

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

26<sup>th</sup> April 2018

Premier Mark McGowan  
Department of Premier and Cabinet

Dear Premier

- **Replying to Senator Peter Georgiou’s requests of the Australian Criminal Intelligence Commission for a response to my corruption claim against Police Commissioner Chris Dawson, the ACIC 13.3.18 advised that “Mr Winzer may address his concerns with the Corruption and Crime Commission and the Public Sector Commission.”**
- **My request of you today to return to your 15.9.14 position in support of the options of a “fair resolution” or an “objective investigation” declared in your letter to then Minister Dean Nalder is based on my following beliefs:**
  - **Your referral of my corruption claim against Dawson to the CCC would be in the public interest and in accordance with the ACIC’s 13.3.18 advice;**
  - **It is a fact that the first item on the list of evidence before the ACIC about Dawson is the same as put to you 7.9.14 by the late Hon Kim Chance and led to you citing 15.9.14 the options of a “fair resolution” or “objective investigation”; and**
  - **The fundamental aspects of my advice as to a cover-up that caused Police Minister Michelle Roberts to support my calls for an investigation, when the A/Opposition Leader 20.1.00, are the same as those that caused you to give support 15.9.14.**
- **Given my 17 year disclosure experience I consider the fair resolution option would be best for all concerned, notwithstanding the public interest factors that would remain.**

### **Background**

Appealing 22.12.99 to Geoff Gallop MLA when Opposition Leader I stated “I strongly believe my latest complaint (23.11.99 and 17.12.99) to the Premier, that the Standards Commission has failed to observe their mandate, is legitimate.” Those documents, which I attached 22.12.99, included reference to the fundamentals of my whistleblower circumstances being Transport’s failure to address my corruption claim and the PSSC’s failure to ask Transport for a document to substantiate their position; as follows:

23.11.99

*My opinion is that, given I am claiming compensation for an injury as of August 1998 which has resulted from my employer’s attempts to silence me, I would be denied natural justice if I am subject to the parameters of the Workers’ Compensation and Rehabilitation Act 1981 without the veracity of what I consider are public interest disclosures being investigated.*

#

*Because Transport have never responded to my claims by way of a written or verbal explanation, they have to be committed in the workers’ compensation forum to an verbal, personal attack upon me.*

17.12.99

*PSSC advised me (6.1.99) that they had held discussions with Transport in relation to my claims. I cited (30.3.99) the PSSC for having breached the Public Sector Code of Ethics regarding **impartiality** because I had not been provided the opportunity of any benefit that might have been achieved in face-to-face discussion.*

#

*In my view the PSSC have failed to conduct the obvious exercise of asking Transport as to what their response was to each of my documents.*

Michelle Roberts MLA 20.1.00 stated in her letter to Commissioner Don Saunders “On this basis, I therefore request that you give Mr Winzer the chance to argue his case for an inquiry.”

With the passing of Kim Chance I put to you on 31.5.18 the desperate hope that you would honour his request for us to meet to discuss ways of achieving a termination of my Department of Transport employment that would mean a complete end to my involvement with the public interest disclosure I initiated.

When you 24.5.17 advised that due to the provisions for Transport only to act regarding my employment “it would not be appropriate for [you] to intervene” I suggested 31.5.17 you would have only been correct had officers for Transport not acted criminally in relation to my employment. I noted that the understanding upon which you adopted your 15.9.14 position can be clearly traced from Senator Scott Ludlam’s 24.7.14 explanation for Nalder and then provided to you 7.9.14 by Kim Chance. Ludlam 24.7.14 detailed Transport having misled Parliament on the existence of the documents critical to my corruption claim. Obviously, concern arises from your 24.5.17 advice that Transport should now determine the terms upon which my employment is ended being at odds with their action in misleading the WA Parliament.

