



PRIVATE AND CONFIDENTIAL

Ref No: 2019-0092

Mr Craig Steyn
Heavy Vehicle Maintenance & Program Officer
Compliance Monitoring
Compliance
Compliance and Regulatory Services

Notification of Allegations and to Attend Disciplinary Interview

Dear Mr Steyn

In our letter dated 20th June 2019 you were advised that an investigation had commenced into concerns raised about your conduct as an employee of Roads and Maritime Services (RMS).

At this stage, the information being canvassed about the alleged conduct relates to you having breached the Transport Code of Conduct and various related RMS Policies and Procedures by failing to disclose conflicts of interest and inappropriately using Roads and Maritime systems and resources.

The purpose of this letter is to set out the allegations against you which you are to respond to and direct you to attend a formal disciplinary interview.

The interview has been scheduled to take place at **12:30pm on 5 August 2019**.

To be held at: **The Roads and Maritime Offices
Meeting Room 1
20 – 44 Ennis Road
Milsons Point NSW 2061**

Mr David Faust, Investigations Analyst, Corruption, Prevention and Investigation Section, (CP&IS) will be conducting the interview which will be audio recorded and transcribed. Please confirm your attendance at least **24 hours** before the scheduled interview by sending an email to **David.Faust2@rms.nsw.gov.au**.

You may have a support person in attendance during the interview. This support person cannot, unless otherwise agreed to, act as your advocate or speak on your behalf. The support person should not be connected to the allegations of misconduct or a potential witness.

In accordance with Roads and Maritime Services' Discipline Guidelines and to provide you due process and procedural fairness, the purpose of the disciplinary interview is, amongst other things, to provide you with an opportunity to respond to allegations against you. The interview will give you an opportunity to provide an explanation of events, to provide comment on any relevant issue, and to present any relevant information that you believe should be considered. If you have any documents which you believe may be of assistance, please bring them with you.

The forty-six (46) allegations that are being investigated **to date**, based on information received by Roads and Maritime, are attached at '**Annexure 1**'.

Please note: Should you fail to attend the interview scheduled for **date**, the matter will be finalised in your absence based on the information currently available to Roads and Maritime Services.

The conduct set out in the attached allegations, if proven on the balance of probabilities, may represent breaches of the following policies, procedures and Code of Conduct that applied at the time:

RMS Corrupt Conduct and Maladministration Prevention Policy

The following sections of that Policy as applied at that time appear relevant –

- Not engage in any corrupt or unlawful conduct in the performance of their duties; and
- Act at all times within their delegated authority, comply with approved policies and procedures and carry out the responsibilities associated with their position in an ethical, conscientious and productive manner.

RMS Conflicts of Interest Procedure

- A conflict of interest occurs when a staff member is influenced (financial or otherwise when carrying out their work related duties).
- A conflict that knowingly leads to partial or biased decisions for personal benefit may constitute corrupt conduct.
- Conflicts of interest may be:
 - Actual – involving a conflict between a staff member's duties and responsibilities in serving the interests of Roads and Maritime Services, and their existing private interests
 - Potential – arising when a staff member has private interests that could conflict with their official duties in the future; or,
 - Perceived – existing where it appears, is perceived or could be perceived, that a staff member's private interests could improperly influence the performance of their duties – whether or not this is in fact the case.

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 6 – Conflicts of interest
- Section 15 – Corrupt conduct and public interest disclosures

RMS Code of Conduct and Ethics (September 2015)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 6 – Conflicts of interest
- Section 15 – Corrupt conduct and public interest disclosures
- Section 19 – Use of official resources

RMS Code of Conduct and Ethics (November 2011 to January 2014)

- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest

RMS Code of Conduct and Ethics (September 2012)

- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest

RTA Code of Conduct and Ethics (April 2008)

- Staff obligations
- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest

RTA Light Motor Vehicle Procedure (PN 219P)

The following sections of that Policy as applied at that time appear relevant –

Section 11. Drivers Responsibilities

- Drivers – Assigned Tool of Trade Vehicles: Private use of the vehicle is not permitted other than for work-related travel such as from work to home to work and some agreed variations.

Dress Standards and Corporate Clothing Procedure

The following sections of that Policy as applied at that time appear relevant –

Section 2.3 Work wear

With the exception of Engineering Services staff [see Section 2.2.1] work wear is worn by staff who:

- have an outdoor work role requiring hi-vis shirt and sun protection, and
- need to be clearly identified or demonstrate RMS's corporate identity.

Possible Outcomes

After conducting relevant interviews and considering all available information, an Investigation Report will be prepared. If a breach, or breaches, of the Transport Code of Conduct and/or any Roads and Maritime or Transport policy or procedure has occurred, and the conduct is considered serious misconduct, a preliminary decision may be made regarding disciplinary action in response to the breaches which you will also be asked to respond to.

Disciplinary action may include one or more of the following:-

- Caution or reprimand
- Deferral of the payment of an increment
- Reduction of salary and demotion to a lower position or grade
- Suspensions from duty without payment of salary
- Dismissal

Independent of any disciplinary action, Roads and Maritime may take management action including transfer, counselling supervision and monitoring, training development, staff rotation or transfer, manage performance and issue warning or take other measures in the interest of Roads and Maritime.

Attached Documentation

- Corrupt Conduct and Maladministration Policy
- Conflicts of Interest Procedure
- Appropriate Use of RMS Systems and Resources
- RTA Light Motor Vehicle Procedure

Copies of the following Roads and Maritime Corporate Policies have already been provided:

- Transport Managing Conduct and Discipline Policy
- Copies of the relevant RMS and RTA Code of Conducts

Confidentiality

It is important for you to appreciate this matter must be strictly confidential at this point of time. Given the sensitive nature of the complaints, and to protect you and others who may become

involved, you must not discuss the investigation with anyone other than your nominated support person(s), personal advisors or immediate family members.

Confidentiality requirements will equally apply to your support person, personal advisors and immediate family members.

Any Roads and Maritime staff member found to have breached confidentiality requirements may have disciplinary action taken against them. If you believe confidentiality has been breached, please advise Ms Julia Holden immediately on telephone 0429 061 831.

Integrity of Information

Where complaints are made, Roads and Maritime expects its staff members to raise complaints in good faith and that information provided in the investigation is not false or misleading. Disciplinary action, including dismissal may be taken against those found to have provided false or misleading information or made malicious complaints.

Victimisation

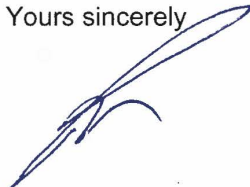
Victimising or retaliating against a person who is involved in an investigation because of their involvement will not be tolerated. Any finding of victimisation or retaliation against anyone who is involved in the investigation may result in disciplinary action being taken, including dismissal.

All participants of the investigation process have been advised of this. You should immediately contact me if you experience any difficulties in this regard.

Counselling services are available for employees subject of an allegation are available through the Employee Assistance Program (EAPS) by contacting telephone number 1300 360 364.

Should you have any enquiries in relation to the process to be followed in this matter you may contact Ms Julia Holden on telephone 0429 061 831.

