NSW ICAC EXHIBIT

29 July 2019

Email: phook@icac.nsw.gov.au

Attention: P Hook

ICAC Level 7, 255 Elizabeth Street SYDNEY NSW 2000

NORTON ROSE FULBRIGHT

Norton Rose Fulbright Australia ABN 32 720 868 049 Level 18, Grosvenor Place 225 George Street SYDNEY NSW 2000 AUSTRALIA

Tel +61 2 9330 8000 Fax +61 2 9330 8111 GPO Box 3872, Sydney NSW 2001 DX 368 Sydney nortonrosefulbright.com

Direct line +61 2 9330 8827

Email

katharyn.johnston@nortonrosefulbright.com

Your reference:

Our reference:

4011885

Dear Ms Hook

Operation Ember

We refer to the above matter.

On Wednesday 26 June 2019 our counsel, Ms Hogan-Doran SC informed the Commission that Exhibit 60 was the version that had been in place during the period 2015-2017 and further that Mr Soliman had undertaken the training, pertaining to that specific version of the document, three times (1643T 31).

We are instructed that Exhibit 60 is the version that has been in place since 2015. Further, Mr Soliman undertook training, pertaining to that version, on 9 February 2015, 9 March 2016 and 14 September 2017.

Yours faithfully

Katharyn Johnston Senior Associate

Norton Rose Fulbright Australia

Works how Kulbyle

Partner: Michael Sullivan

Know the Code

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Our Code of Conduct

What is the Code of Conduct?

The Code of Conduct has been developed to ensure that we have unified and consistent standards of behaviour expected of everyone who works in Transport.

The Code of Conduct provides us with an ethical framework to guide our actions and decisions. It also provides consistency in determining what is and what isn't acceptable behaviour, while helping us to build a safer, more supportive and productive place to

This module will take approximately 15 minutes to complete. Click Start to begin













NOTE: this module contains audio. You can turn audio on or off using these controls if accessed through a PC. Audio on/off not available on iPad.





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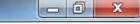












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The Code

Who does it apply to?

The Code of Conduct outlines the standards of behaviour expected of all permanent, temporary and casual staff in these Transport agencies:

- Transport for NSW (TfNSW);
- Roads and Maritime Services (RMS);
- Sydney Trains;
- NSW Trains;
- State Transit (STA);
- Sydney Metro; and
- Department of Transport (DoT).

Labour hire, professional services contractors and consultants have an obligation to comply with our Code of Conduct.

NOTE:

In addition to complying with the Transport Code of Conduct all staff must also comply with the Code of Ethics and Conduct for NSW government sector employees.











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Your Code

What are my responsibilities?

As a staff member, you should:

- 1. Read and understand the Code of Conduct and Code of Ethics and Conduct*;
- 2. Behave and act in accordance with the Code of Conduct and Code of Ethics and Conduct*:
- 3. Seek guidance from your manager if you are unsure;4. Report any breach of the Code of Conduct or Code of Ethics and Conduct*.

Breaching the Code of Conduct or Code of Ethics

A breach of the Code of Conduct or Code of Ethics and Conduct* may lead to disciplinary action, up to and including termination of your employment or contract in accordance with agency policies and procedures. Breaches of the law may also lead to prosecution.

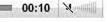
*Code of Ethics and Conduct for NSW government sector employees

















































Knowing the Code of Conduct is the best way to help you work out what is right or wrong. If you are unsure, follow this simple three step guide.



1. Assess the situation

Ask yourself:

- 1. Is this a risky situation?
- 2. Do you have a feeling that something is not right?
- 3. Could someone be harmed?
- 4. Would a fair and reasonable person think this was OK?
- 5. Would it be ok if everyone did this?
- 6. Would it be OK if this situation was made public?

2. Refer to the Codes

How does the Code apply to the situation?

Refer to the Code of Conduct and Code of Conduct and Ethics for guidance as to what is and isn't acceptable behaviour in the situation you face and for guidance about what action you should take.

3. Act

Staff are responsible for ensuring their behaviour and actions, including failure to take action, is in accordance with the Code of Conduct and Code of Conduct and Ethics. If unsure about what action you should take, talk to your manager or to a more senior staff member.

Any suspected breach of the Codes should be reported to your manager or to a more senior staff member.

Transport is committed to protecting staff who raise concerns about behaviour that may be in breach of the Codes.







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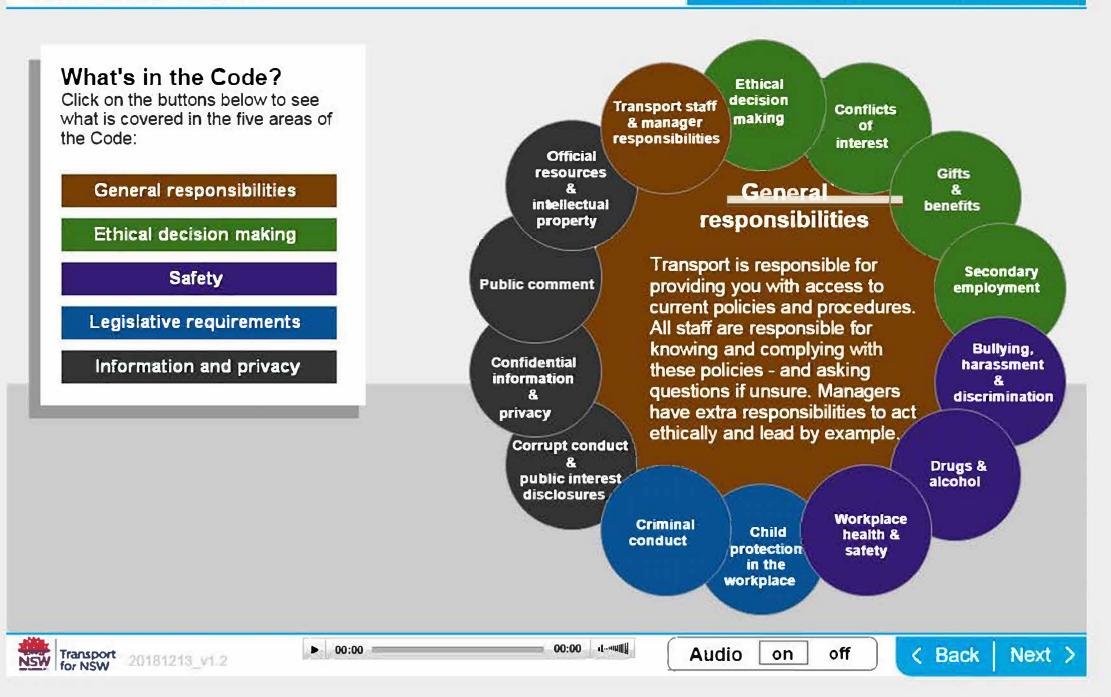








