Government Structures
for Better Results

The Report of the Taskforce Established to Review
the Machinery of Western Australia’s Government

June 2001

The Machinery of Government Taskforce

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Perth, Western Australia
Ministry of the Premier and Cabinet
June 2001
14 June 2001

Hon Dr Geoff Gallop MLA
Premier; Minister for Public Sector Management

Dear Premier

Virtually everybody agrees that the time has long come for significant change to the structure of the Western Australian public sector. The smooth workings of the machinery of Government have become hampered by the increasingly confusing arrangement of its parts.

The structural reorganisation of an organism as staggeringly complex as the Western Australian Government has no perfect answer. There are many different ways to organise the efforts of 111,000 employees, and more than 750 departments, commissions, ministries, boards, trusts, authorities, offices, committees and other entities.

The challenge for the Taskforce has been to develop a program to enhance the service delivery of the public sector which will not freeze the workings of Government while it is being introduced. Without doubt, this is a major charge: it has strengthened the resolve of the Taskforce to offer proposals which are both practical and significant. There is no room for dogmatic purity or wasteful tinkering. The “machinery” of government must support, not undermine, the people of government, and, through them, the people of Western Australia.

Given the urgency of action, it is appropriate that a very tight timeframe has been imposed on the work of the Taskforce. In the three months since its inception, the Taskforce has analysed and interpreted the large amount of previous review work, and reviewed and evaluated a range of options for change. It has received and studied over 130 written submissions from inside and outside Government, and has met with all individuals and organisations seeking a meeting. It has conferred with union and business representatives, user groups and many Government agencies. It has also been advised by the Chief Executive Officers’ Consultative Group.
The Taskforce has benefited from a series of meetings with each Minister and on a number of occasions with the Cabinet, as well as from your own clear guidance and close personal interest. The Government’s commitment to significant reform is critical for the success of the process.

The Taskforce has been well and energetically served by its officers: Andrew Burton, John Carruthers, Nigel Dymond, Scott Hollingworth, Pam Martin and James Thom. They have been assisted by Judy Allen-Rana, Betty Cheung, George Cochrane, Susan Doyle, Rory Ellison, Geoff Hay, Hew Mortlock, Maxine Murray, Michelle Reynolds, Fiona Roche, Nikki Scattergood, Sandra Stewart and Nicci Whitehouse.

At the invitation of the Taskforce, eighteen “Co-ordinating Officers” were nominated by Ministers to assist in the development of detailed proposals for each of the proposed portfolios. My thanks also go to them.

Finally, I acknowledge with gratitude the unstinting contribution of my colleagues on the Taskforce, John Langoulant, Dr Ruth Shean and Mal Wauchope. They have met the heavy demands of their membership of the Taskforce whilst maintaining their roles at the helms of the Treasury, the Disability Services Commission and the Ministry of the Premier and Cabinet respectively.

I commend the work of our Taskforce to you.

Yours sincerely

[Signature]

Stuart Hicks
Chairman
Machinery of Government Taskforce
Executive Summary

THE TASKFORCE

The Machinery of Government Taskforce comprised Mr Stuart Hicks, (Chairman), Mr John Langoulant, Dr Ruth Shean and Mr Mal Wauchope.

The terms of reference of the Taskforce constrained it to a tight deadline. Beginning its work on 2 March 2001, the Taskforce was required to report to Government within three months.

The Taskforce’s Terms of Reference provided for it to review the number of departments, statutory authorities, boards and committees in the Western Australian public sector and to recommend a package of proposals which would enhance the operation of the machinery of Government.

TASKFORCE APPROACH

The Taskforce advertised for submissions from interested organisations and individuals. More than 130 written submissions were received in response, with the great majority from Western Australian Government agencies and entities.

Midway through its work, the Taskforce submitted proposals for the basic structure of the machinery of Government to Cabinet. These proposals identified areas of Government around which Ministerial portfolios should be built, together with 23 proposed departments of State. These proposals were accepted by Government and subsequently announced in Parliament by the Premier and Minister for Public Sector Management, Hon Geoff Gallop MLA, on 3 May 2001.

This early announcement assisted the Taskforce to build more detailed proposals from a known and approved foundation. Early announcement of the intended broad structure of the machinery of Government also helped reduce some of the conjecture that otherwise might have accompanied the deliberations of the Taskforce.

Senior Co-ordinating Officers were appointed by portfolio Ministers to help the Taskforce develop the more detailed recommendations which are included in this Report.
The Taskforce sought to develop proposals which, although based on sound principles, are both practical and significant. Neither the users of the State’s services nor the dedicated people who provide those services will benefit from change for its own sake.

Part 1

The Public Sector: Context and Reform Issues

(Pages 1-32)

Western Australia has an excessive number of overlapping Government agencies. The diverse and fragmented nature of the State’s public sector compromises its ability to deliver services effectively and efficiently. Despite a range of expert and independent reviews, Western Australia’s machinery of Government has continued to grow in a haphazard fashion, offering no cohesive support for the delivery of Government priorities.

The Taskforce proposes a set of principles to help guide structural reform and its implementation. The application of these clear principles will ensure that the systematic reforms proposed by the Taskforce will make a significant improvement.

Part 2

Directions for Reform

(Pages 33-70)

Reform of public sector structures needs to be built on a clear understanding of the basic structures of government. An agreed set of definitions and a hierarchy to form the foundations of the machinery of the State’s Government is essential.

RECOMMENDATION 1: The major components of a generic portfolio structure should be as follows:

- Minister
- Portfolio
- Department
- Administrative Office
- Commission
- Statutory Authority
**Recommendation 2:** There should be two categories of Ministerial portfolio:

- departmental portfolios supported by a conventional department of State; and
- non-departmental portfolios for areas to be profiled.

**Recommendation 3:** Departments should not be associated with a statutory board of management, but may provide support to advisory or regulatory boards or committees (whether or not these are established under statute).

It should be clear to members of the public that they are dealing with a Government agency. This recognition will be enhanced by uniform nomenclature and titles.

**Recommendation 4:** The designation “Department” should normally be applied to all departments of State.

**Recommendation 5:** The State Government should introduce uniform “badging” for departments of State and related agencies.

**Recommendation 6:** A common title should be given to each department head. The title “Director General” is recommended. This title should be reserved for heads of departments of State.

The Taskforce has found that the number of statutory authorities in Western Australia is excessive. Statutory authorities are inflexible, cumbersome and unresponsive to changing administrative needs. The greater independence of statutory authorities from Government can also compromise appropriate accountability.

**Recommendation 7:** For those cases where a statutory office holder requires a separate organisational structure to support them, an Administrative Office should be established using a new provision to be incorporated in the Public Sector Management Act 1994.

**Recommendation 8:** A statutory authority should be established only if its proposed functions cannot be performed by a department or it would be inappropriate for them to be performed by a department.

**Recommendation 9:** The functions of each statutory authority in the Western Australian public sector should be reviewed before 1 July 2002 to assess the appropriateness and feasibility of incorporating those functions into departments of State. This review should be co-ordinated by the Department of the Premier and Cabinet.
RECOMMENDATION 10: To facilitate greater accountability for performance and to improve the delineation of responsibility between Ministers and boards for policy and management respectively, all Government business enterprises as well as the Government Employees Superannuation Board should be required to develop Statements of Corporate Intent and Strategic Development Plans and agree these documents with their Minister, the Government Enterprises Minister and the Treasurer. Relevant Acts should be amended to reflect this requirement.

RECOMMENDATION 11: All Government business enterprises should be reviewed with the objective of clarifying commercial responsibilities, and where appropriate, establishing those commercial responsibilities by statute. This review should be co-ordinated by the Department of the Premier and Cabinet with the assistance of the Department of Treasury and Finance.

RECOMMENDATION 12: Umbrella legislation should be developed which contains generic provisions applicable to all Government business enterprises, and a separate class of generic provisions that relate only to the subset of these agencies that are corporatised and commercialised.

RECOMMENDATION 13: To clarify lines of responsibilities between statutory authority CEOs and boards and committees of management, consideration should be given to:

- amending the Public Sector Management Act 1994 to enable each statutory authority’s board or committee of management to become the employing authority for its CEO; and

- as an interim measure pending statutory changes and to give prompt effect to the Taskforce’s recommended changes to the machinery of Government, removing statutory bodies from Schedule 2 of the Public Sector Management Act 1994 as appropriate.

RECOMMENDATION 14: A comprehensive register of all statutory agencies, boards and committees, and Ministerial advisory committees not having a statutory basis should be maintained. The register should be publicly available and placed on the Western Australian Government’s website. The register should include descriptions of functions, constitutions and funding and should be maintained by the Department of the Premier and Cabinet.

RECOMMENDATION 15: The Financial Administration and Audit Act 1985 should be amended to provide that an annual report be made available to Parliament on the activities of all statutory agencies, boards and committees not listed in Schedule 1 to that Act, and all other bodies in receipt of public funds. Each report should provide information on:

- the manner in which the body is established;
- any delegated legislation affecting the body;
- the body’s membership, functions and objectives;
- the body’s activities and achievements in the past year; and
• the size, source and application of the body’s funds.

Departments of State, in their capacity as funding agencies, should be responsible for providing these annual reports to Parliament on a consolidated basis.

Integral to the Taskforce’s mandate to review administrative structures in the public sector is the need to consider how the Public Sector Management Act 1994 can be applied or amended to underpin recommended changes.

RECOMMENDATION 16: Amendments to the Public Sector Management Act should incorporate the following:

• minimisation of prescribed or detailed administrative process;
• revision of the framework for the management of the Senior Executive Service; and
• scope to create entities other than departments, in particular Administrative Offices.

The proposed reforms outlined in this Report provide an opportunity to revitalise and reform the ranks of CEOs, particularly those in departmental Director General positions. In addition, Government needs to look to retain and make best use of the talent already in the senior levels of the public service.

RECOMMENDATION 17: Selection processes should emphasise that Directors General are selected for broad public sector leadership. Appointment to a particular department should not be seen as indefinite.

RECOMMENDATION 18: The Salaries and Allowances Act 1975 should be amended to allow the establishment of salary bands for Chief Executive Officers.

RECOMMENDATION 19: The Department of the Premier and Cabinet should work with the Minister for Public Sector Management and Ministers to ensure the development of performance indicators in CEOs’ Performance Agreements that, coupled with Resource Agreements in the context of State budgets, support the Government’s reform agenda and the State Strategic Plan.

RECOMMENDATION 20: A Strategic Management Council consisting of departmental Directors General and chaired by the Minister for Public Sector Management, should be established to:

• work with the Government to develop and communicate strategic policy and planning priorities for the State;
• consider and propose actions to improve the operations of the public sector and;
• assist in co-ordinating and integrating services provision across portfolios.
In addition to any non-departmental portfolios the Government may nominate from time to time in order to focus special Ministerial attention on priority areas of Government, the Taskforce recommends that there should be 22 Ministerial portfolios. It is proposed that twenty of those ought be Departmental portfolios, the majority of which would be served by one department of State.

**RECOMMENDATION 21:** Reforms for each of the 22 portfolio areas should be adopted by Government.

This recommendation will reduce the number of departments from the current 46 to 23. Key changes are summarised in the Table 1 which concludes this Executive Summary. Full details are included in relevant sections of the Taskforce Report.

**ACCOUNTABILITY AGENCIES**

**RECOMMENDATION 22:** An independent administrative appeals body to review administrative decisions should be created. The following Statutory Officers should examine the feasibility of collocation:

- the Equal Opportunity Commissioner;
- the Information Commissioner;
- the Parliamentary Commissioner for Administrative Investigations (The Ombudsman);
- the Commissioner for Public Sector Standards; and
- the Director of Equal Opportunity in the Public Sector,

and the establishment of:

- a single entry point for the public;
- a rationalisation of public information to clarify citizens’ avenues of redress; and
- a sharing of support structures, whilst allowing adequate independence of each Commissioner and the Director.

*It is further recommended that the Commissioners and Director jointly consider introduction of a shared approach to management and professional development of investigation staff and to synchronise public sector reporting arrangements.*

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1 For example, the Premier currently holds portfolios in Federal Affairs; Public Sector Management; Science; Citizenship and Multicultural Interests.
CORPORATE SERVICES

**RECOMMENDATION 23:** Chief Executive Officers should investigate ways to reduce corporate service costs while achieving appropriate service standards through greater sharing of corporate support services.

AGRICULTURE, FISHERIES AND FORESTS PORTFOLIO

The interim portfolio structure for the Agriculture, Fisheries and Forests portfolio should be implemented. Fisheries WA and the Forest Products Commission should not at this stage be amalgamated with Agriculture WA.

**RECOMMENDATION 24:** The Forest Products Commission should be retained in its current form until 2005, at which time its future should be reviewed.

**RECOMMENDATION 25:** The future roles of product marketing bodies and all Industry Service Statutory Authorities should be considered at the time their legislation is reviewed.

**RECOMMENDATION 26:** The Agriculture Protection Board should be fully integrated into Agriculture WA.

**RECOMMENDATION 27:** The Rural Business Development Corporation should be fully integrated into Agriculture WA.

**RECOMMENDATION 28:** The roles, functions and the need for the continuation of the Soil and Land Conservation Council, the Landcare Trust and the Agriculture Practices Disputes Board should be reviewed immediately.

**RECOMMENDATION 29:** A combined policy group should be established to facilitate co-ordination and assist with policy development across the Agriculture, Fisheries and Forests portfolio.

**RECOMMENDATION 30:** An integrated at-sea service delivery operation should be established within Fisheries WA to service its needs and those of the Department of Transport (other than marine safety activities on the Swan River).

ATTORNEY GENERAL’S PORTFOLIO

The Department of Justice has been the subject of recent and separate reviews, which are still being bedded down. No changes to the Attorney General’s portfolio are proposed.
COMMUNITY DEVELOPMENT PORTFOLIO

The Community Development portfolio should shift from a predominant focus on the provision of welfare and safety-net services towards a greater emphasis on building the capacities and strengths of individuals, families and communities. A new Department of Community Development should support this objective. The Department should integrate the existing activities of the Department for Family and Children’s Services, the Family and Children’s Policy Office, the Office of Senior’s Interests, the Women’s Policy Office and the Office of Youth Affairs.

CONSUMER AND EMPLOYMENT PROTECTION PORTFOLIO

It is proposed that a portfolio of Consumer and Employment Protection should assume responsibility to promote an environment where workers can work in safe and healthy workplaces with fair conditions, and where consumers have access to a fair and competitive marketplace. A new Department of Consumer and Employment Protection should bring together existing activities of the Ministry of Fair Trading, WorkSafe and the Department of Productivity and Labour Relations.

CULTURE AND THE ARTS PORTFOLIO

The relationship between the Department for Culture and the Arts and the statutory boards in the portfolio should be clearly set out in a Memorandum of Understanding between the Minister, the Director General of the Department and each of the boards. A number of other proposed measures should assist to develop a firmer partnership between the Department and the boards.

RECOMMENDATION 31: A review of the executive level positions in entities comprising the Culture for the Arts portfolio be undertaken by the Department of the Premier and Cabinet, with a view to achieving consistency in the processes for recruitment and salary determination.

RECOMMENDATION 32: When the State Records Bill comes into effect, the State Records Office should be established as part of the Department for Culture and the Arts.

DISABILITY SERVICES PORTFOLIO

In support of Government policy, the Taskforce proposes no structural changes in the Disability Services portfolio.
EDUCATION PORTFOLIO

It is proposed that the Department of Education Services be abolished, with continuing functions transferred either to the Department of Education or to the Curriculum Council, as set out in the Report.

**RECOMMENDATION 33:** The role and functions of all Education portfolio Ministerial Advisory Councils should be reviewed.

The Taskforce proposes that the functions of the Centre for Excellence in Teaching be incorporated within the new WA College of Teaching.

ENVIRONMENT AND HERITAGE PORTFOLIO

Significant changes are proposed in the Environment and Heritage portfolio. A new Department of Conservation and Department of Environment, Water and Catchment Protection are proposed. A number of statutory bodies will be abolished. An advisory Natural Resources Council will be established. The Environment Protection Authority will continue, with enhanced independence.

GOVERNMENT ENTERPRISES PORTFOLIO

The Taskforce proposes that nine significantly commercial agencies should be accountable to a Minister with specific accountability for Government enterprises. This will be a non-departmental portfolio, with advisory and administrative support provided to the Minister by the Department of Treasury and Finance.

The opportunity to bring certain other commercial agencies under the remit of the portfolio should be kept under review.

**RECOMMENDATION 34:** In the short term, the enabling legislation of the following agencies should be amended to give the Government Enterprises Minister the power to ensure appropriate strategic direction, operation and performance for:

- Aqwest (Bunbury Water Board)
- Busselton Water Board
- Gold Corporation
- Government Employees Superannuation Board
- Insurance Commission of Western Australia
- Lotteries Commission
- Parliamentary Superannuation Board
- Water Corporation
- Western Australian Treasury Corporation
HEALTH PORTFOLIO

The Health Administrative Review Committee (HARC) is examining a new structure for the Health portfolio and will report separately. The Taskforce has liaised with HARC and proposes no separate structural reforms.

HOUSING AND WORKS PORTFOLIO

The portfolio will provide renewed and strong focus to the housing and public works functions of Government. The new Department of Housing and Works will include functions currently undertaken in the Ministry of Housing and the Government Projects Office, as well as construction and maintenance activities from the Department of Contract and Management Services. New and major Government capital works projects which have come to be managed through a wide variety of different agencies, will benefit from more focussed attention through the new Department. The State Supply Commission will not be affected by the Taskforce proposals.

INDIGENOUS AFFAIRS PORTFOLIO

In conformity with preferred Government terminology, the Department of Aboriginal Affairs will be renamed. No other specific changes are proposed to the Department.

LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT PORTFOLIO

The Local Government and Regional Development portfolio will provide renewed impetus to the social and economic development of communities and regions. The new Department will combine the functions of the current Department of Local Government and the regional functions currently performed in the Department of Commerce and Trade. Regional Development Commissions will continue, although departmental status which is currently and anomalously attributed to a number of Regional Development Commissions, will be removed.

Recommendation 35: The departmental status of the Gascoyne, Kimberley, Peel, Pilbara and Wheatbelt Development Commissions should be removed under Section 35 of the Public Sector Management Act 1994.

Recommendation 36: Westlink and the Rural Leadership and Community Builders programs and staff should be transferred to the Department of Local Government and Regional Development.

Recommendation 37: The independent status for the Fremantle and Metropolitan Cemetery Boards should be considered in early 2002, as part of a comprehensive review of the structure, functions and relationships of the Department of Local Government and Regional Development.
PLANNING AND INFRASTRUCTURE PORTFOLIO

The Planning and Infrastructure portfolio should embrace those Government activities that relate to the planning and operation of the State’s land-use and transport functions. Their combination in the one portfolio will materially improve the integration of these important activities. The proposed new Department of Planning and Infrastructure should consolidate all relevant planning and regulatory functions within the single agency. Specific service delivery roles, however, will be best provided through purpose-specific agencies. Some significant legislative changes will be necessary to effect new arrangements, and the Taskforce has proposed interim arrangements which include more sustained use of the co-ordinating duties of the WA Planning Commission.

**Recommendation 38:** The statutory office of the Valuer General should operate from within the new Land Administration agency.

**Recommendation 39:** The Minister for Planning and Infrastructure should explore the merits of establishing the land information and titles activity as a self-funding Government business enterprise.

**Recommendation 40:** The land management functions related to Regional Parks, “Bush Forever” and coast-care (Coastwest) programs should be transferred to the Department of Conservation.

**Recommendation 41:** Management of Araluen Botanic Park should be transferred to the Botanic Gardens and Parks Authority. Management of Whiteman Park should also be transferred once current planning processes are complete.

POLICE AND EMERGENCY SERVICES PORTFOLIO

The Taskforce proposes no structural changes for the Police and Emergency Services portfolio, although it will take on the Department of Transport’s marine emergency communications centre.

PREMIER’S PORTFOLIO

No structural changes are proposed for the Premier’s portfolio.

RACING AND GAMING PORTFOLIO

In support of the objectives of the portfolio, the Office of Racing and Gaming should become a department. The portfolio should include the Totalisator Agency Board.
SPORT AND RECREATION PORTFOLIO

The portfolio should be consolidated into a Department of Sport and Recreation (which should include the functions of Sport and Recreation WA, the Recreation Camps and Reserves Board and Sport International WA) and the Western Australian Institute of Sport.

RECOMMENDATION 42: The Department of Sport and Recreation should be represented on the EventsCorp advisory council to facilitate closer co-ordination on matters of mutual interest.

RECOMMENDATION 43: The WA Sports Centre Trust should be retained as a separate entity for the time being, pending an immediate and detailed review of its operations to determine:

- the effectiveness of current arrangements and scope of activities;
- the merits of alternative approaches for managing major sports venues, including licensing or contracted facilities management arrangements;
- the level and flexibility of access to sports venues by sporting bodies and community groups;
- options for integrating the management of sports venues with the management of recreation camps and reserves;
- adequacy of accountability and risk management arrangements for the scope of activities undertaken;
- governance mechanisms to effect improved policy and budget integration within the portfolio;
- performance of the Trust; and
- adequacy of the current legislation.

In the interim, the Taskforce recommends that:

- Sport International WA be transferred to the new Department;
- promotion and management of major non-sporting events be conducted byEventsCorp; and
- generic corporate services be drawn from the Department with funding and employment of staff to be transferred to the Department.

STATE DEVELOPMENT PORTFOLIO

The Taskforce recommends that the State Development portfolio should be consolidated around two departments: the Department of Industry and Technology (combining the existing Department of Commerce and Trade with strategic elements of the Department of Contract and Management Services) and the Department of Mineral and Petroleum Resources (combining the existing Departments of Minerals and Energy and Resources Development). No structural changes are proposed to the Small Business Development Corporation, Rottnest Island Authority or the WA Tourism Commission.
TRAINING PORTFOLIO

The Taskforce proposes no structural changes to the Training portfolio.

TREASURER’S PORTFOLIO

The portfolio of the Treasurer as conceived by the Taskforce has a number of elements – a Department of Treasury and Finance, an Office of the Economic Regulator and, for the time being, Western Power and the Office of Energy.

Currently regulatory decisions affecting key infrastructure industries are made by a variety of Ministers, regulators and public sector officials. In order to consolidate scarce expertise, promote transparent regulation, achieve operating synergies and recognise the importance of efficient investment and pricing, a single “Economic Regulator” should assume responsibility across the electricity, gas, rail and water industries.

**RECOMMENDATION 44:** A statutory position of “Economic Regulator” should be established to regulate the water, rail, gas and, when reform is complete, electricity industries.

**RECOMMENDATION 45:** The current industry policy, service availability and resource use functions of the Office of Water Regulation be transferred to the Environment portfolio. When electricity reforms are complete, these same functions should be transferred from the Office of Energy to the State Development portfolio.

**RECOMMENDATION 46:** A detailed review be conducted to determine which of the functions of the Co-ordinator of Water Services, the Co-ordinator of Energy and other economic regulatory functions can be transferred to the “Economic Regulator”.

**RECOMMENDATION 47:** Responsibility for the occupational licensing of electricians, plumbers and gas fitters be transferred to the Consumer and Employment Protection portfolio. It is also recommended that transport safety matters be transferred to the Planning and Infrastructure portfolio and energy safety matters be assigned appropriately between the Consumer and Employment Protection and State Development portfolios.

In conducting the review, the Taskforce noted that implementation of the proposed changes to the machinery of Government would necessarily be impacted by the Government’s election commitment to separate Western Power’s generation division from its transmission, retailing and other activities.

With this in mind, the Taskforce believes that until structural separation of Western Power is complete, the Minister for Energy should retain responsibility for energy policy and Western Power.
RECOMMENDATION 48: Western Power remain the responsibility of the Minister for Energy until the electricity reform process is substantially complete. At that time, responsibility for the Government’s electricity-related businesses should be transferred to the Minister for Government Enterprises.

RECOMMENDATION 49: The policy functions of the existing Office of Energy should be housed in the Treasurer’s portfolio until completion of structural reform of the electricity industry. At that time, energy industry responsibility should transfer to the State Development portfolio.

Part 4.

MANAGING THE IMPLEMENTATION OF CHANGE

(Pages 213-222)

IMPLEMENTATION

It will be impractical to implement all of the Taskforce’s recommendations simultaneously. Some will require legislative change. Many will require detailed change management plans. Staffing and organisational arrangements will need to be put in place. Further investigations and consultations will be necessary before some actions can be taken. The sequencing of the reforms will also be complicated by the inter-relationships of Government.

It is unlikely that the proposed program of change can be implemented in less than eighteen months. It is imperative, however, that the new structures be brought into place, even if on an interim basis, from an early and common date. Pending legislative and other changes these arrangements will in certain cases need to be administratively workable interim arrangements until the introduction of the proposed long term reforms.

RECOMMENDATION 50: Wherever possible, arrangements should be put in place for each portfolio so that the recommended structures can operate, at least on an interim basis, with effect from 1 July. Final arrangements should be in place no later than December 2002.

RECOMMENDATION 51: The primary responsibility for implementing machinery of Government reforms rests with the portfolio Minister and the relevant Director General. Special attention must be given to the early establishment of consultation and communication processes with staff and other stakeholder groups.

RECOMMENDATION 52: Co-ordinating Officers should continue to oversee the implementation of portfolio reforms pending the appointment of departmental Directors General.
RECOMMENDATION 53: The Department of the Premier and Cabinet should have responsibility for co-ordinating the implementation of machinery of Government reforms.

RECOMMENDATION 54: The profile of agencies’ workforces should be scrutinised by the Department of Premier and Cabinet on an ongoing basis to ensure that diversity, regional employment and service delivery requirements are not compromised.

RECOMMENDATION 55: Having concluded its business, the Machinery of Government Taskforce should cease on 1 July 2001.
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<th>Existing Components Incorporated in New Departments (and Associated Issues)</th>
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<td>Bunbury Port Authority</td>
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<td></td>
<td></td>
<td></td>
<td>Dampier Port Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>East Perth Redevelopment Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Esperance Port Authority</td>
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<td></td>
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<td></td>
<td>Fremantle Port Authority</td>
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<td></td>
<td>Geraldton Port Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Land Valuation Tribunal</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Main Roads WA</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Midland Redevelopment Authority</td>
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<td></td>
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<td></td>
<td>Port Hedland Port Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed WA Transit agency (incorporating Western Australian Government Railways &amp; Transperth)</td>
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<td></td>
<td></td>
<td></td>
<td>Possible Land Administration agency (incorporating Office of the Valuer General)</td>
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<td></td>
<td></td>
<td></td>
<td>Subiaco Redevelopment Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>WA Coastal Shipping Commission</td>
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<td></td>
<td></td>
<td>WA Land Authority</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Police Service (Sworn)</td>
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<td></td>
<td></td>
<td></td>
<td>WA Fire Brigades Superannuation Board</td>
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<tr>
<td>Portfolio Title (22)</td>
<td>New Departments of State (23)</td>
<td>Existing Components Incorporated in New Departments (and Associated Issues)</td>
<td>Other Principal Statutory Entities Within Portfolio</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>17. Premier</td>
<td>17. Premier and Cabinet</td>
<td>Ministry of the Premier and Cabinet</td>
<td>Anti-Corruption Commission</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Executive Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Governor’s Establishment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Office of the Auditor General*</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Office of the Commissioner for Public Sector</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Standards* (including Director of Equal Opportunity in Public Employment)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parliamentary Commissioner for Administrative Investigations</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Salaries and Allowances Tribunal</td>
</tr>
<tr>
<td>18. Racing and Gaming</td>
<td>18. Racing, Gaming and Liquor</td>
<td>Office of Racing, Gaming and Liquor</td>
<td>Betting Control Board</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gaming Commission of WA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Director, Liquor Licensing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Race Course Development Trust</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Racing Penalties Appeal Tribunal</td>
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<td></td>
<td></td>
<td></td>
<td>Totalisator Agency Board</td>
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<td></td>
<td></td>
<td></td>
<td>WA Greyhound Racing Authority</td>
</tr>
<tr>
<td>19. Sport and Recreation</td>
<td>19. Sport and Recreation</td>
<td>Ministry of Sport and Recreation</td>
<td>Recreation Camps and Reserves Board</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>WA Boxing Commission</td>
</tr>
<tr>
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<td></td>
<td>[WA Institute of Sport]</td>
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<td></td>
<td></td>
<td>WA Sports Centre Trust</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contract and Management Services (“industrial development” part)</td>
<td>Minerals and Energy Research Institute of WA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rottnest Island Authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Small Business Development Corporation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>WA Tourism Commission</td>
</tr>
<tr>
<td>Portfolio Title (22)</td>
<td>New Departments of State (23)</td>
<td>Existing Components Incorporated in New Departments (and Associated Issues)</td>
<td>Other Principal Statutory Entities Within Portfolio</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>21. Training</td>
<td>22. Training</td>
<td>WA Department of Training and Employment</td>
<td>Central TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Central West Regional College of TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Challenger TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C Y O’Connor College of TAFE</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Eastern Pilbara College of TAFE</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Great Southern TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kimberley College of TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Midland College of TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>South East Metro College of TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>South West Regional College of TAFE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State Training Board</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Office of Economic Regulator, incorporating</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>regulatory functions of:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Office of Energy (in due course)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Office of Water Regulation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Gas Pipelines Access Regulator</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Rail Access Regulator</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>R &amp; I Holdings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Treasury Dept</td>
<td>regulatory functions of:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Office of Energy (in due course)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Office of Water Regulation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Gas Pipelines Access Regulator</td>
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<td></td>
<td>• Rail Access Regulator</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>R &amp; I Holdings</td>
</tr>
</tbody>
</table>

Key:  * indicates a new category of Public Service unit to be known as an “Administrative Office” created to support an independent statutory office-holder (as distinct from a “Department of State” supporting a Minister of the Crown)

[ ] indicates incorporated association

Note: Some details of this chart vary to that tabled by the Premier in Parliament on 3 May 2001 and reflect the fuller consideration of associated issues by the Taskforce
PART 1:

THE PUBLIC SECTOR:
CONTEXT AND REFORM ISSUES
PART 1: THE PUBLIC SECTOR: CONTEXT AND REFORM ISSUES

INTRODUCTION

In its policy statement *Delivering a Better Government*, the Government made a commitment to organise Cabinet around 14 Ministerial portfolios and to restructure departments, statutory authorities, boards and committees around 14 key areas of government. In so doing, it undertook to reduce the number of departments by approximately half.

To give effect to this commitment, Cabinet approved on 26 February 2001 the establishment of a Machinery of Government Taskforce comprising:

Mr Stuart Hicks (as an independent chairperson)
Mr Mal Wauchope - Director General, Ministry of the Premier and Cabinet
Mr John Langoulant - Under Treasurer, Treasury Department
Dr Ruth Shean - Chief Executive Officer, Disability Services Commission

The Taskforce’s Terms of Reference were to:

1. Review the number of departments, statutory authorities, boards and committees in the wider public sector with the aim of restructuring departments and agencies around key areas of government, as proposed in the Government’s public sector reform policy.

2. Consult as appropriate with relevant stakeholders during the course of deliberations.

3. Determine and recommend to Government a package of machinery of government proposals in light of those deliberations.

4. Examine the wider public sector management framework with a view to recommending reform encompassing amendments to the *Public Sector Management Act 1994* where appropriate.

The phrase “machinery of government” is understood to refer to the collective institutional means by which the Executive branch of a Westminster-style parliamentary system gives effect to its policies and programs. More commonly, that collection of government institutions is described as “the public sector”.

As part of these Terms of Reference the Taskforce was required to report back to Cabinet progressively, with a final report within three months from the date of its first meeting on progress to date and recommendations for further work.
Taskforce Approach

Within this tight timeframe, the Taskforce has sought to adopt as inclusive and consultative an approach as possible in pursuing its deliberations.

At the outset a public call for submissions was placed in the *West Australian*. Although a closing date of 23 March was set, the Taskforce continued to accept and consider representations received up until late May. Over 130 such submissions were received. Appendix 1 lists those individuals and organisations that made submissions to the Taskforce.

The Taskforce met with all stakeholders wishing to relay their views, including Ministers, the Chief Executive Officer Consultative Group and numerous individuals and representatives from public and private organisations, including industry and unions.

The Taskforce sought to tap the expertise of the public sector to guide its identification of restructuring options and its conclusions about appropriate reform.

Executive and advisory support was provided primarily through the Ministry of the Premier and Cabinet and the Treasury Department, with secondment of officers as necessary from other agencies. In developing its proposals on individual portfolio arrangements the Taskforce sought the direct assistance of “co-ordinating officers” nominated by Ministers. In the main these were existing senior public sector chief executive officers.

The Government and Taskforce were both keen to ensure that the many people affected by changes to the public sector were kept informed as major decisions were taken. For this reason, the Premier, Hon Geoff Gallop MLA, made a statement to the Parliament on 3 May 2001 which outlined the preliminary recommendations of the Taskforce and the Government’s decisions. These directions are reflected in this final report from the Taskforce.

Report Content

Given its wide-ranging remit, the Taskforce considered it imperative to explore not only the more detailed practical implementation issues associated with organisational restructuring, but also the general context which influences the processes of, and drives the need for, change.

This context has been the focus of significant attention by the Taskforce for two main reasons:

- Firstly, the context largely determines both what needs to be, and can be done. The structure of the public service should reflect and promote its purpose.
Secondly, as the machinery of Government is a complex series of inter-relationships, it was necessary for the Taskforce to consider the interactions of organisations and people, leadership and motivation and a focus on customer needs.

This Report comprises four parts:

Part 1 provides background information about the context of the public sector, with analysis of a range of issues which impact on a program of reform;

Part 2 provides the broad blueprint for the reform of the public sector;

Part 3 contains detailed proposals for each portfolio area; and

Part 4 summarises a range of implementation issues.

**Implementation of Reforms**

With respect to those changes identified in this Report, the Taskforce recommends that they be implemented as soon as practicable.

The majority of departmental rearrangements proposed are achievable by administrative means under the *Public Sector Management Act 1994*. Where statutory impediment exists to some immediate restructuring, interim “facsimile” arrangements should be pursued to the extent that they result in administratively and legally workable models.
THE CONTEXT OF THE PUBLIC SECTOR

Structure of the Western Australian Public Sector

The Executive arm of Western Australia’s Government, through the public sector, is responsible for providing a vast range of services and facilities to the State. The public sector is diverse, complex and enormously important to the people of Western Australia. Over 111,000 public sector employees, both full-time and part-time, are engaged in a range of activities, from running public hospitals and schools, to maintaining law and order and developing environmental, economic and social programs.

At present the Western Australian Executive comprises 14 Ministers administering 42 portfolios. These are listed in Appendix 2. The Executive is supported by public sector organisations which include:

- 46 departments of State established under the Public Sector Management Act 1994. This number includes certain offices and commissions established under their own statutes. Excluding these offices and commissions, there are 32 departments which have been established either by statute or by the Governor;

- offices supporting statutory office holders such as the Auditor General, Commissioner of Workplace Agreements, Director of Public Prosecutions, Equal Opportunity Commissioner, Gas Disputes Arbitrator, Independent Gas Pipelines Access Regulator, Information Commissioner, Inspector of Custodial Services, Parliamentary Commissioner for Administrative Investigations and Public Sector Standards Commissioner;

- over 200 non-advisory statutory bodies. These are entities that have the ability to command public sector resources or directly influence the application of public sector resources by other State entities on behalf of the Executive; and

- over 500 other boards and committees usually of an advisory nature. There is no single authoritative list of such entities although a number of central agencies do maintain some information about particular sub-sets of Government entities.

Appendix 3 identifies departments, authorities, offices, commissions, and other Government agencies with responsibilities under the Public Sector Management Act 1994 or the Financial Administration and Audit Act 1985. It also includes boards and committees whose members are monitored by the Ministry of the Premier and Cabinet.
The Western Australian public sector employs 16% of the State’s entire workforce and as such is Western Australia’s largest single employer (Figure 1).

Figure 1: WESTERN AUSTRALIAN WORKFORCE 2000

Currently 53% of the State’s 425 Senior Executive Service (SES) members and 68% of the public sector’s 86,000 Full Time Equivalent employees (all State Government entities excluding universities) are employed in the twelve departments shown in Table 2.

Table 2: SES MEMBER DISTRIBUTION, BY DEPARTMENT

<table>
<thead>
<tr>
<th>Agency</th>
<th>SES Members</th>
<th>FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Department of Western Australia</td>
<td>42</td>
<td>24,904</td>
</tr>
<tr>
<td>Health Department of Western Australia</td>
<td>29</td>
<td>22,045</td>
</tr>
<tr>
<td>Ministry of Justice</td>
<td>23</td>
<td>4,530</td>
</tr>
<tr>
<td>Department of Transport</td>
<td>19</td>
<td>940</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>19</td>
<td>172</td>
</tr>
<tr>
<td>Western Australian Department of Training and Employment</td>
<td>18</td>
<td>562</td>
</tr>
<tr>
<td>Department of Minerals and Energy</td>
<td>16</td>
<td>577</td>
</tr>
<tr>
<td>Agriculture Western Australia</td>
<td>14</td>
<td>1,765</td>
</tr>
<tr>
<td>Department for Family and Children's Services</td>
<td>14</td>
<td>1,206</td>
</tr>
<tr>
<td>Ministry of Housing</td>
<td>11</td>
<td>802</td>
</tr>
<tr>
<td>Ministry of the Premier and Cabinet</td>
<td>11</td>
<td>687</td>
</tr>
<tr>
<td>Department of Commerce and Trade</td>
<td>10</td>
<td>204</td>
</tr>
</tbody>
</table>

The size of the Government workforce suggests that any changes to the functions and structure of Government that affect its workforce will have both direct and indirect ramifications for the Western Australian community.
Comparison With Other Jurisdictions

The States and Territories in Australia were surveyed with regard to numbers of:

- Cabinet Ministers, Ministerial portfolios and departments of State;
- non-advisory statutory bodies, including independent agencies and offices and agencies under the control of the Executive. These were identified through a survey of statutes in each jurisdiction, with a statutory body’s inclusion contingent upon it satisfying at least one of the following conditions:
  - it is an independent statutory agency resourced by the State;
  - it is subject to the control and direction of the relevant Minister;
  - it represents the Crown or the State; or
  - it is a controlled entity for the purposes of State financial reporting; and
- advisory statutory bodies. It should be noted that no jurisdiction publishes a full list of its advisory statutory bodies. These bodies have been identified from jurisdictions’ websites, agency annual reports and statutes. It is highly likely that many more such bodies remain unidentified, having been established by instruments in writing under authority of statute.

The results of the survey are summarised in Table 3.

