This document is a controlled document prepared in accordance with AS/NZS ISO 9001:2008 Quality Management Systems Requirements, and is regularly reviewed and updated. Audits confirming the effective implementation of the procedures / activities described herein provide verifiable evidence that Pacific Complete conforms to specified requirements.
Message from the Project Director

Pacific Complete has created this Code of Conduct and Ethics (Code of Conduct) using the highest standards of RMS and the Delivery Partner. The Code of Conduct also identifies standards of behaviour that exceed or differ from the RMS Code of Conduct and Ethics, the RMS Statement of Business Ethics and the RMS Customer Charter.

In order to earn the trust and to preserve our reputation, we must set high standards of conduct for ourselves. The Code of Conduct reflects our commitment to abide by ethical principles in our business dealings with clients, personnel and participants.

All participants must read the Code of Conduct, adopt it and, as a matter of obligation, comply with it. Each of us has a role to play in upholding the very highest standards.

The Code of Conduct has several guiding values, being:

- make safety personal;
- lead by example;
- work as one team, listen to everybody;
- find or follow a better way;
- deliver on promised and aim to exceed on expectations; and
- collaborate.

Safety is a core value of the Project and is present in everything we do. Pacific Complete shall achieve safety resilience across the program, with three principles providing the framework for our safety approach:

1. People are the solution: We place our people at the centre of developing solutions.
2. Safety is the presence of positives: We measure and focus on the positive outcomes as well as incorporating lessons learnt along the way.
3. Safety is an ethical responsibility: We place safety as an ethical responsibility by creating a framework where systems genuinely enable a safer work environment.

Pacific Complete will support the three safety principles by:

- empowering people who are doing the work;
- ensuring safety is personal and accountability is vested at the level where the work is being done;
- implementing our fatal and severe risk standard controls;
- providing a framework that supports people, and leadership engagement; and
- measuring our safety performance through positive indicators as the indicator of resilience.

Pacific Complete expects all personnel and participants to follow and uphold the standards set out in this Code of Conduct and keep it at the forefront of your mind in the day-to-day interactions on this Project, both with Pacific Complete and RMS, as well as with other Project Contractors and stakeholders involved in the delivery of the Project.

All participants in the Project are responsible for ensuring their employees, agents, contractors, suppliers and consultants are educated about the contents of the Code of Conduct and their obligation to comply with it. Each participant will be required to provide a Confidentiality Undertaking or equivalent, critical to ensuring that each and every person involved in the Project will comply with this Code of Conduct.

At the cornerstone of business dealings, each participant must conduct their business with efficiency, fairness, impartiality and integrity and at all times facilitate a safe work environment free from bullying, harassment and discrimination, for all personnel, participants and visitors.

Christopher G. Wilkinson
Project Director, Pacific Complete
Date: 15 September 2015
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1. **TERMS AND DEFINITIONS**

The following terms, abbreviations and definitions are used in Pacific Complete Code of Conduct and Ethics (Code of Conduct).

<table>
<thead>
<tr>
<th>TERM</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Building Code</td>
<td>The Building Code of Australia (BCA) is Volumes One and Two of the National Construction Code (NCC). The BCA has been given the status of building regulation by all States and Territories.</td>
</tr>
<tr>
<td>Confidentiality Undertaking</td>
<td>The undertaking provided as Appendix A.</td>
</tr>
<tr>
<td>Delivery Partner Contract or DPC</td>
<td>The agreement between RMS and Pacific Complete for the Woolgoolga to Ballina Pacific Highway Upgrade Project.</td>
</tr>
<tr>
<td>Managers</td>
<td>RMS and Pacific Complete Personnel appointed as managers for the delivery of the Services under the Delivery Partner Contract, between RMS and Pacific Complete.</td>
</tr>
<tr>
<td>Pacific Complete Code of Conduct and Ethics/Code of Conduct</td>
<td>Collectively this document and the codes of conduct included in this document as Appendixes, as updated from time to time.</td>
</tr>
<tr>
<td>Pacific Complete Personnel</td>
<td>All officers, employees, contractors, subcontractors, agents and consultants of Pacific Complete and includes RMS personnel involved in the Project.</td>
</tr>
<tr>
<td>Participant</td>
<td>Pacific Complete Personnel and the Project Contractors (including all officers, employees, contractors, subcontractors, agents and consultants of the Project Contractors).</td>
</tr>
<tr>
<td>Pacific Complete Probity Officer</td>
<td>Pacific Complete Governance and Assurance Manager</td>
</tr>
<tr>
<td>Project Contractors</td>
<td>Collectively any contractor, supplier, designer, consultant (either prospective or actual) who will perform any works or provide goods or services for the delivery of the Project.</td>
</tr>
<tr>
<td>RMS Customer Charter</td>
<td>The RMS Customer Charter attached as Appendix C, as may be updated from time to time.</td>
</tr>
<tr>
<td>RMS Code of Conduct and Ethics</td>
<td>Code of conduct produced by RMS and attached as Appendix B, as may be updated from time to time.</td>
</tr>
<tr>
<td>RMS Statement of Business Ethics</td>
<td>The statement of business ethics produced by RMS and attached as Appendix A, as may be updated from time to time.</td>
</tr>
</tbody>
</table>

Table 1 – Terms and Definitions

2. **BACKGROUND AND PURPOSE**

(a) Laing O'Rourke Australia Construction Pty Limited and Parsons Brinckerhoff Australia Pty Limited (together Pacific Complete or the Delivery Partner (as applicable)) have been appointed to the delivery partner role by RMS along with RMS personnel embedded within Pacific Complete for the delivery of Woolgoolga to Ballina Pacific Highway Upgrade Project (Project).

(b) This is the first time in Australia that this type of delivery structure has been applied for the delivery of a project. It brings together the expertise and experience of both the private and public sector, to ensure the effective delivery of the final stages of the Pacific Highway upgrade.

(c) To assist with the delivery of the Project, Pacific Complete has developed the Code of Conduct which all Pacific Complete Personnel and Participants involved in the tender and delivery of the Project will need to comply with, to the extent it is applicable.

(d) The Code of Conduct may be updated from time to time and any update will be provided via the Pacific Complete intranet, website or TeamBinder.
3. PACIFIC COMPLETE CODE OF CONDUCT

The Code of Conduct is constituted by this document along with key documents, including:

- RMS Statement of Business Ethics;
- RMS Code of Conduct and Ethics; and
- RMS Customer Charter.

Beyond these obligations, Pacific Complete and its Participants are also committed to and will comply with the principles set out in the Pacific Complete Anti-Corrupt Conduct Policy.

Depending on your role in the project, these obligations are complemented by separate documents, as applicable, including:

- Pacific Complete Charter;
- Pacific Complete Probity, Confidentiality and Conflicts of Interest Protocol;
- Pacific Complete Privacy Policy;
- The Building Code;
- TfNSW Code of Conduct;
- TfNSW Statement of Business Ethics; and
- NSW Government policies procedures and practices, including NSW Code of Practice for Procurement.

4. COMPLIANCE WITH AND ENFORCEMENT OF THE CODE OF CONDUCT

(a) Each Participant in the Project will be responsible for familiarising themselves with this Code of Conduct, as applicable to them and must comply with the Code of Conduct, as well as relevant legislation as applicable. Each Pacific Complete Personnel need to sign a Confidentiality Undertaking (see APPENDIX A). Each Participant will need to sign a confidentiality agreement or equivalent.

(b) Each Manager and Project Contractor:

(i) will be responsible for the fair and effective management of their staff;
(ii) must demonstrate ethical conduct, fairness and equality, in accordance with the guiding principles set out in this Code of Conduct; and
(iii) will be responsible for the education and management of enforcement of this Code of Conduct, as well provide relevant resources to help their employees, agents, contractors and suppliers comply with reporting obligations.

(c) Each Participant should report any concerns about a breach of this Code of Conduct to their line manager for investigation. If a Participant is not comfortable reporting the concern to a line manager, this should be escalated in accordance with the applicable employment contract of the individual or for Pacific Complete Personnel, in accordance with the Probity, Confidentiality and Conflict of Interests Protocol.

(d) RMS and Pacific Complete are committed to protecting any person who raises a concern about the breach of this Code of Conduct from victimisation or retaliation. Any attempt to take detrimental action against any such person who raises a concern will be investigated by both RMS and Pacific Complete.
4.1 Speaking up

Transparency and openness are the most effective weapons against bribery and corruption and it depends on every single one of us to challenge any suspicious arrangements if confronted with them. Even political contributions, charitable donations and sponsorship arrangements can be used as a cover for bribery. If you have a concern or think that this policy may be being infringed it’s important to speak up about it. Speaking up early could protect you from serious legal consequences and protect the company’s reputation, which is critical to our long-term success.

4.2 How to raise a concern

(a) There are a number of different ways to raise a concern or get help. Choose whichever route you feel comfortable with, or suits the situation best.
   (i) Face to face: The simplest way to deal with a concern is to talk to the person involved.
   (ii) With your line manager: If you don’t feel comfortable talking directly about an issue, you could raise it with your line manager or supervisor. If a face to face meeting isn’t possible, you can raise an issue in writing by email or letter.
   (iii) Via the phone numbers set out in section (h). Your call will be treated in confidence. If you prefer, and the law allows it, you can report it anonymously. Of course the more information you give the easier it is to act on your concerns and also to protect you.
   (iv) External disclosures: The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in connection with Pacific Complete and the Project.

(b) The law recognises that in some instances, it may be appropriate for you to report your concerns to an external body such as a regulator. The hotlines contained in this Code of Conduct can provide guidance in the reporting of a concern externally. Pacific Complete Personnel are referred to our corporate communications policy for further details.

(c) Reporting a breach of the Code of Conduct can be made on the following hotline numbers:
   - Pacific Complete Probity Officer 0408 731 982
   - RMS 1800 043 642
   - Laing O’Rourke 1800 205 095
   - Parsons Brinckerhoff 1800 121 889

(d) Note: When reporting actual or potential breaches of the Code of Conduct, all Project Contractors should use the RMS number listed above or hotline numbers set out in their individual employment contracts.

4.3 RMS Statement of Business Ethics (see Appendix B)

RMS’s Statement of Business Ethics provides guidance to all Participants involved in the delivery of the Project, to outline appropriate behaviours expected of Participants when doing business with RMS and Pacific Complete.
4.4  RMS Code of Conduct and Ethics (see Appendix C)

The RMS Code of Conduct and Ethics outlines RMS's values which are:

- Collaboration;
- Solutions;
- Integrity; and
- Safety.

