

HALLS CREEK DISTRICT HIGH SCHOOL — OMBUDSMAN REVIEW

Statement

HON NEIL THOMSON (Mining and Pastoral) [5.21 pm]: I would like to make a statement about the ministerial statement made by Hon Sue Ellery, Minister for Education and Training, this morning. We have seen from this minister, for the first time, a very slight opening of the door to taking some responsibility for the attendance issues in Halls Creek, which have been raised on more than one occasion in this place. I want members on both sides to reflect on the minister's statement in detail.

The minister's statement is profound insofar as it addresses an issue that is so important and that has been swept under the rug for so long. There has been some acknowledgement from the minister. I thank the minister for that acknowledgement and for making some apology, both to the students of Halls Creek and, of course, to the family who tragically lost a family member—an event that was the catalyst for the very serious consideration by the Ombudsman. There has been just a little bit of an apology about those very important matters, but what we have not yet seen is an apology to the officer of the Department of Education who has suffered greatly because of, I can only assume, his frustration with the behaviour of the hierarchy of the Department of Education.

It would appear from the minister's answers to the questions today that she had no knowledge of the woeful inadequacy of the department's reporting on this matter and the woeful processes that have been identified in the findings of the inquiry into Halls Creek District High School. This inquiry has led to recommendations that we hope will result in greater community participation into the future, as it is only through community participation that the process of suppressing information will not occur in the future. If the community had been involved, the courageous actions of an officer frustrated at not having a process through which to raise a matter would not have been required.

I have spent 28 years in the public service. I can imagine that a level 4 officer—as I understand Mr Burston was—does not have the ability to raise matters with the minister directly. For the matters of which he was accused, he was subject to a police raid on his home. I can only imagine the amount of stress that would have put his family under. Imagine being the subject of a police raid. This was a law-abiding officer who, from my understanding, had had no prior engagement with the police. He was not used to having the tactical response group or something like it arrive at his doorstep, at his place of work and his residence, and then being put on leave, not knowing what his future would be. His family was engaged in the community of Kununurra, having set down its roots in that community. No doubt that officer was an exemplar—the epitome of what all officers should be. To this moment, that officer still has a process of discipline being applied to him and pressure being placed on him by the department. He will be effectively forced from his community.

This door is now just slightly ajar because of the media taking steps, and I commend the ABC for its reporting on this matter. We see that the minister has referred to the validation of data and the substance of the allegations made by an anonymous source. I assume the minister is referring to the reports in the media from this anonymous source. I hope that the practice of the department is not to then lodge a complaint with the police, and I hope that the anonymous source, whoever they are, does not have the tactical response group arrive at their home.

There is an obligation on all public servants to act in the public interest, and there is an obligation on departments to have processes in place for when something is wrong. If something is not working for the community, those officers should be able to speak, through the hierarchy, so that matters of such public importance can be addressed.

The minister is on urgent parliamentary business. I hope that she takes this opportunity, as we pause now until the next sitting of Parliament, to reflect on this apology, which I believe is a minimal apology. It is a minimal apology because of the gravity of the matters relating to particularly the Ombudsman's recommendation. I will not desist on this matter. I will not cease on this matter. I will continue to raise this matter, because it goes to the heart of the culture of this government in its interactions with the independence of the public service. It is vital that our public service operates professionally.

The minister is now present. It is my right to make comment in this place. I ask that the minister considers an apology to Mr Brock Burston and his whole family, and I ask the minister to direct the director general to expunge any disciplinary findings against that officer, reinstate that officer fully to his role and treat him with dignity going forward. That is what I ask and that is what the community expects.

Statement

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.30 pm]: Obviously, I want to rise to respond to the comments that have just been made. The ineptitude of the member opposite never ceases to amaze me. He said in his contribution just now that he was a longstanding public servant—I think he said of some 28 years. We also know that he served as a chief of staff to a former minister, so there are a couple of pieces of legislation that he ought to be familiar with. One of those is the Public Sector Management Act, which

precludes ministerial involvement in the employment relationship between public servants and the agency that employs them. The other legislation that the honourable member should be aware of is the Public Interest Disclosure Act 2003.

In the first instance, when made aware that information held within the department has been provided to somebody outside the department, the Department of Education, as with every agency, is required to make an assessment of whether that needs to be referred to the police, the Corruption and Crime Commission or anybody else. That is what the Department of Education did. It suspended its inquiries into the matter until the police had completed their inquiries into the matter.

The matter went to court, and, in his judgement, the judge noted that there was not “no other option” for the public servant the honourable member is referring to other than to release the information to someone outside the department. The judge found that, in fact, the options available to that public servant were the CCC or the Public Interest Disclosure Act, which promotes accountability within government agencies by facilitating the disclosure of public interest information involving misconduct, offences, misuse of public resources or risks to public health or safety. The act also serves as a means to protect those who make disclosures to appropriate authorities and those who are the subject of disclosures. There are options available to public servants.

This public servant, on his own evidence before the court, acknowledged that he did not follow those procedures. The court deals with the matter. Once that is resolved, the department must then complete its own disciplinary inquiry, and that matter is currently before the Western Australian Industrial Relations Commission. For me to come in here today and apologise to a public servant when there is still a matter before the Industrial Relations Commission would be, in fact, pre-emptory. It would be inappropriate. It would be improper. It goes beyond the relationship that I have with public servants as set out in the Public Sector Management Act. The notion that the member was a senior public servant for 28 years and served as a chief of staff to a minister boggles my mind, because he cannot understand the basic requirements that an agency must follow when an apparent breach of this kind is brought to its attention, he cannot understand the responsibilities and constraints that are put on a minister by the Public Sector Management Act, and he has no notion of the Public Interest Disclosure Act, which, in fact, provides protections for someone who thinks that there is no other opportunity to get out information that they think is in the public interest. The member does no service to that public servant with his advocacy, because it is completely, 100 per cent, inept and inaccurate.