

Neil Winzer
12 Holleton Terrace
Padbury WA 6025
Email: winzer@iinet.net.au Mob: 045 046 2526

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Mr Chris Dawson APM
Chief Executive Officer
Australian Crime Commission

Dear Mr Dawson

REQUEST THAT YOU PROVIDE AN EXPLANATION AS TO HOW THE CONDUCT OF THE INDIVIDUALS I HAVE NAMED DOES NOT AMOUNT TO ORGANISED CRIME

I am concerned in regard to the failure of the ACC to even acknowledge receipt of any of my recent correspondence. I spoke on or about 6.1.16 to Ms Rose Metcalfe, who was identified as your direct assistant, regarding my letter to the Board of the Australian Crime Commission dated 6.1.16. While offering an explanation as to limited staffing due to the Christmas period Ms Metcalfe did provide her email address and a commitment to have a formal acknowledgement forwarded.

Please note my correspondence since 6.1.16 that has been either directly to the ACC Board or courtesy copied including that of 25.1.16, 3.2.16, 9.2.16 and 14.2.16. In particular I note my letters of 19.2.16 and 14.3.16 to Prime Minister Turnbull courtesy copied to the ACC Board.

You may deduce from my correspondence that the receipt of and response to documents are critical factors. I've been making requests of federal agencies for advice on their jurisdiction in regard to the evidence I'm wishing to present as to the involvement in a cover-up of WA public Sector Corruption of Christian Porter MLA, Alannah McTiernan MLA, Senator David Johnston, Ms Darrly Wookey of the Australian Government Solicitor's and Mr David Robinson of the Fair Work Commission. My claim that Commissioner Dyson Heydon knowingly provided me with false advice concerning an investigation as to C Porter's involvement in union corruption is linked.

The request for advice on jurisdiction has been made in light of the fact that the WA authorities, the Corruption and Crime Commission most conspicuously, continue to act contrary to the public interest. An ACC Board member, namely Karl O'Callaghan, was the focus of my 2006 approach to the ACC as may be seen from the ACC records. As set out in more detail in my letter of 6.1.16, it is a key to what I'm saying about the WA authorities acting contrary to the public interest that **the WA Department of Transport as my employer advised the WA Parliament from 2000 to 2004 of the existence of documents they'd generated to address my corruption claim and yet the WA CCC acknowledged in 2008 that no such documents exist.** However, I remain as an abused Transport employee.

In unambiguous terms and with extensive reliance on the WA Hansard and court records I have pressed serious claims. Consequently, if it could be determined that the claims are

frivolous or vexatious I should be penalised in a way other than being ignored and treated with contempt.

You may also deduce from my correspondence that my ultimate objective is to achieve an opportunity for my family and I to 'move on' from the 'whistleblower' experience that began for us formally in 1998. The WA CCC is a conspicuous block in regard to that objective.

Previously, in putting my request to the federal agencies, I have not thought that the onus was on me to 'press the precise button' by being specific in citing any of their respective legislative provisions. I thought it was appropriate and in the public interest that the agencies look at all the information I'm offering, apply their understanding of their legislation and advise me as to their jurisdiction. I have quoted the Australian Commissioner for Law Enforcement Integrity website advice that "**Sometimes it may be preferable to pass the information provided (or part of it) onto another agency better suited to investigate it.**"

Mr Dawson, today I'll be specific regarding one aspect of the matter I'm pressing. I will ask Mr Michael Griffen the Law Enforcement Integrity Commissioner to monitor this initiative.

In my letter of 6.1.16 to the ACC Board I advised that it is my opinion that the conduct of the first four of the individuals I've named above was / is entirely consistent with the ACC's definition of organised crime. Obviously, I am not suggesting these four individuals fit the same mould as the likes of Robert Trimbole and Carl Williams. However, the definition is what it is and it is my contention, underpinned by substantial evidence, that the conduct of these individuals amounts to conduct that is not different to that defined as organised crime.

My specific request is that you provide me with a formal acknowledgement of this request immediately and, within a reasonable timeframe, an explanation as to how the conduct of these individuals does not amount to organised crime.

With concern in regard to whether Ms Metcalfe has been passing on my correspondence, on this occasion I will be sending this letter by registration with Australia Post.

Attached to the copy of this letter that I'm emailing to Ms Metcalfe you may see a copy of the submission of 88 pages I lodged with the WA CCC on 7.12.15 in conjunction with the submissions of Hon Kim Chance and Hon Max Trenorden who have the combined experience of some 33 years in the WA Parliament. You may see on page 17 that I copied from the Corruption and Crime Commission Act 2003 the definition of organised crime.

