

Neil Winzer
WA

8TH June 2003

Productivity Commission
National Workers' Compensation and Occupational Health and Safety
Frameworks Public Inquiry

Dear Committee members

- **DEFICIENCIES OF THE WA WORKERS' COMPENSATION SYSTEM (WORKCOVER) GENERALLY**
- **THE WILLFUL USE OF THE WORKERS' COMPENSATION SYSTEM TO DISCREDIT ME AND THUS DISMISS MY PUBLIC INTEREST CLAIM INVOLVING EVIDENCE OF CORRUPTION IN THE WA DEPARTMENT OF TRANSPORT, NOW PLANNING AND INFRASTRUCTURE**
- **THE ROLE OF PSYCHIATRISTS IN PARTICULARLY**

The President of the United States recently, in the wake of the crises surrounding Enron and WorldCom, cited the need for an overhaul of corporate America.

Australia too faces a similarly task as indicated by the problems associated with APRA, OneTel and Pan.

Clearly there are productivity and social issues of enormous proportions linked to those public and private sector organisations that consequently impact on many other organisations and the general public.

It is equally clear that those problems would not have reached such a stage if somebody within those organisations had spoken out about practices they knew were at least questionable.

The Western Australian Parliament is currently debating a public interest disclosure bill. In promotions for his keynote speech to the Institute of Public Administration Australia seminar scheduled for 26.6.03, the Attorney General has said

There is nothing more fundamental to ensuring openness and accountability in government than to ensure that people who have the courage to stand up and expose wrongdoing are able to do so without fear of reprisal. It is totally unacceptable that such people should be maligned or victimised as a result of their efforts...

However, the Attorney General and a number of his colleagues have been much less than helpful to me.

Because you may at first glance be tempted to dismiss this submission as implausible nonsense I hasten to ask you to contemplate the possibility of a textbook ‘whistleblower’ case where the full force of the state has been brought to bear to dismiss a claim. I ask you to contemplate the involvement of **all** the so-called regulatory agencies including the Office of the Premier, Anti-Corruption Commissioner, Crown Solicitor’s Office, Public Sector Standards Commissioner, Auditor General and the Equal Opportunity Commissioner. The role played by WorkCover WA has been particularly significant in regard to the attempt to discredit me.

Detail of the initial public interest claim is I think almost irrelevant. What has attached is now more important.

I respectfully request the Committee to consider what I offer as evidence of a gross conflict between WorkCover’s determination of my public interest claim, as distinct from their determination of my application for workers’ compensation, and the strong support I’ve received and maintain from individual members of Parliament across the political spectrum and the WA Police Service.

An Internet search of Hansard under my name will indicate the history and the explanation provided 6.9.00 by now Minister Kim Chance is particularly helpful. The Hon K Chance referred in detail to “harassment” and the conveyance of a “twist of the truth” by my employer to the Public Sector Standards Commission.

The Standing Committee on Estimates and Financial Operations conducted a formal hearing and subsequently advised me 15.11.00 that they had recognised a *prima facie* case:

Although the Committee believes, based upon the material that you have supplied, that some of the actions of the management of the Department of Transport towards you may have been inappropriate in the circumstances, the Committee is unable to pursue these matters any further.

And:

Some of the issues raised in the course of your correspondence and hearing in relation to alleged misappropriation of public funds have been of considerable interest to the Committee, and may be taken into account in future inquiries by the Committee into more general, systemic issues of Government expenditure.

The Hon Derrick Tomlinson MLC, Liberal Party representative, copied a letter 2.10.02 to the Premier including a view of my case provided to him by Minister MacTiernan's Parliamentary Secretary, as follows:

The reasonable truth at the center of the complaint [has become] obscured over time and the complaint frustrated by the apparent obfuscation of appellant bodies.

I cite WorkCover as one of those appellant bodies.

Furthermore, the Hon Jim Scott MLC, Greens representative, has reported to the Police Service that Minister MacTiernan's Parliamentary Secretary told him that the Government did not want to "sacrifice" the public servants involved.

