



Professional Advisory Services

Corporate Capability 2017 Probity Advice and Auditing Services



CourtHeath
Consulting

COVERING EVERY ANGLE WITH INTEGRITY

Our probity audit and advisory services help clients meet government probity standards, especially regarding:

Conflict of interest

Confidentiality

Ethical conduct

Corruption risks

About us

CourtHeath Consulting provides expert probity advice to government and not-for-profit organisations. We specialise in the public sector in Victoria and have worked on some of the State's most important projects. Our probity audit and advisory services help clients meet government probity standards especially regarding conflict of interest, confidentiality, ethical conduct and corruption risks. Mindful that the community expects transparency, accountability and high standards of commercial conduct, CourtHeath protects public sector clients from reputational damage. Our expertise is providing probity advice that contributes directly to managing risks.

CourtHeath has an impressive track record in providing probity-focused procurement solutions from the simple to the complex, including end-to-end procurement process management. We know how to streamline processes while maintaining the highest standards of conduct and without compromising integrity.

Our probity advisory work strengthens organisational capability and builds understanding – we work collaboratively with agency staff to ensure that they develop an understanding of probity issues and risks, enabling them to embed within their organisations the integrity standards expected in public service.

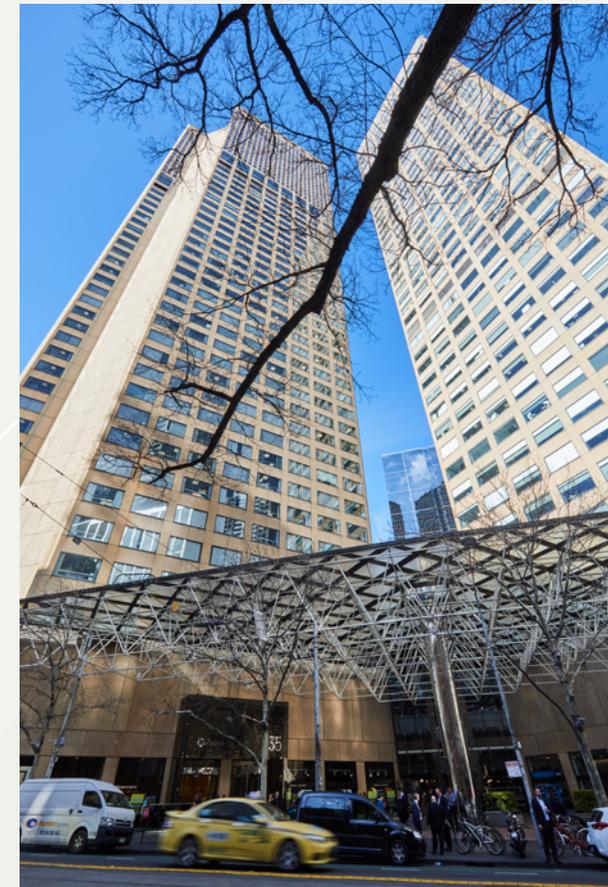
To support ongoing probity management, we customise tools, templates and training to the individual circumstances of each agency.

CourtHeath Consulting is a proud participant in the United Nations Global Compact. We join over 8,700 corporate organisations in 170 countries committed to universal standards in the areas of:

- human rights
- labour rights
- environmental sustainability
- anti-corruption.

Adopting these internationally recognised best-practice principles reinforces our commitment to transparency in business and government, as well as our focus on anti-corruption.

Our probity consultants have undertaken relevant training including the Values of Government and Procurement and the Chartered Institute of Procurement and Supply Ethical Procurement training. Several of our consultants are accredited probity services practitioners. Through professional development and networks, they have up-to-date knowledge of best practice and latest information relating to probity issues.



Our consultants
communicate with clarity
to **provide targeted advice**
through regular dialogue
and structured assistance.



Our probity consultants

Our consultants have worked extensively with the Victorian Government for many years, providing probity and procurement services. Outside government, our consultants have provided probity services to the not-for-profit sector and other organisations that receive government funding.

We have a wealth of experience across a range of industry sectors. This probity experience includes:

- probity auditing
- probity advisory roles at a project or whole-of-program level
- governance and process advice
- probity oversight of government grant and tender processes
- conflict of interest management
- preparation and review of probity plans and documentation associated with a competitive process
- effective response to reviews and criticisms from Boards of Inquiry and Commissions including IBAC
- training.

The CourtHeath probity team is committed to high quality, responsive and ethical service delivery.

We provide probity advice that is highly practical, targeted and relevant to the particular circumstances including the industry sector, nature of the market and the type of procurement that is being undertaken.



Pauline Bernard

Director

Pauline is an expert probity practitioner with more than 20 years' experience in probity and government procurement. With a background in construction and contract law, Pauline has led many of CourtHeath's probity assignments over the last 14 years. Prior to that she was an in-house probity advisor and the procurement solicitor in the Department of Infrastructure providing probity and process advice and developing best practice guidance for conduct of departmental procurement processes.



