



24 February 2022

Ms Anna Mutzenich (WE17083)  
Railcar Driver (East Perth)  
5 Dilga Lane  
Quinns Rocks WA 6030

Dear Anna

### **Opportunity to Respond to Potential Adverse Finding and Proposed Penalty**

I refer to my letter to you dated 19 January 2022 which alleged that:

You have disobeyed a lawful direction by the PTA's Chief Executive Officer to be vaccinated against COVID-19 and to provide evidence in a form approved by the Chief Health Officer of your vaccination or of any exemption applying to you.

The lawful direction referred to above is dated 13 December 2021 and is attached to this letter. Your alleged conduct, if substantiated, would also be in breach of the PTA's COVID-19 Mandatory Vaccination Policy and the Code of Conduct Policy.

### **Proposed Finding in Respect of Allegations of Breach of Discipline**

I have considered your response of 10 February 2022, but do not concur with the views you have put forward.

You are required as part of your employment to work onboard a railway train involved in the provision of a public passenger transport service. The PTA has issued you with a lawful direction to be vaccinated as this is necessary for you to continue to perform this work in accordance with the Public and Commercial Transport Workers (Restrictions on Access) Directions, which are made which are made under the *Public Health Act 2016 (WA)*.

The PTA does not have a discretion in complying with Public Health Directions in so far as they apply to you and other employees. I cannot relieve you of the application of the Public Health Directions.

As of the date of this letter, you have not provided evidence of vaccination and have implied that you do not intend to be vaccinated. I therefore propose to find that the allegations are substantiated, and you have committed a breach of discipline.

### **Proposed Penalty in Respect of Allegations of Breach of Discipline**

In all the circumstances, I consider that the penalty of dismissal is appropriate and therefore propose to terminate your employment. As such, you are now provided with an opportunity to respond to the proposed findings and proposed disciplinary action.

### **Opportunity to Respond to Proposed Adverse Finding and Action**

I wish to give you a final opportunity to provide me with a written response as to:

- the allegations and the findings which I should make in respect of the allegations; and
- the appropriate penalty to be applied in respect of the allegations should I make a finding of a breach of discipline.

**If you wish to respond you must provide your response in writing to me by 5pm on 11 March 2022.**

My final determination in respect of this disciplinary matter must be made by 19 July 2022, except for extensions as per clause 2.13.26 of the *Public Transport Authority/ARTBIU (Transwa) Industrial Agreement 2021*.

The PTA's Employee Assistance Program is available to you for counselling and support during this process. The provider, Converge International is contactable on 1300 687 327

For any questions arising from this letter please contact Mr John Buck, Operations Manager on 9326 2944 or [John.Buck@pta.wa.gov.au](mailto:John.Buck@pta.wa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Woolerson'.

**Tim Woolerson**  
**General Manager**  
**Transwa**