ms Doherty, her Manager and the Executive Director of EventsCorp were held on 17 December (these were unable to be scheduled earlier).
- Information gained indicates that an actual and perceived conflict of interest did exist, and was recognised at the time to exist, when Ms Doherty was offered employment, and later accepted that offer, with One Movement while working on the One Movement Festival funding arrangements. Records reveal the issues





regarding a potential conflict of interest were raised by another party 12 months earlier than these recent allegations by Mr Hyde, which should have heightened awareness and resulted in a greater appreciation of the need to manage issues with due diligence.

- Ms Doherty, her Manager and the Executive Director all acknowledged that they were mindful of the competing interests presented in the circumstances, and provided evidence of action taken to manage the conflict of interest. It was clear that Ms Doherty herself was entirely open with Tourism WA regarding the offer and her later acceptance of employment with the Festival, and that she herself was the first to raise the need to manage the conflict of interest it presented.
- While those involved provided evidence that the conflict was managed at the local level, this was not clear in the documentation. Notwithstanding requirements under Tourism's Code of Conduct, a draft Conflict of Interest policy on the Intranet, governance workshops for staff, and the fact the issue had been raised previously, appropriate record keeping in relation to the declaration and management of the conflict of interest did not occur.
- While this is of concern, there is no evidence that One Movement received a benefit from the failure to properly document and manage the conflict of interest. All substantive issues regarding approval and funding arrangements were agreed to before the conflict of interest arose. Records indicate only three matters of note were outstanding at the time of Ms Doherty's offer and acceptance of employment. Ms Doherty had no delegated authority to act without referral to her Manager or Director, and in recognition of competing interests, did not take an active role in the negotiation of these matters either whilst with Tourism or One Movement.
- A report is now being prepared on the full details, including the facts and circumstances and actions taken at the time of the conflict of interest. It will reach conclusions regarding the appropriateness of how the matter was handled, and will include recommendations that are expected to include practical improvements to processes to enhance transparency and ensure conflicts of interest are appropriately managed in the future.
- The report is due to be finalised by 15 January and will be forwarded to the Acting CEO of Tourism WA by the Public Sector Commissioner. It is understood that the report will be provided to Tourism's internal Governance and Audit Committee, the Tourism Board and the Minister for Tourism.



Government of Western Australia
Public Sector Commission

Fiona Roche
11 January 2010