Yours sincerely



Mr Paul Grech
Principal Manager,
Corruption, Prevention and Investigation
Audit and Assurance Branch
(Date) 29/7/19.

ANNEXURE 1 – CRAIG STEYN

1.0: Background to Your Relationship with AA Steel Piping Pty Ltd

- 1.1. ASIC report for Craig Gerald Steyn, born [REDACTED] 1970 from [REDACTED] Damsel Court, [REDACTED] identifies your origin as Durban, South Africa.
- 1.2. ASIC report for AA Steel Piping Pty Ltd identifies the current Director/Secretary Ashley and Sandra Norma Alexander from [REDACTED] Harold Bentleys Way, Glenmore Park NSW were born in [REDACTED] South Africa.
- 1.3. On 17 October 2011, you received a group email from Helene Lortan with the subject line *"Boat People's Poem"*. Persons receiving this email included AA Steel Piping, Aleesha Steyn, Craig Steyn (craig.steyn@rms.nsw.gov.au), Leanne Duchesne, Kelly Huet and others.
- 1.4. On 24 October 2011, you received an email from AA Steel Piping with the subject line *"Jonathan Butler"*. Persons receiving this email included Mary Duchesne, Martin Duchesne, Helene Lortan Tracy Steyn, Craig Steyn (tyla@bigpond.net.au) and others.
- 1.5. On 3 November 2011, you sent an email to Aleesha Steyn and Sandy Alexander with an attachment titled *"pd_camera_assistant_uss_5"*. The message stated, *"Admin job for anyone you might know that is interested"*.
- 1.6. On 15 November 2011, you received a group email from Helene Lortan with the subject line *"The Devil and the Old Man"*. Persons receiving this email included AA Steel Piping, Aleesha Steyn, Craig Steyn (craig.steyn@rms.nsw.gov.au), Mary and Leanne Duchesne, Kelly Huet and others.
- 1.7. On 15 November 2011, you received a group email from Helene Lortan with the subject line *"Never Go to Bed with a Chinese Man"*. Persons receiving this email included AA Steel Piping, Craig Steyn (craig.steyn@rms.nsw.gov.au), Mary and Leanne Duchesne, Kelly Huet and others.
- 1.8. On 13 December 2011, you received a group email from Helene Lortan with the subject line *"FW: Bit of Laughter"*. Persons receiving this email included AA Steel Piping, Craig Steyn (craig.steyn@rms.nsw.gov.au), Mary Duchesne and others.
- 1.9. On 17 November 2012, you received a group email from Aleesha Steyn with the subject line *"Celebrating our late November Babies with a little Xmas twist!"*. Persons receiving this email included Ashley Alexander (AA Steel Piping), Craig Steyn (craig.steyn@rms.nsw.gov.au), Kelly Huet and others.
- 1.10. On 12 December 2012, you received an email from Ashley Alexander (ashleyalexander89@yahoo.com) with the subject line *"TEST!"*. On the same day you responded with a message that reads *"Test Received! Thanks &Regards"*.
- 1.11. a) On 27 January 2016, you received an email from Kelly Huet with blank subject line. The message starts with, *"Hi Party Craig..."* Persons also receiving this email included AA Steel Piping and Zalda Steyn. On the same day Zalda Steyn and Kelly Huet replied to this email Cc you and AA Steel Piping.
 b) On 27 January 2016, you sent a reply to this email to Zalda Steyn with the subject line *"RE"*. The message stated, *"Will do"*. Persons receiving this email included AA Steel Piping and Kelly Huet.

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- 1.12. On 8 February 2017, you received an email from AA Steel Piping with the subject line “Alysha 21st”. The message stated, *“Good evening family, we have decided to have a black and white dress code for the lunch of Alysha’s 21st. I would like to keep this a secret from Alysha if you don’t mind. Cheers Sandy.”*
- 1.13. On 16 May 2017, you sent an email to Jamie Manning at RMS, with an attachment titled “Ki-Doc”. This document related to a resume for Ki-shon Steyn, which listed “Ashley Alexander – Owner AA Steel Piping [REDACTED] 5296”. These details are consistent with quotations and invoices received by RMS pertaining to AA Steel Piping Pty Ltd.
- 1.14. On 7 December 2017, you received an email Ann Elisha (ann@acbc.nsw.edu.au) with no subject in the subject line. The message reads, *“Craig Is Ashley ok Sandy emailed me this morning and freaked me out!! I cant get in touch with her been trying Ashleys mobile and home.....”*

Allegation 1:

Around 21 June 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Work on design fault @ P2P site” to the value of \$26,400.00.

Allegation 2:

Around 16 July 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Work on design fault @ P2P site” to the value of \$20,500.00.

Allegation 3:

Around 16 October 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Works as ordered for P2P sites” to the value of \$18,000.00.

Allegation 4:

Around 6 August 2013, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Fab, Supp & Install P2P Infrastructure” to the value of \$18,000.00.

Allegation 5:

Around 2 December 2013, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Fab, Supp & Install P2P Infrastructure” to the value of \$13,000.00.

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Allegation 6:

Around 12 February 2014, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Fab, Supp & Install H/Rail” to the value of \$18,000.00.

Allegation 7:

Around 21 November 2014, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Fab; Install H/Rail; Fix Sign @ H/Tunnel” to the value of \$33,149.00.

Allegation 8:

Around 20 February 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Manufact ANPR Conta & Hand Rail install” to the value of \$47,000.00.

Allegation 9:

Around 4 May 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Complete various works as requested” to the value of \$25,000.00.

Allegation 10:

Around 11 May 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Dsgn Fab Galv Camera Test System” to the value of \$13,500.00.

Allegation 11:

Around 18 August 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Tranp Container & Fix Crash Site at 6188” to the value of \$18,000.00.

Allegation 12:

Around 25 August 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct ‘Fix SPD Lines at West Wyalong & Forbes’ to the value of \$29,000.00.

ANNEXURE 1 – CRAIG STEYN**Allegation 13:**

Around 28 September 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Install Additional Signage on Gantry W/B” to the value of \$18,000.00.

Allegation 14:

Around 28 October 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Fix SPD Lines at Molong/Cundumbul & Wilt” to the value of \$39,000.00.

Allegation 15:

Around 9 December 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Deliver works as required” to the value of \$30,000.00.

Allegation 16:

Around 11 December 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Deliver works as required” to the value of \$27,500.00.

Allegation 17:

Around 5 February 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Deliver works as required” to the value of \$37,500.00.

Allegation 18:

Around 2 May 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Deliver works as required” to the value of \$69,000.00.

Allegation 19:

Around 8 June 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Deliver works as required” to the value of \$84,750.00.

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Allegation 20:

Around 31 July 2017, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Attend ASC Site across NSW to carry out repair work as advised” to the value of \$55,000.00.

Allegation 21:

Around 3 August 2017, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Attend ASC Site across NSW to carry out repair work as advised” to the value of \$100,000.00.

Allegation 22:

Around 23 July 2018, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct “Reimplementation of the ASC Length” to the value of \$39,500.00.