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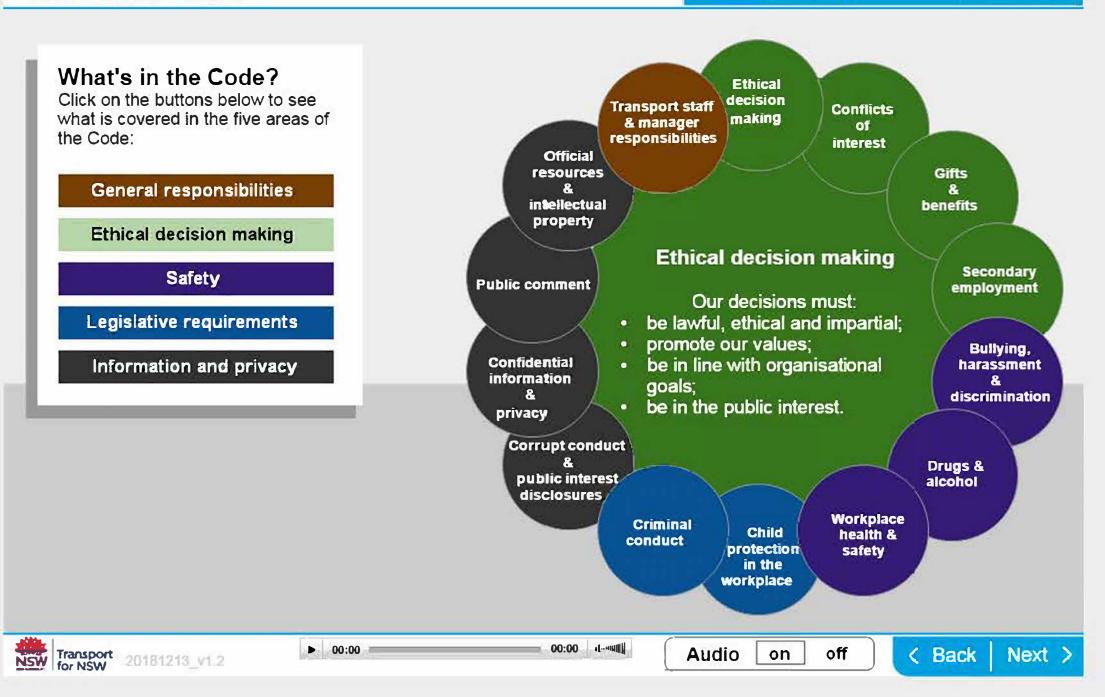


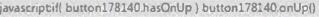






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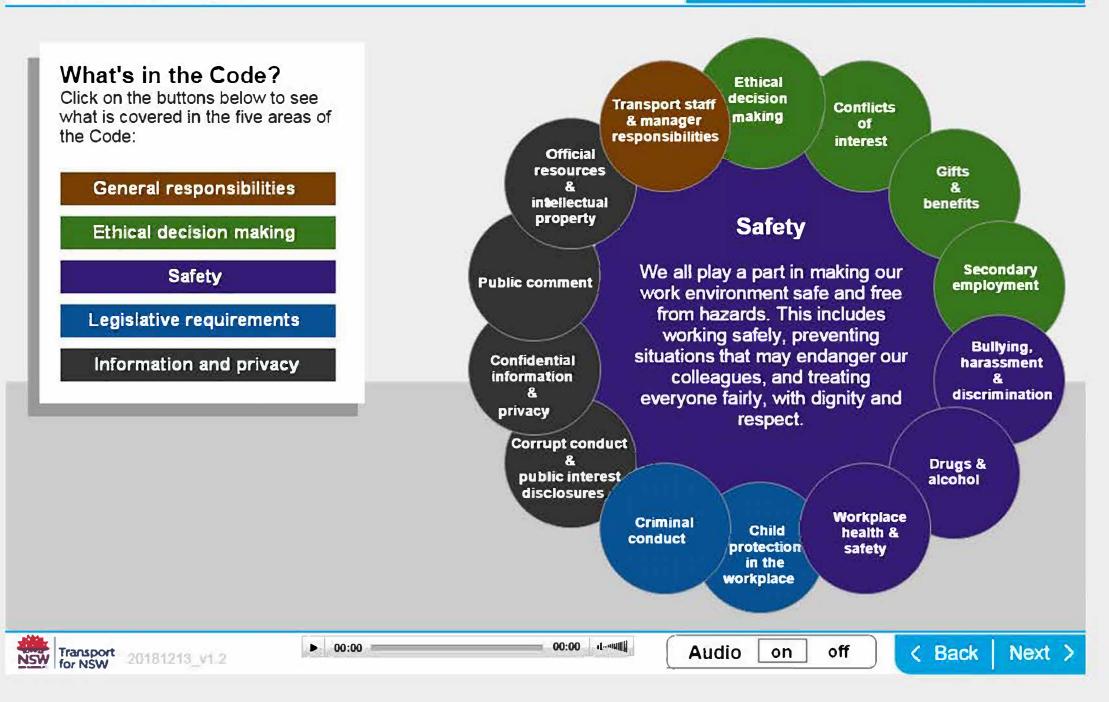








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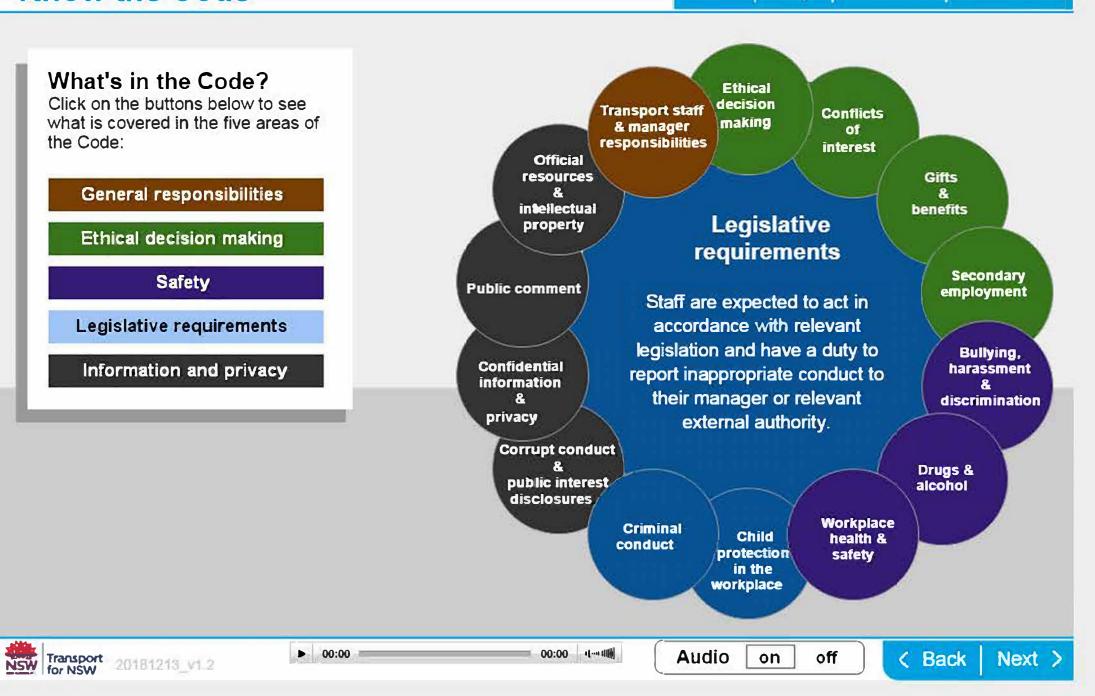