I have attached detail and evidence supporting my argument to the Committee. The following three items are simply indicative:

1. The opinion of one of the psychiatrists engaged by my employer as to my public interest claim:

... from a psychiatric perspective, if I have somebody who's gone to the Equal Opportunities Tribunal, the Public Service Standards Commission, to the Anti-Corruption Commission and I can't remember the other body, all of which find no fault, all of which say that – that in fact the department informs Mr Winzer he must cease making these types of allegations because they're vexatious and damaging, I take the view that this is reasonable. Now living in our society in our context I would accept that those authorities are reasonable.

And:

My view is that if I heard Mr Winzer's words saying one thing and these august bodies saying something else, unless that I accept that all these august bodies are either incompetent or in cahoots or something I have to come to the conclusion that Mr Winzer is the one that is wrong.

Please note that this particularly psychiatrist, who I argue is well known to WorkCover for his **utility**, is this very morning (13.6.03) the subject of a public hearing before the Medical Board of WA. The hearing is scheduled for five days. I know that my complaint was only one of at least thirty submitted against this fellow last year alone.

2. WorkCover's determination 14.6.02 of my public interest claim:

The reason why events took place is I think the point of fundamental difference between the parties. The applicant wishes me to accept that he genuinely believes that events took place to harass, oppress and silence him, as the respondent was afraid of corruption and mal-administration being exposed. The evidence lead by the respondent was to the effect that

the events complained of took place for rational reasons unconnected with any allegations made by the applicant of improper conduct by the respondent's officers. (Determination, p22:pt37)

And:

His [Neil Winzer's] "beliefs" are at best convenient and contrived. (Determination, p124:217)

And:

I have found that the applicant [Neil Winzer] does not genuinely hold such a belief. I have also found that I could not be satisfied that the respondent had failed to give the applicant an answer to his concerns regarding the implementation of the EBA. (Determination, p130:225)

3. An initial assessment 11.7.02 of my public interest claim made by a senior and well respected detective of the WA Police Service under the provisions of the Criminal Code. It is important to note that his assessment took some months and was based on a considerable amount of documentary evidence. I was obliged on numerous occasions to substantiate various elements of my claim. The initial assessment has led to a current investigation of "official corruption". Advice I received of the recommendation included:

From the material provided it would seem possible that a competent Police investigation could prove that a general environment existed within the senior ranks of Transport that made it acceptable in their eyes to tell lies about results and actions simply to allow government processes to continue or to avoid personal embarrassment or failure.

I agree with you, in that, if this is proven, the problem strikes at the very heart of our system and Government Ministers cannot possibly be expected to 'manage and direct' their agencies if they are being lied to or continually being misled by their departmental heads.

I strongly contend that the small portion of the record of my personal experience that is attached is compelling support for the view of a sinister agenda at WorkCover to make claim determinations that are too often grossly at odds with the evidence. To be clear, I am not arguing that incompetence is being demonstrated. My argument is that WorkCover collaborated with my employer to dismiss my application for workers' compensation and thus my inextricably linked public interest claim. The workers' compensation system functions effectively as **one of the systemic problems** faced by public sector employees who may contemplate the **process of making a public interest claim**.

To make my point in the attachment I have included a selection of extracts that are indicative of WorkCover's determination of my public interest claim and in particular, their damning of my credibility and upholding that of significant senior officers who gave evidence for the Department. I then offer extracts from

the WorkCover hearing transcript that are indicative of the evidence upon which WorkCover made their determination in regard to credibility. My objective is to show that WorkCover's determination of my public interest claim as "at best convenient and contrived", is very much at odds with the available evidence. From specific selections of transcript of evidence given by all five of the witnesses cited by WorkCover, they have determined 'A' and I am arguing that 'X' has been proven. I repeat in the context of my claim of collaboration, this is not simply an example of differing interpretations of 'grey' evidence. I strongly contend that WorkCover has pointed to what they know is 'white' but have called it 'black'.

I emphasise that WorkCover should not have been able, despite my vigorous protests, to simply accept the word of senior public servants. Claimed documents and records of claimed significant events either exist or they don't exist. My protest was that the senior public servants should have been required to table proof.

