



MINISTRY OF TRANSPORT

Ministry of Transport Code of Conduct for Bus Operator Accreditation Scheme Auditors

The Code of Conduct as at August 2007 is as follows:

1. Introduction

The Ministry of Transport (the Ministry), pursuant to the Passenger Transport Act 1990, requires accredited bus operators to undergo an independent accreditation audit at least once every three years to ensure their compliance with the Bus Operator Accreditation System (BOAS), and to improve the safety of the NSW bus industry.

The Ministry requires accredited bus operators to engage the services of an RABQSA certified auditor (at the operator's expense), who has demonstrated knowledge competency in the following competency units to perform an accreditation audit:

- Management Systems Auditing (RABQSA-AU);
- Leading Management System Audit Teams (RABQSA-TL);
- BOAS Auditing (RABQSA-BA);

Plus at least one of the following:

- Auditing Quality Management Systems (RABQSA-QM);
- Auditing OHS Management Systems (RABQSA-OH);
- Auditing Environmental Management Systems (RABQSA-EM).

Audits are to be conducted using the Ministry's Audit Tool and in accordance with the guidelines issued and contained within the Ministry of Transport's Auditors Handbook.

In addition to satisfying the RABQSA knowledge competencies, certified auditors must be practically assessed as being competent by a Ministry of Transport Skills Assessor before undertaking a BOAS audit.

BOAS auditors are not employees or contractors of the Ministry of Transport. However, once a BOAS auditor is deemed practically competent by the Ministry's Skills Assessor they are issued with a Ministry Stamp to emboss documentation during the audit process.

The Ministry retains the right to revoke an auditor's authority to use the stamp on issue **at any time.**

2. Code of Conduct

This Code of Conduct outlines the responsibilities and standards of behaviour expected of BOAS auditors. **It applies to all BOAS auditors deemed competent to undertake audits by the Ministry of Transport and persons employed or otherwise engaged by a BOAS Auditor for the purpose of undertaking audits.**

A breach of this code may be grounds for suspension or revocation of an auditor's approval to undertake BOAS audits. Some breaches may also constitute an offence and lead to legal proceedings.

Your understanding of and adherence to the Code of Conduct is treated seriously by the Ministry. Should you be practically assessed as being competent to undertake BOAS audits, you will be required to read the Code, and to certify that you will abide by the conditions and obligations set out in the Code.

3. Ethical Principles

This Code of Conduct has been developed in accordance with the principles of ethical and responsible decision-making and embodies the following values:

3.1 Respect For The Law

BOAS auditors shall uphold the laws of New South Wales and of Australia and shall not be a party to their breach, evasion or subversion.

3.2 Respect For The Community and Persons

BOAS auditors shall treat accredited bus operators, members of the public and persons they work with, or have dealings with in an honest and fair manner and with courtesy and sensitivity. They shall respect the rights, entitlements, duties and obligations of all stakeholders in the Bus Operator Accreditation System.

3.3 Diligence

BOAS auditors shall exercise a duty of care, be attentive and always strive for the highest standard of performance. They shall keep up-to-date with legislative and policy changes affecting their work, document their decisions and keep accurate records.

The Ministry of Transport will provide BOAS Auditors with information on the conduct of BOAS audits, including updates as required.

3.4 Accountability

BOAS auditors shall be willing and prepared to account to Ministry of Transport, RABQSA, accredited bus operators (*who are their clients*), and the community for the performance of their official duties.

4. Conditions of Approval

4.1 Legal Status

A BOAS auditor may be sole trader, a partnership or a company. The BOAS Auditor must have an Australian Business Number (ABN).

Clause 12L (3) of the Passenger Transport (Bus Services) Regulation 2000 allows for audits to be carried out by an auditor, or by an auditor from a class, approved by the Director General.

A BOAS auditor who has met the RABQSA competency requirements outlined at Section 1 above, and has been practically assessed by the Ministry of Transport may be approved as an auditor pursuant to Cl 12L (3) of the Passenger Transport (Bus services) Regulation 2000 to undertake bus audits.

A BOAS auditor who has not been issued with, or has had their approval to use a Ministry of Transport stamp to emboss audit documentation revoked or suspended; cannot undertake BOAS audits.

4.2 Responsibilities

An auditor approved by the Ministry of Transport under the NSW Bus Operator Accreditation System is authorised to:

- audit an accredited bus operator systems to determine their compliance with Ministry's BOAS standards and requirements; and
- negotiate an 'agreed' audit price with an accredited bus operator prior to undertaking a BOAS audit. This price should be fair and reasonable and agreed in writing.

Under no circumstances is an auditor to act as a consultant to the bus operator either during or after an audit. If an auditor consults, or provides advice to an operator prior to the conduct of an audit then that auditor (or an associate) cannot conduct a BOAS audit of that operator.

