

**FOLLOW UP OF THE AUDITOR-GENERAL'S
PERFORMANCE AUDITS SEPTEMBER 2012 -
MARCH 2013**

Organisation: Transport for NSW
Name: Mr David Stewart
Position: Secretary
Date Received: 17/04/2014



Transport
for NSW

Mr Jonathan O'Dea MP
Chair
Legislative Assembly Public Accounts Committee
Parliament of NSW
Macquarie St
Sydney NSW 2000

Dear Mr O'Dea

Transport for NSW (TfNSW) is pleased to submit the 12 month report on TfNSW's implementation of recommendations made in the Auditor-General's *Performance Audit Report no.228 on Managing Gifts and Benefits*.

Attachment A provides an update on each of the recommendations for TfNSW. Also attached are relevant TfNSW documents related to the implementation of recommendations for your information. These are:

Attachment B: Conflict of Interest Policy

Attachment C: Gifts and Benefits Declaration Form

I appreciate the recommendations to improve TfNSW's management of gifts and benefits through the *Performance Audit Report*.

Yours sincerely



David Stewart
Secretary

16 APR 2014

Attach:

IMPLEMENTATION OF RECOMMENDATIONS – 12 month report

Name of agency: Transport for NSW

Name of performance Audit: Auditor-General's Performance Audit Report no.228 on Managing Gifts and Benefits

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)
1. TfNSW improve its code of conduct in relation to gifts and benefits by:				
<ul style="list-style-type: none"> prohibiting the acceptance of gift vouchers, shares and other monetary equivalents 	Accepted	Conflict of Interest Policy amended to include: <i>"offers of cash, gift vouchers, shares or other monetary equivalents; " (p 5)</i>	COMPLETE	HR & Business Services
		Conflict of Interest Policy includes: <i>"In no circumstances must any staff member accept a gift of money in connection with their official duties. This includes gift vouchers, shares and other monetary equivalents". (pg 6)</i>	COMPLETE	
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014	
<ul style="list-style-type: none"> requiring offers of gifts and benefits that are declined to be declared/recorded 	Accepted	Conflict of Interest Policy amended to include: <i>"Offers of gifts and benefits, apart from token value, need to be declared (including gifts or benefits that are declined); " (p 7)</i>	COMPLETE	HR & Business Services
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014	
<ul style="list-style-type: none"> requiring a nominal/token value to apply to cumulative gifts and benefits 	Accepted	Conflict of Interest Policy amended to include: <i>"If a staff member is offered two or more gifts of appreciation or gratitude within a twelve month period, regardless of the value of the gift or whether or not they were provided from the one company/individual source, they will be regarded as a cumulative gift that will need to be declared in writing using the Gifts and Benefits Declaration Form (available on the intranet;" (p 7)</i>	COMPLETE	HR & Business Services

		The updated Code of Conduct will refer to the Conflicts of Interest Policy to address this recommendation.	On track for completion July 2014	
<ul style="list-style-type: none"> requiring gifts to family members to be declined and prizes obtained during work related functions to be treated as gifts 	Accepted	Conflict of Interest Policy amended to include under the section: <u>Gifts and Benefits that must not be accepted:</u> <i>"Gifts and benefits to family members that arise in connection with a staff member's official duties, or which could be perceived to be connected with a staff member's official duties by a reasonable observer." (p6)</i>	COMPLETE	HR & Business Services
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014	
<ul style="list-style-type: none"> prohibiting the acceptance of bonus gifts for agency purchases for personal benefit 	Accepted	Conflict of Interest Policy amended to include under the section: <u>Gifts and Benefits that must not be accepted:</u> <i>"Bonus gifts received for TfNSW purchases that will benefit the receiver personally must be declined and reported, for example a bonus gift received from a purchase incentive scheme." (p6)</i>	COMPLETE	HR & Business Services
		One Code of Conduct for TfNSW and the operating agencies is currently being developed. This recommendation will be incorporated.	On track for completion July 2014	
<ul style="list-style-type: none"> providing guidance on the disposal of gifts deemed to be unacceptable. 	Accepted	Conflict of Interest Policy amended to include the following sections: Section 4.5 Gifts that cannot be returned (p 7-8) Section 4.6 Disposal of Gifts (p8)	COMPLETE	HR & Business Services
		The updated Code of Conduct will refer to the Conflicts of Interest Policy . The TfNSW Gifts and Benefits Procedure (under development) will incorporate this procedure.	On track for completion July 2014	