Kenneth Doig

Director

Founding director Ken Doig has provided specialist technology services to major companies in Australia for many years. His work has helped achieve breakthroughs in major telecommunications projects, including for Telstra, Siemens, NEC and Nokia Siemens Networks. He has worked in project management and telecommunications infrastructure procurement at the highest level. In recent years, Ken has brought this expertise to the not-for-profit sector, where he has delivered bioinformatics projects for cancer research and clinical diagnostics.



Andrew Smale

Principal Consultant

Andrew is a management consultant specialising in strategic procurement, probity and asset management. Andrew has senior executive experience in policy development, project delivery and management. He has led business units in excess of 200 staff, and with budgets of \$30 million recurrent and \$250 million capital. He has wide knowledge of resource management obtained through study and application, as well as knowledge of government procurement policies, standards and codes. Andrew provides practical probity strategies and solutions to ensure defensible outcomes and best value for money.



Helen Stewart

Principal Consultant

Helen is an experienced member of CourtHeath's probity practice with expertise in government probity and procurement. Before joining CourtHeath in 2015, Helen worked as a probity and procurement consultant for five years, and during that time, was the primary support advisor working with Pauline in the probity practice. Helen previously worked for 12 months in the Department of Infrastructure Contract Services Group providing procurement and internal probity advice and undertaking research. Prior to that, Helen worked for 10 years in private sector law firms as a property lawyer.



Tony Butler
Principal Consultant

Tony brings to CourtHeath a wealth of knowledge and experience from years spent in the Australian public sector where he was instrumental in developing policy and guidance, managing service delivery, leading change initiatives, reviewing government procurement frameworks and advising on strategy and probity. For 10 years, he was Director Contract Services and Risk Management at the Department of Infrastructure, working across the full range of the Department's activities, including public construction. Tony was also an invited member of the inaugural Steering Group of senior procurement specialists advising CIPS on the professional procurement agenda in Australia.



Dr Julia Cornwell McKean
Principal Consultant

Julia Cornwell McKean brings nearly twenty years of experience in regulating the digital economy to CourtHeath, including twelve years in the Commonwealth Public Service. Julia is an internationally regarded expert on cyber matters and has represented the Australian Government on 2 occasions as an expert at the United Nations, Internet Governance Forum. Julia has expertise in governance, risk management and investigations, with a particular focus on cybersecurity, ICT procurement and the digital economy. Julia has particular skill in 'translating' technical messages to a lay audience, acting as an intermediary between technologists and non-technical staff in Government.



Brecon Darbyshire
Principal Consultant

Brecon brings a wealth of experience to CourtHeath as a commercial advisor and procurement lawyer. For more than 15 years, he was a corporate counsel and government infrastructure lawyer in Victoria and the United Kingdom, advising on large infrastructure and procurement projects. He has since held several senior commercial, contract administration and claims management positions for major international construction contractors in the mining, energy and airport civil construction sectors in the Middle East. More recently, he managed the claims team for Australia's largest LNG plant construction.



Phillip Weiss
Principal Consultant

Phillip has extensive experience working for private firms and for government organisations including Victorian government departments and agencies where he worked as an internal probity advisor. He is very experienced as a probity practitioner, procurement consultant and lawyer. He has a broad educational background with a Diploma of Electronics, a Bachelor of Arts, an Honours Law Degree and a Master of Laws specialising in commercial law. In his Masters degree in Government Contracting and Tendering, Phillip focused on the legal basis and relevant case law that forms the basis for probity.



Carol Dale AM
Principal Consultant

Carol has more than 35 years' experience in probity and procurement, including a mix of military logistics and procurement, outsourcing, category management, probity and strategic sourcing, for government and private enterprise. Carol's speciality is services procurement and strategic sourcing. She has procured services as wide ranging as aircraft research and development activities, to facilities management services, such as cleaning and waste management. She has undertaken major outsourcing projects for Government and the private sector, and has provided guidance and assistance to SMEs tendering for Government work.



Alf Zarro
Consultant

Alf is a highly experienced procurement and probity consultant with a background in Victorian public sector ICT procurement (especially software licensing) and professional services. He has led software audits and reviews resulting in significant cost savings. Alf brings to CourtHeath his experience undertaking audit reviews of procurement, providing probity advice on associated transactions, overseeing evaluation processes and contract negotiations, and contributing to the probity component of business cases. Such a skill set offers a deep understanding of the world of probity and its demands, which is invaluable to CourtHeath and our clients.



Sharon Oliva
Consultant

Sharon is an experienced program and project manager within the public and not-for-profit sectors. Her area of expertise is in the design, development, implementation and administration of funding grant programs, and continuous improvement and business efficiency projects. She has provided project planning and implementation leadership, guidance, and capacity building to staff and organisations. Sharon brings to CourtHeath her knowledge of probity and governance, and experience in strategic development, policy advice, and the development of grant program and project risk assessment and management frameworks.