4.3 Notification by the BOAS Auditor

Approved BOAS auditors MUST provide:

- A copy of the Audit Report to the accredited bus operator (for whom they are performing the audit), and to the Ministry of Transport.

Audit Reports shall be provided in a timely manner and in the form required by Ministry of Transport.

4.4 Audit Reports

The BOAS auditor must retain a report of each audit undertaken on behalf of an accredited bus operator. This includes audits where the operator has met the Ministry of Transport benchmarks and those where the operator has failed to meet the benchmarks.

Audit Reports need to be signed off by both the operator and BOAS auditor following the conduct of an audit and be kept for a period of five years from the date of the audit.

The BOAS auditor is required to produce and administer three (3) copies of the signed Audit report as follows:

1. **Copy 1** – is to be retained by the bus operator;
2. **Copy 2** – is to be submitted to the Ministry of Transport; and
3. **Copy 3** – is to be retained by the auditor for a period of five years from the date of the audit.

4.5 Collusion with an accredited bus operator

An auditor must not provide an accredited bus operator with an Audit Report unless an audit has carried out by the BOAS Auditor.

The audit shall be conducted in accordance with the audit tool and audit guidelines provided by Ministry of Transport.

The result of the audit is a matter for the Ministry of Transport alone. An auditor must not be influenced by, or otherwise collude with an accredited bus operator in relation to the satisfaction of the benchmarks or the verification of a BOAS audit.

4.6 Conflict of Interest

If an auditor consults, or provides advice to an operator prior to the conduct of an audit then that auditor (or an associate) cannot conduct a BOAS audit of that operator.

An auditor must refrain from offering their services to an immediate family member, close relative or close personal friend or to a business managed by or employing an immediate family member, close relative or close personal friend.

Auditors must confirm that they will not act for an accredited operator if a conflict of interest exists. Examples of conflicts of interest include:

- Where the auditor has previously provided consultancy services to the operator with regard to their BOAS.
- Where the auditor has a financial relationship with the accredited operator which relates to the operation of the accredited operator's bus service or some other association.
- Where the auditor's decision will affect a family member or friend.
- Where the auditor has a direct interest (other than the negotiated Auditor's fee) in the client's business.

Where a real or perceived conflict of interest arises auditors must refrain from acting as a BOAS auditor for that operator.

4.7 Competence

All BOAS auditors must be competent to undertake BOAS audits.

The skills required by RABQSA and the Ministry of Transport must be maintained by the BOAS auditors throughout their term of RABQSA certification.

All persons certified as BOAS auditors must use the Ministry of Transport's Audit Tool and attend briefing sessions, as required, by the Ministry of Transport.

4.8 Integrity

Auditors must behave professionally and ethically at all times. Auditors must act with propriety and be able to demonstrate this in relation to any service or advice they provide.

The Ministry may refuse to appoint (or revoke the appointment of) an auditor due to the person's proven offence record or other misconduct relevant to this appointment. Examples include convictions for dishonesty or a poor traffic record. The Ministry may also suspend an appointment while a criminal charge against an auditor is awaiting finalisation.

The behaviour of individuals in the BOAS Scheme will be monitored by the Ministry of Transport and RABQSA.

Bus operators are able to complain in writing to the Ministry of Transport if they consider that the auditor is, or has acted in a fraudulent, dishonest or delinquent manner.

Persons approved as a BOAS auditor (or providing services on behalf of a BOAS auditor), shall not have previously had their approval as a BOAS auditor removed by the Ministry of Transport.

4.9 Health and Safety Obligations

An approved auditor must abide by all relevant health and safety, injury management and workers compensation legislation. This includes providing workers compensation insurance coverage for employees and developing safe work policies and procedures.

An approved auditor must not breach or assist an accredited bus operator or other Transport Safety Employee to breach occupational health and safety, workers compensation or injury management legislation or obligations under any other law in New South Wales or Australia.

4.10 Professional Indemnity

Professional Indemnity and other insurance shall be maintained for all BOAS auditors at their own expense.

4.11 False Declarations

An auditor must not make a false declaration to the Ministry of Transport, an accredited bus operator or any other person associated with the Bus Operator Accreditation System (BOAS).

4.12 Confidentiality

Auditors must ensure that all information provided to them by an accredited bus operator is protected and is not disclosed to any unauthorised person. Ministry of Transport staff are authorised persons.

4.13 Willingness to be evaluated

To ensure that auditors abide by the conditions in this Code of Conduct the Ministry of Transport will monitor the behaviour and performance of approved auditors. The Ministry of Transport will also investigate any written complaint made against an auditor in relation to fraudulent behaviour, or dishonest or delinquent conduct under this Scheme.

The Ministry of Transport's Director General reserves the right to refer any complaint to the Ministry of Transport's BOAS Scheme's Committee for investigation or review.