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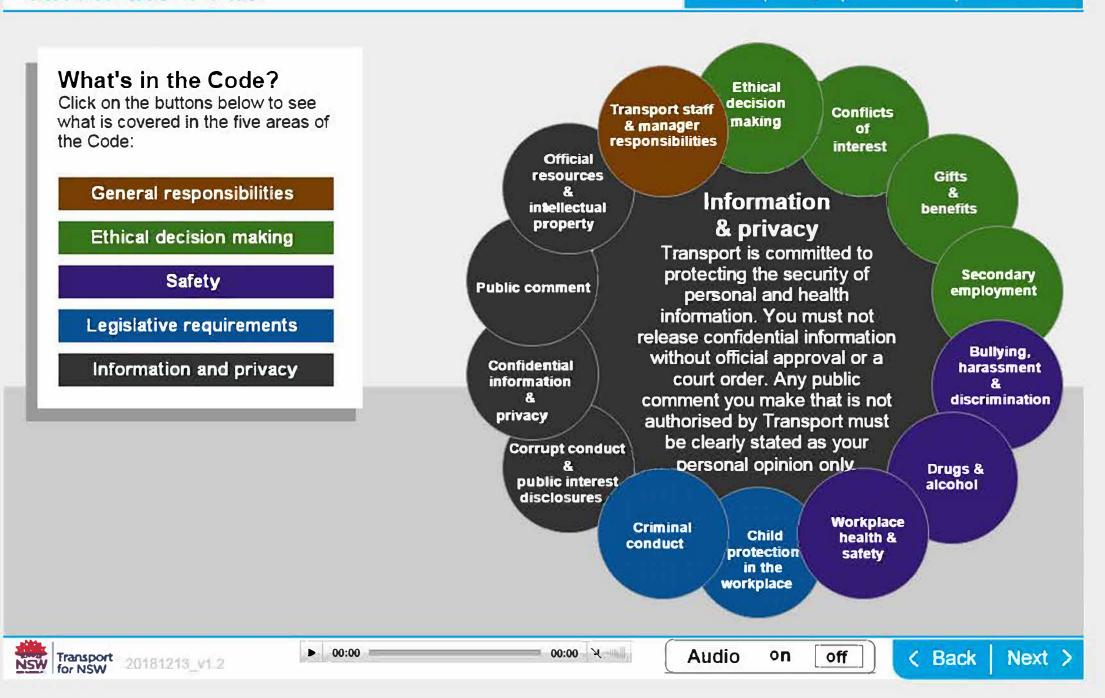


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Know the Code

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The Code in practice

Now you'll take a look at five typical workplace situations. You'll make decisions about what actions to take, and explore the outcomes.

In the process, you'll learn more about what's in the Code and how to use it to guide your actions and behaviours in your daily work.

Click Next to begin.





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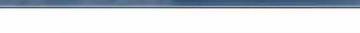




Steve takes a part-time job - Google Chrome

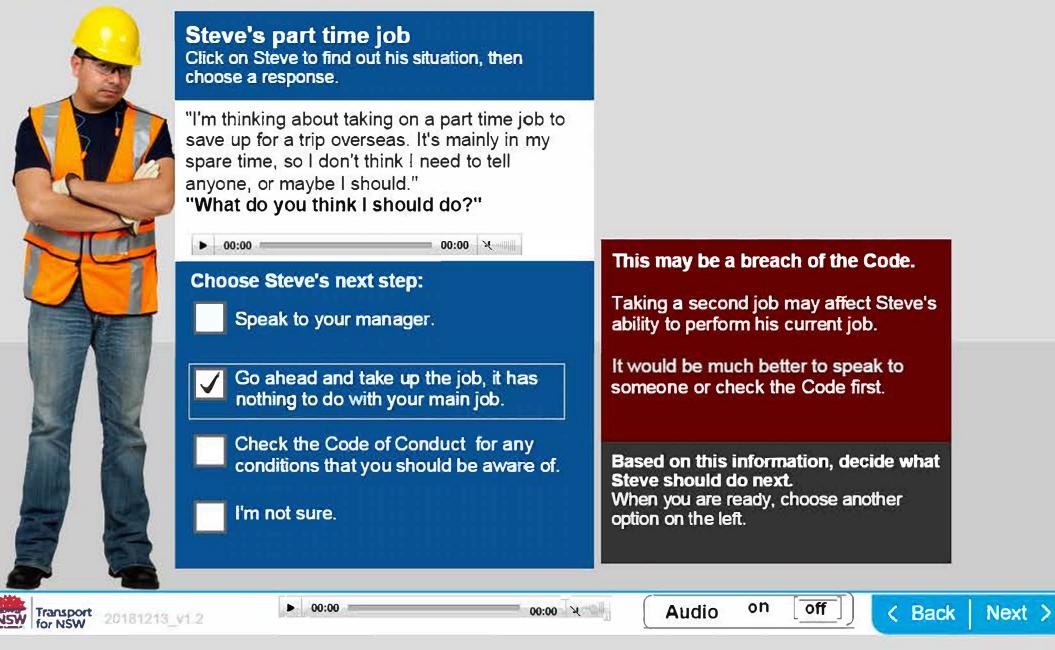
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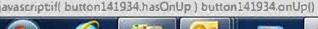
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Secondary employment



















































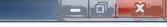






Steve takes a part-time job - Google Chrome

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Secondary employment



Steve's part time job Click on Steve to find out his situation, then

"I'm thinking about taking on a part time job to save up for a trip overseas. It's mainly in my spare time, so I don't think I need to tell anyone, or maybe I should."

"What do you think I should do?"

00:00

Choose Steve's next step:

- Speak to your manager.
- Go ahead and take up the job, it has nothing to do with your main job.
- Check the Code of Conduct for any conditions that you should be aware of.
- / I'm not sure.

Not sure?