2.0: Background to Your Relationship with M&M Inspections Pty Ltd

- 2.1. ASIC report for Craig Gerald Steyn, born [REDACTED] 1970 from [REDACTED] Damsel Court, [REDACTED] identifies your origin as [REDACTED], South Africa.
- 2.2. ASIC report for M&M Inspections Pty Ltd identifies the current Director/Secretary Mary Magdaline and Eric Louis Martin Duchesne from [REDACTED] Foxall Road, Kellyville NSW were born in [REDACTED] South Africa.
- 2.3. On 17 October 2011, you received a group email from Helene Lortan with the subject line “*Boat People’s Poem*”. Persons receiving this email included AA Steel Piping, Aleesha Steyn, Craig Steyn (craig.steyn@rms.nsw.gov.au), Leane Duchesne and others.
- 2.4. On 24 October 2011, you received an email from AA Steel Piping with the subject line “*Jonathan Butler*”. Persons receiving this email included Mary Duchesne, Martin Duchesne, Helene Lortan Tracy Steyn, Craig Steyn (tyla@bigpond.net.au) and others.
- 2.5. On 15 November 2011, you received a group email from Helene Lortan with the subject line “*The Devil and the Old Man*”. Persons receiving this email included AA Steel Piping, Aleesha Steyn, Craig Steyn (craig.steyn@rms.nsw.gov.au), Mary and Leanne Duchesne and others.
- 2.6. On 15 November 2011, you received a group email from Helene Lortan with the subject line “*Never Go to Bed with a Chinese Man*”. Persons receiving this email included AA Steel Piping, Craig Steyn (craig.steyn@rms.nsw.gov.au), Mary and Leanne Duchesne and others.

ANNEXURE 1 – CRAIG STEYN

- 2.7. **a)** On 22 May 2018, you received an email from Martin Duchesne (M&M Inspections) (mminspec@bigpond.net.au). With the Subject line left blank. The message reads *“Hi Craig Please find my proposal attached for period starting 22 May 2018 Regards Marty”*.
- b)** On the same date, you modified the layout of the quotation and sent an email back to M&M Inspections requesting Martin Duchesne to resubmit the quotation in the amended form.
- 2.8. **a)** On 10 July 2018, you received an email from “Marty” at M&M Inspections with an attachment titled “Site Inspection Record. Jerilderiedocx”. The message from “Marty” reads, *“Hi Craig, Please find report on Jerilderie attached. Because I was not here for the erection, I have limited photos of the installation. Please review report and comment. I will revise accordingly as I am home today.”*
- b)** On the same day, you sent an email to “Marty” at M&M Inspections with an attachment titled “Site Inspection Record. Jerilderiedocx”. The message you sent reads, *“Please see some notes.”* The attached document has been modified by additional words in red font.
- c)** On the same day, you received an email from “Marty” at M&M Inspections with an attachment titled “Site Inspection Record. Jerilderie Rev1”. The message from “Marty” reads, *“Hi Craig, please find revised report attached.”*
- 2.9. On 10 July 2018, you sent an email to “Marty” at M&M Inspections with an attachment titled “RFQ 1”. The message you sent reads, *“Please sign and return to me?”* The attached document relates to a request for quote 18.0000302935.0986 due on 9 July 2018. The properties for this document indicate: “Last Modified By STEYN Craig G” at 11:41am on 10 July 2018.

Allegation 23:

Around 29 May 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct “Conduct Quality Assurance Safety Control” to the value of \$38,500.00.

Allegation 24:

Around 9 July 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct “Physically check and observation of works been delivered for RMS” to the value of \$47,300.00.

Allegation 25:

Around 23 October 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct “Average Speed Enforcement Prgm” to the value of \$47,300.00.

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3.0: Background to Your Relationship with SA Masters Electrical Services

- 3.1. ASIC report for Craig Gerald Steyn, born [REDACTED] 1970 from [REDACTED] Damsel Court, [REDACTED] identifies your origin as [REDACTED] South Africa.
- 3.2. ASIC report for SA Masters Electrical Services identifies Steven Allan Masters, from [REDACTED] Slopes Road, Kurrajong NSW as the "Sole Trader".
- 3.3. On 4 November 2013, you sent an email to "Steven Masters" (sames1@bigpond.com) (SA Masters Electrical) with the subject line "Re: Site Plan – Mt Ousley". The message you sent reads, *"Thanks Steve You can pick up the key from my place Wed or Thur morning !."*
- 3.4. On 1 June 2018, you sent an email to "Steven Masters" (sames1@bigpond.com) (SA Masters Electrical) with the subject line "Re Tax Invoices". The message reads *"Hi Steve Can you please review to identify the correct PO on each invoice is been used? My system shows on PO 4200028806 has a value of \$24,255.00 available."*
- 3.5. **a)** On the 10 July 2018, you sent an email to "Steven Masters" with the subject line "RFQ" with an attachment titled "RFQ 1.doc". The message you sent reads, *"Hi Steve/Julie Can you please provide a quote for the works in the RFQ?"*
b) On the 17 July 2018, you received an email from "SA Masters Electrical Services" with the subject line "Quotation–ASC Program–S.A. Masters Electrical Services" with an attachment titled "Quotation 00004040.pdf". The message reads *"Dear Sir/Madam, Please find attached as requested, a completed Quotation provided by S.A. Masters Electrical Services"*.
c) On the same day you replied to this email. The message reads *"Hi Steve Can you please return a signed copy of the RFQ I sent out for your response please?"*
d) On the 24 July 2018, you received an email from 'SA Masters Electrical Services' with the subject line "RE: Quote–ASC Program–S.A. Masters Electrical Services" with an attachment titled "Signed Quote Documentation – ASC Program.pdf". The message reads *"Good afternoon Craig, As requested, please find attached a signed copy of the Quote re: ASC Program"*
 The attachment to this email is a single page pdf document from the original quote sent on the 10 July 2018, there is no dollar value recorded within the required section however the document is signed by Steven Masters.

Allegation 26:

Around 23 July 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct "Maintenance of Portable generator" to the value of \$25,000.00.

ANNEXURE 1 – CRAIG STEYN**Allegation 27:**

Around 23 July 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Installation of elec & Data supply” to the value of \$11,000.00.

Allegation 28:

Around 13 August 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Installation of elect and Data Supply” to the value of \$35,000.00.

Allegation 29:

Around 8 August 2017, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Remedial Works ASC Camera Program” to the value of \$49,500.00.

Allegation 30:

Around 14 November 2017, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Remedial Works ASC Camera Program” to the value of \$45,000.00.

Allegation 31:

Around 19 July 2018, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Various Activities for delivery of Blackmans Point ASC Lengths” to the value of \$41,000.00.

Allegation 32:

Around 15 March 2019, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Various works on ASC Program” to the value of \$30,000.00.

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Allegation 33:

Around 19 July 2019, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “Various activities for the delivery of Blackmans Point ASC Lengths” to the value of \$41,000.00.

