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1. INTRODUCTION

The Office of Sport is the lead NSW Government agency for sport and active recreation. The Office of Sport's vision is sport and active recreation creating healthier people, connecting communities and making a stronger NSW.

In establishing and managing all commercial relationships, the Office of Sport is committed to ensuring value for money whilst being fair, ethical and transparent. This is particularly important when procuring goods and services and conducting competitive bid processes.

2. OBJECTIVE

The Objective of this Statement of Business Ethics is to:

- Provide guidance for Contractors and Agreement Holders when doing business with the Office of Sport
- Outline the Office of Sport's ethical standards and our expectation that Contractors and Agreement Holders comply with these standards.
- Outline what Contractors and Agreement Holders can expect when dealing with the Office of Sport.

3. KEY RESPONSIBILITIES

Contractors and Agreement Holders (including suppliers, service providers, operators, licensees, users and lessees) are responsible for understanding and adhering to the terms of this statement.

Employees are responsible for understanding, promoting and adhering to the terms of this statement.

Managers and Directors are responsible for ensuring:

- Employees are informed of the principles of this statement and
- Contractors and Agreement Holders are made aware of this Statement of Business Ethics.

Core Executive is responsible for promoting and supporting this Statement of Business Ethics.

4. PROCUREMENT PRINCIPLES

The principle of best value-for-money is core for all the Office of Sport's productive business relationships. Best value-for-money does not mean the best price nor the best possible quality. Rather many relevant factors including whole-of-life costs, quality, reliability, innovation, fitness for purpose and service continuity are used to determine best value for money outcomes. Part of obtaining best value includes certifying that all our commercial relationships are honest, ethical, fair and consistent.

5. OFFICE OF SPORT VALUES

The values that underpin the Office of Sport include:

- Integrity
- Honesty and Trust
- Service
- Accountability

It is our expectation that our Contractors and Agreement Holders uphold these values when supplying or operating alongside the Office of Sport. These values can be demonstrated by:

- honesty and transparency in our actions and decision making
- communicating clearly
- delivering on what is promised
- taking responsibility for decisions and actions
- seeking to understand what people need and
- making decisions transparently

6. CONTRACTOR OBLIGATIONS

Contractors and Agreement Holders must:

- comply with the terms, conditions and requirements as stated in the documents supplied by the Office of Sport
- comply with applicable legal obligations and NSW Procurement Policy Framework
- assist the Office of Sport to prevent unethical practices in our business relationships
- comply with the Office of Sport's Work Health and Safety policies
- respect the obligation of the Office of Sport's Employees, Contractors and Agreement Holders to comply with NSW Government procurement policies and guidelines
- declare any situation that directly involves or could be perceived to involve a conflict of interest
- prevent the unauthorised release of confidential information such as commercial-in-confidence information
- not discuss Office of Sport's dealings with the media without the Office of Sport's prior written approval
- respond to reasonable requests for advice and information
- refrain from engaging in any form of collusive practice, including offering Office of Sport employees inducements or incentives designed to improperly influence the conduct of their duties (refer to 'Practical Guidelines' below)
- ensure business and supply chain practices are conducted in an honest, ethical and safe manner
- ensure that all sub-contractors and agents engaged in the delivery of goods and/or performance of services are aware of and comply with this Statement of Business Ethics

- ensure that all Agreement Holders members are aware and comply with this Statement of Business Ethics
- ensure the highest ethical practices occur throughout their organisation and supply chain
- ensure fair and timely payments of employees, contractors and agents
- not deal in goods or components using ‘the worst forms of child labour’ as defined under ILO Convention 182
- comply with requirements detailed in the Implementation Guidelines on Employment and Outwork Obligations for Textile Clothing and Footwear Suppliers – where relevant
- act with integrity and openness

7. OFFICE OF SPORT OBLIGATIONS

The Office of Sport will:

- not call for quotations, tenders or proposals unless it has an intention to proceed to a contract/agreement, nor will it disclose confidential or proprietary information
- comply with applicable Office of Sport and NSW Government policies/procedures
- show fairness in our treatment of all individuals or organisations that compete to supply or do supply to the Office of Sport
- encourage fair and open competition while seeking value for money and fitness for purpose
- try to minimise costs to organisations participating in procurement or competitive bid processes
- publish details of new contracts/agreements and any significant variations to contracts/agreements and details of contract deliverables, where required, under the Government Information (Public Access) Act 2009 (NSW)
- protect commercial-in-confidence information
- act honestly and transparently
- be accountable and always act in the public interest
- avoid and manage situations where private interests conflict with public duty
- disclose any situation that involves or could be perceived to involve a conflict of interest
- not ask for or accept financial or other benefits from potential, current or past Contractors
- respond to reasonable requests for advice and information without delay

8. PRACTICAL GUIDELINES

Gifts, hospitality, travel and accommodation

A gift or benefit designed or intended to gain a business advantage must not be offered to any Office of Sport employee. As a general principle, employees are required to decline gifts, benefits, travel or hospitality offered during the course of their work. Contractors and Agreement Holders should refrain from offering any such incentives to Office of Sport employees – all such offers will be formally reported.

It is unethical for Office of Sport employees to accept any offers of gifts, gratuities and hospitality from Contractors and the marketplace on behalf of spouses, relatives or friends. An offer or acceptance of any gift, no matter how small, by any party involved in a procurement or competitive bid process (i.e. request for tender/quote/proposal etc.) is a prohibited act and will result in the organisation being excluded from a competitive process.

