

MR NEIL WINZER, PUBLIC INTEREST CLAIM

2020. Hon Jim Scott to the Parliamentary Secretary representing the Minister for Planning and Infrastructure
- (1) Will the Minister acknowledge that Mr Neil Winzer's initial public interest claim was that an implementation of the fundamental provisions of the 1995 EBA was never commenced and therefore, he claimed, it could not be legitimately argued that the 1995 EBA was ever implemented?
 - (2) Will the Minister acknowledge that Mr Neil Winzer's initial public interest claim was that while elected Government's obviously have a right to give direction as to what services Departments are to deliver to the public, public servants are obliged to provide frank and fearless advice in order to ensure the legality of any change process?
 - (3) Will the Minister acknowledge that, as 'process of change' was central to Mr Neil Winzer's initial public interest claim, then the sequence of events is critical and in particular the fact that the 1994 election campaigning for privatisation and contracting-out conducted by the subsequent Government preceded the 1995 EBA being made effective in April 1995?
 - (4) Will the Minister acknowledge that Mr Neil Winzer's initial public interest claim was that after the effective date of the 1995 EBA, options existed, including an open and accountable withdrawal from the EBA?
 - (5) Will the Minister acknowledge that Mr Neil Winzer's initial public interest claim was that the action taken by senior Transport officers was to submit a grossly misleading if not fraudulent report to the then Cabinet rather than act upon one of the legitimate options associated with a decision not to implement the EBA?
 - (6) Will the Minister acknowledge that Mr Neil Winzer was the sole author of the initiatives package of the 1995 EBA and it is his view, as set out in the copious documentation, that the provisions for participative work practices, a work organisation study and a performance monitoring improvement program were the fundamental provisions of the EBA?
 - (7) Will the Minister acknowledge that the reason the 1995 EBA was initiated, other than for a pay rise, was because of the findings of the Department of Transport 1994 Employee Opinion Survey?
 - (8) Will the Minister acknowledge that the Department of Transport 1994 Employee Opinion Survey findings included employee satisfaction levels of -
 - (a) co-operation and teamwork between different Divisions - 19 per cent;
 - (b) quality of senior management's decision making - 22 per cent;
 - (c) degree of leadership skills demonstrated by senior management - 23 per cent;
 - (d) extent informed of changes before changes introduced - 23 per cent; and
 - (e) extent to which stated concerns are responded to in relation to changes in Transport - 24 per cent?
 - (9) Will the Minister acknowledge that it was the policy of the then Government in regard to enterprise bargaining that the WA public were to be provided a dividend from any agreement in terms of more or better services to be delivered by the parties to an agreement and that measurement of outcomes was essential?
 - (10) Will the Minister acknowledge that the then Department of Productivity and Labour Relations during the 1995 EBA endorsement process cited April 19 1994 at page three, that the 'reality' of the EBA was that it focused on a commitment by the parties to review the way work is currently organised and to devise a plan to work better and smarter?
 - (11) Will the Minister acknowledge that the speech notes of Mr Stuart Hicks, then Director General of Transport, copies of which have been previously provided to the Minister by Mr Winzer, show that Mr Hicks advised other CEOs at a working breakfast May 18 1995 that the 'core components' of the 1995 EBA were the provisions for participative work practices and a work organisation study?
 - (12) Will the Minister acknowledge that the 1995 EBA provisions for a work organisation study and a performance monitoring improvement program were reflected in the Milestones at clauses 15(b)(ii) and 15(b)(iii) respectively, that were to be reached before the second EBA pay rise could be provided?
 - (13) Will the Minister acknowledge the abundant evidence of Mr Winzer's attempt's, within the scope of his duty statement, to advise the Department of the EBA commitments, eg Hicks, WorkCover, 4.2.00/1056-7, 1068-9 and 1087?