**See attached: (1) Senator Ludlam’s 24.7.14 explanation (2) Kim Chance’s 7.9.14 referral to you (3) Your 15.9.14 position (4) Minister Roberts 20.1.00 support for an inquiry**

It is appropriate to consider these documents as a **Boxed Set** because of the importance of the match between it (the **Boxed Set**) and what is always the first item on my list of evidence concerning Dawson’s willful collaboration in corruption. That first item being the gross conflict associated with the CCC’s 14.8.08 report and the failure of authorities from 1999 to address my appeals for Transport to be obliged to substantiate their advice to Parliament and a court about the existence of a document they’d generated to address my original corruption claim. ‘They’, including Dawson in 2006, only had to ask. On 14.8.08 the CCC acknowledged they were unable to find a substantiating document but didn’t act.

To be clear, I say **the Boxed Set represents a match** between Minister Robert’s 20.1.00 support for an “inquiry”, your 15.9.14 support for an “objective investigation” and my claim that on 12.7.06 Dawson knowingly failed to address what I’d 6.6.06 specified as perjury. The evidence you endorsed 15.9.14 is evidence I’m currently proposing as a test of Dawson’s suitability to be Commissioner.

In light of the appointment of Dawson as Commissioner, I wrote 18.10.17 to you beginning with and included the following:

***My request for a meeting at a political level to discuss the termination of my employment***

*The background to this letter is formed by my letters concerning the involvement of Police Commissioner Dawson in corruption sent to Minister Roberts and Dr Nahan jointly dated 4.9.17, 11.9.17*

and 15.9.17, my letters to Minister Roberts 15.9.17 and 9.10.17 and the letters to you from Peter Katsambanis MLA and Tim Clifford MLC dated 27.9.17 and 13.10.17 respectively.

**Emphasis is again warranted** as to my preference by a large margin being the termination of my Transport employment enabling me 'get on with my life' by ending my role in this matter.

#

I suggest that it is an enlightening exercise to place side-by-side Ludlam's explanation and my explanation that was before Dawson when he responded to me 12.7.06.

#

Premier, my opinion is your 15.9.14 position is at odds with Dawson's 12.7.06 position which I contend for the following reasons amounted to collaboration in the cover-up of my disclosure:

#

I say I've cited documentary evidence not previously considered as to our most senior law enforcement officer's role in a corruption cover-up.

On the day I emailed my 18.10.17 letter to you I received in response an email on your behalf from an unidentified, weak and dishonest person. Their advice was that your 24.5.17 advice stood and I would not receive a reply to any of my further correspondence.

### **Recent Developments**

Due to the rejection of my offer, as per my 18.10.17 emphasised heading noted above, to put the public interest factors aside in order to achieve a resolution I acted regarding the option of an investigation of Dawson's collaboration in the cover-up of my disclosure. His collaboration featured his response to me on 12.7.06 when he was A/Commissioner. I acted on that option as per the following outline:

- Due to Police Minister Roberts' staff having advised me that my claim regarding the involvement of Commissioner Dawson in a corruption cover-up was referred to the Police Service, I began to press the Police Ethical Standards Division and on 4.12.17 mailed the attached '**WANTED**' poster to police stations. I set out the key aspects of my claim against Dawson in regard to which I requested attention;

Note the match between the **Boxed Set** and my '**WANTED**' poster claim of Dawson's failure to address what I cited 6.6.06 as perjury regarding the existence of a substantiating document.