IMPLEMENTATION OF RECOMMENDATIONS – 12 month report

Name of agency: Transport for NSW

Name of performance Audit: Auditor-General's Performance Audit Report no.228 on Managing Gifts and Benefits

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)
2. TfNSW improve the way it communicates its gifts and benefits policy by:				
<ul style="list-style-type: none"> ensuring the code of conduct and the conflict of interest policy are consistent in their treatment of gifts and benefits 	ACCEPTED	TfNSW advised all staff on the updates of the Conflict of Interest Policy and the Code of Conduct at the time of publication. In addition, staff were reminded of their responsibilities in advance of the 2013/14 holiday period.	COMPLETE	HR & Business Services
		The single Code of Conduct will have consistent messages in the treatment of gifts and benefits to those published in the Conflict of Interest Policy .	On track for completion July 2014	
<ul style="list-style-type: none"> ensuring all staff receive regular formal training in the code of conduct and gifts and benefits 	ACCEPTED	Information on both the Code of Conduct and Gifts and Benefits elements within the Conflict of Interest Policy form part of the induction to TfNSW.	COMPLETE	HR & Business Services
<ul style="list-style-type: none"> highlighting the consequences of breaching the code, which may include suspension, loss of employment, loss of entitlements and even prosecution. Examples from recent ICAC inquiries may be useful. 	ACCEPTED	All staff are made aware through HR Policies on the impact of breaching the Code of Conduct or TfNSW policy/procedures.	COMPLETE	HR & Business Services

IMPLEMENTATION OF RECOMMENDATIONS – 12 month report

Name of agency: Transport for NSW

Name of performance Audit: Auditor-General's Performance Audit Report no.228 on Managing Gifts and Benefits

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	STATUS (complete, on track, delayed) and COMMENT	RESPONSIBILITY (Section or agency responsible for implementation)
3. TfNSW improve its gifts and benefits register by:				
<ul style="list-style-type: none"> recording the date of the offer and identifying the decision-maker 	ACCEPTED	TfNSW has updated its Gifts and Benefits Declaration Form which now includes: <ul style="list-style-type: none"> - date of offer - identifying the decision maker and any conflicts of interest. 	COMPLETE	Audit and Risk
<ul style="list-style-type: none"> recording the relationship of the gift giver to the recipient and the disclosure of any conflict of interest 	ACCEPTED	TfNSW has updated its Gifts and Benefits Declaration Form which now includes: <ul style="list-style-type: none"> - Recording the relationship between gift giver and recipient. 	COMPLETE	Audit and Risk
<ul style="list-style-type: none"> conducting reviews to gauge compliance with the policy and procedures, including assessing whether all staff and stakeholders are aware of the policy and all relevant gifts and benefits are being reported. 	ACCEPTED	The Corruption Prevention Unit assesses each disclosure to ensure compliance with policy and procedures. Clarification is sought from Business Units where there is a discrepancy. The matter may also be referred to the Executive Corporate Committee for advice.	ON GOING	Audit and Risk

Conflicts of Interest Policy

Applicable to:

This Policy applies to everyone who undertakes work on behalf of Transport for NSW (TfNSW). The term 'staff' is used in this policy to cover all permanent or temporary staff, as well as staff assigned or seconded to TfNSW, independent contractors, skill hire and consultants.

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Review date:	11 September 2015
Document owner:	Principal Manager, Policy and Organisational Effectiveness
Document Approver:	Executive Director HR & Business Services
Superseded Documents:	Conflicts of Interest Policy v1.3
GIPA Publication Requirement:	This document is required to be made publicly available by the <i>Government Information (Public Access) Act 2009</i> .
Enquiries to:	HR Advisory – 1800 618 445 or TfNSWHR@transport.nsw.gov.au Principal Manager, Fraud & Corruption Prevention – 02 82658970 or conflictregister@transport.nsw.gov.au

**APPROVED BY THE EXECUTIVE DIRECTOR HR & BUSINESS
SERVICES**

1 Purpose

The purpose of this Policy is:

- To define requirements and expected standards of behaviour of staff members in relation to conflicts of interest and gifts and benefits.
- To provide guidance to staff members regarding the specific action they should take when considering an actual or potential conflict of interest, including acceptance of gifts and benefits.