With a customer focus, where the customer is at the centre of everything RMS does.

The RMS Code of Conduct and Ethics is not intended to be a comprehensive set of rules but rather a set of principles that form an ethical framework for conduct and behaviour.

4.5  RMS Customer Charter (Appendix D)

The RMS Customer Charter demonstrates RMS's commitment to putting the customer at the centre of everything RMS does. Customer promises and commitments are:

- We will listen and take action;
- We will consult and collaborate;
- We will make safety our priority; and
- We will keep you informed.

4.6  Pacific Complete Project Charter (see Appendix E)

Pacific Complete's Charter sets out its determination to safely deliver the W2B Pacific Highway upgrade through collaboration and innovation, with significantly improved road safety and travel times, within budget and operational in 2019.

4.7  Pacific Complete Anti-Corrupt Conduct Policy

4.7.1  Introduction

Integrity is central to Pacific Complete. One of our core values is to lead by example because we want to do the right thing and we want to be known for doing the right thing.

Pacific Complete regards laws and regulations as minimum standards of integrity which Pacific constantly strive to exceed. It is a criminal offence to offer, promise or provide - or request or accept - a bribe. It is also an offence for a commercial organisation to fail to prevent an incident of bribery being committed either by the company or by someone associated with it in order to obtain or retain a business advantage.

This means that bribery and corruption have absolutely no place at Pacific Complete. Pacific Complete operates a strict zero tolerance policy towards bribery in all its forms whether directly or through third parties (Anti-Corrupt Conduct Policy).

This Anti-Corrupt Conduct Policy is designed to protect you by helping you to understand the legislation relevant to bribery and corruption as much as it is to protect Pacific Complete's reputation. This policy applies to all Participants involved in or in any way connected with the Project. Pacific Complete and RMS want to do business only with those who accept the terms of this policy or whose own policy sets standards to match them.

Pacific Complete want you to act according to the spirit and the values they represent in whatever you do for Pacific Complete.

In this way we can achieve our vision together and help drive up standards throughout the industry.
4.7.2 Our guiding Anti-Corrupt Conduct principle

Pacific Complete Personnel and Participants do not offer or accept bribes or facilitation payments or engage in any form of corruption, whether directly or through any third party.

4.7.3 Understanding and recognising bribery and corruption

Bribery and corruption can occur in many forms; so understanding them and recognising when they might occur is a key step in guarding against them.

**Bribery** is when a person offers, gives, receives or solicits a financial (or other) advantage to another person with the intention of inducing or rewarding that person to act improperly.

**Corruption** is any form of illegal, dishonest or bad behaviour, especially by people in positions of power. This can include blackmail (when someone coerces another into doing something by threatening to reveal information) and extortion (the taking of money or property by threatening harm).

Bribery could occur in situations such as tendering, appointing preferred suppliers, contractors and agents, the award of licences and so on. Bribery and corruption could occur at all levels within governments and commercial organisations.

Pacific Complete makes it clear that Pacific Complete will not participate in or condone any form of bribery in our dealings with the public or private sectors. This applies to all Pacific Complete Personnel and Participants in the Project, in any capacity.

4.7.4 Gifts and hospitality

Bribes are not always a matter of handing over cash. Gifts, hospitality and entertainment can be bribes if they are intended to influence a business decision.

The fundamental principle here is that no Participant involved in or in any way connected with the Project should accept any gift in connection with your employment at or engagement by Pacific Complete under any circumstance. Or do anything which might give rise to a perception or suspicion that he or she has been unduly influenced by a gift or hospitality or other consideration to show bias for, or against, any organisation whilst performing the duties of their employment.

Pacific Complete Personnel must declare any declined gifts and hospitality to the Probity Officer.

4.7.5 Political and charitable donations

Transparency and openness are effective weapons against bribery, so be ready to challenge any arrangements that compromise them. Even political contributions, charitable donations and sponsorship arrangements can be used as a form of bribery to influence Participants.

You do have the right to make public comment and enter into public debate on political and social issues and support charities. However, in doing so in a capacity that has not been authorised you must state that the opinions are your own and that you are making comment as an individual or as a representative of another organisation. You should also do so without the use of Pacific Complete insignia, including on clothing.

Pacific Complete does not make donations to charitable organisations or individuals, either directly or through intermediaries without prior approval in accordance with project policy and delegations. Pacific Complete Personnel must not make direct or indirect contributions to political parties, political causes or to support individual candidates on behalf of Pacific Complete.

A political or charitable donation is a financial payment or loan, or a payment in kind made to support a political or charitable cause.
A payment in kind might include gifts, services, advertising, attendance at fundraising events, or support for a think tank with political connections or allowing Pacific Complete Personnel to work for that organisation on company time.

4.7.6 What are the risks?

As befits a serious criminal offence, the penalties for engaging in bribery or corruption are severe. Individuals and companies can face fines and even imprisonment.

Pacific Complete is committed to meeting its responsibilities and this is why we want to be associated only with others whose standards match our own.

A conviction for a bribery or corruption related offence would be severely damaging for Pacific Complete’s reputation.

4.7.7 Preventing bribery

Pacific Complete’s ‘zero tolerance’ of bribery relies on each one of us - employees and third parties - choosing to always do the right thing. All this takes is a few simple commitments:

Participants will **always**:

- Comply with the Code of Conduct;
- Be guided by Pacific Complete’s vision and values, as advised from time to time;
- Comply with all Pacific Complete’s policies provided from time to time;
- Record all activities and transactions accurately, completely and transparently;
- Follow appropriate due diligence and other risk mitigation procedures before proceeding with any contract or other arrangement;
- Seek advice if unsure how to proceed;
- Be alert to 'red flags' (see below) and immediately report or seek guidance about them; and
- Report any suspected or actual breaches of this policy promptly and accurately.

Participants will **never**:

- Participate in any form of corrupt behaviour;
- Allow Pacific Complete Personnel to use Pacific Complete’s funds, in the form of payments or gifts and hospitality, for any unlawful, unethical or improper purpose;
- Authorise, make, tolerate or encourage, or invite or accept, any improper payments to obtain, retain or improve business;
- Permit anyone to offer or pay bribes or make facilitation payments on our behalf, or do anything else we would not be permitted to do ourselves;
- Offer or give anything of value to a public official (or their representative) to induce or reward them for acting improperly in the course of their public responsibilities; and
- Offer or accept gifts or hospitality which is in any way connected with a business relationship of Pacific Complete.
Red flags
Red flags are early warning signs of something unethical. They include:

- "No one's going to know";
- "It's not against the law";
- "What's in it for me?";
- "Don't worry, that's just the way business is done around here"; and
- "Shred/delete that document".

4.7.8 Facilitation payments and kickbacks
Participants will not offer or accept facilitation payments or kickbacks or engage in any form of corruption, whether directly or through any third party.

Facilitation payments are usually small payments (or gifts) made to public officials in order to speed up or ‘facilitate’ actions the officials are already duty-bound to perform. We make no distinction between facilitation payments and bribes, regardless of their size or the local culture.

The only exception is where a payment is extorted from you. If you feel coerced or that your safety (or that of your family or colleagues) is at risk, then you should make the payment but record the payment and report it immediately (via the hotlines set out in paragraph 3 (h) above) with the details, the date of the payment, the identity of the public official and the action you were being asked to perform.

Kickbacks and reciprocal agreements or any other form of ‘quid pro quo’ are never acceptable. We will not participate in cartels, cover pricing, bid-rigging or any form of collusion. Participants will never accept improper payments to obtain new business, retain existing business, or secure any improper advantage.

4.7.9 Statement of commitment
Participants will not tolerate any form of bribery or corruption. This policy demonstrates Pacific Complete’s zero tolerance approach to bribery and corruption. This policy applies to all Participants involved in or in any way connected with the Project.
APPENDICES

Appendix A – Confidentiality Undertaking
Appendix B – RMS Statement of Business Ethics
Appendix C – RMS Code of Conduct and Ethics
Appendix D – RMS Customer Charter
Appendix E – Pacific Complete Project Charter
Appendix A – DPC Confidentiality Undertaking
Confidentiality Undertaking

Recipient:

Project: Woolgoolga to Ballina Pacific Highway Upgrade

In favour of: Laing O'Rourke Australia Construction Pty Limited ABN 39 112 099 000 of Level 4, 100 Arthur Street, North Sydney 2060; and

Parsons Brinckerhoff Australia Pty Limited ABN 80 078 004 798 of Level 27, 680 George Street, Sydney, NSW 2000,

(together the Delivery Partner); and

Roads and Maritime Services ABN 76 236 371 088 of 101 Miller Street, North Sydney, New South Wales 2060 ("RMS").

each a Provider, and together the Providers.

I, agree for the benefit of the Providers:

(a) that the Confidential Information made available to me is confidential to the Providers;
(b) to keep the Confidential Information confidential;
(c) only to use it for the Approved Purpose;
(d) not to disclose any of the Confidential Information to any person other than:
   (i) to those who have signed an undertaking in this form; and
   (ii) who require it for the Approved Purpose,

unless I have the prior written consent of the relevant Provider; and

(e) that I am aware that damages are not a sufficient remedy for the Providers for any breach of this undertaking and each Provider is entitled to specific performance or injunctive relief (as appropriate) as a remedy for any breach or threatened breach by me of this undertaking, in addition to any other remedies available to a Provider at law or in equity; and

(f) to comply with the confidentiality, conflict of interest and probity protocols, as provided by the Delivery Partner from time to time, in relation to this Project.

The Delivery Partner has informed me of the confidentiality obligations under the Confidentiality Deed Poll provided to RMS and of my obligations to maintain confidence.

This undertaking is governed by the law in force in New South Wales.
Approved Purpose means all tasks associated with the performance of the planning, programming, design management, procurement and construction management services to be provided by the Delivery Partner in accordance with the Delivery Partner Contract between the Delivery Partner and RMS.

Confidential Information means all confidential, non-public or proprietary information, regardless of how the information is stored or delivered, provided to the Recipient relating to the Project or the business, technology or other affairs of the Providers, but excludes:

(a) information which is in or becomes part of the public domain otherwise than through breach of this undertaking;
(b) information known to the Recipient on a non-confidential basis at the time of disclosure under this undertaking; or
(c) information developed by the Recipient independently of the Confidential Information.

EXECUTED

………………………………………  ………………………
Signed                                Date

………………………………………
Print name
Appendix B – RMS Statement of Business Ethics
Statement of business ethics
Required in dealings between Roads and Maritime Services and the private sector

Chief Executive's message

Dealings between Roads and Maritime Services (RMS) and the private sector, including purchasing goods and services, joint ventures and the complete contracting out of activities must be undertaken with transparency and integrity.

