

Transport for NSW

Code of Conduct



Transport
for NSW

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1. Introduction

Transport for NSW is the lead transport agency of the NSW Government.

Transport for NSW brings together the delivery of transport services, policy, planning, coordination, information and engagement with the community, the development and maintenance of transport networks, infrastructure and assets. This allows for an integrated approach to planning and delivery of safe and reliable transport throughout NSW.

Within this context, the work that we do carries with it an obligation to act in the public interest. It requires standards of professional behaviour from staff that ensures our vision is successful and promotes and maintains public confidence and trust in our work.

At the same time, staff are not to be subject to unnecessary restrictions simply because they work in the public sector. Transport for NSW staff are entitled to all of the normal rights of employees under common and statute law.

The Transport for NSW Code of Conduct provides staff with a framework for decisions, actions and appropriate behaviour. It explains the professional standards of conduct and ethical principles staff are expected to adopt in the employment of their duties while employed by Transport for NSW.

2. Who does this Code cover?

The Code covers all permanent, temporary, casual and contract staff. The Code also applies to staff on secondment from other NSW agencies.

The Transport for NSW Statement of Business Ethics, applies to tenderers, consultants and contractors.

3. General principles

The community is entitled to expect the business of Transport for NSW to be conducted with efficiency, economy, fairness, impartiality, and integrity. To meet these expectations, all staff must comply with the following principles.

3.1 Responsibility to the State Government

Staff must implement the policies and decisions of the State Government in an impartial manner. In particular, staff must comply with any relevant legislative, industrial, and administrative requirements, and Transport for NSW policies. With regard to Transport for NSW policies, this includes the requirement to obtain approval for all absences and ensure the health and safety of staff and clients is not endangered. Staff can do this by reporting unsafe practices, equipment, or facilities to their manager.

3.2 Respect for people

Staff must treat members of the public and their colleagues fairly and consistently, in a nondiscriminatory manner, and with proper regard for their rights and obligations. They must perform their duties in a professional and responsible manner. They must ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation.

3.3 Integrity and public interest

Staff must promote confidence in the integrity of public administration, and always act in the public interest and not in their private interest. If staff have a delegation to make decisions on behalf of Transport for NSW, adequate records of decisions and actions must be kept, in addition to the reasons for those decisions.

When incurring expenses on Transport for NSW's behalf, they are to make sure they get value for money, avoiding waste and extravagance. Staff should protect the reputation of Transport for NSW. They are not to engage in activities, at work or outside of work, that would bring Transport for NSW into disrepute.

3.4 Responsive service

Staff must provide a relevant and responsive service to their clients and customers, providing all necessary and appropriate assistance to fulfil Transport for NSW's service performance standards.

They are to provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, current and complete.

3.5 Economy and efficiency

Staff are responsible for understanding the procedural and operational responsibilities of their jobs.

Staff must keep up to date with advances and changes in their area of expertise, and look for ways to improve performance and achieve high standards of public administration. They must only use their authority, available resources, and information for the work-related purpose intended.

3.6 Guide to ethical decision making

To assist in fostering a climate of ethical awareness, conduct and decision-making in public agencies, staff may find it useful to refer to or consider, either by themselves or in consultation with others, such as their peers or supervisor, the following five points:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with Government policy and in line with Transport for NSW objectives and Code of Conduct?
3. What will the outcomes be for:
 - A staff member
 - Work colleagues
 - Transport for NSW
 - Other parties?
4. Do these outcomes raise a real or potential conflict of interest or lead to private gain at public expense?
5. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3.7 Conflicts of interest

Staff must ensure that Transport for NSW's interests are placed above their own personal interest where there is a conflict of interest.

Conflicts of interest exist when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- Financial interests in a matter that Transport for NSW deals with, or having friends or relatives with such an interest that the staff member is aware of
- Personal relationships with the people Transport for NSW is dealing with or investigating, that go beyond the level of a professional working relationship
- Secondary employment that compromises the integrity of the staff member and Transport for NSW
- Party political activities or the making of adverse political comments relating to Transport for NSW's work. (See public comment on the work of Transport for

NSW on p7, and political and community participation p9).

An individual staff member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to their manager or director.

Staff must identify any conflicts of interest that they have. They must declare any conflicts following the procedures in the Conflicts of Interest Policy. They must:

1. Work out a method for managing the conflict with their manager
2. Have this registered
3. Monitor the conflict and comply with the method for managing it.

If a conflict of interest exists, the staff member must declare it in writing to their manager as soon as practical.

That manager must acknowledge receipt of the declaration to you in writing.

Signed copies of the declaration and the acknowledgement of the declaration must be sent to the Director of Governance, Risk and Audit, to be registered on Transport for NSW's Conflicts of Interest Register.