1.1 Key definitions

All terminology in this Policy is taken to mean the generally accepted or dictionary definition with the exception of the following terms which have a specifically defined meaning:

For the purpose of this Policy, the following definitions apply:

Benefit	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.
Bribe	A gift or benefit that is offered to or solicited by a public official to influence that person to act in a particular way.
Conflict of Interest	A situation where a member of staff could 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.
Potential conflict of interest	Where a TfNSW staff member has private interests that could conflict with their official duties in the future.
Actual conflict of interest	A conflict between a TfNSW staff member's duties and responsibilities in serving TfNSW's interest, and the staff member's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise.
Perceived conflict of interest	Exists where it appears that a TfNSW staff member's private interests could improperly influence the performance of their TfNSW duties – whether or not this is in fact the case.
Divest	To rid or free oneself from something.
Gift	An item of value (for example, this may include, but is not limited to a gift voucher, entertainment, hospitality, travel, commodity, property etc) which one person or organisation confers to another.
Lobbyist	A person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

Moderate hospitality	Free or subsidised meals or beverages provided to staff 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. Moderate hospitality does not extend to meals equal to or above \$25.
Token value	A gift or benefit with a value of less than \$25.
Pecuniary	Consisting of or relating to money.
Probity	Adherence to the highest principles and ideals; honesty; complete and confirmed integrity.
Procurement Staff	Staff whose functional areas are in procurement and/or contracting.
Secondary Employment	Any employment outside Transport for NSW; may be permanent, temporary, self-employed, full time, part time or casual; includes being a director of a company. Voluntary emergency services work is also considered secondary employment – other voluntary work is not.

2 Mandatory Requirements

This Policy reflects the TfNSW values of customer focus, collaboration, solutions, integrity and safety - which guides our decision making, our behaviour and sets the standards for our interaction with our customers, our service providers and our stakeholders.

All staff are expected to maintain high ethical standards, ensuring their work decisions, actions and behaviours are impartial, effective and professional, and not influenced by fear or favour. Staff must disclose, and take reasonable steps to avoid, any conflict of interest in connection with their employment and their duties and obligations as a member of staff of Transport for NSW. Staff must not make improper use of official information, or their duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for themselves or any other person.

Staff are expected to also consider others' perceptions when deciding whether a conflict of interest exists. Perceived or potential conflicts can be as big a threat to a staff member's probity as a real conflict of interest. Senior managers must be particularly aware of managing their professional relationships and avoiding the perception that these may be a personal relationship with colleagues/contacts.

Declarations of conflicts of interest enable managers to be aware of potential situations that may compromise the integrity of the staff member and the organisation. Managers can work with staff to remove or minimise these situations, to mitigate the risk of a member of staff becoming vulnerable to improper influence or outside pressure, which may compromise their ability to manage sensitive information, give advice or make fair and impartial decisions.

Failure to declare conflicts of interest, gifts and benefits including hospitality (apart from token value) or secondary employment is a breach of the Code of Conduct which may result in disciplinary action up to and including termination.

3 Conflicts of Interest

3.1 Examples of conflicts of interest

The following are examples of conflicts of interest. This list is a guide to assist staff when considering if they have conflicts of interest, and is not exhaustive.

- A member of staff on a selection panel is a friend of an applicant for the position.
- A member of staff may be assessing tenders from companies in which they or a relative have an interest.
- A member of staff may be assessing licensing requests from family, friends or foes (e.g. taxi or bus licence applications).
- A member of staff is in a position to assess grants to a community group to which they belong.
- A member of staff is in a position to influence new transport zones or routes in areas they or an extended family member live.
- A member of staff is the director/shareholder of a family company that may be affected by policy changes being considered in their work area.
- A staff member's secondary employment work hours conflict with the hours of work at Transport for NSW.

