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INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

**STATEMENT OF
BUSINESS ETHICS**

JULY 2019

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This *Statement of Business Ethics* (“the Statement”) applies to all private sector entities, including non-government organisations and other government agencies, supplying goods and providing services to the NSW Independent Commission Against Corruption (“the Commission”).

All Commission contractors and sub-contractors are expected to comply. Suppliers are responsible for making their contractors aware of this statement and requiring their compliance with it.

Commission responsibilities

In line with NSW Government procurement frameworks, policies and codes of conduct, the Commission’s business relationships are based on honesty, fairness and consistency. Adherence to these principles includes, for example, treating tenderers’ intellectual property confidentially and ensuring fairness in procurement processes.

The principle of best-value-for-money is at the core of all of the Commission’s business relationships with private sector suppliers. Best-value-for-money does not automatically mean the lowest price; rather, the Commission will balance all relevant factors when buying goods or engaging services – including initial cost, whole-of-life costs, quality, reliability and timeliness – in determining true value for money.

Wherever possible, the Commission’s business dealings will be transparent and open to public scrutiny (given the covert nature of this work, some details cannot be made publicly available).

Your responsibilities

When dealing with the Commission, you must take all reasonable steps to ensure that you, your staff and your contractors comply with the Statement. We expect you to act ethically, fairly and honestly in all dealings with the Commission. Your general responsibilities include:

- complying with all applicable legislation, regulations, Commission policies, written procedures and lawful instructions
- actively promoting the Statement and instilling a culture of compliance with the Statement from your staff, contractors and other appropriate entities
- taking reasonable measures to prevent unethical practices in your business
- taking reasonable care for the health, safety and welfare of individuals in connection with your Commission dealings
- maintaining Commission business relationships based on open and effective communication, respect and trust

- seeking assistance when unsure about how to implement or apply the Statement.

Other specific responsibilities are outlined elsewhere in the Statement.

Conflicts of interest

The Commission and wider public have an expectation that you will carry out your activities in relation to the Commission unimpaired by conflicts of interest.

A conflict of interest exists when a reasonable person might perceive that:

- a public official’s personal interest(s) could be favoured over their public duties and/or
- an entity undertaking official duties, or those associated with it, could favour their personal interests over their public duties.

Private interests incorporate the interests of your entity, related entities and related individuals (such as the officeholders, managers and staff of your entity).

You must disclose conflicts of interest and potential conflicts of interest in relation to your Commission dealings in writing to the Solicitor to the Commission. You should err on the side of caution in declaring and resolving conflicts of interest.

Any conflict of interest must be resolved in favour of the Commission and the public interest. You must comply with Commission requirements regarding the management or resolution of conflicts of interest.

You must also avoid intentionally placing Commission staff in a conflict of interest situation.

Gifts and benefits

Gifts, entertainment, travel, or any other form of benefit may not be given or received as a reward, encouragement or improper influence for preferential treatment in connection with your Commission dealings. Similarly, you cannot offer, or allow, Commission staff in their private capacity the free use of your assets.

Commission officers are explicitly prohibited from accepting gifts from a supplier or potential supplier, unless it is part of attending a conference, during the provision of training, or is promotional material (such as inexpensive pens).

Commission staff are also prohibited from soliciting gifts, benefits or hospitality. Any instances of staff requesting gifts, benefits or hospitality are to be reported to the Solicitor to the Commission.

Bribery

You must promptly report to the Solicitor to the Commission any instances of Commission staff, or others, offering or seeking bribes associated with your dealings with the Commission.

Information, confidentiality and intellectual property

You must adhere to the specific requirements of copyright laws and the provisions of your contract in relation to confidentiality and intellectual property.

With regard to information that is available or obtained in connection with your Commission dealings (hardcopy, electronic or any other form), you must:

- treat the information as confidential unless advised otherwise
- take appropriate measures to protect the information and never release the information without express permission
- comply with relevant legislation governing the handling or treatment of the information
- only access the information if it is needed to complete your activities for, or on behalf of, the Commission
- not use the information for private or any other non-Commission purposes
- not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other entity, from the information to which you have access by virtue of your work with the Commission.

Former Commission staff

Former Commission staff who have dealings with the Commission need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

Use of resources

Commission resources – such as equipment, facilities, vehicles and staff time – may only be used for purposes connected to your business with the Commission. You must avoid any action or situation in which Commission resources are being improperly used (or appear to be improperly used) for private benefit.

Public comment

Unless explicitly permitted, you must not make any public comment or statement that would lead anyone to believe that you are representing the Commission, or expressing its views, whether at public and community meetings, via the media, or when it is likely that the public at large will become aware of such comments or statements.

Endorsements

You should be aware that Commission staff cannot provide public endorsement of your company or its products on the Commission's behalf or in any other way connected to the Commission.

Providing Commission staff with private employment and commercial opportunities

You must not offer Commission staff private employment or other commercial opportunities that conflict with their public duties.

You should be aware that the Commission requires its staff to obtain approval prior to entering into any secondary employment or business arrangement. Such opportunities will not be approved where there is a potential to create a conflict of interest for a staff member or adversely impact on their performance.

You should also be aware that Commission staff are not to use their position, government information, or intellectual property developed while serving the Commission to secure private employment or other commercial opportunities.

Compliance, risk management, and fraud and corruption control

You should comply with the relevant international and Australian standards on compliance, risk management, and fraud and corruption control. This includes assessing and understanding risks, and having effective internal controls and compliance frameworks in place. Specific instructions about these requirements may be included in relevant contractual provisions.

Public interest disclosures and other reports of wrongdoing

Under the *Public Interest Disclosures Act 1994* ("the PID Act"), a public interest disclosure is a report by a public official about potential corrupt conduct, maladministration, a government information contravention, a local government pecuniary interest contravention, or serious and substantial waste within the NSW public sector.

Individuals or corporations engaged by the Commission under a contract to provide services to or on behalf of the Commission are public officials for the purposes of the PID Act.

The PID Act provides certain protections against reprisals for public officials who report such matters in accordance with its provisions. The NSW Ombudsman's website contains additional information about the PID Act.

You must report unacceptable conduct to the Solicitor to the Commission, including conduct covered by the PID Act and breaches of the Statement. You must cooperate fully in the investigation of any suspected or reported occurrences of unacceptable conduct. You must also not disadvantage your staff who report unacceptable conduct that they suspect on reasonable grounds, and protect them from being disadvantaged because of making a report.

Assessment and audit

The Commission expects that suppliers and service suppliers will have assurance frameworks in place to ensure that their business activities meet its requirements. You may be contractually required to perform periodic assessments and audits to ensure compliance with the Statement.

The Commission reserves the right to verify your compliance with the Statement by audit, investigation or other means.

Breaches

Non-compliance with the Statement, illegal or corrupt conduct could lead to:

- termination of contracts
- loss of future work
- investigation and/or administrative action
- reporting to other relevant organisations.

Further assistance

Further questions regarding the Statement can be directed to the Commission's Executive Director of Corporate Services by telephone on 02 8281 5999.



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