My experience with the Western Australian Government has been very disappointing. Having initially written to Minister Brown in connection with our mutual concerns regarding the psychiatrists identified as most often used by WorkCover, I subsequently received a reply from Minister Kucera. I consequently made a submission to Minister Kobelke 10.5.01 in regard to the workers' compensation system under the headings '*The Utility of Specialist Medical Opinions*' and '*Accountability*'. Despite numerous telephone conversations with and promises of a reply from officers for Mr Kobelke's office, I have made absolutely no progress.

I seek the opportunity to present evidence to your committee as to a sinister agenda at WorkCover WA. By referring to a sinister agenda I mean:

- procedures that favour the insurer;
- Review Officers with a value set that favours the insurer; and
- a Medical Act that protects psychiatrists and thus favours the insurer.

The current 'system' is not only forcing many individuals and families to live out their lives in ruin but in some cases, causing death. I truly do worry about those who do not have resources such as mine, as depleted as they now are, to defend themselves.

I seek the opportunity to present evidence of a systemic problem. I hereby offer you for case study purposes access to the vast record of my personal experience

with WorkCover WA. It is also my intention to encourage Injured Persons Action and Support Association to advise you in respect of case studies that they recently contributed to the Inquiry into Aspects of Australian Workers' Compensation Schemes being conducted by the House of Representatives Standing Committee on Employment and Workplace Relations. I understand that IPASA's argument is of WorkCover's willful collaboration with the insurance industry.

The selection of extracts from the WorkCover transcript that I have included in the attachment is also encompassed by current Police Service investigations under the provisions pertaining to abuse of office, perjury, attempting to pervert justice and fraud. The Police Service investigations are of course limited to the provisions of the Criminal Code. Properly, the Police Service will not make their determination of any of the evidence until they have investigated all the evidence.

However, I present the extracts of transcript in the attachment as being already irrefutable support for key aspects of my public interest claim.

The Standing Committee on Public Administration and Finance at their meeting 12.5.03 considered my submission as to **an overall systemic problem** faced by public sector employees who may contemplate **the process of making a public interest claim**. I cited my recent correspondence with the Ombudsman as an example. The verbal feedback I received from the Committee was that they recognised the substance of my public interest claim and that in my attempts to have the claim investigated I appear to be "running into brick walls". The Committee further advised that they would meet informally with the Ombudsman before returning to me. I have been told of the Standing Committee's further considerations 9.6.03 and will be able to table their letter at you hearing 13.6.03.

I look forward to meeting with you this Friday at 8.30am.

Yours sincerely

Neil Winzer

CC Injured Persons Action and Support Association

ATTACHMENT

WORKCOVER'S DETERMINATION OF MY PUBLIC INTEREST CLAIM

My public interest claim was/is about the process adopted by the Department's senior officers to switch agendas for organisational change from that provided for under the Transport Enterprise Agreement (1995 EBA) to one that was not at all constraining to the then Government's policies of privatisation and contracting-out.

WorkCover demonstrated their good understanding of my fundamental public interest claim and persistent attempts to gain answers to my questions, including as follows:

Whilst he accepted that the respondent had the right to change the agenda, he objected to the processes of accountability involved. (Determination, Annexure "A", p21:pt49)

In making application for workers' compensation, I submitted that my stress was caused by:

- (a) The respondent failing to provided [me] with an answer to [my] concerns regarding the implementation of the EBA. (Determination, p9:pt10)

Credibility in relation to my public interest claim was of course critical:

The reason why events took place is I think the point of fundamental difference between the parties. The applicant wishes me to accept that he genuinely believes that events took place to harass, oppress and silence him, as the respondent was afraid of corruption and mal-administration being exposed. The evidence lead by the respondent was to the effect that the events complained of took place for rational reasons unconnected with any allegations made by the applicant of improper conduct by the respondent's officers. (Determination, p22:pt37)

My Credibility

It must be noted, in the context of my claim that for three years my employer had failed to provided me with an answer to my concerns regarding the implementation of the EBA, that during the 19 days of the WorkCover hearing I doggedly attempted to highlight the evidence as to my employer having provided significantly false information on the history of my public interest claim to the psychiatrists they engaged. I will return to detail of the construction of that false

information before concluding this attachment. At this point I ask that you consider the following selection of opinions of me expressed by the psychiatrists my employer engaged. Firstly however, an example of that incorrect history:

... the employee initiated a campaign of advising management and staff of the problems arising from the new policy of restructuring the department. The employee took it upon himself to circulate extensive memos indicating the shortfalls of the restructuring process. It was also at this time that the employee appeared to develop a paranoid obsession that he was being deliberately treated unfairly by the department. The employee took it upon himself to act as a 'whistleblower' alleging departmental mal-administration and corruption and then withdrew these allegations when pressed for details.