3.2 Declaring conflicts of interest

Conflicts of interest are best managed with transparency – things kept concealed are more likely to attract suspicion and allegations of misconduct. It is the responsibility of staff to consider and declare any private interests or relationships that could (or could be seen to) impact upon the decisions they make or advice they give. It is better to disclose a conflict of interest, even if it may be thought of as trivial – all declarations will be considered and dealt with appropriately.

Declarations aim to protect the individual as well as the organisation. Staff in areas of contracts and procurement, investigative roles, or who have access to sensitive commercial information must be particularly careful of any potential, actual or perceived conflicts of interest.

Staff are required to notify their manager in writing using the *Conflicts of Interest Declaration Form* (available on the intranet) of any private interests, both financial and personal, which could conflict with their official duties. Managers must acknowledge the declaration in writing and, in consultation with the staff member, develop strategies to remove/manage the conflict. When developing these strategies the manager and staff member should consider the risk to the organisation (not just to the staff member) of allowing the conflict of interest to continue.

These risks may include: the inappropriate release of confidential information to favour particular parties; manipulation of systems or processes to provide unfair advantage to particular parties; or perception risks, that is, the risk that there could be a perception that a process is not completely fair.

Types of interests and relationships that could be seen to impact upon the staff member's responsibilities, and may need to be disclosed, include: real estate investments; shareholdings; trusts or nominee companies; company directorships or partnerships; other

significant sources of income; significant liabilities; gifts and benefits (including hospitality); and secondary employment.

Strategies to manage a conflict of interest include (but are not limited to): relinquishing the interest and/or restricting the staff member's access to specific sensitive information, Code of Conduct training or restricting the staff member's involvement in certain activities.

Declarations should be reviewed when a staff member's responsibilities, duties or delegations change, or when there is a change in their personal circumstances which may give rise to a conflict of interest.

New/prospective staff must be asked to declare any conflicts of interest during the selection process. It may be necessary for successful applicants to divest themselves of private interests that may conflict with the performance of their duties. This may include (but is not limited to) secondary employment.

Staff and managers may consult with the Audit and Risk Unit for advice and assistance. It is the responsibility of Transport for NSW to determine how the conflict will be managed. Details of the conflict and mitigation strategies should then be sent to the General Manager, Audit and Risk (using the Conflictregister@transport.nsw.gov.au email address) for inclusion on the Conflicts of Interest Register. A copy of the declaration and the manager's acknowledgement should be placed on the staff member's Personnel File.

4 Gifts and benefits (including hospitality)

A gift or benefit may include (but is not limited to) the following where related to official duties, position or relationships:

- offers of cash, gift vouchers, shares or other monetary equivalents;
- gifts, such as bottles of wine, manufacturer's samples or personal items;
- promotional materials, including clothing, books, CDs or DVDs;
- provision of goods or services for personal use, such as labour or building materials;
- sponsored travel;
- benefits under loyalty schemes, such as frequent flyer schemes;
- use of facilities, such as gyms or holiday homes;
- accommodation and car hire discounts;
- discounts on commercial items;
- free or discounted places on training and development courses, except in cases where legal firms are bound by contractual agreements to provide training and development to TfNSW staff;
- gifts to family members that arises in connection with the staff member's official duties;
- prizes obtained during work related functions being organised by a third party;
- prizes, gifts or benefits that are won as a result of entering a competition while engaging in official duties e.g. lucky door prizes at seminars;
- personal benefits gained from TfNSW purchases under a purchase incentive scheme;
- preferential treatment or favouritism.

4.1 Gifts and benefits that must not be accepted

1. Gifts and benefits that seek to influence a staff member's duties

Staff should not seek or accept any payment, gift, benefit or hospitality intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended to or likely to influence them:

- to act in a particular way (including making a particular decision);
- to fail to act in a particular circumstance; or
- to otherwise deviate from the proper exercise of their official duties.

2. Attempts at bribery

Staff must refuse to accept any gift or benefit that they believe is offered as a bribe. Staff should contact the General Manager, Audit and Risk (see page 1 for contact details) if they are concerned they or a colleague has been offered a bribe, or that a colleague has sought a bribe.