Table 3: NUMBERS OF MINISTERS, PORTFOLIOS, DEPARTMENTS AND STATUTORY BODIES, BY STATE

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Population (a) ('000)</th>
<th>Ministers in Cabinet</th>
<th>Ministerial Portfolios</th>
<th>Departments</th>
<th>Non-Advisory Statutory Bodies</th>
<th>Advisory Statutory Bodies (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>6,463</td>
<td>19</td>
<td>49</td>
<td>35 (c)</td>
<td>248</td>
<td>78</td>
</tr>
<tr>
<td>VIC</td>
<td>4,765</td>
<td>18</td>
<td>39</td>
<td>8</td>
<td>320</td>
<td>53</td>
</tr>
<tr>
<td>QLD</td>
<td>3,566</td>
<td>19</td>
<td>32</td>
<td>25</td>
<td>208</td>
<td>136</td>
</tr>
<tr>
<td>WA</td>
<td>1,883</td>
<td>14</td>
<td>42</td>
<td>46</td>
<td>215</td>
<td>186</td>
</tr>
<tr>
<td>SA</td>
<td>1,497</td>
<td>15</td>
<td>31</td>
<td>14</td>
<td>180</td>
<td>29</td>
</tr>
<tr>
<td>TAS</td>
<td>470</td>
<td>8</td>
<td>12</td>
<td>9</td>
<td>80</td>
<td>12</td>
</tr>
<tr>
<td>ACT</td>
<td>310</td>
<td>4</td>
<td>9</td>
<td>6</td>
<td>54</td>
<td>8</td>
</tr>
<tr>
<td>NT</td>
<td>195</td>
<td>9</td>
<td>36</td>
<td>20</td>
<td>55</td>
<td>26</td>
</tr>
</tbody>
</table>

(a) At 30 June 2000
(b) Based on publicly available information that is likely to be incomplete.
(c) 64 departments of State under Public Sector Management Act 1988.

The following conclusions can be drawn from this information.

- In general, the size of a jurisdiction’s cabinet is directly related to its population. The Northern Territory appears not to conform with this relationship.
- The number of ministerial portfolios tends to increase with a jurisdiction’s population. Western Australia and the Northern Territory appear to have more portfolios than their populations would suggest.
• The number of departments appears to be correlated weakly with population. Again, Western Australia and the Northern Territory appear to have more departments than their populations would suggest, while Victoria has far fewer.

• The number of departments tends to be directly related to the number of portfolios. To varying degrees Victoria, Queensland and South Australia tend not to conform with this relationship.

• There appears to be a marked dichotomy between the number of non-statutory advisory bodies in the three smallest jurisdictions (Tasmania and the two Territories) with those in the larger mainland States. Once again, population appears to be a determinant in the number of such agencies. The number of non-advisory statutory bodies in Western Australia is not excessive when compared with the other mainland States.

Across all State and Territory jurisdictions it is most common for Ministerial portfolios to be supported by a single department. Portfolios that are supported by more than one department are rare, with this arrangement most commonplace in Western Australia. Half of the jurisdictions (New South Wales, Western Australia, South Australia and the Northern Territory) have a significant number of Ministerial portfolios that are not supported by a department. Some of these portfolios are instead supported by statutory bodies, while in a few circumstances very specialised portfolios are without any dedicated agency.

With the exception of Victoria (and to a lesser extent South Australia and the Northern Territory), departments in all jurisdictions tend to report to a single Minister.

However, in Victoria departments report to no fewer than three and as many as seven Ministers. The problem of departments being answerable to “multiple masters” appears to have been addressed by individual divisions or groups of divisions within a department servicing particular Ministerial portfolios. While the Chief Executive Officer (CEO) would nominally be the interface between a Minister and the department, in practice it appears likely that efficiency would be facilitated by the Minister liaising extensively with the executive director(s) of the department’s divisions dedicated to his/her portfolio. The CEO could be regarded as an extra layer of administration in these circumstances (although the Victorian approach does facilitate meetings between the Premier and the eight CEOs as a group, readily permitting whole-of-Government messages to be conveyed).

This suggests that, while Victoria has only eight departments, these are effectively agglomerations of sub-departments serving individual Ministers.

Turning to non-advisory statutory bodies, Table 4 shows that amongst the mainland States there is marked variability in the number of non-advisory statutory bodies in the following broad portfolio areas:

• education and training;
• health;
• energy, water and transport service provision;
• land and water management, environment and heritage; and
• primary industries.

This variability drives in large measure the difference between total numbers of these agencies in each of the mainland States.

Table 4: NUMBERS OF NON-ADVISORY STATUTORY AUTHORITIES, BY STATE AND PORTFOLIO

<table>
<thead>
<tr>
<th>Portfolio Area</th>
<th>NSW</th>
<th>VIC</th>
<th>QLD</th>
<th>WA</th>
<th>SA</th>
<th>TAS</th>
<th>ACT</th>
<th>NT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premier</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Treasury/Finance/Gaming and Racing</td>
<td>16</td>
<td>17</td>
<td>12</td>
<td>13</td>
<td>10</td>
<td>7</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Education and Training</td>
<td>7</td>
<td>24</td>
<td>11</td>
<td>19</td>
<td>3</td>
<td>10</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Health</td>
<td>31</td>
<td>120</td>
<td>3</td>
<td>62</td>
<td>85</td>
<td>2</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Law, Order and Public Safety</td>
<td>13</td>
<td>17</td>
<td>14</td>
<td>10</td>
<td>11</td>
<td>4</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>State and Regional Development and Tourism</td>
<td>5</td>
<td>7</td>
<td>5</td>
<td>10</td>
<td>7</td>
<td>4</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Energy, Water and Transport Service Provision</td>
<td>20</td>
<td>38</td>
<td>77</td>
<td>17</td>
<td>3</td>
<td>12</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Land and Water Management, Environment and Heritage</td>
<td>29</td>
<td>26</td>
<td>22</td>
<td>14</td>
<td>13</td>
<td>6</td>
<td>3</td>
<td>5</td>
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<tr>
<td>Culture and the Arts</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>11</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Primary Industries</td>
<td>56</td>
<td>16</td>
<td>10</td>
<td>13</td>
<td>4</td>
<td>9</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Community Development/Housing</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>2</td>
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<td>-</td>
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<tr>
<td>Labour Relations and Employment</td>
<td>4</td>
<td>2</td>
<td>10</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>2</td>
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<tr>
<td>Consumer Protection</td>
<td>4</td>
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<td>3</td>
<td>7</td>
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<td>1</td>
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<tr>
<td>Sport and Recreation</td>
<td>8</td>
<td>5</td>
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<tr>
<td>Indigenous and Multicultural Affairs</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>-</td>
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</tbody>
</table>

It is likely that this variability can be attributed, inter alia, to different priorities accorded by jurisdictions to the degree of competition within their essential services, the extent of privatisation, the importance of regional contributions to the management of government functions and community focus on the environment.

The Taskforce also carried out research into the machinery structures of the Canadian provinces on the grounds that, like the Australian States and Territories, they operate under the Westminster system of government and are members of a federation. It observed the same rough relationship between population and size of cabinet, number of ministerial portfolios and the number of departments that is exhibited in Australia.
Collectively, the Australian States and Territories and Canadian provinces represent a sample of 21 jurisdictions of varying size. Based on this sample, Table 5 sets out average sizes of cabinet, numbers of ministerial portfolios and numbers of departments for small, medium and large jurisdictions (defined in terms of population).

Table 5: AVERAGE NUMBER OF MINISTERS, PORTFOLIOS AND DEPARTMENTS FOR AUSTRALIAN AND CANADIAN SUB-NATIONAL GOVERNMENTS, BY POPULATION

<table>
<thead>
<tr>
<th>Population</th>
<th>Ministers in Cabinet</th>
<th>Ministerial Portfolios</th>
<th>Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small jurisdictions (population less than 600,000)</td>
<td>9</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Medium-sized jurisdictions (population between 600,000 and 3,000,000)</td>
<td>16</td>
<td>31</td>
<td>20</td>
</tr>
<tr>
<td>Large jurisdictions (population greater than 3,000,000)</td>
<td>21</td>
<td>36</td>
<td>22</td>
</tr>
</tbody>
</table>

If population were the sole determinant of machinery structure, Western Australia has an appropriately sized Cabinet but approximately 10 more portfolios and 20 more departments than average.

Directions In Public Sector Reform In Western Australia

In the last 10 years the Government has released policies and commissioned numerous reports that have either touched upon Western Australia’s machinery of Government or impacted upon it directly to varying extents.

These have included:


² “Managing the Business of Government – A Strategic Approach”, Western Australia, Treasury Department, December 1991
³ Managing for Balance – A Public Sector Management Strategy”, Government of Western Australia, August 1992
⁶ “State Agencies: Their Nature and Function”, Western Australia, Legislative Council Standing Committee on Government Agencies, Report Number 36, April 1994
• Commissioner Gavan Fielding’s report – *Review of the Public Sector Management Act* (the Fielding Review) (1996)\(^8\);
• the subsequent report of the working party chaired by Dr Des Kelly (the Kelly Working Party) – *Public Sector Management Act 1994: Final Report of the Working Party Established to Provide Specific Recommendations on Amendments Proposed by Commissioner Gavan Fielding* (1997)\(^9\); and
• the *Report of the Machinery of Government Advisory Committee* (1997). This report was submitted to the then Premier and was not published.

Of these, only the 1997 Machinery of Government Advisory Committee delved deeply into machinery of government issues, putting forward concrete recommendations for restructuring the Western Australian public sector as a whole. Few have been implemented.

While the Fielding Review and the McCarrey Commission also examined Western Australia’s machinery of Government, they did so only in the context of broader issues, namely reviews of the *Public Sector Management Act 1994* and the State’s finances respectively. Little action was taken on their relevant recommendations as well.

*Managing for Balance* identified machinery of government issues that are still relevant today. These include the plethora of agencies, the lack of consistency in establishment of entities (department, ministry, statutory authority), lack of information about the actual number of entities, and difficulties encountered by Ministers in achieving strategic co-ordination of multiple entities. It failed to make any impact because it was released shortly before the government of the day lost office.

The reports of the 1992 Royal Commission, the Legislative Council Standing Committee in 1994 and the Commission on Government in 1995 contained recommendations that carried implications for the structure of the public sector, particularly with regard to the functions, conduct and accountability of statutory authorities. The 1997 Kelly Report and the 1991 White Paper touched only obliquely on machinery issues.

Appendix 4 of this Report summarises the key points that were raised by each commission, committee, working party, review and white paper.

Despite the common observations of the 1997 Advisory Committee, the Fielding Review, the McCarrey Commission and *Managing for Balance* that there were too many agencies in the Western Australian public sector and that their numbers needed to be reduced, there has been a steady proliferation of agencies, notwithstanding a number of specific and piecemeal reforms which include:

• the merging of the Department of Transport with the Department of Marine and Harbours in 1993;

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\(^8\) “Review of the Public Sector Management Act”, Fielding, GL, April 1996
• the merging of the Department of Corrections and the Crown Law Department into the Ministry of Justice in 1993;

• the amalgamation of the Education Policy and Co-ordination Bureau and the Western Australian Office of Non-Government Education into the Department of Education Services in 1996;

• the replacement of the Rural Housing Authority and the Industrial and Commercial Employees Housing Authority with the Country Housing Authority in 1998; and

• the combination of the State Emergency Services, Bush Fires Board and the Fire and Rescue Service into the Fire and Emergency Services Authority in 1998.

While microeconomic reform and competition policy have contributed to an increase in the number of agencies through the separation of service delivery from regulatory and policy-making functions, most of the growth appears to have been in response to political pressures.

The tendency to create a new specialist agency to indicate Government’s commitment to address particular issues has at times been an attempt to increase co-ordination. Over time, this approach has created an excessive burden on taxpayers through too many agencies. A focus on outcomes offers the potential for better co-ordination through a smaller, more tightly knit group of departments providing strong policy and planning support to Ministers.
ASPIRATIONS FOR THE WESTERN AUSTRALIAN PUBLIC SECTOR

Drivers of Change

Concerns have existed for some time that the diverse and fragmented nature of the Western Australian public sector compromises its ability to deliver services to the community effectively and efficiently. Criticisms have centred on the comparative isolation, or “silos”, that typify the way Government agencies deal with each other and the community in general.

For example, the McCarrey Commission made the following comment about the prevailing system of public sector management:

“The system cannot be patched, the fabric is too weak. It must be swept away and replaced by a management structure that is responsive, flexible, accountable and, above all, efficient.”\(^{10}\)

In a similar vein, the Fielding Review made the following observation about the State’s public sector:

“The sector is by comparison with other States highly fragmented and as a result, is to a significant degree dysfunctional.”\(^{11}\)

In its policy statement *Delivering a Better Government*, the Government gave a commitment to rebuilding and maintaining a strong State public sector, and stated its expectation that the public sector would be an effective, efficient, and strategically focussed platform for the implementation of Government policy. The Government further indicated that it considered the large number of departments and statutory authorities to be a barrier to effective co-ordination, priority setting and the development and implementation of cross agency or whole-of-Government initiatives.

Accordingly, a significant impetus to change arises from the strong commitment to greater integration and cohesiveness of policy co-ordination made by the Government. This commitment is further reinforced through the budget re-prioritisation process currently being undertaken by Government. This process has required agencies to rethink their budgets in line with the Government’s election commitments. In order to meet these commitments, greater co-ordination across the sector in meeting policy priorities will be needed.

Government also needs to be mindful of changing expectations from the Western Australian community. The general community is better educated and more informed, and expects to receive high and continually improving standards of service. In this context, it becomes even more critical for public sector agencies to be responsive to the needs of the community. This in turn requires agencies to have regard for the diversity of the community and to embrace a collaborative approach in their dealings with it.

\(^{10}\) Report of the Independent Commission to Review Public Sector Finances, Volume 1, June 1993, p188

\(^{11}\) Review of the Public Sector Management Act, G L Fielding, April 1996, p222
Linked to these increased expectations, the public sector operates in an environment where the community demands more transparency from government. The challenge is for the public sector to focus on the outcomes of Government action, while at the same time ensuring these outcomes are open to external scrutiny.

Government is also affected by global issues and trends which can profoundly influence local activities. By way of example, government will increasingly be serving an older, culturally diverse and sophisticated citizenry. The changing nature of the community will place pressure on policy priorities and on the public sector workforce as it responds to a highly knowledgeable and more demanding clientele. At the same time the way people work will continue to change in terms of the opportunities afforded through technological progress. These are all major challenges to the maintenance of political and management accountability, while sustaining a high level of responsiveness to the public.

The direction and nature of machinery reforms will depend upon the answers to the following questions:

- What are the community’s aspirations for the State of Western Australia and what is the vision for the public sector in pursuit of these aspirations?
- What objectives must be achieved to facilitate this vision?
- What principles must be adopted to achieve the objectives?

Restructuring Government provides an opportunity for better policy and service integration, and an increased critical mass of ideas and problem solving capability, all leading to more optimal satisfaction of the demands placed upon the public sector by the community.

**A Vision for the Public Sector**

The Taskforce recognises that the Government’s policies are based on the understanding that the State has a leading role in service delivery and that the Government wants to see this role re-built and strengthened. In turn, this requires the restoration of a sense of purpose to Government and the establishment of better structures within the public sector.

The reform process that has been initiated by the Government will be successful if it leads to the creation of a dynamic, flexible and coherent public sector. The structural reforms recommended by the Taskforce therefore need to be seen as a first step in creating a public sector that displays the following desirable characteristics:

**Clarity of direction.** The Government’s proposed State Strategic Plan will outline the priorities of Government for the Western Australian community. It will be a guide for the public sector against which progress can be judged.
**Leadership.** Ministers and CEOs must provide the public sector with leadership. With a reduced number of CEOs this leadership can be delivered by a tighter team in a more co-ordinated way that reflects best management practice. Under our Westminster system it is Government’s role to provide its CEOs with policy directions. Cabinet and its sub-Committees draw their status from convention and practice. These are the primary sources of policy for the public sector.

**A focus on co-ordination and co-operation.** The public sector has a history of working in functional “silos”. Integration and co-ordination must replace competition and self-interest, with agencies working collectively towards goals that reflect the aspirations of the community which they serve.

The public sector structure should, where possible, follow function, which in turn should be driven by policies. New departments will build on natural affinities and foster natural partnerships.

**A skilled, motivated and dedicated workforce.** The public sector’s employees are its principal asset when it comes to service delivery. To ensure that the public sector’s workforce continues to strive for excellence, it must be maintained and developed.

The Taskforce is aware that Government is committed to reform of the public sector workplace. Public sector agencies must be supported and encouraged by Government to act as model employers.

**Streamlined approval and regulatory processes.** A reduction in the number of separate regulatory and administrative agencies, together with a reduction in the number and complexity of forms to be filled out, would make it easier for business and the community to deal with Government.

**Better services for customers.** Increased emphasis on the customer will be achieved through:

- a new focus on achieving shared outcomes;
- reduced regulation;
- better administrative review procedures; and
- better use of technology to make essential health, education and other services more readily available and accessible by regional and remote Western Australians.

**Clear lines of accountability and a high standard of ethics.** A structure for Government is needed that removes embedded conflicts in roles, such as exists where the same Minister or the same agency is responsible for both the performance of a Government trading enterprise and regulation of its activities. The function that makes and audits the rules needs to be separated from the function that applies the rules. The Commonwealth and most other States have already responded to these principles.

The changes recommended by the Taskforce should help to deliver such a public sector.
The Objectives of Reforming the Machinery of Government

To facilitate the vision for the public sector articulated above, the key objectives of machinery of government reform adopted by the Taskforce were:

- enhanced **effectiveness** of the machinery of government in developing and sustaining rational programs and policies. The chief impact of this will be better services for customers and streamlined approval and regulatory policies;

- enhanced **flexibility and responsiveness** of the public sector to changing Government objectives, by virtue of a motivated workforce and a greater willingness on the part of agencies to work collectively;

- improved capacity for **prioritisation** to meet Government needs. This will help reinforce the clear direction set by the Government and permit Ministers and CEOs to provide greater leadership to the public sector;

- improved **accountability**; and

- improved **transparency** of Government (including the ability to “find one’s way around”, as either an insider or an outsider), so that the community understands the basis for decision-making by Government and can better evaluate the performance of it and the public sector.

It is important to emphasise that these key objectives of reform focus on improvements to the quality of service, flexibility and accountability of the public sector. The recommendations of the Taskforce do not therefore focus on some “razor gang” notion of reform, with financial savings as the driving factor. An integrated approach to the structure and management of the sector is needed before co-ordinated action can be taken to implement whole-of-Government policy.

Despite continuing debate over the best way of organising public bureaucracies, no general consensus has emerged on many of the fundamental issues of machinery of government. There is thus no agreement on what organisational forms are the most effective for carrying out particular functions, nor is there even agreement on the criteria that should guide decisions on machinery of government matters.

It is generally accepted that the study of institutional design is not an exact science and that the quest for a unified or general theory of organisational choice is misplaced. Equally, it is agreed that the design of public sector institutions should not be thought of primarily in mechanistic terms as departments and agencies that are bits of governmental machinery, but rather the limbs of an integrated and constantly evolving organism.
Accordingly it is essential to adopt a whole-of-Government perspective when considering machinery reforms. Agencies must be seen as part of a larger entity rather than as isolated, independent, self-contained units. Moreover, if they are to remain effective over time they must be adaptable and responsive to changing circumstances.

The fact that there is no consensus on how best to organise the structure of the public sector may be attributed to the importance of values in such organisational decisions:

“Organisation is not merely a technical arrangement of work, authority, resources, and relationships. Alternative ways of organising an institution represent choices among competing values. This applies to all organisations, governmental or non-governmental ... Organisation is instrumental of values in two respects. First, values may be secured or rejected directly, insofar as they are or are not embodied in the organisation itself ... Second, values may be advanced or retarded indirectly, insofar as the organisation is or is not conducive to their attainment.” 12

Many different values are potentially relevant to the issue of institutional design. This is reflected in the diversity of administrative doctrines that have been espoused over the years by rival schools of organisational theorists. Examples of key administrative doctrines that can drive institutional design and machinery of government considerations include:

- public versus private organisation;
- kinds of public organisation (department versus non-departmental forms);
- commercial versus non-commercial objectives;
- large scale versus small scale of organisation;
- multi-purpose or single-purpose scope of organisation;
- combining like activities or unlike activities; and
- long (pyramidal) versus short (flat) management structure hierarchies.

The choice of competing doctrines, driven by values, has a major bearing on the resultant machinery of government.

Ongoing debate surrounding the competing doctrines listed above is sustained by the limited and ambiguous evidence supporting the merits of particular organisational arrangements13. Partly for this reason, debates over machinery of government matters are notable for their rapid shifts in fashion14. Particular institutional forms may be favoured by policy makers at one point in time, only to fall into disfavour shortly afterwards.

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13 “Public Management: The New Zealand Model”; Boston, J et al; Oxford University Press, 1996, p72
14 “Government Reorganisation: A Theoretical Analysis”; Peters, B; International Political Science Review 13, pp199-217
**Key Design Issues**

*Functional Separation*

There is currently a prevailing view in most liberal democracies that policy-making and service delivery functions should be separated, for the following reasons:

- policy-making and service delivery are distinct tasks and each benefits from the additional attention it receives if it is not competing for management time with the other;

- functional separation offers the prospect of more contestable service delivery and sharper (as well as narrower) organisational objectives, thereby enhancing accountability;

- organisations that do not separate these functions have greater difficulty in developing a unified culture or common sense of mission; and

- most importantly, separating policy-making and service delivery prevents conflicts of interest (by providing scope for the service deliverer to capture the policy-making process to its own advantage) from arising.

The same arguments underpin the widespread practice of separating regulatory functions from those of service delivery. The last reason is critical in this regard and has led to the separation of regulatory and service delivery functions becoming virtually axiomatic in Australia.

However, it is not always appropriate to separate policy-making from service delivery. For example:

- service deliverers may be required to provide regular and comprehensive feedback on policy; and

- too rigorous a separation might result in policy–makers tendering advice that lacks relevance to the “real world”.

Accordingly, while separation of regulatory and service delivery functions can be regarded as virtually mandatory, decisions to separate policy-making and service delivery functions are less clear cut and need to be made on a case by case basis, having regard for context as appropriate.

*Departmental Versus Non-Departmental Institutional Forms*

As a general rule, departmental status tends to be the preferred option when a high level of Ministerial involvement, direction and responsibility is deemed appropriate. In this regard the departmental form is better suited to organisations undertaking activities that:
• are not readily contestable due to problems either in specifying the nature of the outputs required or in assessing performance in the delivery of the outputs, or where it is likely that the outputs required will need to be re-specified frequently;

• are “material” because they are of high strategic relevance to government or society, and the risks associated with them would be managed more effectively if the provider were subject to direct and close Ministerial oversight; or

• involve the use of a significant coercive power (for example, policing or tax collection), so the principle of political accountability requires Ministers to have direct oversight and responsibility.15

By contrast, non-departmental institutions (statutory authorities and statutory corporations) tend to be favoured when:

• there is less need (or political pressure) for frequent ministerial involvement because activities must be, and must be seen to be, undertaken independently of Ministers. This may be because the government itself may be bound by decisions or because it is important to signal publicly that an activity is carried out free of political interference;

• the government has a more limited purchase interest (because the activities undertaken are not sufficiently risky); or

• there are fewer problems in specifying and measuring organisational outputs.16

**Desirable Principles of Reform**

From the foregoing it is clear that there is no recognised best practice in relation to machinery of government. The architecture of the public sector at any time is dependent upon the values of the government of the day and the context surrounding particular strategies, functions and customer groups.

Nevertheless, while detailed structures vary, an implicit set of principles seems to have been applied in many settings17:

(a) mandates, responsibilities and accountabilities should be clearly allocated, grouping like activities while avoiding ambiguity, duplication and overlap;

(b) the structure should be simple and robust. Principles on which the structure is based should be clear to all sets of stakeholders. In most cases, the key is that each Minister’s set of portfolios should be related in some important way;

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16 Ibid, p7
(c) the structure should provide Ministers with an appropriate span of control;

(d) responsibility for strategic policy co-ordination should rest with a few central agencies. Ministers should be supported by small line departments and be responsible for broad policy portfolios rather than narrow tasks;

(e) the structure should promote a strong client orientation, and be based on a rough delineation between policy formulation and implementation responsibilities;

(f) the structure should seek to avoid potential conflicts of interest;

(g) departments are not intended to last indefinitely, and at any one time the structure should reflect priority issues facing the jurisdiction and facilitate achievement of the government’s key medium-term priorities; and

(h) the structure should provide for maximum possible decentralisation of service delivery responsibilities to regions and local governments. However, decentralisation must be set within an appropriate and robust accountability framework.

New Zealand’s State Services Commission employs the following organisational design principles when undertaking machinery of government reviews18:

- **effectiveness and efficiency** – organisational design choices should be made to best achieve government’s desired outcomes (that is, effectiveness) and the lowest cost production of outputs (that is, efficiency). In this regard:
  - commercial activities should be assigned to organisations with commercial objectives;
  - non-commercial activities should be assigned to a commercial organisation only if the net cost of these activities is explicitly funded by the Crown;
  - there is a presumption in favour of making contestable the activities of commercial organisations and non-commercial service delivery activities that do involve the exercise of significant statutory powers;
  - functions which clearly conflict for constitutional or commercial reasons should be assigned to separate organisations; in other cases the costs and benefits of functional separation should be considered, and a decision to co-locate or separate the functions made on the specifics of each case; and
  - where an agency is to be asked to undertake potentially conflicting functions, there is a presumption in favour of the departmental form.

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risk management – organisational design choices should be made to best manage the risks posed for government by the activities to be undertaken by a public sector organisation:

- if an activity represents a high level of strategic risk then the departmental form may be preferred;
- if an activity poses significant risks associated with poor contestability, there is a presumption in favour of the departmental form; and
- if the choice between a departmental form and a non-departmental form is not clear cut, there is a presumption in favour of the departmental form;

constitutional conventions – organisational design choices should be made to best protect established constitutional arrangements and conventions:

- where constitutional considerations indicate a need for close Ministerial oversight, or for direct Ministerial responsibility, there is a presumption in favour of the departmental form; and
- if an activity must be, and must be seen to be, undertaken free of political interference, and there are no compelling reasons for close Ministerial oversight, the non-departmental form may be preferred.

Principles of Reform – Western Australia

The Taskforce recognised that achievement of the objectives of reform outlined earlier in this Report requires a framework of firm principles to guide changes to the structure and operations of Government. Accordingly, it has drawn from the reform principles set out above and, where considered appropriate, modified them to reflect the Western Australian context to develop the following set of principles to focus its investigations and the framing of the recommendations of the Report:

Structural Principles

- Machinery of government reforms should be linked to clearly defined outcomes articulated by government.
- Machinery changes should be based around:
  - approximately twenty areas of government (in keeping with the Government’s pre-election commitment);
  - portfolios as the centre of structural arrangements;
  - the grouping of related outcomes and outputs under a single Minister;
  - departments as the preferred organisational arrangement. Statutory authorities should only be created where there are compelling reasons to do so; and
  - the separation of regulation from management functions.
- Agencies should be amalgamated if this results in an appropriate balance between efficiency, customer needs and coherence in Government.
- Department heads should generally report to one Minister.
- The influence and voice of regional Western Australia should be enhanced.
- Restructuring should take account of ecologically sustainable development.
- Red tape and compliance costs should be reduced.
Implementation Principles

- Reforms should be driven by the Minister for Public Sector Management with the portfolio Minister being responsible for implementation. Appropriate consultation should be undertaken.
- Co-ordinating Officers should oversee reform in individual portfolios.
- Reforms should be enacted quickly.
- Reform must not compromise customer service.
- All agencies should embrace the overall objectives of the reform process.

These principles are also of ongoing relevance for guiding Ministers and CEOs in the implementation of reform. The Taskforce believes that, collectively, they form a firm foundation for the attainment of the objectives outlined earlier, which in turn will lead to a better performing public sector capable of yielding significantly improved outcomes for the community.

The Benefits and Costs of Change

Estimation of the likely costs and benefits associated with proposed machinery changes is difficult, if not impossible. In practice, there is little agreement on the impact of organisational change. Furthermore, evidence from other jurisdictions that have undergone such reforms in the comparatively recent past (for example, the Australian Federal Government in 1987 and New Zealand from the mid-1980s to the mid-1990s) is extremely limited:

“It is relatively rare for major organisation changes in government to be formally and openly evaluated. This may be partly explained by their intensely political character, but also, and more significantly, by the formidable methodological difficulties in doing so on anything more than an impressionistic basis, which is in many respects unsatisfactory.”

In many cases the absence of useful data prevents benefits and costs associated with machinery reforms from being measured with any precision. For example, in New Zealand:

“... it has been impossible to obtain consistent trend data – especially on public expenditure – amid radical restructuring and changes to the bases of measurement. In many cases there is no clear benchmark or counter-factual against which the policies can be assessed.”

Furthermore, many of the benefits and costs associated with machinery reforms are simply not amenable to measurement:

“Even if there were a more complete and more robust database, there would still be serious methodological problems involved in assessing the costs and benefits of the changes … many of the changes are not open to quantitative analysis and often even a qualitative assessment is difficult.”

It is also worth bearing in mind that machinery of government changes are usually implemented amidst continually changing economic conditions and other reforms, with the result that isolation of machinery effects is problematical at best. Published results are usually qualified heavily in this regard.

Accordingly, the following is limited to an identification and general discussion of the benefits and costs that could be expected to be observed in Western Australia following changes to machinery of Government.

**The Benefits of Change**

Potential benefits arising from reforms to machinery of Government include:

- Broader perspectives within departments and consequently a greater coherence in policy advice and output specification. The result would be enhanced effectiveness of Government and service delivery through the combination of agencies that have:
  - common customers and demands;
  - common outputs and outcomes;
  - common skill bases; and
  - compatible information and administrative management systems.

  By facilitating faster or more complete achievement of outcomes sought by Government, the overall social welfare of the community should be increased.

- Improved flexibility and responsiveness, more purposeful management and better co-ordination and decision-making processes within the public sector as a result of fewer agencies and fewer CEOs reporting to Ministers. This may lead to:
  - improved planning and implementation of cross-agency initiatives (though the occurrence of such initiatives may diminish as a result of the decrease in agency numbers);
  - policy advice to Government that is more balanced and consistent;
  - improved information and advisory services to clients of Government through fewer points of contact (the one stop shop argument);
  - a more streamlined approach to marketing Western Australia (particularly with regard to attracting and facilitating investment in the State);
  - better use of the pool of management skills;

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22 Ibid
- a reduction in the extent of overlap between agencies in the management of major projects; and
- greater dynamism in dealing with long term issues as they emerge.

- Improved accountability and enhanced Ministerial control as a result of:
  - each Minister having to deal with only one or two CEOs instead of larger numbers as is currently the case;
  - statutory authorities being absorbed into departments, reducing the independence from Government of the functions that they performed previously;
  - boards of management of statutory authorities that are absorbed by departments being abolished or replaced by advisory boards;
  - all Public Non Financial Corporations (PNCs) and Public Financial Corporations (PFCs) becoming non-SES organisations; and
  - all PNCs and PFCs being required to develop Statements of Corporate Intent and Strategic Direction Plans, agreeing these with their respective Ministers and reporting on a regular basis against these documents.

- Improved administrative efficiencies and savings in the public sector as a result of:
  - improved synergy and less duplication and overlap in service delivery, with a consequential reduction in over-staffing;
  - exploitation of economies of scale, particularly with regard to improved corporate management processes;
  - the identification and disposal of surplus assets; and
  - increased scope for trade-offs between priorities within portfolios (that is, improved budget processes).

The more efficient use of resources within the public sector would enable:

- lower overall levels of taxation to fund the supply of an unchanged quantity of outputs; or
- more outputs to be provided at existing levels of taxation;
- a reduction in State debt if output quantities and levels of taxation were to remain unchanged; or
- some combination of the above.

These outcomes could be expected to result in a positive economic stimulus to the State.

Some indications of the magnitude of efficiency benefits that can be achieved in staffing following machinery of government changes were observed in the Federal Government after 1987:

- a 10% reduction in the Department of Primary Industries and Energy (following the amalgamation of the Department of Primary Industry and the Department of Resources and Energy);
− a 17% reduction in the Department of Community Services and Health (a merger of the Department of Community Services and the Department of Health);
− a 7% reduction in the Department of Transport and Communications (a combination of the three Departments of Transport, Aviation and Communications);
− the number of SES staff in the Australian Public Service declined from 1,664 in June 1987 to 1,517 a year later, a decrease of nearly 9%. However, this was followed by a trend towards higher classification levels in the SES\textsuperscript{23}. By comparison, the Western Australian Government has targeted a reduction of 60 SES staff, or 14%, with associated savings of $20 million over 4 years; and
− reductions in staffing in corporate services areas were less clear cut. Declines of 28% and nearly 50% were observed between 1986/87 and 1988/89 in the Department of Primary Industries and Energy and the Department of Transport and Communication, but staffing in corporate services remained largely constant in the case of the Department of Community Services and Health\textsuperscript{24}.

With regard to small statutory authorities in Western Australia, there is evidence to suggest that their amalgamation into larger agencies could result in savings of up to 10 per cent in administrative costs as a result of reduced corporate governance and reporting costs, less administrative duplication and lower fixed overheads.

- Fewer conflicts of interest between regulation and service delivery, and between policy advice and service delivery. In this regard it has been observed in New Zealand that:
  
  “There have been improvements in the scope, quality and contestability of advice available to governments as a result of the creation of policy ministries where previously departmental advice was patchy or virtually non-existent (for example, strategic advice on the environment, science and women’s issues).”\textsuperscript{25}

- A CEO group of reduced size, able to focus on more strategic topics. More issues that require inter-departmental co-ordination could be settled within the fewer departments. The workload of Cabinet should also be reduced as the larger departments could co-ordinate their initiatives and establish their own priorities, where such functions might have previously required involvement by Cabinet.

- More effective economic regulation through the development of greater expertise in the performance of regulatory functions and reduced “capture” of regulators by industries.

\textsuperscript{24} Ibid, p44
\textsuperscript{25} “Public Management – The New Zealand Model”; Boston, J et al; Oxford University Press, 1996, p87
The Cost of Change

Whereas the benefits of machinery reform are generally diffuse and hard to pinpoint, many of the transitional costs associated with restructuring are readily identifiable and able to be quantified.

Examples of costs associated with restructuring the public sector are provided below.

- Costs associated with planning and implementing machinery changes. These can be of a direct nature if consultants’ reports are commissioned or opportunity costs as a result of agencies’ resources being diverted to the planning and implementation tasks. In Western Australia, it is expected that these tasks will be undertaken in-house.

- Dislocation of staff associated with redeployment, retraining and severance.

- The termination or renegotiation of leases and contracts with external service providers. If contracts or leases are terminated then they may need to be paid out. If they are renegotiated then more favourable prices may be achieved at the expense of a longer contract period and a consequent reduction in the flexibility of a new agency to source inputs over the life of the contract.

- The disposal of assets that are no longer required. There may be costs involved in selling surplus assets, including possible losses if the sale value is less than an asset’s book value.

- The destruction of assets and inventory (including systems, old letterheads and logos) made obsolete by the restructure. This may involve both direct and sunk costs.

- Standardisation of different financial and human resource management systems if agencies are merged. These may need to be modified or, in extreme cases, replaced.

- Standardisation of different remuneration levels for staff if agencies are combined. It is unlikely that staff who are better paid in one agency than in another will entertain a deterioration in their conditions merely to ensure standard remuneration levels when the two agencies are combined. Upwards flexibility of salaries is a distinct possibility.

- The drafting and debating of legislation to give effect to machinery changes. This can involve both direct and opportunity costs, given that the legislation must be accommodated within the Government’s legislative program, which will be subject to capacity constraints (due to the finite amount of time during which the Parliament sits).
• Adjustments that will need to be made by the Government Employees Superannuation Board, the Western Australian Treasury Corporation, RiskCover and the Auditor General to reflect changes in machinery.

Other costs associated with restructuring that are more difficult to quantify include:

• opportunity costs arising from disruption to normal work flows and negative impacts on the policy-making capacity of affected organisations;

• social and psychological costs (including the stresses and strains caused by extra work pressures, job insecurity, the loss of staff morale stemming from long periods of uncertainty over future employment, redundancy, and so on);

• high levels of staff turnover, including the loss of many experienced staff (and a consequent loss of institutional memory, ie accumulated knowledge and wisdom that is not recorded);

• lengthy delays in the appointment of new CEOs and other senior staff, leading to drift in the development of strategic plans;

• the abolition of purpose-specific agencies that meet the needs of particular stakeholder groups might cause these groups to feel marginalised and disenfranchised; and

• attempts to reduce the number of statutory authorities may be perceived by the interests represented on the boards of these agencies as a threat to their continued relevance.

Many of these costs have an element of risk attached to them, meaning that good planning and implementation are critical if they are to be minimised.

Other risks that will have a higher probability of occurring if reforms are planned or implemented poorly include:

• potential diseconomies of large scale (including decreased responsiveness to the needs of customers, greater bureaucratic inertia and extra layers of bureaucracy). These will act to reduce agency efficiency and effectiveness;

• a function or responsibility for an outcome desired by the Government may fall “through the cracks” and not be picked up by any agency. This could give rise to political costs and resource costs as responsibility for the supply of an output to facilitate the outcome is assumed by an agency;

• the machinery changes may not have sufficient inbuilt flexibility to deal with future needs and trends, necessitating further reform; and

• processes put in place to inject a greater element of rigour into the justification for the creation of new departments and statutory authorities may not be sufficient to prevent the fragmentation of the public sector in the future.
Good planning and close management of the implementation process will minimise these risks.

**Evaluating the Effects of Machinery Changes**

Machinery reforms are significant and far-reaching policy initiatives that need to be evaluated with a view to identifying worthwhile refinements to policy and keeping the prevailing structure of the public sector relevant to the political, economic and social environment.

However, the benefits of machinery reforms may not be realised for two or three years. For example, the first year may be spent reorganising the structure of the public sector, the second year may be focused on getting the processes right and the third on rationalising outputs.

The Taskforce recognises that *ex post* evaluation of machinery changes in terms of their impact on efficiency, effectiveness and public sector management is likely to be a medium-term task as a result.

This should not, however, be used to justify not conducting such an evaluation. Ongoing evaluation and review is necessary to identify where reforms may require modification to assist in the attainment of the Government’s objectives. Indicators that could be used to gauge the impact of machinery reforms include:

- quantitative trends in:
  - staffing numbers;
  - SES or senior contract staff;
  - costs of corporate services and central office; and
  - benefits from developing common services and systems.

To facilitate evaluation by external observers, departments could include in their annual reports not only the figures for the year under discussion, but also for the previous three years. By taking account of the changes in systems and output structures, departments could make adjustments to ensure ongoing comparability;

- organisational indicators, including:
  - development of a varied skills base;
  - integration of different departmental structures;
  - collocation of merging or overlapping functions;
  - development of a unified regional presence;
  - development of a corporate view, perhaps through a policy unit; and
  - internal development of priorities, options and budgets; and

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whole-of-Government benefits, such as:

- development of suitable options for Cabinet;
- internalisation of previously cross-departmental issues;
- Cabinet workload; and
- quality of policy advice and policy formulation.

Each of these indicators may provide assistance in determining whether – and to what extent – machinery changes have assisted in improving the efficiency and effectiveness of public sector management in Western Australia.

The Taskforce therefore suggests that performance indicators need to be determined by the Department of the Premier and Cabinet, and consistent data collected from agencies on an ongoing basis, so that the success of machinery reforms can be evaluated.

The Taskforce concluded that there are real benefits to be achieved by pursuing a comprehensive program of reform. The cost of reform, in financial and human terms, are nonetheless very real. In making practical and achievable recommendations, the Taskforce is confident that reform is worthwhile.
PART 2:

DIRECTIONS FOR REFORM
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A NEW STRUCTURE FOR THE PUBLIC SECTOR

Currently, the Western Australian public sector is highly fragmented not only in terms of its excessive number of discrete entities, but also in its use of a great and often confusing range of organisation types and names.

