

Transport for NSW

Statement of Business Ethics

JULY 2012

This document provides guidance and instruction to Transport for NSW's commercial partners on the behaviours expected of them when doing business with us. Compliance is a condition of contract with Transport for NSW.



Transport
for NSW

CONTENTS

Director General's introduction	3
Our values	3
What you can expect of us	4
What we ask of you	4
Consequences for not complying	5
Lobbying	5
Incentives, gifts, benefits	5
Use of Transport for NSW equipment, resources and information	5
Your employees and sub-contractors	5
Intellectual property rights	5
Protections for those who report wrongdoing and Public Interest Disclosures	6
Contacts	6

Director General's introduction

While developing and coordinating transport services, we have a responsibility to achieve value for money for the people of NSW, which includes ensuring that all our business relationships are honest, ethical, fair and consistent.

While working with us, our commercial partners share the same responsibilities. This is why compliance with our Statement of Business Ethics is a condition of contract with us. Your compliance with this Statement and support of our values shows us you understand our business.

Les Wielinga
Director General

Our values

Transport for NSW is a public sector agency and leads the delivery of safe, reliable, efficient and sustainable transport throughout New South Wales. We expect our commercial partners to work with us in promoting our values.

Integrity	This includes being honest, trustworthy and fulfilling your obligation to put the interest of the public service and the community above personal interest.
Accountability	This includes delivering quality services fairly, courteously, effectively and reliably.
Responsiveness	This includes being responsible for your decisions and actions, taking pride in your achievements and owning up to mistakes when they are made.
Teamwork	This includes working together in dynamic, integrated teams and partnerships to deliver high quality transport results for NSW.
Safety and respect for each other	This includes being respectful of the rights of your colleagues and customers and doing what you can to keep the community and the workplace safe.
Best value for money	This includes being clever about the way you conduct your business, telling us where we can make things better and easier and save money for NSW.

What you can expect of us

Transport for NSW will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct. Our staff are bound by Transport for NSW's Code of Conduct. When doing business with the private sector, our staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations
- Avoid any conflicts of interest (whether real or perceived).

In addition, all the Transport for NSW procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible
- Tenders will not be called unless Transport for NSW has a firm intention to proceed to contract
- Transport for NSW will not disclose confidential or proprietary information
- Where possible the use of local businesses and locally made products will be encouraged.

What we ask of you

We require all private sector providers of goods and services to:

- Comply with the Transport for NSW procurement policies and procedures as well as the NSW Code of Practice for Procurement (2005)
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with Transport for NSW
- Take all reasonable measures to prevent the disclosure of confidential Transport for NSW information; this includes any Transport for NSW information unless otherwise indicated
- Refrain from engaging in any form of collusive practice, including offering Transport for NSW employees inducements or incentives designed to improperly influence the conduct of their duties
- Refrain from discussing Transport for NSW business or information in the media
- Assist Transport for NSW to prevent unethical practices in our business relationships and to report to Transport for NSW, as soon as practicable, any serious wrongdoing related to Transport for NSW's work, eg. corruption, fraud, maladministration, serious and substantial waste, or breaches of the *Government Information (Public Access) Act 2009 (GIPA Act)*
- Provide Transport for NSW with access to information and records which may be required to effectively conduct audit and investigation activities or for the purpose of reporting to Parliament
- Manage business risks, including those associated with fraud and corruption, to the satisfaction of Transport for NSW.

Consequences for not complying

You should be aware of the consequences of not complying with Transport for NSW's ethical requirements when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation.

Lobbying

All Transport for NSW employees and in-house contractors are considered a 'government representative' in the NSW Government Lobbyist Code of Conduct. This means they have specific obligations, which include only dealing with lobbyists who are on the Department of Premier and Cabinet's register of lobbyists.

A lobbyist is any person or organisation whose business includes being contracted or engaged to represent the interests of a third party to a government representative. If you feel that your potential communication with Transport for NSW may place you in this category you are advised to consult the Department of Premier and Cabinet's website ([Home > Premier and Government > Register of Lobbyists](#)) and ensure you are registered prior to making contact with Transport for NSW.

Incentives, gifts, benefits

Transport for NSW expects its staff to decline personal gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'incentives' to Transport for NSW staff – all such offers will be formally reported and recorded in a publicly accessible register. If you would like to convey your appreciation for the work of Transport for NSW, or the efforts of a particular staff member, consider providing your feedback to our 131500 Feedback line or writing to Transport for NSW's Director General, or the Minister for Transport.

Use of Transport for NSW equipment, resources and information

All Transport for NSW equipment, resources and information should only be used for its proper official purpose.

Your employees and sub-contractors

Our commercial partners are to ensure that all its employees as well as sub-contractors working on Transport for NSW business are made aware of this Statement.

Intellectual property rights

In business relationships with Transport for NSW, parties will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.

Protections for those who report wrongdoing and Public Interest Disclosures

Transport for NSW will take steps to protect anyone from reprisal action who comes forward to report wrongdoing. However, you and your staff, while working for Transport for NSW, may also be considered Public Officials according to the *Public Interest Disclosures (PID) Act 1994*, eg. individuals engaged as contractors and/or having public official functions or acting in a public official capacity. The Act provides these persons with extra legal protections when reporting corruption, public maladministration, serious and substantial waste or breaches of the *Government Information (Public Access) Act 2009 (GIPA Act)*, using the contact channels below.

However, it is important to remember that any member of the public may raise or report wrongdoing by an organisation. People reporting wrongdoing may be protected if they report to an external investigating authority such as the Ombudsman or the ICAC. If anyone makes a complaint under the *Ombudsman Act 1974* or the *Independent Commission Against Corruption Act 1988*, it is an offence to take any action against them in reprisal for their complaint.

Contacts

To report wrongdoing, breaches of this Statement or to get advice, you can contact

Internal

General Manager, Audit and Risk
Transport for NSW via

[Transport for NSW's Confidential Misconduct Reporting Hotline](#)

T 1800 302 750

Online Corruption and Misconduct Reporting form at transport.nsw.gov.au/contact

E report.misconduct@transport.nsw.gov.au

Post Confidential

General Manager, Audit and Risk
Transport for NSW
PO Box K659 Haymarket NSW 1240

External

[Independent Commission Against Corruption \(ICAC\)](#)

For matters of corruption involving
NSW public officials

T 1800 436 9090

[NSW Ombudsman](#)

For matters of maladministration

T 9286 1000 or
1800 451 524 (outside Sydney metro)

[Audit Office of NSW](#)

For serious and substantial waste

T 02 9275 7100

E mail@audit.nsw.gov.au

[NSW Police Force - Crime Stoppers](#)

For criminal matters

T 1800 333 000 (takes anonymous reports)