

A guide and instructions to Transport's commercial partners and suppliers on the behaviours expected of them when doing business with a Transport agency.

## Purpose

This Statement of Business Ethics provides guidance to existing and potential partners, and suppliers on the ethical standards and expected behaviours when doing business with Transport. That is, the cluster of government agencies that are responsible for the planning, building and supply of public transport and road services in NSW.

These agencies are:

- Transport for NSW (TfNSW)
- Department of Transport (DoT)
- Sydney Trains
- NSW Trains
- State Transit Authority (STA), and
- Sydney Metro

Transport agencies are committed to ensuring work is undertaken with integrity, transparently and in an ethical manner at all times. When conducting business with Transport agencies commercial partners and suppliers are expected to abide by the same standards of transparency and integrity.

Compliance with this Statement will allow commercial partners and suppliers and Transport agencies to jointly advance their business objectives in a fair and ethical manner.

Non-compliance with our ethical requirements when doing business with a Transport agency could lead to:

- termination of contracts
- loss of future work
- damage to reputation
- investigation for potential corruption, and/or
- matters being referred for criminal investigation/prosecution

## What we expect of you

We expect our commercial partners and suppliers in all dealings with Transport agencies to:

- comply with the [NSW Government Procurement Policy Framework](#) in relation to conduct by suppliers
- ensure that those providing services to a Transport agency as labour hire, professional services contractors and consultants are educated about, and comply with the [Transport Code of Conduct](#) and related agency policies and procedures
- act ethically, transparently and honestly

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- provide accurate and reliable advice and information
- declare actual, potential or perceived conflicts of interest as soon as identified
- prevent the unauthorised disclosure of confidential Transport agency information
- not offer or provide gifts, benefits, hospitality, rewards and/or incentives to Transport agency staff and people working on behalf of a Transport agency, designed to improperly influence the conduct of their duties
- not discuss or represent a Transport agency's business or information in the media
- assist the Transport agency to prevent unethical and unlawful practices in business relationships by reporting wrongdoing
- respond to reasonable requests for information, including those associated with Transport agency audit and investigation activities, and
- manage their own business risks, including those associated with fraud, corruption and information security, to the satisfaction of the Transport agency.

These expectations extend to any sub-contractors utilised by commercial partners and suppliers to deliver work for a Transport agency.

## What you can expect from us

When doing business Transport agencies are expected to ensure there is accountability and in doing so staff and, where relevant, people working on behalf of a Transport agency are expected to:

- comply with NSW Government and Transport agency policies and procedures including the Transport Code of Conduct, the Transport Conflicts of Interest Policy – Personal Interests, Secondary Employment, Gifts and Benefits and Procurement policies and procedures
- behave honestly and with integrity
- be transparent and unbiased in their treatment of all proponents and suppliers
- protect and use Transport agency resources in a proper (i.e. efficient, effective, economical and ethical) manner
- achieve value for money (noting this does not always mean the lowest price)
- be accountable for their official decisions and actions and be open in business dealings, subject to commercial-in-confidence, security, and privacy considerations
- respond promptly to reasonable requests for advice and information and not disclose confidential or proprietary information
- provide accurate and reliable information to assist commercial suppliers and partners fulfil their obligations
- not call for tenders unless there is a firm intention to proceed to contract at the time of making the call
- avoid, declare and manage situations where private interests conflict, or could be perceived to conflict, with official duty
- not solicit, for themselves (or for any other person) any remuneration, gift, reward, incentive or benefit
- report unethical conduct to an appropriate authority.

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## Further guidance

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### Rewards and incentives: gifts, benefits, hospitality, meals, travel and accommodation

Commercial partners and suppliers must not offer or provide any rewards or incentives in connection with any prospective or current business dealings. Staff and people working on behalf of a Transport agency, are not permitted to request such rewards or incentives and are expected to decline any gifts, benefits, travel or hospitality offered.

Those directly involved in the procurement are prohibited from accepting such rewards and incentives.

Offers of gifts and benefits, including those declined, are required to be recorded in a Gifts and Benefits Register.

Transport agencies cover the costs of travel and accommodation for staff and people working on behalf of a Transport agency, as required in the course of business. Any further offers to pay for these arrangements in association with demonstrating products or services to the Transport agency should be made to the relevant senior manager for consideration.

