

## Chapter 2

### Dr Williams' complaints

On 12 January 2007, Dr Paul Williams complained to the committee concerning his treatment by two of his managers within the QPWS, District Manager Mr Geoff Meadows, and Regional Director Mr Clive Cook (Attachment A).

On 1 February the committee wrote to Dr Williams seeking further details, which he provided on 9 February 2007 (Attachment B). Based on these further details, on 1 March 2007 the committee agreed to seek Mr Cook's and Mr Meadows' responses to issues raised by Dr Williams.

On 9 March 2007, the committee received an initial response on behalf of Mr Cook and Mr Meadows from the Queensland Deputy Crown Solicitor. That initial response, shown at Attachment C, sought further clarification of issues. On 15 March 2007 the committee responded to this request, providing further details of the issues raised by Dr Williams (the committee's correspondence is shown at Attachments E and F). While Dr Williams raised many issues in his original correspondence, which he numbered one through nine, the committee concluded that only five of them warranted seeking further information, which is why the details of Dr Williams' complaint sent to the two managers include only the relevant extracts of Dr Williams' original letter.

#### **The five matters on which the committee sought further information**

There were five points raised by Dr Williams about which the committee decided to seek further information. Four matters (numbered one, five, seven and nine by Williams) were raised by this committee with Mr Meadows; while three, partly overlapping, matters (numbered six, seven and nine by Williams) were raised with Mr Cook. These matters are summarised below:

**Matter #1 (Professional performance review changes).** Dr Williams expressed concern that unscheduled changes required to his professional performance review (or annual work program) were 'one of a number of harassments aimed at annoying me and disrupting my work', although his letter did not set out a more specific link between this and his giving of evidence to the committee.

**Matter #5 (Job interview process).** During an interview for a promotion (in which Dr Williams was unsuccessful), he was asked a question 'where there is a conflict between the environment and this agency, where does your loyalty lie?' Dr Williams asked for clarification, which he says elicited the response that he should answer the questions rather than ask them, and he took the question to be a reference to his input to the Senate inquiry, which he believes his managers considered to be 'disloyalty'.

**Matter #6 (Phone call and correspondence after meeting with Queensland Minister).** On 28 September 2006, three months after this committee's public hearing in Cairns, Dr Williams was one of several staff who met with the Queensland Minister for the Environment and Multiculturalism, the Honourable Lindy Nelson-Carr. During that meeting, Dr Williams conversed with her about park management, including explaining to her that staff 'are frustrated they have not time to implement land management' activities'. According to Dr Williams the conversation was initiated by the minister. Mr Cook, who was present at the meeting, was subsequently critical of Dr Williams about his conduct.

Dr Williams stated that Mr Cook subsequently rang him, 'angrily claiming he was sick of me "always doing this"' and claiming that Dr Williams 'had a history of complaining out of house about QPWS'. This was followed by a letter reminding Dr Williams of his obligations under the Agency Code of Conduct to 'avoid publicly criticizing Agency procedures or colleagues'. The letter is at Attachment I. That letter also required Dr Williams to undertake a refresher course on the Agency's Code of Conduct.

Dr Williams interpreted the letter as being a reprimand over his conduct, and noted that the only 'public' occasion on which he had commented about his Agency was the Senate hearing. He sought the assistance of the Queensland Public Sector Union (QPSU), which wrote to Mr Cook on Williams' behalf, asking Cook 'what policy Mr Cook applied to reach his apparent determination that [Williams'] actions were in breach of the code of conduct. The union letter also asked why [Cook] alleged in his letter that [Williams] had made public comments about the department or colleagues, which could not relate to the internal meeting that he was writing about.' Cook's reply (supplied to this committee by Williams) indicated that he had made no determination regarding a breach of the code of conduct, but, as Williams' noted, did not respond to the query regarding his reminder about 'public' comments. This correspondence is also at Attachment I.

**Matter #7 (Removal from selection panel).** On 28 July 2006, shortly after informing his supervisors that he was going to give evidence to the Senate committee, Dr Williams was removed from a job interview panel without being asked, and despite being willing to be on it. His replacement on the panel had not wanted to do the task but had been told no one else was available. As evidence this was not a coincidence, Dr Williams reported that Mr Dave Green (who has made a separate complaint to the ECITA committee – see chapter 3) was removed from a job interview panel at the same time, also against his wishes. Dr Williams stated that 'the inference I received from my supervisor was that it was a mistake to attend the Cairns hearing'.