If substantiated, the alleged conduct in **Allegations 1 to 33** is in breach of:

RMS Code of Conduct and Ethics (November 2011 to January 2014)

- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest

4.0: Inappropriate use of Roads and Maritime Services light vehicle

- 4.1. RMS records indicate that from around April 2017, you are the custodian of 2017 Toyota Hilux 4X4 Double cab utility [REDACTED]1TN. This vehicle being a replacement for RMS light vehicle [REDACTED]6NL.
- 4.2. On the 28 March 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads “Good Afternoon Please find attached an application to visit Garith Steyn for your consideration?” The Visitor application form shows, amongst other information [REDACTED]6NL as vehicle registration number.
- 4.3. On the 5 April 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads “Good Afternoon Please find attached an application to visit Garith Steyn for your consideration?” The Visitor application form shows, amongst other information [REDACTED]6NL as vehicle registration number.
- 4.4. On the 10 May 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads “Good Afternoon For your consideration please?” The Visitor application form shows, amongst other information [REDACTED]1TN as vehicle registration number.
- 4.5. On the 22 May 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads “Good Afternoon For your consideration please?” The Visitor application form shows, amongst other information [REDACTED]1TN as vehicle registration number.
- 4.6. On the 26 June 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads “Good Afternoon For your consideration please?” The Visitor application form shows, amongst other information [REDACTED]1TN as vehicle registration number.

ANNEXURE 1 – CRAIG STEYN

- 4.7. On the 27 June 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads *"Good Afternoon For your consideration please?"* The Visitor application form shows, amongst other information [REDACTED] 1TN as vehicle registration number.
- 4.8. On the 4 July 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads *"Good Afternoon For your consideration please?"* The Visitor application form shows, amongst other information [REDACTED] 1TN as vehicle registration number.
- 4.9. On the 8 August 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads *"Good Afternoon For your consideration please?"* The Visitor application form shows, amongst other information [REDACTED] 1TN as vehicle registration number.
- 4.10. On the 10 August 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads *"Good Afternoon For your consideration please? I am also seeking approval to bring a small birthday cake for the visit. It is Garith & My Mum's 65th birthday and under the circumstances I would like to try and make the day a little special for her with Garith. If you could let me know what I need to do or if there are any conditions I should adhere too for this approval I would appreciate it."* The Visitor application form shows, amongst other information [REDACTED] 1TN as vehicle registration number.
- 4.11. On the 7 September 2017, you sent an email to (vidfvisitorbookings@serco-ap.com.au) with an attachment pdf document. The message reads *"Good Afternoon For your consideration please?"* The Visitor application form shows, amongst other information [REDACTED] 1TN as vehicle registration number.
- 4.12. **a)** On the 18 October 2018, you sent an email to Arnold Jansen with the subject line *"5th Nov to 9th Nov Request!"* The message reads *"Hi Arnold In light of current events, I am coming to yourself seeking approval? Between 5 to 9 November 2018 I am seeking approval to work remotely please? I will be working on my Phone and Laptop as per normal managing my program of works in other words business as usual (BAU).If you could review these request and advise please?"*
- b)** On the same day you received an email from Arnold Jansen. The message reads *"That's fine Craig."*
- c)** On the same day you forwarded this email to Danielle Salib. The message reads *"So you can proceed whenever you are able, please check if an early check in is possible as the plane lands at 11:05 and the place is 45 mins from the airport! So maybe a 12:00 if possible please D"*
- d)** On the 29 October 2018, you received an email from book@syd.com.au with an attachment titled SYD-DW-6285864.pdf. The document in the attachment is titled "Booking Conformation" and shows the vehicle registration as [REDACTED] 1TN.

ANNEXURE 1 – CRAIG STEYN**Allegation 34:**

Around 29 March 2017, you used Roads and Maritime vehicle no: [REDACTED] 6NL for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 35:

Around 6 April 2017, you used Roads and Maritime vehicle no: [REDACTED] 6NL for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 36:

Around 12 May 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 37:

Around 25 May 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 38:

Around 28 June 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 39:

Around 30 June 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 40:

Around 5 July 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 41:

Around 9 August 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 42:

Around 15 August 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

ANNEXURE 1 – CRAIG STEYN

Allegation 43:

Around 8 September 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Allegation 44:

Around 5 November to 9 November 2018, you used an RMS vehicle [REDACTED] 1TN for personal use to travel to Sydney Airport. You then parked the vehicle at Sydney Airport for that week whilst you were in Perth, Western Australia. You had no authority or any official business reason for doing so.

If substantiated, the alleged conduct in **Allegations 34 to 44** is in breach of:

RMS Light Motor Vehicle Policy (November 2016 to January 2018)

- Personal Use

5.0: Theft of Roads and Maritime Services Stationery

- 5.1. On the 17 January 2018 you sent an email to “Danielle Salib” with the subject line “Fairy Stationery God Mother” with an attachment titled “Stationery_List_2018.pdf”. The message reads *“Morning Fairy Stationery God Mother Please review and identify what is possible?”*.
- 5.2. On the 18 January 2018 you received an email for Danielle Salib with the subject line “Fairy Stationery God Mother”. The message reads *“Good morning my friend, Your order should be here by tomorrow....”*

Allegation 45:

Around 17 January 2018, you inappropriately requested Danielle Salib to order and purchase stationary items from RMS supplier ‘Complete Office Supplies’ (COS) for non-work related purposes and intended personal use of your son in accordance with the stationary requirements specified by Hills Adventist College.

6.0: Procurement of RMS apparel for non-business related purpose

- 6.1. On the 11 April 2018, you sent an email to “Danielle Salib” with the subject line *“Re: Registered Mail”*. The message reads *“When you have a chance can you please order 2 pairs of those hard yakka denim jeans work wear in 97s please?”*
- 6.2. On the 12 April 2018, you received an email from “Danielle Salib”. The message reads *“Morning C, I’m ordering two pairs of denim jeans for you but did you also need cargo pants?”*
- 6.3. On the same day you replied to this email. The message reads *“Please D No logos please”*.

ANNEXURE 1 – CRAIG STEYN**Allegation 46:**

Around 12 April 2018, you inappropriately requested Danielle Salib to order and purchase apparel items from RMS supplier 'Riverina Workwear' for non-work related purposes and intended personal use.

If substantiated, the alleged conduct in **Allegation 45 and 46** are in breach of:

RMS Code of Conduct and Ethics (November 2011 to January 2014)

- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest



PRIVATE AND CONFIDENTIAL

Ref No: 2019-0092

Mr Craig Steyn
Heavy Vehicle Maintenance & Program Officer
Compliance Monitoring
Compliance
Compliance and Regulatory Services

Notification of Allegations and to Attend Disciplinary Interview

Dear Mr Steyn

I refer to my letter dated 20th June 2019 where I advised you that an investigation had commenced into concerns raised about your conduct as an employee of Roads and Maritime Services (RMS). I also refer to my letter 29 July 2019 outlining the forty-six (46) allegations RMS were investigating and to direct you to attend an interview on 5 August 2019.

Since your interview with Mr David Faust on 5 August 2019 further information has been uncovered that requires investigation. At this stage, the further information being investigated relates to you having breached the Transport Code of Conduct by submitting false timesheet information, being untruthful to your manager and disobeying a reasonable direction.