To be clear, my employer never once asked me for "details" of my claim or indeed asked any questions at all in regard to my claim. The only record, and it is a copious record going back to 1995, is of my initiative to persistently put my claim and press my employer to address the evidence I offered in support. This copious record going back to 1995 is of course important to my claim of WorkCover's willful collaboration.

Based on my employer's version of history, questions were put to the psychiatrists; such as:

In your opinion how would you class the employee's personality – ie. Is he a troublemaker or a perfectionist?

The opinions of me expressed by the psychiatrists engaged by my employer included:

... let me clarify how I come to that conclusion [Mr Winzer is delusional]. First of all, that if we are going to look at the issue of credibility Mr Winzer has well and truly had his allegations investigated by a number of organizations

And:

And despite all these people having a look at the situation and informing him that there is no basis for his complaints at all, he continued to pursue them, he continued to create an atmosphere of antagonism within the Department which ultimately resulted of course in the management of the Department being required to discipline him to stop these unreasonable allegations being made

And:

... from a psychiatric perspective, if I have somebody who's gone to the Equal Opportunities Tribunal, the Public Service Standards Commission, to the Anti-Corruption Commission and I can't remember the other body, all of which find no fault, all of which say that – that in fact the department informs Mr Winzer he must cease making these types of allegations because they're vexatious and damaging, I take the view that this is

reasonable. Now living in our society in our context I would accept that those authorities are reasonable.

And:

My view is that if I heard Mr Winzer's words saying one thing and these august bodies saying something else, unless that I accept that all these august bodies are either incompetent or in cahoots or something I have to come to the conclusion that Mr Winzer is the one that is wrong.

Another of my employer's psychiatrists described my action in documenting the performance of managers as what would be expected of a "paranoid misanthrope"; a hater of people with an abnormal tendency for suspicion. Consequently, the opinion was, "Since the problem is actually internal and not external he will take it with him wherever he goes." Thus, in regard to appropriate future employment:

... driving a bulldozer out the back of Leinster. At least there he's not interacting with people, and that's how many people with these disorders survive. (C&RD:p80).

My employer's closing submission to WorkCover represented a brazen and unsophisticated attempt at character assassination and a discounting of my claims of serious improper conduct and/or corruption to simply a demonstration of "sour grapes" on my part. My employer also described my claims of serious improper conduct and/or corruption as defying "common sense and experience" and me as having "obvious propensities to advance [my] claims using any tactics whatsoever".

WorkCover's determination of my credibility included:

I find it very difficult to accept that any public minded person such as the applicant professes to be, could genuinely believe that the change in agenda in the department was part of a clandestine change towards privatisation and contracting-out. (p119:pt205)

And:

His "beliefs" are at best convenient and contrived. (Determination, p124:217)

And:

I have found that the applicant does not genuinely hold such a belief. I have also found that I could not be satisfied that the respondent had failed to give the applicant an answer to his concerns regarding the implementation of the EBA. (Determination, p130:225)

And:

The applicant's submission that his stress was caused by the respondent failing to provide him with an answer to his concerns regarding the implementation of the EBA is a very specific allegation and not one raised as a principle event at the outset of the review process. ... I am of the view that this is an allegation which has been added with hindsight after the evidence was heard. In other words the applicant has formulated an allegation to fit the

evidence rather than leading evidence to prove an event alleged. (Determination, p125:pt219)

The Credibility of Significant Senior Departmental Officers

The evidence of several of the respondent's witnesses show clearly in my view that the applicant's concerns regarding the implementation of the EBA were discussed with him on numerous occasions and that he was given a response to those concerns. [See for example: **Dr Chris Whitaker (T2113-2124), Mr Dennis Forte (T480-482) and Mr Stuart Hicks (T1056-1059, 1067-1068) and Mr Mike Harris generally**] (Determination, p129:pt223) (My emphasis added)

I will return to the transcript of claims made by each of these individuals and provide what I am contending is irrefutable proof of the fallaciousness of these claims. I reiterate my contention that WorkCover knew that these claims were fallacious.