If staff are uncertain whether a conflict exists, they should discuss the related interest matter with their manager and attempt to resolve any conflicts of interest that may exist. They may also ask for advice from the Director, Governance, Risk and Audit, or the Manager, Fraud and Corruption Prevention.

3.8 Acceptance of gifts or benefits

Staff may not ask for gifts, benefits or hospitality. Certain gifts, benefits or hospitality must be refused. In particular staff must refuse:

- Gifts of cash including gift vouchers, shares and other monetary equivalents
- Gifts which might influence them at work
- Gifts which are given with the intention of influencing them
- Gifts which might be seen as influencing them or meant to influence them
- Gifts which exceed a value of \$100

- Gifts to family members that arises in connection with a staff member's official duties
- Bonus gifts for purchases for personal benefit
- Gifts associated with procurement
- Gifts that are inappropriate because of the staff member's position, role or activities.

Gifts, benefits or hospitality may only be accepted if they are of token value, do not conflict with probity principles and it is reasonable – and would appear reasonable to others – to accept them. Gifts must not be accepted on behalf of Transport for NSW unless a manager has agreed in advance to the acceptance.

Staff must report all offers of gifts which are more than token gifts and all attempts at bribery.

Token gifts, benefits or hospitality are inconsequential, infrequent, ideally can be shared, offered in appreciation and do not have a significant monetary value. Token value is a gift, benefit or hospitality with a value of less than \$25.

Cumulative gifts and benefits must also be recorded and approval obtained to accept them. This includes two or more gifts given to a staff member irrespective of the gift giver or the value of the gift.

Non-token gifts may only be accepted with a manager's written consent. A non-token gift or benefit, must be declared using the Gifts and Benefits Declarations Form as referenced in the Conflicts of Interest Policy. In case of acceptance, this decision must be approved by the delegated officer. Once approved by the delegated officer, the Gifts and Benefits Declaration Form is to be sent to the General Manager, Audit and Risk, to be registered on the Gift Register, which is by law available to the public.

Non-token gifts, benefits or hospitality that are declined must also be declared using the Gifts and Benefits Declarations Form and sent to the General Manager, Audit and Risk to be registered on the Gift Register.

If staff are offered a gift or benefit which they consider is intended to influence them, this must be reported to their manager who will provide written advice to the General Manager, Audit and Risk.

The Transport for NSW Conflicts of Interest Policy provides more guidance on this topic including disposal of gifts.

3.9 Discrimination and harassment

Staff must not harass, or discriminate against, their colleagues or members of the public.

Managers must ensure that the workplace is free of all forms of harassment and discrimination. Managers should also understand and apply the principles of equal employment opportunity and ensure that staff are informed of these principles.

Managers should also take all necessary steps, such as training and other active measures, to prevent and eliminate harassment and discrimination from their work area.

Bullying is never acceptable in the workplace.

3.10 Fairness and equity

Issues or cases being considered by staff are to be dealt with consistently, promptly, and fairly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner and in conformity with natural justice.

When using any discretionary powers, staff are to ensure that they take all relevant facts into consideration, have regard to the particular merits of each case, and do not take irrelevant matters or circumstances into consideration.

3.11 Public comment on the work of Transport for NSW

Public comment by staff includes public speaking engagements, comments on radio and television or in letters to newspapers, expressing views in books, journals, notices or any other medium where it is expected that the comments will spread to the community at large.

Staff, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. However, there are some circumstances in which this is inappropriate.

For example, situations where the public comment, although made in a private capacity, may appear to be an official comment on behalf of Transport for NSW.

In such circumstances, staff must preface their remarks with a statement that they are made in a private capacity and do not represent the official position of Transport for NSW.

All media enquiries must ultimately be referred to the Transport for NSW's Manager, External Communications.

As a general rule, staff may disclose official information that would normally be available to members of the public who seek that information, but should only disclose other official information or documents:

- In the course of their duties
- When proper authority has been given
- When required, or authorised to, do so by law
- When called to give evidence in court.

In these cases, comments made by staff are to be confined to factual information and should not, as far as possible, express an opinion on official policy or practice unless required to do so by the circumstances of the particular situation, (for example if asked to do so in court).

If a person from another organisation or the media asks a staff member to comment on Transport for NSW business, administration, or policies, they are to be referred to a manager or director, unless the staff member has specific authority to speak on behalf of Transport for NSW. All media inquiries must be referred to the Transport for NSW's Manager, External Communications.

Comments made on matters relating to union business by members of unions in their capacity as a local delegate within the organisation, or by union office holders employed by the organisation, are acceptable under this code.

3.12 Protecting confidential information and privacy

Official information must only be used for work-related purposes and not for personal benefit. Unless authorised to do so by legislation, staff must not disclose or use any confidential information without official approval. Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage.

The integrity and credibility of Transport for NSW may also be damaged if the organisation appears unable to keep information secure.