The purpose of this letter is to set out the additional allegations against you which you are to respond to and to direct you to attend another formal disciplinary interview.

The interview has been scheduled to take place at **10:00am on 6 September 2019.**

To be held at: **The Roads and Maritime Offices
Bay 6 Meeting Room 15
20 – 44 Ennis Road
Milsons Point NSW 2061**

Mr David Faust, Investigations Analyst, Corruption, Prevention and Investigation Section, (CP&IS) will be conducting the interview which will be audio recorded and transcribed. Please confirm your attendance at least **24 hours** before the scheduled interview by sending an email to **David.Faust2@rms.nsw.gov.au**.

You may have a support person in attendance during the interview. This support person cannot, unless otherwise agreed to, act as your advocate or speak on your behalf. The support person should not be connected to the allegations of misconduct or a potential witness.

In accordance with Roads and Maritime Services' Discipline Guidelines and to provide you due process and procedural fairness, the purpose of the disciplinary interview is, amongst other things, to provide you with an opportunity to respond to allegations against you. The interview will give you an opportunity to provide an explanation of events, to provide comment on any relevant issue, and to present any relevant information that you believe should be considered. If you have any documents which you believe may be of assistance, please bring them with you.

The additional seven (7) allegations, numbers forty-seven (47) to fifty three (53) that are being further investigated are attached at 'Annexure 1.1'

Please note: Should you fail to attend the interview scheduled for **6 September 2019**, the matter will be finalised in your absence based on the information currently available to Roads and Maritime Services.

The conduct set out in the attached allegations, if proven on the balance of probabilities, may represent breaches of the following policies, procedures and Code of Conduct that applied at the time:

RMS Corrupt Conduct and Maladministration Prevention Policy

The following sections of that Policy as applied at that time appear relevant –

- Not engage in any corrupt or unlawful conduct in the performance of their duties; and
- Act at all times within their delegated authority, comply with approved policies and procedures and carry out the responsibilities associated with their position in an ethical, conscientious and productive manner.

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 15 – Corrupt conduct and public interest disclosures

RMS Code of Conduct and Ethics (September 2015)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 15 – Corrupt conduct and public interest disclosures

Possible Outcomes

After conducting relevant interviews and considering all available information, an Investigation Report will be prepared. If a breach, or breaches, of the Transport Code of Conduct and/or any Roads and Maritime or Transport policy or procedure has occurred, and the conduct is considered serious misconduct, a preliminary decision may be made regarding disciplinary action in response to the breaches which you will also be asked to respond to.

Disciplinary action may include one or more of the following:-

- Caution or reprimand
- Deferral of the payment of an increment
- Reduction of salary and demotion to a lower position or grade
- Suspensions from duty without payment of salary
- Dismissal

Independent of any disciplinary action, Roads and Maritime may take management action including transfer, counselling supervision and monitoring, training development, staff rotation or transfer, manage performance and issue warning or take other measures in the interest of Roads and Maritime.

Copies of the following Roads and Maritime Corporate Policies have already been provided to you:

- Transport Managing Conduct and Discipline Policy
- Copies of the relevant RMS and RTA Code of Conducts

Confidentiality

It is important for you to appreciate this matter must be strictly confidential at this point of time. Given the sensitive nature of the complaints, and to protect you and others who may become involved, you must not discuss the investigation with anyone other than your nominated support person(s), personal advisors or immediate family members.

Confidentiality requirements will equally apply to your support person, personal advisors and immediate family members.

Any Roads and Maritime staff member found to have breached confidentiality requirements may have disciplinary action taken against them. If you believe confidentiality has been breached, please advise Ms Julia Holden immediately on telephone 0429 061 831.

Integrity of Information

Where complaints are made, Roads and Maritime expects its staff members to raise complaints in good faith and that information provided in the investigation is not false or misleading. Disciplinary action, including dismissal may be taken against those found to have provided false or misleading information or made malicious complaints.

Victimisation


Victimising or retaliating against a person who is involved in an investigation because of their involvement will not be tolerated. Any finding of victimisation or retaliation against anyone who is involved in the investigation may result in disciplinary action being taken, including dismissal.

All participants of the investigation process have been advised of this. You should immediately contact me if you experience any difficulties in this regard.

Counselling services are available for employees subject of an allegation are available through the Employee Assistance Program (EAPS) by contacting telephone number 1300 360 364.

Should you have any enquiries in relation to the process to be followed in this matter you may contact Ms Julia Holden on telephone 0429 061 831.

Yours sincerely



Mr Paul Grech
Principal Manager,
Corruption, Prevention and Investigation
Audit and Assurance Branch
2 September 2019

ANNEXURE 1.1 – CRAIG STEYN

Allegation 47:

Around 16 March 2017, you inappropriately and dishonestly submitted your timesheet for the period 10 February 2017 to 9 March 2017 making a fraudulent claim for approximately 3 hours and 50 minutes worked on 1 March 2017.

Background to Allegation:

1. On 27 February 2017, you made application to Serco to visit Mr Garith Steyn in the company of your son, Tyrese Steyn, at the Villawood Immigration and Detention Centre at 4:00pm on 1 March 2017. Vehicles registered were [REDACTED] 11J and [REDACTED] 82J (private).
2. Timesheet for 1 March 2017 records 'Start Time' as 09:00 hours and 'End Time' as 18:00 hours with a 30 minute break. You claimed 8 hours 30 minutes attendance hours.
3. On 1 March 2017, your last work related email was sent to Ms Kathleen Swinbourne at 2:00pm. At 2:12pm, you departed the Octagon Building car park.
4. Between 17:35 hours and 18:50 hours on 1 March 2017, you and '1 x Minor', Tyrese Steyn, registered as a visitor at the Villawood Immigration and Detention Centre.
5. Your RMS Calendar records for 1 March 2017, 'Garith's B'Day' and the last work related matter ending at 12:00pm 'SenSen P2P Program Vendor Management Meeting'.

Allegation 48:

Around 11 May 2017, you inappropriately and dishonestly submitted your timesheet for the period 10 March 2017 to 6 April 2017 making a fraudulent claim for approximately 2 hours and 45 minutes worked on 29 March 2017.

Background to Allegation:

1. On 28 March 2017, you made application to Serco to visit Mr Garith Steyn at the Villawood Immigration and Detention Centre at 12:30pm on 29 March 2017.
2. Timesheet for 29 March 2017 records 'Start Time' as 09:00 hours and 'End Time' as 18:00 hours with a 30 minute break. You claimed 8 hours 30 minutes attendance hours.
3. Between 13:20 hours and 16:05 hours on 29 March 2017, you registered as a visitor at the Villawood Immigration and Detention Centre.
4. Your RMS Calendar records between 12:00 hours and 14:00 hours for 29 March 2017, 'Serco meeting Villawood'.

Allegation 49:

Around 10 October 2017, you inappropriately and dishonestly submitted your timesheet for the period 25 August 2017 to 21 September 2017 making a fraudulent claim for approximately 1 hour 40 minutes worked on 8 September 2017.