It is a requirement of this Code that all auditors must agree to be reviewed and investigated by the Ministry of Transport when required. The Ministry of Transport may audit or inspect the auditor as it sees fit. Approved Auditors must allow the Ministry of Transport full access to their premises and documents for this purpose.

The Ministry of Transport will also ask operators to provide feedback on their audit. In particular, operators will be requested to provide feedback on the cost and time taken to perform the audit.

5. Advice and Assistance

5.1 Limits of Code of Conduct

This Code of Conduct provides guidance to assist auditors in deciding on the appropriate course of action in a variety of situations.

From time to time problematic situations may arise which are not addressed in the Code. In such situations auditors should be able to reach an ethical decision by referring to the principles underlying the Code (page four) and by responding to the series of questions outlined in 5.2.

5.2 Self-Assessment

If faced with a difficult situation in the course of work as an approved auditor, the following questions may assist auditors in coming to a decision consistent with the spirit and intention of the Code of Conduct:

- Is the decision lawful?
- Is the decision consistent with the spirit and intent of this Code of Conduct?
- Is the decision consistent with the spirit and intent of the Bus Operator Accreditation System?
- What are the consequences of the decision – for the public? For the accredited bus

operator; for the Ministry of Transport; for other auditors; for myself?

- Can the decision be justified – to the Ministry of Transport? – to an independent person?

5.3 Further Help

The Ministry of Transport may be able to assist you to resolve professional and ethical dilemmas which arise in the course of your work as a BOAS auditor.

Should you need advice or assistance on such issues, contact the Ministry's General Manager, Regulation and Compliance on (02) 9689 8862.

6. Review

6.1 Ministry of Transport Evaluation

The Bus Operator Accreditation System will play a vital part in providing the NSW travelling public with safe reliable bus transport services. The competence and Integrity of auditors operating under the BOAS is essential to the success of the Scheme.

The Ministry of Transport will periodically review the behaviour and performance of approved Auditors. This review process may include random monitoring, audits or other measures.

BOAS Auditors must agree to be reviewed by the Ministry of Transport as required. Auditors must allow Ministry of Transport full access to their premises and documents for this purpose.

The Ministry of Transport may also investigate any complaints made against the Auditor in relation to their performance and/or behaviour.

6.2 Reporting Breaches

As an Auditor approved by Ministry of Transport you are responsible for reporting any known or suspected breach of the Code or corrupt conduct. Any instances of corruption or breaches of the code should be reported to:

General Manager Regulation & Compliance
Ministry of Transport NSW
Locked Bag 5085
PARRAMATTA NSW 2124
Tel: 9689 8862

Auditors are also encouraged to identify situations where corruption could potentially occur, and to assist the Ministry of Transport to eliminate these situations.

6.3 Action by the Ministry of Transport

Where the Ministry of Transport is satisfied that the auditor has breached the Code of Conduct, the Director General may suspend, revoke or impose conditions on the approval to be a BOAS Auditor. In such circumstance, the Ministry will inform the auditor in writing of the Ministry's action and reasons for its decision. If necessary, the Ministry will request that the auditor immediately return the Ministry's stamp together with any other material relevant to the audit process.

6.4 Fraud

Where the Auditor has found to be acting fraudulently the Ministry of Transport may institute criminal proceedings.

7. Further Information

If you need assistance or advice relating to any of the issues outlined in this code of conduct, contact the Ministry of Transport's General Manager Regulation and Compliance on (02) 9689 8862.

NO REPRESENTATION AS TO ENGAGEMENT

Neither RABQSA nor the Ministry of Transport represent that certified auditors will be engaged to undertake any audit during the certification period.

The Ministry of Transport is not liable to the auditor for any representation or other inducement made by RABQSA or any other party to the auditor, before, during or after the certification of the auditor as to the likely engagement of the auditor to perform audits.

Certified auditors should be aware that the Ministry of Transport may at any time at its sole discretion suspend or terminate the audit scheme without any notice to the auditor and without any liability for compensation to the auditor.



MINISTRY OF TRANSPORT

**BUS OPERATOR ACCREDITATION SYSTEM (BOAS)
CODE OF CONDUCT AGREEMENT
FOR BUS AUDITORS**

I,
(Auditor Name)

of,
(Auditor's Address)

hereby state that I have read, and agree to abide with the Ministry of Transport's Code of Conduct for Bus Operator Accreditation Scheme (BOAS) Auditors.

I also agree to:

- to return any Stamp, or equipment issued to me by the Ministry of Transport within seven (7) days of being advised of the requirement to do so and submit to performance evaluation as required;
- any periodic review by the Ministry of Transport of my performance as a BOAS Auditor and will provide all reasonable assistance and abide by any reasonable request made to facilitate such review.

I further understand that any breach of the Code may result in the Ministry of Transport suspending or revoking my approval to perform BOAS audits.

..... dated
(Signature)

Ministry of Transport Witness name & Signature:.....

Dated:

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