If you're unsure, always stop and assess the situation. Consider:

- 1. Is this a risky situation for Steve or anyone else?
- 2. Do you have a feeling something is not
- 3. Could someone be harmed by Steve taking a second job?
- 4. Would a fair and reasonable person think this was ok?
- 5. What would happen if everyone did this?
- 6. Would you be happy for this decision to be on the front page of the newspaper?

Based on this information, decide what Steve should do next.

When you are ready, choose another option on the left.









Audio



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Steve takes a part-time job - Google Chrome

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Secondary employment



Steve's part time job Click on Steve to find out his situation, then choose a response.

"I'm thinking about taking on a part time job to save up for a trip overseas. It's mainly in my spare time, so I don't think I need to tell anyone, or maybe I should."

"What do you think I should do?"

▶ 00:00 00:00 ×

Choose Steve's next step:



- Go ahead and take up the job, it has nothing to do with your main job.
- Check the Code of Conduct for any conditions that you should be aware of.
- I'm not sure.

Good choice!

By speaking to his manager, Steve would find out that he must get written approval before he could take up another job.

The main thing to consider here is how a second job may affect your work. There are several conditions that must be met before a second job can be approved.

For full details of what is covered in the Code relating to secondary employment read: Section 8. Secondary employment.

What are Steve's other options?

Choose another option on the left to explore other outcomes, or just click 'Next' to move on.



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Transport for NSW





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Steve takes a part-time job - Google Chrome

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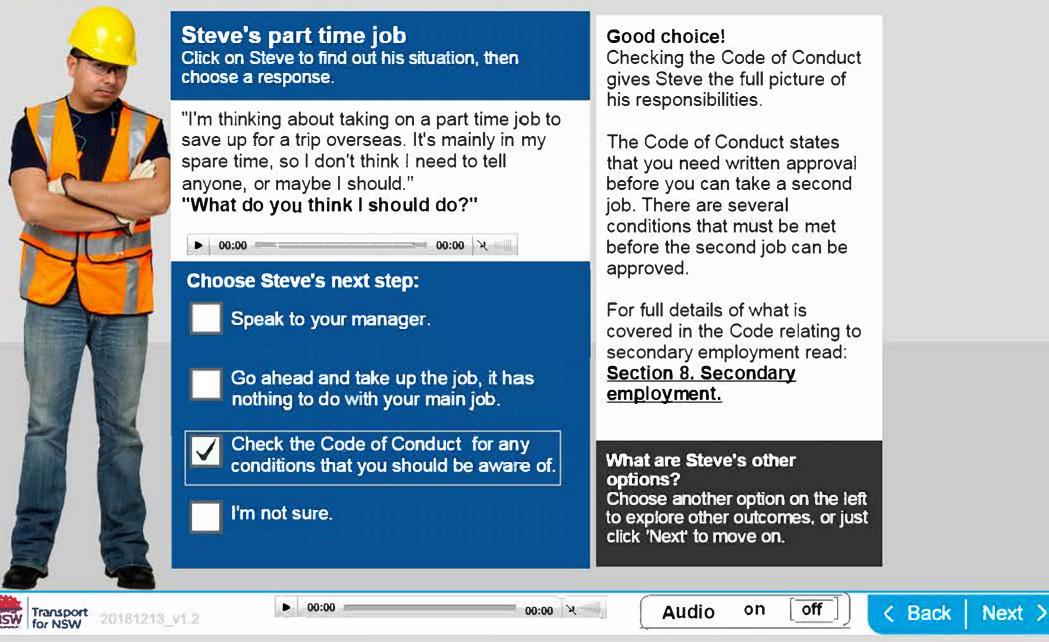
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Secondary employment











































Recap - Google Chrome NSW ICAC EXHIBIT

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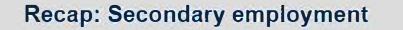


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Next: Click on the images to review the actions of those involved.

If Steve wants to take up a second job, he needs to speak to his manager and get written approval to do

Steve's manager will tell Steve about the conditions that must be met to get a second job approved. He can also advise Steve about the approval process.

For full details of what is covered in the Transport Code of Conduct relating to secondary employment read Section 8. Secondary employment.









