**Matter #9 (Meeting with Mr Meadows).** Dr Williams raised the concern that he was subjected to 'continued accusation that I have a history of criticizing the department'. After his initial letter to the ECITA committee of 12 January 2007, Dr Williams was called to senior manager Geoff Meadows' office about a matter unrelated to the ECITA committee evidence. During that meeting Dr Williams states that Meadows

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'repeatedly accused me of having a history of criticizing the department'. When Dr Williams denied this and sought examples:

All he could provide was the issue of my talking to the Minister in September 2006. I denied this was criticizing the department and in any case one example does not constitute a 'history'. I asked Mr Meadows repeatedly to provide examples of this history and he could not. In the end he said that I knew what he was talking about. I said to him that I believed he was criticizing me for participating in the Senate Inquiry into national park resourcing. Mr Meadows smirked and said something along the lines of yes of course.<sup>1</sup>

### **The four matters the committee did not further pursue**

Four issues had been raised by Dr Williams that the committee concluded did not require further action:

**Matter #2 (Changes to travel approval procedures).** Dr Williams indicated that approval requirements for him to travel had been tightened by his employer since he gave evidence to the committee. However he also noted that this policy had been applied to several individuals and was not directed specifically at him. There was also no suggestion that his travel had actually been restricted or reduced. The committee concluded that in these circumstances, no penalty was involved, and that in any case, as he had not been specifically targeted, there was no link to the evidence that he gave.

**Matter #3 (Vegetation management plan funding).** In February 2006 Dr Williams was asked by his Agency to work on a project regarding vegetation management in Queensland parks. He suggested to the committee that the subsequent failure of the project to attract funding was the result of vindictiveness against him by the Executive Director. However, Williams supplied no evidence that funding was ever formally earmarked for implementation and, as he himself pointed out, he was only one of several staff involved in advancing the project. While Dr Williams may have been disappointed in the outcome to date, there was no evidence presented that was out of the ordinary for agency practice. There appeared to be nothing in this complaint that could constitute a contempt.

**Matter #4 (Refusal of approval to undertake outside work).** Dr Williams had been seeking since September 2005 to provide consulting services in his own time to the Nature Refuge Landholders Association. He suggested that the final decision of his agency to refuse him permission to undertake this work, communicated to him in December 2006, was only reached after, and was affected by, his submission and evidence to this committee. While Dr Williams may have wished for a speedier resolution of the issue, the review of his application appeared to this committee to be a normal procedure, and nothing in the material provided to the committee by Dr Williams showed any direct link to his submission or evidence to the committee.

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1 Correspondence from Dr Williams to the committee, 9 February 2007. See attachment B, p. 7.

**Matter #8 (Radio interview).** Dr Williams had been asked by the EPA Director General's media office if he would do a radio interview with the ABC. However when clearance for this was sought with senior manager Mr Clive Cook, Mr Cook indicated he preferred the Savannah District Manager to do the interview. Dr Williams stated to the committee that it was a minor matter, but he raised it 'as yet another example of the many minor annoyances that have magically arisen since my submissions [sic] to the Senate inquiry'. The committee recognises Dr Williams may have been disappointed at the outcome, particularly as it was his own agency that had initiated the request for him to do the interview, however it notes firstly that there is no implication of a penalty against Dr Williams, and secondly that there is no clear link between his giving of evidence to the committee and the later request by Mr Cook that another person do the interview.

### **Responses from Mr Cook and Mr Meadows**

On 23 March 2007 the committee received statements from both Mr Cook and Mr Meadows in response to the material sent to them by the committee. These responses are shown at Attachments G and H.

The two managers, Mr Cook and Mr Meadows, rejected the allegations linking Dr Williams' evidence to the ECITA committee and their managerial actions toward him. The ECITA committee concluded that the responses appeared adequately to answer Dr Williams' concerns regarding the amendment to his professional performance review (Matter #1); his treatment during a job interview process (Matter #5); and his removal from selection panels (Matter #7).

In the case of the amendment to Dr Williams' professional performance review, Mr Meadows pointed out that revision of these plans is one his routine responsibilities; that there was nothing unusual in his decision to make a revision; and that there was no connection to the giving of evidence to the Senate committee. The committee agrees that no specific evidence of a connection was presented, and also notes that in any case, revision of such a plan does not appear to be capable of constituting a penalty against an employee.