While the public sector is sometimes seen as consisting of just two types of organisation — departments and statutory authorities — that somewhat simplistic view does not reflect the vast array of hybrid forms and terms used to identify the types of entities. Many other terms, such as office, agency, board, committee, council, instrumentality, public body, public authority, commission, Government trading enterprise, SES and non-SES organisations, are also in use.

The situation is further confused by the fact that there is no single authoritative definition for each kind of entity — nor is there a single coherent description of what actually constitutes the “public sector”, the scope of which is defined differently according to the purpose at hand.

In addition, there has been no consistently applied basis on which the various entities have been established over time, and this has contributed to significant problems and uncertainties in regard to accountability and reporting relationships.

One of the main objectives of the machinery of government reform process now underway is to increase the transparency of Government. Major contributors to that objective would be:

- the improvement in everyone’s ability to “find their way around”, whether as an insider (a public sector employee, parliamentarian, or board/committee member) or as an outsider (a customer, academic or media commentator); and

- enhanced accountability through clarification of agencies’ status and reporting relationships.

The Taskforce believes that the opportunity exists, in conjunction with what is another primary objective of the present machinery reform process — namely, to reduce the number of autonomous agencies — to also develop and adopt a more consistent framework for the use of organisation types and names.

Such a framework could be based on the concept of a generic portfolio structure, identifying the key “building blocks” of government, and designed to be readily understood by both internal and external stakeholders.
Recommendation 1: The major components of a generic portfolio structure should be as follows:

- Minister
- Portfolio
- Department
- Administrative Office
- Commission
- Statutory Authority

Each of these is described in more detail below, together with any respective sub-components that warrant highlighting. A diagrammatic representation of the generic portfolio structure is provided as Figure 2.

**Minister**

The starting point for the generic portfolio structure is the Minister to whom the portfolio has been assigned.

The Taskforce considers that each Ministerial portfolio should be accompanied by a “Flag” statement. This would signal the over-arching purpose of the portfolio, in the form of a description of high-level outcomes or of Cabinet’s desired policy objectives and priorities in the portfolio (encompassing related non-departmental portfolios as well).

In turn, the flag statements could be integrated directly into a State strategic planning framework — utilising key economic, social and environmental “indicators of progress” — to which the Government has made separate commitment.

The Government has confirmed that there will be 14 Ministers, and “Ministers Assisting” have also been identified in two cases. Further, six Parliamentary Secretaries have been designated to assist with seven Ministers’ workloads.

The Taskforce does not recommend any change to the number of Ministers. However, it considers that the use of “Ministers Assisting” should continue to be minimised in order to avoid potential confusion and unnecessary complexity in terms of reporting relationships and ultimate responsibility for particular policies and programs of Government.

Each Minister has a Ministerial office led by a Chief of Staff. Ministerial offices contain a mix of public servants, typically undertaking general support functions, and Ministerial officers appointed on term-of-government contracts to carry out more politically-sensitive or partisan responsibilities.
Figure 2: THE GENERIC PORTFOLIO STRUCTURE

**Key**
- Administrative Office
- Department of State
- Commission
- Statutory Authority

**Portfolio “Flag” Statement**

- **Minister’s Office**
  - **Chief of Staff**
- **Statutory Office Holder**
  - **Administrative Office**
- **Director General**
  - **Department**
  - Policy development, co-ordination, regulation.
- **Chairperson**
  - **Commission**
- **Chairperson**
  - **Statutory Authority**
  - **CEO (General Manager)**
  - **Staff of the Statutory Authority**
While the *Public Sector Management Act 1994* defines Ministerial offices as part of “the Public Sector”, they are administratively separate from the agencies which report to the relevant Minister. Ministerial staff cannot interfere in the governance of agencies nor intercede between the Minister and the head of an agency.

**Portfolio**

The second component of the proposed framework is the portfolio itself. A portfolio is essentially a grouping of related government activities.

The Government assigned an initial set of 39 portfolios to 14 Ministers, with each portfolio being the ultimate responsibility of a single Minister. Based on its view that the transparency of Government can be enhanced by keeping the number of portfolios to a minimum, the Taskforce considers that the current set of 39 portfolios should be reviewed in the light of this Report’s recommendations.

A *departmental portfolio* would be one that is serviced by a conventional department of State, the designation of which would normally align with the portfolio title. The 22 broad areas of Government identified by the Taskforce provide the general basis for identifying departmental portfolios.

*Non-departmental portfolios* would be those to which the Government seeks to give appropriate profile in the titles of Ministers (to ensure appropriate policy focus and the development of relevant services and activities), but which would not be serviced by a discrete department of State. Instead, those portfolios would be serviced by another (usually related) department or statutory authority under the Minister’s control.

For example, the portfolios of Women’s Interests or Seniors and Youth will be serviced through the new Department for Community Development, which exists principally to support the same Minister’s Community Development portfolio. (Appropriate public profile could continue to be given to the appropriate divisions or units within the larger departmental structure.)

The continued requirement for particular non-departmental portfolios would need to be reviewed periodically.

**Recommendation 2:** There should be two categories of Ministerial portfolio:
- departmental portfolios supported by a conventional department of State; and
- non-departmental portfolio for areas to be profiled.

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27 The roles of Deputy Premier and Ministers Assisting have not been included in this enumeration of portfolios.

28 The exception is Government Enterprises, which has been proposed as one of the 22 “areas of government”, but which would not be serviced by a discrete department of State.
Departments

The Legislative Council’s Standing Committee on Government Agencies acknowledged in its 1994 report that, “subject to constitutional restraints and statutorily imposed parameters, the Executive branch should be left free to decide how, and through what instrumentalities, it will carry on its administration” (p. 4).

The Committee went on to conclude that, using the residual prerogative powers of the Crown, the “traditional department of State” (headed by a Minister answering directly to Parliament) would likely be the most common choice. Contrary to that expectation however — and notwithstanding it having the second highest number of departments in any Australian jurisdiction — Western Australia also has more than 165 statutory authorities.

In addition to making recommendations to reduce the number of departments overall, the Taskforce therefore considers that the major institutional component of the generic portfolio structure should clearly be the department of State 29. Although other types of agency are likely to have responsibility for specific and limited aspects of a Minister’s portfolio, the department should generally have broad oversight responsibility across the entire portfolio.

Departments essentially exist to support a Minister in pursuing the Government’s objectives and delivering services. They are typically responsible for a range of activities, including policy development, co-ordination, implementation and regulation. Any commercial activities are normally incidental to the department’s primary functions.

There is a direct reporting and generally a close working relationship between the head of a department and the responsible Minister. Departments are generally responsible to only one Minister, but may provide support or advice to other Ministers.

Departments usually have minimal financial autonomy and are normally dependent on the Consolidated Fund for their operation and viability. This enables the Government to closely control the priorities of and resources allocated to the organisation.

In addition, departments of State are normally characterised by a need or desire for their (primarily permanent) staff to be employed under the Public Sector Management Act 1994. They are thereby subject to the broad employment system (consistent terms and conditions of employment) and behaviour standards (ethics/code of conduct) and practices of the public sector or Public Service, specifically.

Under the proposed framework, departments of State would continue to be established under the Public Sector Management Act.

29 Later in this report, the Taskforce makes an explicit recommendation about the performance of functions through departmental structures in preference to statutory authority structures, wherever possible.
Presently there are number of statutes where the title of the department or the Chief Executive Officer are designated in that legislation. Three examples are:

- *Agriculture Act 1988* – designates the Department of Agriculture and Director General of Agriculture;
- *Transport Co-ordination Act 1966* – designates the title of the CEO as Director General of Transport; and
- *Conservation and Land Management Act 1984* – designates the Department of Conservation and Land Management (CALM) and the CEO as Executive Director.

Enshrining the title of the department or CEO in legislation has the potential to limit or compromise Government’s discretion and flexibility when restructuring the public sector. Furthermore, the practice is not essential to the efficient operation of the relevant statutes as numerous examples exist where the legislation makes reference to a department and CEO without giving them a formal title.

It should be noted that in the case of Agriculture and CALM, the CEO is a body corporate and therefore some consequential amendment would be required to continue and preserve the body corporate. One option is to designate the Minister as the body corporate with complementary powers of delegation to the CEO.

**Recommendation 3:** Departments should not be associated with a statutory board of management, but may provide support to advisory or regulatory boards or committees (whether or not these are established under statute).

Recent decades have seen departments of State being designated with various titles other than “Department”. Without a consistent or clear rationale, this has resulted in the use of terms such as Ministry, Commission, Office and other business name-related titles\(^\text{30}\) in relation to what remain conventional departments of State. In addition hybrid arrangements exist with heads of departments and positions within departments having a role as a Commissioner; structures within departments seeking to provide a degree of independence to sub-units; and funds being appropriated by Parliament to departments which in turn re-allocate them to other independent State agencies. Such arrangements need to be reviewed on a case-by-case basis to ensure that issues such as the independence of statutory roles and clear responsibilities and accountabilities are adequately addressed. The cumulative effect of these developments has contributed to the overall lack of coherence in the structure of Government, which has exacerbated the sense of confusion amongst customers seeking to utilise public services.

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\(^{30}\) For example “Agriculture WA” and “WorkSafe”
**Recommendation 4:** The designation “Department” should normally be applied to all departments of State.

Many Western Australian government departments have adopted names and logos to give them a distinct and unique character. While this can give the impression of an enterprising and energetic organisation, it also has the effect of distancing the department from Government and public service. It can also lead to confusion in the mind of the public about whether the department is a government or a private sector agency.

The Taskforce understands that the Queensland Government has recently adopted a uniform approach to the identification of departments and related agencies. The purpose of this corporate identity approach has been to clearly identify agencies as being government institutions for the benefit of the public. Ongoing savings are also expected from negating the need for agencies to undertake individual logo development.

The Taskforce supports this approach as both a symbol of a unified system of government administration and as a clear identification for department customers.

**Recommendation 5:** The State Government should introduce uniform “badging” for departments of State and related agencies.

The Taskforce also considers that the title of the head of each department of State should be standardised, to further reduce misunderstanding about the machinery of Government. Currently, heads of departments are variously titled Director General, Chief Executive Officer, Executive Director and so on.

**Recommendation 6:** A common title should be given to each department head. The title “Director General” is recommended. This title should be reserved for heads of departments of State.

In a small number of cases, there may be a need to depart from the standardised naming of Directors General. The Taskforce considers that the titles of Commissioner of Police and Under Treasurer, for example, should continue.

While the heads of departments of State will be directly responsible to the portfolio Minister, they will continue to be employed by the Minister for Public Sector Management, in accordance with the provisions of the *PSM Act.*
Administrative Offices

A number of agencies which are currently established as departments of State have been set up to provide dedicated support to various statutory office holders, namely the Auditor General; Director of Public Prosecutions; Commissioner for Public Sector Standards; Electoral Commissioner; Inspector of Custodial Services; and the Registrar, Industrial Relations Commission.

The Taskforce understands that the principal reason for establishing departments to support these statutory office holders was to provide adequate autonomy from other parts of Government, in order to preserve their independent operation and performance of duties.

Conversely, however, there are other statutory office holders in the Western Australia public sector who are not supported by separate departments of State. Current examples include the Valuer General and the Public Trustee. While these may comprise a separate division within the annual Budget estimates, the administrative units working in support of the statutory office holder are often effectively directorates or branches within departments of State (in the case of the above examples, the State Revenue Department and the Ministry of Justice, respectively).

The Taskforce considers it unnecessary for all statutory office holders to be supported by discrete departments of State. Except where there is a demonstrated need for separation or autonomy, corporate and administrative support for statutory office holders should be provided by a “host” department, under a corporate support agreement or contract. However, where clear separation is warranted, such alternative arrangements could be distinguished in the generic portfolio structure by the use of “Administrative Offices”. While each portfolio could potentially contain one or more Administrative Offices, at any period in time, many portfolios would contain none.

In the case of the Auditor General, the Commission on Government and other bodies have recommended that the Office of the Auditor General should be established as a statutory authority to strengthen the independence of the Auditor General.

Recommendation 7: For those cases where a statutory office holder requires a separate organisational structure to support them, an Administrative Office should be established using a new provision to be incorporated in the Public Sector Management Act 1994.

Commissions

Statutory functions and powers are sometimes assigned to multiple-person entities which are intended to operate with a degree of autonomy, but without also undertaking the complete range of governance responsibilities normally associated with fully independent statutory authorities (see below).

31 Including independent reporting to Parliament, in most cases.
Such entities are often established to perform regulatory, review, appeal, or advisory functions — or some combination of these — and are therefore appropriately placed outside the formal structure of a department of State.

In order to differentiate them within this generic framework, these entities are identified here (and in the portfolio-specific sections later in this report) as “Commissions”. The Taskforce considers that, as currently occurs, Commissions should continue to be provided with administrative and corporate support services by the relevant departments of State in their portfolio.

**Statutory Authorities**

The final component of the generic portfolio structure is the statutory authority which:

- is established by statute;
- is usually constituted as a body corporate;
- has a responsible Minister;
- usually has a board of management; and
- has functions and powers defined by its statute.

For State financial reporting purposes, statutory authorities are classified as:

- general government sector agencies created by statute, which operate with funding from the Consolidated Fund and do not usually attempt to fully recover the cost of services they provide;
- public non-financial corporations (PNCs), which charge for goods and services and operate largely independently of central government; and
- public financial corporations (PFCs), which largely incur financial liabilities and deal in financial assets.

Appendix 5 of the Report lists the statutory authorities within Western Australia’s public sector that fall within each of these categories.

From a machinery of Government perspective, the following issues concerning statutory authorities arise:

- the plethora of statutory authorities in Western Australia;
- the need for greater accountability for performance;
- the need for clear and non-conflicting objectives;
- umbrella legislation for PNCs and PFCs; and
- clearer lines of responsibility between CEOs and boards.

These are discussed in turn below.

*The Plethora of Statutory Authorities in Western Australia*

Previous reviews of Western Australia’s machinery of Government have expressed a common view that there are too many statutory authorities within the State’s public sector:
The number of statutory authorities is excessive which makes for an inflexible, cumbersome and, at times, unresponsive administrative structure. There is a need for a progressive review of the role of many statutory authorities.\textsuperscript{32}

This opinion was shared by Commissioner Gavan Fielding in his review of the \textit{Public Sector Management Act 1994}\textsuperscript{33}.

The McCarrey Commission was also concerned that statutory authorities were being established for inappropriate reasons:

\begin{quote}
\textquote{The statutory authority is a more rigid administrative form \cite{Report of the Independent Commission to Review Public Sector Finances, Volume 1, June 1993, p180} of public entity. Its responsibilities can be varied only by Act of Parliament. In principle, the statutory authority form should be used when a regulatory or independent role is contemplated, with minimal Ministerial direction.}

\textquote{It is not an appropriate form for the ordinary process of public administration (as distinct from government trading enterprises), or for carrying out functions which require the implementation of government policy.}\textsuperscript{34}
\end{quote}

On this matter, Commissioner Fielding noted:

\begin{quote}
\textquote{In my discussions with Mr Codd, who was actively involved in radical machinery of government changes effected in the Australian Public Service, he suggested that statutory authorities \cite{Review of the Public Sector Management Act, G L Fielding, April 1996, p227} ‘should only be created or retained where there is a clear requirement for independence from government, with specified powers to be exercised independently’. His view was that departments are to be preferred because they give more flexibility and greater scope for government direction.}\textsuperscript{35}
\end{quote}

There has been significant growth in the number of statutory authorities in Western Australia that are either under the direction and control of a Minister and/or are resourced by the State, from the 131 eight years ago to 165 today. To check the continued growth in the number of statutory authorities within the State’s public sector, the Taskforce believes that more stringent scrutiny needs to be brought to bear on proposals to establish new agencies having a statutory basis.

\textbf{Recommendation 8: A statutory authority should be established only if its proposed functions cannot be performed by a department or it would be inappropriate for them to be performed by a department.}

In this regard, many statutory authorities currently perform functions that could be undertaken with equal facility by a department and it is not always clear why statutory authorities require greater independence from Government compared with departments of State.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{32} Report of the Independent Commission to Review Public Sector Finances, Volume 1, June 1993, p(xxxv)
\item \textsuperscript{33} Review of the Public Sector Management Act, G L Fielding, April 1996, p227
\item \textsuperscript{34} Report of the Independent Commission to Review Public Sector Finances, Volume 1, June 1993, p180
\item \textsuperscript{35} Review of the Public Sector Management Act, G L Fielding, April 1996, p227
\end{itemize}
\end{footnotesize}
This independence can pose a risk for Government, as the McCarrey Commission noted:

“... non-elected members of authorities are in a position to frustrate policies of elected governments or pursue their own policy agenda, notwithstanding that the government is held accountable for the outworking of policy decisions.”36

To reduce the number of statutory authorities in Western Australia and provide the Government with greater control over the implementation of its policies, the Taskforce believes that consideration should be given to incorporating functions performed by these entities into departments where appropriate. This approach was advocated by Fielding:

“There are a number of statutory authorities in this State which might beneficially be converted or designated as departments of State or amalgamated with existing departments …

In the case where statutory authorities are incorporated into departments of State there is no reason why they could not continue to operate as individual units within the department, albeit in a modified form, but they would do so without the duplication of support services which currently occurs in many cases. The chief executives of these bodies would in effect be divisional heads of the relevant department. Furthermore there is no reason why in appropriate cases they should not continue to operate with advisory boards …”37

On the matter of advisory boards in such circumstances, Fielding reasoned:

“Departments of State should not be indirectly accountable to the Government through a board of management but directly accountable through the chief executive officer. That arrangement cannot sensibly exist in a statutory authority governed by a board with statutory powers independent of the Public Sector Management Act.”38

Recommendation 9: The functions of each statutory authority in the Western Australian public sector should be reviewed before 1 July 2002 to assess the appropriateness and feasibility of incorporating those functions into departments of State. This review should be co-ordinated by the Department of the Premier and Cabinet.

Accountability for Performance

The greater independence and autonomy of statutory authorities brings with it a requirement for greater accountability on the part of boards of management for the performance of the entities that they govern.

37 Review of the Public Sector Management Act, G L Fielding, April 1996, pp229-230
38 Ibid, p229
In the case of statutory authorities, it is the role of the Minister to set the policy objectives, strategic directions and performance targets for the board. It is not the role of the Minister to be actively involved in the operational management of the statutory authority. That function lies with the statutory authority’s board of management. It is the responsibility of the board to fulfil its statutory functions and responsibilities, and to pursue the policy objectives, strategic directions and performance targets set by the Minister as optimally as possible.

To hold boards of statutory authorities accountable for their performance, frameworks and mechanisms is necessary for Ministers’ expectations to be communicated to boards and for Ministers to monitor and evaluate the performance of boards against these expectations.

For authorities in the general government sector the framework is output based management:

- the budget process is the means by which performance targets (that reflect policy objectives and strategic directions articulated by the Minister) are established;

- forward estimates prepared on a rolling basis provide the Minister with an indication of the effects of these policy objectives and strategic directions over the medium term;

- the mid year financial review, the output acquittals process (under which agencies receive payment for outputs supplied) and ongoing monitoring by Treasury are the vehicles by which agency performance is evaluated throughout the year; and

- the annual report is the final step in the performance evaluation process.

For many of the more significant Government business enterprises, the framework and processes are different, although the goal is the same:

- an annual Statement of Corporate Intent (SCI) and Strategic Development Plan (SDP) are negotiated and agreed between the Minister and the governing board, subject to the concurrence of the Treasurer. These documents enable Ministers to convey expectations about agency performance to boards, set out the performance targets against which boards will be held accountable and reinforce to Ministers that it is the boards that are responsible for management of statutory authorities;

- each statutory authority is required to report on its performance on either a quarterly or semi-annual basis to the responsible Minister and the Treasurer so that their performance against targets can be monitored; and

- each statutory authority must prepare an annual report on performance against targets set out in its SCI.

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39 Government business enterprises are referred to as Public Non-Financial Corporations (PNCs) and Public Financial Corporations (PFCs) in the State’s budget papers.
SCIs, which must be tabled in Parliament, address statutory authorities’ performance for the next financial year. SDPs are confidential planning documents that cover the next five years. Matters that must be addressed in each of these documents are set out in Appendix 6 of the Report.

At present only the following Government business enterprises are required by statute to prepare SCIs and SDPs:

- Albany Port Authority
- Broome Port Authority
- Bunbury Port Authority
- Dampier Port Authority
- Electricity Corporation (Western Power)
- Esperance Port Authority
- Forest Products Commission
- Fremantle Port Authority
- Geraldton Port Authority
- Port Hedland Port Authority
- Totalisator Agency Board
- Water Corporation
- Western Australian Land Authority (LandCorp)
- Western Australian Treasury Corporation
- Westrail (by agreement with the Minister)

Government business enterprises that are not currently required to produce SCIs and SDPs are listed below\textsuperscript{40}:

- Animal Resources Authority
- Bunbury Water Board
- Busselton Water Board
- Country Housing Authority
- East Perth Redevelopment Authority
- Fremantle Cemetery Board
- Gold Corporation
- Government Employees Housing Authority
- Insurance Commission of Western Australia
- Lotteries Commission
- Metropolitan Cemeteries Board
- Keystart Housing Scheme (a)
- Midland Redevelopment Authority
- Perth Market Authority
- Potato Marketing Corporation of WA
- Rottnest Island Authority
- Subiaco Redevelopment Authority
- The Eastern Goldfields Transport Board
- The Grain Pool of WA (b)
- The State Housing Commission
- Western Australian Egg Marketing Board

\textsuperscript{40} Note that all of these agencies are nevertheless required to prepare annual reports.

(a) The Keystart Housing Scheme is a subsidiary of the State Housing Commission.

(b) The Grain Pool of WA is required to produce corporate and operational plans. These are similar to but less comprehensive than SCIs and SDPs.

The Government Employees Superannuation Board, which is a statutory authority taken to be outside of the public sector for State financial reporting purposes, is not required to produce SCIs and SDPs.

The Taskforce is concerned that where there is no requirement for a relevant agency to develop and agree SCIs and SDPs with its Minister, board accountability for performance is likely to be considered insufficient by today’s standards. Furthermore, there is a risk that the agency’s board may take on too much of the Minister’s policy-setting role, and the Minister not enough.

The Taskforce believes that requiring all Government business enterprises to develop and agree SCIs and SDPs with their relevant Ministers would improve board accountability for performance and would also permit Ministers to communicate their expectations more clearly to boards.
Given the Treasurer’s overall responsibility for the State’s finances, the Taskforce considers it important that the Treasurer’s concurrence with all SCIs and SDPs be sought before they are agreed between Ministers and boards of material Government enterprises. For those enterprises that are less material from a State financial perspective, the Treasurer’s role could be performed by the Minister for Government Enterprises.

### Recommendation 10: To facilitate greater accountability for performance and to improve the delineation of responsibility between Ministers and boards for policy and management respectively, all Government business enterprises as well as the Government Employees Superannuation Board should be required to develop Statements of Corporate Intent and Strategic Development Plans and agree these documents with their Minister, the Government Enterprises Minister and the Treasurer. Relevant Acts should be amended to reflect this requirement.

#### The Need for Clear and Non-Conflicting Objectives

The need for clear objectives is a special issue for boards of statutory authorities operating in competitive or potentially competitive markets.

Where such boards face a mixture of commercial and non-commercial objectives, the simultaneous pursuit of inconsistent or conflicting objectives can lead to unintended and undesired consequences that prevent their agencies from maximising efficiency.41 Furthermore, conflicting objectives can be used by boards to evade accountability for poor performance in particular areas.

To avoid these outcomes the Taskforce believes that it is important for the boards of relevant statutory authorities to be given a single clear commercial objective. That is, their principal objective should be to operate as commercially as any comparable private firm42. Any non-commercial outputs (such as those relating to economic development, regional development or community welfare) previously supplied by a statutory authority can be dealt with by:

- discontinuing their supply if the Government no longer wishes to purchase them;
- transferring responsibility for their supply to another agency without a commercial objective (a department); or
- treating them transparently as community service obligations (CSOs) undertaken by the statutory authority upon receipt of appropriate funding.

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42 Ibid, p11
Where the Government wishes Government business enterprises to take account of externalities (for example, the environment or social equity) it should do so via regulation or taxation measures that force all players in the industry to internalise the costs of such externalities. Competitive neutrality will not be preserved if only Government business enterprises are singled out, and the efficient allocation of resources will be compromised as a result.

Appendix 7 of the Report provides more comment on how achievement of the Government’s non-commercial objectives can be facilitated through Government enterprises with a solely commercial focus.

PNCs that have already been subjected to such reforms through corporatisation/commercialisation are as follows:

- Western Power and the Water Corporation are required to act in accordance with prudent commercial principles and endeavour to make a profit, consistently with maximising their long term value;

- the port authorities are required to act in accordance with prudent commercial principles and endeavour to make a profit, subject to the provisions of their SCIs and SDPs – this proviso permits them to pursue the non-commercial objective of trade facilitation without it being regarded as a CSO if the Government so desires;

- LandCorp is required to:
  - perform its functions in a cost-efficient manner;
  - endeavour to achieve or surpass the long term financial targets specified in its SDP; and
  - ensure that no individual project that it undertakes has an internal rate of return that is less than the minimum rate of return specified in its SDP, subject to the provisions of its SCI and SDP.

  This has the potential to permit LandCorp to pursue non-commercial objectives without these being regarded as CSOs if the Government so desires;

- the board of Gold Corporation is required to perform its functions in accordance with prudent commercial practices and use its endeavours to ensure that the revenue of Gold Corporation is sufficient to meet its expenditure and to derive a profit by earning a commercial rate of return on its capital;

- the Forest Products Commission must try to ensure that a profit that is consistent with the targets set out in its SCI and SDP is made from the exploitation of forest products while ensuring:
  - the long term viability of the forest products industry; and
  - the principles of ecologically sustainable forest management are applied in the management of indigenous forest products located on public land.
Under these arrangements it is possible for the Forest Products Commission to pursue non-commercial objectives without these being regarded as CSOs if the Government so desires; and

- under an administrative (as opposed to statutory) arrangement, Westrail had a commercial objective prior to the sale of its freight business.

From the foregoing it can be seen that only three of the above Government business enterprises have unambiguous commercial objectives, with the remainder having a mix of commercial and non-commercial objectives (or the potential for such a mix). As shown in Table 6, there are a number of other enterprises that do not have a commercial objective.

Table 6: GOVERNMENT BUSINESS ENTERPRISES WITH COMMERCIAL, MIXED AND NON-COMMERCIAL OBJECTIVES

<table>
<thead>
<tr>
<th>Clear Commercial Objective</th>
<th>Mix of Commercial and Non-Commercial Objectives</th>
<th>Non-Commercial Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gold Corporation</td>
<td>Forest Products Commission</td>
<td>Animal Resources Authority</td>
</tr>
<tr>
<td>Water Corporation</td>
<td>LandCorp (a)</td>
<td>Bunbury/Busselton Water</td>
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<tr>
<td>Western Power</td>
<td>Port Authorities (8)</td>
<td>Boards</td>
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<tr>
<td></td>
<td></td>
<td>Country Housing Authority</td>
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<tr>
<td></td>
<td></td>
<td>Eastern Goldfields Transport Board</td>
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<tr>
<td></td>
<td></td>
<td>Fremantle Cemetery Board</td>
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<tr>
<td></td>
<td></td>
<td>Grain Pool of WA</td>
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<tr>
<td></td>
<td></td>
<td>Government Employees</td>
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<td></td>
<td></td>
<td>Housing Authority</td>
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<td></td>
<td></td>
<td>Insurance Commission of</td>
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<tr>
<td></td>
<td></td>
<td>Western Australia</td>
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<tr>
<td></td>
<td></td>
<td>Lotteries Commission</td>
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<tr>
<td></td>
<td></td>
<td>Metropolitan Cemeteries Board</td>
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<tr>
<td></td>
<td></td>
<td>Perth Market Authority</td>
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<tr>
<td></td>
<td></td>
<td>Potato Marketing Corporation of WA</td>
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<tr>
<td></td>
<td></td>
<td>Redevelopment Authorities (3)</td>
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<tr>
<td></td>
<td></td>
<td>Rottnest Island Authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>State Housing Commission</td>
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<tr>
<td></td>
<td></td>
<td>Totalisator Agency Board</td>
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<td></td>
<td></td>
<td>WA Egg Marketing Board</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Western Australian Treasury Corporation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Westrail</td>
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</tbody>
</table>

(a) Subject to financial targets set out in its SCI and SDP.
The mixture of commercial and non-commercial objectives assigned to the Forest Products Commission and the port authorities makes it difficult to value the opportunity cost to the State of these agencies' non-commercial activities. By accepting a lower than appropriate rate of return on assets as a consequence of meeting these non-commercial objectives, or relying on cross-subsidisation to at least partly finance them, fiscal transparency is compromised. The State and the community in general are unaware of the full cost of resources being applied to these objectives.

The Taskforce also noted that a number of Government business enterprises with non-commercial objectives operate in competitive or potentially competitive markets. These include:

- the Lotteries Commission and the Totalisator Agency Board (which compete in the gambling market with the Burswood Casino and bookmakers);
- the “resort” function of the Rottnest Island Authority (as opposed to its environmental management function), which competes with other resorts in Western Australia; and
- the land development arm of the State Housing Commission (as opposed to its public rental housing function), which competes with private residential land developers in the first home owner market segment.

To improve the management of public sector resources and minimise any adverse impact of Government business enterprises on the private sector, the Taskforce is of the view that agencies which have a commercial element or are in competition with the private sector should operate solely under a commercial objective, with this objective having a statutory basis. If the Government wishes that they undertake non-commercial functions, then it should put in place adequate compensation arrangements (through Community Service Obligations) so that their commercial objectives are not compromised. Under CSO arrangements, eligible agencies receive explicit subsidies from the Consolidated Fund to permit them to undertake specified non-commercial functions.

Not only would this approach improve fiscal transparency, it would permit periodic review by the Government of its spending priorities attached to the ongoing attainment of objectives requiring the use of CSOs.

Recommendation 11: All Government business enterprises should be reviewed with the objective of clarifying commercial responsibilities, and where appropriate, establishing those commercial responsibilities by statute. This review should be co-ordinated by the Department of the Premier and Cabinet with the assistance of the Department of Treasury and Finance.
Umbrella Legislation for Government Business Enterprises

In Western Australia there is currently a separate statute for each Government business enterprise with the exception of the port authorities (which are dealt with collectively under the *Port Authorities Act 1999*) and the Bunbury and Busselton Water Boards (under the *Water Boards Act 1904*).

As a result, Western Power, the Water Corporation, the port authorities, LandCorp and the Forest Products Commission have all been corporatised or commercialised under a range of statutes. This has led to a less than uniform approach to the reform of these agencies, which is particularly evident in their general objectives (especially their degree of commerciality).

Western Australia is the only State not to have enacted umbrella legislation covering its corporatised and commercialised enterprises. All other States have chosen to develop such legislation in order to pursue a broadly consistent approach to industry reform in the public sector. Their Acts capture general objectives and principles, roles, powers, responsibilities and accountabilities of Ministers and boards, and any other generic provisions relevant to corporatised and commercialised enterprises.

The idea of umbrella legislation for corporatised and commercialised enterprises in Western Australia is not new. It has been discussed at various times in the past, including prior to the corporatisation of Western Power and AlintaGas and by the McCarrey Commission and the Commission on Government.

In the interests of efficient legislation and standardising corporatisation and commercialisation policy across relevant enterprises, the Taskforce believes that Western Australia should follow the example of the other States. Indeed, the Taskforce takes the view that it should go further and develop umbrella legislation that spans all Government business enterprises, with fundamental provisions (such as the requirement to develop SCIs and SDPs) that cover all agencies and specific provisions that relate only to corporatised and commercialised ones. Legislative amendments would then be achieved efficiently through the modification of a single Act.

The umbrella legislation would complement the enabling legislation of individual agencies. In some cases there are aspects of corporatisation and commercialisation that are agency-specific, and these would be best dealt with in each relevant agency’s statute.

**Recommendation 12:** Umbrella legislation should be developed which contains generic provisions applicable to all Government business enterprises, and a separate class of generic provisions that relate only to the subset of these agencies that are corporatised and commercialised.
Clearer Lines of Responsibility Between CEOs and Boards

Where a CEO is employed by a statutory authority that is a non-SES organisation (including Gold Corporation, the port authorities, the Western Australian Treasury Corporation, the Water Corporation and Western Power), the board of the authority is the “employing authority” of the CEO and the CEO is the “chief employee”. The CEO has day to day management responsibilities but under delegated authority from the board. Accountability is clear.

Where a CEO is employed in a statutory authority that is an SES organisation the lines of accountability are far less clear. The CEO may be accountable to both the Minister for Public Sector Management (by virtue of the fact that the Minister is the employing authority) and the board of the statutory authority. As Commissioner Fielding noted:

“The management problems associated with having an employee, particularly the chief executive, answerable to both the Minister for Public Sector Management and to the board or committee of management, as is potentially the case under the [Public Sector Management] Act, ought to be self evident.”

Statutory authorities operating in the general government sector that are affected by this problem are:

Agriculture Protection Board  |  Regional Development Commissions
Art Gallery of Western Australia  |  Rural Business Development Corporation
Botanic Gardens and Parks Authority  |  Small Business Development Corporation
Country High Schools Hostels Authority  |  State Supply Commission
Curriculum Council  |  TAFE Colleges
Disability Services Commission  |  Water and Rivers Commission
Fire and Emergency Services Authority  |  WA Alcohol and Drug Authority
Library Board of Western Australia  |  Western Australian Museum
Main Roads Western Australia  |  Western Australian Tourism Commission
Minerals and Energy Research Institute of WA  |  WorkCover
Perth Theatre Trust  |  Zoological Gardens Board

Similarly affected statutory authorities that are Government business enterprises or are outside the public sector for financial reporting purposes are:

Government Employees Superannuation Board  |  Rottnest Island Authority
Insurance Commission of Western Australia  |  State Housing Commission
Lotteries Commission  |  Western Australian Land Authority
Metropolitan Cemeteries Board  |  Westrail
Redevelopment Authorities  |

The problem could be resolved in several ways:

- amalgamation or conversion into departments, with the boards being abolished or continuing in an advisory capacity only;

- amending the Public Sector Management Act 1994 to reform the statutory framework for management of the SES, so that CEOs in statutory bodies would be the employment responsibility of their respective statutory bodies’ boards of management; or

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43 Review of the Public Sector Management Act, G L Fielding, April 1996, pp29
specifying these agencies to be non-SES organisations under the Public Sector Management Act 1994, so that each statutory authority’s board or committee of management becomes an employing authority.

The Taskforce believes the second option to be the most appropriate course of action. However, as an interim measure pending amendments to the Public Sector Management Act 1994 and to reflect the Taskforce’s recommended changes to the machinery of Government, it may be necessary to remove certain statutory authorities from Schedule 2 of the Public Sector Management Act 1994 before the Act is amended.

Recommendation 13: To clarify lines of responsibilities between statutory authority CEOs and boards and committees of management, consideration should be given to:

- amending the Public Sector Management Act 1994 to enable each statutory authority’s board or committee of management to become the employing authority for its CEO; and
- as an interim measure pending statutory changes and to give prompt effect to the Taskforce’s recommended changes to the machinery of Government, removing statutory bodies from Schedule 2 of the Public Sector Management Act 1994 as appropriate.

The Full Scope of the Public Sector

The Taskforce noted that one of the factors that may have hampered earlier attempts to reform Western Australia’s machinery of Government was the absence of an authoritative and publicly available list of entities comprising the public sector. Indeed, as Commissioner Fielding recognised:

“It is impossible to manage the public sector properly unless those responsible for overseeing the sector have full knowledge of who and what constitutes the sector.”

Western Australia is not alone in this regard. No other Australian jurisdiction publishes a comprehensive list of all the agencies, boards and committees that constitute its public sector. Queensland, which maintains a register of its statutory authorities on its government website, comes closest to full disclosure. The registry, which is maintained by the Department of Premier and Cabinet, includes information on each statutory authority’s:

- enabling statute;
- functions;
- relationship with government;
- corporate status;
- date of constitution;
- contact and location details;

44 Review of the Public Sector Management Act, G L Fielding, April 1996, p225
• number of staff employed;
• budget status;
• source of funds; and
• list of board members (including employment status and term of appointment).

The Taskforce believes that Government accountability in the management of the Western Australian public sector would be well served by the posting on the Western Australian Government’s website of a similar register covering all statutory agencies, boards and committees, as well as Ministerial advisory committees not having a statutory basis.

**Recommendation 14:** A comprehensive register of all statutory agencies, boards and committees, and Ministerial advisory committees not having a statutory basis should be maintained. The register should be publicly available and placed on the Western Australian Government’s website. The register should include descriptions of functions, constitutions and funding and should be maintained by the Department of the Premier and Cabinet.

The Taskforce is also of the view that the overall accountability of statutory agencies, boards and committees needs to be strengthened. At present only statutory agencies, boards and committees listed in Schedule 1 of the *Financial Administration and Audit Act 1985* are required to submit financial estimates to the relevant Minister, produce annual reports and be audited by the Auditor General.

However, there are many boards and committees that have no financial powers with the result that they are not subject to the accountability measures imposed by that Act, which in turn means that they may not be required to report publicly and may not be subject to audit.

The Taskforce does not believe that all of these boards and committees should be subject to the Act. Their lack of financial powers means that there is no need for them to be audited or to produce financial statements as required by the Act. Nevertheless, all statutory agencies, boards and committees that are not listed in Schedule 1 to the Act, and any body in receipt of public funds, should report to Parliament annually on their activities. These reports should include:

• information on the manner in which the agency, board or committee is established and any delegated legislation involved;
• details of the membership of boards and committees;
• information on the functions and objectives of the agency, board or committee, as well as its activities and achievements in the past year; and
• the size, source and application of the funds of the agency, board or committee.
This would be consistent with Commission on Government Recommendation 219 which suggested an amendment to the *Financial Administration and Audit Act 1985* on this basis.

To avoid Parliament receiving several hundred reports directly, they could be channelled through funding agencies with departments of State providing consolidated reports.

Recommendation 15: The *Financial Administration and Audit Act 1985* should be amended to provide that an annual report be made available to Parliament on the activities of all statutory agencies, boards and committees not listed in Schedule 1 to that Act, and all other bodies in receipt of public funds. Each report should provide information on:

- the manner in which the body is established;
- any delegated legislation affecting the body;
- the body’s membership, functions and objectives;
- the body’s activities and achievements in the past year; and
- the size, source and application of the body’s funds.

Departments of State, in their capacity as funding agencies, should be responsible for providing these annual reports to Parliament on a consolidated basis.
THE IMPACT ON PORTFOLIOS AND THE PUBLIC SECTOR MANAGEMENT ACT

In a Ministerial Statement delivered to the Legislative Assembly on 3 May 2001 the Premier outlined the Government’s proposal for new machinery of Government arrangements in accordance with preliminary recommendations made by the Taskforce.

With the exception of the Government Enterprises portfolio, each portfolio will comprise one (and in three cases, two) departments of State and a number of statutory authorities. The Government Enterprises Minister will assume the ownership role for a number of Government enterprises and will be serviced in that capacity by the proposed Department of Treasury and Finance.