3. Gifts of money

In no circumstances must any staff member accept a gift of money in connection with their official duties. This includes gift vouchers, shares and other monetary equivalents.

4. Gifts and benefits that exceed \$100

Staff should not accept a gift or benefit that exceeds a value of \$100. See also section below regarding gifts and benefits of token value that can be accepted and gifts and benefits apart from token value that need to be declared. Staff should use the decision making guide (at the end of this policy) to assist them to decide.

5. Gifts and benefits associated with procurement

Staff employed in procurement or involved in significant procurement activity should not accept any gift or benefit from potential suppliers and should refuse such offers. This does not include moderate hospitality such as tea, coffee or sandwiches offered during meetings.

6. Gifts and benefits to family members

Gifts and benefits to family members that arise in connection with a staff member's official duties, or which could be perceived to be connected with a staff member's official duties by a reasonable observer.

7. Bonus gifts for TfNSW purchases

Bonus gifts received for TfNSW purchases that will benefit the receiver personally must be declined and reported, for example a bonus gift received from a purchase incentive scheme.

4.2 Gifts and benefits of token value that can be accepted

It is generally permissible for staff to accept and keep gifts or benefits with a token value of less than \$25 as long as the business relationship between the staff member and the gift giver has been completed and the staff member to the best of their knowledge is unlikely to make any decision in the immediate future that involves that person or organisation. In such cases no further approval or recording is required.

If there is any doubt about the intention of the gift giver or the value of the gift, staff should discuss the issue with their manager and seek their direction on whether the gift could, in any way, compromise the staff members role including in case of a decision of non-acceptance how the gift is to be disposed of. Staff should use the decision making guide (at the end of this policy) to assist them to decide whether or not to refuse any gift or benefit.

Cumulative gifts of token value

If a staff member is offered two or more gifts of appreciation or gratitude within a twelve month period, regardless of the value of the gift or whether or not they were provided from the one company/individual source, they will be regarded as a cumulative gift that will need to be declared in writing using the Gifts and Benefits Declaration Form (available on the intranet).

Accepting gifts and benefits of token value and moderate hospitality at work related functions

There is no requirement to declare receipt of gifts of token value and moderate hospitality including pens, pamphlets, food and beverages that are provided by another agency or individual as part of normal work related activities including interviews, business meetings, conferences and seminars where they are given to all participants.

However if the gift or hospitality is equal to or above the value of \$25 and/or there is any suggestion or reason to possibly perceive that it may be offered in an attempt to influence the staff members duties, it must be declared and approved.

4.3 Declaration of gifts and benefits

Offers of gifts and benefits, apart from token value, need to be declared (including gifts or benefits that are declined)

All gifts and benefits, apart from token value and moderate hospitality, need to be declared in writing using the Gifts and Benefits Declaration Form (available on the intranet). This includes gifts and benefits that are offered to a staff member but which are refused by the staff member. The Gifts and Benefits Declaration Form must be signed by the line manager and sent to the respective Level 3 Manager who makes the ultimate decision on treatment of the gift.

The Gifts and Benefits Declaration Form must be sent to the General Manager, Audit and Risk for inclusion on the Gifts and Benefits Register.

4.4 Acceptance of prizes

Any gift or benefit, apart from token value that is won as a result of entering a competition while engaging in official duties, for example lucky door prizes at seminars, must be declared. If TfNSW has a purchaser business relationship with the organisation that provided the prize or is likely to have a business relationship, then acceptance of the prize may lead to a perception of improper influence. In such circumstances the prize should be declined.

4.5 Gifts that cannot be returned

There may be circumstances where a gift may not easily be returned. Examples include:

- gifts accepted for cultural, protocol or other reasons, where returning it would be inappropriate;
- anonymous gifts received through the mail or left for the official without a return address;

- a gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.

In such circumstances, the gift must be declared using the Gifts and Benefits Declaration Form and must be given to the Director General. The Director General will determine the appropriate outcome for the gifts.

4.6 Disposal of gifts

Gifts that cannot be returned should be disposed using the following options:

- sharing the gift among all staff members e.g. a computer printer that could be networked;
- donating the gift to an appropriate charity.