To facilitate this RMS and private sector employees must always be aware of the ethical standards the public demands when RMS money is used either directly or indirectly.

This statement sets out the appropriate standards for doing business with RMS. It provides guidelines on what to expect from RMS and explains the mutual obligations, roles and constraints of all parties. These ethical standards are not an additional requirement but an integral part of sound commercial practices.

All individuals and organisations that deal with RMS must adopt these standards of ethical behaviour. The standards comply with NSW Government guidelines for procurement, contracting and market testing.

The likely reward for maintaining ethical business dealings is enhanced public confidence and repeat business.

If you need more information about these guidelines or any ethical issue, please contact RMS Ethics Information Line on 1800 043 642.

Peter Duncan
Chief Executive
Business ethics for RMS and the private sector

The role of all parties

The NSW Government now relies on the private sector to perform many tasks it once carried out. This means that RMS employees are involved in purchasing goods and services from the private sector.

RMS expects both its permanent and contract employees to behave ethically and comply with its Code of Conduct and Ethics.

RMS also relies on industry and its employees to maintain similar standards of ethical conduct in their dealings with RMS.

A common understanding between RMS and the private sector on ethical issues will help us develop a productive and mutually beneficial working relationship.

RMS business principles

Three key principles form the basis of RMS business agreements.

- Obtain the best possible value for public money.
- Impartiality through all stages and processes.
- Fairness.

These principles enable suppliers to promote their interests effectively but avoid unproductive and potentially questionable activities.

All potential providers of goods and services are subject to the same ethical operating environment and must comply with these guidelines.

Value for money

Value for money is determined by considering the impact of factors such as quality, reliability, timeliness, service, initial and ongoing costs.

It does not mean ‘lowest price’. However, the lowest price might offer the best value if it meets other essential criteria such as quality and reliability.

Impartiality

Impartiality means trying to be objective and even-handed. For example, an impartial person will try to objectively establish the criteria for determining best value for money and then assess each bid against these criteria.

Being impartial includes taking account of practicalities. For example, the principle of impartiality does not entail publically advertising for bids for items of low monetary value or inviting bids from firms that have performed poorly in the past.

Fairness

Fairness overlaps with impartiality in the sense of being even-handed. In some circumstances fairness can also entail taking into account the effects of actions on others. For example, it would be unfair to call tenders when there is no serious intent to award a contract, even if a satisfactory or exceptional offer was received.

Fairness does not mean pleasing everyone. If people are adversely affected by a decision, it is unfortunate but not necessarily unfair.

RMS requires its employees and contract staff to:

- Comply with RMS and government policies and procedures.
- Show fairness in their treatment of all individuals or organisations that supply goods or services to RMS.
- Encourage fair and open competition while seeking value for money.
- Try to minimise costs to suppliers participating in the procurement process.
- Protect commercial-in-confidence information.
- Deal honestly with suppliers and pay accounts on time.
- Always be accountable and act in the public interest.
- Avoid situations where private interests conflict with public duty.
- Not solicit or accept financial or other benefits from a supplier for performing official duties.
- Respond to reasonable requests for advice and information without delay.

Tenderers, suppliers, consultants and contractors are expected to:

- Respect the conditions and requirements stated in documents supplied by RMS.
- Present information concisely.
- Comply with any codes of tendering and practice that apply.
- Respect the obligation of RMS staff to comply with government procurement policies.
- Not act fraudulently or secretively.
- Prevent the unauthorised release of privileged or confidential information, such as commercial-in-confidence information.
- Not discuss RMS dealings with the media, without consulting RMS first.
- Respond to reasonable requests for advice and information.
- Not offer RMS employees or contract staff any financial or other inducements which may lead to, or be seen as leading to, gaining an unfair advantage in dealings with RMS.
- Comply with RMS post separation employment guidelines.

Some practical guidelines

Communications between parties

To avoid misunderstandings it is important to use written correspondence (letter, fax or email) for communications involving a business related decision. Telephone communications in this regard should be followed up with written confirmation of any decisions or commitments made.

Unless good reasons exist not to, all meetings should be either on RMS premises or on-site. A written record of commitments given at meetings must be made and endorsed by all parties.

Confidentiality

Information which is marked confidential, or which a reasonable person would expect to be confidential, should be treated as such. The information could be in various formats such as hardcopy documents or electronically stored.

Intellectual property rights must be negotiated. No individual or organisation is entitled to acquire any intellectual property rights because they are employed by or have a contract with RMS.

Entertainment

Suppliers should not pay for any form of entertainment for RMS employees. Likewise, RMS employees are generally not entitled to use government funds to pay for entertainment.

Lunches etc.

RMS employees are expected to pay for all their own meals.

RMS discourages external parties from providing RMS employees with benefits such as social lunches.

Employee participation is permitted only if a clear underlying business purpose exists and the value and frequency of such functions is not excessive.

Gifts

Gifts should not be given to RMS staff or its agencies and there should be no expectation that any gifts will be provided.

Travel and accommodation

RMS meets all business travel and accommodation costs for its employees. Any variation to this policy must first be agreed with RMS, not the individual employee affected, and approved by a senior employee. Public liability and insurance requirements must also be considered.

Contracting former RMS employees

Former employees are generally not employed as contractors for at least 12 months after they have left RMS.

Any organisation intending to use a current or former RMS employee for contract work with RMS should first discuss this with RMS.

This policy protects RMS, the individual and the organisation from any potential charge of impropriety or conflict of interest.

RMS – Ethics Information Line

Contact the Ethics Information Line for:
- Advice on any related issues.
- If you are concerned that a breach of the law or unethical conduct may have occurred. This could include fraud, corrupt conduct, maladministration, or serious or substantial waste.

1800 043 642 (free call)

For further enquiries:

www.rms.nsw.gov.au

1800 043 642 (free call)
Appendix C – RMS Code of Conduct and Ethics
Code of Conduct and Ethics

Coverage
This Code of Conduct and Ethics covers all permanent, temporary, casual, skill-hire and contract staff. The Code of Conduct and Ethics also applies to staff on secondment from other NSW Government agencies.

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

Our values
As part of the transport cluster, our staff work together to uphold our values. These drive our decision making, behaviour and how we work and interact with our customers, stakeholders, partners and colleagues.

Staff Expectations
People who work for or with Roads and Maritime Services are entitled to expect a workplace in which they will:

- Be treated fairly, with respect and without discrimination.
- Be provided with a safe work environment.
- Work in a harmonious and productive environment.
- Have their professional expertise respected by their co-workers.
- Be provided with opportunities to learn and develop in their roles.
- Receive open, inclusive and honest communication.
- Be treated in a professional, helpful and courteous manner.
Personal responsibilities
Roads and Maritime Services have a responsibility to provide you with access to policies and procedures you are required to comply with.

As a member of staff you have a responsibility to familiarise yourself with these and to cooperate in implementing them. You also have a responsibility to make enquiries on your own behalf if you are unsure about what actions to take.

You must act in a way that promotes public trust and confidence in the integrity of Roads and Maritime Services’ operations and administration. You need to be aware that the reputation of Roads and Maritime Services can be affected by your actions at work and, in certain circumstances, by your conduct outside the workplace.

You are required to:

- Behave in a lawful manner.
- Act within your delegated authority and in accordance with Roads and Maritime Services policies and procedures, and any relevant legislative, industrial and administrative requirements.
- Conduct yourself in a professional and ethical manner at all times while at work or when your actions can be associated with Roads and Maritime Services.
- Ensure you present an image of professionalism Roads and Maritime Services wishes to present to its customers and that what you wear to work is suitable for your duties.
- Not bring Roads and Maritime Services into disrepute by your actions or conduct.
- Be prepared to take personal responsibility and be accountable for your own conduct, actions or omissions.
- Co-operate with and obey lawful requests, directions or instructions given to you in the course of your employment by any person having the authority to do so.
- Keep up to date with advances and changes in your area of expertise and in Roads and Maritime Services.
- Disclose to your manager or supervisor any charge or conviction, that may impact on your capacity to carry out your duties (e.g. loss of driver licence).
- Report behaviour that breaches Roads and Maritime Services policy.

Case Study: “Don’t blow it”
Issue. You are away on Roads and Maritime Services’ business. At the end of the day you catch up with your friend and have a few drinks. You are sure you're okay and drive back to your motel; but you are stopped by the Police and charged for mid-range Blood Alcohol Concentration (BAC). Because of other driving offences you know you will possibly lose your licence. You realise this will affect your work because driving is an essential part of your duties.

Response. The next day at work you take responsibility and decide it would be wrong to hide that you’ve been charged. You tell your manager about the charge and the possibility of losing your licence.

Key documents and contacts
- Appropriate Use of RMS Systems and Resources Procedure
- Delegations Manual
- Drug and Alcohol Policy
- Work Health and Safety Policy Statement
- Safe Driving Policy
Manager and supervisor responsibilities
An essential function of all managers and supervisors is the fair and effective management of their staff.

If you are a manager or supervisor you are expected to promote and demonstrate ethical conduct, fairness and equity, and to lead by good example. You are required to:

- Be accountable for your own actions or omissions.
- Carry out activities in ways that are lawful, fair, ethical, reasonable and professional.
- Ensure your staff are held properly accountable for their conduct, performance and use of Roads and Maritime Services’ resources and monitor compliance effectively.
- Be aware of acts or omissions that are sufficiently serious, repeated, or widespread enough that you should have been aware of and corrected them.
- Be fully informed about the matters you deal with.
- Record and give reasons for your decisions and actions to those people who are affected.
- Ensure workplace systems, procedures and practices are promoted, developed, complied with, and regularly reviewed in your area.
- Ensure your staff are informed of their duties and responsibilities, and receive adequate information, instruction and training to perform them effectively, efficiently and safely.
- Inform staff of the performance standards and results expected, provide your staff with constructive feedback on their performance and deal with any concerns as they arise.
- Promote open, honest and two-way communication in the workplace.
- Share information with your staff and encourage open communication and staff participation in the business of the workplace through individual and team consultation.
- Make sure the workplace is free from all forms of harassment, discrimination and bullying and resolve workplace disputes and grievances in a fair and timely manner and in accordance with the relevant policy.
- Ensure a safe workplace by undertaking appropriate risk assessments and establish safe work methods.
- Treat your staff courteously and fairly and consider different views.
- Value your staff by treating them with respect, honesty and courtesy, respecting their rights.
- Promote and acknowledge excellence and innovation and deal fairly and effectively with instances of under performance.
- Ensure work practices consider the diversity of staff members and customers.
- Ensure adequate supervision so all tasks are developed, performed and completed safely and with regard to the safety of others.
Case Study: “Take responsibility”

**Issue.** You notice one of your staff is not as punctual as usual and is having difficulties focusing on their tasks. This is impacting on the morale and productivity of the team. Rather than letting it go, you meet confidentially with the staff member who discloses a serious family issue. The staff member believes it is a short-term issue.