The requirements of the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* and Transport for NSW's Privacy Management Plan must be complied with.

Transport for NSW staff may have access to confidential or private information. Examples of this include:

- Client details such as records relating to authorisation and accreditation of private transport operators, students, and travel subsidy beneficiaries
- Financial information such as business plans, budgets, and tenders
- Medical reports
- Selection committee notes
- Discipline reports.

Staff may only discuss such information with other Transport for NSW staff that have a specified need to know or are appropriately authorised to have access to that information.

Likewise, staff may only discuss such information with staff of other NSW government agencies where specific authorisation exists for example the NSW Police Force or Roads and Maritime Services. This does not apply if the staff member:

- Is asked to provide information as evidence in court; or
- Has appropriate authority; or
- The Manager has authorised the staff member to disclose the information.

In all cases, the provisions of privacy legislation must be complied with.

Even in these cases, staff must only provide facts, not personal opinion, about official policy and practices. If information is requested under the *Government Information (Public Access) Act 2009* (GIPA Act), the provision of information is to be managed in consultation with the GIPA Manager. Staff may have to prepare the information, but it must not be released directly by that staff member.

As a general rule, staff should only provide information to the public or other organisations if it is a specific requirement of their job. Staff should check with their manager first if there is any doubt.

If there is any reason to believe that another staff member is using Transport for NSW information improperly this should be raised with a manager or director or reported in accordance with the Public Interest Disclosures Policy and Procedures.

3.13 Use of official facilities and equipment

Staff are expected to be efficient and economical in their use and management of public resources, including their own work time. They are to be scrupulous in their use of public property and services.

Minimal use of resources such as telephone, mobile phones, faxes, photocopies for private use are acceptable.

Minimal and appropriate private use of email and the internet, in accordance with Transport for NSW's Internet Policy, is also acceptable.

Transport for NSW equipment cannot be borrowed for private purposes.

When driving Transport for NSW vehicles, staff must have a current NSW driver's licence, and be in a fit condition. Under normal circumstances, staff must pay for any traffic and/or parking infringements they commit.

Managers may also approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which staff are volunteers as long as there is no significant cost to Transport for NSW.

3.14 Secondary employment

Staff must obtain written approval from their Deputy Director General or the Director General prior to accepting employment in addition to their Transport for NSW position. Similarly, written approval is required to operate a business or a private practice in any trade or profession, or obtain a public passenger vehicle accreditation or authority while employed by Transport for NSW.

Staff must declare to the relevant director if they hold any public passenger vehicle licence and any commercial interest which they may have in provision of public transport e.g. ownership of a taxi or bus run, so that any potential for conflict of interest may be assessed and appropriate action can be taken to resolve this conflict consistent with the Conflicts of Interest Policy.

Approval may be given for employment outside Transport for NSW when no conflict of interest is likely to occur and when the other employment is not likely to adversely impact on a staff member's ability to perform their duties with Transport for NSW. Staff must not use Transport for NSW equipment in their work for another employer or for their own business. Staff must not give their Transport for NSW telephone number as a contact point for private business or practice.

3.15 Political and community participation

Staff must make sure that any participation in party political activities does not conflict with their primary duty as a public employee to serve the government of the day in a politically neutral manner.

This is important because of the need to maintain Transport for NSW and public confidence in the impartiality of the actions taken and advice given by public staff. What is considered appropriate by the Director General in any particular case will depend on the nature of the issue, the position held by the staff member, the extent of the staff member's participation, and their public prominence.

If staff become aware that a potential conflict of interest has arisen or might arise, they are to inform their manager or director immediately and may have to cease the political activity or withdraw from the areas of their work where the conflict is occurring.

Special arrangements apply to public employees who are contesting state or federal elections. Within the context of the requirements of this Code, staff are free to fully participate as volunteers in community organisations and charities, and in professional associations.

3.16 Reporting corrupt conduct, maladministration and serious and substantial waste of public resources

Transport for NSW will support anyone who reports wrongdoing. Reports of misconduct related to corruption, maladministration, serious and substantial waste and breaches of the *Government Information (Public Access) Act 2009 (GIPA Act)* may be considered 'Public Interest Disclosures' under the *Public Interest Disclosures (PID) Act 1994*. Making a Public Interest Disclosure provides the reporter with significant additional legal protections (see Transport for NSW's Public Interest Disclosures Policy and Procedures). For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These include:

- The person making the disclosure must be a public official (all Transport for NSW employees and contractors performing official functions are considered 'public officials').
- The person making the disclosure honestly believes on reasonable grounds that the information shows or tends to show wrongdoing.
- The report being made to one or more of the following persons:
 - The Director General
 - Transport for NSW's Public Interest Disclosures Coordinator, being the Director of Governance, Risk and Audit
 - Persons identified as Nominated Disclosures Officers in Transport for NSW's Public Interest Disclosures Policy and Procedures.
 - One of the investigating authorities nominated in the PID Act – refer to the Public Interest Disclosures Policy and Procedures for a full listing of these agencies.