In the case of Dr Williams' experience while being interviewed for a job in QPWS, Mr Meadows made two relevant points. First, he explained that the question to which Dr Williams objected related directly to one of the selection criteria. Second, he advised that the question was asked of all applicants. In these circumstances, the committee is satisfied there is nothing of concern to be further addressed.

In the case or Dr Williams' removal from selection panels, Mr Meadows advised he had no knowledge of this event, while indicating that there can be a range of reasons that panels can be altered and that in his experience this is not unusual. The committee does not believe, on the material before it, that there is a link between this event and Dr Williams' evidence, and once again notes that it would be unlikely in any case to be construed as a penalty against an employee.

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## **The committee's remaining concerns**

On two remaining matters the ECITA committee noted unresolved differences in interpretation between the accounts of Dr Williams on the one hand, and Mr Cook and Mr Meadows on the other. These are discussed below.

### ***Matter #6 (Phone call and correspondence from Mr Cook after meeting with Queensland Minister)***

Dr Williams' had complained about Mr Cook phoning and then writing to him about avoiding publicly criticising Agency procedures or colleagues. Mr Cook, in responding, focused on the letter he wrote to Dr Williams after a meeting of agency staff with the Queensland Environment Minister on 28 September 2006 (at Attachment I – see also 'other matters', below). The letter from Mr Cook to Dr Williams was headed 'Interactions with the Minister', and made a number of points, including reminding him of his obligations under Principle 1 of the Agency's Code of Conduct to avoid 'publicly criticising Agency procedures or colleagues'. As noted earlier in this chapter, Dr Williams described the meeting as a staff meeting rather than a public meeting. Dr Williams also indicated that Mr Cook's letter followed a phone conversation between himself and Mr Cook in which Mr Cook said he was sick of Dr Williams 'always doing this' – meaning complaining 'out of house' about QPWS. Mr Cook's response to this committee however did not address the matter of the phone call, or why he was reminding Dr Williams about refraining from 'public' criticism of the Agency.

### ***Matter #9 (Meeting with Mr Meadows)***

Mr Meadows' response gave an alternative interpretation of the meeting with Dr Williams about which Dr Williams had complained. Dr Williams had construed it as involving 'continued accusation that I have a history of criticising the department'. Mr Meadows indicated that he had raised three matters relating to Dr Williams' conduct. Those matters included what Mr Meadows regarded as 'inappropriate behaviour' at the meeting with the Minister on 28 September 2006. However Mr Meadows stated that he has not made 'continued accusations' that Dr Williams has a history of criticising QPWS. Nevertheless, Mr Meadows did not respond to Dr Williams' claim that when he asked Mr Meadows if his criticism concerned Dr Williams' participation in the Senate inquiry, that Mr Meadows had 'said something along the lines of yes of course'.

### **Other matters**

The committee noted that Dr Williams sought and received assistance from his union, the QPSU, in relation to the incident of 28 September 2006, described above. The letter sent by Mr Clive Cook to Dr Williams that led Dr Williams to seek the QPSU's assistance; the letter sent by the QPSU to Mr Cook; and Mr Cook's letter responding to it, are at Attachment I.

The committee also noted the view of Mr Cook, expressed in those letters, that he was doing no more than reminding Dr Williams of his obligations under the Agency Code of Conduct, which in Queensland has a statutory basis.

Finally, the committee noted the original email that Dr Williams sent to this committee, to which his letter of complaint was attached. The email indicated he was very happy to have contributed to the committee's inquiry, 'and would unhesitatingly do so again'.

## Discussion

The committee notes the view of the Committee of Privileges, that:

The committee continues to regard the protection of persons providing information to the Senate, and in particular of witnesses before parliamentary committees, as constituting the single most important duty of the Senate, and therefore of the committee as its delegate, in determining possible contempts.<sup>2</sup>

The correspondence from both Mr Green and Dr Williams indicates that they felt that the giving of evidence had had adverse consequences for them. Committee members had been alert to this issue at the time, as had the witnesses, evidenced by this exchange during their evidence:

Senator RONALDSON—Gentlemen, I take it, certainly from Dr Williams's point of view, that your submissions relate primarily to national parks, conservation parks and resource reserves under the management of the QPWS?

Dr Williams—Yes, that is correct.

Senator RONALDSON—It seems to me that you have put your backsides on the line here. Are any of your superiors in the room today?

Dr Williams—Not that I can see.

Senator RONALDSON—They are probably out there with a glass pressed to the wall.

