



Department of Transport
Main Roads Western Australia
Public Transport Authority

Your ref: [REDACTED]
Our ref: [REDACTED]
Enquiries: Kate Wang, [REDACTED]

Mr Matthew Hughes MLA
Chair
Joint Standing Committee on the Corruption and Crime Commission
jscccc@parliament.wa.gov.au

Dear Mr Hughes

What Happens Next? Beyond a Finding of Serious Misconduct Inquiry

Thank you for your letter dated 25 August 2022 requesting information for the Joint Standing Committee on the Corruption and Crime Commission's Inquiry into What Happens Next? Beyond a Finding of Serious Misconduct.

The Transport Portfolio comprising the Department of Transport, Main Roads Western Australia and the Public Transport Authority has provided the requested data and examples at Attachment 1.

As this submission may contain information that would normally be protected under the *Freedom of Information Act 1992*, I would appreciate your early advice if any information provided in this submission is to be considered for publication.

For further information, please contact [REDACTED]

Yours sincerely

[REDACTED]

Peter Woronzow
Director General Transport

7/10/2022

PORTFOLIO: TRANSPORT - PORTFOLIO

ISSUE: INQUIRY INTO WHAT HAPPENS NEXT? BEYOND A FINDING OF SERIOUS MISCONDUCT

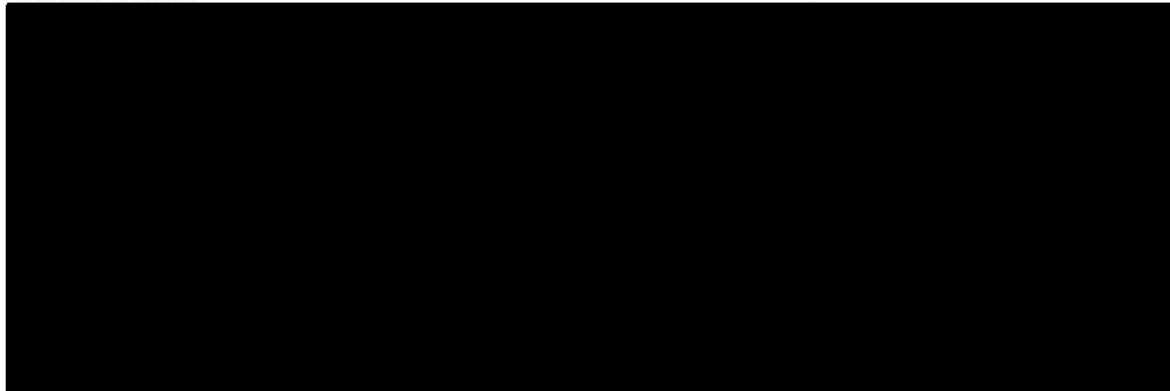
The Transport Portfolio comprising the Department of Transport (DoT), Main Roads Western Australia and the Public Transport Authority (PTA) records details of serious misconduct allegations against public officers.

Information recorded by each agency from 2017-18 to 2021-22 is outlined below:

Department of Transport

Year	Allegations	Sustained allegations
2017-18	15 (14 related to TRELIS misuse)	14
2018-19	32 (30 related to TRELIS misuse)	25
2019-20*	1	1
2020-21	51 (46 related to TRELIS misuse)	35
2021-22	16 (10 related to TRELIS misuse)	10

* The Transport Executive and Licensing Information System (TRELIS) is a State Government owned and shared database. The Department of Transport uses TRELIS to facilitate licensing for the State. TRELIS holds personal information about members of the WA public and access to TRELIS is only allowed on an authorised basis.



Sanctions and improvement actions:

- Formal reprimand
- Retaking Accountable and Ethical Decision Making training
- TRELIS Policy and Procedure training
- TRELIS Roles and Responsibilities training
- Code of Conduct training
- Conflict of Interest training
- Integrity training
- Termination

Officers charged with a criminal offence:

- Unknown

Number of public officers who resigned or received a redundancy payment:

- Six officers resigned

Number of occasions where the agency took action to recover money:

- Nil

Example 1 – Systemic changes to prevent misconduct:

