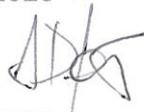




Statement of Business Ethics

AUTHORISED BY Simon Draper
Chief Executive Officer
February 2020

Signature: 

REVIEW BY February 2022



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From the Chief Executive Officer

Infrastructure NSW continues to play a key role in providing the NSW Government with independent advice about infrastructure priorities and assurance for major project delivery, as part of an ambitious investment program to support the growth of the NSW economy and community wellbeing. Infrastructure NSW also delivers projects on behalf of the NSW Government, and has functions under the Barangaroo Act 2009 and the Growth Centres (Development Corporations) Act 1974.

Infrastructure NSW values its business relationships with its third party partners, including service providers, contract and temporary staff, consultants, clients and other external stakeholders. These relationships are founded on a mutual understanding that business will be conducted in an environment of trust, high ethical standards, and where laws and regulations are always complied with.

The Infrastructure NSW Statement of Business Ethics provides guidance to all third parties on expected behaviours. All individuals and organisations that engage with Infrastructure NSW must act in accordance with these standards of ethical behaviours, as Infrastructure NSW is committed to promoting integrity ethical conduct and accountability.

The Statement of Business Ethics has my full support and the support of the Infrastructure NSW Executive. We will uphold Infrastructure NSW's reputation and commitment to the highest ethical standards and operation excellence, and we ask the same from you.

Simon Draper

Chief Executive Officer

Infrastructure NSW

February 2020

What Infrastructure NSW expects of you

All third party organisations (private sector organisations, other Government agencies and non-government agencies when doing business with Infrastructure NSW) are required to observe the following principles when doing business with Infrastructure NSW:

- Comply with applicable NSW Government procurement frameworks, policies, and Code of Ethics and Conduct and Infrastructure NSW's procurement policies and procedures and act ethically, fairly and honestly in all dealings.
- Not offer Infrastructure NSW employees, contractors and consultants any financial inducements or any gifts, benefits, or hospitality, as outlined in the Infrastructure NSW Code of Ethics and Conduct.
- Declare actual or perceived conflicts of interest as soon as such matters arise, as outlined in the Infrastructure NSW Code of Ethics and Conduct.
- Prevent the disclosure of confidential Infrastructure NSW information and protect Infrastructure NSW intellectual property.
- Assist Infrastructure NSW to prevent fraud, corruption and unethical practices in business relationships by reporting wrongdoing.

What you can expect from Infrastructure NSW

All Infrastructure NSW staff and contractors are bound by Infrastructure NSW's Code of Ethics and Conduct. When doing business with third party organisations, Infrastructure NSW staff and contractors are accountable for their actions and are expected to:

- Act in the public interest and use public money effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations;
- Avoid any conflicts of interest (whether real or perceived) or favouritism;
- Observe legal and ethical requirements to preserve secrecy relating to client information, except where otherwise required by law.

Infrastructure NSW will ensure that its policies, procedures and practices comply with, NSW Government policies and guidelines, best practice and the highest standards of ethical conduct. In addition, all Infrastructure NSW procurement activities are guided by the following core business principles:

1. Procurement Compliance

Maintain compliance with the NSW Procurement Board's NSW Procurement Policy Framework, procurement accreditation responsibilities, and the Infrastructure NSW Procurement Manual.

2. Effective Procurement Solutions

To deliver efficient procurement services, we will:

- Purchase only essential, approved, compatible, safe and appropriate goods and services;
- Ensure open and effective competition:

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- that prior approval is obtained for all purchases through an Issue Paper (IP) where appropriate;
 - that approvals are within financial delegation limits;
 - that procurement complies with NSW Government purchasing policies and guidelines;
 - Purchase goods and services which minimise impact on the environment, use resources efficiently and effectively, reduce and where possible recycle waste;
 - Establish a procurement solutions structure to:
 - develop and maintain strong strategic relationships with NSW Government Procurement Panel Scheme service providers;
 - deliver professional procurement advice and support;
 - manage shared strategic contracts to deliver and improve agreed outcomes
 - deliver procurement savings and value for money.

3. Strong Governance Framework

Our *Code of Ethics and Conduct* (which forms part of our *Ethical Framework*) requires our staff and contractors to behave with a high degree of probity and fairness. Probity and fairness are integral to our procurement process. The principles that promote probity and fairness and maintain the integrity of the procurement process are:

- Accountability;
- Transparency;
- Confidentiality;
- Management of Conflicts of Interest.