In some circumstances it may be appropriate to keep the gift within TfNSW for the ultimate benefit of the public purse, such as a gift that is useful for TfNSW's work. Similarly, gifts from visiting delegations or personalised gifts, such as plaques with TfNSW's name engraved, would be best kept within TfNSW.

4.7 Sponsored travel

Staff should not accept offers of travel sponsored by private organisations or groups. This includes cases where transport, accommodation or expenses are paid for by someone other than the staff member or TfNSW. Acceptance of such travel may lead to the perception that the staff member is favouring the organisation concerned or using their position to gain a benefit.

Sponsored travel that would not be acceptable under this policy is not made acceptable by being undertaken during a period of leave.

Offers of sponsored travel by bodies such as an inter-governmental or international agency, another government, an educational institution, a non-profit organisation, a recognised humanitarian organisation or broad-based industry group may be acceptable. Offers of sponsored travel or entertainment must be referred to the Director-General for consideration.

4.8 Provision of gifts and benefits to others

It is acceptable practice to offer moderate hospitality to individuals and representatives of other agencies who visit TfNSW for work related activities. It is also acceptable to give tokens of appreciation to individuals who have given non-paid presentations to our staff. Such gifts must be approved by a Level 3 Manager or above and should be of a token value of less than \$25.

It is also acceptable to give ceremonial gifts to visiting delegations from overseas agencies. These should generally be of a token value of less than \$25.

4.9 Senior staff attendance at significant events

Attendance at significant events (functions and conferences) can provide senior staff (Level 3 Managers and above – Principal Manager or equivalent) with opportunities to make important business connections that will be of considerable benefit to the organisation. There may also be an important representational role for senior staff at such events. However, managers should ensure that acceptance of such offers would not create a conflict of interest.

Approval to attend a significant event must be sought from the relevant Level 1 Manager (Deputy Director General or equivalent – one up principle applies). This will ensure consistency across the organisation.

A significant event may include (but is not limited to):

- meals;
- invitations to Christmas parties and social events;
- invitations to industry award ceremonies;
- invitations to free lunchtime seminars.

It is not appropriate to accept offers of paid travel or accommodation in relation to attendance at such events.

5 Secondary employment

Staff may be able to undertake secondary employment provided that it does not conflict with or adversely affect their official duties. Staff are required to seek approval prior to engaging in secondary employment. Staff must prepare a briefing note seeking endorsement from their one-up manager which must be approved by the delegated officer. This includes staff who are temporarily assigned or seconded to TfNSW. Potential issues of fatigue must be taken into consideration when approving/declining applications for secondary employment. Approvals of secondary employment are conditional on satisfactory performance of the staff member's official duties.

If a staff member moves to a different position (or location) they must submit a new application seeking endorsement of their new manager of the current secondary employment arrangements so that the approval can be reviewed in light of the new circumstances and/or position.

Secondary employment must not involve use of TfNSW (or any agency within the Transport Portfolio) intellectual property, confidential information, resources (e.g. printer, photocopier, telephone) or be conducted during work hours or on work premises.

Staff must disclose voluntary work or associations that could (or could be seen to) impact upon their work responsibilities to their manager. For example, voluntary and community groups may have interests or aims in relation to policy development or program implementation. Emergency services voluntary work must also be disclosed due to the unpredictable and sometimes prolonged nature of the work to facilitate management of workload and release of personnel.

Staff wishing to undertake secondary employment while on leave from TfNSW must obtain prior approval.

6 Personal relationships

In carrying out their duties, staff must not allow themselves to be improperly influenced by family or personal relationships. Personal relationships with work colleagues include those that are more than purely professional or business related. Situations may arise where a decision has to be made which would directly affect a person who has a relationship with the staff member. In these cases, staff should declare the conflict and refer the matter to their manager.

In the case of a personal relationship within a work group, it may be necessary for one party to move to another work area. While it is not uncommon or wrong for couples or other family members to be working in the same organisation, it is not appropriate for one family member to have any line management / decision making responsibility over another. This may limit the capacity and likelihood of others to raise a concern about a colleague's performance or a perceived conflict of interest.