**Response.** You offer support by way of Roads and Maritime Services’ Employee Assistance Program, and ongoing opportunities for the staff member to discuss their concerns with you.

**Key documents and contacts**

- Workplace Flexibility Policy
- Grievance Resolution Procedure
- Discrimination, Harassment and Bullying Prevention and Management Procedure
- Leave and Attendance Policy
- Flexible Working Hours Procedure
- Managing Unsatisfactory Performance and Conduct Procedure
- Roads and Maritime Services Leadership Framework
- Sick Leave Procedure
- Anti Discrimination Act 1977
- Work Health and Safety Act 2011
- Public Interest Disclosures Act 1994
- Employee Assistance Program (1300 366 789)
Working ethically
Working ethically is about ensuring we make decisions in accordance with Roads and Maritime Services and public sector values.

Any information or advice you give or any decision you make should:

- Always be consistent with relevant legislation, Roads and Maritime Services policies and procedures.
- Be justifiable reasonable, fair and equitable in the circumstances.
- Consider the consequences of the decision on yourself, Roads and Maritime Services staff, customers and clients.
- Not raise a conflict of interest or lead to a personal gain to which you would not be otherwise entitled.
- Should not give rise to perceptions of unfair treatment towards Roads and Maritime Services staff, customers and clients.
- Be able to withstand external scrutiny.

Be aware that
You are making an ethical decision when you:

- Take into account all the relevant facts.
- Take reasonable steps to obtain the necessary information to make a decision.
- Be reasonably satisfied that the information is factual and correct.
- Consider the merits of the case, including the consequences of any proposed action, and don't take irrelevant matters into consideration.
- Ensure you make decisions in a fair and impartial manner.
- Keep full records of any decision you make.

Staff are required to follow principles of procedural fairness in decision making where those decisions impact on the rights or entitlements of others. Where your personal views conflict with the performance of your official duties - or you believe you cannot act impartially – discuss ways to resolve this with your manager. When exercising discretionary power, ensure the power is being used properly, impartially, equitably and consistently with relevant policies, guidelines and delegations.

Decisions and actions should be made in a timely fashion, so that the persons affected by the decision are not disadvantaged by undue delay.

Case Study: “Above board”

Issue. Your duties with Roads and Maritime Services mean that you do fieldwork for days at a time. You are working on a project that is located near some of the best surfing beaches you know. Your colleague, also a keen surfer, tries to convince you to take longer, unrecorded breaks so you can have a decent surf.

Response. You remind your colleague that it’s important to accurately record your working hours and that it would be better to go surfing at the end of the day when you can both enjoy it more.

Key documents and contacts

- RMS Statement of Business Ethics
- Ethics Hotline (1800 043 642)
- Chief Audit and Risk Officer
Responsibility to Roads and Maritime Services, the State Government and people of NSW

The people of NSW elect the State Government to put into practice policies believed to be in the best interests of the wider community.

As a member of this community you have a right to enter into public debate on political and social issues. However, regardless of your political and social views, when performing your duties as a NSW public sector employee and a member of staff of Roads and Maritime Services, you are required to:

- Implement the policies and decisions of the State Government in an impartial, efficient and effective manner.
- Provide impartial and accurate advice.
- Put the interests of the public above your personal interests or the interests of another individual or group.
- Ensure that any participation in political activities does not conflict with your Roads and Maritime Services duties.
- Ensure there is no likelihood that your comment on public issues could be interpreted as being official Roads and Maritime Services comment made in your capacity as a staff member, unless you are authorised to make such public comment.
- Direct all media enquiries to the Manager, Media Unit and do not speak to the media without prior and written authorisation.
- Observe any requirements to resign or take leave if standing for election to State or Federal Parliament.

Case Study: “No comment”

**Issue.** You are working on a sensitive, high profile project that has attracted media attention. You walk outside to get some lunch and notice a group of people from the media. They ask you if you have any information on the project and urge you to discuss it.

**Response.** You decline to do so because you are not an authorised Roads and Maritime Services representative. You advise the media to contact Roads and Maritime Services’ Media Unit.

Case Study: “Business only”

**Issue.** You have a passion for politics and are an active member of a political party. You are proud of your political activities and you have a number of badges and pins supporting the party. Your employment with Roads and Maritime Services requires you to wear a Roads and Maritime Services uniform.

**Response.** You always make sure that you don’t wear any of your party political badges on your uniform to ensure your political affiliation is not mistaken as official Roads and Maritime Services endorsement.

Key documents and contacts

- Political or Community Advocacy and Public Comment Procedure
- Conflict of Interest Procedure
Lobbyist Code of Conduct

Roads and Maritime Services will engage with professional lobbyists only if they are on the Department of Premier and Cabinet Register of Lobbyists. Roads and Maritime Services staff are not to permit lobbying by lobbyists not on the Register of Lobbyists. Only staff at General Manager level or above may engage with Lobbyists.

Any Roads and Maritime Services staff meeting with Lobbyists will ensure another Roads and Maritime Services representative is present at all times and must ensure that the professional lobbyist discloses:

- That they are a Lobbyist or employee, contractor or person otherwise engaged by the Lobbyist who is currently listed on the Register of Lobbyist.
- That they are making the contact on behalf of a third party.
- The name of the third party, and
- The nature of that third party’s issue.

“Contact” for the purposes of lobbying activities by a Lobbyist includes:

- Telephone contact.
- Email contact.
- Written mail contact, and
- Face-to-face contact.

Roads and Maritime Services staff, or persons representing Roads and Maritime Services such as contractors and consultants who are involved in professional lobbying and are contracted or engaged to represent the interests of a third party to a Government Representative, must comply with the NSW Government Lobbyist Code of Conduct.

Access to the Lobbyist Code of Conduct, the Register of Lobbyists and an e-Learning module for Roads and Maritime Services staff and representatives involved in professional lobbying are available on the website of the Department of Premier and Cabinet: www.dpc.nsw.gov.au
Corrupt conduct and unlawful conduct
As a NSW public sector employee, corrupt or unlawful conduct by you in the course of your duties is not acceptable and will not be tolerated.

Corrupt conduct includes any dishonest or improper use of position or information which provides – or may provide – a benefit to you, any other person, or organisation.

Corrupt conduct also includes any action by a member of the public to influence you to act corruptly when carrying out your duties. Certain types of corrupt conduct and unlawful conduct may amount to a breach of NSW or Commonwealth law and may be referred to the police for investigation.

Corrupt conduct or unlawful conduct in the course of employment may include, but is not limited to:

- Theft and misappropriation of Roads and Maritime Services material or financial resources.
- Offering or accepting bribes, commissions or secret payments.
- Accepting a gift or benefit that is intended to, or is likely to cause you to act in a biased manner.
- Fraudulent or criminal conduct.
- Forgery and making false or fraudulent claims.
- Misuse or unauthorised disclosure of information or material owned, held or maintained by Roads and Maritime Services.
- Wilful or negligent damage to Roads and Maritime Services or third party resources.
- Discriminatory behaviour.
- Assault or other forms of unlawful violence against a person.
- Possession or distribution of illegal drugs.
- Possession or distribution of illegal pornography.

Case Study: “Letter of the law”
Issue. Your friend runs a garden business and tells you he has noticed sand and gravel at a Roads and Maritime Services stockpile near town. Your friend tries to convince you that a big organisation like Roads and Maritime Services would not notice some missing sand and gravel, and asks you to deliver a truck load to his business address.

Response. You tell him you won’t because the sand and gravel belong to the public of NSW and to use a Roads and Maritime Services truck to deliver the goods would also be a misuse of Roads and Maritime Services resources. You advise your supervisor of the situation.

Case Study: “Work not play”
Issue. Your sister is setting up a new business and asks you to design and print 1000 flyers for her, assuming you will do this at work. You have estimated that designing the flyer will take approximately six hours. You realise that spending this amount of time on non-work related tasks will stop you from carrying out your duties for Roads and Maritime Services. You also know that printing 1000 flyers is an inappropriate use of Roads and Maritime Services resources.

Response. You tell your sister that you cannot use work time or Roads and Maritime Services resources for this, but you’re more than happy to help her in your own time.
away from work.

**Key documents and contacts**

- Bribes, Gifts and Other Benefits Procedure
- Appropriate use of RMS Systems and Resources Procedure
- Public Interest Disclosures – Internal Reporting Policy and Procedure
- Corrupt Conduct and Maladministration Prevention Policy
- Probity plan template
- Security Classification and Protection for Records and Information Policy
- Independent Commission Against Corruption Act 1988
- Ethics Hotline (1800 043 642)
Protected disclosures
If you report suspected corrupt conduct, maladministration or serious and substantial waste of public monies in accordance with the reporting system set out below, it will be deemed a protected disclosure under the Protected Disclosures Act 1994.

To have the report treated as a protected disclosure, you are required to report suspected wrong doing to one of the following Disclosure Officers:

- Your general manager or director.
- The Chief Audit and Risk Officer or a Roads and Maritime Services investigator.
- The Chief Executive.

Any manager who receives a report of suspected corrupt conduct must treat the report seriously and advise and encourage the staff member to inform one of the disclosure officers listed above. The report must be treated impartially and kept confidential.

You can also report wrong doing to specific external agencies such as:

- Independent Commission Against Corruption (ICAC) – for corrupt conduct.
- The NSW Ombudsman – for maladministration.
- The Auditor-General – for substantial and serious waste of public monies.

Roads and Maritime Services will support you if you:

- Report any suspected wrong doing in accordance with Roads and Maritime Services’ procedure for making a protected disclosure.
- Deal properly and quickly with reports you receive of suspected wrong doing.

The Protected Disclosures Act 1994 affords protection against victimisation or discrimination to people who report suspected corrupt conduct to one of the persons or agencies specified above.

Roads and Maritime Services may take disciplinary action against:

- Any staff member found to have taken detrimental action against a person making a report of suspected corrupt conduct.
- Any staff member who makes reports proven to be vexatious, malicious, or lacking in foundation.