It is proposed that the new departments combine agencies or parts of agencies where there are currently tight and continuing interrelationships. Although components of the new departments may have different clienteles, in each case there is a degree of commonality of purpose such that it is sensible to have integrated management directed to the achievement of common outcomes.

Some departments and portfolio areas are little changed. For example, the proposed Department of Indigenous Affairs already exists as the Aboriginal Affairs Department and there are no major machinery changes required. This is an area of Government that best stands alone. A “forced fit” with another department would not be sensible.

The same applies in the portfolio areas of the Attorney General, Culture and the Arts, Health, Police and Emergency Services, Premier and Sport and Recreation.

The portfolio areas where there will be the greatest change are Environment and Heritage; Consumer and Employment Protection; Planning and Infrastructure; Local Government and Regional Development; State Development; and the Treasurer.

These are areas of economic activity and resource management where there is much potential to improve the machinery of Government arrangements and outcome achievement through better planning and co-ordination.

Amendment of the Public Sector Management Act

Integral to the Taskforce’s mandate to review administrative structures in the public sector is the need to consider how existing legislation can be applied or amended to underpin recommended changes. The primary legislation is the Public Sector Management (PSM) Act 1994.

The Taskforce does not consider that it is its role to undertake a review of the PSM Act in its entirety - rather, it is appropriate that it focus on areas that would support the overall agenda of improving the structures and machinery of Government.
By way of background, the establishment of the PSM Act gave effect primarily to the direction proposed by the 1992 Royal Commission into the Commercial Activities of Government and Other Matters. Amongst its principal features the new legislation, which replaced the Public Service Act 1978, enshrined general “principles” to be followed throughout the public sector in regards to:

- public administration and management;
- human resource management; and
- official conduct.

It also gave rise to the new position of Commissioner for Public Sector Standards, the primary function of which is to establish and promote codes of conduct and ethics as well as minimum standards in relevant areas of human resource management practice. Against that background there was a move to devolve management responsibilities directly to agency chief executive officers.

The operation of the PSM Act has been the subject of two major reviews.

In 1996 Commissioner Gavan Fielding completed a review into its operation and effectiveness. In 1997 a working party was established to provide specific recommendations on the amendments proposed in the 1996 review. This working party, chaired by Dr Des Kelly, systematically analysed each of Commissioner Fielding’s 87 recommendations for change.

Essentially the two reviews have provided a comprehensive assessment and examination of the various elements of the Act and identified areas of potential enhancement to the existing framework. In large measure they address issues not directly related to the structure of government. The Taskforce is nevertheless of the view that the broad approach of the PSM Act is fundamentally correct.

It represents an administrative framework that is generally consistent with others in place elsewhere in Australia – that is, it seeks to provide an environment within which there is management discretion for agencies to pursue their particular objectives and outcomes, but within the confines of broadly applying principles, codes and standards. The latter exist to safeguard probity in, and the integrity of the public sector itself.

Flaws and deficiencies identified in earlier reviews tend to be at the detailed administrative level. It is understood they are being addressed as part of an updated package of proposed amendments to the Act.

The Taskforce considers this process of modification, rather than radical reform involving a fundamental rewrite of the legislation, to be appropriate for the present. It will ensure that the valuable features in the Act remain, whilst process-orientated problem areas are dealt with.

From the perspective of its structural review of the public sector, the Taskforce proposes the following key elements be incorporated in the package of amendments to the Act:
1. Streamlining or Removal of Detailed Administrative Process

The Taskforce endorses minimisation, wherever possible, of prescribed or detailed administrative process.

This has been identified as a general area of concern within the Act, for example in relation to the management of disciplinary matters and appointment and movement of staff within the Public Service (both for Directors General and more generally).

In relation to the latter in particular, the resultant complexities and diversion of resources can have a very real adverse impact on the efficient delivery of agency outcomes.

2. Reform of the Senior Executive Service Management Framework

The Taskforce examined the revision of the statutory framework for management of the SES. The Taskforce supports change to the general framework of the SES along the lines of that recommended by Commissioner Fielding. This would see the SES operating as an administrative arrangement rather than through a significant volume of legislation. As a consequence, the Act would be made significantly less complicated.

It would also support the generic portfolio structure at the centre of which is the portfolio department, recommended by the Taskforce.

Under that arrangement, employment in the Public Service and by the Minister for Public Sector Management would be applicable only to departmental Directors General. Chief executives in statutory bodies, whilst potentially remaining in the SES, would be the employment responsibility (together with supporting executives) of their respective management boards.

This would then reinforce the capacity for the Government to give its primary management focus to its departmental portfolio Directors General, in terms for example of:

- regular group meetings with the Premier and other Ministers to facilitate greater coherence of policy/budgetary development, co-ordination and implementation; and

- breaking down of the agency silo effect through increased use of mobility associated with minimal classification differences.

The process would be aided by broadening the role of all Chief Executive Officers (and particularly departmental Directors General) to include a requirement that they contribute to and co-operate with, the work of other CEOs. This would support the attainment of objectives which go across the workings of the public sector.
3. *Introduction of New Machinery of Government Concepts*

It is evident to the Taskforce that while there are certain administrative flexibilities in the Act to facilitate restructuring (for example in relation to departments under s.35 of the Act) these do not go far enough.

Specifically, there should be scope to create entities other than departments – the Taskforce has in mind the concept of “Administrative Offices”.

These would in many ways (other than title) mirror a department. The relevant statutory office-holder whom that Administrative Office supported would potentially have the same employment functions and accountable officer status as a departmental Director General.

**Recommendation 16: Amendments to the *Public Sector Management Act* should incorporate the following:**

- minimisation of prescribed or detailed administrative process;
- revision of the framework for the management of the Senior Executive Service; and
- scope to create entities other than departments, in particular Administrative Offices.

**DEPARTMENTAL DIRECTORS GENERAL**

In considering the future leadership of the public sector, the demography of the existing CEO group is worth noting. The following figures are based on the 82 CEOs in current Departments and certain statutory authorities:

- 95% of CEOs are aged 45 or older;
- 55% of CEOs are eligible to retire (that is, they are aged 55 or older);
- existing SES Officers, including CEOs, average more than 10 years’ service with their current agency; and
- the vast majority of CEOs are recruited from within the public sector.

These statistics suggest that the need for continuous development and succession planning is critical if in the longer term the sector is to nourish a ready pool from which to recruit future leaders.

**Recruitment**

The current system of CEO recruitment, selection and appointment has resulted in:

- little movement of CEOs between portfolios. Some CEOs have agency-specific expertise and knowledge rather than a broader whole-of-Government perspective;
• job descriptions for CEO positions are generic, however there is little to indicate that CEOs have a broader, whole-of-Government role. This helps to perpetuate the “silo” mentality;

• mandatory technical qualifications apply in some cases. These are required by various pieces of legislation and also perpetuate the notion of the CEO as technical expert;

• most appointments come from within the Western Australian public sector and often from within the agency; and

• there have been frequent instances of extended acting of people in CEO positions before a permanent appointment is made.

These observations are also true for the Senior Executive Service as a whole.

The proposed reforms outlined in this Report provide an opportunity to revitalise and reform the ranks of CEOs, particularly those in departmental Director General positions. In addition, Government needs to look to retain and make best use of the talent already in the senior levels of the public service.

In the longer term, particularly given the demographic profile of the existing CEO group and the SES, it is important to ensure the ready availability of prospective new CEOs with the requisite leadership and management skills as well as an appropriate whole-of-Government focus. A two-pronged approach involving both development within the Western Australian public sector and strategic recruitment from outside the sector is required.

Development of the sector’s own employees will necessitate appropriate development programs for SES members, coupled with a process for identifying potential CEOs from among those undertaking these development activities. Extension of executive development programs to include executives from outside the core public service will help to broaden the base of possible candidates and also provide potential for greater mobility between the public service proper and organisations within the broader public sector.

While salary differentials are often a barrier to attracting senior executives from the private sector, potential CEOs could also conceivably be found within the non-profit sector, federal government agencies and local government authorities.

The following suggestions will help to establish and maintain a new notion of CEOs as public sector leaders with broad responsibilities and a strategic, whole-of-Government focus:

• facilitate a broader experience for CEOs by providing opportunities for rotation between agencies;

• develop a generic Job Description Form (JDF) for public service Directors General, emphasising the requirement for a whole-of-Government focus and participation in broadly-based policy development and leadership;
• review any legislation which imposes mandatory technical qualifications on CEOs; and

• introduce executive development programs geared towards fostering a whole-of-Government perspective.

Recommendation 17: Selection processes should emphasise that Directors General are selected for broad public sector leadership. Appointment to a particular department should not be seen as indefinite.

Remuneration

There have been some criticisms of the current remuneration system for CEOs and the subsequent limitations on Government’s ability to respond and adapt to changing needs and priorities. This, coupled with the limited capacity to move CEOs to different positions, has been an issue of concern.

In its 1998 determination, the Salaries and Allowance Tribunal (SAT) noted the legislative restrictions which prevent the implementation of flexible remuneration bands to cater for individual circumstances.

It is suggested that a new remuneration system, based on overlapping salary bands, should be developed and implemented. This would enable CEOs to be remunerated at different levels but share the same classification band as a way of facilitating the movement of CEOs to other positions.

This arrangement is not dissimilar to that used by the Commonwealth Government Remuneration Tribunal. The significant difference between the proposed model and that used in the Commonwealth is that they determine salary points rather than bands.

Under this proposed arrangement for departmental Directors General, the Minister for Public Sector Management could have the capacity to determine remuneration within that band, with the bands independently determined by the SAT. It is the Taskforce’s view that no more than three bands would cover all Director General positions.

Recommendation 18: The Salaries and Allowances Act 1975 should be amended to allow the establishment of salary bands for Chief Executive Officers.

Performance Management

Section 47 of the Public Sector Management Act 1994 requires CEOs and responsible authorities to enter into Performance Agreements and to submit a Performance Assessment Report at the conclusion of each Agreement.
Complementing the performance reporting and assessment requirements of CEO Performance Agreements are Resource Agreements between Ministers and their CEOs. First introduced in 1998/99, Resource Agreements play an important role in improving financial management and accountability by:

- confirming between the Minister and the CEO the outputs to be delivered by an agency together with output measures and targets, in the process providing greater clarity for the CEO; and

- providing a framework for the regular monitoring and reporting of agency performance against budget targets.

They also clarify the desired outcomes of Government and provide an annual focus for the longer term strategic or business plans of agencies.

The Taskforce believes that Performance Agreements and Resource Agreements provide an ideal vehicle for real measurement of individual CEO performance. The development of a State Strategic Plan provides a great opportunity for CEOs’ performance to be measured against the priorities of Government as enunciated in agency and State strategic plans and agency budgets.

**Recommendation 19:** The Department of the Premier and Cabinet should work with the Minister for Public Sector Management and Ministers to ensure the development of performance indicators in CEOs’ Performance Agreements that, coupled with Resource Agreements in the context of State budgets, support the Government’s reform agenda and the State Strategic Plan.

**A STRATEGIC APPROACH TO GOVERNMENT**

Effective public sector management depends on well co-ordinated planning, operational management and accountability arrangements that are responsive to the strategic directions of the elected Government.

A systematic planning, management and accountability infrastructure currently exists at agency level. Addressing shortfalls in existing arrangements in the most efficient and timely manner involves well directed action against the backdrop of that infrastructure.

**Existing Arrangements**

Particular features of the existing management arrangements in Western Australia include:

- variable but improving specification of the goods and services provided by Government agencies to the community and to the elected Government;

- well developed statements of agency level desired outcomes in both budget documents and annual reports;
• generally improving agency level performance measures in relation to quantity, quality, timeliness and cost of goods and services produced by agencies. These are presented as targets in budget papers and actual outcomes in annual reports;

• variable, but in the main well developed, performance indicators of the effectiveness of agencies in producing the desired community outcomes they have embraced. These are presented as targets in budget papers and actual outcomes in annual reports;

• relatively weak identification, documentation and communication of the elected Government’s strategic priorities;

• relatively weak identification and communication of the outcomes that the elected Government itself has embraced;

• limited co-ordination between elected Government level and agency level desired outcomes, where the former do exist;

• considerable focus on agency level “strategic planning” but little focus on portfolio or broad outcome based strategic planning; and

• limited progress in planning, management and reporting of cross-agency initiatives in areas such as salinity control, drug abuse and early childhood intervention strategies.

Two main shortfalls in the operation of the Western Australian public sector are apparent from the above assessment:

• a lack of clearly articulated direction from the elected Government as a whole to CEOs and the bureaucracy generally; and

• a failure to adequately co-ordinate public sector accountability and management arrangements with the elected Government’s policy and planning objectives.

Actions To Address Weaknesses

Actions to address the weaknesses identified above could include:

• structured, Cabinet level, strategic planning activity including production of a State Strategic Plan;

• specification of Government level outcomes and high level performance indicators that embrace an improved portfolio structure;

• prioritisation of those of the Government’s desired outcomes requiring particular strategic focus and attention;
• identification at Cabinet level of broad strategies to guide more detailed portfolio strategic planning;

• selection of key performance indicators that relate to these areas as items for particular focus at Cabinet, Ministerial, CEO and agency levels;

• reflection of the Government level outcomes, strategic priorities and key performance indicators in Cabinet structures and information flows and in the existing infrastructure of agency arrangements;

• a communication strategy for ensuring these matters are clearly understood by portfolio CEOs as a group; and

• broadening the role of all Chief Executive Officers (and particularly departmental Directors General) to include a requirement that they contribute to the attainment of objectives which go across the workings of the public sector.

A schematic representation of a strategic approach to Government that includes the strengths of the existing infrastructure and the above actions to address weaknesses is described in Figure 3.

To progress initiatives that address these weaknesses and to provide a forum for ongoing co-ordinated policy development and planning, it is recommended that the Minister for Public Sector Management meet on a formal basis with departmental Directors General. This Strategic Management Council would assist the Minister and Cabinet in the development of public sector management initiatives and would have a leadership role in the public sector. The departmental Directors General and their agencies would be better equipped to provide strategic policy advice and recommendations to their respective Ministers as a result of participation on the Council.

Recommendation 20: A Strategic Management Council consisting of departmental Directors General and chaired by the Minister for Public Sector Management, should be established to:

• work with the Government to develop and communicate strategic policy and planning priorities for the State;
• consider and propose actions to improve the operations of the public sector and;
• assist in co-ordinating and integrating services provision across portfolios.
Part 2: Directions for Reform

Figure 3
STATE STRATEGIC PLANNING MODEL

Vision for WA

Gov't Policy

High Level Government Outcomes and Strategic Directions

Portfolio Strategies and Key Performance Indicators

Agency Outcomes and Strategic Directions

Agency Operational Plans – Outputs

Community Receives Goods and Services

Community outcomes reflected in Key Performance Indicators Feedback
PART 3:

PORTFOLIO ARRANGEMENTS
PART 3: PORTFOLIO ARRANGEMENTS

The previous sections have drawn together the results of research and experience, both in Australia and overseas, in restructuring the public sector.

This section proposes new structural arrangements for each of the recommended 22 portfolio areas of the WA Government.

The portfolio areas are:

- Agriculture, Fisheries and Forests
- Attorney General
- Community Development
- Consumer and Employment Protection
- Culture and the Arts
- Disability Services
- Education
- Energy (this portfolio is discussed under the Treasurer’s portfolio)
- Environment and Heritage
- Government Enterprises
- Health
- Housing and Works
- Indigenous Affairs
- Local Government and Regional Development
- Planning and Infrastructure
- Police and Emergency Services
- Premier
- Racing and Gaming
- Sport and Recreation
- State Development
- Training
- Treasurer

It is proposed that all of these portfolios be departmental portfolios, with the exception of Energy and Government Enterprises. The Taskforce acknowledges that, in conformity with past practice, a number of additional non-departmental portfolios may be nominated by Government to give special profile to priority areas.

The proposed structure for each of the Departmental portfolio areas, together with the “Flag” statement has been developed by the Taskforce in close consultation with the relevant Minister, Co-ordinating Officer and public sector officials. Careful note was also taken of the written and verbal submissions received by the Taskforce.

The proposals presented in this section were therefore developed with two considerations at the forefront:

- firstly, a focus on achieving the objectives of reform outlined in Part 1 of this Report; and
• secondly, an understanding that the Taskforce should recommend structures that are practical and achievable, rather than theoretical and elusive.

These portfolio proposals consist of a range of interlocking arrangements which together will deliver the objectives of the reform process.

For this reason, the reforms proposed by the Taskforce constitute the “package” foreshadowed in the Taskforce’s Terms of Reference, with each element carefully considered in the context of all the other elements.

**Recommendation 21: Reforms for each of the 22 portfolio areas should be adopted by Government.**

In addition, there are a number of specific, stand alone recommendations in some portfolio sections which are proposed for separate consideration.

In considering individual portfolio arrangements, the Taskforce found that two whole-of-Government issues needed special consideration.

A number of accountability agencies (the Ombudsman, the Commissioner for Public Sector Standards and the Information Commissioner, for example) have been established to ensure the operating standards and the appropriate conduct of public sector agencies and officials. The Taskforce recommends a number of structural reforms in this area to improve services to the public.

In addition, the Taskforce was conscious that corporate support services could be provided more efficiently across the public sector. A number of proposals are also advanced in this area.
ACCOUNTABILITY AGENCIES

There are a number of agencies which have been established to ensure the operating standards and the appropriate conduct of public sector agencies and their officers. A number of agencies operate under parliamentary authority as accountability agencies. They include the Auditor General, the Ombudsman and the Commissioner for Public Sector Standards, all of whom report directly to the Parliament. Others are located in the portfolios of Public Sector Management (the Director of Equal Opportunity in Public Employment) and Attorney General (the Commissioner for Equal Opportunity and the Information Commissioner).

The Auditor General’s role does not extend to pursuit of complaints by members of the public and is therefore not included in the following discussion. It should also be noted that the Commissioner for Equal Opportunity is included here only to the extent of her powers in relation to the public sector.

Key Issues

The concern brought to the attention of the Taskforce is that members of the public who wish to query or complain about the actions of a public sector agency do not have a single point to access the complaints system, as each accountability organisation draws its mandate and modus operandi from separate legislation and operates from a separate location.

Creation of accountability bodies appears to have occurred as ad hoc responses to issues of the day, rather than as a carefully considered, inter-related, accountability and administrative review package. But the shared objective of ensuring the appropriate conduct of the public sector and accountability to citizens for administrative actions that affect them means that similarities exist in the outcomes sought by each of these statutory offices.

The Taskforce was advised that at present the accountability agencies co-operate informally to manage cases that may transcend more than one agency’s jurisdiction, or where a complaint has been misdirected to an agency that does not have jurisdiction in relation to a particular matter.

Submissions to the Taskforce have suggested that the possible amalgamation, or at the least collocation, of these agencies has the potential to facilitate a number of benefits to both the public and the Government by ensuring the efficient use of resources and access to processes of administrative review. Moreover, the Chief Executive Officers Consultative Group highlighted the added workload on agencies arising from multiple and inconsistent reporting requirements under each accountability agency’s respective legislation.

The Government has announced its intent to establish another accountability agency – an independent appeals body able to review administrative decisions and give Western Australians the right to be informed of the reasons behind administrative decisions that affect them.
The creation of the new independent appeals body presents an opportunity to address the present fragmentation and to ensure that there is a logical and complementary working inter-relationship with and between all accountability agencies.

The Taskforce suggests the following accountability entities as candidates for inclusion in a consideration of possible changes aimed at streamlining citizens’ access to justice:

- the Equal Opportunity Commissioner;
- the Information Commissioner;
- the Parliamentary Commissioner for Administrative Investigations (The Ombudsman);
- the Commissioner for Public Sector Standards; and
- the Director of Equal Opportunity in Public Employment.

It is worth also considering whether more specialised bodies such as the Office of Health Review and the Inspector of Custodial Services ought to be considered in this context. There are examples in other jurisdictions of Commissions that include specialised areas within their general remit.

The Taskforce sees the aims of some form of streamlining as:

- a single entry point for the public, allowing representation before the correct body;
- a rationalisation of public information - jointly produced material could contain guidance to citizens as to the appropriate avenue to pursue their particular issue;
- the opportunity to synchronise public sector reporting arrangements between regulating agencies;
- a sharing of support structures, whilst allowing adequate independence of each Commissioner and the Director, thus ensuring a better use of resources; and
- a corps of professional investigators, who whilst employed by the individual agencies may benefit from opportunities for combined training and professional development, and even rotation between agencies.

The need to accommodate the new appeals body together with accommodation moves arising from the Taskforce Report may offer an opportunity to commence a move towards locating all of these agencies in a common property with a centralised reception system. Minor legislative amendments may be needed to remove any legislative barriers to collocation.
Recommendation 22: An independent administrative appeals body to review administrative decisions should be created. The following Statutory Officers should examine the feasibility of collocation:

- the Equal Opportunity Commissioner;
- the Information Commissioner;
- the Parliamentary Commissioner for Administrative Investigations (The Ombudsman);
- the Commissioner for Public Sector Standards; and
- the Director of Equal Opportunity in the Public Sector,

and the establishment of:

- a single entry point for the public;
- a rationalisation of public information to clarify citizens’ avenues of redress; and
- a sharing of support structures, whilst allowing adequate independence of each Commissioner and the Director.

It is further recommended that the Commissioners and Director jointly take steps to introduce a shared approach to management and professional development of investigation staff and to synchronise public sector reporting arrangements.
CORPORATE SERVICES

Implementing new structural arrangements for each portfolio provides the opportunity to reconsider traditional corporate service solutions and for agencies to explore the potential to share costs and resources. Sharing corporate support arrangements can often enhance efficiencies and the professionalism of internal services. This can involve buying all or specific corporate services from other agencies in the portfolio, or from other agencies in completely different portfolios. It can even extend to establishing a shared corporate service facility or bureau serving the whole portfolio.

Whatever approach is taken, agencies need to explore every opportunity to enhance economies of scale and critical mass in the delivery of internal services. This will help maximise synergies and benefits for all parties and provide capacity to reinvest savings into better services for external customers.

RECOMMENDATION 23: Chief Executive Officers should investigate ways to reduce corporate service costs while achieving appropriate service standards through greater sharing of corporate support services.

A number of key issues need to be considered before a decision is taken to share corporate services. These include:

Determining the Nature of the Service
It is critical for the parties to establish the business rules and define the nature of the service to be provided. A good corporate services facility will provide a range of services within a framework established by a service agreement.

The services involved are likely to include:

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<th>Human Resources</th>
<th>Information Services</th>
<th>Procurement</th>
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<td>Financial systems</td>
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<td>Local area networks</td>
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Portfolios requiring specialist resource intensive systems (for example, Geographic Information Systems) may also wish to locate these with a corporate service bureau.
However, whatever shared facilities are agreed, it is critical that each agency maintains responsibility for its own strategic policy and planning, services co-ordination and contract management functions. These are integral to the operation of core businesses and should not be transferred to an outside party.

**Economies of scale**
The most obvious attraction in using shared corporate services is the prospect of reduced costs through increased economies of scale. While the machinery of Government reforms proposed by the Taskforce are essentially about improving cohesion and effectiveness, efficiency is also an important factor.

Importantly, it should be noted that the cost and complexity of implementing shared services will vary significantly depending on the different client procedures and systems that need to be harmonised or accommodated in the transition process.

**Efficiency and effectiveness**
A larger corporate services operation may be more efficient but not necessarily more effective in terms of meeting the special needs of individual clients. Both aspects need to be considered when designing a successful corporate service facility to be shared between agencies.

**Risk management**
A key role of corporate services in any organisation is to minimise the risk of adverse outcomes. These risks not only involve disruption to services and down time, but also matters connected with employee safety, complaints, qualified audit opinions, loss of information or records, or poor retrieval of information.

A small corporate service function may not be able to manage some of these risks effectively due to an inability to retain specialist staff. On the other hand, a larger operation may still need to have precise goals or targets suitably specified in a formal service agreement.

**Accountability and responsiveness**
When establishing a shared facility, it will be critical to define:

- to whom the manager of the corporate service bureau is accountable;
- how priorities will be set where competing demands arise;
- the extent to which systems are customised to meet specific needs; and
- how detailed and binding the service agreements are intended to be.

**Cost and risk**
It is likely that there could be significant set-up costs in establishing a shared facility, particularly where the parties are currently using different systems and procedures. Risks will also be involved in migrating from one system to another and these depend on whether the transition is incremental or undertaken quickly. It will also be important to appreciate that incremental approaches have a lower risk of failure but an inherently higher risk that the full potential of the proposal will not eventuate.
**General**

While the provision of corporate service bureaux within portfolios may often be appropriate, facilities servicing a number of portfolios may pose significant challenges. For instance:

- economy of scale returns tend to diminish as the size of an operation extends beyond an optimum level;
- responsiveness and accountability of services can suffer in relation to the needs of particular client groups or agencies;
- innovation and service improvements could decline as the number of bureaux and systems – and the competition between them – reduces;
- the risk and consequence of systems failure and dissatisfaction could increase; and
- corporate memory and loyalty could be lost as agencies rely on large service providers which are unfamiliar with agency needs and detailed operations.
AGRICULTURE, FISHERIES AND FORESTS

The Portfolio

The Agriculture, Fisheries and Forests portfolio is responsible for the economic and ecologically sustainable development of the State’s renewable marine and terrestrial primary industries. Responsibilities extend from resource management and production through to processing and marketing, with some functions funded directly by industry.

Key functions of the portfolio involve:

**Agriculture**
- assisting agriculture, food and fibre industries to be sustainable, profitable and internationally competitive;
- providing research, development and information services to industry and the community;
- protecting the State from pests and diseases; and
- providing a framework for producers to manage the marketing of their products.

**Fisheries**
- managing and conserving fish and fish habitat resources;
- licensing commercial and recreational fishers and their related activities;
- undertaking research and compliance activities to ensure the sustainable use of the resource; and
- providing research, development and licensing services for aquaculture production.

**Forest Products**
- selling forest products to local industry and overseas markets;
- harvesting and delivery of produce;
- managing forest operations and regeneration programs;
- managing plantations on behalf of the public or private owners; and
- researching and developing the forest products industry and employment base.

In addition, a number of other related functions are undertaken by statutory authorities involved in marketing and service activities.

**Future Arrangements**

The new arrangements will maintain separate Agriculture, Fisheries and Forest bodies for the time being, while a review is undertaken into a fisheries management authority and forest industry reforms are progressed. In the meantime, immediate measures will be taken to reform other areas such as the various statutory authorities, boards and committees, policy co-ordination, at-sea services and general co-operation.

The key considerations and detailed arrangements are shown below.
**Fisheries WA**

The Taskforce considered the option of merging Fisheries WA into a single Department of Agriculture, Fisheries and Forests, in accordance with the Government’s pre-election policy on restructuring the public sector. However, the Government’s Fisheries policy also contains a commitment to undertake an inquiry into the establishment of a statutory authority to administer the State’s commercial fisheries.

The Taskforce concluded that the inquiry into a Statutory Management Authority should precede any moves to integrate Fisheries WA with another body. This position was strongly advocated by industry stakeholders, notably the WA Fishing Industries Council and RecFishWest.

The Taskforce believes that the inquiry into a Statutory Management Authority should be undertaken and finalised as soon as possible. This will allow timely consideration of other options, if necessary, such as the establishment of an amalgamated department for the portfolio, in line with the Government’s public sector election commitment.

**Forest Products Commission**

The Taskforce was particularly conscious of the fact that the Commission was only established eight months ago (November 2000) and since then has been immersed in important industry rationalisation. The recent decision to stop logging in old growth forests will see the industry undergo further significant restructuring over the next few years.

With these considerations in mind, the Taskforce concluded that a reorganisation of the Commission at this time would not be in the public interest and could, in fact, be counter-productive and unsettling to the more important forest industry reform process. In addition, the Taskforce could see no advantage to Government from seeking premature efficiencies through amalgamation, since the Commission is essentially self-funding.

The Taskforce considered that the Commission should continue as a Government business enterprise, to be reviewed in 2005. This will provide an immediate period of stability for the industry and allow the Commission to be reviewed once the reform process has largely been implemented and sufficient time has elapsed to evaluate the Commission’s role and future as an industry body.

**RECOMMENDATION 24:** The Forest Products Commission should be retained in its current form until 2005, at which time its future should be reviewed.
Agriculture WA

Agriculture WA is the principal Department of state overseeing the agricultural sector and assisting the Minister. On coming to office the new Minister invited the Pastoralists and Graziers Association and the WA Farmers Federation to provide advice about the outcomes and priorities of the Department. This process has provided important feedback for finetuning the operations of the Department and it is intended that regular consultation of this nature will be maintained.

In light of the issues facing Fisheries WA and the Forest Products Commission, the Taskforce concluded that Agriculture WA should be retained in its current form until arrangements for those agencies are determined.

In relation to corporate service arrangements, the Taskforce noted that there was considerable scope to rationalise this activity with similar areas in Fisheries WA. However, after reflecting on the strategic issues facing Fisheries WA, the Taskforce concluded that it was premature to consider reforms of this nature until the Fisheries issues have been settled. However, this would not rule out an interim co-operative arrangement with the Forest Products Commission.

In this respect, the Taskforce noted that the Commission currently sources its corporate services from the Department of Conservation and Land Management and sees no reason why this arrangement should not continue. However, should similar or better corporate service efficiencies be available by co-operating with other bodies in the portfolio, then those alternatives should be explored.

Other Authorities, Boards and Committees

There is a large number of statutory authorities, boards and committees across the portfolio, particularly in the agricultural sector. These bodies undertake a range of functions – from marketing of agricultural products through to informal consultation. However, the Taskforce found the current arrangements in this area to be overly complex, costly and in need of reform.

Product Marketing Bodies

These bodies include the Grain Pool of WA, Potato Marketing Board and Egg Marketing Board which are established under legislation empowering product acquisition and marketing. The operations of these bodies are independent from Government and do not involve government funding. In each case the relevant legislation contains clauses for a review of the arrangement at five yearly intervals.

Industry Service Statutory Authorities

These bodies provide services to industry on a fee-for-service basis. They include the Meat Industry Authority (saleyards and abattoir licences), Perth Market Authority (manages the metropolitan fruit and vegetable markets), and Agricultural Produce Commission (manages industry levies raised for specific functions).
The legislation for each body contains a provision for periodic review.

**RECOMMENDATION 25:** The future roles of product marketing bodies and all Industry Service Statutory Authorities should be considered at the time their legislation is reviewed.

**Statutory Bodies with Departmental Function**

The Agriculture Protection Board and the Rural Business Development Corporation are independent statutory agencies delivering services to industry through Agriculture WA.

The Agriculture Protection Board is responsible for about one third of the agriculture protection functions carried out by Agriculture WA, and its legislative focus is on pest and weed control. Its legislation constrains its functions to a narrow range of the important risk management areas associated with agriculture.

Functional reviews by previous governments in 1987, 1992, 1993 and 1994 have all recommended the integration of the Board and functions with the Department of Agriculture. This was partially implemented in 1994, with service delivery activities being integrated with the Department. However, the ongoing existence of the Agriculture Protection Board as a separate agency continues to add costs and inefficiencies which should be addressed.

**RECOMMENDATION 26:** The Agriculture Protection Board should be fully integrated into Agriculture WA.

The Rural Business Development Corporation exists to manage specific programs to the rural sector. The funds for these programs, which have been delivered through Agwest, come largely from two trust accounts – one controlled by the Commonwealth and the other by the State.

The Taskforce was advised that these trust funds are close to being depleted and that there is little advantage in a separate agency for any likely future function.

**RECOMMENDATION 27:** The Rural Business Development Corporation should be fully integrated into Agriculture WA.

**Other Statutory Bodies**

The Soil and Land Conservation Council is a statutory body with its primary role being the provision of policy advice to the Minister. The role of this body needs to be carefully reviewed and defined so that there is a clear distinction between its function as an advisory body and that of the Department, which also provides advice.
The Landcare Trust Board was established under the *Soil and Land Conservation Act 1945* to provide a vehicle for community and industry donations for landcare projects. Despite considerable effort, the Taskforce was told that it has attracted negligible new funds and is, in fact, a net cost to the landcare initiative.

The Landcare Trust has a legislative requirement that it be reviewed – which is now overdue.

The Agriculture Practices Disputes Board was established to mediate between parties involved in disputes concerning conflicting land use and management priorities. Despite significant promotion, the Taskforce understands that these services are scarcely used. Coincidentally, the body is required to undergo a legislative review, which is now due.

**RECOMMENDATION 28:** The roles, functions and the need for the continuation of the Soil and Land Conservation Council, the Landcare Trust and the Agriculture Practices Disputes Board should be reviewed immediately.

**Partnership Groups**
For a number of years the Agriculture portfolio has maintained a consultative and industry involvement process known as Partnership Groups. These are cross-industry bodies that were established by the Minister to provide him and his agencies with strategic advice on priorities and programs from an overarching industry perspective.

The performance of these groups has been uneven and there is significant concern in the rural sector that they replace other, more traditional sources of policy advice. The arrangements are also more costly than other consultative mechanisms and do not provide the level of regional input desired by stakeholders. In addition, their constitutions present significant difficulties with regard to the accountability of the Department and Minister. The Taskforce believes that these Partnership Groups should be abolished and replaced with a lower cost consultation process involving existing industry bodies and more regional input.

**Other Committees**
Within the portfolio there are numerous other committees and bodies varying from Land Conservation District Committees through to bodies that advise on specific issues, for example the Annual Ryegrass Toxicity Advisory Committee. Many of these bodies are important for supporting community processes and in providing stakeholder contributions in specific areas. However, it appears that while new groups have been created, the review and termination of existing groups has been less vigorously pursued. The Taskforce considers that a systematic and comprehensive review of all other committees and bodies should be undertaken as soon as possible.
**Policy Co-ordination**

Better high-level policy co-ordination and liaison across the portfolio will encourage efficiency while providing more cohesion and consistency in the handling of routine policy matters. Consequently, the Taskforce supports the view that a combined policy group should be established to:

- develop high level administrative policy for the portfolio;
- undertake co-ordination and liaison with the various statutory authorities;
- facilitate legislative reviews and enquiries; and
- provide advice to the Minister as required.

The establishment of a portfolio-wide policy function is especially important during the time that the three agencies continue as separate entities. However, the unique policy development needs of Agriculture, Fisheries, Forests and the statutory authorities would continue to be met from within those separate agencies. Nevertheless, it would be useful for the combined policy unit to have some involvement in areas of mutual interest, or where policy initiatives or perspectives overlap – as agreed between the parties.

In this regard, the Taskforce noted that there were already several areas of mutual interest between Agriculture WA and the Forest Products Commission in respect to farm plantations. Importantly, it was told that these overlapping interests are likely to increase as the forest industry relies more on plantations and as related issues involving greenhouse responses, carbon trading and salinity are tackled. The Taskforce also noted mutual interests emerging between Agriculture WA and Fisheries WA in areas like aquaculture.

**RECOMMENDATION 29: A combined policy group should be established to facilitate co-ordination and assist with policy development across the Agriculture, Fisheries and Forests portfolio.**

**Rural Leadership and Community Builders Programs**

The Rural Leadership and Community Builders programs in Agwest are essentially about regional development. Accordingly, the Taskforce believes they should be transferred to the Department of Local Government and Regional Development, along with the funds allocated to the Rural Leadership initiative resulting from the Government’s Primary Industry election commitment.

**At-sea Service Delivery**

In its pre-election Fisheries Policy, the Government gave a commitment to examine options for achieving greater integration of marine management agencies including Fisheries WA, the Department of Transport and the current Department of Conservation and Land Management. Each of these agencies currently undertakes different but related at-sea activities such as ensuring compliance with fishing rules and bag limits, inspecting boat safety and protecting and managing marine parks.
Each maintains separate vessels and investments in related staff and infrastructure, as does the WA Police Service through its Water Policing operation.

To encourage greater co-ordination and collective efficiency, the Taskforce proposes that the at-sea operations of Fisheries WA and the Department of Transport be integrated into the one unit, managed by Fisheries WA. This will involve the transfer of vessels and related resources from Transport to Fisheries WA, except for those associated with marine safety activities on the Swan River.

The new Department of Conservation and the WA Police Service should co-operate with the amalgamated service as much as possible and use it where advantageous, recognising that both will maintain a marine capability. For the Department of Conservation, this will mean recognising the natural synergies that exist between their at-sea and on-shore conservation activities, but endeavouring to co-operate and eliminate duplication wherever possible. (This arrangement will in no way involve or imply a ceding of responsibility for the management of the marine reserve system to Fisheries WA). For the WA Police Service, this will mean recognising the highly specialised and diverse nature of police work and the need to maintain and operate a separate Water Police capability.

It is intended that this arrangement will see all the parties that undertake any sort of at-sea services being cross-authorised and trained, where practical, to administer the compliance responsibilities of the other stakeholders.

In addition, every effort should be made to rationalise sensibly support infrastructure and facilities, and explore collocation opportunities as appropriate. (This will become critical when considering arrangements or resourcing requirements for any new initiatives). In this respect, the Taskforce recommends that the separate communications centre operated by the Department of Transport should be merged with the 24-hour facility operated by the WA Police Service.

To ensure that the arrangement works as intended, the Taskforce believes that an overarching Memorandum of Understanding should be established between the respective Ministers to guide detailed Service Level Agreements between the agencies.

It is intended that all services provided by Fisheries WA should be in accordance with specifications and standards set by the client agencies and recorded within these Service Level Agreements. The Agreements should also contain a provision for third party auditing of services against defined performance criteria to ensure that Fisheries WA consistently provides the required standard of service.
In addition, the Marine Operations Council which currently operates between the parties should be re-energised to oversee collectively the extended arrangement, assess intended fleet purchases by any party and examine disputes or concerns should they arise. The Council should also include a representative from the Fire and Emergency Services Authority – the body that coordinates the State’s volunteer sea rescue groups.

The Taskforce also sees merit in the Marine Operations Council providing periodic feedback to the respective Ministers on the overall arrangement and the extent of the co-operation and efficiencies achieved.

It is important that the Council be actively supported and resourced over time and for this reason it is recommended that it be hosted, supported and chaired by Fisheries WA.

**Recommendation 30: An integrated at-sea service delivery operation should be established within Fisheries WA to service its needs and those of the Department of Transport (other than marine safety activities on the Swan River).**

**General Efficiencies**

The Taskforce noted the potential for greater co-operation and efficiency between the Agriculture, Fisheries and Forest agencies in respect to joint accommodation and cross-skilling in regional areas. Examples drawn to the attention of the Taskforce included the opportunity to share accommodation and possibly cross-skill certain staff in centres like Albany, Broome and Vasse.

It is anticipated that other areas for resource sharing and co-operation between the three primary agencies may also be available and should be addressed at an administrative level.
MINISTER FOR
AGRICULTURE, FISHERIES
AND FORESTS

Supporting the economic and
ecologically sustainable development
of the State’s renewable marine and
terrestrial primary industries

Director General
Department of Agriculture

Director General
Department of Fisheries

Chairperson
Forest Products Commission

Chairperson
Soil and Land Conservation Council

Chairperson
Agriculture Protection Board

Chairperson
Rural Business Development Corporation

Chairperson
Meat Industry Authority

Chairperson
Perth Market Authority

Chairperson
Grainpool of WA

Chairperson
Potato Marketing Board

Chairperson
Egg Marketing Board

AGRICULTURE, FISHERIES AND FORESTS
INTERIM PORTFOLIO STRUCTURE

Key
= Administrative Office
= Department of State
= Commission
= Statutory Authority
ATTORNEY GENERAL

The Portfolio

The Portfolio aims for a safe and just Western Australia. Its core responsibilities are to provide the framework and processes for the efficient and effective administration of justice and legal affairs in Western Australia.