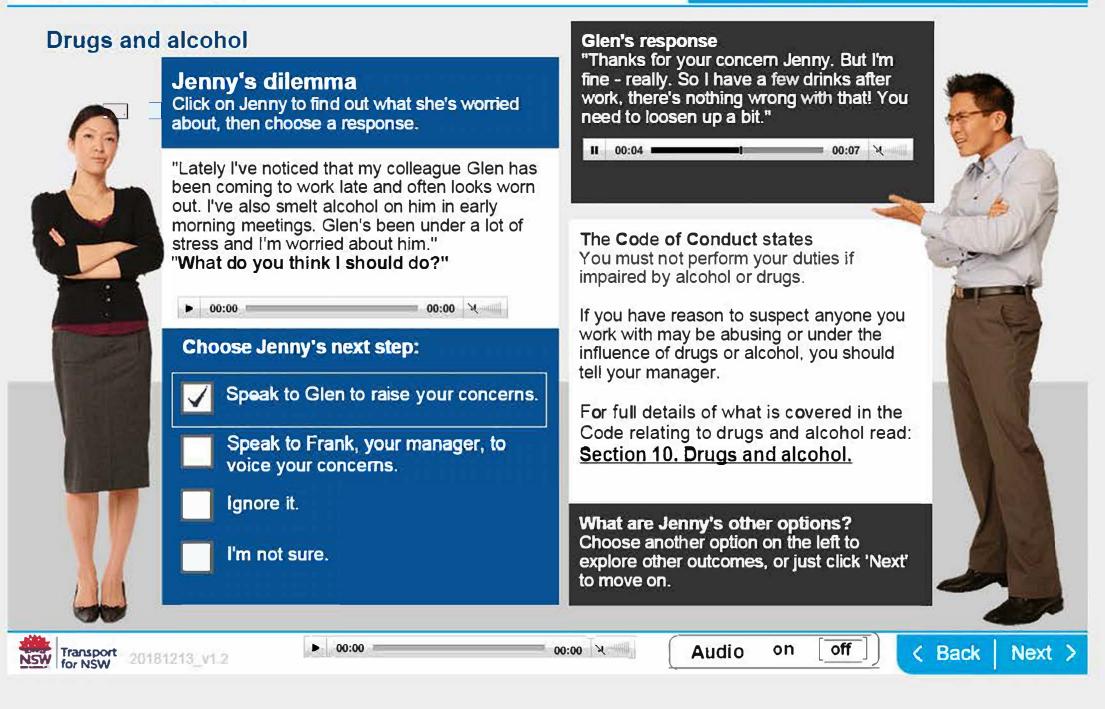








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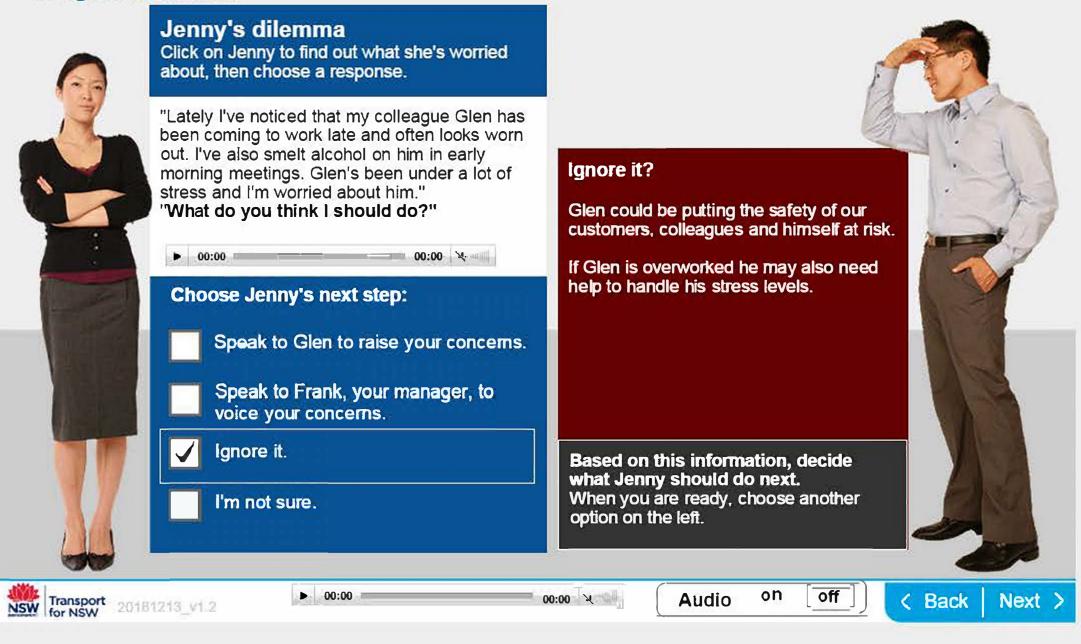
Glen's drinking problem - Google Chrome

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Drugs and alcohol





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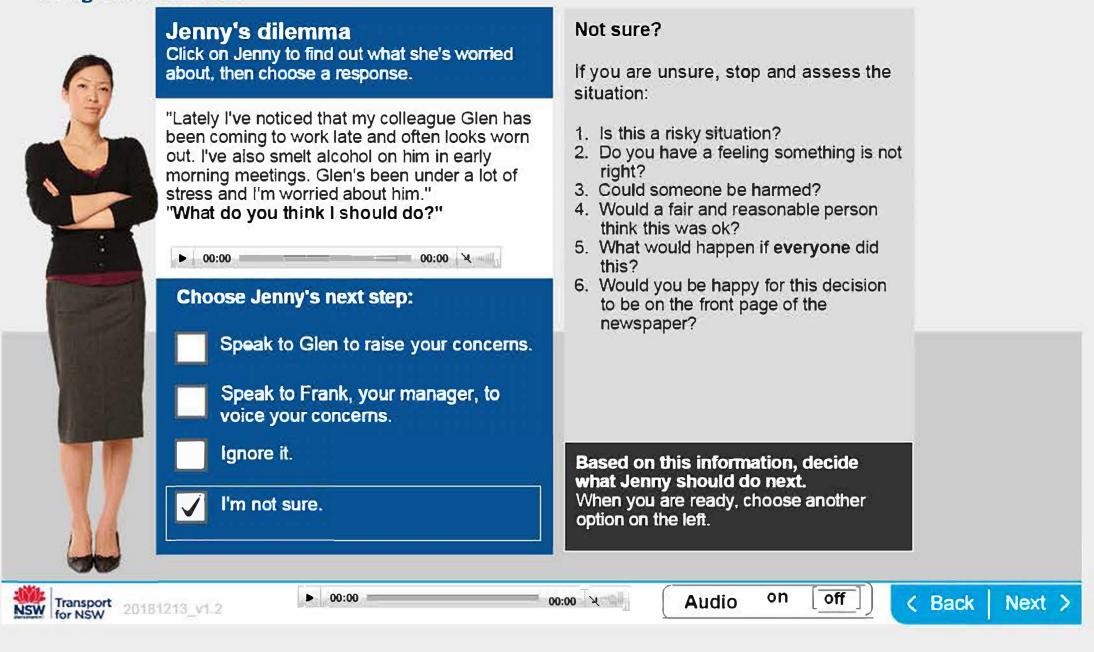


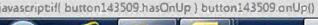
Glen's drinking problem - Google Chrome
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Drugs and alcohol















































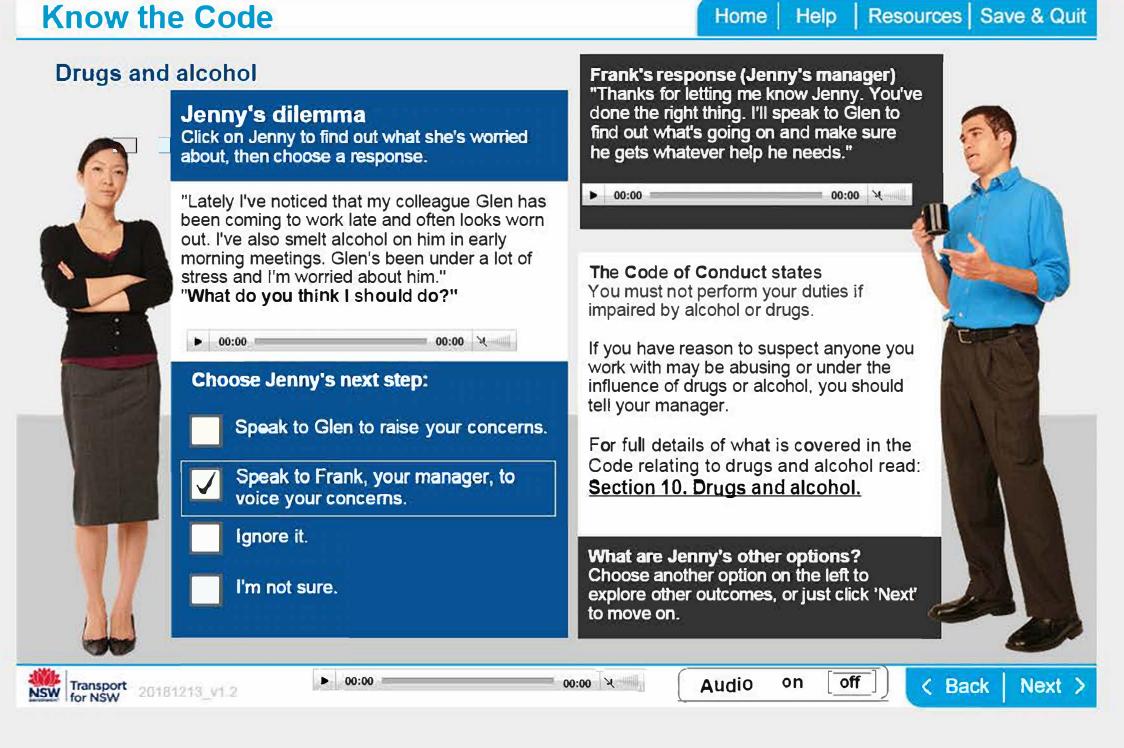






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Next: Click on the images to review the actions of those involved.