**Case Study: “Honesty is the best policy”**

**Issue.** You are responsible for creating all accounts payable cover sheets in your section. You come across a completed cover sheet for a supplier unknown to you. You seek clarification with the Accounts Payable section and are advised the supplier has been paid on many occasions over the past year. You have not seen the authorisation signature before and suspect corrupt conduct. You discuss your concerns with your manager who tells you they do not know who the supplier is or who approved the payment.

**Response.** You contact a Disclosure Officer to discuss your concerns as you are unaware of who the supplier is and who approved the payment.

**Key documents and contacts**

- Bribes, Gifts and Other Benefits Procedure
- Public Interest Disclosures – Ethics Hotline (1800 043 642)
- Internal Reporting Policy and Procedure
Conflict of interest

A conflict of interest exists when it is likely that you could be influenced, or may appear to be influenced, by a personal interest (financial or otherwise) in carrying out your Roads and Maritime Services duties.

Conflicts of interest that lead to partial or biased decisions may constitute corrupt conduct. Some circumstances that may give rise to a conflict of interest include:

- Where you, a family member, relative, friend or associate has a financial interest in a matter you deal with or have the power to influence.
- Secondary employment or activities that conflict with your duties, or the efficient and safe work of the Roads and Maritime Services.
- Personal political activities that conflict with your responsibility to undertake your duties in an impartial way.
- Making adverse public comments that relate to Roads and Maritime Services work or affect your capacity to undertake your duties effectively.
- Misusing your position or business information you have access to, to secure future employment advantages outside Roads and Maritime Services or to benefit any other person or organisation.

You may often be the only person aware of the potential for conflict. To ensure that your honesty and integrity is not questioned, it is your responsibility to:

- Recognise and disclose any actual or potential conflict of interest to your immediate manager or other senior manager.
- Take appropriate steps to resolve the conflict of interest in accordance with policy and prior to engaging in the affected work.
- Not misuse your position or make decisions that may, or may appear to obtain a benefit of any kind for yourself, family members, relatives, close friends or associates.
- Ensure that your work is not influenced by plans for, or offers of, employment outside Roads and Maritime Services.
- Seek approval in accordance with relevant policy prior to embarking on any proposed private employment while giving employment with Roads and Maritime Services primary consideration.

When you are uncertain whether a conflict exists, you should discuss this with your manager.

Case Study: “Better to be safe than sorry”

Issue. You are on a panel to select a new cleaning company for the regional office. A close friend recently set up a cleaning business and told you the contract would really help establish the business. He has submitted a tender for the contract.

Response. You speak with your manager and disclose the relationship with your friend. You both agree it’s best if you withdraw from the selection panel.

Key documents and contacts

- Political or Community Advocacy and Public Comment Procedure
- Conflict of Interest Procedure
- Secondary Employment Procedure
**Respect for people**

Roads and Maritime Services is committed to creating an environment where we can all enjoy rewarding and fulfilling professional working relationships and where differences are respected.

Administrative decisions are to be based on sound management principles and on respect for people. As a member of staff you are required to:

- Treat other staff, customers or members of the public fairly, with courtesy, respect and not give any preferential treatment.
- Respect the professional expertise of other staff.
- Ensure you do not discriminate against, harass, intimidate, bully or threaten staff, customers or members of the public.
- Ensure you do not victimise staff, customers, or members of the public for any reason. Not use the internet or email to access, create, store or distribute offensive documents or images including material that may be discriminatory, harassing, offensive, graphic or pornographic. Any inappropriate email inadvertently opened by you should be deleted and/or reported immediately.
- Commit to resolving personal or work-related disputes or differences in a constructive, co-operative and timely manner.
- Be sensitive to and respect the culture of the Aboriginal community of Australia and the diverse ethnic and cultural background of staff, customers and members of the public.

Harassment or discrimination on the grounds of sex, marital status, pregnancy, age, race, social origin, carers' responsibility, religion, disability or illness, political opinion, industrial activity and irrelevant criminal record, transgender status (actual or presumed), or sexual preference (actual or presumed) may be an offence under the *Anti-Discrimination Act 1977*. In addition, staff must not harass or discriminate against others on the grounds of political or religious conviction or membership of a union.

Report instances of discrimination, intimidation, victimisation, harassment or workplace bullying that come to your attention to your manager or other senior manager. All such reports must also be referred to the General Manager, Human Resources.

**Case Study: “Respect for others”**

**Issue.** You find it hard to get along with a particular colleague at work. Sometimes you are even tempted to avoid talking to your colleague about work-related issues.

**Response.** You know it is important to be professional in the workplace and you put aside your differences to effectively resolve work-related issues. However, if your differences escalate, try and resolve it yourselves. If this fails, then consult your manager.

**Key documents and contacts**

- Appropriate use of RMS Systems and Resources Procedure
- Grievance Resolution Procedure
- Discrimination, Harassment and Bullying Prevention and Management Procedure
- Anti-discrimination legislation
- General Manager Human Resources
- HR Advisory
Customer service

The people of NSW and other Roads and Maritime Services staff have a legitimate expectation that the service they receive from Roads and Maritime Services staff is of the highest standard that can be achieved with the available resources. Where appropriate, members of the public who deal with Roads and Maritime Services should be informed of their right to appeal any decision by Roads and Maritime Services and how that appeal may be made.

In order to achieve a high level of customer service, Roads and Maritime Services and you as a staff member are required to:

- Ensure our customers are provided with accurate information and timely service delivery.
- Deal with customers and their enquiries sensitively, consistently, promptly, fairly, with respect and courtesy.
- Provide our customers with information that is clear, appropriate to their enquiry, up to date and without undue delay.
- Provide our customers with appropriate assistance in undertaking follow-up action and keep them informed if there is a delay.
- Deliver services in the most efficient and timely way.
- Strive to improve standards of service.
- Listen to and understand what the customer wants and allow them an opportunity to express their opinion.
- If you cannot provide the service requested, explain why.
- Raise any anomalies with your management and consider alternative outcomes.
- Ensure that correspondence with Roads and Maritime Services customers and clients is written in plain language, using simple terms and in easily understandable formats.
- Where required, ensure that appropriate interpreting or translating services are used.

Case Study: “Keeping cool under fire”

Issue. It is a particularly busy day and the customer you are serving has been rude and difficult to deal with. You know it is very important to continue to act professionally and provide a high level of service. Despite your best endeavours, your customer continues to be abusive.

Response. You maintain a professional approach while dealing with the customer; however you think the situation might be getting out of control and decide to ask your manager for assistance.
Working efficiently
Roads and Maritime Services is entrusted with managing substantial public financial and material resources by the State Government for the benefit of the people of NSW.

While you are carrying out your duties you are required to:

- Ensure that your work is performed in an efficient, economical and effective manner, and to a standard acceptable to Roads and Maritime Services.
- Be conscientious in carrying out your duties and make the most productive use of your time while on duty.
- Be productive, work proactively and demonstrate initiative as appropriate.
- Work diligently with respect for timeframes and associated commitments.
- Work co-operatively and effectively within a team environment.
- Look for ways to improve the way work is performed and services are delivered.
- Ensure value for money is provided in all Roads and Maritime Services activities including services provided by, or purchased from, other public and private sector organisations.
- Avoid waste in the use of Roads and Maritime Services financial, material and human resources.
- Be economical and efficient in the use of Roads and Maritime Services resources and use them for official purposes only, unless personal use is approved within policy guidelines.

Case Study: “Timely reminder”

Issue. You notice that one of the staff you supervise has been arriving to work late. The staff member also takes several long breaks during the day and seems to be having long private phone calls.

Response. You take the staff member aside for a confidential and informal discussion about the need to focus on their work. Once you are satisfied there are no personal or health factors affecting the staff member’s behaviour, you advise that a more formal approach may need to be taken if performance does not improve.
Official and personal information

All staff members are required to make full and accurate records of activities undertaken in the course of their work. You must take care to maintain the integrity and security of all Roads and Maritime Services records and information, particularly personal information concerning staff and members of the public held by Roads and Maritime Services. You may only release authorised information once you are satisfied the request is legitimate.

As a general rule, you may only disclose Roads and Maritime Services' information or records that are deemed to be in the public domain. You may only disclose other Roads and Maritime Services’ information or records:

- Where your duties require you to do so.
- When proper authority has been given.
- When required or authorised to do so by law.
- When called to give evidence in court.

In respect of personal information, you are required to only:

- Collect personal information for a lawful and authorised purpose, and where it is required as part of the exercise of your duties, with the express knowledge of the individual to whom the records relate.
- Use personal information for the purpose for which it is collected or held, unless authorised to do otherwise.
- Access, disclose or allow others to access personal information with the proper authority.
- Amend personal information held by Roads and Maritime Services with the proper authorisation.

If there is any reason to believe that another staff member is using Roads and Maritime Services information improperly, this should be raised with a manager or reported in accordance with the Public Interest Disclosures – Internal Reporting Policy and Procedure.

Misuse of official information is specifically included in the definition of corrupt conduct in the Independent Commission Against Corruption Act 1988. The corrupt use or disclosure of personal information that a Roads and Maritime Services staff member has access to in the exercise of their duties, is an offence under the Privacy and Personal Information Protection Act 1998 and penalties can be invoked under the Crimes Act 1900.

Case Study: “Protecting privacy”

**Issue.** You use Roads and Maritime Services’ Driver & Vehicle System (DRIVES) database for work purposes. Your sister calls you at work to tell you she is going to buy a new car. She asks you to check who the previous owners of the car were and gives you the registration details.

**Response.** You tell her you cannot look at that information on DRIVES because it would be an unauthorised access. You tell her that the information on DRIVES is confidential and can only be accessed for work-related purposes.

Key documents and contacts

- Employee Personal Records Policy (CPS 26)
- Protection of Personal Information Policy
- Records Management Program Policy
- Rules for DRIVES Access
- Security Classification and Protection for Records and Information Policy
- Public Interest Disclosures – Internal Reporting Policy and Procedure
Procedure

- Crimes Act 1900
- Corrupt Conduct and Maladministration Prevention Policy
- Independent Commission Against Corruption Act 1988
- Public Interest Disclosures Act 1994
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998
Environmental awareness

Environmental sustainability in design, planning and construction are core values of Roads and Maritime Services that underlie the development and maintenance of the NSW road transport system.

Roads and Maritime Services staff have a responsibility to protect the environment and heritage, and achieve environmental outcomes which can be sustained. Roads and Maritime Services staff should be aware of the impact of work on the environment and make every effort to avoid and reduce impacts, energy use and minimise waste.