- DoT's Driver and Vehicle Services (DVS) business unit has a dedicated Governance and Intelligence team which is made up of 81 FTE who perform various compliance, investigation, and risk management type activities. The team was initially formed in 2012 in response to non-compliance by licensing staff and contractors in the conduct of licensing activity, notably vehicle inspection corruption including matters arising out of a 2008 Corruption and Crime Commission (CCC) investigation.
- DoT has continued to invest in the DVS Governance and Intelligence team, both in terms of FTE and the allocation of appropriate resources, including ongoing training of compliance personnel, fit-for-purpose vehicles for targeted compliance activity, continued evolution of data analytical ability, and the purchase and development of technology to aid compliance requirements (e.g. body worn cameras).
- In early-2013, DVS formed a dedicated Vehicle Compliance Unit within its Governance and Intelligence Directorate, in recognition of prior events surrounding non-compliance with vehicle inspection process and the expansion of the partnered vehicle inspection network. The Vehicle Compliance unit is responsible for audit and compliance activities over Authorised Inspection Stations (AIS) and their employees who are appointed as DoT Approved Vehicle Examiners. The team conduct targeted audits to ensure compliance and has Transport Warden powers that, amongst other functions, allows it to stop and inspect vehicles upon exit from an AIS to verify compliance (i.e. live audit).
- In mid-2015, DVS purchased specialist analytical software and implemented a dedicated data monitoring team. The analysis conducted by this team has in-part provided the basis for the adoption of a risk-based compliance strategy, and continued development has provided for the trigger of automated alerts when exceptions to expected behaviour or process is identified.
- In early-2017, DVS implemented a dedicated information portal known as 'Alert Us' to promote the receipt of information related to potential corruption of licensing services. Alert Us is available to all members of the public and the community to report upon misuse of driver and vehicle licensing and associated services.
- The implementation of the Alert Us concept was also complemented by the development and release to all DVS licensing agents of a 'Statement of Business Ethics'. This document, which could be considered a Code of Conduct, was designed to assist and educate licensing agents on the expectations upon them in the delivery of licensing services, and in their role as a public officer.
- In 2017, DoT, in recognition of the need for increased oversight, developed software that enabled it to commence the trial and staged implementation of an electronic practical driving assessment (PDA) recording device known as I-Assess. I-Assess, which has GPS capability and an audio recording feature, has replaced the paper-based PDA recording method, significantly enhancing DoT's auditing, compliance and oversight capability.
- In 2018, the DVS Governance and Intelligence team also commenced on-site audits of agents contracted to perform over-the-counter licensing activities to ensure that authorised personnel are operating in accordance with DoT contractual requirements, and business rules. These audits are ongoing and in more recent years have included education about authorised and proper use of licensing systems (i.e., TRELIS)

- In late-2018, DoT advised the CCC of matters related to the misuse of TRELIS by users, and from 2018 to 2021 has embarked upon a series of strengthening works that has included on-site presentations to DoT staff and licensing agents on authorised TRELIS use. Compliance and education activities of various methods surrounding authorised and proper TRELIS use is ongoing. (Note: associated matters are currently under the review of the CCC).
- In 2021, and in response to corruption involving the issuance of heavy vehicle licences in 2017, DVS finalised the deployment of audio/visual recording devices to its Authorised Providers for fitment in vehicles to be used for the conduct of heavy vehicle PDA. This is a significant audit and compliance enhancement and all PDA conducted by Authorised Providers are now recorded, and DVS Compliance Officers have access to all footage and audio captured, which includes the ability to 'live' audit.

Example 2 – Corruption and Crime Commission and Public Sector Commissioner assistance:

- In 2015, DoT notified the CCC of suspected corruption by an agent contracted to provide practical driving assessment services. A collaborative investigation by the CCC and DoT substantiated the corruption resulting in a public hearing being undertaken, the successful prosecution of the agent, and a report by the CCC that contained several recommendations arising from the matter.
- The CCC has made various recommendations concerning driver and vehicle licensing processes post investigation or incident involving corruption or serious misconduct.

Main Roads Western Australia

Year	Allegations	Sustained allegations
2017-18	3	2
2018-19	4	4
2019-20	2	2
2020-21	1	1
2021-22	6	5

Sanctions and improvement actions:

- Formal written warning
- Removal of authority to use a corporate credit card
- Removal of authority to award works where employees have an actual, potential, or perceived conflict of interest
- Mandatory Employee Assistance Program session
- Department of Transport TRELIS training

Retraining in:

- Main Roads' Integrity Framework
- Accountable and Ethical Decision Making
- Integrity Awareness Refresher Training (including Conflict of Interest & Gifts & Benefits)
- Code of Conduct
- Public Sector Code of Ethics

- Fixed Asset System
- Credit card processes and procedures
- Government procurement processes

Officers charged with a criminal offence:

- Nil

Number of public officers who resigned or received a redundancy payment:

- Four officers resigned.
- No redundancy payments made.

Number of occasions where the agency took action to recover money:

- Nil

Example 1 – Systemic changes to prevent misconduct:

Main Roads is committed to continually developing a culture which reflects the highest level of integrity and misconduct prevention. This is achieved through ongoing integrity education, promotion, and review including:

- Integrity Awareness Refresher training which is delivered on a regular basis and in response to allegations or findings of serious misconduct. Mandatory Accountable and Ethical Decision Making is also completed at time of induction and as a refresher every three years.
- When an incident occurs, training is reviewed, and actions developed including delivery of targeted additional bespoke training in response to serious misconduct matters.
- Controls are also reviewed, which has included – TRELIS related improvements, reviews of governance, systems and processes, contract management and development and implementation of enhanced risk monitoring/detection.
- Multiple annual integrity-related corporate communications are also published throughout the year focusing on key integrity related risks such as Conflict of Interest and Gifts and Benefits, and as a reminder of obligations and expectations around behaviour and conduct.

