

MR NEIL WINZER — PUBLIC INTEREST CLAIM

3772. Hon Giz Watson to the Minister for Finance representing the Minister for Transport

Referring to the public interest claim initiated by Mr Neil Winzer, who was recently transferred from the Department of Planning to the Department of Transport, my Question No. 2653 of 29 November 2005, the Hon Norman Moore's Question No. 2061 of 25 August 2005, and the Hon Paul Omodei's Questions No. 2926 and 2946 of 26 February 2007, and I ask —

- (1) Is the Minister aware that Mr Winzer believes that some answers provided to these questions are incorrect?
- (2) Did the Minister receive correspondence from Mr Winzer of 7 January 2011 requesting that corrections to the parliamentary records be made?
- (3) Why did the Minister in his response of 15 March 2011 just note Mr Winzer's correspondence but not provide any answers to the questions raised and clarifications requested by Mr Winzer?
- (4) Will the Minister confirm that Mr Winzer cited in his correspondence to the Minister for Planning and the Minister what he believes are gross inconsistencies between records of the Legislative Council, the Corruption and Crime Commission report of 14 August 2008 and WorkCover transcript in relation to critical aspects of his public interest claim?
- (5) According to statute and procedure, could a public interest claim in 1999 be addressed in any way other than in writing?
- (6) Would a similar public interest claim when made under the *Public Interest Disclosure Act 2003* be likely to have a similar outcome?
- (7) Is the Minister aware that the recommendation of the Standing Committee on Environment and Public Affairs was for 'immediate steps to resolve the issue of Mr Winzer's employment', and yet it remains the case that Mr Winzer, although a public servant, has not worked or been paid since 1999?
- (8) Will the Minister acknowledge that Mr Winzer's public interest claim and Mr Winzer's employment are inextricably linked and therefore the recommendation of the Standing Committee on Environment and Public Affairs (2007, Tenth Report, Petition No.18 – Neil Winzer Prayer for Relief), was for a resolution to the public interest claim, particularly in light of Committee's view at that time that 'the Committee believes that the 'public interest claim' will be adequately addressed by the Corruption and Crime Commission, if that agency receives Mr Winzer's full co-operation with its investigation' (paragraph 5.181) '?
- (9) Will the Minister acknowledge that, if there had been a thorough and objective investigation of Mr Winzer's public interest claim, grounds may have been established for his return to work and/or a re-start of his pay?
- (10) If yes to (9), is the Minister prepared, in accordance with the 2007 recommendation of the Standing Committee on Environment and Public Affairs, to take steps toward to a resolution of 'the issue of Mr Winzer's employment'?
- (11) If no to (10), why not?
- (12) If yes to (10), when?
- (13) What does the Minister intend to do to resolve Mr Winzer's ongoing grievance?

Hon SIMON O'BRIEN replied:

The Department of Transport advises:

- (1) Numerous questions have been asked by honourable members over the years regarding Mr Winzer's public interest claim. Detailed answers have been provided to those questions and Mr Winzer is entitled to form his own opinions about the answers provided.
- (2) Yes
- (3) Mr Winzer's letter of 7 March 2011 was the latest of many letters he has addressed to Government Ministers. Additionally Mr Winzer has taken the opportunity of referring his concerns to the —  
Office of Public Sector Standards Commissioner  
Equal Opportunity Commission  
Corruption and Crime Commission

Legislative Council Standing Committee on Estimates and Financial Operations  
Office of the Auditor General  
Members of Parliament  
Western Australia Police

Over the years numerous responses have been provided to Mr Winzer and it was believed that no new information could be provided at this stage.

- (4) It is not appropriate to comment on how Mr Winzer interprets information provided by agencies that are not under my control.
- (5)-(6) This is a legal matter for which Mr Winzer will need to seek independent legal advice.
- (7)-(13) Since approximately 1999 Mr Neil Winzer has been on leave without pay. As a result of the split of the Department of Planning and Infrastructure, Mr Winzer became an employee of the Department of Transport (DoT) on 1 July 2009. DoT has been engaged in discussions with Mr Winzer relating to his employment in the department. Various offers have been made to him which he has either not responded to or rejected. The department is continuing to engage with Mr Winzer.