As a member of staff, you are required to:

- Comply with environmental legislation and regulations and work in accordance with all Roads and Maritime Services environmental guidelines, standards, and management procedures applicable to your area of work.
- Work carefully at all times to protect the environment in a manner consistent with Roads and Maritime Services' legal environmental obligations.
- Report any environmental impacts, hazards or potential environmental management issues of which you become aware to the responsible officer, including poorly installed or poorly operating equipment encountered in your working day.
- Cooperate in the management of environmental matters, including responding to the reasonable directions of external environmental regulators.
- Participate in relevant environmental management consultation and training and use effective environmental management measures in your work.
- Use environmentally friendly products wherever possible and avoid waste of Roads and Maritime Services resources.
- Be sensitive and responsive to environmental issues raised by the public, interested or affected parties; and where appropriate, involve the community in planning and implementation decisions.

Where appropriate, demonstrate leadership and commitment in assessing and effectively managing environmental risks.

Case Study: “Go green”

Issue. You regularly attend meetings away from your office where you fly or drive alone.

Response. Consider opportunities to reduce your carbon footprint by using video or teleconferences, using public transport and car pooling where appropriate. Where you must travel, organise multiple meetings to reduce the frequency of trips.

Key documents and contacts

- Environment Policy
- (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999
- Environmental Planning and Assessment Act 1979
- Heritage Act 1977
- National Parks and Wildlife Act 1974
- Protection of the Environment Operations Act 1997
Workplace safety

The Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011 require Roads and Maritime Services to provide a safe workplace for staff wherever they perform their duties, and for visitors to Roads and Maritime Services premises and work sites.

The Act and Regulation also impose obligations on all staff to take reasonable care of other persons at the workplace, and to co-operate with the implementation of safe systems of work. To ensure a safe workplace you are required to:

- Follow all safety instructions and approved safe methods of work, including the wearing of safety clothing and equipment provided to you.
- Be familiar with and follow policies and procedures for the safety and security of Roads and Maritime Services staff, customers, premises, plant and equipment.
- Report any unsafe work practices or situations with potential to harm or injure staff or members of the public.
- Take swift and appropriate action to the best of your ability and expertise, to protect and ensure the safety of staff and the public in the event of an accident or incident.
- Take reasonable care for the health and safety of people at a Roads and Maritime Services workplace, who may be affected by your conduct.
- Ensure you are not impaired by drugs or alcohol while at work or while carrying out your duties.
- Participate, when required, in workplace health and safety consultation and training.
- Assist in identifying risks at work and eliminating or controlling risks where requested to do so.
- Not damage or destroy any information, materials, plant or equipment that are designed to ensure safety in the workplace.

Roads and Maritime Services also has reporting obligations under work health and safety legislation. Where an accident has occurred at work or on Roads and Maritime Services premises, Roads and Maritime Services must report the incident to WorkCover NSW. As a consequence, you are required to:

- Report any accidents or injuries at work to the EnSafe (OHS Incident) Helpdesk 1300 131 469 in accordance with approved procedures.
- Direct any enquiries relating to incidents at work or on Roads and Maritime Services premises to your supervisor or manager.

Case Study: “Never let work compromise safety”

Issue. You work in a traffic control position. Recently you and your colleagues encountered a number of near misses by oncoming vehicles. You and your colleagues are concerned about the safety of everyone at the work site.

Response. You immediately raise your concerns with your manager to instigate a review of traffic control plans and relevant Safe Work Method Statements. You make sure near misses are reported using the EnSafe Incident reporting system. Your team drafts up a safe work plan and submits it to your manager for consideration. During the next team meeting opportunities are given to discuss concerns of potential dangers and a new safe work plan.

Key documents and contacts
• Drug and Alcohol Policy
• WHS Policy Statement
• Work Health and Safety Act 2011
• Work Health and Safety Regulation 2011
• EnSafe (WHS Incident) Helpdesk 1300 131 469
Road and water safety
Roads and Maritime Services has a primary responsibility within government for providing a safe, sustainable and efficient road transport system and for the safety of navigation on the State’s waterways.

When driving a vehicle or plant or operating a vessel or plant as part of your Roads and Maritime Services duties (including working as the team leader/master or crew), you must:

- Drive Roads and Maritime Services vehicles and operate Roads and Maritime Services vessels and plant safely, in accordance with the law and applicable Roads and Maritime Services policies and procedures including and Safe Work Method Statements.
- Ensure you take frequent breaks when undertaking long distance journeys.
- Not drive Roads and Maritime Services vehicles, vessels or operate Roads and Maritime Services plant while impaired by drugs or alcohol, including prescribed or patented medicines.
- Where required, ensure that appropriate traffic control plans and other road and water safety procedures and protocols are established and followed on Roads and Maritime Services work sites.

You can also personally contribute to safety on our roads and waterways by:

- Adopting low risk driving behaviours when driving in your own time, including driving within speed limits, in accordance with the law, and free of drugs or alcohol.

Case Study: “Safety first”
Issue. You have booked a Roads and Maritime Services vehicle to drive to a meeting at another Roads and Maritime Services office. You are not feeling too well having taken a strong pain killer. You are still feeling light headed and nauseous before you are about to leave.

Response. You call the person you were meeting and reschedule for another day.

Key documents and contacts
- Drug and Alcohol Policy
- Safe Work Method Statement — Coastal Operations Procedures
- Environmental Services — Work Systems Manual
- Incidents involving NSW Maritime Vessels
- Safe Driving Policy
**Breaches of policy**

Breaches of the Code, or approved Roads and Maritime Services policies and procedures may result in disciplinary action being taken, up to and including dismissal.

Victimisation of staff who may be involved in investigations of harassment, misconduct or corrupt conduct will not be tolerated and may result in disciplinary action.

This Code does not affect your rights as an employee under common law, relevant legislation, and industrial awards and agreements.
For more information or to report a concern
Internally
- Your manager or other senior manager
- Chief Audit and Risk Officer
- General Manager, Human Resources

Externally
- Independent Commission Against Corruption (1800 463 909)
- The NSW Ombudsman (1800 451 524)

- Chief Executive
- HR Advisory (1800 618 445)
- Ethics Hotline (1800 043 642)
- EnSafe Helpdesk (1300 131 469)
- Policies listed throughout the Code

- The NSW Auditor-General (02 9275 7100)
Evaluation
This policy and the associated procedures will be evaluated as appropriate, taking into account changes to New South Wales and Commonwealth legislation, government policy, identification of changing trends, and feedback provided to Human Resources on the effectiveness of the policy.

Quality Records
IE90/2316

Additional Information
- **Effective date:** 1 November 2011
- **Review date:** No later than November 2014
- **Policy replaces:** N/A
Transport Conflicts of Interest Policy – Personal Interests, Secondary Employment, Gifts and Benefits

Applicable to:

This Policy applies to staff and contingent workers in the following agencies:

- Transport for NSW (TfNSW)
- Department of Transport (DoT)
- Roads and Maritime Services (RMS)
- Sydney Trains
- NSW Trains
- RailCorp
- State Transit
- WestConnex Delivery Authority

The term ‘staff’ is used in this Policy to cover all permanent, temporary and casual staff.
The term ‘contingent workers’ is used in this Policy to cover staff seconded from another organisation, labour hire, professional services contractors and consultants.

Status: Approved
Division: People and Corporate Services
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Review Date: 1 September 2016
Document Approver: Secretary
Document Owner: Executive Director, Group Human Resources
WCAG compliance attested: Executive Director, Group Human Resources
Superseded Documents: Transport Conflicts of Interest Policy

GIPA Publication Requirement: This document is required to be made publicly available by the Government Information (Public Access) Act 2009

APPROVED BY SECRETARY
1. Purpose

Integrity is one of our core values, and Transport is committed to providing a fair and ethical environment for the conduct of its operations.

This Policy outlines the expected standards of behaviour in relation to actual, potential or perceived conflicts of interest which may arise from personal interests, secondary employment and gifts and benefits (including hospitality) to ensure, insofar as reasonably practicable, impartial and transparent decision making when interacting with customers, suppliers and stakeholders.

2. Mandatory requirements

All individuals covered by this Policy must perform their duties in a fair and unbiased way, and not make decisions which may be perceived as advancing self interest or personal gain.

Conflicts of interest must be disclosed, and reasonable steps should be taken to avoid these in connection with transport duties and obligations.

2.1 Conflicts of interest

A conflict of interest is a situation where an individual covered by this Policy could be influenced, or be seen to be influenced, by a personal interest in carrying out their official duties. A conflict of interest can arise from avoiding losses or gaining advantage for self or others (whether financial or otherwise) and can be actual, potential or perceived.

- An actual conflict of interest involves a conflict between an individual's duties and responsibilities in serving a transport agencies’ interest, and the individual’s existing private interests.
- A potential conflict of interest arises where an individual has private interests that could conflict with their official duties in the future.
- A perceived conflict of interest exists where it appears, or where it is or could be perceived, that an individual's private interests could improperly influence the performance of their official duties, whether or not this is in fact the case.

To facilitate transparent and ethical decision making, all individuals covered by this Policy must avoid any actual, perceived or potential conflicts of interest.

If an actual, perceived or potential conflict arises, individuals must report the conflict of interest in writing to their manager when the conflict is identified. If the conflict impacts on their manager, they should report the conflict to the two-up manager or to their corruption prevention area. Individuals will receive written acknowledgement that their conflict of interest has been received.

The conflict of interest must then be registered in the agencies’ Conflicts of Interest Register.

Conflicts of interests can involve pecuniary interests (financial interests or other material benefits or costs, including shares), or non-pecuniary interests (such as personal or family relationships). They can involve the interests of the individual or their immediate family or relatives, friends, business partners or associates (where these interests are known by the individual). They include any tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.
All individuals must be careful when dealing with former staff, and make sure former staff do not receive favourable treatment or access to private or confidential information. Individuals must report incidents where attempts are made to influence them by former staff. Failure to disclose a conflict of interest in accordance with this Policy may constitute corrupt conduct as defined in the Independent Commission Against Corruption Act 1988.

Conflicts of interest must be declared in writing in accordance with agency procedures. Individuals must also:

- identify with managers methods for managing the conflicts;
- disclose the conflict and arrange for it to be registered on your agency's Conflicts of Interest Register; and
- monitor the conflict and comply with the methods implemented to manage it.

All Senior Service staff members (including staff acting in Senior Service roles) are also required to make a written declaration of private financial, business, personal and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the staff member.

Where a Senior Service staff member has no such private interests to declare, they must declare a 'nil' return.