It is fundamental to my contention of collaboration with the Department that the transcript shows very clearly that it was **not** simply a case of WorkCover taking the spoken word of the aforementioned senior officers as fact rather than believing me. Time and time again the hearing degenerated into what seemed like a contest of wills, with WorkCover appearing to simply accept the spoken word of these people, leaving me to reiterate the reasonableness/legality associated with my view that in regard to **claims** of significant documents or events, there was an onus of proof.

WorkCover described me as "insolent" (Determination, p21:pt35) and I contend that their description resulted from the aforementioned very frequent contests.

A single example of what I've described as a "contest" can be seen in the transcript at pages 2353 to 2368. On my instruction, in relation to Mr Hicks' claim on oath about an all-staff meeting held to advise of the switch in the organisational change agendas, my advocate began as follows:

I thought - - I'll keep looking for these, but I thought perhaps it's one of the issues we can certainly deal with, and that would be the subpoenas or our application for subpoenas to be issued regarding documentation from Mr Stuart Hicks - - (C&RD:2353)

I contend that WorkCover demonstrated strong resistance to my efforts to obtain any documentation that might support Mr Hicks' claim. I was/am sure that no such documentation existed. It must be kept in mind that at this

all-staff meeting that Mr Hicks claimed took place, employees were supposed to have been told that the fundamentals of the 1995 EBA would not be implemented because of imperatives associated with privatisation and contracting-out. The issue was of a major change in departmental work organisation and thus the way public services were to be delivered. My view was/is, if Mr Hicks related such advice there would be a record.

It is critical to a consideration of my contention as to WorkCover's resistance to the search for support for Mr Hicks' claim, that other exhibits that had been registered by WorkCover are taken into account. Significantly:

- A petition 1.11.96 as to the Department's failure to observe the fundamental provisions of the EBA that was signed by all the Human Resources staff; and
- Documentation pertaining to WAIRC proceedings and media attention as to a major CPSU/CSA industrial campaign 1997-8 in connection with the Department's failure to observe the fundamental provisions of the EBA.

WorkCover persisted with the argument that it did not necessarily prove anything if there was no such record to support for Mr Hicks' claim, eg:

If the minutes say nothing, I not going to take it as proof that nothing is known, because we've also had an opportunity of staff meetings and discussions. [The suggestion that we should not expect there to be a record of staff meetings and discussions] (Review Officer, C&RD:2355)

And

... it will be probably proof of nothing, the minutes of the - - you know, even ... (indistinct)... that show nothing, because it's quite clearly - - you know, it's a very broad thing that was going on here. So, you know, I've got no great objections to those minutes being produced. (Review Officer, C&RD:2356)

I believe that, as a young person still trying to establish his career, my advocate was quite intimidated by the Review Officer for WorkCover. My advocate was also pressured by me insisting that he followed my instructions.

The distraction the Review Officer referred to (C&RD:2360) pertained to the discomfort I was experiencing having not confirmed my requirement to sight documents supporting Mr Hicks' claim. I was pushing my advocate to persist. Note my comment as to what saw as "a major problem"

(C&RD:2360) and my advocate's statement about receiving my "instructions against [his] better judgment to request documents" (C&RD:2363).

I also draw to your attention the related search for documents associated with the claim I put to Mr Hicks' successor, Dr Whitaker, about three of his most senior officers taking retribution by abolishing my job because of my comments about their role in the failure to implement the EBA:

MY ADVOCATE: Dr Whitaker in his evidence claimed that he did not have any - - sorry, he had meetings with the applicant between - - I think the time frame is August 96 until the time of this memorandum, which is exhibit 26 [7.10.97]. (C&RD:2366)

My argument was/is that if I was putting such a serious claim against three of his most senior officers there should be a record of his response to the evidence I provided.