The major functions that are in place to support the Government in meeting its responsibilities and commitments are:

Department of Justice

The Department of Justice is the agency principally responsible for assisting the Attorney General in the implementation of Government policy and the administration and/or compliance with approximately 200 Acts. The Ministry’s core services are:

- court services that meet the needs of the judiciary and community including victims of crime;
- protecting the community and directing offenders towards the adoption of law-abiding lifestyles;
- managing the security, integrity and preservation of birth, death and marriage records;
- contributing to a co-ordinated quality system of justice which is responsive to community needs through informing, developing and evaluating justice policy; and
- meeting the needs of Government and the community for policy, information and legislative services.

Several service areas within the Department of Justice report directly to the Attorney General on professional matters and to the Director General on administrative matters. These are:

- the Office of the Public Advocate - protecting the rights of adults with decision-making disabilities and reducing the risk of neglect, exploitation or abuse;
- the Public Trustee Office - ensuring equitable access to trustee services for all Western Australians;
- the Crown Solicitor’s Office - providing legal services to Government; and
- the Parliamentary Counsel’s Office - ensuring Government policies are put into legislative form and the public is given access to, and information about, existing legislation.

Director of Public Prosecutions (DPP)

The Director conducts criminal prosecutions in the Supreme and District Courts. In addition, the DPP conducts all appeals flowing from those prosecutions and manages a range of matters pursuant to the Crimes (Confiscation of Profits) Act 1988 and the Misuse of Drugs Act 1981.
The Director also conducts committal proceedings in the Perth Court of Petty Sessions and takes over the prosecution of the more serious indictable offences in the Children's Court.

Central to the Office of the Director of Public Prosecutions is its independence.

**Legal Aid Commission**

Legal Aid is an independent statutory body. Legal services are provided to assist clients and the public with legal assistance and legal representation.

**Law Reform Commission**

The Law Reform Commission of Western Australia assists in keeping the law up-to-date and relevant to the needs of society by making recommendations for the reform of areas of law referred to it by the Attorney General.

**Solicitor General**

The Solicitor General is the principal legal adviser to the Attorney General and through the Attorney General to Government and its agencies. In addition, the Solicitor General appears in court as counsel for the State and, when requested by the Attorney General, for agencies of the State and other bodies. The office is an independent, statutory office created by the **Solicitor General Act 1969**.

**Equal Opportunity Commission**

The Equal Opportunity Commission has two major roles under the **Equal Opportunity Act 1985**. The first is to encourage recognition and an understanding of the principles of equal opportunity. The second is to provide a means of redress to individuals who allege unlawful discrimination.

**Office of the Information Commissioner**

The Office of the Information Commissioner promotes public understanding and confidence in the decision-making of Government agencies through access to relevant information.

**Office of the Inspector of Custodial Services**

The Office of the Inspector of Custodial Services was established in June 2000 as a Department to bring independent external scrutiny to the standards and operational practices relating to custodial services in Western Australia. The Office answers directly to Parliament. The Taskforce believes that the departmental status of this Office should be removed.
**Aboriginal Justice Council**

The Council provides independent advice to Government on justice and justice-related issues at the State level and through seven Regional Aboriginal Justice Councils.

The Council was established in line with recommendations from the Royal Commission into Aboriginal Deaths in Custody.

**Key Issues**

The Department of Justice has been the subject of recent and separate reviews which are still being bedded down. The Taskforce does not propose any changes to its current structure or operations.
COMMUNITY DEVELOPMENT

The Portfolio

The Taskforce envisages an ambitious and overarching vision of the Community Development portfolio that will encompass improved social well-being for all individuals, families and communities in Western Australia. This will see the portfolio move from a predominant focus on the provision of welfare and safety-net services provided in response to problems, towards a greater emphasis on building the capacities and strengths of individuals, families and communities, allowing them to shape their own lives positively.

The portfolio will be supported by a new Department for Community Development (which will incorporate the functions previously performed by the Department for Family and Children’s Services).

The Department for Community Development

The existing activities of the Family and Children’s Policy Office, the Office of Seniors’ Interests, the Women’s Policy Office and the Office of Youth Affairs should be integrated into the new Department. This will:

- provide for policy development which addresses overall community well-being, while maintaining a focus on the equity and participation needs of specific target groups;
- promote a culture of collaboration across the portfolio in partnership with other agencies in the human services field; and
- further rationalise administrative services for greater efficiency.

Despite their integration, the Taskforce expects that the small policy units will continue to provide support for the portfolios of Women’s Interests, Volunteers, Seniors and Youth.

The goals of the new Department for Community Development will be:

- to improve the co-ordination of whole-of-Government and inter-sectoral policy, planning, development and review;
- to re-engage Western Australians in the business of government, strengthening local communities and connecting citizens with a shared vision for the State;
- to build capacity, especially of service providers outside government; and
- to achieve world standard delivery of the “traditional” functions of residual and safety net services intended mainly for children and families.

In integrating the small policy offices, the Department for Community Development will in effect operate a social policy coalition that:

- works directly with the community, government service delivery agencies, business, local government and the non-government sector;
- collaborates in the development of social policies;
undertakes groundwork for goals and indicators based on community consultation; and

informs the work of the Social Policy Unit in the Department of the Premier and Cabinet and the Cabinet Standing Committee on Social Policy in monitoring and reviewing the performance of Government.

The Taskforce is conscious that, in order to support the shift to a community development focus, there are some functions or programs currently residing in other portfolios that might usefully be transferred to the Department for Community Development. These possibilities should be investigated once the Department has been established.

**Key Issues**

The Department for Family and Children’s Services Department is established and operates under the *Community Services Act 1972*. Minor legislative adjustment may be required to establish the new Department for Community Development.

The proposed shift from a predominant focus on the problems and pathologies of individuals, families and communities to one that has as its starting point an acknowledgment of the strengths and resources of people and their environments, will have some impact on the skills and experience required of management and staff in the new Department for Community Development.

An inclusive, empowering and productive approach to relationship building will be critical to generating trust and confidence in the new Department for Community Development. Government agencies need to be drawn into collaborative arrangements around policy development and service delivery.

Social well-being for all Western Australians is best achieved through the business and community sectors working in collaboration with all levels of government. Community Development should be premised on the partner model of collaboration. Instead of the previous market system of competitive interactions, the Department should strive for a human services system in which public and private organisations work together to produce desired outcomes. In place of competition, strategies should emphasise capacity building.
MINISTER FOR COMMUNITY DEVELOPMENT

Improving the social well-being of all individuals, families and communities in Western Australia

Director General

Department for Community Development

Family and Children Services
Policy Offices:
• Women's Interests
• Seniors
• Youth

SAAP Advisory Committee

COMMUNITY DEVELOPMENT PORTFOLIO STRUCTURE

Key

= Administrative Office
= Department of State
= Commission
= Statutory Authority
CONSUMER AND EMPLOYMENT PROTECTION

The Portfolio

The Consumer and Employment Protection portfolio seeks to create an environment where workers can work in safe and healthy workplaces with fair employment conditions, and where consumers have access to a fair and competitive marketplace.

This portfolio will be supported by a new Department of Consumer and Employment Protection, bringing together the Ministry for Fair Trading, WorkSafe and the Department of Productivity and Labour Relations.

The new Department will then be responsible for:

- the administration of occupational safety and health, consumer protection and industrial relations;

- the provision of policy advice to the Minister and other key stakeholders and:
  - developing and reviewing policy that protects employees, consumers and business;
  - monitoring emerging issues;
  - advising on the development and review of legislation that protects employees and consumers; and
  - consulting with key stakeholders and relevant experts in the development of policy;

- providing high quality information and community education services in regard to occupational safety and health, industrial relations and consumer protection matters;

- co-ordinating public sector labour relations and ensuring consistent management of cross-agency issues;

- monitoring compliance with legislation in the fields of occupational safety and health, consumer protection and industrial relations. This involves:
  - investigating complaints;
  - conducting inspections;
  - facilitation and mediation to encourage compliance with standards; and
  - prosecution and other enforcement action to ensure that business, employers and employees meet their obligations where standards are not met.

- licensing and registration of a range of entities and individuals to ensure minimum standards are met (includes complaints and advisory services);

- ensuring that appropriate dispute settling procedures are in place where relevant; and
• managing fidelity funds to provide compensation for people who have suffered losses in specified consumer areas.

The administration of Western Australia’s workers’ compensation and rehabilitation system will continue as a major portfolio responsibility through WorkCover.

Key Issues

A number of factors are essential to the achievement of the Consumer and Employment Protection portfolio’s goals. These are:

Financial

In order to ensure transparency of resourcing and the appropriate exercise of statutory control, it will be important for the functional elements of the proposed new Department - industrial relations, safety and health and consumer protection — to continue to have separate budget allocations in the short term. The resourcing of generic functions across the proposed new agency will need to be arranged administratively. Implementation activities will need to include a detailed budget analysis to ensure a more informed budget process in subsequent years.

Regional Offices

As part of direct service delivery to the Western Australian community, the portfolio requires a network of regional offices, located throughout the State and able to deliver a range of services. The proposed amalgamation of discrete agencies within the portfolio provides opportunities to rationalise some regional offices and improve service delivery outside the metropolitan area.

Consumer Protection

The Ministry of Fair Trading works in conjunction with a number of statutory boards and committees under different kinds of resource agreements — ranging from being fully funded by industry through to being resourced solely by the Ministry. These arrangements will need to be accommodated in the course of establishing a new Department of Consumer and Employment Protection.

The number and nature of statutory boards and committees need to be reviewed. This should be done as a separate process.

Under current arrangements, the CEO also holds the statutory positions of Commissioner for Fair Trading and Prices Commissioner. These roles will need to be carefully considered in the development of any new reporting structure: for example, legislative change would be required to make the Commissioner responsible to a person other than the Minister.
Any changes to reporting structures will need to ensure that the independence of the Commissioner is maintained. In addition it will be necessary for the Commissioner to have direct control of relevant resources in order to fulfil his or her responsibilities in administering relevant Acts.

**WorkSafe**

There have been strong stakeholder representations to the Taskforce about the inclusion of WorkSafe within a larger department. These take the view that such a proposal would jeopardise reforms that are working well and that any inclusion within a larger organisation is at odds with the basic “Robens” model on which it is based. Other concerns relate to the potential for a reduced focus on occupational safety and health and the possibility that resources may become more scarce than at present.

A review of the *Occupational Safety and Health Act 1984* is currently under way and will not be completed before Cabinet makes decisions about the new structure. There may be findings in this review that are relevant to the ultimate structure of this portfolio.

The CEO of WorkSafe is also the WorkSafe Commissioner. This statutory role will need to be considered in the development of new reporting structures. Any changes need to ensure that appropriate independence for the Commissioner is maintained.

Further, it will be necessary to provide for the Commissioner to have direct control of resources in order to fulfil his or her responsibilities in administering the Act. Legislative change would be required to make the Commissioner responsible to a person other than the Minister, although it should be noted that the Act does allow for the roles of Commissioner and CEO to be undertaken by two different people.

**WorkCover**

Stakeholders expressed strong concerns to the Taskforce over the potential inclusion of the Workers’ Compensation and Rehabilitation Commission (WorkCover) within a larger department. The Commission is a statutory authority with responsibility for all aspects of the administration of the *Workers Compensation and Rehabilitation Act 1981* and major legislative change would be required to alter this arrangement.

The Commission and its supporting bureaucracy are not resourced through the Consolidated Fund; rather, financial resources are provided by levies paid by employers through approved insurers and self-insurers. This arrangement requires that the Commission’s operations be highly transparent, particularly in the collection and usage of funds.

The Taskforce therefore considers that there are strong arguments for keeping WorkCover separate from the proposed new Department. It will still be possible to provide a range of shared corporate services from the Department through resource agreements.
Consistent with the Taskforce’s recommended generic portfolio structure and the status of different types of agency, the opportunity should also be taken to remove WorkCover’s current technical designation as a department of State in its own right.

**Western Australian Industrial Relations Commission and Department of the Registrar**

The Western Australian Industrial Relations Commission will remain in this portfolio as an independent tribunal. If Cabinet agrees to the Taskforce’s general recommendation regarding the removal of departmental status for those entities supporting statutory office holders, the supporting Department of the Registrar, WA Industrial Relations Commission will become a separate Administrative Office within the portfolio. Where possible, however, shared corporate and other support services would be arranged with the new Department of Consumer and Employment Protection.
MINISTER FOR CONSUMER AND EMPLOYMENT PROTECTION

Creating an environment where workers can work in safe and healthy workplaces, with fair employment conditions, and where consumers have access to a fair and competitive market.

Office of the Registrar

Industrial Relations Commission

Registrator

Boards and Committees:
- Construction Industry
- Long Service Leave Payment Board
- Consumer Protection
- Boards and Committees
- Builders and Painters Registration Boards
- Building Disputes Committee

Director General

Department of Consumer and Employment Protection
- Industrial Relations
- Consumer Protection
- Safety and Health (WorkSafe)

Commissioner

Occupational Safety and Health Commission

Chairperson

Workers Compensation and Rehabilitation Commission

CEO

Work Cover

Workers Compensation, Conciliation and Review Directorate

Premium Rates Committee

Corporate and Administrative support

CONSUMER AND EMPLOYMENT PROTECTION PORTFOLIO STRUCTURE
CULTURE AND THE ARTS

The Portfolio

The portfolio of Culture and the Arts will provide leadership, advocacy and support to promote arts and culture as an integral part of life for all Western Australians.

A public service department titled Ministry for Culture and the Arts, was established in 1997. It is led by a Director General, who employs staff allocated to the following discrete entities:

- Art Gallery of Western Australia;
- Library and Information Service of Western Australia;
- Western Australian Museum;
- Perth Theatre Trust;
- ScreenWest;
- ArtsWA;
- Business Support Units;
- Planning and Policy; and
- Director General’s Secretariat.

This portfolio area is notable for the existence of five management boards:

- the Library Board of WA (established by the Library Board of WA Act 1951);
- the Board of Trustees, WA Museum (established by the Museum Act 1969); and
- the Art Gallery Board (established by the Art Gallery Act 1959);

Each of these Boards has defined membership, report to the Minister and cannot be directed.

- Perth Theatre Trust (established by the Perth Theatre Trust Act 1979);

The Trust has defined membership and is subject to the general direction and control of the Minister.

- ScreenWest Board – (originally incorporated in 1978 under the Associations Incorporation Act 1987 as the WA Film Council).

The ScreenWest Board of Management is appointed by the Minister. The Minister cannot direct the Board but must approve individual instances of financial assistance or dealing with any real or personal property for amounts in excess of $50,000.
Key Issues

Relationships within the portfolio require the Minister and the Director General to take account of the governance and statutory responsibilities assigned to each of the statutory boards. In addition, the Director General has responsibilities (as contained in the job description for the position) for evaluation of performance, identification of service provision options and allocation of resources so as to most effectively deliver outputs across the portfolio.

Relationships between the renamed Department for Culture and the Arts and the statutory boards should be clearly set out in a Memorandum of Understanding (MOU) executed between the Minister, Director General and each board, defining the context of the relationship, the role and contribution of each party and expressing support for the Government’s aims and objectives.

The MOU should also provide for service level agreements to be entered into with boards for the provision of financial and human resource services.

The Taskforce does not see any immediate difficulties in implementing these partnership arrangements from 1 July 2001.

Ministerial Direction

While the preferred method of achieving changes for the overall benefit of the portfolio should be by agreement and collaboration, it may be necessary for the Minister to be empowered to give directions to Boards of Management on administrative matters, processes and outcomes desired. If a power of direction is considered, it should not extend to matters such as artistic, scientific or educational merit and acquisition and disposal policies pertaining to collections.

Amendments to the Library Board of WA Act 1951, Museum Act 1969 and Art Gallery Act 1959 would be required. In the case of ScreenWest a change in the constitution could be adopted and registered. The Perth Theatre Trust Act 1979 already gives the Minister a general power of direction.

Consolidated Fund Appropriations

A factor which impacts directly on the flexible utilisation of resources within the portfolio is the current requirement that funds appropriated by Parliament to the four statutory authorities can only be utilised for the purposes of each authority that receives the funds. Salary costs are currently funded through the Ministry because staff are employed by the Director General, but other operating costs for each statutory authority must be separately appropriated. This impedes the ability of the Minister to utilise and, where appropriate, redirect available resources to meet changing circumstances and new priorities which may arise within the portfolio.
An option to introduce greater flexibility would be to allocate all Parliamentary appropriations for the portfolio to the new Department for Culture and the Arts. Resource agreements could then formalise the provision of all resources to the entities of the portfolio which have statutory boards.

It was concluded by the Taskforce that the Minister should be given the opportunity to further consider these options before any decisions are made.

**Appointment of Senior Executives**

There are inconsistent arrangements for appointment to the Executive positions in the portfolio.

Art Gallery:
- CEO appointed under Section 45 of the *Public Sector Management Act 1994*.
- Terms and conditions of employment are determined by the Minister for Public Sector Management.

Library and Information Service of WA:
- CEO appointed under Section 45 of the *Public Sector Management Act 1994*.
- Terms and conditions of employment are determined by the Salaries and Allowances Tribunal.

WA Museum:
- CEO appointed under Section 45 of the *Public Sector Management Act 1994*.
- The current incumbent is appointed as an Executive Director in the Ministry, then appointed to act in the CEO position of Director, WA Museum under the *Museum Act 1969*.
- Terms and conditions of employment for the CEO position are determined by the Salaries and Allowances Tribunal.

Perth Theatre Trust:
- CEO appointed under Section 45 of the *Public Sector Management Act 1994*.
- Terms and conditions of employment are determined by the Salaries and Allowances Tribunal.

ScreenWest, ArtsWA and Planning and Policy:
- All three are Senior Executive Service positions within the Ministry.
- Terms and conditions of employment are determined by the Director General.
Recommendation 31: A review of the executive level positions in entities comprising the Culture and the Arts portfolio be undertaken by the Department of the Premier and Cabinet, with a view to achieving consistency in the processes for recruitment and salary determination.

State Records Bill

The State Records Bill has been passed by Parliament and is awaiting proclamation. When this occurs, there will be a four-member State Records Commission which will report to Parliament, supported by the Director, State Records Office. That office is currently part of the Library and Information Service.

Recommendation 32: When the State Records Bill comes into effect, the State Records Office should be established as part of the Department for Culture and the Arts.
Providing leadership, advocacy and support to promote arts and culture as an integral part of life for all Western Australians.

CULTURE AND THE ARTS PORTFOLIO STRUCTURE

Key
- = Administrative Office
= = Department of State
= = Commission
= = Statutory Authority
DISABILITY SERVICES

The Portfolio

The purpose of the Disability Services portfolio is to make a positive difference to the lives of people with disabilities, their families and carers.

The Disability Services portfolio is supported by the existing Disability Services Commission, which was established in December 1993 under the Disability Services Act 1993.

The Act gives the Commission statutory responsibility for policy and program development and service planning in all areas that affect the rights and needs of Western Australians with disabilities.

The Commission’s major functions include:

- policy development, advice, research and evaluation;
- service provision, both directly and by encouraging the development of appropriate services by other agencies;
- funding to non-government agencies to provide a diverse range of services offering choices for people with disabilities, their families and carers;
- promotion of equal access to services provided by Government and those generally available in the community; and
- promotion and protection of the dignity and rights of people with disabilities.

Key Issues

The Taskforce did not consider the detailed structures of the Commission because of the Government’s commitment to retain it in its current form.
MINISTER FOR DISABILITY SERVICES

Making a positive difference to the lives of people with disabilities, their families and carers

Chairperson
Advisory Council for Disability Services

Chairperson
Disability Services Commission

DISABILITY SERVICES PORTFOLIO STRUCTURE

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority
EDUCATION

The Portfolio

The function of the Education portfolio is to ensure a world-class education for all, in partnership with and accountable to the community, producing citizens with an appetite for lifelong learning and the skills to participate productively and responsibly in an informed and caring society. It ensures the provision of quality education for students of all ages — independent of ability, geographic location and socio-economic circumstances — through effective:

- delivery of education through Government and non-government schools and higher education institutions;
- provision of support services for the delivery of education; and
- strategic development, performance, monitoring and reporting.

In preparing its recommendations on this portfolio, the Taskforce was aware that the Minister for Education has established a separate review of the support services and resources provided by the Education Department, the Department of Education Services and the Curriculum Council to Government schools. That review is expected to be completed in late July 2001 and will make further recommendations on organisational structures and strategies to ensure that resources and services are effectively allocated and utilised to maximise learning outcomes for students in Government schools.

The education portfolio has responsibility for education in Government and non-government schools, by home education and in higher education institutions. While the Catholic and Independent schools themselves are not strictly within the portfolio, the regulatory, funding and compliance functions affecting their operation are. It is critical that those functions — as well as those related to the tertiary education sector — are managed independently from the Government school sector.

The proposed restructure of the portfolio will see the Department of Education Services (DES) abolished with continuing functions (outlined below) transferred to either the Department of Education or the Curriculum Council.

Country High School Hostels

Through its enabling legislation, responsibility for the co-ordination and supervision of the State’s eight country high school hostels rests with the Country High School Hostels Authority. The DES currently provides executive and administrative support to the Authority.

Boarding Away from Home Allowance

This is primarily an administrative function relating to the payment of an allowance to eligible students.
Public Education Endowment Trust

This function comprises the day-to-day running of Trust business and the provision of executive and administrative support to the Trustees, pursuant to the Public Education Endowment Trust Act 1909. While the full-time equivalent dedicated to this function is funded by the Trust, it is held and administered by the Education Department.

Education Act Review Project

This project is now winding down as its major activities have been completed. Responsibility for the implementation of the new education legislation (other than those parts pertaining to non-government schools) rests with the Education Department.

All functions and resources relating to Country High School Hostels, the Boarding Away from Home Allowance, the Public Education Endowment Trust and the Education Act Review Project should be transferred to the Education Department.

Education Policy and Co-ordination

The DES currently undertakes a range of functions in this area, including:

- management of cross-sectoral policy development and review projects;
- administration of scholarships related to teacher training;
- administration of performance agreements between the Government and Parkerville Children’s Home, Meerilinga Young Children’s Foundation and the Fremantle Children’s Literature Centre;
- development of legislation, and executive and policy support for the new WA College of Teaching;
- provision of executive and administrative support to the Aboriginal Education and Training Council, the Early Childhood Education Council and the Rural and Remote Education Advisory Council. These Councils were established to provide high-level stakeholder and community advice to the Minister for Education.

The Curriculum Council should be responsible for the College of Teaching, the Aboriginal Education and Training Council, the Early Childhood Education Council, and the Rural and Remote Education Advisory Council. All other policy and co-ordination functions should be transferred to the Education Department.

The Taskforce acknowledges the work of the Councils, but also believes it is now appropriate to review the ongoing role and functions of the Advisory Councils. If such a review is undertaken, the Taskforce recommends that the Terms of Reference should also include consideration of the most appropriate agency to provide executive and administrative support. During that review, it would be appropriate for the executive and administrative support to the Councils to continue being provided outside the Education Department.
Recommendation 33: The role and functions of all Education portfolio Ministerial Advisory Councils should be reviewed.

**Higher Education**

Under current arrangements, the DES:

- provides policy advice to the Minister on all matters relating to higher education in Western Australia;
- provides support for planning and strategic development of higher education;
- develops and maintains legislation, and facilitates appointments to governing bodies;
- administers accreditation of private higher education providers;
- administers tertiary level teacher education scholarships and WA Government Japanese Studies scholarships; and
- provides executive and administrative support for the Higher Education Council.

In view of the independence of the tertiary education sector, it is appropriate that the majority of these functions continue to be provided outside the Education Department.

The Education Department should, however, assume responsibility for the administration of teacher education scholarships.

**Non-Government Education**

The DES currently undertakes a range of functions in this area, including:

- policy advice to the Minister on matters relating to non-government education;
- administration of Part 4 of the *School Education Act 1999* relating to non-government schools;
- registering and re-registering non-government schools, including executive and administrative support for the Non-Government Schools Planning Advisory Committee (planning approval for new non-government schools and major changes to existing schools);
- administration of State Government recurrent grants (per capita), low-interest loans and other special grants to non-government schools; and
- administration of State Government low interest loans to the State’s private university (University of Notre Dame).

The Taskforce supports arrangements whereby these functions continue to be undertaken separately from the Education Department. These functions should be transferred to the Curriculum Council.
International Education

The three main activities associated with international education comprise:

- delivery of education;
- promotion and marketing; and
- regulation.

International education is provided by the Education Department and statutory authorities, such as TAFE Colleges and universities and also by private providers. In marketing and promoting Western Australian education services overseas, the Education Department works closely with the Department of Commerce and Trade.

Functions currently held by the DES in this area involve the administration of the *Education Service Providers (Full Fee Overseas Students) Act 1991* — specifically the registration and regulatory supervision of providers.

The Taskforce believes that the Department of Education Services' regulatory role should be transferred to the Curriculum Council. This will ensure that a level of independence is maintained between the delivery and regulatory roles in this area and that responsibility for both remains within the Education portfolio.

The Taskforce is of the view that the Department of Industry and Technology with its expertise and network should assume a co-ordination role of marketing and promotion for the Education Department and other international education providers.

Corporate Services

Corporate services for the DES are currently provided through the Curriculum Council. However, the Taskforce considers the current restructure provides the opportunity to centralise corporate services in the Education Department.

Centre for Excellence in Teaching

The Taskforce noted the Government’s election commitment to the establishment of a WA College of Teaching. It is aware, however, that the Education portfolio contains another entity known as the Centre for Excellence in Teaching — the purpose of which is to provide Western Australian teachers with access to co-ordinated quality professional development and to recognise and facilitate excellence in the teaching profession.

Given the proposed functions of the WA College of Teaching, it would be appropriate for there to be only one body to undertake a range of roles relating to the status of teachers and standards of professional excellence in teaching.

The Taskforce proposes that the functions of the Centre for Excellence in Teaching, which the Government currently funds, be incorporated into the mandate for the College of Teaching.
Key Issues

A number of issues will need to be addressed in order to give effect to the portfolio arrangements recommended above.

- The transfer of functions relating to higher education, non-government schools and Ministerial Advisory Councils will require amendment of the *Curriculum Council Act 1997* to reflect that body’s broader responsibilities.

- The Country High School Hostels Authority’s enabling legislation provides it with a range of powers, including the engagement and dismissal of staff; the enrolment, suspension and expulsion of students at hostels; and financial powers and authority to build, alter or purchase premises. With the transfer of the Authority’s functions to the Education Department, amendments will be required to the *Country High School Hostels Authority Act 1960* and the *School Education Act 1999*.

- The separate review of support services and resources to Government schools is due to make recommendations in late July 2001. These may have implications for resourcing and structures within the portfolio but are not expected to affect the outcomes recommended by this Taskforce.

- Information technology support for the administration of the Tertiary Entrance Examinations is included in the recommendation regarding portfolio-wide corporate services. In view of high public interest in the integrity and reliability of the examinations process, this transfer will require particular attention and care.

- Some recommendations relate to functions with critical time periods and the smooth implementation of change will need to accommodate such requirements. For example, the transfer of funding to non-government schools must be undertaken without disruption.
Part 3: Education

Making a world-class education available to all, in partnership with and accountable to the community, producing citizens with an appetite for lifelong learning and the skills to participate productively and responsibly in an informed and caring society

MINISTER FOR EDUCATION

Director General

Department of Education
• Cross-Sectoral Policy and Review
• Country High School Hostels Authority
• Boarding Away From Home Allowance
• Public Education Endowment Trust
• Teacher Education Scholarships
• Administration of Government Funding Performance Agreements

Ministerial Advisory Committees

Chairperson

Curriculum Council of WA
• Non-government schools
• International education
• Higher education
• Ministerial Councils
• WA College of Teaching
• Japanese Studies Scholarships

Corporate and Administrative support

EDUCATION PORTFOLIO LONG TERM STRUCTURE

Key
= Administrative Office
= Department of State
= Commission
= Statutory Authority
A world-class education for all, in partnership with and accountable to the community, producing citizens with an appetite for lifelong learning and the skills to participate productively and responsibly in an informed and caring society.
ENVIRONMENT AND HERITAGE

The Portfolio

Entities within the Environment and Heritage portfolio work, in partnership with the community, to value and protect our natural and built environment and manage natural resources in a way that balances their sustainable use, protects the environment and enriches the quality of people’s lives, now and in the future.

The principal outcomes of the portfolio will be:

1. environmental protection and the management of environmental systems (environmental policy development, assessment and evaluation; sustainability audits across Government; and management of environmental systems — for example, land, water, air and waste);
2. maintenance of the forest ecosystem (sustainable forest management);
3. parks, conservation lands and waters that are conserved and accessible for the enjoyment of the community (parks and reserves, other lands, marine management; and visitor services);
4. biodiversity protection, management, conservation and restoration (reserve creation, species conservation and recovery, and wildlife utilisation management);
5. providing a framework for catchment management (agency focus and leadership role across Government);
6. sustainable use of water resources;
7. protection and enhancement of the quality of the State’s surface and groundwater;
8. protection and conservation of built heritage; and
9. better interaction with the community to meet these goals (process outcome).

Outcome 1 will be delivered in two parts:

- environmental protection through an independent and enhanced Environmental Protection Authority (EPA); and
- environmental systems management delivered through a Department of Environment, Water and Catchment Protection (DEWCP).

The EPA will continue to undertake statutory functions related to environmental policy development, assessments, and sustainability audits. It will be supported by and directly responsible for a dedicated service housed within the DEWCP.

Outcomes 2-4 will be delivered by a new Department of Conservation, with advice to Government on conservation land and marine management policies provided by the Conservation Commission of WA and the Marine Parks and Reserves Authority. Where the outcomes relate to places of significant community attachment (for example Kings Park or the Perth Zoo), they will continue to be delivered through separate statutory authorities (the Botanic Gardens and Parks Authority and the Zoological Gardens Board respectively).
Outcomes 5-7 will be delivered by the proposed DEWCP. Outcome 5 is fundamental to achieving integration of initiatives on natural resource management and salinity. The DEWCP will facilitate agreement across agencies on how natural resource management is handled and how those agencies relate to relevant community groups.

A separate Heritage Council will deliver outcome 8. The staff of the Heritage Council could be located with a host agency - the DEWCP.

Outcome 9 will be a primary vehicle for delivering all goals within the portfolio. It will be incorporated in each agency’s functions and will involve interagency collaboration involving both formal and informal mechanisms. It will be further facilitated through the establishment of an advisory Natural Resources Council (see below).

The Taskforce proposes that the portfolio be restructured through the amalgamation of two agencies and the abolition of a number of statutory bodies, as well as the transfer of certain functions from other areas of Government:

- staff of the evaluation and policy divisions of the Department of Environmental Protection (DEP) will be accountable to the EPA, as outlined above. All conservation management functions undertaken by DEP will be transferred to the Department of Conservation. Staff within the remaining divisions of DEP will be amalgamated with the Water and Rivers Commission to form the DEWCP;

- the synergies between the environmental education work of the Keep Australia Beautiful Council and the DEP mean that the Council should be merged with the Department;

- a review of the Marine Parks and Reserves Authority should be undertaken immediately — together with a review of the statutory Marine Parks and Reserves Scientific Advisory Committee;

- it is proposed that concurrent with the creation of the DEWCP there be established an independent high level Ministerial advisory body, the Catchment, Water, and Environment Commission (CWEC) to provide strategic advice to the Minister on water resources policy, allocation, licensing, fees and other issues related to the responsibilities of the DEWCP.

- the current evolution of the management authorities and the Rivers and Estuaries Council should continue to achieve incorporation in the new DEWCP and CWEC. Interim operating arrangements are currently being negotiated and integrated with the evolving natural resource management arrangements. It is important that the transition continues to be well managed to ensure stakeholder and community support;
the functions performed by the Swan River Trust, particularly with respect to its estuarine planning role, need to be reviewed and this function expanded to enable it to be applied to other river systems — for example, there is some urgency for a similar service in the Peel region. This proposal needs further development. There also needs to be a process of community consultation so that this evolution to a wider role across the State and integration with the DEWCP and CWEC is managed carefully;

• the Ministry for Planning currently undertakes functions relating to Bushplan/Bush Forever, and Coastcare/Coastwest. These should be transferred to the Department of Conservation, along with all conservation management related functions presently administered by the DEP;

• the Botanic Gardens and Parks Authority should take responsibility for Whiteman Park and Araluen Botanic Park from the Ministry for Planning;

• responsibilities of the Zoological Gardens Board and the Heritage Council of Western Australia should remain unchanged; and

• an advisory Natural Resources Council should be created to provide holistic policy advice and a high profile direct interface between Government and the community.

Key Issues

Legislation

The portfolio will be able to operate in the interim with the powers provided under existing legislation. These will be supplemented by powers already mooted under proposed amendments to the Environmental Protection Act 1986 and the Conservation and Land Management Act 1984 — together with powers proposed under the new Biodiversity Conservation Act which will replace the Wildlife Conservation Act 1950.

Legislative amendments will ultimately be required to formalise the merger proposed for divisions of the DEP and the Water and Rivers Commission. In particular, legislation will need to specify the functions and powers of the integrated department (DEWCP) and the Ministerial advisory body (CWEC).

In addition, changes will be needed to the Litter Act 1979 to reflect the transfer of authority to the Environment and Heritage portfolio.

The proposed changes to the Swan River Trust and the five existing Waterways Management Authorities also require legislative amendment. With intended rationalisation of these bodies, the Rivers and Estuaries Council established under the Water and Rivers Commission Act 1995 becomes redundant in its present form and that body could also be abolished.
The independence of the EPA will be increased through the assignment of dedicated staff resources from within the DEWCP (primarily drawn from the Evaluation and Policy Divisions of the current DEP). Further, the EPA will continue to have the ability to seek advice from other areas within the new DEWCP, as well as from the Department of Conservation and agencies outside the portfolio.

While these arrangements can be achieved administratively, it is possible that the respective roles and responsibilities of the EPA and the DEWCP would benefit from the review and appropriate amendment of the *Environmental Protection Act 1986*. The EPA will also require legislative power to enter directly into contracts for specialist services.

The current legislative requirement for a department titled “Department of Conservation and Land Management” under the *Conservation and Land Management Act 1984* needs to be removed. Further, the requirement for three statutory positions under that Act (the Director of Forests, the Director of National Parks and the Director of Nature Conservation) also needs removal. The content of an appropriate amendment Act is addressed in a Cabinet submission presently under consideration by the Minister for the Environment and Heritage.

Subject to the outcome of the review of the Marine Parks and Reserves Authority and Marine Parks and Reserves Scientific Advisory Committee, further amendments may also be required.

To date, a need for amendments to the *Botanic Gardens and Parks Authority Act 1998* has not been identified.

**Transfer and Rationalisation of Other Functions**

The opportunity exists to transfer certain other functions to and from this portfolio.

- The Minister for Environment and Heritage has raised the prospect of transferring the soil and land conservation function from the Agriculture, Fisheries and Forest portfolio to her portfolio. The matter needs to be discussed by the relevant Ministers.

- Responsibility for farm water planning now rests with the Office of Water Regulation, however this could also be transferred to the DEWCP.

- The astronomical services section in the science division of the Department of Conservation and Land Management could be transferred to the Western Australian Museum.

- The Taskforce has separately recommended that the at-sea operations of Fisheries WA and the Department of Transport be integrated into the one unit. The Department of Conservation is encouraged both to co-operate with and utilise the combined service.
Within the new portfolio there should also be an examination of corporate and support services to determine whether a single bureau should provide these across the portfolio.

**Implementation Responsibilities**

The initial phase of implementation would see the operational integration of the Water and Rivers Commission and the DEP, in advance of legislative change necessary to establish a new DEWCP and CWEC.

A single Director General should be assigned responsibility for both organisations as soon as possible, with that person being responsible for all implementation activities. These would include:

- preparing necessary legislative amendments including those defining the functions of the new Ministerial advisory board (CWEC);
- integrating the current functions of the statutory catchment management authorities; and
- facilitating enhanced service provision to the EPA.

The Director General of the Department of Conservation would be responsible for:

- finalising arrangements with other portfolios regarding the proposed transfer of functions to and from the Department; and
- facilitating the proposed review of the Marine Parks and Reserves Authority and the Marine Parks and Reserves Scientific Advisory Committee.

The Director of the Botanic Gardens and Parks Authority would be responsible for finalising arrangements regarding the transfer of responsibility for the management of Araluen and Whiteman Parks.

Currently, an Advisory Committee on Waste Management (ACWM) and a State Recycling Advisory Committee both report to the Minister for the Environment. These should be amalgamated. The Waste 2020 report recommends the formation of a three-member board to implement this strategy and to create an independent waste management authority. A decision on progressing this will be made in the near future.
ENVIRONMENT AND HERITAGE LONG TERM PORTFOLIO STRUCTURE

MINISTER FOR ENVIRONMENT AND HERITAGE

Working in partnership with the community to value and protect our natural and built environment and manage natural resources in a way that balances their sustainable use, protects the environment and enriches the quality of people’s lives, now and in the future.

Key:

- Administrative Office
- Department of State
- Commission
- Statutory Authority

Environment Protection Authority

Natural Resources Council

Director General
Department of Environment, Water and Catchment Protection

Director General
Department of Conservation

Chairperson
Conservation Council

Chairperson
Catchment, Water and Environment Council

Chairperson
Zoological Gardens Board

Chairperson
Botanic Parks and Gardens Authority

Chairperson
Heritage Council of WA

Administrative and Corporate Services, subject to review

Part 3: Environment and Heritage
MINISTER FOR ENVIRONMENT AND HERITAGE

Working in partnership with the community to value and protect our natural and built environment and manage natural resources in a way that balances their sustainable use, protects the environment and enriches the quality of people’s lives, now and in the future

ENVIRONMENT AND HERITAGE INTERIM PORTFOLIO STRUCTURE

Key:
- Administrative Office
- Department of State
- Commission
- Statutory Authority

Environment Protection Authority

Chairperson

Natural Resources Council

Director General
Department of Conservation
Conservation and Land Management, plus:
- Regional Parks
- Bushplan/Bushforever
- Coastcare

Board
Waters and Rivers Commission

Chief Executive Officer
Department of Environmental Protection
- Keep Australia Beautiful Council

Executive Director

Waterways and Gardens Authority

- Peel Inlet Management Authority
- Leschenault Inlet Management Authority
- Albany Waterways Management Authority
- Avon River Management Authority
- Wilson Inlet Management Authority

Director General

Conservation Commission

Chairperson

Marine Parks and Reserves Authority

Chairperson

Marine Parks and Reserves Scientific Advisory Committee

Chairperson

Swan River Trust

Board

Zoological Gardens Board

Chairperson

Botanic Parks and Gardens Authority

Chairperson

- Whiteman Park
- Araluen Botanic Park
- Kings Park
- Bold Park

Chairperson

Heritage Council of WA

Executive Director

Services

Chairperson
GOVERNMENT ENTERPRISES

The Portfolio

The purpose of the portfolio is to support the Government Enterprises Minister in exercising the Government's shareholder, owner and investor role in relation to Government business enterprises.