Jenny did the right thing by talking to her manager. The Code of Conduct states that if you have reason to suspect anyone of abusing, or under the influence of drugs or alcohol, you should tell your manager.

Jenny's Manager, Frank, had a good understanding of the Code and knew how to react when Jenny raised her concerns.

Having read the Code, Frank also understands that any drug which could affect your ability to perform your duties. or that poses a risk to your safety or others' safety is not allowed at work.

Glen's understanding of the Code of Conduct was all wrong.

The Code clearly states that you must not perform your duties if impaired by alcohol or drugs. No alcohol or prohibited drugs are to be consumed on premises at any time.

For full details of what is covered in the Transport Code of Conduct relating to drugs and alcohol read: 10. Drugs and alcohol.



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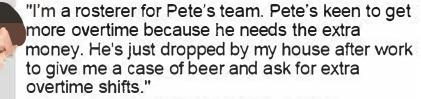


Know the Code Resources | Save & Quit Help Home

Gifts and benefits

Pete's aift

Click on Barry to find out why his colleague Pete has visited him, then choose a response.



"What do you think I should say?"



Choose YOUR response:

- "Thanks for the beer, mate. But you know I can't give you more overtime than anyone else just because of
- "Thanks mate. I'll get those overtime shifts organised for you tomorrow."
- "Thanks mate. But it wouldn't be right for me to take this and give you extra overtime shifts."

Barry accepts the beer from Pete.

His manager later hears about this and tells him he may have breached the Code of Conduct. Even if Barry doesn't intend to give Pete more overtime, Pete's gift could be seen as an attempt to influence him to.

See what the code says

The Code of Conduct states Under Section 7 of the Code any gifts or benefits between colleagues may be seen as being used to create favourable impressions and gain preferential treatment.

Refer to your agency's procedures for specific information on accepting or declaring gifts and benefits.

Based on this information, decide what Barry should have done. When you are ready, choose another option on the left.



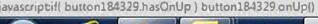
















































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Gifts and benefits

Pete's aift

Click on Barry to find out why his colleague Pete has visited him, then choose a response.

"I'm a rosterer for Pete's team. Pete's keen to get more overtime because he needs the extra money. He's just dropped by my house after work to give me a case of beer and ask for extra overtime shifts."

"What do you think I should say?"



Choose YOUR response:

- "Thanks for the beer, mate. But you know I can't give you more overtime than anyone else just because of this."
- "Thanks mate. I'll get those overtime shifts organised for you tomorrow."
- "Thanks mate. But it wouldn't be right for me to take this and give you extra overtime shifts."

Barry accepts the beer from Pete and gives him more overtime shifts in exchange.

His manager noticed this and both Barry and Pete were investigated for corrupt conduct.

See what the code says

The Code of Conduct states Under Section 7 of the Code any gifts or benefits between colleagues may be seen as being used to create favourable impressions and gain preferential treatment.

Refer to your agency's procedures for specific information on accepting or declaring gifts and benefits.

Based on this information, decide what Barry should have done. When you are ready, choose another option on the left.



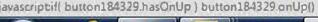






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Gifts and benefits

Know the Code

Pete's aift

Click on Barry to find out why his colleague Pete has visited him, then choose a response.

"I'm a rosterer for Pete's team. Pete's keen to get more overtime because he needs the extra money. He's just dropped by my house after work to give me a case of beer and ask for extra overtime shifts."

"What do you think I should say?"

▶ 00:00 ==

Choose YOUR response:

- "Thanks for the beer, mate. But you know I can't give you more overtime than anyone else just because of this."
- "Thanks mate. I'll get those overtime shifts organised for you tomorrow."
- "Thanks mate. But it wouldn't be right for me to take this and give you extra overtime shifts."

Barry decides not to accept the beer from Pete.

Although he likes Pete as a friend and colleague, he didn't want to feel under pressure to give him any special treatment when allocating overtime.

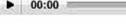
You made the right choice for Barry.

The Code of Conduct states Under **Section 7 of the Code** any gifts or benefits between colleagues may be seen as being used to create favourable impressions and gain preferential treatment.

Refer to your agency's procedures for specific information on accepting or declaring gifts and benefits.

What were Barry's other options? Choose another option on the left to explore other outcomes, or just click 'Next' to move on.













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Recap Gifts and benefits - Google Chrome

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Know the Code

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Recap: Gifts and benefits



Next: Click on the images to review the actions of those involved.

Pete's gift to Barry is an attempt to influence Barry into giving him more overtime.

Under the Code, gifts or benefits that pass between colleagues or from external organisations may be perceived as being used to create favourable impressions and gain preferential treatment.



Because of **Barry**'s position as a rosterer for Pete's team, accepting Pete's gift would have affected his decision making when rostering overtime.

It is better for Barry to decline Pete's gift.

For full details of what is covered in the Transport Code of Conduct relating to gifts and benefits read: Section 7. Gifts and benefits.

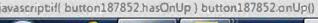


















































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Use of official resources

Jan's work vehicle

It's Friday. During lunch, Jan tells Ted she's going to help her friend move house on the weekend and plans to use her work vehicle. Ted's pretty sure she shouldn't be doing this. What do you think Ted should say?

▶ 00:00 ¥-----

Jan: "That's what I thought! I deserve a few perks. I mean I work long hours and don't get paid that well. I can't see any harm in it anyway."

II 00:01 ■ 00:10 ×

See what happens on Monday

Choose a response:



"Yeah why not, you work hard. Just keep it quiet though, you might get in trouble for that."

"Jan, I'm pretty sure that you're not supposed to do that. You'd better ask Sue, our manager, if it's OK."

"Jan, you should check the Code of Conduct to make sure that you can do that. You might get in trouble."









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Use of official resources

Jan's work vehicle

It's Friday. During lunch, Jan tells Ted she's going to help her friend move house on the weekend and plans to use her work vehicle. Ted's pretty sure she shouldn't be doing this. What do you think Ted should say?

▶ 00:00 ¥.....

Choose a response:

"Yeah why not, you work hard. Just keep it quiet though, you might get in trouble for that."

"Jan, I'm pretty sure that you're not supposed to do that. You'd better ask Sue, our manager, if it's OK."