Dr Williams—Our regional director was here earlier but he is not here now. He has said that he supports us.

Senator RONALDSON—I think it is a pretty gutsy move, and I assume that you are putting your backsides on the line because you are so concerned about what has happened.

Dr Williams—Exactly. In my role I have the benefit of being able to go out across a lot of national parks in North Queensland and help the rangers. I suppose I look at that and think that with the privilege of that comes the responsibility of having to speak out when we have the opportunity. Your inquiry presents the perfect opportunity for us to say we are doing the best we can but, yes, we need more resources to keep the parks managed.

Senator RONALDSON—I think that if there are any ramifications from your appearance today you should notify the committee.<sup>3</sup>

The committee was thus aware of the possibility that some evidence might raise issues regarding the capacity of national park or protected area agencies to undertake work

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2 Committee of Privileges, *Parliamentary Privilege: Precedents, Procedures and Practice in the Australian Senate 1966-2005*, (125<sup>th</sup> Report), December 2005, p. 46.

3 *Committee Hansard*, 30 June 2006, pp 27-28.

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on their lands. The committee was therefore disappointed but not surprised when it subsequently heard complaints from Mr Green and Dr Williams.

Dr Williams' initial complaint expressed concern about harassment he had experienced since contributing to the Senate inquiry (Attachments A and B). The committee noted the nine issues he raised, and was of the view that Dr Williams' evidence warranted examination of five of these. Based on the more detailed material it gathered, only two of the nine matters (numbered 6 and 9 by Williams, and already outlined) continued to concern the committee. While the ECITA committee does not believe it is a matter for further investigation by the Committee of Privileges, the committee was concerned that there may have been some connection between the evidence given by Dr Williams and some subsequent communication he had with two managers in QPWS. In particular, the committee noted that the responses of both Mr Cook and Mr Meadows did not address some of the concerns raised by Dr Williams:

- Mr Cook did not address Dr Williams' point that a QPWS staff meeting with a minister was not a public occasion. Mr Cook does not dispute that he had reminded Dr Williams about his responsibility not to publicly criticise the agency. As the only *public* occasion on which Dr Williams' actions might be construed as criticism appears to have been his evidence to this committee, it was possible that Mr Cook's conduct resulted at least in part from the giving of evidence by Dr Williams.
- Mr Meadows did not respond to the claim that he had concurred with Williams' supposition that his (Meadows') concern about Williams' criticisms of the agency was linked to Williams giving evidence to the Senate committee.

The committee thus had available to it only Dr Williams' account on these two points. It is possible that Mr Cook had been criticising Dr Williams for his evidence to the ECITA committee. Alternatively, Mr Cook may have regarded the meeting with the minister as a public meeting, in which case his subsequent comments to Williams may have been referring to the meeting with the minister, the evidence to the committee, or to both. While Mr Meadows did not give the committee any alternative account of his interchange with Williams regarding evidence to the ECITA committee, neither did Mr Meadows agree he had responded in the manner outlined by Williams.

The committee's concern about how senior managers had reacted to the evidence of Green and Williams was exacerbated by a remark by Mr Cook in relation to Dr Williams' interaction with the Queensland Minister. The incident itself is not relevant to this inquiry, but the evidence did reveal an attitude that may have contributed to the matters being examined by this committee.

To recap, Dr Williams' description of his interaction with the minister was as follows:

The new Queensland Minister for the Environment and Multiculturalism, the Honourable Lindy Nelson-Carr, visited my local office to talk to staff on the 28 September 2006. A morning tea had been organized for this event and an email had been sent to local staff inviting us to attend. The Minister came over to where I and three other EPA/QPWS staff were standing and

introduced herself. We each told her what our roles were. The Minister seemed genuinely interested in our work, so I then asked if I could give her some photographs of park management issues. The Minister agreed and we began discussing the 15 photos, eight of which showed problems such as the decline in a local rainforest patch due to the invasion of a large grass weed fuelling repeated fire incursions, and overgrazing of stock on a western park. Seven of the photos showed good results of weed control and fire management that has been achieved: repeated burning killing lantana and rubbervine and delayed burning and de-stocking reducing grader grass weed abundance. The Minister remained interested so I told her that in my opinion it was not just funding that was an issue but just as importantly it was staff availability to implement fire, weed and feral animal work. The Minister seemed surprised that the rangers did not have enough time to implement fire and weed work, so I told her that staff get chained to campground work and building infrastructure and are frustrated that they have not time to implement land management, which they aspire to do. At the end of this conversation, the QPWS Regional Director, Mr Clive Cook, who had been hovering nearby, joined our conversation and politely argued. The Minister soon left, but took away with her the photographs and appeared to have been interested in what was said.<sup>4</sup>