### Conflicts of interest

Where it is identified that dealing with a Transport agency could lead to a conflict of interest the commercial partner or supplier should report this to the Transport agency immediately. Arrangements may be made to separate activities to mitigate the risk of this conflict arising.

Real or perceived conflicts of interest may arise where the person's official or business duties and their private interests are incompatible.

The term 'private interests' includes not only an individual's own personal, professional or business interests, but also those of individuals or groups with whom they are closely associated. This can include relatives, friends or even rivals. Interests can be either pecuniary or not.

Managing risk associated with real or perceived conflicts of interest is key to ensuring that integrity and public trust are maintained.

### Sponsorship

A Transport agency may consider a sponsorship by commercial partners and suppliers or provide sponsorship where it is deemed to be consistent with corporate values and goals and delivers public value.

Any sponsorship arrangement must be open and transparent and should not create any perception that it will improperly influence Transport agency decision-making.

### Safety

Transport agencies are committed to maintaining a safe and healthy work environment for all people undertaking work for Transport. Commercial partners and suppliers are responsible for ensuring that people providing services to a Transport agency including

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as labour hire, professional services contractors, sub-contractors and/or consultants are aware they must not consume alcohol or drugs while on duty, on a Transport agency's premises or perform any duties for a Transport agency while under the influence of alcohol or drugs.

## Lobbying

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. Where suppliers feel that their potential communication with a Transport agency may place them in this category they are advised to consult the [Lobbying of Government Officials Act 2011 \(NSW\)](#) and the [Electoral Commission NSW website](#) to ensure that they are registered prior to making contact with the Transport agency.

## Confidentiality and intellectual property rights

All Transport agency information should be treated as confidential unless otherwise indicated or unless it is already lawfully in the public domain.

In business relationships with us, we will respect each other's confidential information and intellectual property rights and will formally negotiate any access, license or use of intellectual property.

## Ethical Communication

All communication should be clear and direct to support accountability and minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

## Post-separation employment

A commercial partner or supplier intending to employ or engage a former Transport member of staff in relation to any work with a Transport agency should first discuss this with the Transport agency representative.

## Payment of an invoice or claim

Prior to payment of an invoice or claim, certification of the receipt of goods or performance of services must be recorded on the invoice. This process certifies receipt of the goods/service, rates of charge and computation, and authority for approval of expenditure. Once these certifications are complete, the invoice or claim should be paid on time, in accordance with the provisions of the contract for goods or services.

## How do I report wrongdoing?

If you are concerned about a possible breach of this Statement, or about any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, report this via one of these internal channels:

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## Internal channels

Transport Agency	Reporting channel
TfNSW	Confidential Misconduct Reporting hotline: <a href="mailto:report.misconduct@transport.nsw.gov.au">report.misconduct@transport.nsw.gov.au</a> or 1800 302 750
Sydney Metro	<a href="mailto:sydneymetro.report.misconduct@transport.nsw.gov.au">sydneymetro.report.misconduct@transport.nsw.gov.au</a>
Sydney Trains/NSW Trains	Corruption Prevention Line CorruptionPrevention@transport.nsw.gov.au or 1800 629 826 Corruption and Misconduct Reporting Line (1800 814 813)
STA	<a href="mailto:corruptionprevention@sta.nsw.gov.au">corruptionprevention@sta.nsw.gov.au</a>

Transport supports all staff and contractors who report wrongdoing. The *Public Interest Disclosures Act 1994* applies to:

- Individuals engaged under a contract providing services to or on behalf of a Transport agency
- Individuals contracted to a Transport agency performing public official functions or acting in a public official capacity.

## External channels

If you do not want to report your matter internally, you can report via the following external channels:

Type of disclosure	Reporting channel
Corrupt conduct	<a href="#">Independent Commission Against Corruption (ICAC)</a>
Serious and substantial waste	<a href="#">Auditor-General of the NSW Audit Office</a>
Police misconduct	<a href="#">Law Enforcement Conduct Commission</a>
Maladministration	<a href="#">NSW Ombudsman</a>
Breaches of the GIPA Act	<a href="#">Information and Privacy Commission</a>

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