The objective of the portfolio is to enhance accountability, corporate governance and performance monitoring of Government agencies. This recognises the potential financial, budgetary and political risks arising from such activities and the significant influence these agencies can have on the State's economy and finances.

The portfolio will comprise enterprises engaged in significant commercial activities. “Commercial” activities include the production or provision of goods and services where the agency is required to cover all or a significant proportion, of costs through user charges. Other important elements are the extent of competition, or potential for competition, between the public and private sectors, and the significance of the market in which the agency's activities take place to the Western Australian economy.

The portfolio also includes agencies that present significant financial risks to the State by virtue of its guarantee arrangements with these agencies.

Agencies proposed for inclusion in the Government Enterprises portfolio are listed in Table 7.

Table 7: PROPOSED COVERAGE OF GOVERNMENT ENTERPRISES PORTFOLIO

<table>
<thead>
<tr>
<th>Agency</th>
<th>Corporatised / Commercialised</th>
<th>Current Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Corporation</td>
<td>Yes</td>
<td>Water Resources</td>
</tr>
<tr>
<td>Aqwest (Bunbury Water Board)</td>
<td></td>
<td>Water Resources</td>
</tr>
<tr>
<td>Busselton Water Board</td>
<td></td>
<td>Water Resources</td>
</tr>
<tr>
<td>Western Australian Treasury Corporation</td>
<td>Yes</td>
<td>Treasurer</td>
</tr>
<tr>
<td>Gold Corporation</td>
<td></td>
<td>Treasurer</td>
</tr>
<tr>
<td>Government Employees Superannuation Board</td>
<td></td>
<td>Minister Assisting the Treasurer</td>
</tr>
<tr>
<td>Parliamentary Superannuation Board</td>
<td></td>
<td>Minister Assisting the Treasurer</td>
</tr>
<tr>
<td>Insurance Commission of Western Australia</td>
<td></td>
<td>Minister Assisting the Treasurer</td>
</tr>
<tr>
<td>Lotteries Commission</td>
<td></td>
<td>Racing and Gaming</td>
</tr>
</tbody>
</table>

In view of the Government’s election commitment to separate Western Power’s generation activities from other activities, the Treasurer will retain responsibility for Western Power in the medium term. However, it is proposed that the commercial elements of Western Power would be transferred into the portfolio once the energy reform agenda has been achieved.
LandCorp and the port authorities undertake significant commercial activities and operate under a corporate governance framework akin to that which applies to Western Power and the Water Corporation. A proposed review of LandCorp’s activities, and consideration for the regional impacts of the ports, has meant that these agencies have not been included in this portfolio at this time. However, the Taskforce notes that over time, consideration needs to be given to including these agencies and the Public Trust Office under the Government Enterprises portfolio, to facilitate the development and application of a consistent corporate governance framework for commercial activities across the public sector.

The Government Enterprises Minister would be required to:

• establish and refine the constitution, strategic direction and operating objectives of agencies engaged in significant commercial activities;

• appoint directors and manage board performance;

• agree to broad financial policies affecting shareholder returns such as rates of return, capital structure, dividend and investment policies;

• establish operational and financial benchmarks and monitor performance;

• ensure that agencies engaged in significant commercial activities operate in an environment broadly comparable to private sector companies and in accordance with any applicable Government policies;

• ensure cost-effective delivery of any community service obligations performed by agencies engaged in significant commercial activities; and

• be accountable to Parliament for agencies’ performance.

The Government Enterprises Minister will be supported in an advisory and administrative capacity by the Department of Treasury and Finance.

Key Issues

Relationships

Although the Government Enterprises Minister will be solely responsible and accountable for the operational and financial performance of public sector agencies engaged in significant commercial activities, there will need to be an active relationship with the Industry Minister.

The Industry Minister is the Minister whose portfolio responsibilities span the industry sector within which a Government enterprise operates. These responsibilities can include:

• policy development;
• development of strategic initiatives and programs impacting on the business environment within the industry;
• industry co-ordination;
• safety policy; and
• technical standards.

The Government Enterprises Minister is responsible for a single participant within the industry, whereas the Industry Minister is responsible for the entire industry sector. It would be inappropriate for the Government Enterprises Minister to also assume the role of Industry Minister, in view of the potential for conflicts of interest to arise between the Government Enterprises Minister’s shareholder/owner/investor role and the broader responsibilities of the Industry Minister.

**Legislation**

For corporatised/commercialised agencies, the Treasurer has, to a large extent, the necessary power to perform the roles and functions. For instance, the Treasurer has a role in *concurring* to the agencies’ strategic direction and operating objectives. These powers are, however, held jointly with the respective Ministers for Energy and Water Resources.

Minor legislative change would clarify these responsibilities.

A transfer of these powers from the respective Minister to the Government Enterprises Minister could be effected through appropriate amendment and gazettal of the ‘Administration of Departments, Authorities, Statutes and Votes’ which defines the legislative responsibilities and accountabilities of individual Ministers.

In the longer term, umbrella legislation for agencies undertaking significant commercial activities to apply standardised financial and operational accountability requirements, which would also clarify and eliminate ambiguity present in existing corporate governance legislation, is desirable. Such a framework, which will require substantial legislative change, could also provide the ability to administratively apply stronger governance arrangements as required and enable simpler implementation of structural reform and competitive neutrality.

The framework would also clearly articulate and implement Government policy in relation to such matters as joint ventures, the formation of subsidiaries, and the extent of business activities that may be conducted in other jurisdictions or overseas.

**Accountability**

A number of the public sector agencies engaged in significant commercial activities have operated on an “at arms length” basis of Government. Over time, these agencies have come to see their key stakeholders as being parties other than Government.
It will be necessary to highlight the potential financial, budgetary and political risks arising from the activities of such agencies, while recognising that strengthening the existing corporate governance framework need not, in itself, result in a change in an agency’s strategic and operational direction.

**Recommendation 34:** In the short term, the enabling legislation of the following agencies should be amended to give the Government Enterprises Minister the power to ensure appropriate strategic direction, operation and performance for:

- Aqwest (Bunbury Water Board)
- Busselton Water Board
- Gold Corporation
- Government Employees Superannuation Board
- Insurance Commission of Western Australia
- Lotteries Commission
- Parliamentary Superannuation Board
- Water Corporation
- Western Australian Treasury Corporation
Exercising the Government’s shareholder, owner and investor role in relation to Government Business Enterprises

MINISTER FOR GOVERNMENT ENTERPRISES

Chairperson
Water Corporation

Chairperson
Busselton Water Board

Chairperson
Bunbury Water Board

Chairperson
WA Treasury Corporation

Chairperson
Gold Corporation

Chairperson
Insurance Commission of WA

Chairperson
Government Employees Superannuation Board

Chairperson
Parliamentary Superannuation Board

Chairperson
Lotteries Commission

MINISTER FOR THE ENVIRONMENT AND HERITAGE

MINISTER FOR RACING AND GAMING

Industry Policy

GOVERNMENT ENTERPRISES PORTFOLIO STRUCTURE

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority
HEALTH

The Portfolio

The purpose of the health portfolio is to promote, protect, maintain and restore the health of the people of Western Australia.

The Health Department is the State’s principal health authority. Its key objective is to secure the greatest possible improvement in the health and quality of life for all Western Australians. Its major functions are to:

• understand the health status of the community, purchase relevant health services for the people, and monitor the appropriateness and quality of the services provided;
• develop and review health policy and legislation, and ensure compliance with policy, quality standards, and statutory obligations within its area of responsibility;
• acquire and maintain resources and encourage research to improve health outcomes;
• provide support and advice to the Minister for Health; and
• deliver health services to the community, clients and patients.

Key Issues

The Taskforce observed several problems with the current structure of the Health portfolio. Chief among these are:

• Fragmentation

There is a department of State – the Health Department – and numerous other bodies: hospitals, health services (some with boards of governance and some “departmental”), various statutory authorities and contracted non-government agencies. A large number of bodies are directly accountable to the Minister for Health.

• Accountability

The linkages between the Department and other elements of the portfolio are in many cases unclear and this appears to blur the lines of accountability for services and can foster a “them and us” perception. For instance, the extent to which the Commissioner for Health can be held accountable by the Minister for portfolio outcomes seems uncertain because he has no direct control over many parts of the health system.

• Inconsistency

There does not seem to be a clear rationale or set of principles behind the Health portfolio structure.
Elements delivering similar services are structured in different configurations without a clear rationale; they have simply evolved over time. For instance, a large number of rural health services boards of governance report to the Minister, but there are others that apparently report to the Commissioner.

Furthermore, there are separate public sector entities for operations of very different size and scope. Each of these has the same accountability requirements in terms of maintenance of a full set of financial accounts and preparation of an annual report.

At present there are over 40 boards reporting to the Minister and their coverage is inconsistent, with some local boards continuing to operate inside areas otherwise covered by district boards. There are also councils, which are comprised of a group of local boards. The reasons for this are historic and it is acknowledged that the voluntary contribution of members of rural health services boards is invaluable in ensuring that local health needs are met. However, from a machinery of Government point of view, the present arrangements appear dysfunctional and ought to be examined at some time.

The Health sector is currently undergoing significant reviews with a view to changing the structure of the Department and Government Health Services to better reflect current needs. The Taskforce has liaised closely with the Health Administrative Review Committee (HARC) which is examining a new structure for health services following the removal of the Metropolitan Health Service Board.

Whilst the Taskforce makes the general observations above, it considers that they are matters more appropriately dealt with by internal reviews of the portfolio commissioned by the Minister such as the HARC. Therefore, the Taskforce, having conveyed its views to the HARC, has determined it was inappropriate to make any recommendations specific to the Health portfolio.
HOUSING AND WORKS

The Portfolio

The Housing and Works portfolio will consist of two Government agencies - the State Supply Commission and the Department of Housing and Works. Together they will respond to the aspirations of all Western Australians for their housing and public works and ensure that Government procurement policies and practices benefit the State.

State Supply Commission

The Commission has made substantial progress to enhance accountability, transparency, risk management and compliance by agencies, primarily to improve the public sector purchasing framework. The Taskforce believes the Commission should be retained.

Department of Housing and Works

This new Department will give a renewed and strong focus to the “public works” and housing functions of Government. The Taskforce envisages that new and major capital works projects will be managed through the Department of Housing and Works. This will be in place of the current practice which sees major works programs undertaken by a wide range of Government agencies.

The Taskforce sees this Department as providing whole-of-Government expertise in:

- capital projects;
- non-residential building and service contract management;
- commercial property asset management;
- facilities management and co-ordinated maintenance of Government buildings;
- public rental housing;
- housing, essential service infrastructure and management support for Aboriginal and Torres Strait Islander people;
- subsidised rental housing for Government employees in rural and remote areas;
- supply of affordable residential land; and
- home loan finance.

The new Department will consist of the existing Ministry of Housing, with additional functions from other agencies. To support amalgamation of these functions into the new Department, all functions and staff from the Government Projects Office, currently located in Treasury, should be transferred to the new Department of Housing and Works, together with the Commercial Property Branch. In addition, those functions of the Department of Contract and Management Services (CAMS) which deal with construction and maintenance should also be brought within the new Department.
Key Issues

It is proposed that the key functional areas of CAMS and the Government Projects Office should be maintained in their current form, to operate as business units within the new Department. This will streamline the transfer process.

In the immediate term CAMS and the Government Projects Office should remain discrete and separate from the housing functions since their responsibilities are delineated under different legislation. The Minister for Housing and Works will need to approve appropriate delegations of authority, under his powers derived from the Public Works Act 1902. Similarly, the State Supply Commission Board will need to approve appropriate delegations to the Director General to enable the Department of Housing and Works via its regional offices to procure goods and services under the State Supply Commission Act 1991, on behalf of other agencies.

In the longer term there are significant legislative issues to examine in relation to the reform of the Public Works Act 1902 and Housing Act 1980. Legislative reform has the potential to reduce the number of boards and sub-boards involved in the oversight of business units.

At a minimum the Minister may wish to contemplate repeal of the Acts covering the State Housing Commission, the Government Employees Housing Authority and the Country Housing Authority and replacement with a single Housing Act.
MINISTER FOR HOUSING AND WORKS

Housing and Works Advisory Board

Responding to the aspirations of all Western Australians for their housing and public works and ensure procurement policies and practices benefit the State

Director General

Department of Housing and Works

Chairperson

State Supply Commission

HOUSING AND WORKS
LONG TERM PORTFOLIO STRUCTURE

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority
MINISTER FOR HOUSING AND WORKS

Respond to the aspirations of all Western Australians for their housing and public works and ensure procurement policies and practices benefit the State

Director General
Department of Housing and Works
- Ministry of Housing
- Government Projects Office
- Commercial Property Branch
- Westlink
- Contract and Management Services building functions

Chairperson
State Supply Commission

Chairperson
State Housing Commission Board

Chairperson
Government Employees Housing Authority

Chairperson
Country Housing Authority

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority

HOUSING AND WORKS INTERIM PORTFOLIO STRUCTURE
INDIGENOUS AFFAIRS

The Portfolio

The Indigenous Affairs portfolio aims to close the gap between the social and economic well being of Indigenous and non-Indigenous people through strategic whole-of-Government management and empowering Indigenous people. Central to achieving this purpose is working in partnership with the Indigenous community of Western Australia.

Department of Indigenous Affairs

The role of the Department of Indigenous Affairs is to ensure that the relevant parts of the broad public sector are working in concert to meet the needs of Indigenous people by acting as a catalyst to mobilise and integrate the resources of Commonwealth, State and Local government agencies.

The Department has identified three key result areas. They are:

- Whole-of-Government Co-ordination

  The Department intends to co-ordinate whole-of-Government management of Indigenous Affairs by:

  - establishing links to the Social Policy Standing Committee of Cabinet as the source of Executive direction;
  - supporting the establishment of the Indigenous Affairs Advisory Committee, consistent with the Indigenous Affairs policy of the Government, to involve CEOs from key service delivery agencies and Indigenous representatives in across-Government planning;
  - setting up agreed processes for reviewing progress and using results for joint planning to improve service delivery across portfolios; and
  - informing Government resource allocation and budget processes in terms of the priorities for Indigenous outcomes.

  The Department of Indigenous Affairs’ regional network will continue to work closely with Government and non-government agencies and with Indigenous people at the local level.

- Management and Protection of Aboriginal Heritage and Culture

  The management of Indigenous Heritage is an area of specific responsibility for the portfolio under the Aboriginal Heritage Act 1972.

  Significant work has been undertaken by the Department to identify areas critical for success in achieving the Government’s goal for the protection of Aboriginal heritage and culture. These include appropriate policy and legislation to protect the heritage and cultural interests of Indigenous people and compliance with the legislative provisions and regulations.
• Management and Transfer of Indigenous Land

The Aboriginal Lands Trust is a statutory body comprised of Indigenous people appointed by the Minister. It receives administrative support from the Department and its function is to hold and manage land for the use and benefit of Indigenous people and in keeping with the wishes of the Indigenous people in the area. The Trust manages 350 properties covering approximately 27 million hectares of land accounting for almost 12% of land in Western Australia.

Key Issues

Aside from the renaming of the Department, none of the foregoing involves change to the machinery of Government and therefore the Taskforce makes no recommendations specific to the portfolio of Indigenous Affairs.
Closing the gap between the social and economic well-being of Indigenous and non-Indigenous people through strategic whole-of-Government management of Indigenous affairs at all levels

MINISTER FOR INDIGENOUS AFFAIRS

Director General
Department of Indigenous Affairs

Chairperson
Aboriginal Cultural Materials Committee

Chairperson
Aboriginal Lands Trust

Corporate and Administrative Support

INDIGENOUS AFFAIRS PORTFOLIO STRUCTURE

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority
LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

The Portfolio

The new Department of Local Government and Regional Development will combine the roles of the current Department of Local Government and the regional functions currently undertaken by the Department of Commerce and Trade. This merger will facilitate closer co-ordination between regional development initiatives and the local government network across Western Australia.

The new Department will focus on:

- providing support and advice to organisations involved in the development of Western Australia and in building stronger communities;
- working with local governments to achieve the standards required by legislation;
- providing assistance, including funding, to enhance the development of regions and local governments;
- implementing effective legislation in relevant areas and supporting its operation;
- supporting individual and community capacity building, with particular emphasis on leadership and governance;
- encouraging devolution of decision making and service delivery to a regional and local level; and
- working towards equity of access to services across Western Australia.

The purpose of the portfolio is “enhancing the development and capacity of communities through good government, economic growth and social well-being.”

Key Issues

Legislation

No legislative changes will be necessary to establish the new Department. Early legislative change will be required to facilitate the establishment and administration of the Regional Investment Fund and the administration of existing regional development funding programs. To date, existing programs have operated under the Industry and Technology Development Act 1998 which will remain with the State Development portfolio. While these existing programs can continue to operate through the Industry and Technology Development Act 1998 as an interim measure, it is highly desirable that they operate under legislation within the Local Government and Regional Development portfolio.
Amendments also need to be made to the *Litter Act 1979* to facilitate machinery of Government changes. The Keep Australia Beautiful Council is established under this Act as an independent statutory body with its own staffing and financial arrangements. The synergy between the work of the Council and the environmental education role of the Department of Environmental Protection led the Taskforce to conclude that the Council should be transferred to that Department. The *Litter Act 1979* will need to be amended to reflect this new arrangement.

Amendments need to be made to the *Regional Development Commissions Act 1993* to enable the delegation of powers to portfolio Ministers responsible for particular regions and to whom the related Development Commissions will report. Legal advice indicates that Ministers responsible for particular regions – other than the Minister for State Development – currently have no powers in relation to Development Commissions within their areas of responsibility, other than an ability to advise on CEO appointments.

Five of the nine Development Commissions (the Gascoyne, Kimberley, Peel, Pilbara and Wheatbelt Commissions) were initially established as departments under the *Public Sector Management Act 1994* before the enactment of the *Regional Development Commissions Act 1993*. This means that some Commissions are formally designated as departments while others are not. Apart from being inconsistent, the situation is inappropriate and should be addressed.

**Recommendation 35:** The departmental status of the Gascoyne, Kimberley, Peel, Pilbara and Wheatbelt Development Commissions should be removed under Section 35 of the *Public Sector Management Act 1994*.

**Transfer of Additional Functions**

Westlink is currently managed by a small group in the Department of Contract and Management Services. It has a strong affiliation with the Telecentres which are to be supported by the Department of Local Government and Regional Development. The Rural Leadership and Community Builders programs in Agwest closely complement activities undertaken by the regional development function and should be transferred to the Department, along with the funds allocated to the Rural Leadership initiative resulting from the Government's Primary Industry election commitment.

**Recommendation 36:** Westlink and the Rural Leadership and Community Builders programs and staff should be transferred to the Department of Local Government and Regional Development.
Advisory Committees

A number of advisory committees, including the Caravan Parks and Camping Grounds Advisory Committee, the Building Regulations Advisory Committee and the Telecentre Advisory Board, will also report directly to the Minister, as will a number of the Regional Development Commissions depending on the Minister’s responsibility for particular regions. The remaining Regional Development Commissions will report to other Ministers who have portfolio responsibility for the other regions.

Regional Development

In conducting the review, the Taskforce received an important submission from the Chairman of the Regional Development Council that drew attention to a range of concerns with current departmental arrangements. These essentially involved duplication between the activities of the Department of Commerce and Trade and the role of the Council and the potential for greater devolution to regional bodies. It was argued that this and other changes would eliminate duplication while improving co-ordination and efficiency, and importantly, the capacity for regional decision making.

It was also suggested that the functions within the new Department might be better placed in a dedicated secretariat serving the Council.

In exploring these issues, the Taskforce noted that a review of the current arrangements was undertaken last year by a panel chaired by Professor Reg Appleyard. While the panel’s final report is yet to be presented to the Minister, the Taskforce was advised that it will be dealing with these issues and making recommendations on the possible devolution of functions.

The Appleyard report, when presented, should therefore be considered in the course of determining the final regional development arrangements within the new Department.

The Taskforce proposes that the new arrangements take effect from 1 July 2001 with a review of the new arrangements taking place early in 2002 to fine-tune the Department’s structure, functions and relationships.

Cemetery Boards

The Taskforce also noted that the Fremantle and Metropolitan Cemetery Boards, which are established under the Cemeteries Act 1986, currently operate independently. The adequacy of this arrangement should be assessed as part of the strategic review of operations of the new Department recommended for early 2002. Options include combining the operations of the two bodies under the one Board or removing the Boards altogether and having the Cemetery Boards report through the Department.
Recommendation 37: The independent status the Fremantle and Metropolitan Cemetery Boards should be considered in early 2002, as part of a comprehensive review of the structure, functions and relationships of the Department of Local Government and Regional Development.
LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

PORTFOLIO STRUCTURE

**Key**
- = Administrative Office
- = Department of State
= Commission
- = Statutory Authority

**MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT**

Enhancing the development and capacity of communities through good government, economic growth and social well-being

**Department of Local Government and Regional Development**
- Department of Local Government
- Rural Leadership and Community Builders Program from Agwest
- Regional Development from the Department of Commerce and Trade

**Ministers with responsibility for discrete Development Commissions**

*To be reviewed in 2002*

**Regional Development Council**

**Chairperson**

**Goldfields – Esperance Development Commission**

**Chairperson**

**Great Southern Development Commission**

**Chairperson**

**Mid West Development Commission**

**Chairperson**

**Peel Development Commission**

**Chairperson**

**South-West Development Commission**

**Chairperson**

**Wheatbelt Development Commission**

**Chairperson**

**Director General**

**Local Government Grants Commission**

**Chairperson**

**Kimberley Development Commission**

**Chairperson**

**Pilbara Development Commission**

**Chairperson**

**Gascoyne Development Commission**

**Chairperson**

*Fremantle Cemetery Board*

**Chairperson**

*Metropolitan Cemetery Board*

**Chairperson**

**Administration and Corporate support**
PLANNING AND INFRASTRUCTURE

The Portfolio

The Planning and Infrastructure portfolio has been established to bring the planning and infrastructure development agencies under the one Minister. Specifically, this means drawing the policy bodies together, as well as a range of other service agencies involving Main Roads, WA Government Railways, Transperth, the Port Authorities, LandCorp, the Redevelopment Authorities and the Department of Land Administration. It also involves merging the operations of the Valuer General’s Office with those of the Department of Land Administration.

The theme for the Planning and Infrastructure portfolio is “Improving co-ordination of land use and transport infrastructure planning and service delivery for better communities.”

There are essentially four functions within the new portfolio:

- **Planning and Policy**
  - Strategic planning for land use and infrastructure.
  - Policy advice to Government.

- **Operations**
  - Provision of infrastructure, transport, land development; land and property services.
  - Management of the portfolio’s land and transport infrastructure assets.

- **Regulation**
  - Provision of legislative and regulatory systems for:
    - the implementation of strategic plans and policy; and
    - the provision of infrastructure, transport, land development and land administration services.

- **Education and Promotion**
  - Education and promotion services for the portfolio’s activities.

*Department for Planning and Infrastructure*

In recommending new arrangements, the Taskforce was particularly conscious of the benefits of isolating policy and regulatory powers within a consolidated policy department, leaving service agencies with a clear service delivery role. Apart from eliminating perceived or real conflicts of interest, this type of reform would allow each part of the portfolio to concentrate on its core area of expertise.
The Taskforce also concluded that a combined land-use and transport planning department would foster better co-ordination than the current arrangement of having the two functions in different departments, with both represented on the WA Planning Commission. The Taskforce also believes that all service agencies should operate more closely in line with the overall plans and priorities determined by the central planning body. To encourage this, the Taskforce concluded that the service agencies should not have direct access to allocations from the Consolidated Fund, but should receive any "on-budget" funding through the Department for Planning and Infrastructure. However, this would not mean that the service agencies would be denied access to funds from trading operations or other sources, but simply that – to the extent they received any "on-budget" funding – it should come via the Department.

**WA Transit Authority**

The Taskforce believes there are considerable benefits in bringing the WA Government Railways and Transperth together into a consolidated passenger transit agency. This will achieve operational efficiency and better co-ordination.

**LandCorp**

The Taskforce saw synergies between the land development operations of LandCorp, the various Redevelopment Authorities, the Ministry for Planning and the Department of Land Administration. For LandCorp and the Redevelopment Authorities, it is their core business while for the Ministry, its involvement is historic and connected with the “Better Cities” program. For the Department of Land Administration, its involvement arises for social reasons when no other party is prepared to develop a difficult parcel of Crown land.

The Taskforce concluded that LandCorp should assume the primary role as the State’s land development arm, with the exception of the development activities of the dedicated Redevelopment Authorities. However to encourage efficiency and the sharing of expertise, the Taskforce felt that LandCorp should at least service the Redevelopment Authorities in terms of staff and support.

**Land Administration**

In respect to the Department of Land Administration, the Taskforce saw synergies between its operations and those of the Valuer General’s Office.

Over recent years there has been increasing convergence in the operations of the two agencies, with both involved in providing land and property information to the same customer base. In addition, the Department’s land information underpins the Valuer General’s business systems and many of its products and services.
The potential to integrate information technology systems and databases, as well as to share staff and other costs, was also noted. In this respect, the Taskforce was told that efficiencies in excess of $1 million annually could be achieved from an amalgamation, while improving service delivery and providing a single point of contact for customers.

The Taskforce also noted that the operations of similar agencies are combined in all other Australian States and New Zealand.

Consequently, the Taskforce concluded that the statutory office of the Valuer General should operate within and draw staff from the Land Administration agency. This would be similar to the arrangement that currently applies with other statutory office holders within the Department, including the Surveyor General, Commissioner of Titles, Registrar of Titles, and Inspector of Plans and Surveys.

**Recommendation 38:** The statutory office of the Valuer General should operate from within the new Land Administration agency.

The Taskforce noted the potential of the land information and titles business to be self-funding, as it is in a number of other states. However, after detailed consideration, the Taskforce concluded that this issue was a policy matter for Government and resolved that the option should be left open for the Minister to consider.

**Recommendation 39:** The Minister for Planning and Infrastructure should explore the merits of establishing the land information and titles activity as a self-funding Government business enterprise.

**Transfer of Functions to Other Portfolios**

The Taskforce noted that the Ministry for Planning not only undertakes the planning and acquisition functions for Regional Parks and the “Bush Forever” program, but also the management of the land as well. In respect of the latter function, the Taskforce formed the view that it should be consolidated with the land management activities of the Department of Conservation. Similarly, the Ministry for Planning’s coast-care (Coastwest) program and the Department of Transport’s coastal protection activities would be better combined with the coast care activities undertaken by the Department of Conservation.

**Recommendation 40:** The land management functions related to Regional Parks, “Bush Forever” and coast-care (Coastwest) programs should be transferred to the Department of Conservation.

With the planning of Araluen Botanic Park now complete, it is appropriate that the future management of this park be transferred from the Ministry for Planning to the Botanic Gardens and Parks Authority. Whiteman Park should also be transferred when the current planning process is complete.
Recommendation 41: Management of Araluen Botanic Park should be transferred to the Botanic Gardens and Parks Authority. Management of Whiteman Park should also be transferred once current planning processes are complete.

The Taskforce has separately recommended that the at-sea operations of Fisheries WA and the Department of Transport be integrated into the one unit, managed by Fisheries WA.

For the Department of Transport, this will mean transferring vessels and related resources to Fisheries WA and merging its communications centre with the 24-hour facility operated by the WA Police Service.

Key Issues

Implementing the proposed portfolio arrangements will require detailed legislative change, for example to the Transport Co-ordination Act 1966 and Western Australia Planning Commission Act 1985. In the meantime, an interim arrangement is being implemented administratively, using the delegation powers under the Transport Co-ordination Act 1966 and the organisational framework of the WA Planning Commission.

A full-time Executive Chairman has been appointed to the WA Planning Commission and is exercising relevant planning and transport powers to effect interim co-ordination. Through administrative arrangements, the service agencies are required to channel all policy matters through the WA Planning Commission to reinforce policy co-ordination.

Overall, the interim arrangement will facilitate an early start to the change process and allow important steps to be taken to reshape and settle the portfolio, consistent with the longer term.
Part 3: Planning and Infrastructure

Improving co-ordination of land use and transport infrastructure planning and service delivery for better communities

PLANNING AND INFRASTRUCTURE
LONG TERM PORTFOLIO STRUCTURE

Key:
- = Administrative Office
  = Department of State
  = Commission
  = Statutory Authority
Improving co-ordination of land use and transport infrastructure planning and service delivery for better communities.
POLICE AND EMERGENCY SERVICES

The Portfolio

The overall aim of the portfolio is to work with the community to create a safer and more secure Western Australia by providing quality and effective police and emergency services.

The Police and Emergency Services portfolio comprises three separate organisations:

Fire and Emergency Services Authority

The Fire and Emergency Services Authority was formally established on 1 January 1999 to improve co-ordination and planning across the Emergency Services portfolio. Its establishment has effectively brought together under one Chief Executive Officer and one Board of Management the Fire and Rescue Service; the State Emergency Service; the Bush Fire Service; Emergency Management Services; Unexploded Ordnance; and Sea Search and Rescue.

The consolidation of separate agencies to form the Authority was undertaken in a cost-effective manner. There was no increase in the budget and savings made through the rationalisation of services and the centralisation of some business and management systems enabled deployment of more operational support staff in the field. This has also contributed to the appointment of extra support staff in eleven regional centres and has led to improved services to volunteers and communities.

The Fire and Emergency Services Authority is responsible for:

• provision of a comprehensive range of fire and emergency services;
• hazard management agency for a number of natural and other emergencies;
• development and implementation of risk management-based community safety strategies;
• policy, planning, training and co-ordination of volunteer fire and emergency services located around Western Australia; and
• development and implementation of emergency management policies, plans, procedures and training programs.

Police Service

The Government has confirmed that the Police Service will not be restructured under the current machinery of government initiatives. However, it should be noted that the Western Australia Police Service has undergone significant reform under the Delta Program. This has resulted in substantial adjustment to the organisation’s structure and has assisted the Police Service to:

• redefine its core business;
• adopt a fresh approach/style to the delivery of its service;
• adopt a more strategic/problem solving approach to the management of its business;
• establish the standards and common values upon which the Service will function.

The Police Service is responsible for prevention and control of crime, maintenance of the peace, traffic management and road safety, emergency management and co-ordination, and assisting members of the community in times of emergency and need.

The Taskforce has separately recommended that the at-sea operations of Fisheries WA and the Department of Transport be integrated into the one unit, managed by Fisheries WA. In addition, it has proposed that the Department of Conservation and the WA Police Service co-operate with the amalgamated service as much as possible.

For the WA Police Service, this will also involve facilitating the merger of the Department of Transport’s communications centre with its 24-hour facility.

**Fire Brigades Superannuation Board**

The Fire Brigades Superannuation Board was constituted on 3 November 1986 with responsibility for administering, investing and managing the Western Australian Fire Brigades Superannuation Fund. 100% of firefighters and a number of FESA staff are members of this Fund. The Board is responsible for the management of the Fund. It has six members and a small staff of three.

**Key Issues**

No structural changes are proposed to this portfolio.
MINISTER FOR POLICE AND EMERGENCY SERVICES

Working with the community to create a safer and more secure Western Australia by providing quality and effective police and emergency services

Western Australian Police Service

Chairperson

Fire and Emergency Service Authority

Chairperson

Fire Brigades Superannuation Board

POLICE AND EMERGENCY SERVICES PORTFOLIO STRUCTURE

Key:
- Blue = Administrative Office
- Pink = Department of State
- Orange = Commission
- Yellow = Statutory Authority
PREMIER

The Portfolio

The Premier’s portfolio exists to support the Premier and Cabinet. This means supporting the Premier in his capacity as:

- Head of Government;
- Minister for Public Sector Management;
- Minister for Federal Affairs;
- Minister for Science; and
- Minister for Citizenship and Multicultural Interests.

It also means ensuring that Cabinet requirements are met as the peak decision-making Committee of Government and:

- providing policy and administrative support to the Premier and Ministers in Cabinet;
- managing matters of State, involving Executive Government, Cabinet, Parliament, protocol and security, and the administration of Members’ entitlements;
- providing a bureau service for independent agencies within the Premier’s portfolio;
- co-ordinating special initiatives, events and projects; and
- providing a publishing service to meet the needs of Parliament and Government.

Key Issues

To be successful, the Department of the Premier and Cabinet requires flexibility in its funding and structure to enable the requirements of the Premier and Cabinet to be met.

The Corporate and Business Services Division of the Ministry will continue to service all agencies within the Premier’s portfolio. The Anti-Corruption Commission, Ombudsman, Commissioner for Public Sector Standards and Director of Equal Opportunity in Public Employment generally manage their own information technology, budgeting and record keeping requirements.

The Anti-Corruption Commission may be affected by recommendations arising from the proposed Royal Commission into the Western Australia Police Service.

The Department reports to the Premier, with separate divisions servicing the Premier’s various portfolio responsibilities in the areas of Public Sector Management, Citizenship and Multicultural Interests, and Federal Affairs. The Office of Citizenship and Multicultural Interests will be included in the portfolio.
The Policy Office will be adjusted to mirror the Cabinet Subcommittee arrangements and, in accordance with the Government's election commitment, a public servant has been appointed to the position of Cabinet Secretary.

The remaining agencies under the Premier's portfolio are independent bodies, established through their own legislation. These agencies have their own statutory functions and are shown under the Premier for administrative purposes.
PREMIER

Achieving a co-ordinated approach to the development and implementation of Government policies, and the securing of accountability and governance standards across the public sector

PREMIER’S PORTFOLIO STRUCTURE

Key
- Administrative Office
- Department of State
- Commission
- Statutory Authority

Commissioner
Office of the Commissioner for Public Sector Standards

Auditor General
Office of the Auditor General

Ombudsman
Office of the Ombudsman

Director General
Department of the Premier and Cabinet
- Citizenship and Multicultural Interests

Chairperson
Anti-Corruption Commission

Chairperson
Salaries and Allowances Tribunal

Director
Equal Opportunity in Public Employment
RACING AND GAMING

The Portfolio

The main functions of the Racing and Gaming portfolio involve the licensing of suppliers of gaming, wagering and liquor services.

Key Issues

The Office of Racing, Gaming and Liquor is already established as a department under the Public Sector Management Act 1994 but has no statutory authority in relation to gaming, wagering and liquor matters. Rather, the Office provides an administrative and regulatory service (including the provision of staff) to the:

- Director, Liquor Licensing (a statutory position under the Liquor Licensing Act 1988 which is responsible to the Executive Director, Office of Racing, Gaming and Liquor for the administration of the Act);
- Gaming Commission of Western Australia (Gaming Commission Act 1987);
- Betting Control Board (Betting Control Act 1954);
- Racing Penalties Appeals Tribunal (Racing Penalties Appeal Tribunal Act 1990); and

With respect to the racing industry, the Taskforce noted the range of existing statutory bodies (the Gaming Commission of Western Australia, Betting Control Board, Racecourse Development Trust and the Racing Penalties Appeals Tribunal) and the potential benefits of rationalisation. However, it also noted that a review is under way into the racing industry and that the possible merging of the Gaming Commission with the Betting Control Board had been placed on hold until after the finalisation of the review towards the end of 2001.

Consequently, the Taskforce concluded that it was premature to consider adjustments to statutory authorities in the portfolio, until the review findings were known.

It is proposed that the Office of Racing, Gaming and Liquor be renamed as a Department and that it provide administrative and corporate support (and where necessary, regulatory and statutory services) to other bodies within the portfolio.

The Totalisator Agency Board (TAB) is an integral part of the racing industry and the Minister for Racing and Gaming has significant regulatory responsibility as part of the administration of the Totalisator Agency Board Betting Act 1960.

The TAB does not conduct business to generate a return to Government or the general community, but instead proceeds are distributed to the various racing codes and are essential to the funding of the racing industry. In excess of 70 per cent of the industry’s revenues come from the TAB and these funds make up the bulk of the industry’s race stakemoney.
The Taskforce considers that the TAB should continue to be located within the Racing and Gaming portfolio.
Providing an administrative and regulatory environment for the licensing of suppliers of gaming, wagering and liquor services.

Director General
Department of Racing and Gaming
Chairperson
Totalisator Agency Board
Chairperson
WA Greyhound Racing Association
Chairperson
Gaming Community Trust
Chairperson
Burswood Park Board
Chairperson
Gaming Commission of WA
Chairperson
Betting Control Board
Chairperson
Racecourse Development Trust
Chairperson
Racing Penalties Appeals Tribunal

Corporate and Administrative Support

MINISTER FOR RACING AND GAMING

RACING AND GAMING PORTFOLIO STRUCTURE

Key:
- Administrative Office
- Department of State
- Commission
- Statutory Authority
SPORT AND RECREATION

The Portfolio

The Sport and Recreation portfolio aims to support the development of a sustainable and diverse sport and recreation system that encourages participation, develops talent and contributes to the health and well-being of Western Australians.

The Sport and Recreation portfolio currently comprises:

- Sport and Recreation WA (a government department) as the key executive, policy, regulation and service purchasing agency;
- the Western Australian Institute of Sport and its related Board, which undertake the delivery of high performance programs to elite athletes;
- the Western Australian Sports Centre Trust which manages four key State sports facilities (Challenge Stadium, Arena Joondalup, Swan SpeedDome and Kwinana Motorplex); and
- the Recreation Camps and Reserves Board which manages seven community camps (being integrated into Sport and Recreation WA).

In addition, there is Sport International WA (focused on fostering overseas sporting links and securing sports events), the Western Australian Sport and Recreation Council (providing strategic policy advice to the Minister) and the WA Boxing Commission (regulating and overseeing the boxing industry). The Council and the Commission are serviced by Sport and Recreation WA, while Sport International WA operates as a program under the WA Sports Centre Trust.

The portfolio contains other sports bodies funded by government to oversee certain safety aspects of particular sports such as the (non-government) WA Speedway Commission, the Underwater Diving Taskforce and the Abseiling Assessment Panel. In addition, advisory groups such as the Trailswest Advisory Committee also exist.

Key Issues

In examining the portfolio, the Taskforce found the overall arrangement to be very fragmented and not conducive to the best use of sporting resources and facilities. Co-ordination in areas of policy, budgets and operational overlap also require unnecessary Ministerial involvement, when many of the matters are routine and could be resolved at an administrative level within a more functional structure.

In addition, the Taskforce observed areas of duplication – for example the management of facilities such as camps and reserves by one body, and other sports venues by another.
The Taskforce also noted that the activities of the WA Sports Centre Trust extended to managing and promoting major non-sporting events such as rock concerts, where significant social risks and sums in the order of $750,000 were involved. While acknowledging that the role of the Trust extended to promoting the use and enjoyment of facilities under its control, the Taskforce observed that some of these activities – and those of Sport International WA – may be better handled elsewhere to avoid duplication and consolidate expertise.

Equally, the Taskforce noted that the operation of other bodies, such as Sport and Recreation WA and the Western Australian Sport and Recreation Council, could also benefit from closer links and/or integration.

In considering future arrangements, the Taskforce was particularly keen to help achieve a range of strategic outcomes including:

- simplification of the arrangements to improve co-ordination and functional performance;
- reducing operational demands on the Minister through structural reform and reduction in the number of boards and committees within the portfolio;
- improving policy, budget and operational integration across the portfolio; and
- enhancing organisational capacity to better respond to the range of stakeholder interests and service expectations of the community.