***organised crime** means activities of two or more persons associated together solely or partly for purposes in the pursuit of which two or more Schedule 1 offences are committed, the commission of each of which involves substantial planning and organisation;*

The Schedule 1 offences include those that fall under a wide range of sections of the Criminal Code. I believe I've provided an account of a number of these offences in the 88 pages.

As to "activities of two or more persons associated together ... partly for purposes in the pursuit of which two or more Schedule 1 offences are committed" I ask for consideration of the conduct of the Department of Transport, Public Sector Standards Commission, State

Ombudsman, Police Service, Public Sector Management Office / Public Service Commission Corruption and Crime Commission and State Solicitor's Office in relation to my claims of corruption and abuse. In particular, I ask for consideration of the responses these agencies gave to my persistent and consistent efforts to advise of the fallaciousness of Department of Transport's advice as to the existence of documents addressing my claims.

Put me in a 'put up or shut up' situation and I will be able, in relation to each of those agencies, to table at least one document I generated with the objective of having those agencies undertake the simple task of asking Transport to substantiate their position as to the existence of documents addressing my claims.

As to "the commission of each [offence] of which involves substantial planning and organisation", I submit that over the 88 pages with the aid of a record of cross-referencing and courtesy copying to the above listed agencies a clear picture develops.

In support of the contentions conveyed in the 88 pages I have to a considerable extent referred to the position / warnings expressed by Chief Justice Wayne Martin in his Whitmore Lecture on 1.8.13 regarding the position of Public Sector Commissioner, including:

... the principle of legality of administrative action has been modified to the extent that a public official not subject to ministerial direction can promulgate standards and codes which have the effect of overriding laws passed by the Parliament. On the face of it, it is difficult to see how this framework promotes the cause of "integrity" given the breadth of this extraordinary delegation of legislative power to an unaccountable official. It is to be remembered that this is the same official who is responsible for the conduct of reviews, inquiries and investigations on a wide variety of matters broadly related to the public sector. The same official is now also the employing authority of each agency CEO, who therefore depends upon the favour of the commissioner for their continuation in office or reappointment. (p26)

I submit that my argument as to the political process having broken down dovetails perfectly with what the Chief Justice said on 1.8.13. Over 15 years attempts have been made by, aside from parliamentary committees, 17 politicians by way of either statements in parliament, questions or letters to resolve this matter. However, those attempts have been subverted by the responses given with reference to the obligation under the Public Sector Management Act 1994 for the acceptance of advice, which has been false, given by Mr Wauchope, the Public Sector Commissioner, or the agency CEO's and others he influences.

Furthermore, I submit that my argument as to the political process having broken down dovetails perfectly with what Hon M Trenorden said in the Legislative Council on 9.8.11 when pressing for a resolution of my circumstances, including:

I believe without question that a range of people in this state have been affected severely by actions within the public service; that their lives have been severely damaged; and that there is a culture in the public service to leave them in that dimension or in that space. I think that is appalling. It does nothing for the image of the public service and it does nothing for the image of us as members responsible for the public service.

Hon M Trenorden in the Legislative Council on 27.11.12, while not using the term ‘organised criminals’, referred to a “club”, as follows:

This issue has been reported on by several committees of this house and members have regularly stood and attempted to get some justice for Mr Winzer, but this just cruises on. Just like with Michael Moodie, it just cruises on. You just trample over these people because you have the power, because you are in the club and the club allows you to do what you want. It is just unacceptable.

On 19.5.05 Minister Kim Chance in the Legislative Council provided an honest answer to a detailed question No. 2061 from the Opposition about the conduct of the Department of Transport and Public Sector Standards Commission in relation to my claims of corruption and abuse. It was a most prophetic answer given what Hon K Chance MLC on 6.9.00 reported as the Chair of the Standing Committee on Public Administration, including:

I hate to think that we might be part of a system that for one reason or another has set out to destroy an individual. I know that nobody in this Parliament would want that to happen and I hope we can bring some goodwill to the way in which this man has been dealt with.

Above I have put the contention as to the acceptance of advice, which has been false, given by Mr Wauchope, the Public Sector Commissioner, or the agency CEO’s and others he influenced. Those ‘others’ included, I say, Porter, McTiernan, Johnston and Wookey. The four of them have never been tested against the available evidence and therefore there is a possibility that they will again be involved in corruption or the cover-up of corruption.

I respectfully ask that you provide me with a formal acknowledgement of this request immediately and, within a reasonable timeframe, an explanation as to how the conduct of Porter, McTiernan, Johnston and Wookey does not amount to organised crime.

Sincerely



Neil Winzer

CC Prime Minister Malcolm Turnbull
Commonwealth Ombudsman Mr Colin Neave

Integrity Commissioner Michael Griffen
Police Commissioner Andrew Colvin