4. Value for Money

Achieving value for money is one of the core principle underpinning Infrastructure NSW procurement. Impartial, competitive and transparent procurement processes are an important stepping stone in achieving value for money. Approvers must be satisfied, after reasonable enquires, that the procurement achieves a value for money outcome.

Compliance

Infrastructure NSW only engages with third party partners who comply with our Statement of Business Ethics (**Statement**) and demonstrate high standards of ethical behaviour in their business activity.

In addition, third party organisations and service providers are expected to comply with basic principles of probity management as well as the NSW Procurement Board's Policy Framework.

Non-compliance with this Statement when doing business with Infrastructure NSW, as well as demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts;

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- Loss of future work;
 - Loss of reputation;
 - Investigation for corruption; and / or
 - Matters being referred for criminal investigation.

Guidelines

Incentives, gifts, benefits and hospitality

Offers, acceptance, and non-acceptance, of gifts, benefits and hospitality are required to be disclosed by Infrastructure NSW staff and contractors in accordance with the Infrastructure NSW Gifts, Benefits and Hospitality Policy.

Our staff have been directed not to accept a gift or benefit where it was offered, or there could be a perception that it was offered as, an inducement to act in a certain way. Our third-party partners should not offer any such gift or benefit to Infrastructure NSW staff or close family members.

Conflicts of interest

All Infrastructure NSW staff and contractors are required to disclose any actual, perceived, or potential conflict of interest. This includes those that can, or could, arise from personal relationships between our staff and contractors and those of third party organisations and service providers.

This requirement extends to all Infrastructure NSW third party organisations and service providers.

Confidentiality and intellectual property

All Infrastructure NSW information (in whatever form – hard copy, electronic, etc.) must be treated as confidential and protected as appropriate. The specific requirements of copyright laws and any other restrictions outlined in individual contracts must be adhered to in relation to confidentiality and intellectual property.

Communication and cooperation

In line with applicable NSW Government procurement frameworks, policies, and codes of practice, Infrastructure NSW and its third party organisations, contractors, sub-contractors and suppliers will maintain business relationships based on open and effective communication, respect and trust, and adopt a non-adversarial approach to dispute resolution.

Private employment and post-separation employment

Third party organisations and service providers must not offer Infrastructure NSW employees private employment which conflicts with their public duties.

Infrastructure NSW requires employees to obtain the approval of the Chief Executive Officer prior to entering into any private/secondary employment arrangement. Third party partners should respect that secondary employment will not be approved if there is an actual or perceived conflict of interest with the employee's role at Infrastructure NSW.

Former employees who have dealings with Infrastructure NSW need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information based on their previous relationship with Infrastructure NSW.

Expectations regarding contractors

All contractors and sub-contractors are expected to comply with this Statement. All third party suppliers are responsible for making any of their sub-contractors aware of this statement and ensuring their compliance with this statement and any other policy or procedure relate to their work for us.

Public comment

Infrastructure NSW employees or staff must not make any public comment or statement that would lead anyone to believe that they are representing Infrastructure NSW, or expressing its views or policies, whether at public and community meetings, via the media, or when it is reasonable that comments or statements will become known to the public at large.

Infrastructure NSW staff are not permitted to provide public endorsement, on Infrastructure NSW's behalf, of companies or their products.

Public Interest Disclosures

Infrastructure NSW does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and other forms of serious wrongdoing. Infrastructure NSW, third party organisations and service providers are required to report any information that they become aware of, that they honestly believe, on reasonable grounds, shows or tends to show, serious wrongdoing within Infrastructure NSW and any related entities.

Individuals and corporations (and employees or officers of those corporations) engaged by Infrastructure NSW under a contract to provide services to, or on behalf of, Infrastructure NSW are classified as 'public officials' under the *Public Interest Disclosures Act 1994*. The *Public Interest Disclosures Act 1994* protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing. The *Public Interest Disclosures Act 1994* also ensures that disclosures are appropriately investigated and dealt with.

Contact

Who to Contact

Any questions regarding this Statement or to provide information about breaches of this Statement, please contact:

Chief Financial and Operating Officer

Address: Level 12, MLC Centre, 19 Martin Place, Sydney NSW 2000

Email: mail@infrastructure.nsw.gov.au

Telephone: (02) 8016 0100