Background to Allegation:

ANNEXURE 1.1 – CRAIG STEYN

1. On 7 September 2017, you made application to Serco to visit Mr Garith Steyn at the Villawood Immigration and Detention Centre at 12:30pm on 8 September 2017.
2. Timesheet for 8 September 2017 records 'Start Time' as 09:00 hours and 'End Time' as 18:00 hours with a 30 minute break. You claimed 8 hours 30 minutes attendance hours.
3. Between 12:32 hours and 14:10 hours on 8 September 2017, you registered as a visitor at the Villawood Immigration and Detention Centre.

Allegation 50:

Around 19 December 2018, you inappropriately and dishonestly submitted your timesheet for the period 16 November 2018 to 13 December 2018 making a fraudulent claim for 4 hours and 10 minutes worked on 13 December 2018.

Background to Allegation:

1. Timesheet for 13 December 2018 records 'Start Time' as 09:00 hours and 'End Time' as 18:00 hours with a 30 minute break. You claimed 8 hours 30 minutes attendance hours.
2. At 12:03pm you departed the Octagon Building car park and returned at 4:13pm.
3. On 13 December 2018, there were no emails sent between 11:54am (Nastassja Oakes) and 5:13pm (Mark Hanson).
4. Between 13:00 hours and 15:30 hours on 13 December 2018, you registered as a visitor at the Villawood Immigration and Detention Centre.

If substantiated, the alleged conduct in **Allegations 47 and 50** are in breach of:

RMS Code of Conduct (September 2015)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 15 – Corrupt conduct and public interest disclosures

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 15 – Corrupt conduct and public interest disclosures

RMS Corrupt Conduct and Maladministration Prevention Policy (PN 017)

Allegation 51

Around 18 October 2018, you failed to behave in a professional, honest, and respectful manner by requesting permission from Mr Arnold Jansen, Senior Manager for Compliance Monitoring, to work from home due to family issues or similar between 5 and 9 November 2018, knowing that you would travel to Perth during the same period for non-work related reasons.

Background to Allegation:

ANNEXURE 1.1 – CRAIG STEYN

1. Around 18 October 2018, you approached Mr Arnold Jansen and sought verbal permission to work from home due to family issues or similar. Mr Jansen directed you to request his permission through an email.
2. On 18 October 2018, you sent an email to Mr Jansen with the message, *"In light of current events, I am coming to yourself seeking approval? Between 5 to 9 November 2018 I am seeking approval to work remotely please?"*
3. On 18 October 2018, you sent an email to Ms Danielle Salib with a response from Mr Jansen permitting you to work "remotely" and stated, *"So you can proceed whenever you are able, please check if an early check in is possible as the plane lands at 11:05 and the place is 45 mins from the airport!"*
4. On 19 October 2018, you sent an email from Chauffeur Live with the message, *"Can you please provide best price for a chauffeur service from Perth Domestic airport to Rockingham return?"* You provided your flight and accommodation details in Perth.
5. You then organised Ms Danielle Salib to purchase your flights, accommodation, airport parking, and transport to and from Perth domestic airport using her personal credit card.
6. Correspondence between you, Ms Nastassja Oakes and Mr Bradley Oakes suggests that you did not attend Perth for work or family related activities/issues.

If substantiated, the alleged conduct in **Allegation 51** is a breach of:

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making

Allegation 52:

Around 6 December 2018, you inappropriately and dishonestly submitted your timesheet for the period 19 October 2018 to 15 November 2018 making a fraudulent claim for approximately 42 hours worked between 5 November and 9 November 2018 inclusive.

Background to Allegation:

1. Timesheet for Monday 5 November to Friday 9 November 2018 records for each day a 'Start Time' as 09:00 hours and an 'End Time' as 18:00 hours with a 30 minute break. You claimed 8 hours 30 minutes attendance hours for each day.
2. On Monday 5 November 2018, you drove RMS motor vehicle registration number [REDACTED] 1TN to the Sydney Airport and departed Sydney on Virgin Flight VA555 arriving in Perth at 11:40am (Flight time estimate 5 hours 5 minutes).
3. You were then conveyed to Nautilus Apartments in Rockingham. Estimated driving time was 50 minutes.
4. On Friday 9 November 2018, you were conveyed from the Nautilus Apartments in Rockingham to the Perth Domestic Airport. Estimated driving time was 50 minutes.
5. At 10:35am you departed Perth on Virgin Flight VA556 arriving in Sydney at 5:45pm (Flight Time estimate 4 hours 10 minutes).
6. Correspondence between you, Ms Nastassja Oakes and Mr Bradley Oakes suggests that you did not attend Perth for work or family related activities/issues.

If substantiated, the alleged conduct in **Allegation 52** is a breach of:

ANNEXURE 1.1 – CRAIG STEYN

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making
- Section 15 – Corrupt conduct and public interest disclosures

RMS Corrupt Conduct and Maladministration Prevention Policy (PN 017)

Allegation 53:

Between 28 June 2019 and 17 July 2019, you disobeyed a reasonable written direction given by Ms Melinda Bailey, Executive Director for Compliance and Regulatory Services, on 19 June 2019 that states, “...you are directed not to approach or contact any Roads and Maritime employee unless advised otherwise” by contacting RMS employees Ms Danielle Salib and Mr James Sheridan.

Background to Allegation:

1. In a letter ‘Suspension from Duty with Pay’ signed by Ms Melinda Bailey on 19 June 2019, you were directed “...you are directed not to approach or contact any Roads and Maritime employee unless advised otherwise. If you wish to speak to a particular Roads and Maritime employee for work related purposes, or otherwise wish to discuss this matter, please contact Paul Grech...or Paul McKaysmith”.
2. Around 28 June 2019, you sent a text message to Mr James Sheridan agreeing to meet at the XSA Espresso Café at North Parramatta.
3. On 8 July 2019, you sent a text message to Ms Danielle Salib, “Thanks D, I’m so sorry for everything. We’ll talk when it is okay to. Just very tight in my house now.”
4. On 17 July 2019, you sent two text messages to Ms Danielle Salib, “Morning. My apology was for you having to experience the unfortunate events of people come to invade your personal stuff at work. I understand this really upset you and for that, I am sorry D”. And, “Thanks D.”
5. Around 6 August 2019, you met in person with Mr James Sheridan at the XS Espresso Café, situated on the corner of Windsor Road and James Ruse Drive, North Parramatta and discussed topics that included the ICAC investigation and ongoing RMS projects relating to the M7.

If substantiated, the alleged conduct in **Allegation 53** is a breach of:

RMS Code of Conduct (July 2018)

- Section 3 – Staff responsibilities
- Section 5 – Ethical decision making



Mr Craig Steyn
Heavy Vehicle Maintenance & Program Officer
Compliance Monitoring
Compliance
Compliance and Regulatory Services

By Hand

Dear Mr Steyn

Proposed Disciplinary Action – Show Cause Termination of Employment

I refer to the disciplinary investigation into allegations that you breached the Transport Code of Conduct and the RMS Corrupt Conduct and Maladministration Prevention Policy. The disciplinary investigation has now concluded.