Staff should disclose personal relationships they have with media, lobbyists or people who have business dealings with the organisation, where these relationships could, or could be seen to, impact on the staff member's responsibilities. See section 3.2 for details on how to declare a conflict of interest.

Where an immediate family member's private interests could (or could be seen to) influence the decisions and advice of a staff member, these interests should be declared by the staff member using the Conflicts of Interest Declaration Form.

6.1 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 should be declared to the convenor and other members of the panel (or to the convenor's manager if the convenor is making the declaration). It should then be decided whether the panel member should be removed from the selection process, or for the consideration of the particular candidate. The continued inclusion of a member of a selection panel following a declaration of a conflict of interest by that panel member can only be made by the delegated officer.

It may often 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 at the outset, before accessing information on other applicants. 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.

7 Breaches of This Policy

TfNSW may commence applicable disciplinary action if a person to whom this Policy applies breaches this Policy, including and up to termination of employment.

Failure to declare conflicts of interest, gifts and benefits including hospitality (apart from token value) or secondary employment is a breach of the Code of Conduct which may result in disciplinary action up to and including termination.

Allegations of breaches of this Policy will be investigated by the TfNSW Audit and Risk Unit. Some breaches of this policy or non-disclosure may be required to be reported to the Independent Commission Against Corruption (ICAC) or, if they involve criminal activity, the NSW Police.

If a staff member is offered a bribe, the incident must immediately be reported to the manager and the General Manager, Audit and Risk. In the appropriate circumstances, such incidents may also be reported to the ICAC and the NSW Police.