In addition, the Taskforce was mindful of stakeholder submissions made by the WA Netball Association and the WA Sports Federation. In both cases, these peak bodies advocated the merging of existing bodies (including the WA Institute of Sport and the WA Sports Centre Trust) to improve efficiencies and co-ordination, cut duplication and reduce the number of bodies their members needed to deal with. The WA Sports Federation also called for the amalgamation of all advisory bodies into one rationalised peak council.

The Taskforce concluded that the portfolio should be consolidated into:

- a Department of Sport and Recreation, covering the functions of Sport and Recreation WA, the Recreation Camps and Reserves Board and Sport International WA; and
- the Western Australian Institute of Sport, to implement high performance programs for elite athletes and the provision of advice to sports that are not currently recipients of direct program support.

The Taskforce also recommends that the relationship and synergy between the two bodies remain under review to determine the effectiveness of the separation and the viability of eventual integration.

The role of the new Department would then be to provide:

- all portfolio policy;
- appropriate representation on the boards of key entities (for example, the Chief Executive of the Department should be on the Board of the WA Institute of Sport Board and the WA Sports Centre Trust);
• appointment of advisory boards and committees on a task-specific basis;
• co-ordinating the overall portfolio budget and related balancing of resources within the existing Statement of Strategic Intent;
• provision of a corporate service function for the portfolio and the development of related service level agreements;
• effecting separation of facility planning and facilities management within the Department; and
• eliminating reporting duplication.

The Taskforce noted that the overwhelming majority of EventsCorp activities relate to sporting events, in one form or another. In addition, the Sports portfolio has apparently had little formal involvement in the event bidding and management process and consequently, the sports industry has not been adequately consulted in terms of needs, priorities and infrastructure.

**Recommendation 42:** The Department of Sport and Recreation should be represented on the EventsCorp advisory council to facilitate closer co-ordination on matters of mutual interest.

Under the proposed arrangements, the WA Institute of Sport will operate as a separate service delivery body, responsible to the Minister, under a formal agreement with the new Department. The formal agreement should cover matters relating to policy, funding, evaluation (including assessment intervals and performance measures), as well as the agreed work program. This agreement should also specify the service standards for corporate services provided to the Institute by the new Department.

The WA Boxing Commission was established to oversee and regulate the boxing industry. This involves setting standards, registering boxers and other industry participants, issuing medical record books to boxers, considering permit applications for boxing contests and generally controlling the health and safety of the sport. The Commission has a six member Board, which includes a qualified medical practitioner and serving police officer.

The Taskforce found the Commission to be overseeing an industry that required regulation in the public interest. In addition, it was advised of plans to extend the jurisdiction of the Commission to cover other forms of combat sports which also needed regulation in the interests of the health and safety of those involved.

The Taskforce found that the operations and future of the Sports Centre Trust needs to be more deeply assessed than could be achieved in the time available to the Taskforce.
Recommendation 43: The WA Sports Centre Trust should be retained as a separate entity for the time being, pending an immediate and detailed review of its operations to determine:

- the effectiveness of current arrangements and scope of activities;
- the merits of alternative approaches for managing major sports venues, including licensing or contracted facilities management arrangements;
- the level and flexibility of access to sports venues by sporting bodies and community groups;
- options for integrating the management of sports venues with the management of recreation camps and reserves;
- adequacy of accountability and risk management arrangements for the scope of activities undertaken;
- governance mechanisms to effect improved policy and budget integration within the portfolio;
- performance of the Trust; and
- adequacy of the current legislation.

In the interim, the Taskforce recommends that:

- Sport International WA be transferred to the new Department;
- promotion and management of major non-sporting events be conducted by EventsCorp; and
- generic corporate services be drawn from the Department with funding and employment of staff to be transferred to the Department.

In reviewing existing bodies, the Taskforce also noted that the self-funding objectives and operations of the (non-government) WA Speedway Commission appear to have been inhibited by problems and resistance within the industry. The Taskforce suggests that these matters be taken up with the body by the new Department and resolved with a view to diverting scarce Government funds back into mainstream sport and recreation programs.

The following boards and committees should be discontinued, with their functions transferred to the new Department:

- Recreation Camps and Reserves Board (a statutory authority);
- WA Sport and Recreation Council (a Ministerially appointed advisory body); and
- TrailsWest Advisory Committee (a Ministerially appointed advisory committee).

The Taskforce envisages that stakeholder consultation may still be required, particularly in the future. Where the need arises, the Taskforce suggests that relevant forums and groups be initiated through the new Department and that, where formal advisory bodies are established, they operate on a task-specific basis, in accordance with defined terms of reference and reporting timeframes.
MINISTER FOR SPORT AND RECREATION

Supporting the development of a sustainable and diverse sport and recreation system that encourages participation, develops talent and contributes to the health and well-being of Western Australians

Director General
Department of Sport and Recreation
- Recreation Camps and Reserves
- Sport International WA *
- Trailswest functions
- WA Sport and Recreation Council

Chairperson
WA Institute of Sport

Chairperson
WA Boxing Commission

Chairperson
WA Sports Centre Trust *

Corporate and Administrative support

* performance to be reviewed

SPORT AND RECREATION PORTFOLIO STRUCTURE
STATE DEVELOPMENT

The Portfolio

The State Development portfolio provides leadership to the State’s economic development for the benefit of all Western Australians. In partnership with business, the community and other Government agencies, it works to strengthen Western Australia’s sustainable economic position in a competitive global environment.

It is expected that the State Development Portfolio will be a major contributor to the proposed State Strategic Plan that will clearly articulate the high level outcomes identified for the future of Western Australia.

The portfolio consists of two new departments.

One amalgamates strategic elements of the existing Department of Contract and Management Services (CAMS) with most of the existing Department of Commerce and Trade (DCT). This new Department will be titled the Department of Industry and Technology.

The second new entity amalgamates the Department of Minerals and Energy with the Department for Resources Development. This new Department will be the Department for Mineral and Petroleum Resources.

Other entities in the portfolio are the WA Tourism Commission (WATC), the Small Business Development Corporation (SBDC) and the Rottnest Island Authority. These entities are to continue as separate agencies.

Department of Industry and Technology

The Department of Industry and Technology will provide powerful and concerted impetus to the State’s economic development.

As indicated by its name, the new department is not merely a simple merger of the old DCT and CAMS. Its emphasis will be strategic and dynamic in driving Western Australia’s economic future.

Major synergies can be achieved from integrating the industry and trade expertise of DCT with the Government purchasing power and e-commerce capacity represented in CAMS. Together, the combined elements of both agencies will be able to drive the State’s economic development to maximise benefits deriving from new and emerging industries and technology, while also supporting the competitiveness of existing and mature industries. The network of overseas offices administered by DCT in conjunction with CAMS’ growing international profile for leadership in e-government provides a platform for showcasing Western Australia’s strong position in the global environment.
Within the context of the new Department, the opportunity exists to manage the Government’s considerable purchasing power to stimulate industry development in general and also to target strategic objectives such as regionally specific goals, small business and particular sectors. There is potential for the science and technology and Aboriginal economic development activities within DCT to acquire significant leverage from the enhanced versatility and strengthened capacity of the new Department.

Similarly, important synergies will be achieved through bringing together the capabilities of the Office of Information and Communications with the online services and other technological expertise being developed in CAMS. These capabilities will be applied not just to improve Government business processes, but also to enhance and improve services to industry and the community. A co-ordinated, strategic approach to the acquisition of information and communications technology for the public sector will result in efficiencies, savings and better public services.

The location of the Department of Industry and Technology in the State Development portfolio facilitates its ability to work in collaboration with other departments that impact on the State’s growth.

Functions of CAMS that relate to construction and maintenance of Government non-residential buildings, the regional network and property services and management will be transferred to the new Department of Housing and Works.

The Regional Development functions of the existing DCT will be transferred to the new portfolio of Local Government and Regional Development.

Other elements of the Department are:

- industry support functions including infrastructure projects (for example, technology parks, marine industry estates);
- support for local industries in the oil, gas, mining and chemical industry sector;
- overseas promotion of international education transferred from the Education portfolio; and
- corporate services functions for WATC, SBDC and Rottnest Island Authority.

**Department of Mineral and Petroleum Resources**

The Department of Mineral and Petroleum Resources will promote and facilitate the discovery, development and further processing of the State’s minerals and petroleum resources for the benefit of Western Australians.

The Department’s name serves to reflect its broader role, to differentiate it from the Energy portfolio functions, and to signal clearly that the new Department is not merely the old Department of Minerals and Energy with the Department of Resources Development absorbed.

In order to fulfil its mandate, the Department will carry out the following functions:
provision of secure title for mineral and petroleum exploration and development;
administration of the minerals and petroleum royalties system on behalf of the State;
promotion of the potential for exploration, mining and further processing opportunities in the resources sector in Western Australia;
facilitation of access to land;
facilitation of major resources development projects and other major projects through the WA Government decision-making processes;
long-term planning for the land and infrastructure needs of the mining and resources industry;
regulation of mining and petroleum operations, including safety, health and environmental aspects and regulation of explosive and dangerous goods;
management of the Minerals and Energy Research Institute of Western Australia (MERIWA) and the Resources Institute (the latter proposed to be located ultimately in the Department of Industry and Technology with stakeholder agreement);
facilitation of planning and approvals for resource-related infrastructure; and
dangerous goods licensing and Chemistry Centre functions.

Key Issues

- The Department of Industry and Technology will require authorisation under the *State Trading Concerns Act 1916* to allow it to take advantage of opportunities to sell Government developed intellectual property and other products.

- There is a need to amend the *Industry and Technology Development Act 1998*. At present it will not allow the Department of Industry and Technology to provide assistance to industries that are restructuring, such as the timber industry in the south-west of the State.

- There is a need to separate clearly the regulatory/administrative resource functions of the Department of Mineral and Petroleum Resources from the promotional/facilitation functions. Serious consideration is being given to the separation of the Director General’s position from the statutory positions set out in some of the legislation.

- The resources development facilitation area of the portfolio does not operate under an Act. However, the State Agreement Acts that are negotiated and administered by the Department of Resources Development will now become the responsibility of the Office of Major Projects in the new Department of Mineral and Petroleum Resources.

- A suitable skills mix is considered to be present within component organisations of the portfolio to ensure early success of portfolio business. Ongoing review of functions will determine any revised or new skills required for future portfolio directions.
• To ensure that relationships, strategic planning and co-ordination across the portfolio are successful, and that the Minister’s policy agenda is well supported, a Portfolio Executive comprising senior representation from the major Departments and other portfolio entities will meet regularly. The establishment of a Portfolio Policy and Research Unit responsible to the Director General of the Department of Industry and Technology, covering the interests of all component parts, will assist co-ordination.

• An appropriate framework for co-ordination and collaboration across other portfolios with direct impact on State development will be established.

• A responsive and flexible arrangement for allowing industry, community and other stakeholder contribution to State development planning also requires consideration.

• Funding for the Departments and other entities within the portfolio will be determined through the ongoing budgetary process and agreement with Treasury on budget funding. Opportunities to derive income from the appropriate sale or commercialisation of services, intellectual property and products will be actively sought.
Part 3: State Development

STATE DEVELOPMENT PORTFOLIO STRUCTURE

MINISTER FOR STATE DEVELOPMENT

- Providing leadership to the State's economic development for the benefit of all Western Australians.
- In partnership with business, the community and Government agencies, working to strengthen Western Australia's sustainable economic position in a competitive global environment.

Director General,
Department of Mineral and Petroleum Resources
- Department of Minerals and Energy
- Department of Resources Development
- Office of Major Projects

Director General,
Department of Industry and Technology
- Contract and Management Services strategic functions
- Department of Commerce and Trade

Chairperson
Western Australian Tourism Commission

Chairperson
Rottnest Island Authority

Chairperson
Small Business Development Corporation

Corporate and Administrative support

Key:
= Administrative Office
= Department of State
= Commission
= Statutory Authority
TRAINING

The Portfolio

The major entities within the Training portfolio are the Department of Training; twelve autonomous TAFE colleges; the Training Accreditation Council; the State Training Board; and industry and community advisory bodies.

The portfolio is working with industry, community and regions to improve continually the skills of, and employment opportunities for, all Western Australians.

Within that context, the major portfolio entities’ core functions are:

**Department of Training**

- Strategic direction and management of training and employment
- Strategic analysis, research and development
- Strategic resource management
- Employment services
- Quality assurance
- Commonwealth/State relations
- State training agency

**TAFE Colleges**

- Provision of accredited training courses
- Community based network of service providers

**Training Accreditation Council**

- Registration of providers
- Accreditation of training
- Recognition of skills

**State Training Board**

- Provide advice on strategic directions
- Policy advice and priorities
- State training profile

**Industry and Community Advisory Bodies**

- Development of industry training plans
- Industry and employer advice on employment and training needs
- Advice on regional and community needs
Key Issues

The past decade has seen unprecedented growth in the demand for vocational education and training (VET), both in Western Australia and nationally. In order to meet the demand for student places, a number of strategies have been implemented across Australia, including:

- a substantial increase in Commonwealth funding to the VET sector;
- the implementation of significant efficiencies in the publicly funded system; and
- the application of competition policy to specific parts of the sector to improve both quality and responsiveness.

For the most part, these strategies have achieved their goals, illustrated by the massive increase in student numbers in Western Australia, and an increase in the VET participation rate — particularly amongst school leavers.

Demand for vocational education and training continues to grow with the Department receiving an 8% increase in applications for full-time places in 2001. However, the deteriorating labour market and the highest population growth in the country will see Western Australia’s VET participation rate fall to 8.9% in 2001, well below the national average of 11.4%

In this environment, it is vital that the portfolio maintains the ability to respond to rapid change as well as accelerating demand for training and employment services.

At present, the TAFE College network consists of five metropolitan and seven regional colleges, each constituted as a separate statutory authority under the Vocational Education and Training Act 1996.

The underlying and highly successful basis for the autonomous college system has been to promote increased responsiveness to local industry and community needs through the decision-making role of college governing councils. At the same time, however, this model has resulted in an element of duplication and inefficiency in maintaining so many separate administrations.

The Taskforce noted the large number of TAFE colleges in Western Australia and examined the potential for amalgamation of colleges as a means of reducing corporate overheads and possible duplication. However, the overwhelming theme of the submissions relating to the TAFE colleges highlighted the significant improvements in responsiveness to local community and industry needs since the establishment of the autonomous colleges in 1997 which, it was strongly argued, would be undermined by any rationalisation.
The Taskforce also noted the current work being undertaken by the colleges, in conjunction with the Department of Training and Employment, to develop a shared services model which aims to centralise a number of corporate services across the network, including financial management and information technology services. The Department has identified significant savings to be achieved through this process, as well as a reduction in duplication. The Taskforce agrees with the Minister that this as an extremely positive initiative which is critical to the ongoing effectiveness and efficiency of the TAFE college network.
Part 3: Training

Working with industry, community and regions to improve continually the skills of, and employment opportunities for, all Western Australians.

**TRAINING PORTFOLIO STRUCTURE**

Key:
- Blue = Administrative Office
- Red = Department of State
- Purple = Commission
- Yellow = Statutory Authority

Chairperson
Training Accreditation Council

Chairperson
State Training Board

Director General
Department of Training

Chairpersons
12 TAFE Colleges #

Corporate and Administrative Support

CEO
College Staff

# West Coast TAFE, Central TAFE, Midland TAFE, South East Metro TAFE, Challenger TAFE, Kimberley TAFE, East Pilbara TAFE, West Pilbara TAFE, Central West TAFE, C Y O’Connor TAFE, South West TAFE, Great Southern TAFE
TREASURER

The Treasurer's portfolio is focussed on managing the State's finances and the economy. It does this through advancing the State's economic and financial management, the administration of State taxes, energy policy and overseeing the economic regulation of the electricity, gas, water and rail industries to promote efficient investment and competitive prices.

The portfolio of the Treasurer as conceived by the Taskforce has a number of elements - a Department of Treasury and Finance, an Office of the Economic Regulator and, for the time being, Western Power and the Office of Energy.

Department of Treasury and Finance

A key aspect of the merger of the Department of the Treasury with the Department of State Revenue is the need to preserve the independence of the Commissioner of State Revenue in the performance of the Commissioner's statutory function. The integrity of the tax system depends on the Commissioner being able to (and clearly perceived to) administer the tax laws in an unbiased manner, rather than to achieve a result for the budget. However, at the same time a genuine merger needs to occur, and the scope for achieving synergies and cost savings needs to be maximised.

It is therefore recommended that the Commissioner be able to report directly to the Treasurer on matters concerning the Commissioner’s statutory functions.

From an administrative efficiency viewpoint and recognising issues of independence, it is also proposed that the Under Treasurer (as Chief Executive) will devolve some employing powers under the Public Sector Management Act 1994. Financial accountabilities and reporting arrangements between the Under Treasurer and the Commissioner should be formalised in a Memorandum of Understanding endorsed by the Treasurer.

Key Issues

The nature of the two Departments' business is different in that Treasury is predominantly a policy advising department while State Revenue is an administrative and revenue collecting entity. Thus, both Treasury and State Revenue will initially continue to conduct their existing core business activities separately within the merged structure. Subsequently, staff and skills will be integrated to undertake these core business activities.

All anticipated costs associated with the restructuring can be absorbed from within the combined budget of the two entities.
Office of Economic Regulation

Currently regulatory decisions affecting key utilities are made by a variety of Ministers, Regulators and Public Sector officials. In order to consolidate scarce expertise, promote transparent regulation, achieve operating synergies and recognise the importance of efficient investment and pricing, a single “Economic Regulator” should assume responsibility across the electricity, gas, rail and water industries for:

- determining access arrangements for significant economic infrastructure, including making determinations on access price and terms of access;
- making recommendations to Government about tariffs and charges for essential services and other referred matters;
- enforcing legislation and regulations relating to prices and standards of service; and
- issuing and enforcing industrial licences to supply certain goods and services (such as licences including conditions in relation to prices, service guarantees, standards).

The Economic Regulator’s independence and expertise could also be drawn upon to conduct inquiries and research into matters referred to it by Government (for example, advising Government on the cost of Community Service Obligations or to conduct price monitoring).

The Treasurer would therefore be responsible for regulatory policy and legislation, appointments, funding, and for determining the discretionary work program of the Economic Regulator.

Treasury would support the Treasurer during the formation of the Economic Regulator and in the ongoing policy capacity of the Minister responsible for the Economic Regulator.

The Taskforce considers that the detailed work to establish the Office of the Economic Regulator should be a high priority for Government. This will be a complex task.

**Recommendation 44: A statutory position of “Economic Regulator” should be established to regulate the water, rail, gas and, when reform is complete, electricity industries.**

**Key Issues**

Industry Ministers with responsibility for minerals and energy (gas and electricity); infrastructure and planning (transport); and the environment (water) should be responsible for industry policy, service availability and resource use. The industry Ministers would also represent the interests of both suppliers and users of these goods and services.
As discussed below, the Treasurer will initially retain responsibility for energy policy.

**Recommendation 45:** The current industry policy, service availability and resource use functions of the Office of Water Regulation be transferred to the Environment portfolio. When electricity reforms are complete, these same functions should be transferred from the Office of Energy to the State Development portfolio.

The Economic Regulator should have operating independence from Government for certain matters (such as making binding decisions on access pricing and licensing). The removal of potential political influence from key regulatory decisions will improve investment certainty and regulatory transparency. On other matters the Regulator should perform only an advisory role to the Treasurer (for example, on tariffs for regulated goods and services and reporting against any references). Government legitimately has a more hands-on role in the regulation of final prices and provision of community service obligations, but could take advice from the Economic Regulator.

The Economic Regulator should be established as a statutory office with fixed-term appointments, supported by its own Office of public service employees.

Legislation will be required to restructure the regulatory functions currently undertaken across the range of industries which are now to be performed by the Economic Regulator. One option would involve an Act that established overarching powers for the Regulator, under which industry-specific regulatory Codes could be developed. This would appear to be a logical extension of the existing Gas Access Code and Rail Access Code. The need for an Electricity Code to deal with access and market conduct matters has also been foreshadowed as Western Australia moves to a more competitive electricity supply market. Regulatory needs in Water Supply could be addressed in a similar fashion.

New generic powers and functions will also be necessary to enable the Economic Regulator to gather relevant information, conduct inquiries, act on referrals from Government, establish a role in granting licences, monitor and enforce any licence conditions, and otherwise perform regulatory duties. Appropriate appeals mechanisms will be required. It may also be appropriate to consider cost-recovery provisions.

A detailed co-ordinated and consultative analysis of existing and required functions and powers and associated legislative needs is a necessary first step to establishing the Economic Regulator.
The Economic Regulator could draw Office staff from existing agencies such as the Office of Energy, Office of Gas Access Regulation, Office of the Rail Regulator, and the Office of Water Regulation. Staff in these offices have established expertise in both economic regulation in general, and its application in particular industries. Some additional recruitment to meet specific needs is also likely once the Regulator's functions and powers and associated internal structure of the Office are settled.

As a first step towards the establishment of an Economic Regulator, it may be possible to appoint a person to at least some of the individual “regulator” positions. This will require some legislative change which the Taskforce understands could be achieved fairly quickly.

As identified above, a thorough review of existing legislation will be required in order to identify the needs of the Economic Regulator, ensure an appropriate degree of consistency and to unwind the complicated array of statutory functions (especially in regard to licensing) allocated to the existing bodies having regulatory responsibilities. This needs to be a closely co-ordinated process as the coherence and therefore success of the resulting economic regulatory framework is at stake.

**Recommendation 46: A detailed review be conducted to determine which of the functions of the Co-ordinator of Water Services, the Co-ordinator of Energy and other economic regulatory functions can be transferred to the “Economic Regulator”.

To consolidate scarce resources and achieve operating synergies through grouping similar activities, it may also be desirable to amalgamate other generic regulatory responsibilities under broad banners such as Occupational Licensing, Safety Regulation, and Environmental Regulation.

For example, occupational licensing of electricians, gas fitters and plumbers can potentially be performed under the Consumer and Employment Protection portfolio, which covers a broad range of other occupations. The Consumer and Employment Protection portfolio has established processes for determining educational and practical qualifications appropriate to various forms of licence.

There also appear to be synergies between existing consumer and occupational safety operations within Consumer and Employment Protection and the specialist functions of the Office of Energy Safety. Similarly, rail transport safety could be performed under the Planning and Infrastructure portfolio and inspection of electrical and gas installation and facility safety under the State Development portfolio.
Recommendation 47: Responsibility for the occupational licensing of electricians, plumbers and gas fitters be transferred to the Consumer and Employment Protection portfolio. It is also recommended that transport safety matters be transferred to the Planning and Infrastructure portfolio and energy safety matters be assigned appropriately between the Consumer and Employment Protection and State Development portfolios.

Industry is supportive of moves to consolidate the regulatory process and to ensure a focus on “best practice” regulation. In its submission to the Taskforce, the Chamber of Commerce and Industry called for responsibility for policy, regulation and service delivery to be separated and for regulatory roles to be consolidated. The CEOs of the Office of Energy, Office of Water Regulation, Treasury and Water Corporation appear to support broadly a model along the lines proposed.

The detractors of such a consolidation will argue that special considerations warrant continuation of the stand-alone entities. Staffing for an appropriate balance of generic regulation skills and industry-specific knowledge can address these concerns.

**Western Power**

In conducting the review, the Taskforce noted that implementation of the proposed changes to the machinery of Government would necessarily be impacted by the Government’s election commitment to separate Western Power’s generation division from its transmission, retailing and other activities. At present, Western Power reports to the Treasurer – as Minister for Energy – and a review will soon commence into reforming the power utility, in line with the Government’s election commitments.

With this in mind, the Taskforce recommends that until structural separation of Western Power is complete, the Minister for Energy retain responsibility for energy policy and Western Power. This interim arrangement will allow the important change program involving Western Power to be overseen and co-ordinated by the one Minister.

Policy support for the Minister from the Office of Energy is also proposed for this interim period. This need not, however, hinder the immediate transfer of occupational licensing and Energy Safety from the Office of Energy or the transfer of residual regulatory functions to the Economic Regulator.

The Office of Energy should also support the Government’s new Sustainable Energy Development agency (SEDA), with the Centre for the Application of Solar Energy being absorbed into SEDA.
Following finalisation of structural reform in the electricity industry, a more appropriate future location for Western Power's successor entities and energy policy should be considered. It is suggested that Western Power's successor entities ultimately be placed with the Minister responsible for Government Enterprises.

**Recommendation 48:** Western Power remain the responsibility of the Minister for Energy until the electricity reform process is substantially complete. At that time, responsibility for the Government’s electricity-related businesses should be transferred to the Minister for Government Enterprises.

**Recommendation 49:** The policy functions of the existing Office of Energy should be housed in the Treasurer’s portfolio until completion of structural reform of the electricity industry. At that time, energy industry responsibility should transfer to the State Development portfolio.
Managing the State’s economy and finances, administration of State taxes and the economic regulation of the electricity, gas, water and rail industries

**Key**
- = Administrative Office
- = Department of State
- = Commission
- = Statutory Authority

**LONG TERM TREASURER PORTFOLIO STRUCTURE**
Managing the State’s economy and finances, administration of State taxes, management of energy policy and the economic regulation of the electricity, gas, water and rail industries.
PART 4:

MANAGING THE IMPLEMENTATION OF CHANGE
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MANAGING THE IMPLEMENTATION OF CHANGE

The implementation of all the recommendations in this Report will take time. Some can be achieved relatively quickly (for example, it is relatively easy to change the designation of a department). Matters such as the review of all statutory authorities and amendment of their establishing legislation will take place over many months.

The timing of this Report has been influenced by the timing of the 2001-02 budget process. The Taskforce recognises that a great deal needs to be done in the period before the budget so that the Government’s financial plan reflects the new machinery arrangements.

To the greatest extent possible the new approved structure of Government will come into effect on 1 July 2001. Ministers will assume the proposed portfolios, as allocated by the Premier. New departmental titles will apply wherever possible.

For a range of reasons, however, the new structure will not be fully implemented on that date:

- New legislation will not have been passed
- Collocations will not have occurred
- Staff and senior executive positions will not have been finalised
- Other detailed arrangements will not have been finalised.

However, it is preferable to move towards immediate, albeit incomplete, initial implementation than to delay change until all preparations are complete. Once the decisions are made it is also helpful for staff to be involved in the change process from “within” the new structures.

The type of arrangements that are put in place with effect from 1 July will vary depending on the nature of the impediment to the introduction of the new structure. For example, in the Planning and Infrastructure portfolio an interim arrangement is being implemented through the Western Australian Planning Commission for as long as the Department of Transport and the Ministry for Planning are required to remain in existence.

In addition, the Taskforce notes that the Government is giving effect to its commitment to reduce the number of Senior Executive Service members by 60 over a three year period and that a significant number of executives will be terminating their employment on or around the proposed changeover date.

Recommendation 50: Wherever possible, arrangements should be put in place for each portfolio so that the recommended structures can operate, at least on an interim basis, with effect from 1 July. Final arrangements should be in place no later than December 2002.
Roles and Responsibilities

Primary responsibility for implementing the changes recommended in this Report for each portfolio rests with the relevant Minister and the CEOs of all the agencies in the portfolio. As a consequence, the Taskforce is reluctant to be too prescriptive in suggesting an approach to implementation.

However, the Taskforce expects that each Minister will:

- ensure that Co-ordinating Officers are clearly aware of the Minister’s needs and expectations for the implementation process, both before and after 1 July;

- establish clear communications channels with staff, unions and user groups so as to ensure ongoing flows of information and advice as the process unfolds;

- cause an immediate start on the preparation of a detailed implementation plan with milestones, timings and accountabilities; and

- manage stakeholder concerns and issues directly.

Recommendation 51: The primary responsibility for implementing machinery of Government reforms rests with the portfolio Minister and the relevant Director General. Special attention must be given to the early establishment of consultation and communication processes with staff and other stakeholder groups.

Portfolio Co-ordinating Officers have worked closely with the Taskforce to:

- facilitate the review process on behalf of stakeholders within the portfolio;
- co-ordinate and resource the exercise;
- manage the communication process and consult as necessary; and
- resolve any problems or obstacles encountered.

This model has proved successful and should be continued in order to oversee progress with the implementation of reforms.

The role of Co-ordinating Officers is to translate the recommendations of the Taskforce into new organisational arrangements (including structures), manage the change process and pursue the required legislative reforms.

The role of the Co-ordinating Officer ends when the Director General for the department is appointed on an acting or substantive basis.

Recommendation 52: Co-ordinating Officers should continue to oversee the implementation of portfolio reforms pending the appointment of departmental Directors General.
Given the very brief period between the Cabinet decisions on the Taskforce recommendations and the date for the implementation of the reforms, it will be crucial that all stakeholders share an understanding of the Government’s decisions and proposed actions. Ideally, the Report should be a guiding blueprint for the agreed changes. To the extent that there are differences between the Taskforce recommendations and the Government’s decisions it is anticipated that there will be a Government statement that certain recommendations are not going to be acted upon.

The Taskforce expects that its Report will be publicly available at the time the Government announces its decisions on the report. Electronic publication will assist in the timely dissemination of information.

**Central Co-ordination of the Implementation**

The Taskforce believes that accountability for the implementation of changes to the machinery of government should occur at the portfolio level of government. Where an issue involves more than one Minister the issue will generally be best handled by the affected Ministers and their Co-ordinating Officers/Directors General on a bilateral basis.

Nevertheless, certain activities need to be co-ordinated and supported centrally by the Department of the Premier and Cabinet. These include:

**Co-ordination of a legislative program** and amendments to the *Public Sector Management Act 1994* in particular. There is likely to be a strong connection between the formal establishment of some of the new structural arrangements and the amendment of legislation governing the operation of some agencies.

**Provision of an advisory service** to agencies particularly in relation to the provision of guidelines for change management.

The Department will be involved with other central agencies in resolving **whole-of-Government employment policy issues** as they involve matters that affect the integration of agencies. This would include discussions with the Office of the Public Sector Standards Commissioner in relation to recruitment, selection and appointment standards, voluntary severance and wages policy.

**Establishment of a program of communication** about machinery of government reform to the public sector including the provision of communication packages to Co-ordinating Officers to ensure the Government’s position is communicated consistently.

Establishment of an **evaluation methodology**.

The Department needs to be adequately resourced to undertake this role. Rather than creating a permanent workforce, the Department should be given authority to second staff from other agencies, particularly central agencies, on a needs basis. The organisational arrangements to accommodate this work already exist in the Department.
The Department will also provide Cabinet with reports on progress with the implementation on a six-weekly basis through the Minister for Public Sector Management.

**Recommendation 53:** The Department of the Premier and Cabinet should have responsibility for co-ordinating the implementation of machinery of Government reforms.

### Timing and Priorities

There will be a convergence of critical dates and events in the early stages of the implementation of the machinery of government reforms. Table 8 is a list of some of the matters that will need to be attended to as a matter of priority:

Table 8: IMPLEMENTATION TIMETABLE

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1 July 2001</td>
<td>Put in place budgeting and financial arrangements for new departments according to a checklist to be provided by Treasury including:</td>
</tr>
<tr>
<td></td>
<td>• the establishment of an outcome/output structure for the new departments;</td>
</tr>
<tr>
<td></td>
<td>• establishment of a new chart of accounts and new departmental operating accounts;</td>
</tr>
<tr>
<td></td>
<td>• consolidation of financial statements for new departments; and</td>
</tr>
<tr>
<td></td>
<td>• review delegations and appointments and renew where appropriate (for example, principal accounting officer, incurring officers).</td>
</tr>
<tr>
<td>Before 1 July 2001</td>
<td>Each agency and department should have a communications strategy relating to the machinery of government reforms and a restructure plan.</td>
</tr>
<tr>
<td>By no later than 1 July 2001</td>
<td>Swearing-in of Ministers with new portfolios and allocation of departments, authorities, statutes and votes by the Executive Council.</td>
</tr>
<tr>
<td>By no later than 1 July 2001</td>
<td>Creation, abolition and designation of departments according to the new structure.</td>
</tr>
<tr>
<td>By no later than 1 July 2001</td>
<td>Appointment of Directors General on a substantive or acting basis for new departments.</td>
</tr>
<tr>
<td>August 2001</td>
<td>Budget presented according to new portfolios and departmental arrangements.</td>
</tr>
<tr>
<td>August-October 2001</td>
<td>Presentation of final reports (annual reports) for abolished departments.</td>
</tr>
</tbody>
</table>
Communication Strategy

The Taskforce is keen to see agencies put in place a strong, reliable communication strategy as a matter of priority. In addition, in recognition of the extent and impact of the change program, the Taskforce believes that attention needs to be given to the adoption of sound change management practices. These are well documented and information and advice will be available from the Department of the Premier and Cabinet.

The communication strategy should identify key stakeholders, key messages, and how and when to communicate the messages.

The strategy should also document anticipated issues and each stakeholder group’s likely reaction to the messages so responses can be developed.

The strategy should be sufficiently detailed to reflect the stages of the change program (for example, ongoing advice to staff about changes to be made and information for clients about changes to services).

Restructure Plan

A Restructure Plan must be produced for each new agency. This Plan should be developed under the leadership of the relevant Co-ordinating Officer, and later the Director General, and involve consultation and notification of key stakeholders.

The Plan should include:

- the background to and reasons for the change;
- the objectives to be achieved by the change;
- the agency’s new direction, core business, structure and staffing arrangements;
- the means by which performance of the new structure will be assessed in relation to the stated objectives;
- how the change is to be implemented, including mechanisms for consultation and communication;
- the resources to be used, and the timing to be adopted; and
- the relevant human resources legislation, principles and policies to be applied, particularly in relation to staffing and equity issues.

Pay Equity

The recommendations of the Taskforce will result in employees of different departments being brought together under a new unified department.

It is important in this context that people who are doing work of equal value enjoy the same terms and conditions of employment.
The Government’s decision to equalise the employment terms and conditions across the Public Service over an 18 month period is of significant importance to the concept of equal pay for equal work.

The Taskforce is mindful of the human dimensions of the major structural changes emanating from its recommendations. In this regard, the Taskforce has previously had approved by Government a set of Principles and Guidelines for Reorganisation that underpin the human resource dimensions of the change management processes. These principles are provided at Appendix 8.

**Profile of the Workforce**

Maintaining the diversity of the public sector workforce should remain a priority for Government. Details of the age, gender and regional profile of the public sector workforce are contained in Appendix 9. Changes to this profile need to be monitored as the reform of the sector proceeds.

Consolidation of Government agencies has the potential to create greater centralisation of the Government workforce if steps are not taken to guard against it. Such an effect would then have negative impacts on the number and diversity of employees in regional areas with attendant ramifications for the communities in which they work.

In addition, every effort should be made to ensure that machinery adjustments do not work against regional development initiatives or reduce the equity of access to Government services by regional people.

In implementing reforms, CEOs are expected to achieve the intended results, without centralising functions in the metropolitan area. This may mean exploring options for greater resource sharing and co-operation with other regionally based agencies in areas such as front-office functions, customer service centres and corporate support arrangements. Specifically, the establishment and use of corporate service bureaux in major regional centres may be a useful strategy for maintaining local jobs and efficiencies rather than relocating activities into the metropolitan area.

**Recommendation 54:** The profile of agencies’ workforces should be scrutinised by the Department of Premier and Cabinet on an ongoing basis to ensure that diversity, regional employment and service delivery requirements are not compromised.

**Ongoing Co-ordination**

The machinery of government reform process will involve a substantial program of legislative amendment. The Government will need to establish its legislative priorities as soon as possible.
The recommendations in this Report of themselves lead to further review. Most importantly, the review of all statutory authorities to determine the extent to which their functions can be undertaken by departments is a significant body of work that can be expected to result in material changes to the structure of Government. These reviews should proceed as a matter of priority once the new departmental arrangements have been established.

The Minister for Public Sector Management, through the Department of the Premier and Cabinet, will be central to the integration of the new arrangements with the overall State strategic plan. The Taskforce believes that future evaluation of the changes it is recommending will reveal significant improvements in the overall performance of the public sector.

**The Future of the Taskforce**

The Taskforce recommends its own disbandment at the conclusion of its current work. Having published its report and ensured adequate understanding of its contents in the lead up to the 1 July changeover date, the Taskforce should be formally closed down.