After a Senior Service staff member makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the Senior Service staff member’s private interests;
- as soon as practicable, following the Senior Service staff member’s movement to a new role or responsibility; or
- annually.

### 2.1.1 Examples of conflicts of interest

The following are examples of conflicts of interest. This list is a guide to assist individuals when considering if situations could be a conflict of interest, and is not exhaustive:

- an individual on a selection panel is a friend, relative or foe of an applicant for the position;
- an individual assessing tenders from companies in which they, relatives, friends or foes have an interest;
- an individual assessing licensing requests from relatives, friends or foes (e.g. taxi or bus licence applications);
- an individual is in a position to assess grants to a community group to which they belong;
- an individual is in a position to influence new transport zones or routes in areas they relatives, friends or foes live;
- an individual is the director/shareholder of a company that may be affected by policy changes being considered in their work area;
UNCLASSIFIED

Transport Conflicts of Interest Policy – Personal Interests, Secondary Employment, Gifts and Benefits

Policy Number: CP14036.1
Objective Ref: A4641619
Effective Date: 01/09/15

- an individual is engaged in secondary employment and their secondary employment work hours conflict with the hours of work at their Transport agency;
- an individual is responsible for approving major station upgrades and is also a member of the local citizens' association which has made a representation for a new lift at the local train station; and/or
- an individual engages a graphic design company owned by a relative, friend or foe to create or print brochures for a project launch.

To assess if there may be a conflict of interest, individuals may find it useful to consider, either by themselves or in consultation with their manager, 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 the department’s objectives and the Code of Conduct?
3. What will be the outcomes for staff, work colleagues or Transport?
4. Do these outcomes raise a 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?

2.1.2 Recruitment selection panels

Where a selection panel member has a personal or previous relationship with an applicant that may give rise to a conflict of interest (or be perceived as a conflict of interest), it must be declared to the convenor and other members of the panel (or to the convenor’s manager if the convenor is making the declaration) using the Selection Panel Declaration Form. The convenor may choose to replace the panel member who has declared the conflict, or the decision may be referred to the delegated officer who will determine whether it is appropriate for the panel member to remain on the selection panel. It must then be decided whether the panel member should be removed from the selection process.

It may be the case that a selection panel member is the current manager of an applicant. In such cases, the panel member should consider providing a reference for the applicant prior to interview. Where an early reference is not possible, or it is requested at a later stage, the member should take particular care to provide information solely on the applicant’s capabilities, without comparing them to other applicants. Another option is to use a third independent panel member.

2.2 Secondary Employment

Transport does not restrict individuals covered by this Policy from seeking secondary employment, but expects them to prioritise fulfilling their designated duties with a Transport agency safely, effectively, efficiently, honestly and ethically. Any other employment is therefore considered secondary employment and must not interfere or conflict with an individual’s responsibilities to the Transport agency.

Secondary employment refers to any additional paid employment or voluntary emergency service work that an individual is engaged in outside of their primary position in the Transport agency. Involvement in unpaid Union activities or Union activities for which an honorarium is paid is not considered secondary employment.
Approval may be granted to undertake secondary employment, provided that it does not conflict with or adversely affect an individual’s official duties.

Secondary employment includes, but is not limited to:

- any permanent, casual, temporary, part time or full time employment with another organisation or Transport agency;
- all self-employment or sole trader activity;
- all paid or unpaid independent contracting or consulting;
- operating or being involved in a paid capacity in a business, including but not limited to, occasional duties such as book-keeping, employment as an employee, engagement as a contractor/consultant, being a partner, (this includes anyone who has an Australian Business Number (ABN), whether it be in use or not), majority shareholder or officeholder (such as a director or secretary);
- operating or being involved in a paid capacity in a private business (excluding self managed superannuation funds), including as a director, a partner, paid office holder (this includes anyone who has an Australian Business Number (ABN), whether it be in use or not), secretary or majority shareholder;
- all paid or voluntary emergency services work (refer to section 2.2.2 of this Policy); and/or
- holding any office or engaging in any employment for which an individual is entitled to be paid, but where they choose not to accept payment or accept only a honorarium or allowance for their services.

Staff must obtain prior written approval in accordance with the agency’s delegation manual, this Policy and agency procedures before engaging in any form of secondary employment (refer to section 2.2.2 of this Policy for agency specific information on obtaining approval for volunteer emergency services work) outside of their primary position in a Transport agency. This requirement also applies to new staff who on joining a Transport agency have outside employment they wish to continue.

Secondary employment must:

- not involve the use of a Transport agencies intellectual property, confidential information or resources (e.g. stationery, printer, photocopier, telephone, vehicles). This excludes emergency services work;
- not be conducted during work hours or on work premises (excludes emergency services work);
- be determined as lawful, and must not damage the reputation of a Transport agency;
- take into consideration potential issues of fatigue and impact on work, health and safety. All individual’s have a duty of care to themselves and others. Rail Safety Workers and Bus Operators in particular are responsible for ensuring they attend duty in a fit and well-rested condition, to enable them to commence and complete their shift unimpaired by the effects of fatigue;
- not actively be misrepresented as being under the auspice of any Transport agency; and/or
• not involve directing work colleagues to perform tasks for the individual’s own secondary employment.

To minimise the risk of corruption, individuals who are directly involved in procurement (e.g. as a member of a procurement team, tender evaluation panel or engaged in low-end purchasing) are prohibited from undertaking secondary employment with a supplier, or potential supplier, of goods, works or services to any Transport agency.

2.2.1 Charity Work/Unpaid Voluntary Work

This Policy is not intended to apply to genuine charity or community service activities where individuals are not entitled to receive any financial gain or benefit. However, individual’s engaged in such activities, particularly activities involving heavy physical work or long hours, must ensure that this does not adversely impact on their fitness for work, including fatigue, and that they do not use their primary position in the Transport agency to obtain an advantage or benefit.

Actual, potential or perceived conflicts of interest must also be considered in relation to such work and must be declared.

2.2.2 Volunteer Emergency Services Work

Staff must refer to relevant agency procedures for information on the level of approval required to engage in voluntary emergency services work.

Sydney Trains, NSW Trains and RailCorp staff must obtain prior approval before engaging in voluntary emergency services work.

RMS, STA, DoT and TfNSW staff are not required to obtain prior approval before engaging in voluntary emergency services work.

Staff engaged in such activities, particularly activities involving heavy physical work or long hours, must ensure that this does not adversely impact on their fitness for work. Where required, managers and staff may consider emergency leave provisions to ensure they present fit for work.

Actual, potential or perceived conflicts of interest must also be considered in relation to such work and must be declared.

2.3 Gifts and Benefits (including hospitality)

A gift is an item of value which one person or organisation presents to another (for example, this may include but is not limited to such things as gift vouchers, entertainment, hospitality, travel, commodity, property etc).

A benefit is a non-tangible item of value (for example, this may include but is not limited to such things as a new job or a promotion, preferential treatment or access to confidential information) that one person or organisation confers on another.

Hospitality includes free or subsidised meals or beverages provided to individuals infrequently (and/or reciprocally) by individuals and representatives of other agencies (including private sector organisations) associated with meetings or visits in connection with official functions.

Acceptance of a gift or benefit can create a sense of obligation that may compromise impartial and honest decision making, and may be perceived as a bribe to further personal or business interests. In the business context, gifts and benefits can have different meanings and purposes. The purpose of the gift or benefit, to a certain extent, affects how it should be managed.
A bribe is a gift or benefit that is offered to or solicited by a public officer to influence that person to act in a particular way. Individuals must refuse to accept any gift or benefit that they believe is offered as a bribe.

Significant personal loans (regardless of whether interest is applied or not) exchanged between individual’s and/or potential or actual providers of services to a Transport agency may be considered a gift and/or benefit, and may result in an actual, potential or perceived conflict of interest.

2.3.1 Examples of gifts or benefits
Gifts and/or benefits related to official duties or personal relationships may include, but are not limited to:

- offers of cash, gift vouchers/cards, shares or other monetary equivalents;
- gifts, such as bottles of wine and/or manufacturers’ samples;
- promotional materials, including clothing, books, CDs or DVDs;
- provision of goods or services for personal use, such as labour or building materials;
- sponsored travel;
- use of facilities, such as gyms or holiday homes;
- accommodation and car hire discounts;
- discounts on commercial items;
- gifts to family members that arise in connection with the individual’s member’s official duties;
- prizes obtained during work related functions being organised by a third party;
- prizes, gifts and/or benefits that are won as a result of entering a competition while engaging in official duties, e.g. lucky door prizes at seminars, supplier run competitions;
- invitations to potential or actual supplier-organised event including, but not limited to, a conference/award dinner, Christmas parties;
- personal benefits gained from Transport purchases under a purchase incentive scheme; and/or
- preferential treatment or favouritism.

2.3.2 Examples of hospitality
Examples of low risk hospitality include, but are not limited to:

- functions where the recipient attends in an official capacity as their organisation’s representative;
- hospitality provided as part of a conference package, where the agency has paid a fee for the staff member to attend;
- catered briefings where invitees form a range of external organisations are present; and/or
occasional working lunches, where the hospitality is incidental and of low value.

Examples of higher risk hospitality include, but are not limited to:

- restaurant meals (except as described above);
- invitations to lunches, dinners or other events to secure a deal or to celebrate the finalisation of a procurement process; and/or
- invitations to functions held in private homes.

### 2.3.3 Managing gifts, benefits and hospitality

STA and RMS staff and contingent workers must not accept gifts or benefits in any circumstance.

TfNSW, Sydney Trains, NSW Trains and RailCorp have a set monetary amount (token value) under which gifts and benefits can be accepted if it does not compromise the individual, the agency or cause an actual, potential or perceived conflict of interest.

Sydney Trains, NSW Trains and RailCorp staff and contingent workers have additional restrictions on gifts or benefits which must not be accepted. Acceptable monetary amounts also apply to cumulative gifts and benefits. Refer to the relevant Transport agency procedures for more information.

Staff and contingent workers who are directly involved in procurement (e.g. as a member of a procurement team, tender evaluation panel or engaged in low-end purchasing) are prohibited from accepting any gift or benefit from a supplier, or potential supplier of goods, works or services to any Transport agency.

This Policy is not intended to apply where individuals attend events sponsored or organised by transport, or to staff recognition incentives. Where gifts and/or benefits are awarded in order to recognise staff performance or contribution to the organisation, agencies must apply the conflict of interest principles outlined in this Policy.