Returning to the transcript of claims made by each of the individuals determined by WorkCover as having, in regard to my concerns about the implementation of the EBA, held discussions with me "numerous occasions" and given me "response to those concerns" (Determination, p129:pt223) .

Dr Chris Whitaker (T2113-2124)

DR WHITAKER: I can't recall ever responding in writing. I'm sure we discussed it, and - - but it's conjecture what I might have said. I guess if you are asking me to recap what I might have said, it would have been along the lines of what I said a moment ago. I mean, either Stuart Hicks grossly misrepresented what had happened, cabinet subcommittee believed it, or he represented what had happened and they thought well that's good enough anyway, I mean, I find that so fanciful in the extreme. There's nobody else around who was saying this. (C&RD: pp2112-3)

The remainder of the transcript noted by WorkCover shows the effort I made to gain proof of Dr Whitaker's claim of "discussions" during which he supposedly addressed my claim and supporting evidence. As noted in the above boxed example, my argument was/is that if I was putting such a serious claim against three of his most senior officers there should be a record of his response to the evidence I provided.

I regard to my contention that there never was a meeting at which Dr Whitaker addressed my claim and supporting evidence, the following:

DR WHITAKER: Okay. Well, as I say my recollection is entirely different. There were a number of meetings, and I might also add, and I think this is germane to the discussion as to how the Department is handling it, I requested and **required is probably the best way of putting it**, Helen Langley certainly, Dennis Forte certainly, to ...(indistinct)... time with Mr Winzer on these particular issues and I know they spent an enormous amount of time. And I mean, they'll have testimony that will probably bear that out. But you know ...(indistinct)... me that there were lots of meetings about because I needed to be satisfied, but I needed to be sure that the people directly reported to me, like Dennis Forte and Helen Langley, we completely got all the bases covered and that everything was correct as it were. (C&RD:2122-4)

Note: — my emphasis is added to Dr Whitaker's acknowledgment of the requirements set out in the Public Sector Management Act.

Mr Dennis Forte (T480-482)

MR McDONALD: Did you investigate at all, and if so, how, the substantive allegations he makes in there as to his concerns about the implementation of the EBA?

MR FORTE: No, I did not.

MR McDONALD: Why was that?

MR FORTE: Well, to be perfectly honest, as I recall, the position that - - that I've - - the view that I formed and the position I took in support of others was that this was going backwards, not forwards, and I didn't see that there was a whole lot of value in doing that. I certainly understood from discussion amongst some members of the CIG that it was not an issue that they wanted to be involved with themselves and this was a memo - - a memo after all forwarded to all CIG representatives. And so on balance I felt that with the defamatory matter put to rest there was little point in pursuing any of the - - any of the other matters contained within the document. I frankly saw it as only heightening angst and concern amongst staff. (C&RC:480-1)

And in regard to whether he advised me of his response to my concerns:

MR McDONALD: Right. Did you communicate that belief to Mr Winzer?

MR FORTE: If not directly on that occasion, on numerous previous occasions I had, yeah.

MR McDONALD: Were they written? Were they verbal?

MR FORTE: No. The discussions I had with Neil - - and they would've been at the time of discussions around the middle of 97 in the context of his redeployment opportunities. I'd talked on numerous occasions with Neil about the importance as I saw for him to look forward and not backward and try not to become too hung up and stressed by passed events. I felt that he needed to make a clean break and go forward. This was one very good reason why I was keen for Neil to take up the position of level 5 policy officer in my contracts area. I saw that as a clean break opportunity; "Let's forget the past and let's go forward from here". (C&RC:480-1)

Mr Stuart Hicks (T1056-1059, 1067-1068)

MR HICKS: Yes. Indeed, as I recall, there was a general staff meeting also which briefed people as to where things had got to and what the nature of the proposed milestone agreement would be. I mean, that was quite open and involved the staff as did the rest of the process. (C&RD:1083) (My emphasis added)

And

Mr McDonald: ...at which point did the employees at the Department of Transport, and in particular, Mr Winzer, become aware that there was reasons for the [EBA] milestones not being strictly adhered to....