A manager who receives a report that might qualify as a protected disclosure must advise and encourage the reporter to make a report directly to one of the above contacts, so that the reporter may be protected by the Act. It is a criminal and disciplinary offence for a public official to take detrimental action against a person reporting wrongdoing in reprisal for making the report.

3.17 Free and periodical travel passes

Transport for NSW staff have access to either a free travel pass (historical condition of employment for eligible staff) or a periodical travel pass purchased by Transport for NSW for their benefit, for which they make a fortnightly instalment to repay the full purchase price. Both a free travel pass and a periodical travel pass provided by Transport for NSW are as an employment benefit subject to compliance with any applicable conditions of issue or use.

Staff are reminded that they are responsible for the safekeeping of a free travel pass or periodical travel pass and must not transfer it to another person. Furthermore, they must immediately notify their manager, and Human Resources, if the free travel pass or periodical travel pass is lost or stolen.

Where a free travel pass or periodical travel pass is held, the staff member must make an appropriate election in relation to the future use of the periodical travel pass prior to cessation of employment with Transport for NSW using the cessation of employment form available on the intranet.

If staff wish to retain a periodical travel pass during a temporary transfer to another government agency they must make prior arrangements to continue fortnightly repayments. Upon cessation of employment, arrangements may be made for the pass to be bought out. In both instances above, the staff member must continue to comply with the conditions of issue or use of the pass.

3.18 Post separation employment

Staff must not allow their work to be influenced by plans for, or offers of, employment outside Transport for NSW. If they do, there is a conflict of interest and the integrity of the staff member and Transport for NSW is at risk.

Former staff are not to use, or take advantage of, confidential information that may lead to gain or profit in the course of their official duties, until it has become publicly available. All staff should be careful in their dealings with former staff of Transport for NSW and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

3.19 Drugs and alcohol

When reporting for duty, staff are to be free from the influence of alcohol or any other drug which may have a negative effect on their ability to perform their duties well. If staff are taking prescribed medication which will negatively affect their ability to perform their duties, they are to seek approval for sick leave.

3.20 Criminal charges

If there is sound evidence that a staff member has committed a criminal offence at work or related to work, Transport for NSW may take disciplinary action against that staff member as well as notifying the police. If a staff member is charged with a criminal offence which is not related to their work, the staff member must notify their manager.

Transport for NSW may take disciplinary action if the staff member is convicted of a criminal offence.

3.21 Dealing with lobbyists

Transport for NSW staff are considered 'government representatives' 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. To find out how to deal with lobbyists, staff should read the Lobbyist Code of Conduct and be aware of the flow chart which guides staff on what to do when approached by a lobbyist, located on the Department of Premier and Cabinet's website

([Home > Premier and Government > Register of Lobbyists](#)).

3.22 Compliance and disciplinary action

Staff must perform all of the duties of their position well and comply with any reasonable instruction from their manager, whether or not the staff member agrees with them.

If a staff member disagrees with any policies or instructions, the issue should be discussed between the staff member and their manager in the first instance, or with the director if necessary. Even then, the staff member must comply until the policy or instruction changes.

If staff breach any policies or instructions, Transport for NSW may take disciplinary action against the staff member. Penalties include formal written warnings to improve conduct and, for very serious breaches, dismissal.

3.23 Responsibilities of managers and supervisors

Managers are responsible for managing the conduct of their staff as well as themselves. Managers and supervisors have additional responsibilities for:

- Communicating standards of conduct in the workplace
- Advising staff of their duties and the outcomes expected
- Setting examples for other staff members by working safely, efficiently and ethically
- Identifying and closing off opportunities for corrupt conduct
- Taking corrective action where unacceptable practices are identified
- Ensuring equity in employment and ensuring the workplace is free from discrimination, harassment and bullying.

3.24 Breaches

Breaches of the Code of Conduct may result in disciplinary action. All staff are required to formally acknowledge that they have accessed, read and understood the Code of Conduct and undertake to abide by its principles.

To report breaches of the Code of Conduct or to get advice contact

Internal

For breaches of the Code of Conduct related to corruption, maladministration, serious and substantial waste and breaches of the GIPA Act, make your report to the Director of Governance, Risk and Audit, Transport for NSW, a Nominated Disclosure Officer (listed on the intranet) or one of the following hotlines.

[Transport for NSW 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

Director, Governance, Risk and Audit
Transport for NSW
PO Box K659 Haymarket NSW 1240

For all other alleged breaches of the Code of Conduct, contact your manager, the Director, Human Resources or your Human Resources Business Partner (listed on the intranet).

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)