- (14) Will the Minister acknowledge that in regard to an identified conflict between the 1995 EBA and the then Government's policies for privatisation and contracting-out, the Crown Solicitor's Office advised Transport August 9 1995 of the 'wisdom in applying to the (WAIRC) pursuant to section 46 of the Act to interpret and/or resolve the conflict?
- (15) Will the Minister acknowledge that the Department did not act on the Crown Solicitor's Office advice to interpret and/or resolve the conflict between the 1995 EBA and the then Government's policies for privatisation and contracting-out?
- (16) Will the Minister acknowledge the evidence given by Mr Stuart Hicks about advice received by him from then Minister Kierath was that 'He (then Minister Kierath) was looking more, as he made it very clear, to be convinced that there were productivity improvements actually under the belt by the time that money was coming in (pay rise provided), and the study was not seen by him as being the major productivity improvement.' (Hicks, WorkCover, 4.2.00/pp1083)?
- (17) Will the Minister table any record that would support the evidence of Mr Hicks (WorkCover, 4.2.00/1083-4) and therefore show that advice as to the switch in the change agenda at Transport was provided by any officer for the Department to the public, the employees or Mr Winzer in particular, as?
- (18) Will the Minister acknowledge that Departmental minutes of July 14 1995 record of the observations made by A/Director Corporate Improvement that there had been 'no apparent departmental response' in relation to the 'urgency for change' including those changes fundamental to the 1995 EBA?
- (19) Will the Minister acknowledge that in January 1996, only three months before the final 1995 EBA Milestones Report was provided to the then Cabinet, the then Department of Productivity and Labour Relations recognised that 'no comment' had been made by the Department in the draft to the Report in relation to implementation of the work organisation study?
- (20) Will the Minister acknowledge that the work organisation study that was Mr Winzer's job to implement was never implemented as confirmed by Mr Hicks (WorkCover, 4.2.00/pp1079-83)?
- (21) Will the Minister acknowledge that the performance improvement monitoring program that was to flow from the EBA provision for a work organisation study was never implemented as confirmed by Mr Hicks (WorkCover, 4.2.00/pp1079-83)?
- (22) Will the Minister acknowledge that in the covering letter to the Transport EBA Milestones Report provided to the then Cabinet included the advice that 'The milestones have been reached despite major organisational changes' and that the justification statement to the Report included 'In summary, the Department has made significant progress against all milestones given the major structural and organisational changes that have commenced since commencement of negotiations for the EBA.'?
- (23) Will the Minister acknowledge that the Transport Human Resources staff unanimously petitioned the Department November 1 1996 regarding the non-implementation of the work organisation study after a private contractor was engaged to conduct a contracting-out related review?
- (24) Will the Minister acknowledge that during 1996 the fundamental provisions of the Transport EBA were exhibited as examples across the public sector in the form of the Western Australian Public Sector Framework Agreement?
- (25) Will the Minister acknowledge that a major industrial campaign in late 1997 involving strike action and the closure of licensing centres which attracted considerable media attention led to a Civil Service Association application to the WAIRC in October 1997 specifying the failure to implement participative work practices, a work organisation study and a performance monitoring improvement program?
- (26) Will the Minister acknowledge that while giving evidence at WorkCover in relation to Mr Winzer's claim, Transport's Executive Director Corporate Services and the Director Human Resources confirmed that in January 1997 the organisation of the Department was like 'Frankenstein's box' (WorkCover transcript, 1602) and their '... overarching objective was to put in place [the] necessary procedures and systems' (WorkCover transcript, 454)?
- (27) Will the Minister acknowledge that the descriptions provided by Transport's Executive Director Corporate Services and the Director Human Resources at WorkCover reflects a continuation of the conditions found by way of the Transport 1994 Employee Opinion Survey?

- (28) Will the Minister acknowledge that on the basis of the 1995 EBA Milestones Report a second three percent pay rise was given and therefore the total six percent pay rise linked to the EBA has continued to be paid to this day, at a cost in excess of \$10m to taxpayers?

Hon KEN TRAVERS replied:

The questions raised need to be examined in context to ensure that no unwarranted constructions are placed on these events. The Minister would be happy to arrange for a briefing for the Hon Member to address these matters in detail.