The investigation examined a total of fifty three (53) allegations of misconduct against you. A summary of the investigation findings is as follows:

- Allegations 1 to 25 against you are **substantiated**
- Allegations 26 to 33 against you are **unsubstantiated**
- Allegations 34 to 53 against you are **substantiated**

The investigation found evidence to support forty five of the fifty three allegations against you, in that you had engaged in fraudulent and inappropriate conduct through the following activities:

- Between 2012 to 2019 awarded contracts to vendors without disclosing a personal relationship or connection to the vendors.
- Used RMS motor vehicles for personal advantage between 29 March 2017 and 9 November 2018.
- Procured stationary items through RMS employee Ms Danielle Salib, Project Officer for Fixed Camera Support for a non-business purpose around 17 January 2018.
- Procured RMS apparel through RMS employee Ms Danielle Salib for a non-business purpose around 11 April 2018.
- Submitted timesheets and fraudulently claimed unworked hours between 16 March 2017 and 13 December 2018.
- Around 18 October 2018, provided false and misleading information to Mr Arnold Jansen, Senior Manager for Compliance and Regulatory Services (CaRS) regarding an application to work remotely from your residential address. Subsequently, you travelled to Perth WA for non-work related purposes during the same requested period.
- Disobeyed a reasonable direction given by Ms Melinda Bailey, Executive Director for Compliance and Regulatory Services (CaRS) on 19 June 2019 which prohibited you from contacting RMS employees unless advised otherwise.

The specific allegations put to you and the investigation findings are detailed in the document attached.

I consider that as a result of your substantiated conduct you have breached the following policies:

The Transport Code of Conduct:

Section 3: Staff Responsibilities

- Behave in a lawful, professional and reasonable manner and always act in the best interest of Transport.
- Comply with agency policies and procedures, as well as relevant legislative and industrial requirements that apply to you.
- Understand the duties, responsibilities and accountabilities of their role, and perform these safely, honestly, courteously and fairly.
- make impartial decisions that demonstrate your agency's values and promotes confidence in the integrity of public administration.
- Comply with reasonable lawful requests, directions and instructions given in the course of your duties by any person with authority to do so.

Section 5: Ethical decision making

We must ensure that our decisions:

- Are made lawfully, ethically and impartially;
- Promote agency values;
- Align with overall organisational objectives;
- Are in the public interest;
- You must consider the implications of your conduct, decisions and actions for yourself, customers, colleagues and Transport. Any information or advice you give or any decisions you make must not lead to personal gain ahead of public interest.

Section 15: Corrupt conduct and public interest disclosures

As a NSW public sector employee, corrupt or unlawful conduct by you in the course of your duties is not acceptable and will not be tolerated.

Section 19: Use of official resources

Private use of fleet vehicles is not permitted except in an emergency, exceptional circumstances or when permitted in agency policy or industrial instruments.

RMS Corrupt Conduct and Maladministration Prevention Policy

Staff must:

- not engage in any corrupt or unlawful conduct in the performance of their duties;
- act at all times within their delegated authority, comply with approved policies and procedures and carry out the responsibilities and accountabilities associated with their position in an ethical, conscientious and productive manner.

RMS Light Motor Vehicle Policy (November 2016 to January 2018)

- Personal Use – must have approval for private use.

RTA/RMS Code of Conduct and Ethics (April 2008 to September 2012)

- Staff Obligations
- Personal responsibilities
- Working ethically
- Corrupt conduct and unlawful conduct
- Conflict of interest

Proposed Disciplinary Penalty

Roads and Maritime is required to have trust and confidence in all its employees that they will conduct themselves appropriately, fairly and professionally. I am of the view that the conduct you have found to have engaged in goes to the question of whether Roads and Maritime can continue to have trust and confidence in you as an employee. I consider your substantiated conduct amounts to misconduct as set out in the Conduct & Discipline Handling Procedure which warrants the taking of disciplinary action.

Accordingly, the following disciplinary penalty is being considered:

- **Termination of Employment**

Given the seriousness of the substantiated conduct and the proposed disciplinary penalty, I am providing you with the opportunity to respond to me before coming to a final decision. I invite you to make a written submission to me within seven (7) days from the date of receipt of this letter with regard to the penalty, and also to provide me with any further information or material you may wish to be taken into account.

You are also welcome to discuss the matter with me personally at a time and date to be agreed. Please contact Kevin Mullins, Manager Professional Standards on 0481 008 461 or kevin.mullins@rms.nsw.gov.au if you wish to make an appointment for this.

You will remain suspended from duty with pay pending the finalisation of this matter. The decision to suspend you from duty is not disciplinary action, and has been made having regard to the requirements identified in the Conduct and Discipline Handling Procedures.

Confidentiality

Pending finalisation of this matter, you are required to maintain confidentiality about the matters the subject of this letter. You are also directed not to discuss these matters with colleagues, including any colleague involved in the disciplinary investigation.

Support

Finally, I wish to remind you about the Employee Assistance Program which is available to you to discuss any personal or work related problems you may be experiencing. This is a free confidential counselling service available to all employees. You can contact them on 1300 360 364 at any time.

Yours sincerely



Melinda Bailey
Executive Director Compliance and Regulatory Services

Date: 18/11/19

Attachment: Specific Allegations and Findings

SPECIFIC ALLEGATIONS AND FINDINGS

Allegation 1:

Around 21 June 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Work on design fault @ P2P site" to the value of \$26,400.00.

Finding – Substantiated

Allegation 2:

Around 16 July 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Work on design fault @ P2P site" to the value of \$20,500.00.

Finding – Substantiated

Allegation 3:

Around 16 October 2012, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Works as ordered for P2P sites" to the value of \$18,000.00.

Finding – Substantiated

Allegation 4:

Around 6 August 2013, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fab, Supp & Install P2P Infrastructure" to the value of \$18,000.00.

Finding – Substantiated

Allegation 5:

Around 2 December 2013, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fab, Supp & Install P2P Infrastructure" to the value of \$13,000.00.

Finding – Substantiated

Allegation 6:

Around 12 February 2014, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fab, Supp & Install H/Rail" to the value of \$18,000.00.

Finding – Substantiated

Allegation 7:

Around 21 November 2014, you failed to disclose your personal connection with AA Steel Piping Pty Ltd (AA Steel Piping) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fab; Install H/Rail; Fix Sign @ H/Tunnel" to the value of \$33,149.00.

Finding – Substantiated

Allegation 8:

Around 20 February 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your

approval and / or recommendation for the engagement of AA Steel Piping to conduct "Manufact ANPR Conta & Hand Rail install" to the value of \$47,000.00.

Finding – Substantiated

Allegation 9:

Around 4 May 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Complete various works as requested" to the value of \$25,000.00.

Finding – Substantiated

Allegation 10:

Around 11 May 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Dsgn Fab Galv Camera Test System" to the value of \$13,500.00.

Finding – Substantiated

Allegation 11:

Around 18 August 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Tranp Container & Fix Crash Site at 6188" to the value of \$18,000.00.

Finding – Substantiated

Allegation 12:

Around 25 August 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fix SPD Lines at West Wyalong & Forbes" to the value of \$29,000.00.

