

Office of Transport Safety Investigations

STATEMENT OF BUSINESS ETHICS

1. Purpose

This statement establishes the ethical values, behaviours, and standards we expect from our employees as well as from the suppliers, contractors, and consultants who conduct business with the Office of Transport Safety Investigations (OTSI). This statement also outlines what you can expect from OTSI when conducting business with us.

2. What you can expect from us

When doing business, OTSI's staff are expected to ensure there is accountability for their actions and are expected to:

- act with integrity and avoid conflicts between their personal interests and professional duties and declare any actual, potential or perceived conflicts of interest
- respect and follow NSW Government and OTSI policies and procedures
- use public resources effectively, efficiently and ethically
- make decisions solely on merit, being transparent and unbiased in their treatment of all proponents and suppliers
- protect confidential information
- never solicit or accept payment, gifts, or other benefits from a supplier for the discharge of official duties
- be accountable for their official decisions and actions and be open in business dealings, subject to commercial-in-confidence, security, and privacy considerations
- respond promptly to reasonable requests for advice and information and not disclose confidential or proprietary information
- not call for tenders unless there is a firm intention to proceed to contract at the time of making the call
- report unethical conduct to an appropriate authority.

3. What we expect from you

OTSI expects our commercial partners and suppliers in all dealings to:

- comply with applicable laws, regulations, policies, procedures and good business practices, including the NSW Government Procurement Policy Framework
- provide accurate and reliable advice and information
- declare actual, potential or perceived conflicts of interest as soon as identified
- act respectfully, ethically, fairly, and honestly in all your dealings with, and on behalf of, OTSI
- respect the obligation of OTSI staff to abide by NSW Government and OTSI policies and procedures
- respond to reasonable requests for information, including those associated with OTSI audits and investigation activities
- prevent the unauthorised release of privileged information, including confidential information
- not discuss or represent OTSI business or information in the media except with OTSI's consent
- be consistent with the NSW Government Supplier Code of Conduct by not offering or providing any financial or non-financial benefits to OTSI employees or contractors, this includes offers of gifts, benefits, hospitality, rewards and/or incentives to OTSI staff
- manage their own business risks, including risk associated with fraud, corruption, information and cyber security
- assist OTSI to prevent unethical and unlawful practices in business relationships by reporting wrongdoing.

4. Why do you need to comply?

OTSI only wishes to do business with commercial partners and suppliers that share our values and ethics. By complying with our *Statement of Business Ethics* you will be able to advance your business interests in a fair and ethical manner and be certain in the knowledge that others dealing with OTSI are doing the same.

Consequences for not complying with OTSI's ethical requirements could include:

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

5. Further guidance

5.1 Conflicts of interest

A conflict of interest exists where a reasonable and informed person would perceive that an individual could be influenced by a private interest when carrying out their official or business duties.

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

Conflicts of interest must be avoided and managed in order to uphold the probity of OTSI's decision making. Commercial partners and suppliers doing business with OTSI are required to disclose, in writing, any actual, potential, or perceived conflicts. These disclosures will be recorded in OTSI's *Conflicts of Interest Register*.

5.2 Gifts, benefits and hospitality

Consistent with the [NSW Government Supplier Code of Conduct](#), commercial partners and suppliers must not offer or provide any rewards or incentives in connection with any prospective or current business dealings.

Staff and people working for OTSI are not permitted to request such rewards or incentives and must decline any gifts, benefits or hospitality offered, irrespective of whether those people are directly involved in procurement or not.

5.3 Environmental sustainability

We expect our suppliers to minimise the environmental impact of their operations and maintain environmentally responsible policies and practices.

5.4 Confidentiality and intellectual property rights

All OTSI information must be treated as confidential unless otherwise indicated in writing. All communication between OTSI and its suppliers should be clear, direct, and accountable to minimise the risk of perception of inappropriate conduct.

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

5.5 Sponsorships

Any sponsorship arrangements whether in-kind or financial, must not interfere with the ability of OTSI to carry out its legislated functions and such processes must be open and transparent.

5.6 Labour and Modern Slavery

Commercial partners and suppliers are expected to ensure that modern slavery (as defined in the Modern Slavery Act 2018 (NSW))- which includes slavery, servitude, forced labour, human

trafficking, debt bondage, organ trafficking, forced marriage and the exploitation of children, is not occurring in their operations or supply chains or the operations or supply chains of any entity they own or control, and to provide any information requested to help OTSI comply with its reporting obligations under the Modern Slavery Act.

5.7 Work Health and Safety

We expect our commercial partners and suppliers to provide a safe work environment and integrate sound health and safety management practices into their business. Commercial partners and suppliers should be aware they must not consume, or be under the influence, of alcohol or drugs while performing any duties for OTSI. Suppliers must comply with all applicable laws and regulations relating to workplace health and safety.

5.8 Respectful Behaviour

We require our commercial partners and supplier to behave respectfully and professionally in all interactions. OTSI does not tolerate bullying, harassment, sexual harassment, or discrimination by or against our staff. Suppliers must comply with all applicable laws and regulations relating to discrimination and harassment.

5.9 Lobbying

A lobbyist is any person or organisation whose business includes being contracted or engaged to represent the interests of a third party to a Government representative. Where suppliers feel their potential communication with OTSI may place them in this category, they are advised to consult the [Lobbying of Government Officials Act 2011 \(NSW\)](#) and the [Electoral Commission NSW Website](#) to ensure that they are registered prior to making contact with OTSI.

5.10 Ethical Communication

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

5.11 Post-separation employment

A commercial partner or supplier intending to employ or engage a current or former OTSI member of staff in relation to any work with OTSI should first discuss this with an OTSI representative. Former OTSI employees who have dealings with OTSI need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

5.12 Payment of an invoice or claim

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

6. Reporting wrongdoing

If you are concerned about a possible breach of this Statement, or about any conduct that could involve fraud, corruption, serious maladministration, serious and substantial waste of public money, a privacy contravention, a government information contravention, or a local government there are a number of ways you can make a report:

Contact OTSI directly:

- **Post:** PO Box A2616, Sydney South NSW 1235;
- **Email:** info@otsi.nsw.gov.au; or
- **Phone:** 1800 180 528

External Channels

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers, or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: olecc_executive@olecc.nsw.gov.au

Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

6.1 Public Interest Disclosures

Individuals and corporations (and employees or officers of these corporates) engaged by OTSI under a contract to provide services to, or on behalf of OTSI are classified as public officials under the Public Interest Disclosures Act 2022. This Act protects public officials from reprisal or detrimental action and ensures reports are properly investigated and dealt with. You are encouraged to make these reports to OTSI if you believe you are aware of wrongdoing.

For further information please refer to the OTSI Public Interest Disclosure Policy.