Mr Hicks: I don't know. I would imagine that would have been fairly clear. It certainly would have been to Neil, because he was significantly involved with it, but I would think that most people understood because of the representational approach where we had representatives of the staff.... (C&RD:1084)

The Hon G Giffard 18.9.02 replied to questions on behalf of the Minister:

I am unaware of any documentation the former Director General may have to substantiate his position as part of his personal records. There is not DPI file documenting the staff meeting.

Mr Mike Harris generally

MR McDONALD: [Reading from Mr Harris' 16.6.99 advice to Minister Criddle] Well, that's - - what I'm getting at is, it says:

"Transport has also requested that Mr Winzer provide proof to substantiate his allegations."

Which - - is that a communication; was it a letter written to Mr Winzer? I'm asking you what does that refer to?

MR HARRIS: Going back over time there have been a number of documents – letters sent to Mr Winzer, asking for substantiated of claims. Our view is that they have not been substantiated in responses. (C&RD:1588)

This is simply not true. No such letters containing a request for me to substantiate my claim were ever sent and do not exist.

Mr Greg Martin, the Director General of Planning and Infrastructure recently scheduled a meeting between us but subsequently argued that my request for proof of claimed documents was outside the scope of the meeting.

I have since advised at least 150 Planning and Infrastructure staff as follows:

Obviously, if Mr Martin could disprove my claim that the Department never at any time addressed my public interest claim or the evidence I offered on my initiative, my claim would be largely dispelled

DETAIL AS TO THE CONSTRUCTION OF THE FALSE INFORMATION

It is helpful to consider the construction of the false information in two stages, involving:

1. Ms Helen Langley, now Executive Director Corporate Services, Department of Planning and Infrastructure; and
2. Mr Kerry O'Neil, formerly Executive Director, Public Sector Standards Commission and now Deputy Auditor General.

Ms Helen Langley — attempt, involving a meeting 10.55am, 29.1.99, to pervert the course of justice. I claim that Ms Langley knew the meeting to be a set up and knew that the outcome of the meeting represented false evidence detrimental to my effort to put my EBA claim.

This element of my claim against Ms Langley can be illustrated as follows:

$$A + B + (C1 + C2) + D = X \quad \text{Where:}$$

A is evidence of my claim related to the the process involved in the switch from the organisational change agenda based on 1995 EBA to the organisational change agenda based on privatisation and contracting-out.

B is evidence of meetings to determine Transport's actions, held before and after the 10.55am, 29.1.99 meeting.

C1 is evidence of knowledge of **my longstanding EBA related claim** going into the 10.55am, 29.1.99 meeting.

C2 is evidence of knowledge of **other claims** linked to me going into the 10.55am, 29.1.99 meeting.

D is evidence of knowledge exhibited at the 10.55am, 29.1.99 meeting.

X is evidence of any outcome of the 10.55am, 29.1.99 meeting.

A — There is an overwhelming quantity of documentation on the history of my EBA claim.

B — There is evidence of Messrs Harris, Bodycoat, Langley and Forte attending numerous meetings in order to determine their actions toward me:

- Mr Harris' evidence — C&RD:pp1574-5
- Mr Bodycoat's evidence — his E-mail 8.00am, 29.1.99 — C&RD:p1361, pp1364-5 and p1369
- Ms Langley's evidence — C&RD:2323

C1 — There is considerable evidence of the knowledge taken into the 10.55am, 29.1.99 meeting:

- Mr Bodycoat's E-mail 8am, 29.1.99 and notes provided to Mr Harris and copied to Ms Langley include reference to the statutory obligation to investigate information as to corruption;
- My letter to Ms Lyhne 27.1.99, included detail in regard to the history of my efforts to put my public interest claim and importantly my view that I'd been denied access at Transport to a 'due process';
- All four of the senior Transport officers were aware of and/or had some concern about my health (Bodycoat, C&RD:1365-6);
- Transcript of Ms Lyhne's evidence (C&RD:974) and her memo 28.1.99 show awareness of report on my health;
- Mr Harris was aware from Ms Langley's advice that I had lodged a complaint with the PSSC

specifically about his actions 10.11.98.