- I submitted to the ACIC on 4.12.17 my claim as to Dawson's involvement being among the number of national implications related to the cover-up of my corruption disclosure. I submitted:
  - the WA authorities in covering up my original disclosure acted in a manner consistent with the ACIC's definition of organised crime. That original disclosure featured fraud, an ACIC defined "offence". I posited that with nobody in WA prepared to conduct an objective and thorough investigation, the ACIC had a public interest responsibility to act; and
  - Dawson was one of the "persons associated together" (ACIC's organised crime definition) in the "substantial planning and organisation" (definition) of the cover-up of the "offence". I cited his collaboration in the cover-up when he was the WA Police Force A/Commissioner in 2006, CEO of the ACIC and ACIC Board member as WA Commissioner

- On 3.4.18 I mailed the attached '**STILL WANTED**' poster to police stations. Note the match between the **Boxed Set** and my claim of Dawson's failure to address what I cited 6.6.06 as perjury regarding the existence of a substantiating document.
- Senator Georgiou 9.2.18 requested ACIC for a response. I 4.12.17 followed-up Georgiou's request on 19.2.18 in submitting to ASIC's Integrity Assurance Team. In my 4.12.17 submission to the ACIC I specified what the related correspondence shows Senator Georgiou meant by his request for "a response to the information". **I received an automatic acknowledgement regarding my 19.2.18 submission.** Senator Georgiou 26.2.18 sent a further request to ACIC for a response;

**I have attached a copy of my 19.2.18 submission**, particularly because of the benefit of the included brief accounts of the performance of the Public Sector Standards Commission, Ombudsman, Public Sector Commission and CCC in support of my organised crime contention. **Importantly**, these brief accounts feature the same core explanation forwarded to you on 7.9.14 by Kim Chance concerning the misleading of Parliament in regard to the existence of the documents critical to my corruption claim.

- I believe the reply provided by the WA Police Ethical Standards Division dated 15.2.18 constitutes evidence of a decision to perpetuate the cover-up;
- I submitted to Commissioner Dawson on 28.2.18 my critique of the reply from Ethical Standards Division and challenged him to '*step forward*' and address the evidence I've offered in support of my claims against him, including those with ACIC;
- ASIC's Integrity Assurance Team 13.3.18 gave a '*Claytons*' reply to Senator Georgiou; and
- On 17.4.18 I mailed the attached '**NOT WANTED – A CORRUPT COMMISSIONER**' poster to police stations. Note the match between the **Boxed Set** and my claim of Dawson's failure to address what I cited 6.6.06 as perjury regarding the existence of a substantiating document.

### Request of Today

Notwithstanding the public interest factors that would be associated with an objective and thorough investigation as to Commissioner Dawson's involvement in the cover-up of my corruption disclosure, I consider the option of a fair resolution would be best for all concerned.

I ask that you consider returning to your 15.9.14 position in support of a "fair resolution".

Sincerely



Neil Winzer

CC Minister Michelle Roberts  
Minister Rita Saffioti

Commissioner Chris Dawson  
WA Police Union

## BOXED SET

Mr Dean Nalder  
 Minister for Transport  
 7th Floor Dumas House  
 2 Havelock Street  
 West Perth WA 6005

Dear Mr Nalder

I refer to the advice dated 27 June 2014 from Mr Ben O'Rourke, your Chief of Staff.

In making my request on 29 May 2014 for a meeting with you I noted that, having reviewed Mr Winzer's case, I believe there is still a case to be addressed, and resolved by the Department.

In describing it as a very complex case I mean that it was so in terms of the number of its parts.

However, I believe that fundamentally the case is very simple and I ask that you consider the following information:

1. Mr Winzer advised Premier Richard Court on 23 November 1999 that "Transport have never responded to my claims by way of a written or verbal explanation" and he persisted with appeals to every conceivable WA authority on that basis;
2. The records of Parliament as to questions and answers Nos. 880 of 2000, 1980 of 2000, 541 of 2002 and 1800 of 2004 show Transport advised of written explanations;
3. The Director General of Transport on 22 February 2000 testified that "we have dealt with each of those issues in correspondence over a period of time" (Michael Harris:pp1584-5) and "there have been a number of documents – letters sent to Mr Winzer, asking for substantiated (sic) of claims" (Michael Harris:p1588); and
4. The Corruption and Crime Commission on 14 August 2008 reported as follows:

*As part of its enquiries into this matter, the Commission examined the files held by the DPI [Transport] in relation to Mr Winzer's public interest claim but was unable to locate any detailed written response to his claim.*

An emphasis is warranted as to the above four points constituting a minimalist interpretation of Mr Winzer's public interest claim and his predicament. An objective and thorough investigation of his claim would necessarily have encompassed the elements of fraud, misappropriation, falsification of records, abuse of office and perjury and consequently have been based on the enormous amount of documentation Mr Winzer referenced, comprising largely of court transcript and official records of the Parliament.