"Jan, you should check the Code of Conduct to make sure that you can do that. You might get in trouble."

Ted: "Jan what's wrong? You look upset."

Jan: "Oh, Ted. I'm in big trouble. I had an accident in the work car on the weekend. Sue is fuming as the insurance may not cover the damage outside of work hours. She's even reviewing my fuel card purchases.

She also pointed out that the Code of Conduct clearly states that private use of fleet vehicles is not allowed except in an emergency or exceptional circumstances.

What a mess!"

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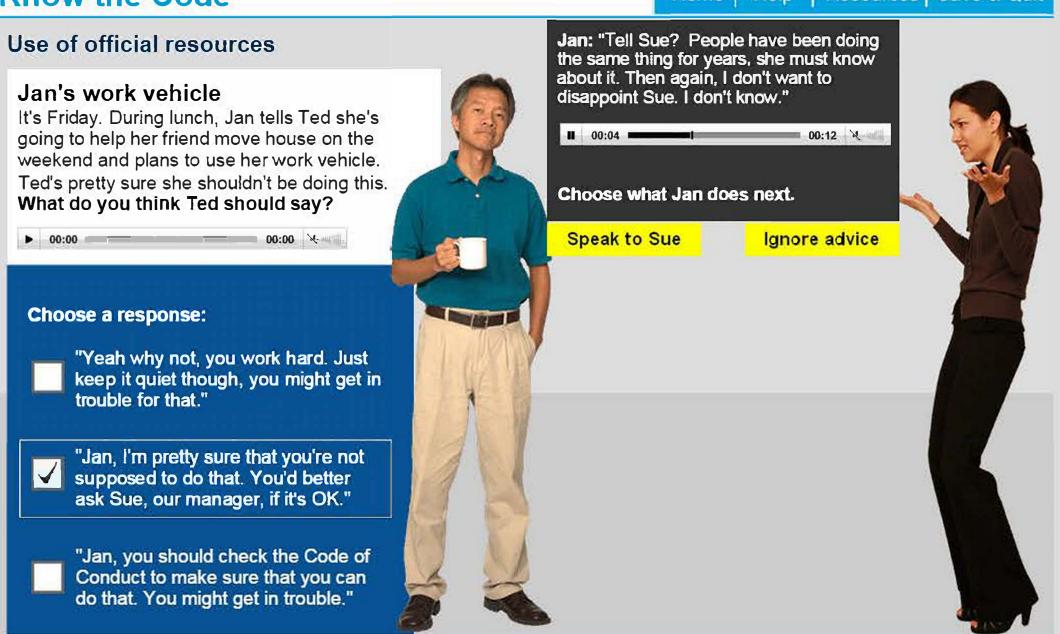








Know the Code Resources Save & Quit Help Home























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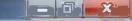


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Use of official resources

Jan's work vehicle

It's Friday. During lunch, Jan tells Ted she's going to help her friend move house on the weekend and plans to use her work vehicle. Ted's pretty sure she shouldn't be doing this. What do you think Ted should say?

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Choose a response:

"Yeah why not, you work hard. Just keep it quiet though, you might get in trouble for that."

"Jan, I'm pretty sure that you're not supposed to do that. You'd better ask Sue, our manager, if it's OK."

"Jan, you should check the Code of Conduct to make sure that you can do that. You might get in trouble."

Jan: "Sue I just wanted to check with you if it's OK to use my work vehicle to help a friend move house this weekend?"

Sue: "Thanks for coming to me Jan. Well, actually it's not OK at all. If we look at the Code of Conduct, it says that private use of fleet vehicles is not permitted except in an emergency or exceptional circumstances.

I'm sorry but please tell your friend that you can't use it for anything other than work purposes."

Jan: "Thanks for pointing that out, Sue. I'm glad I checked with you first."

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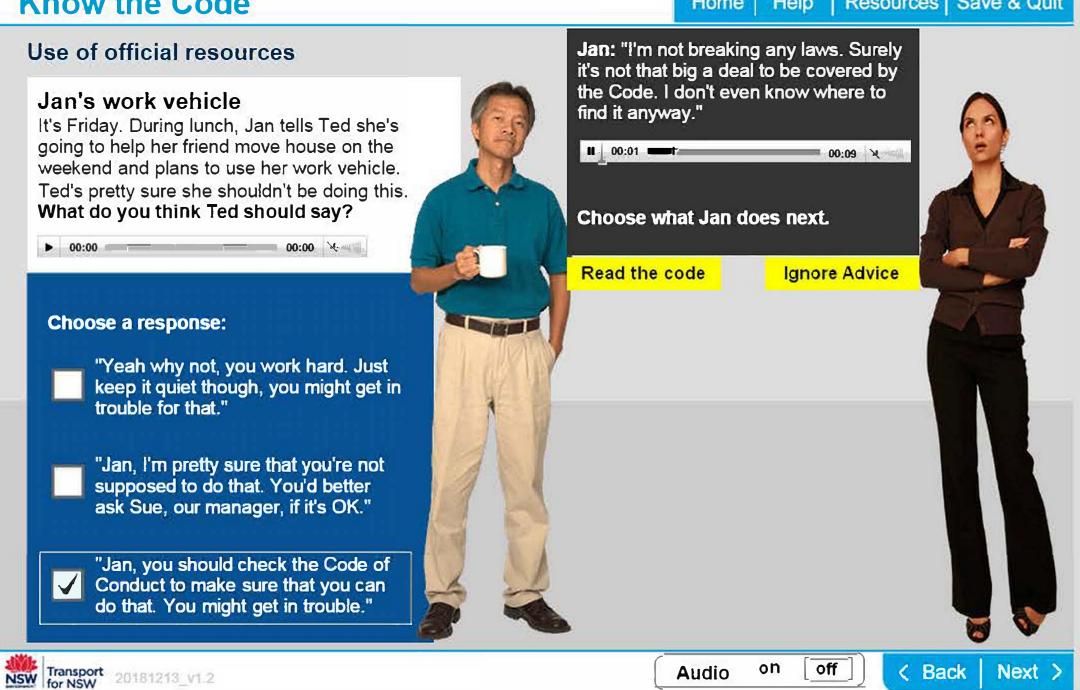








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Use of official resources

Jan's work vehicle

It's Friday. During lunch, Jan tells Ted she's going to help her friend move house on the weekend and plans to use her work vehicle. Ted's pretty sure she shouldn't be doing this. What do you think Ted should say?



Choose a response:

- "Yeah why not, you work hard. Just keep it quiet though, you might get in trouble for that."
- "Jan, I'm pretty sure that you're not supposed to do that. You'd better ask Sue, our manager, if it's OK."
- "Jan, you should check the Code of Conduct to make sure that you can do that. You might get in trouble."

Jan: "Thanks for the advice Ted. I searched on the intranet and found the Code of Conduct really easily.