C₂ — The only evidence available to support Mr Harris' action toward me 10.55am, 29.1.99 is that Mr Harris said, not at the meeting but later, that "somebody" (C&RD:1574) told him I'd suggested there was corruption associated with the Road Trauma Trust Fund and Mr Bodycoat said, not at the meeting but later, the allegations of corruption I was purported to have made were "indistinct" and related to "budgetary administration" (C&RD:1364).

D — Given Ms Langley's involvement in the 'before and after briefings', there is abundant evidence of her awareness at the 10.55am, 29.1.99 meeting of the clear distinction between:

- Unspecified matters/mere rumours of corruption; and
- My longstanding EBA/privatisation and contracting-out related claims.

X — When cross-examined as to whether she knew my EBA related claim had been discussed at the 10.55am, 29.1.99 meeting, Ms Langley said I'd been "**reticent to give any information**" (C&RD:2185) and I "**didn't respond**" (C&RD:2186). The pattern and content of Ms Langley's C&RD evidence is identical to her advice that I had "**refused to either confirm or deny what [I] knew**", provided to the Public Sector Standards Commission 1.11.99 in response to PSSC's questions about my EBA claim. **Importantly**, in advising the PSSC 1.11.99, Ms Langley linked the 10.55am, 29.1.99 meeting with that pattern and content. A PSSC letter 2.12.99 contained a paraphrasing of the false information contained in Ms Langley's letter 1.11.99.

Public Sector Standards Commission letter 2.12.99 — contained a paraphrasing of significantly false information in regard to the history of my efforts to present evidence and have that evidence addressed.

The following extract in particular from the PSSC letter (2.12.99), enables an explanation of the construction and fallaciousness of the information:

When Mr Winzer made the allegations about corruption and improper conduct in late 1998, DOT quite appropriately took these seriously. Mr Winzer was requested to substantiate these allegations so that they could be properly investigated. Mr Winzer initially declined to assist DOT. When formally requested to do so Mr Winzer, through his legal representative said that "...he was concerned as to the legal effect of repeating mere rumours of corruption as opposed to his actual knowledge of corruption".

On 29.1.99, on the grounds of his obligation to investigate evidence of corruption, Mr Harris summoned me forthwith to a meeting. Mr Harris' consulting solicitor also attended.

As acknowledged by Mr Harris on the existing transcript (C&RD, p1574), I attended with the expectation of discussing the evidence supporting my longstanding EBA related claim. However, I was denied any discussion of my claim. I was formally questioned about unspecified matters and/or rumours of corruption and subsequently directed, under threat of disciplinary action, to advise of my knowledge of unspecified matters and/or rumours by close of business that day.

My solicitors advised 1.2.99 that I was “...**concerned as to the legal effect of repeating mere rumours of corruption as opposed to [my] actual knowledge of corruption.**” The reference to “actual knowledge” of course pointed to the EBA/privatisation and contracting-out related evidence. However, based on advice provided by Ms Langley and Mr Forte, the Public Sector Standards Commission wrote 2.12.99:

When formally requested to [substantiate the EBA/privatisation and contracting-out related claims] Mr Winzer, through his legal representative said that “...he was **concerned as to the legal effect of repeating mere rumours of corruption as opposed to his actual knowledge of corruption**”. (emphasis added);

Clearly, my 1.2.99 response to the harassment about mere rumours of corruption was ‘cut’ and ‘pasted’ in order for it to appear as though it had been my 29.1.99 response to questions, that were in fact never asked 29.1.99 about my EBA/privatisation and contracting-out related claims.

Mr Harris 16.6.99 advised his Minister as follows:

Transport has also requested that Mr Winzer provide proof to substantiate his allegations; he was either unable or chose not to do so.

Transport’s consulting psychiatrists and the Parliament of Western Australia were also similarly misled.

The Hon Kim Chance gave an account of the 29.1.99 meeting to Parliament 6.9.00, describing the harassment and using the expression “a twist of the truth” in respect to the outcome of the PSSC’s review.

In summary I respectfully request the Committee to consider the reasons for the gross discrepancy between:

- The WorkCover determination of my belief as to the public interest claim being “at best convenient and contrived” and that I do “not genuinely hold such a belief”; and
- The absence of any record of any officer acting for my employer having ever addressed my public interest claim or the evidence I offered in support.