In relation to the management of gifts, benefits and/or hospitality, individuals must:

- refer to agency procedures in relation to the acceptable values of gifts, benefits and/or hospitality;
- under no circumstances, request gifts, benefits or hospitality for themselves, their friends or family from any of the people they deal with in the course of their work;
- report offers of bribes immediately to the appropriate person;
- record all offers of gifts and benefits that are declined; and
- treat prizes at external functions, courses, etc as gifts.

The following gifts, benefits and/or hospitality must not be accepted:

- gifts of money (including monetary equivalents such as gift vouchers and shares);
- gifts or benefits that seek to influence an individual’s duties;
- attempts at bribery;
- hospitality that extends beyond reasonable courtesy and may therefore be perceived as attempting to influence;
3. **Accountabilities**

3.1 **Staff Member/Contingent Worker**

3.1.1 **Conflicts of Interest**

- Avoid any situation that could compromise their ability to perform their job impartially.
- Treat all persons fairly and not show preference to any individual or organisation.
- Assess their private and personal interests and whether they conflict, or have the potential to conflict, with their official duties and responsibilities.
- Avoid, where possible, conflicts of interest and manage those conflicts of interest that cannot be avoided in accordance with this Policy and the agency’s respective procedure/s.
- Disclose all conflicts of interests, including potential or perceived conflicts of interest, according to their respective agency’s procedure/s.
- Immediately inform management of any changes which may affect an actual, potential or perceived conflict of interest.

3.1.2 **Gifts and Benefits**

- Not seek any payment, gift or benefit, for themselves or a family member or friend.
- Take all reasonable steps to ensure family members and friends do not receive gifts and benefits intended to influence the individual’s decision making as a public official and to declare any such offers.
- Declare gifts and/or benefits that are accepted or declined in accordance with relevant agency procedures.

3.1.3 **Secondary Employment**

- Obtain written approval prior to engaging in secondary employment. This includes:
  - wishing to undertake secondary employment in addition to their current primary employment;
  - wishing to undertake secondary employment while they are on leave (including leave without pay); and/or
  - staff of one Transport agency wishing to apply for concurrent employment with another Transport agency.

3.2 **Transport Agencies**

3.2.1 **Conflicts of Interest**

- Establish a system for managing conflicts of interest, gifts and benefits and secondary employment in the form of clear policies and procedures.
- Establishing and maintaining a Conflicts of Interest Register.
Raise awareness and routinely disseminate information on responsibilities in relation to conflicts of interest, gifts and benefits and secondary employment.
Include conflicts of interest as a risk to be assessed in the agency’s corruption risk management processes.
Implement processes for staff to complete a statement of private interests (such as secondary employment, business dealings, property, shares) on commencement, annually or at another appropriate time which may result in a conflict.
Formally record arrangements for addressing each conflict of interest and details of the approving manager so that the agency can demonstrate how each conflict of interest is/was managed.
Implement a method for identifying conflicts of interest when procurement or recruitment panels are being convened, to ensure individuals with related interests are not members of panels.
Provide points of contact for managers wanting assistance in identifying a conflict of interest and/or the type of conflict including management strategies in accordance with agency procedures.
Incorporate conflicts of interest, gifts and benefits and secondary employment awareness into agency induction programs.

3.2.2 Gifts and Benefits
Set a monetary limit beyond which gifts or benefits should be declined or disposed of in accordance with agency procedures.
Provide guidance on the disposal of gifts deemed to be unacceptable.
Maintain a register containing details of gifts and benefits and the decision associated with each. For each gift or benefit offered (i.e. both accepted and declined), the register should include the date of the offer, details of the person and/or organisation making the offer, relationship of the gift-giver to the recipient, disclosure of any conflict of interest, reason for the offer (as assessed by the recipient), description of the gift, estimated value, name (and verification) of the person who was offered the gift, decision regarding what should happen with the gift and reasons for that decision and approval of the delegated manager.

3.2.3 Secondary Employment
Maintain records of all secondary employment applications and approvals, including the projected hours of work.
Implement processes to review secondary employment applications annually.

3.3 Managers
3.3.1 Conflicts of Interest
Be conscious of the work of individual’s in relation to the risks they may be exposed to regarding conflicts of interest and gifts and benefits.
Raise awareness of relevant agency procedures linked to this Policy.
Address breaches of this Policy and/or associated procedures as soon as possible directly with the individual, or seek assistance from HR Advisory.
Provide advice to and assist individual’s with appropriate ways to manage conflicts of interest in accordance with agency procedures.
Evaluate whether the conflict of interest in question is likely to affect the individual’s ability to complete Transport duties in a fair, impartial and honest manner.
Document the receipt and outcome of disclosures of conflicts of interest reported to them by individual’s, and notify the person tasked with maintaining the agency’s Conflicts of Interest Register, including details of decisions made and actions taken.

Re-assess the conflict of interest management strategy when a change of circumstances is declared.

Managers involved in procurement or selection processes may have additional responsibilities in accordance with agency procedures.

3.3.2 Gifts and Benefits

Consider and approve the treatment of gifts and benefits reported to them by individuals, including documentation of decisions and ensure that the Gifts and Benefits Register is updated with the required details, decisions made and actions taken.

3.3.3 Secondary Employment

Review all secondary employment approvals every 12 months or earlier if required.

Regularly review attendance records of all staff granted permission to undertake secondary employment to ensure the secondary employment is not impacting on their hours or work.

Follow up outstanding applications/renewals for staff members within their unit.

3.3.4 HR Advisory

Respond to enquiries in relation to this Policy and/or associated agency procedures.

4. Privacy and confidentiality

Transport agencies will collect, use, store and disclose personal and health information as defined in the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002 in a manner consistent with the requirements of these Acts.

Information provided about conflicts of interest, gifts and benefits and secondary employment will be managed in accordance with the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

5. Breaches of this policy

Transport agencies may commence disciplinary action if a person to whom this Policy applies breaches this Policy (or any of its related procedures), up to and including termination of employment, or contract.

Breaches of this Policy or non-disclosure may be reported to the Independent Commission Against Corruption (ICAC) or, if they involve criminal activity, to the NSW Police Force.

6. Document history

<table>
<thead>
<tr>
<th>Date &amp; Policy No</th>
<th>Approved by</th>
<th>Amendment Notes</th>
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<tr>
<td>27 Oct 2014 CP14036</td>
<td>Secretary</td>
<td>Approved</td>
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7. Attachments/related links

The following documents relating to this Policy can be found on the intranet at the following location:

<table>
<thead>
<tr>
<th>Title</th>
<th>Agency</th>
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<tbody>
<tr>
<td>Transport Code of Conduct</td>
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<tr>
<td>Conflicts of Interest Procedure</td>
<td>TfNSW</td>
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<td>Gifts and Benefits Procedure</td>
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<td>Secondary Employment Procedure</td>
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<td>Statement of Business Ethics</td>
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<td>Conflict of Interest Procedure</td>
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<td>Secondary Employment Procedure</td>
<td>RMS</td>
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<tr>
<td>Bribes, Gifts and Other Benefits Procedure</td>
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<td>STA Conflict of Interest (Proc 17.06)</td>
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<td>STA Secondary Employment (Proc 55.12)</td>
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<td>STA Statement of Business Ethics (Pol 73)</td>
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<tr>
<td>Gifts and Benefits (including hospitality) Procedure</td>
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<td>Secondary Employment and Emergency Services Work Procedure</td>
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<td>Independent Commission Against Corruption Act 1988</td>
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<tr>
<td>Health Records and Information Privacy Act 2002</td>
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Appendix D – RMS Customer Charter
Chief Executive Message

Welcome to RMS: Roads and Maritime Services, a new agency that brings together the former RTA and NSW Maritime Authority.

As a new organisation we aim “to be the leader in the management and delivery of safe, efficient and high quality services and infrastructure to the community and businesses of NSW”.

Put simply, this means everything we do is about providing a quality service to our customers. We will work hard to listen and engage, to deliver efficient and effective services and products, and ensure everything we do is of the highest standard.

This is something we take very seriously and we hope this Customer Charter will explain our promises and commitments to you. These promises are made on behalf of all RMS divisions, our partners and suppliers.

Your comments are important to us. We will continue to gather feedback from customers and stakeholders, and update and improve what we do, to make sure we meet your expectations.

I am pleased to be able to share this Customer Charter which is a significant step forward for our organisation. It demonstrates our commitment to putting you, our customer, at the centre of everything we do.

Peter Duncan
Chief Executive

About RMS

Roads and Maritime Services (RMS) is a service delivery agency for Transport for NSW. Established on 1 November 2011, we look after the NSW road and waterway networks by delivering our Core Services.
Customer Promises and Commitments

We will listen and take action
• We will use your feedback to continually improve services.
• We will actively manage your matter from start to finish.
• We will be contactable in ways that work for you.

We will consult and collaborate
• We will consult with you regularly on projects and matters that impact you.
• We will include communities in our decision making process.
• We will use your insights to inform our decisions and outcomes.

We will make safety our priority
• We will work to maximise safety on our roads and waterways.
• We will provide a safe environment for the community and our staff.
• We will work to ensure that vehicles and vessels are registered, licensed and operated safely.

We will keep you informed
• We will provide you with information to make safe and efficient travel choices.
• We will minimise disruption to your travel through appropriate diversions and relevant information.
• We will communicate future plans for NSW roads and waterways.

Our Core Services
• Building and maintaining infrastructure.
• Providing licence and registration services.
• Managing compliance to rules and regulations.
• Providing safety management services.
• Delivering traffic management services.
• Delivering environmental solutions.
• Managing tolling services.
• Regulating users of roads and waterways.
Contact us and provide feedback

For customer enquiries and feedback please access one of the following channels:

**Website**  
www.rms.nsw.gov.au

**Email**  
contactus@rms.nsw.gov.au

**Phone**  
**For Roads**: 132 213  
8.30am – 5pm Monday to Friday  
8.30am – 12 noon Saturday

**For Maritime**: 131 256  
8.30am – 4.30pm  
Seven days a week

**Mail**  
Customer Feedback  
Roads and Maritime Services  
Locked Bag 928  
North Sydney NSW 2059

Stay informed

www.rms.nsw.gov.au

Trip information page  

August 2012  
RMS/Pub. 12.237
Appendix E

Our Vision
One team delivering a better Pacific Highway

Our Mission
As Delivery Partner we will constructively challenge and innovate as an inclusive team to complete the Pacific Highway Upgrade, providing exceptional public value.

We will achieve this by living our Values

Safety & Environment – First + Always
Legacy – Create a Sustainable Journey for the Future
Integrity – Act with Respect & Trust
Innovation – Challenge for Change
Passion – Enjoy the Journey Together