I'm glad I did, as the Code says that private use of fleet vehicles is only allowed in emergencies or exceptional circumstances. Looks like I dodged a bullet there - thanks Ted."

Ted: "No worries Jan, just looking out for you. It's always a good idea to check if you're not sure."





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Recap Use of official resources - Google Chrome

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Recap: Use of official resources



Next: Click on the images to review the actions of those involved.

Ted suspected that Jan's idea to borrow a work vehicle for personal use was against the Code.

The right thing for Ted to do was to suggest Jan check the Code of Conduct or speak to her manager.

Under the Code, we are all responsible for speaking up when we see behaviour that breaches the Code, or if we're unsure of what actions to take.

Jan had use of a work vehicle, but she didn't know all the policies for using it.

Private use of work vehicles or vessels is not allowed except in an emergency or exceptional circumstances.

Under the Code, we are all expected to be economical when using public resources. This includes limited personal use of computers, laptops, phones, photocopiers, email and the internet.

For full details of what is covered in the Transport Code of Conduct relating to Use of official resources read: Section 19. Use of official resources.





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Conflicts of interest

New recruit

Click on Gerald to hear from him, then choose a response.

"I was on the panel interviewing people for a position in our team. Later on, I found out that the person who got the role is a close friend of my manager Kim. Kim was also on the panel and I don't think she should have been involved at all. She didn't fill in a declaration form. It's not right, but I don't feel comfortable asking her about it."

"What should I do?"



Choose Gerald's next step:

- Leave Kim to handle it who she hires is her business.
- Check the Code of Conduct.
- Speak to Kim's manager about your concerns.











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Leave Kim to handle the situation. Gerald could do this, but it may not lead to the best outcome for Kim, his team or Transport.

If Gerald knows that something isn't right with a situation, he needs to tell someone and get support on how to handle it.

Based on this information, decide what Gerald should do next. When you are ready, choose another option on the left.





























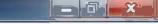








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Conflicts of interest

New recruit

Click on Gerald to hear from him, then choose a response.

"I was on the panel interviewing people for a position in our team. Later on, I found out that the person who got the role is a close friend of my manager Kim. Kim was also on the panel and I don't think she should have been involved at all. She didn't fill in a declaration form. It's not right, but I don't feel comfortable asking her about it."

"What should I do?"



Choose Gerald's next step:

- Leave Kim to handle it who she hires is her business.
- Check the Code of Conduct.
 - Speak to Kim's manager about your concerns





"You were right to tell someone about this Gerald. Kim should have declared the candidate was her friend to determine the appropriate action. I'll look into it and report it, if we need to."

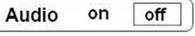


Reporting misconduct

If you have reason to suspect unethical, dishonest or corrupt conduct you must report it.

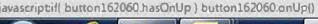
Refer to Sections 21-22 in the Code of Conduct for information on how to report issues.

What are **Gerald's other** options? Choose another option on the left to explore other outcomes, or just click 'Next' to move on.





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Conflicts of interest

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New recruit

Click on Gerald to hear from him, then choose a response.

"I was on the panel interviewing people for a position in our team. Later on, I found out that the person who got the role is a close friend of my manager Kim. Kim was also on the panel and I don't think she should have been involved at all. She didn't fill in a declaration form. It's not right, but I don't feel comfortable asking her about it."

"What should I do?"

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Choose Gerald's next step:

Leave Kim to handle it - who she hires is her business.

✓ Check the Code of Conduct.

Speak to Kim's manager about your concerns.

The Code of Conduct states:

A conflict of interest exists when you could be influenced by a personal interest in your official duties. This may be corrupt if you are in a position of influence and it affects your impartial decision making.

For full details of what is covered in the Code of Conduct, read Section 6. Conflicts of interest.

All potential, perceived or actual conflicts of interest must be declared in writing and managed in accordance with the Conflicts of Interest Policy. Senior service employees should also read the Additional requirements for Senior Service Staff.

What are Gerald's other options? Choose another option on the left to explore other outcomes, or just click 'Next' to move on.





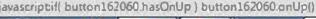


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Recap - Conflicts of interest - Google Chrome

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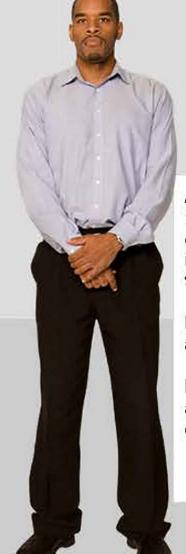
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Recap: Conflicts of interest



Next: Click on the images to review the actions of those involved.

Although Gerald knew his manager Kim hadn't acted ethically, he didn't want to report it because he was worried about the possible outcomes.

He was also not comfortable approaching Kim directly.

In this situation, talking to another manager is the best option.

Kim's manager was able to support Gerald and took responsibility to investigate and, if necessary, report the matter.

Kim had a conflict of interest because she was interviewing one of her friends for a position in her team. She should have declared the candidate was her friend to determine the appropriate action to take.

For full details of what is covered in the Transport Code of Conduct relating to conflicts of interest read: Section 6. Conflicts of interest.

















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Course recap - Code in practice - Google Chrome

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Course recap: the Code in practice

Remember the Code is there to help you work out what is right or wrong. If you are unsure, follow this simple three step guide.



1. Assess

Do you have a feeling something is not right? Could someone be harmed? What would happen if everyone did this?



If you're unsure, check the Code of Conduct and Code of Ethics and Conduct ask your manager, or contact HR Advisory.

3. Act

Change your behavior or talk to the person involved - if it feels safe. Otherwise, talk to your manager or a more senior staff member.



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Course recap - Know the code - Google Chrome NSW ICAC EXHIBIT

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The Code of Conduct outlines the standards of behaviour expected of all Course recap: permanent, temporary and casual staff in Transport agencies. The Code of Ethics **Know the Codes** and Conduct outlines the standards of behaviour expected of all NSW government Make sure you understand your sector employees. responsibilities relating to the Codes. As a staff member, you should: 1. Read and understand the Code of Conduct and Code of Ethics and Conduct; 2. Behave and act in accordance with the Code of Conduct and Code of Ethics and Conduct: 3. Seek guidance from your manager if unsure about what actions to take; Our 4. Report any breach of the Code of Conduct or Code of Ethics and Conduct. 5. If you're senior service or acting senior service check any additional Code requirements you need to comply with. of Conduct Remember Your actions at work and, in some situations, your conduct outside work, may also affect Transport's reputation as a Government agency. Fransport for NSW Roods and Multime Services Get to know the Codes NSW Trains Download and read through the Codes now to get a detailed understanding of what State Transit Authority is covered and your responsibilities. Download the Code of Conduct Download the Code of Ethics and Conduct = 00:09 41-MINI NSW Transport 20181213 V1.2 on < Back | Next > Audio off







































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