Finding – Substantiated

Allegation 13:

Around 28 September 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Install Additional Signage on Gantry W/B" to the value of \$18,000.00.

Finding – Substantiated

Allegation 14:

Around 28 October 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Fix SPD Lines at Molong/Cundumbul & Wilt" to the value of \$39,000.00.

Finding – Substantiated

Allegation 15:

Around 9 December 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Deliver works as required" to the value of \$30,000.00.

Finding – Substantiated

Allegation 16:

Around 11 December 2015, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Deliver works as required" to the value of \$27,500.00.

Finding – Substantiated

Allegation 17:

Around 5 February 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Deliver works as required" to the value of \$37,500.00.

Finding – Substantiated

Allegation 18:

Around 2 May 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Deliver works as required" to the value of \$69,000.00.

Finding – Substantiated

Allegation 19:

Around 8 June 2016, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Deliver works as required" to the value of \$84,750.00.

Finding – Substantiated

Allegation 20:

Around 31 July 2017, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Attend ASC Site across NSW to carry out repair work as advised" to the value of \$55,000.00.

Finding – Substantiated

Allegation 21:

Around 3 August 2017, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Attend ASC Site across NSW to carry out repair work as advised" to the value of \$100,000.00.

Finding – Substantiated

Allegation 22:

Around 23 July 2018, you failed to disclose your personal connection with AA Steel Piping and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of AA Steel Piping to conduct "Reimplementation of the ASC Length" to the value of \$39,500.00.

Finding – Substantiated

Allegation 23

Around 29 May 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct "Conduct Quality Assurance Safety Control" to the value of \$38,500.00.

Finding – Substantiated

Allegation 24:

Around 9 July 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct "Physically check and observation of works been delivered for RMS" to the value of \$47,300.00.

Finding – Substantiated

Allegation 25:

Around 23 October 2018, you failed to disclose your personal connection M&M Inspections Pty Ltd (M&M Inspections) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of M&M Inspections to conduct "Average Speed Enforcement Prgm" to the value of \$47,300.00.

Finding – Substantiated

Allegation 26

Around 23 July 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct "Maintenance of Portable generator" to the value of \$25,000.00.

Finding – Not Substantiated

Allegation 27

Around 23 July 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct "Installation of elec & Data supply" to the value of \$11,000.00.

Finding – Not Substantiated

Allegation 28:

Around 13 August 2015, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct "Installation of elect and Data Supply" to the value of \$35,000.00.

Finding – Not Substantiated

Allegation 29:

Around 8 August 2017, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct "Remedial Works ASC Camera Program" to the value of \$49,500.00.

Finding – Not Substantiated

Allegation 30:

Around 14 November 2017, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “*Remedial Works ASC Camera Program*” to the value of \$45,000.00.

Finding – Not Substantiated

Allegation 31:

Around 19 July 2018, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “*Various Activities for delivery of Blackmans Point ASC Lengths*” to the value of \$41,000.00.

Finding – Not Substantiated

Allegation 32:

Around 15 March 2019, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “*Various works on ASC Program*” to the value of \$30,000.00.

Finding – Not Substantiated

Allegation 33:

Around 19 July 2019, you failed to disclose your personal connection S.A. Masters Electrical Services (Steven Masters) and failed to disclose information about those connections in the context of your approval and / or recommendation for the engagement of S.A. Masters Electrical Services to conduct “*Various activities for the delivery of Blackmans Point ASC Lengths*” to the value of \$41,000.00.

Finding – Not Substantiated

Allegation 34:

Around 29 March 2017, you used Roads and Maritime vehicle no: [REDACTED] 6NL for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 35:

Around 6 April 2017, you used Roads and Maritime vehicle no: [REDACTED] 6NL for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 36:

Around 12 May 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 37:

Around 25 May 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 38:

Around 28 June 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 39:

Around 30 June 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 40:

Around 5 July 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 41:

Around 9 August 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 42:

Around 15 August 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 43:

Around 8 September 2017, you used Roads and Maritime vehicle no: [REDACTED] 1TN for personal use to visit the Villawood Detention Centre. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 44:

Around 5 November to 9 November 2018, you used an RMS vehicle [REDACTED] 1TN for personal use to travel to Sydney Airport. You then parked the vehicle at Sydney Airport for that week whilst you were in Perth, Western Australia. You had no authority or any official business reason for doing so.

Finding – Substantiated

Allegation 45:

Around 17 January 2018, you inappropriately requested Danielle Salib to order and purchase stationary items from RMS supplier 'Complete Office Supplies' (COS) for non-work related purposes and intended personal use of your son in accordance with the stationary requirements specified by Hills Adventist College.

Finding – Substantiated

Allegation 46:

Around 12 April 2018, you inappropriately requested Danielle Salib to order and purchase apparel items from RMS supplier 'Riverina Workwear' for non-work related purposes and intended personal use.

Finding – Partially Substantiated

*Mr Steyn inappropriately requested apparel items from Ms Danielle Salib to be purchased through RMS Supplier Riverina Workwear without corporate identity (**substantiated**), but did not request the subject work wear for a non-work related purpose (**unsubstantiated**).*

Allegation 47

Around 16 March 2017, you inappropriately and dishonestly submitted your timesheet for the period 10 February 2017 to 9 March 2017 making a fraudulent claim for approximately 3 hours and 50 minutes worked on 1 March 2017.

Finding – Substantiated

Allegation 48

Around 11 May 2017, you inappropriately and dishonestly submitted your timesheet for the period 10 March 2017 to 6 April 2017 making a fraudulent claim for approximately 2 hours and 45 minutes worked on 29 March 2017.

Finding – Substantiated

Allegation 49

Around 11 May 2017, you inappropriately and dishonestly submitted your timesheet for the period 10 March 2017 to 6 April 2017 making a fraudulent claim for approximately 2 hours and 45 minutes worked on 29 March 2017.

Finding – Substantiated

Allegation 50

Around 19 December 2018, you inappropriately and dishonestly submitted your timesheet for the period 16 November 2018 to 13 December 2018 making a fraudulent claim for 4 hours and 10 minutes worked on 13 December 2018.

Finding – Substantiated

Allegation 51

Around 18 October 2018, you failed to behave in a professional, honest, and respectful manner by requesting permission from Mr Arnold Jansen, Senior Manager for Compliance Monitoring, to work from home due to family issues or similar between 5 and 9 November 2018, knowing that you would travel to Perth during the same period for non-work related reasons.

Finding – Substantiated

Allegation 52

Around 6 December 2018, you inappropriately and dishonestly submitted your timesheet for the period 19 October 2018 to 15 November 2018 making a fraudulent claim for approximately 42 hours worked between 5 November and 9 November 2018 inclusive.

Finding – Substantiated

Allegation 53

Between 28 June 2019 and 17 July 2019, you disobeyed a reasonable written direction given by Ms Melinda Bailey, Executive Director for Compliance and Regulatory Services, on 19 June 2019 that states, “...*you are directed not to approach or contact any Roads and Maritime employee unless advised otherwise*” by contacting RMS employees Ms Danielle Salib and Mr James Sheridan.

Finding – Substantiated