Example 2 – Corruption and Crime Commission and Public Sector Commissioner assistance:

- Main Roads has maintained strong collaborative working relationships with both the Public Sector Commission and the Corruption and Crime Commission which has helped to bridge the gap between misconduct notification, investigation, and response.
- Main Roads values the opportunity to discuss issues that arise and the ongoing support of both agencies, which enables early intervention, timely investigations and minimises the impact to our people and the delivery of critical services to the public.

Public Transport Authority

Year	Allegations	Sustained allegations
2017-18	4	3
2018-19	5	5
2019-20	8	6
2020-21	8	2
2021-22	4	2

It should be noted that the PTA sought clarification from Ms Suzanne Veletta, the Committee's Principal Research Officer, about whether it ought to record in its response, all notifications about serious misconduct or only matters that were categorised/accepted by the CCC as serious misconduct. Ms Veletta suggested that all matters reported within the definition of serious misconduct ought to be reported.

The PTA explained that its reporting regime differs significantly to the WA Police Force, in that the PTA conducts reviews on all uses of force by Transit Officers and will commence an investigation if excessive force is suspected whether-or-not a complainant exists in the incident. Ms Veletta suggested that the PTA put forward an explanation of that process in its response to clarify the number of reported incidents.

Furthermore, the requirements to notify the CCC in relation to serious misconduct were the subject of many discussions between the PTA and the CCC during the specified timeframes, in that one of the criteria to meet the threshold for a serious misconduct, when dealing with excessive use of force, is that there must be a serious (significant) injury when considering if a misconduct is treated as serious within the definition of the *Corruption Crime Misconduct Act 2003*. In most cases, the PTA was unaware of any actual injuries at the commencement of an investigation and in the absence of a complainant. Therefore, the PTA submitted Section 28 Notices to the CCC to err on the side of caution, and in some cases, the CCC recorded such matters as serious misconduct, but not all cases.

Sanctions and improvement actions:

- In many cases, the actions of PTA officers involved in matters reported to the CCC were predominantly relating to excessive use of force, specifically Transit Officers.
- In each instance where an allegation was sustained, recommendations relating to trends in use of force complaints was provided to the PTA's Security Services Branch and that information was used to enhance or improve use of force training.

Officers charged with a criminal offence:

- The PTA is aware of one instance where the WA Police Force charged an individual with fraud, but the penalty is unknown. In that instance of fraud, the matter did not result in a financial loss as the matter was detected prior to any financial loss.
- The PTA referred five matters to the WA Police Force between 2017 and 2022. In some instances, charges were not preferred due to not being considered in the public's interest to proceed with charges.

Number of public officers who resigned or received a redundancy payment:

- Two employees resigned as a result of investigations, none of which related to any financial loss. There were no employees that received a redundancy payment after an allegation was made or sustained.

Number of occasions where the agency took action to recover money:

- Nil. None of the investigations involved financial loss.

Example 1 – Systemic changes to prevent misconduct:

Following an incident involving a PTA employee who was involved in unauthorised access to a restricted database, the PTA undertook a significant review of access to PTA systems by employees, including restricting access to some PTA data systems and an education campaign for employees. The PTA responded to recommendations made by the CCC in its report and made the following systemic changes:

- PTA employees may not access PTA computer systems until they have acknowledged PTA's Telecommunications Use Policy Agreement, which includes advice to users in relation to disciplinary action that may be applied following a breach.
- PTA has introduced a mandatory automatic suspension of user accounts when the account is inactive for three months.
- Information stored on two shared drives is now automatically deleted after 30 days to reduce the visibility and volume of shared documents.
- A report is distributed every six months to PTA Executive Directors and General Managers providing a list of files accessible by employees. Access is reviewed and adjusted or suspended as required.
- The PTA is implementing 'follow me' printing to better secure print jobs and make scanned jobs accountable and auditable.
- PTA's Objective document system has been enhanced to increase security controls, and training has been improved to include more information about appropriate security of records and maintaining confidentiality of information.
- Furthermore, the PTA has developed a security classification system that is currently being rolled out across the PTA. Recognising the importance of handling information with due care, the PTA hosted several staff awareness sessions to support the rollout of 'Information Classification Labelling'.

Example 2 – Corruption and Crime Commission and Public Sector Commissioner assistance:

- The PTA has received assistance from the CCC and PSC in the form of joint Fraud, Corruption and Integrity prevention training on a two-yearly rotation with employees who occupy high risk positions (Nominated Positions). Representatives from the CCC or PSC attend at the PTA and jointly deliver face to face training and corruption prevention strategies to PTA employees.