My belief that there is still a case to be addressed is based on the view that, had there been an objective and thorough investigation of Mr Winzer's public interest claim, it would have commenced in 1999 with the discovery, just as the CCC discovered in 2008, that documents showing Transport had addressed his

claim did not exist. Therefore, at the minimum, there would have been a finding of Parliament having been misled 2000 to 2004. .

Mr Winzer has initiated submissions to the *Royal Commission into Union Governance and Corruption*. In making the submission that the Community and Public Sector Union / Civil Service Association initiated an agreement with the WA Public Sector Standards Commission not to investigate his claim of corruption, Mr Winzer has cited as supportive the questions about that agreement asked by Hon Sue Walker MLA and Hon Peter Collier MLC in 2004 and 2005 respectively.

In my opinion it is a critical consideration that both Hon S Walker MLA and Hon P Collier MLC sought to achieve an answer as to whether the agreement between CPSU/ CSA and the PSSC represented support for Mr Winzer's claim of a cover-up.

It is an equally critical consideration that Hon Peter Collier MLC in tabling his question relied heavily on the response given on 25 August 2005 to Hon Norman Moore MLC by Minister Kim Chance that was clearly based on the same information I've referred to today at page one. Minister Chance's advice, based on that information, included his determinations that Transport had misled the Parliament from 2000 to 2004 by advising that their officers had addressed Mr Winzer's public interest claim, misled consulting psychiatrists by advising that their officers had addressed Mr Winzer's public interest claim and victimised Mr Winzer because he had attempted to make a public interest claim; and

I believe the 27 June 2014 advice from Mr O'Rourke that Mr Winzer did not attend the appointment required for an assessment of his fitness to return to work has been given without account of Mr Winzer's complaint about a conflict of interest concerning the Director General of Transport, Mr Reece Waldock. Mr Waldock, I understand, was cited in Mr Winzer's original claim of corruption and yet asked Professor Paul Skerritt to review his report dated 12 April 2011 that was supportive of Mr Winzer's return to work. Mr Waldock's request for a review was based on a brief dated 11 October 2011 grossly at odds with the four items of information I've noted on page one. I also understand that in response Professor Skerritt, a psychiatrist without peer in WA, responded to Mr Waldock's request by advising that he "had no intention of commenting on the complications of relations in the public service but only on [Winzer's] psychiatric state."

It is also my understanding that the 27 June 2014 advice that Mr Winzer was welcome to re-engage with Transport by contacting Ms Fiona Knobel has been given without account of Mr Winzer's complaint dated 21 September 2011 to Mr Malcolm Wauchope, the Public Sector Commissioner, as to Ms Knobel providing false advice to Mr Winzer about the request made of Professor Skerritt to review his report.

In all, I believe it would be constructive for us to meet with a view to giving Mr Winzer the opportunity he has asked for; to 'get on with his life'.

I look forward to having the opportunity to meet with you at your earliest convenience.

Yours sincerely

Scott Ludlam

24/7/14



---

**Minister for Transport; Finance**

Our ref: 53-02471

Senator Scott Ludlam  
8 Cantonment Street  
FREMANTLE WA 6160

Dear Senator Ludlam

**MEETING REQUEST REGARDING MR NEIL WINZER**

Thank you for your letter dated 24 July 2014 to the Hon Dean Nalder MLA, Minister for Transport, requesting a meeting regarding Mr Neil Winzer. The Minister has asked me to respond on his behalf.