**Recommendation 55:** Having concluded its business, the Machinery of Government Taskforce should cease on 1 July 2001.
APPENDICES
## LIST OF WRITTEN SUBMISSIONS

1. Aboriginal Affairs Department, WA  
2. Aboriginal and Torres Strait Islander Commission  
3. Aboriginal Economic Development Council  
4. Albany Chamber of Commerce and Industry  
5. Allen, Professor Lynn  
6. Amalgamated Prospectors and Leaseholders Association of WA Inc  
7. Appeals Convenor for the *Environmental Protection Act 1986*, Office of  
8. Aqwest  
9. Asia Pacific Western Australia  
10. Association of Independent Schools of Western Australia (Inc)  
11. Association of Mining and Exploration Companies (Inc)  
12. Australasian Institute of Mining and Metallurgy  
13. Australian Society of Archivists  
14. Boelen, Bart JP  
15. Botanic Gardens and Parks Authority  
16. Bryan Smith Geosciences  
17. Bunbury Chamber of Commerce  
18. Bunbury Port Authority  
19. Busselton Water Board  
20. CASE – International Centre for Application of Solar Energy  
21. Catholic Education Office of Western Australia  
22. Catholic Primary Principals’ Association WA  
23. Catholic Secondary Principals’ Association  
24. Central College of TAFE  
25. Central West College of TAFE  
26. CEO Consultative Committee  
27. Challenger TAFE  
28. Chamber of Commerce and Industry  
29. Chamber of Minerals and Energy of Western Australia Inc  
30. Clayko Group Information Solutions  
31. Combined Small Business Associations of Western Australia Inc  
32. Commerce and Trade, Department of  
33. Community and Public Sector Union SPSF Group – WA Branch – Civil Service Association of WA Inc  
34. Conservation Council of Western Australia  
35. Council on the Ageing  
36. Country High Schools Hostels Authority, Office of  
37. Curriculum Council  
38. Curtin University of Technology  
39. Cyclists Action Group  
40. Drake-Brockman, Carey  
41. Eastern Pilbara College of TAFE  
42. Education Services, Department of  
43. Energy, Office of  
44. Environmental Protection, Department of  
45. Exhibitions and Promotions Pty Ltd  
46. Fair Trading, Ministry of  
47. Family and Children’s Policy Office  
48. Fire and Emergency Services Authority  
49. Fry, Robert  
50. Goldfields Business Enterprise Centre Inc  
51. Government Employees Housing Authority  
52. Government Employees Superannuation Board  
53. Government Intellectual Property Council  
54. Graham-Taylor, Dr Sue  
55. Great Southern College of TAFE  
56. Harding, Richard – Inspector of Custodial Services  
57. Hartley, Diana
58. Hay, Bob
59. Heritage Council
60. Hillhorst, Otto
61. Institute of Chartered Accountants in Australia, The
62. Institute of Public Administration Australia
63. Insurance Council of Australia Limited
64. Isolated Children’s Parents’ Association of WA (Inc)
65. Jones, Peter
66. Kastner, Rene
67. Land Administration, Department of
68. Landcorp
69. Leschenault Business Enterprise Centre
70. Local Government, Department of
71. Lotteries Commission of WA
72. MacGibbon, Dudley
73. Martin, Dr Brian – Office of Water Regulation
74. Master Builders Association of Western Australia
75. Master Cleaners Guild of Western Australia (Inc)
76. Metropolitan Cemeteries Board
77. Micro Business Network Inc
78. Midland College of TAFE
79. Migration Institute of Australia
80. Mitchell, Robert
81. Parents and Friends’ Federation of Western Australia Inc
82. Perth Zoo
83. Price Waterhouse Coopers
84. Racing, Gaming and Liquor, Office of
85. Ross Fardon and Associates Pty Ltd
86. Royal Australian Institute of Architects
87. Royal Automobile Club of Western Australia
88. RSM Bird Cameron
89. Sandilands P A
90. Small Business Development Corporation
91. Smiths Beach Action Group
92. South East Metropolitan College of TAFE
93. South West Development Commission
94. Sport and Recreation WA, Ministry
95. Staff Association of Perth Dental Hospital
96. State Supply Commission
97. State Training Board
98. Stirling Business Association Inc
99. Subiaco Business Association Inc
100. Subiaco Business Enterprise Centre
101. Swan-Avon ICM Co-ordinating Group
102. Swan Chamber of Commerce
103. Swan Region Business Enterprise Centre Inc
104. Thompson Simon
105. Training and Accreditation Council
106. Training and Employment, Department of
107. Transport Forum WA Inc
108. Treasury
109. Tungsten
110. Unions WA
111. University of Western Australia
112. Urban Bushland Council
113. WA Netball
114. WA Retailers Association
115. Waste 2020 Taskforce
116. Water Corporation
117. West Coast College of TAFE
118. West Pilbara College of TAFE
119. Western Australian Bicycle Committee
120. Western Australian Council of State School Organisations – State School Teachers’ Union of Western Australia
121. Western Australian Fishing Industry Council
122. Western Australian Government Libraries and Information Network
123. Western Australian Government Railways Commission
124. Western Australian Institute of Sport
125. Western Australian Institution of Surveyors, The
126. Western Australian Municipal Association
127. Western Australian Museum
128. Western Australian Sports Centre Trust
129. Western Australian Sports Federation
130. Western Australian Tourism Commission
131. Western Australian Trotting Association
132. Wheatbelt Development Commission
133. Wood, Professor Michael
134. Women’s Policy Office
135. Woodside Australian Energy
136. WorkCover WA – Workers Compensation and Rehabilitation Commission
137. WorkSafe Western Australia
<table>
<thead>
<tr>
<th>Minister</th>
<th>Portfolio</th>
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<tbody>
<tr>
<td>Hon Geoff Gallop MLA</td>
<td>Premier, Federal Affairs, Public Sector Management, Science, Citizenship and Multicultural Interests</td>
</tr>
<tr>
<td>Hon Eric Ripper MLA</td>
<td>Treasurer, Energy</td>
</tr>
<tr>
<td>Hon Clive Brown MLA</td>
<td>State Development, Small Business, Goldfields and Esperance, Tourism</td>
</tr>
<tr>
<td>Hon Alan Carpenter MLA</td>
<td>Education, Sport and Recreation, Indigenous Affairs</td>
</tr>
<tr>
<td>Hon Kim Chance MLC</td>
<td>Agriculture, Forestry and Fisheries, Mid West, Wheatbelt and Great Southern</td>
</tr>
<tr>
<td>Hon Judy Edwards MLA</td>
<td>Environment and Heritage, Water Resources</td>
</tr>
<tr>
<td>Hon Nick Griffiths MLC</td>
<td>Racing and Gaming, Assisting the Treasurer</td>
</tr>
<tr>
<td>Hon John Kobelke MLA</td>
<td>Labour Relations, Consumer Affairs, Employment and Training</td>
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<tr>
<td>Hon Bob Kucera MLA</td>
<td>Health</td>
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<tr>
<td>Hon Alannah MacTiernan MLA</td>
<td>Planning and Infrastructure</td>
</tr>
<tr>
<td>Hon Jim McGinty MLA</td>
<td>Attorney General, Justice and Legal Affairs, Peel and South West, Electoral Affairs</td>
</tr>
<tr>
<td>Hon Sheila McHale MLA</td>
<td>Community Development, Disability Services, Culture and the Arts, Women’s Interests, Seniors and Youth</td>
</tr>
<tr>
<td>Hon Michelle Roberts MLA</td>
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<td>Hon Tom Stephens MLC</td>
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WESTERN AUSTRALIAN PUBLIC SECTOR ENTITIES

The following table identifies departments, authorities, offices, commissions, and other government agencies with responsibilities under the Public Sector Management Act 1994 or the Financial Administration and Audit Act 1985. It also includes boards and committees whose members are monitored by the Ministry of the Premier and Cabinet.

The table was collated from various lists and databases maintained by the Ministry of the Premier and Cabinet, Treasury Department, Office of the Auditor General, Office of the Public Sector Standards Commissioner, Office of Equal Employment Opportunity and the Library and Information Service of Western Australia. The Table may be incomplete, or inaccurate in some aspects, because of variations in the data retained by these sources. A blank column alongside an entity may occur where data is not applicable, not readily available or the data may have been included with a parent entity.

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<td>Yalgoo Health Services</td>
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<td>Youth Ministers Advisory Council</td>
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REVIEWS OF WESTERN AUSTRALIA’S MACHINERY OF GOVERNMENT OVER THE PAST DECADE

The following is a summary of recommendations pertaining to machinery of Government arising from the various review of the public sector undertaken over the last ten years. As far as possible an indication of any resultant change to the machinery of Government is shown.


The central focus of this paper, produced at around the same time as program based budgeting was introduced, was the development of a whole-of-Government strategic approach to the management of Government business. This entailed:

- a framework for better articulating Government policy objectives and linking them to agencies;
- a more strategic approach to resource planning and allocation through the introduction of a medium term financial planning process;
- a purpose-driven annual budgeting process based upon a system of rolling forward estimates and specified medium term financial targets, together with associated financial management reforms; and
- mechanisms for the systematic evaluation of Government and agency programs.

Although, in principle, application of program budgeting could have led to examination of agency purpose and structure and the general machinery of Government needed to deliver the array of programs, this seems not to have occurred. Program budgeting was introduced but was replaced in 1996 by another model – the output based management model. It appears there was no serious attempt to restructure the public sector under this new model either.

Managing for Balance (1992)

Managing for Balance reviewed progress since the white paper Managing Change in the Public Sector was released in June 1986. The review aimed to:

- provide an overview of existing and emerging public sector management initiatives;
- identify priorities and issues requiring attention by agencies and Government over the following five years and beyond; and
- develop a strategic plan for the management of the public sector, taking into account the views of agencies, unions and others.

Based on the conclusions of the review, six broad principles were discussed as a means of achieving public sector reform through the 1990s. These were:

- a client focus – “recognising the primacy of the client and their needs in planning and delivery of services”\(^{45}\);
- results through people – “recognising the results sought by Government are achieved through its employees, and that these employees will be most effective when they are valued and their reasonable expectations are being met”\(^{46}\);
- flexibility and responsibility – “improving the ability of the public sector to respond quickly and effectively to changing community needs and circumstances”\(^{47}\);

\(^{45}\) “Managing for Balance – A Public Sector Management Strategy”, Government of Western Australia, August 1992, p8

\(^{46}\) Ibid

\(^{47}\) Ibid
• a results focus — “a clear statement of the results desired by Government, unambiguous assignment of responsibility for their achievement and regular assessment of progress toward achieving those outcomes”\(^{48}\);

• a strategic orientation — “assessing the medium to long term needs of the community, developing policy objectives and determining priorities, and implementing programs to assist those needs”\(^{49}\), and

• a Government-wide approach — “managing the overall activities and resources of the public sector to effectively and efficiently meet community needs”\(^{50}\).

Managing for Balance identified machinery of government issues that are still pertinent today, namely the plethora of agencies, the lack of consistency in establishment of entities (department, ministry, statutory authority), lack of information about the actual number of entities, and difficulties encountered by Ministers in achieving strategic co-ordination of multiple agencies. Despite the stated resolve to deal with these problems, there appears to have been little action, perhaps because the Government of the day lost office six months later.

Royal Commission Into the Commercial Activities of Government and Other Matters (1992)

The Royal Commission considered, inter alia, issues associated with ‘politicisation’ of the public sector, standards of accountability and ethical behaviour, and the nature of the relationship between the Executive and Administrative arms of government.

The Commission made the following recommendations relevant to machinery of Government:

• the introduction of a Public Sector Management Act, with a view to bringing greater integration, standardisation and consistency of purpose to the public sector and articulating the basic principles to be adhered to in public administration, human resource management and official conduct (achieved);

• the establishment of an office of Commissioner for Public Sector Standards, with jurisdiction across all Government agencies with regard to application of the principles espoused in the Public Sector Management Act (achieved);

• establishment of an independent archiving authority (achieved);

• establishment of a Commission on Government (achieved);

• public notification and register when Government or a statutory authority acquires or creates a company (not implemented);

• repeal of the State Trading Concerns Act 1916 and its replacement with a State Owned Companies Act (not implemented);

• exclusion of public servants from serving on boards of statutory authorities within the same Ministerial portfolio (partially implemented);

• all State-owned or controlled bodies to be subject to the Financial Administration and Audit Act 1985 and to audit by the Auditor General (partially implemented);

• establishment of a commission to investigate corrupt and improper conduct (partially implemented);

• enactment of Freedom of Information legislation (achieved);

\(^{47}\) Ibid

\(^{48}\) Ibid

\(^{49}\) Ibid

\(^{50}\) Ibid, p9
• establishment of an Administrative Appeals Tribunal (not implemented); and
• introduction of a separate Audit Act (not implemented).

**Independent Commission to Review Public Sector Finances (McCarrey) (1993)**

The McCarrey Commission was appointed to review the public sector from a financial rather than managerial perspective, notwithstanding that one of its terms of reference was to make:


With regard to the prevailing system of public sector management the Commission stated:

“The system cannot be patched, the fabric is too weak. It must be swept away and replaced by a management structure that is responsive, flexible, accountable and, above all, efficient. To this end the Public Service Commission should be abolished and many of its functions delegated to agency managers, or abandoned.”

From a machinery of Government viewpoint, the McCarrey Commission recommended that the Government initiate a review of the structure of government administration in association with the then Public Sector Management Office and Treasury. The Commission believed that a substantial reduction in the number of agencies was required to permit clearer lines of responsibility to Ministers, make more efficient use of available resources and reduce overlap and duplication of functions. In particular, it found the number of statutory authorities to be excessive, resulting in an inflexible, cumbersome and, at times, unresponsive administrative structure.

However, the Commission was not convinced that the creation of mega-departments provided the optimum approach to effective service delivery. Its view was that the reduction in the number of agencies needed to be undertaken with care and with regard to the prime objective of ensuring the most efficient means of service delivery.

The Commission supported establishment of a Public Sector Management Office within the then Department of the Premier with sole responsibility to the Premier for managing change in the public sector. It also recommended that the public sector labour relations and public sector productivity functions be transferred from the Department of Productivity and Labour Relations to the Public Sector Management Office (this was not done).

The Commission also commented upon the confusing mix of ministries, departments, authorities and offices and the use of acronyms (for example, DOLA, DEVET, SESDA), all of which served to confuse the public.

Following the McCarrey Commission, a rolling review was established under the Machinery of Government Sub-committee, chaired by the Hon George Cash MLC. This operated from 1994 to 1997, when Mr Cash retired as a Minister. Thereafter, the Cabinet Sub-committee effectively stopped its rolling review work.


The Standing Committee’s report advised that it had no jurisdiction with respect to departments of State, and also saw little point in scrutinising bodies that did not make decisions affecting third parties. Accordingly, its report findings were confined to other forms of Government agencies (regulatory or operational in nature).

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52 Ibid, p188
The Committee’s conclusions were based upon the premise that Parliamentary oversight of public administration (particularly Government agencies) must rely on a proper legislative charter and continuing interaction between Parliament and agencies. The Committee recognised that while it was the prerogative of Executive Government to determine the shape of its administration, the public interest must be served (in that the creation and continued existence of agencies must be justifiable against the basic public interest criterion).

Structural principles advanced by the Standing Committee included:

- operational and regulatory functions not being vested in a single agency, particularly if it enjoyed a statutory monopoly;
- each agency should be created by statute or under the authority of a State Agencies Act;
- each agency should be a separate legal person identifiable in its own right. In this regard the agency might consist of no more than a single natural person or a board of management comprising a number of persons;
- the tenure of each agency member should be for a specified period of time;
- each agency should have a clear mandate and mission statement;
- the rights, obligations and liabilities of agency members should be fixed by statute;
- agencies should not possess competing or contradictory functions;
- agencies should be subject to strict accounting and accountability standards;
- agencies should be open to lawful ministerial policy directives; and
- agencies should automatically cease to exist five years after their creation unless their lives are extended for a further fixed period.

The Standing Committee appended to its report a draft State Agencies Bill that incorporated most of the foregoing principles. This has not been enacted.

Introduction of the Public Sector Management Act 1994

The Public Sector Management Act 1994 applied for the first time across the public sector principles of public administration, human resource management and official conduct, where previously these had been confined to the Public Service.

It established CEOs of Public Service agencies as employing authorities in their own right (a power previously held centrally by the Public Service Commissioner).

Arguably, the Act exacerbated the complexity and fragmentation of the machinery of Government by categorising public sector bodies as either departments of State, SES organisations or non-SES organisations. In addition, some organisations (those specified in Schedule 1 of the Act) were deemed not to be organisations for the purpose of the Act and were therefore excluded from the scope of the Act.

Commission on Government (1995)

The Commission on Government was established on the recommendation of the Royal Commission of 1992. It was charged with inquiring into 24 specified matters and to report on these to the Parliament and the Premier. One specified matter touched upon machinery of Government:

"17. the means best suited to be adopted by Parliament to bring the entire public sector under its scrutiny and review, having regard particularly

(a) to the use of Parliamentary committees for the purpose;
(b) to question time; and"
The Commission’s recommendations relating to this matter largely revolved around amendments to the structure and terms of reference of Parliamentary committees concerned with public accounts, estimates of expenditure review, and to the role of the Auditor General. The Commission advocated that the sections of the Financial Administration and Audit Act relating to audit should be repealed and replaced by an Auditor General Act that would, inter alia, establish the Office of the Auditor General as a statutory authority. The budget for the Office would be subject of a permanent appropriation, the quantum of which would be determined annually by a proposed Joint Audit Committee of the Parliament.

The Commission’s principal recommendations relating to machinery of government essentially reflected those of the earlier Royal Commission.

Review of the Public Sector Management Act 1994 (The Fielding Review 1996)

In his report, Commissioner Gavan Fielding noted that:

“... as a matter of deliberate policy the Public Sector Management Act was designed to cause minimal structural change to the public sector and in particular the Public Service.”

He stated how he found a multiplicity of departments of State and statutory authorities, the activities of which could in the public interest be amalgamated with or incorporated into other bodies. In this regard Fielding commented:

“A contributing factor to the complexity of the [Public Sector Management] Act is the complex nature of the public sector. This structure is so complex that in many respects the public sector is dysfunctional. There is a multiplicity of departments of State and statutory authorities. I suspect the activities of some could in the public interest be amalgamated or incorporated with other bodies... Until there is a sufficient restructure of the machinery of government it will be impossible to produce public sector management legislation which is other than complex.”

Fielding attempted to obtain an authoritative list of public sector entities and found that there was no accurate list. He commented that one of his greatest difficulties in compiling such a list was determining the authority under which many of the entities had been established and believed that this would act to undermine attempts to reform Western Australia’s machinery of Government:

“It is impossible to manage the public sector properly unless those responsible for overseeing the sector have full knowledge of who and what constitutes the sector.”

The list of more than 900 agencies in the Fielding Report was compiled in April 1996. Since then it appears that there has been no system to centrally maintain a comprehensive list of entities. Once again it is possible that an authoritative list may not be readily available beyond that appended to the Fielding Report.

Commissioner Fielding recommended that:

- apart from statutory authorities and corporatised bodies there should be only one department of State for each Minister and one CEO overseeing the functions of that department, as he had observed to be the case in Queensland. He felt that this would promote an environment for CEOs to meet regularly under the chairmanship of the Director General of the Minister of the Premier and Cabinet to co-ordinate the activities of the various public sector bodies, and commented:

“I am advised that in the other States where there is a public sector management regime based on a statutory devolution of authority to chief executive officers, forums of that nature are considered to be a necessary ingredient of efficient management of the public sector.”

53 Commission on Government Report No.1, August 1995, p37
54 Review of the Public Sector Management Act, G L Fielding, April 1996, p(i)
55 Ibid, p(x)
56 Ibid, p225
57 Ibid, p226
• a review of all statutory authorities be undertaken with a view to reducing their number and in appropriate instances shifting functions into departments of State; and

• dealing with the anomalies whereby some statutory authorities are also designated as departments of State. Examples include the Disability Services Commission, the State Housing Commission, the Workers Compensation and Rehabilitation Commission, the Government Employees Superannuation Board and some but not all Regional Development Commissions. Each of these bodies should be reviewed to see whether they should exist as a department of State or whether they should continue as a statutory authority, in which case the supporting department should be abolished as being a redundant remnant from a different statutory regime.

Commissioner Fielding’s recommendations were not implemented. Instead, they were referred to the Kelly Working Party for further review.


The Kelly Working Party stated that Commissioner Fielding’s recommendations, as adopted or modified by the Working Party, would result in a *Public Sector Management Act* that:

• provides for a public sector consisting of:
  - departments of State that are fully subject to the direction of their responsible Minister (except in regard to personnel management issues); and
  - statutory authorities subject to the general direction of boards of management, where any limits in the responsible Minister’s level of control and capacity to direct are stated explicitly in the agency’s enabling legislation;

• retains a sub-set of the public sector, defined as the Public Service, which is limited to departments of State and only to departmental employees appointed under the Act, who are generally engaged in:
  - the provision of policy advice;
  - regulatory and administrative activities;
  - the acquisition and management of services purchased from “service agencies” in the public sector or from the private sector and not-for-profit organisations; and
  - selected areas of service delivery not suitable for transfer to other agencies in the public or private sector;

• preserves the Governor’s exclusive power to establish, abolish, amalgamate and designate departments of State by administrative (rather than legislative) action; and

• is consistent with the introduction of changes to the machinery of Government and the adoption of a new model for structuring the public sector.

The Working Party was of the view that:

• no attempt should be made to address issues of Ministerial authority through the vehicle of the *Public Sector Management Act 1994*, but that this should be achieved through structural reform of the public sector;

• given the extensive devolution of authority and the adoption of more contemporary and flexible approaches to the management of departments of State, statutory authorities should be reviewed and, if appropriate, transformed into departments of State (in some cases the review may conclude that statutory authorities should become corporatised agencies); and
where statutory authorities are maintained, there should be clear and transparent Ministerial authority. This may be achieved by amending a statutory authority's Act as part of a wider review of the agency, or by “omnibus” legislation to ensure that those Acts which do not currently accord the relevant Minister a general power of direction over a statutory authority's board are adjusted to that end.

The findings of the Kelly Working Party have not been implemented to date.

**Machinery of Government Advisory Committee (1997)**

This committee, chaired by the Under Treasurer and reporting to the then Premier, concluded that:

“Successive governments have contemplated addressing the proliferation of agencies in Western Australia over the past ten years. Some efforts to improve co-ordination and the integrated delivery of services have been successful, however, these have largely been achieved within portfolios and were not approached from a whole-of-Government perspective. Concurrently, the number of small agencies has increased, leaving the public sector as complex and fragmented as ever.”

It found the following features of a machinery of Government framework would be desirable:

- a clearer separation of policy and regulatory functions from service provider activities, consistent with an enhanced competitive environment for service delivery. Separation of Ministerial responsibilities for such functions gives further benefits in some circumstances;

- one “portfolio lead agency” or at the most, two, reporting directly to each Minister. These should preferably be conventional departments, reflecting the relevant Minister’s title;

- as a result there would be a one-to-one relationship between Ministers and CEOs where possible;

- a reduced number of statutory authorities working in closer association with the lead agency;

- use of statutory boards of management should be limited to agencies that operate in a competitive market. Further, the boards should have clear commercial objectives, clear lines of accountability for management and agency performance, and should be required by law to develop each year Statements of Corporate Intent and Strategic Development Plans;

- wherever possible, in relation to delivery of public services and for provision of policy advice and regulatory functions, board responsibilities and powers should be strictly advisory in nature (an exception would be self-funded industry self-regulatory boards). In most cases a simple departmental structure would be desirable for management and administrative activities;

- public trading enterprises gathered under a single Minister; and

- ultimately fewer discrete portfolios, drawing together areas of common interest within and across current allocations.

The Committee developed detailed proposals for the restructuring of portfolio arrangements. However, the only proposals implemented were:

- the creation of a separate Fire and Emergency Services Authority comprising discrete business/operational units of State Emergency Service, Bush Fires Board and Fire and Rescue Service (though it should be noted that the Committee recommended the creation of a department rather than a statutory authority); and

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• a merger of the existing functions of the Chief Executive, Office of State Administration within the Ministry of Premier and Cabinet, with the residual functions of the Director General. Secretariat support for the Salaries and Allowances Tribunal to be supplied by the Ministry of Premier and Cabinet.
Appendix 5

STATUTORY AUTHORITY CLASSIFICATION FOR STATE FINANCIAL REPORTING PURPOSES

General Government Sector Statutory Authorities

Aboriginal Lands Trust
Agricultural Practices Board of Western Australia
Agricultural Produce Commission
Agriculture Protection Board of Western Australia
Alcohol and Drug Authority
Anti-Corruption Commission
Anzac Day Trust
Art Gallery of Western Australia
Ashburton Health Service
Avon Health Service
Betting Control Board
Beverley District Health Board
Boddington District Health Board
Botanic Parks and Gardens Authority
Brookton Health Service
Bruce Rock Memorial Hospital Board
Building and Construction Industry Training Board
Bunbury Health Service
C Y O'Connor College of TAFE
Central Metropolitan College of TAFE
Central West College of TAFE
Challenger TAFE
Collie Health Service
Conservation Commission
Corrigin District Hospital Board
Country High School Hostels Authority
Cunderdin District Hospital Board
Curriculum Council
Disability Services Commission
Dongara Health Service
Donnybrook/Balingup Health Service
Dundas Health Service
Eastern Pilbara College of TAFE
Esperance Health Service
Fire and Emergency Services Authority
Gaming Commission of Western Australia
Gascoyne Development Commission
Gascoyne Health Service
Geraldton Health Service
Gnowangerup District Hospital Board
Goldfields-Esperance Development Commission
Great Southern Development Commission
Great Southern Regional College of TAFE
Harvey Yarloop Health Service Board
Heritage Council of Western Australia
Kalgoorlie-Boulder Health Service
Katanning Health Service
Keep Australia Beautiful Council (WA)
Kellerberrin Health Services Board of Management
Kimberley College of TAFE
 Kimberley Development Commission
Kojonup District Hospital Board
Kununoppin and Districts Health Service
Landcare Trust
Laverton and Leonora Health Service
Law Reform Commission of Western Australia
Library and Information Service of Western Australia
Lower Great Southern Health Service Board
Legal Aid Commission of Western Australia
Main Roads Western Australia
Marine Parks and Reserves Authority
Merredin Health Service
Midland College of TAFE
Mid-West Development Commission
Minerals and Energy Research Institute of Western Australia
Morawa and Districts Health Service
Mukinbudin Health Service
Mullewa Health Services Board of Management
Murchison Health Service
Narembeen Health Services Board
North Midlands Health Service
Northampton/Kalbarri Health Service
Peel Development Commission
Perth International Centre for Application of Solar Energy
Perth Theatre Trust
Pilbara Development Commission
Police Service
Quadriplegic Centre Board
Quairading District Hospital Board
Queen Elizabeth II Medical Centre Trust
Racecourse Development Trust
Ravenstorpe Health Service
Recreation Camps and Reserves Board
Rural Business Development Corporation
R and I Holdings
ScreenWest
Small Business Development Corporation
South East Metropolitan College of TAFE
South Metropolitan College of TAFE
South West Development Commission
South West Regional College of TAFE
Southern Cross District Health Service
State Supply Commission
Swan River Trust
Tambellup Hospital Board
The Aboriginal Affairs Planning Authority
The Burswood Park Board
The National Trust of Australia (WA)
Trustees of the Public Education Endowment
Upper Great Southern Health Service
Vasse Leeuwin Health Board
Warren Blackwood Health Service Board
Water and Rivers Commission
West Coast College of TAFE
West Pilbara College of TAFE
Western Australian Boxing Commission
Western Australian Building Management Authority
Western Australian Centre for Pathology and Medical Research
Western Australian Greyhound Racing Authority
Western Australian Health Promotion Foundation

Public Non-Financial Corporations

Albany Port Authority
Animal Resources Authority
Broome Port Authority
Bunbury Port Authority
Bunbury Water Board
Busselton Water Board
Dampier Port Authority
East Perth Redevelopment Authority
Electricity Corporation (Western Power)
Esperance Port Authority
Forest Products Commission
Fremantle Cemetery Board
Fremantle Port Authority
Geraldton Port Authority
Gold Corporation
Government Employees Housing Authority
Lotteries Commission
Metropolitan (Perth) Passenger Transport Trust
Metropolitan Cemeteries Board
Midland Redevelopment Authority
Perth Market Authority
Port Hedland Port Authority
Potato Marketing Corporation of Western Australia
Rottnest Island Authority
Subiaco Redevelopment Authority
The Eastern Goldfields Transport Board
The Grain Pool of WA
The State Housing Commission
The Western Australian Government Railways Commission (Westrail)
Totalisator Agency Board
Water Corporation
Western Australian Coastal Shipping Commission
Western Australian Egg Marketing Board
Western Australian Land Authority (LandCorp)

Public Financial Corporations

Country Housing Authority
Insurance Commission of Western Australia
Western Australian Treasury Corporation

Statutory Authorities Outside the State’s Public Sector

There are a number of statutory authorities that, although considered to be outside the State’s public sector for financial reporting purposes, can nevertheless be directed by the relevant Minister under their enabling statutes or employ staff under the Public Sector Management Act 1994 and so fall into the Government’s machinery structure as a result. These agencies are listed below:

Government Employees Superannuation Board
Nurses Board of Western Australia
Osteopaths Registration Board
Physiotherapists Registration Board
Podiatrists Registration Board
Psychologists Board
Public Trustee
MATTERS TO BE ADDRESSED IN STATEMENTS OF CORPORATE INTENT AND STRATEGIC DEVELOPMENT PLANS

Statement of Corporate Intent

An authority’s Statement of Corporate Intent is to cover a financial year. It must be consistent with the authority’s strategic development plan and must specify:

• an outline of objectives;
• proposed arrangements to facilitate non-commercial objectives;
• an outline of major planned achievements;
• estimates of operating revenue and expenditure;
• the dividend policy for the relevant financial year or proposed provisions for dividends;
• an outline of capital expenditure and borrowing requirements;
• proposed pricing arrangements;
• the performance targets and other measures by which performances may be judged and related to objectives;
• an outline of the nature and scope of the functions proposed to be performed in the relevant financial year;
• accounting policies that apply to the preparation of accounts;
• the type of information to be given to the Minister, including information to be given in annual and half-yearly/quarterly reports;
• the nature and extent of community service obligations that are to be performed;
• the costings of, funding for, or other arrangements to make adjustments relating to, community service obligations;
• the ways in which, and the extent to which, compensation will be made for performing community service obligations; and
• such other matters as may be agreed on by the Minister and the board.

Strategic Development Plans

An authority’s strategic development plan is to cover a forecast period of at most five years and must set out the authority’s medium to long term objectives (including economic and financial objectives and objectives relating to non-commercial functions of the agency) and operational targets and how those objectives and targets will be achieved.

The matters which are to be considered in the preparation of the strategic development plan include:

• pricing principles and pricing of products;
• competitive strategies;
• service efficiency and effectiveness;
• productivity levels;
• sales and revenue projections;
• strategies for asset management (including land use and infrastructure maintenance);
• financial requirements;
• capital expenditure;
• investment strategy;
• customer service arrangements;
• relevant Government policy;
• personnel requirements;
• trade projections, trade facilitation and environmental management of the port (port authorities only); and
• any other matters that the Minister and the board agree should be considered.

It should be noted that the above represents a grouping across all relevant agencies of matters to be considered. There are some minor variations in respect of individual agencies.
USING CORPORATISED AND COMMERCIALISED STATUTORY CORPORATIONS TO FACILITATE OBJECTIVES OF GOVERNMENT

At first glance it may seem that establishing an arm’s length relationship between the Government and corporatised or commercialised PNCs and imbuing them with a strictly commercial focus, may lead to an unacceptable diminution of Government control over these entities. That is, the Government’s ability to use these PNCs to further its policy objectives may be circumscribed to the point of ineffectiveness.

In this regard concerns have been raised that the PNCs would no longer be able to help the Government achieve its economic development, regional development, community welfare, environmental or labour relations objectives – all of which have non-commercial foci – because these all run counter to the PNCs’ statutory commercial objectives.

However, these concerns are misplaced in the context of the governance arrangements applying to these PNCs. The Government has a high degree of control over corporatised and commercialised PNCs for the following reasons.

The Relationship Between a Minister and a PNC

It is a common misconception that a Minister, who represents the Government as owner of a PNC, should be regarded as no more than an atomised shareholder with no individual influence over the PNC. This is not the case. The PNC should be thought of as a subsidiary of the Government, which has a 100% controlling influence over it. In other words, the Government is the PNC’s sole shareholder.

The Minister should at least have the same influence over a PNC as a corporation would have over a subsidiary in which it held a controlling interest.

In this regard it is pertinent that most PNCs’ statutes have provisions requiring them to:

- seek their Minister’s approval to the creation of subsidiaries or before they enter transactions above a certain value threshold; and
- consult with their Minister when they enter upon a course of action that amounts to a major initiative or is likely to be of significant public interest.

The Use of SCIs and SDPs

The Minister can use a PNC’s SCI and SDP to influence the strategic direction of the PNC, the policy environment in which it operates and its performance targets against which it will be held accountable. SCIs and SDPs are a statutory requirement of such entities and must be agreed between the Minister and the PNC’s board, with agreement also requiring the concurrence of the Treasurer.

The contents provisions of both the SCI and the SDP enable the Minister to raise virtually any issue with the board in the context of developing and agreeing these documents. However, it should be noted that it is likely that the board will not agree to SCIs and SDPs that are inconsistent with the PNC’s statutory commercial objectives. The board would be acting unlawfully if it were to do so.

Other measures to ensure that the PNC gives effect to the Government’s non-commercial policy objectives include:

- CSOs;
- regulation; and
- Ministerial power of direction.
Community Service Obligations

The Government's non-commercial policy objectives can be facilitated by the PNC if the activities it undertakes in this regard are deemed to be CSOs. In this case the PNC undertakes the CSO activities in exchange for funding from the Government that prevents these activities from compromising its commercial objective.

In essence, the CSO funding from the Government renders the CSO activity commercial, allowing the PNC to undertake the activity willingly. This approach is similar to that of the Government subsidising a private sector entity to supply outputs at less than commercial prices.

Provided the amount of CSO funding can be quantified, CSOs can be used to enable PNCs to give effect to almost any non-commercial policy outcome desired by Government. A benefit of this approach is that it makes transparent the application of public sector resources to achieve these outcomes. For example, the Government could point to the value of CSOs used to promote regional development as evidence of its commitment to the regions.

Regulation

It is always open for the Government to regulate so that a PNC is obliged to take non-commercial factors into consideration, as PNCs are bound to comply with the laws of the State.

For example, laws may be passed to require the PNC to take certain measures to protect the environment. In such circumstances, however, competitive neutrality will be compromised if alternative service providers in the private sector are not also subjected to the same regulation.

Ministerial Power of Direction

While the members of a corporatised or commercialised PNC’s board are subject to duties and liabilities that are very similar to those specified in the Corporations Law, these obligations do not prevent the Government from exerting control if it wishes. All PNCs are subject to Ministerial powers of direction. Such directions take precedence over commercial objectives and, provided they are lawful, must be obeyed by PNCs.

To ensure transparency, directions must both be tabled in Parliament and included in PNC annual reports.

CONCLUSION

The Government has at its disposal a wide variety of measures to enable corporatised or commercialised PNCs to advance its non-commercial objectives. Concerns that these agencies’ arm’s length relationship with the Government constrain its ability unduly to use them for the purposes of non-commercial policy advancement are therefore groundless.
PRINCIPLES AND GUIDELINES FOR REORGANISATION

The Government is committed to a more cohesive public sector. This will involve structural change consistent with work undertaken by the Machinery of Government Taskforce, and will result in some changes to the roles undertaken by public servants, but no loss of employment.

The following principles, in conjunction with the overall reform outcomes, will guide the people management aspects of this change.

1. **Natural Justice** - the principle of natural justice will prevail in all decision making.

   **Process:**
   - All decisions are transparent.
   - All decisions are adequately documented.
   - A review process exists for affected employees, with agencies utilising existing or revised grievance processes to enable employees to raise issues arising from the change process.
   - Decision making takes into account both the individual and employer needs.
   - Relevant and current policy and procedures are well documented and accessible by employees.

2. **Planning and Communication** - planning will be undertaken in advance of any organisational change, and communication processes exist that extend across the organisation and involve the participation of all key stakeholders.

   **Process:**
   - Change management strategies are articulated to the portfolio Minister and all employees prior to any structural changes being undertaken.
   - Participation of relevant persons in planning the change program occurs where appropriate.
   - Chief Executive Officers take a key role in communicating the change program, ensuring that all employees are well informed about the organisational change program via the most appropriate mechanism available.
   - The opportunity for regular across-agency information updates is provided to all employees.
   - A key priority is to minimise disruption to the daily operations of the organisation so that ongoing service delivery to the community is not affected.
   - All decisions take into account the need to maintain the level of expertise, corporate knowledge, accountability and service levels within the organisation.

3. **Consultation** - consultation with relevant parties is undertaken.

   **Process:**
   - Relevant parties are invited to contribute to any organisational change recommended.
   - A well-defined consultation process is undertaken within the organisation that provides opportunities for input from employees and union representatives.
   - Formal consultative mechanisms are established to capture the contribution of stakeholders.
   - Employees and unions are given as much notice as practicable of changes within the organisation.

4. **Redeployment** - current Government policy concerning the overall management of redundancy (as detailed in Part 6 of the Public Sector Management Act 1994 and the associated Redeployment and Redundancy Regulations 1994) is followed.

   **Process:**
   - Individual employees are assured that they have security of employment in the public sector, and are provided with information on relevant legislation, standards and policies.
• Employees are informed that jobs may either cease to exist, or be significantly altered, and are encouraged to be flexible in considering redeployment and redundancy options.
• Chief Executive Officers retain responsibility for the management of employees affected by changing work situations and, as a first priority, actively seek placement opportunities within the portfolio department for any affected employees.
• A process for the internal filling of positions is implemented, providing for like to like transfers, placement of redeployees and advertising of promotional opportunities.
• Employees are registered for external redeployment where they are unable to be placed in the new portfolio department.
• Employees are kept fully informed about redeployment, retraining and severance options, and have access to support services, including career transition services.
• The Ministry of the Premier and Cabinet is available to provide advice and support to agencies and employees in the change management process.

5. **Support Mechanisms** - support mechanisms exist that are understood by all employees and how to access these is articulated.

Process:
As far as is practicable support by the organisation is provided in the form of:
• Personal counselling.
• Financial counselling and advice.
• Access to career guidance programs (for example, career transition workshops).
• Appropriate training and retraining to meet the needs of employees is provided in the context of the redeployment opportunities being considered.
• Agencies and employees have access to advice and assistance from the Ministry of the Premier and Cabinet.

Confidentiality is assured in relation to the choices employees make regarding whether to access these services.
THE PROFILE OF THE PUBLIC SECTOR

The maintenance of an apolitical, diverse and skilled public sector workforce must remain a high priority for Government. This goal will be tested not only by the structural changes inevitably resulting in an attrition of staff but also by the demographic context of the time.

An Ageing Workforce

The Western Australian public sector workforce is ageing at a rate somewhat faster than the general workforce.

Figure 4: WORKFORCE BY AGE GROUPS

As of December 2000, 41.4% of the public sector workforce were aged 45 or older, while only 15.1% were aged under 30. The age profile of the workforce is not being helped by external recruitment patterns which indicate the average age of new entrants is 36 years. A recent survey of retirement intentions suggests that over the next 10 years the percentage of people intending to retire at any one time will increase from 1% of the public sector workforce to 3%. These statistics raise the concern that in the foreseeable future the WA public sector will be struggling to attract and retain employees in an increasingly demand driven labour market.

Gender

Women are well represented in the public sector workforce as a whole (currently 60.5%) but are under-represented at senior levels (19%).

It is important to maintain the equitable representation of women and other Equal Employment Opportunity groups during machinery of government changes in line with the Government’s policy commitments.

Regional Employees

Close to 30% of the State Government workforce works in regional Western Australia, mostly in the education and health areas. Table 9 indicates the major employing agencies in regional areas.
Table 9: REGIONAL EMPLOYEES BY DEPARTMENT

<table>
<thead>
<tr>
<th>Agency</th>
<th>% of Total Regional Govt. Employees</th>
<th>Agency</th>
<th>% of Total Regional Govt. Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>38.6%</td>
<td>Family and Child</td>
<td>1.2%</td>
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<tr>
<td>Health</td>
<td>29.7%</td>
<td>Main Roads</td>
<td>1.0%</td>
</tr>
<tr>
<td>Police</td>
<td>5.1%</td>
<td>CY O'Connor TAFE</td>
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<tr>
<td>Justice</td>
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<td>East Pilbara TAFE</td>
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</tr>
<tr>
<td>CALM</td>
<td>4.6%</td>
<td>Housing</td>
<td>0.6%</td>
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<tr>
<td>Agriculture</td>
<td>3.8%</td>
<td>Kimberley TAFE</td>
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</tr>
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<td>SW Regional TAFE</td>
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<td>Central West TAFE</td>
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<tr>
<td>Great Southern TAFE</td>
<td>1.4%</td>
<td>FESA</td>
<td>0.5%</td>
</tr>
</tbody>
</table>
ACKNOWLEDGMENTS

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ABBREVIATIONS

CAMS  Contract and Management Services, Department of
CEO   Chief Executive Officer
CF    Consolidated Fund
CSO   Community Service Obligation
DCT   Department of Commerce and Trade
DEP   Department of Environmental Protection
DES   Department of Education Services
EEO   Equal Employment Opportunity
EPA   Environmental Protection Authority
ESD   Ecologically Sustainable Development
FTE   Full Time Equivalent
GDP   Gross Domestic Product
JDF   Job Description Form
MERIWA Minerals and Energy Research Institute of Western Australia
MLA   Member of the Legislative Assembly
PFC   Public Financial Corporation
PNC   Public Non-Financial Corporation
PSM   Public Sector Management
SAT   Salaries and Allowances Tribunal
SBDC  Small Business Development Corporation
SCI   Statement of Corporation Intent
SDP   Strategic Development Plan
SEDA  Sustainable Energy Development Agency
SES   Senior Executive Service
TAB   Totalisator Agency Board
TAFE  Technical and Further Education
VET   Vocational Education and Training
WA    Western Australia
WATC  Western Australian Tourism Commission