To this Mr Cook responded:

That Dr Williams' behaviour on this occasion was clearly inappropriate emerges from his own description of the events. Simply put, no junior officer in any system of public administration in Australia, Commonwealth or State, permissibly behaves in the manner admitted to by Dr Williams on this occasion.<sup>5</sup>

The committee is most surprised by Mr Cook's reaction. Given that the minister had initiated discussion, committee members would expect courteous but full and frank conversation with a public servant. If Mr Cook's view expressed here reflects principles that he applied in his dealings with Dr Williams over evidence given at the national parks inquiry hearing, then it can understand that difficulties may have arisen that led Dr Williams to write to this committee.

In this regard, the committee notes the work of the Senate Select Committee on Public Interest Whistleblowing, as well as the experience of the Committee of Privileges in addressing cases similar in certain respects to that of Dr Williams. In its 55<sup>th</sup> Report, the Committee of Privileges noted that it 'had cause to comment on a pattern of behaviour developed by institutions to deal with perceived troublemakers'. This pattern included:

...attempts to suggest that improper or inappropriate behaviour has been of long standing, even though there are no records to indicate this – and indeed, there are often references to indicate precisely the contrary; and...inadequacies of administrative procedures and processes, and

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4 Correspondence from Dr Williams to the committee, 9 February 2007. See attachment B, p. 4.

5 Correspondence from Mr Cook to the committee, 23 March 2007. See attachment G.



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carelessness with the truth when called publicly to account for behaviour inimical to the interests of the perceived transgressor.<sup>6</sup>

The committee observed some evidence of this pattern in the dealings of QPWS managers with Dr Williams.

While the committee was concerned about the issues raised by Dr Williams, it is also mindful of a number of other factors. The Committee on Privileges has always been emphatic that, to find a contempt, there must be a clear linkage between any penalty incurred by a witness and the giving of evidence to a committee:

The committee emphasised ... that although it may conclude that penalty, injury or reprisal has occurred, in order to find a contempt of the Senate it must be satisfied that any such penalty or intimidation was as a result of participation in parliamentary proceedings.<sup>7</sup>

While the ECITA committee was concerned at the circumstances which led both witnesses to approach it regarding their treatment by senior managers, it noted that the material provided by Dr Williams did not show a conclusive and unambiguous connection between the evidence given to the committee and the events that he has outlined, to the exclusion of alternative explanations.

The committee also notes that Dr Williams has availed himself of other remedies to address his concerns about the conduct of his managers, engaging the QPSU to assist in responding to correspondence from QPWS management. It notes that this elicited confirmation from Mr Cook that his letter to Dr Williams did not constitute disciplinary action, and that no penalty was being imposed. The committee was pleased to note this clarification.

The committee also notes that in Queensland, agency codes of conduct exist on a statutory basis. Senior managers of agencies have a responsibility to ensure awareness of, and compliance with, those codes of conduct. The QPWS code states in section 1.5 'You must uphold the law at work and away from work, maintain the good name of the Agency, and not bring your employer or colleagues into disrepute through your private activities'. The code contains as an example of 'good personal conduct', 'avoiding publicly criticising Agency procedures or colleagues'. The committee notes the possibility that Mr Cook may have believed he had acted in good faith in performing his duty to apply the code in his areas of managerial responsibility.

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6 Committee of Privileges, *Possible Penalty or Injury to a Witness before the Standing Committee on Industry, Science, Technology, Transport, Communications and Infrastructure*, (55<sup>th</sup> Report), June 1995, p. 41. See also Committee of Privileges, *Possible Improper Interference with a Witness and Possible False or Misleading Answers to the Senate or a Senate Committee*, (50<sup>th</sup> Report), December 1994, chapter 5.

7 Committee of Privileges, *Parliamentary Privilege: Precedents, Procedures and Practice in the Australian Senate 1966-2005*, (125<sup>th</sup> Report), December 2005, p. 47.

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The incidents reported to the committee present some unfortunate circumstances. After careful deliberation, the committee concludes that, on balance, the evidence does not warrant referral of the matter to the Committee of Privileges.