As previously advised, Mr Winzer has raised his issues with numerous offices and bodies over the last 16 years. In that time, there have been no adverse findings made against the Department of Transport (DoT).

The Minister does not consider that a meeting would advance this matter.

Should Mr Winzer wish to re-engage with DoT, he is welcome to contact it directly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben O'Rourke', with a long horizontal line extending to the right.

**BEN O'ROURKE**  
**CHIEF OF STAFF**

30 SEP 2014

Kim Chance  
52 Loton Road  
Millendon WA 6056  
[kchance2002au@yahoo.co.uk](mailto:kchance2002au@yahoo.co.uk)  
Perth 0427 534 036  
Abu Dhabi +971 5 2850 1869

Hon. Mark McGowan  
Leader of the Opposition  
Parliament House  
Perth WA 6000

Dear Mark,

*Re: Neil Winzer*

**Ref: My letter of 05/09/2013, your substantive reply of 18/09/2013, my response of 29/10/2013.**

Further to the correspondence referred to above which included your advice to me in your letter of 18/09/2013 that you could not see any way that the Opposition could constructively assist in the Winzer case, I write to make what is a fairly simple request that I hope you will consider.

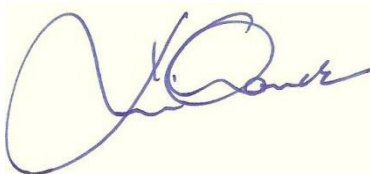
Neil Winzer has gained the support of Senator Scott Ludlum in his efforts to meet with the WA Minister for Transport in an endeavour to negotiate a settlement of his long-standing claim in relation to his employment with the Department of Transport.

With the agreement of Senator Ludlam I have attached the text of a copy of his letter to the Minister for Transport dated 24<sup>th</sup> July 2014. You will see on the basis of the four points made in his letter that Senator Ludlam has declared his belief that there has never been an objective or a thorough investigation of Neil Winzer's public interest claim.

My request to you is for you to consider issuing a short letter addressed to the Minister which indicates the Opposition's support for actions that can bring closure to this matter. Given the date of Senator Ludlam's letter, I believe that a letter from you expressing support for a resolution of the issue would be timely in that it may help to sway any possible inclination by the Minister and his staff to further prolong the matter.

The letter need do no more than note that the matter has dragged on for more than twelve years and that it would be in everyone's interests if it could be brought to a fair conclusion. Neil Winzer assures me that his highest priority is for his family to be able to move on and that he would withdraw all current submissions.

Your assistance in this matter will be greatly appreciated.  
With best wishes,



Kim Chance

07/09/2014

\*\*\* Attachment Ludlam letter



**Mark McGowan MLA**  
Leader of the Opposition

Parliament House, Perth WA 6000

Phone: (08) 6552 9900 | Fax: (08) 6552 9901 | Email: leader@loop.wa.gov.au  
www.markmcgowan.com.au |  Mark McGowan MP



Our ref: 015810WL

Hon Dean Nalder, MLA Minister  
for Transport; Finance  
Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Mr Nalder

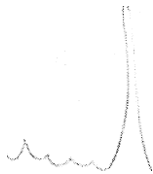
I refer to the long-standing claim by Mr Neil Winzer in relation to his employment with the Department of Transport.

This matter has been ongoing since the late 1990s and it seems Mr Winzer has yet to receive a satisfactory outcome to his complaints – despite years of unwavering persistence.

As Leader of the Opposition in Western Australia, I would support action by your Department and Office that would help bring this matter to a fair conclusion. This may require an objective investigation of Mr Winzer's claim – an action that I would support

Please find attached correspondence to my Office from Mr Winzer which best outlines his concerns.

Yours sincerely



Mark McGowan MLA  
**LEADER OF THE OPPOSITION**

15 SEP 2014

**My copy of Minister Roberts 20.1.00 support for an inquiry would not paste here – see attached**