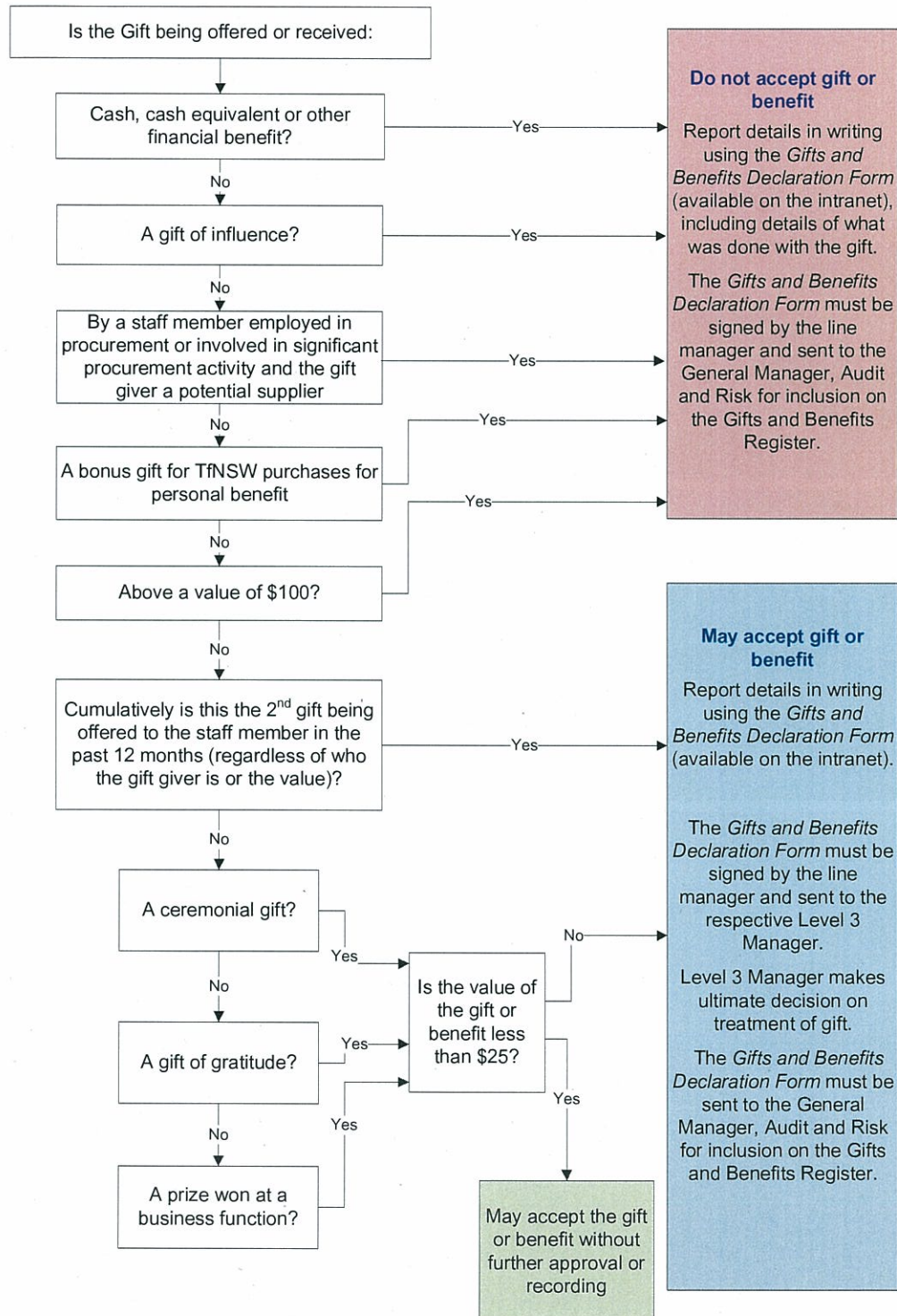
8 Document History

Date & Policy No	Approved by	Amendment Notes
November 2011 1.0	Strategic Human Resources	Approved
December 2011 1.1	Strategic Human Resources	Amendments to Declaring conflicts of interest and Gifts & Benefits sections
May 2012 1.2	Strategic Human Resources	Amendment to enquiries section
June 2012 1.3	Strategic Human Resources	Amendments to Declaring conflicts of interest and Gifts & Benefits sections
11 Sept 2013 CP13002	ED HR&BS	Amendments to reflect recommendations from the Audit Office and the new corporate policy template

9 Attachments

1. Decision Flowchart for Gifts and Benefits
2. Material that supports or is referred to in this document., and which is available from the TfNSW intranet at <http://intranet.transport.nsw.gov.au/policies-forms>, includes:
 - Code of Conduct
 - Statement of Business Ethics
 - Conflicts of Interest Declaration Form
 - Gifts and Benefits Declaration Form
 - Staff Information Sheet – Gifts & Benefits

Decision Flowchart for gifts and benefits



Gifts and benefits Declaration Form

Instructions

- Before completing this form read the Conflicts of Interest Policy.
- Use the decision making flowchart for gifts and benefits (available in the Conflicts of Interest Policy) to understand when this form must be completed.
- Only Level 3 Managers and above can attend significant events on behalf of TfNSW with the approval of a Level 1 Manager
- Declined Gifts and Benefits
 - the form does not need to be signed by the line manager, but still needs to be emailed to giftregister@transport.nsw.gov.au, for inclusion on the Gifts and Benefits Register.
 - For multiple declines please provide an attachment with the relevant details
- Non-declined Gifts and Benefits
 - If you have not declined the gift please obtain endorsement from your line manager and forward this form and the gift to your level 3 manager to approve treatment of the gift (Level 1 Manager in case of attendance at significant event).

GIFTS AND BENEFITS DECLARATION FORM

Recipient name	Employee number	Date of the Offer
Position	Division/Branch	
Description of gift/benefit/hospitality		
Who offered the gift/benefit/hospitality and what is the relationship of the gift giver to the receiptent (including any conflict of interest)?		
What was done with the gift or benefit?	Approximate value \$	Employee Sign: Date:
Line manager comments		
Signed by Line Manager Print full name		Date (dd/mm/yy)
<h3>Treatment of the gift/benefit/hospitality</h3> <p><input type="checkbox"/> I approve the acceptance of the gift/benefit/hospitality and it will be retained by _____</p> <p>_____</p> <p><input type="checkbox"/> I do not approve the acceptance of the gift/benefit/hospitality and it will be disposed off in the following manner _____</p> <p>_____</p>		
Signed by Level 3 Manager (Level 1 Manager in case of attendance at significant event) Print full name		Date (dd/mm/yy)
Email the completed form to giftregister@transport.nsw.gov.au to be placed on the Gifts Register, which is available for public viewing.		