Conflicts of Interest

In dealings with the private sector, a real or perceived conflict of interest may arise between an Office of Sport employee's private interests and that employee's duty to the Office of Sport. Therefore, all Office of Sport employees are required to disclose any potential or actual conflicts of interest in writing.

Office of Sport employees involved in a procurement activity must disclose any potential conflict of interest to the procurement project manager / facilitator. This includes an interest by an employee or a member of their family, or close relative or associate in a company that responds to or is in some other way involved in the procurement process. The same principles apply to a conflict of interest that arise in any other commercial situation

The Office of Sport also extends Conflict of Interest requirements to all our Contractor and Agreement Holders. The Office of Sport expects all Contractor and Agreement Holders to have policies in place to resolve any potential conflict of interest that they or their employees, contractors or agents may encounter.

Sponsorship

All sponsorships arrangements must be formalised through a written agreement with the Office of Sport. Sponsorships must not infer or involve the endorsement of products or services by the Office of Sport, its employees or clients. Sponsorship must be consistent with the Office of Sport's strategic plan, vision and focus areas.

Confidentiality

Contractors and Agreement Holders should be aware that the Office of Sport employees must maintain the security and safe keeping of all official information and documentation as necessary during their role. Under no circumstances are employees, Contractors or Agreement Holders allowed to make known any commercial-in-confidence information to unauthorised persons.

Competing companies will never be given another company's information regarding price, approach or methodology nor any aspect of a competitor's tender/proposal/bid, details of products or services, innovations, or any other commercial or proprietary information.

All parties in business relationships with the Office of Sport will respect each other's intellectual property rights and will formally negotiate (where necessary) any access, license or use of intellectual property. Organisations participating in a procurement or competitive bid process should be aware that certain information regarding contractual agreements and arrangements, including the identity of the successful contractor and the price payable, must be made publicly available after contracts or agreements are awarded in accordance with the Government Information (Public Access) Act 2009.

Order splitting

Contractors and Office of Sport employees must not request, encourage or facilitate the prohibited act of 'order splitting' (splitting one order into a succession of orders for the purpose of obtaining the goods or service under a financial delegation threshold).

Child Protection and Working with Children

Contractors and Agreement Holders are required to understand and comply with Child Protection Laws. Any Contractor or Agreement Holder who performs a service that involves face-to-face contact or interaction with children MUST complete a Paid Working with Children Check. Any Contractor or agreement Holder who performs a service at a site or facility of the Office of Sport, but not directly with children, must also comply with specific child protection requirements while on-site.

Communication

All communication should be clear and documented where reasonably practical to minimise the risk and perception of inappropriate influence on a commercial relationship.

Private employment and post separation employment

Private sector employers should not offer Office of Sport employees' private employment which conflicts with their public role and responsibilities. Former employees who have dealings with current employees must ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

Sustainable Procurement

The Office of Sport expects all parties to support the NSW Government's sustainability initiatives. Contractors and Agreement Holders should identify and manage:

- the potential environmental opportunities, risks and impacts of their commercial activities
- measures to encourage recycling, reuse of materials and minimise waste
- effective use of scarce resources, including energy, water and materials
- social investment and outcomes
- adherence to planning laws, heritage and respect cultural impacts
- manufacturing and production effectiveness
- skill development, workplace and supply chain diversity
- employee rights and conditions
- unfair competition, corrupt or unethical behaviour

9. COMPLIANCE

All Contractors and Agreement Holders are required to comply with this Statement of Business Ethics. By complying with this Statement of Business Ethics you will be able to advance your business objectives and interests in a fair and ethical manner. It will prepare your business or organisation for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

Contractors and Agreement Holders should also be aware of the consequences of not complying with these ethical requirements when doing business with the Office of Sport. Non-compliance could lead to:

- suspension or termination of contracts or agreements
- loss of business reputation
- investigation for corruption
- matters being referred for criminal investigation
- loss of future opportunities to do business with the Office of Sport and the NSW Government

10. FURTHER ASSISTANCE

It is the NSW Government's objective to ensure that the marketplace is given every opportunity to win NSW Government contracts or agreements. Should any business or organisation feel, at any time, that it has been unfairly excluded from responding or unfairly disadvantaged as part of a procurement or competitive process it is invited to contact the:

Director, Finance, Procurement and IM&T

Office of Sport

Level 3, 6B Figtree Drive,

Sydney Olympic Park, NSW, 2127

procurement@sport.nsw.gov.au

To provide information about suspected corrupt conduct, please contact the Office of Sport directly by letter, email or phone requesting the information be provided to the Public Interest Disclosure Coordinator:

Public Interest Disclosure Coordinator

Office of Sport

Level 3, 6B Figtree Drive,

Sydney Olympic Park, NSW, 2127

reportwrongdoing@sport.nsw.gov.au

Alternatively, the following external organisations may be contacted if you suspect corrupt conduct or maladministration:

For Suspected Corrupt Conduct:

Inform the Independent Commission Against Corruption go to: www.icac.nsw.gov.au

For Suspected Maladministration:

Inform the NSW Ombudsman: www.ombo.nsw.gov.au. Any public official reporting corrupt conduct, maladministration or serious waste of public funds are protected by the NSW Public Interest Disclosures Act 1994. This Act protects public officials disclosing corruption-related matters from reprisal or detrimental action and ensures disclosures are properly investigated and dealt with.

For further information on protected disclosure, go to <https://www.ombo.nsw.gov.au/Making-a-complaint>