Rod Varker
Consultant

Rod is a highly skilled procurement professional with extensive experience in providing in-house probity, procurement and contract advice across multiple disciplines within the local government sector. He held senior roles at the City of Melbourne from 2005 to 2015, providing advice about conflict of interest disclosures and management, dealing with bid and contract processes, and overseeing the procurement of services for the City. Rod's strategic service reviews resulted in significant savings for the City, and he developed and implemented a new corporate contract management system.

What is probity?

Probity is about
integrity, fairness and honesty.

In the procurement sector, probity focuses on proper and **ethical conduct**, and propriety in dealings with the market. Businesses and the community expect that government will operate to high probity standards, especially in its commercial dealings.

The principles of probity reflect the values of the public sector:

Integrity, impartiality and actions against corruption

Integrity relates to honesty, openness and transparency in dealings as well as management of conflicts of interest. In the public sector, integrity requires staff to use powers responsibly and to strive to earn a high level of public trust. To achieve this, we help organisations set clear standards of conduct about matters like acceptance of gifts and disclosure of personal interests.

To address corruption risks, organisations need processes in place to encourage reporting, protect whistle-blowers and deal with wrongdoing. A zero-tolerance approach is expected towards serious wrongdoing such as bribery and corruption. We have assisted clients to develop policies and procedures relating to whistleblower protection, acceptance of gifts and hospitality, disclosure and management of conflicts of interest.

Impartiality is particularly important in procurement. Decisions must be made based on merit —without bias, caprice, favouritism or self-interest. Public

sector organisations must act fairly by objectively considering all relevant facts and applying fair criteria. Our advice about these matters enables clients to demonstrate high standards of behaviour and to conduct a defensible process.

We are experts on approaches that agencies can take to mitigate fraud and corruption risks. IBAC has recognised that agencies are vulnerable to corruption throughout the procurement process, from the time of drafting the specification and the initial bidding stage right through to contract management including payment and variations.

CourtHeath provides expert probity advice and support for high probity standards that assists to mitigate these vulnerabilities.

CourtHeath is a participant in the United Nations Global Compact, the world's largest corporate social responsibility initiative. Like 8,700 corporate organisations across 170 countries, we have made commitments to universal sustainability standards – as outlined in the UN Global Compact's Ten Principles in the areas of human rights, labour rights, environmental sustainability and anti-corruption.





Competition and market equality

CourtHeath helps clients to conduct competitive processes in a way that treats all prospective tenderers fairly and equitably, making sure they have access to the same information. Particular care is required when there is an incumbent provider competing against other tenderers. Fair and equitable treatment of prospective tenderers assists the development of a genuinely competitive procurement process.

So that our clients' procurement processes have the requisite capacity and capability, we check that staff and systems are available for each element of the procurement process. Where necessary, we can provide training for staff members.

Consistent and transparent processes

So that our clients can demonstrate that their procurement processes are conducted consistently, CourtHeath provides advice on development of the evaluation plan. We also assist clients to ensure that the documented process is observed in practice and that this can be demonstrated. If there does need to be a change to the process or project scope, we help clients to ensure it's done in a way that doesn't unfairly preference any bidder, and additional costs are minimised. We advise on appropriate records to keep throughout the process providing enough information to enable independent review – a process won't be defensible if it's not auditable.

Transparency and fairness are important throughout the procurement cycle, not just during evaluation.

Confidentiality and information security/ secure and confidential market engagement information

Working closely alongside our clients, CourtHeath consultants ensure that arrangements are in place to keep supplier information confidential – especially intellectual property. This means our clients understand how to keep written and electronic tender information securely so that information is not leaked from one tenderer to another. Where appropriate, we help clients design special processes allowing for confidential dialogue to encourage prospective tenderers to offer innovative solutions in the procurement process.

Conflicts of interest

Our consultants assist clients to establish and apply procedures that identify and address actual and perceived conflicts of interest.

This requires open disclosure of relationships that may give rise to perception about bias or conflict of interest. When matters are disclosed, it's important to record all action taken to manage the situation and our consultants are expert in encouraging clients to do this.

Capability matched to all elements of the procurement process

So that our clients' procurement processes have the requisite capacity and capability, we check that staff and systems are available for each element of the procurement process. Where necessary, we can provide training for staff members.

Resources

To assist clients to understand and manage probity risks in procurement, CourtHeath has developed Guidance Notes covering issues such as:

- Conducting an Industry Briefing Session
- Debriefing Meetings
- How to Treat an Incumbent
- Interactive Tenderer Meetings
- Invitation to Supply documents
- Negotiations
- Site Visits
- Tender Evaluation Plan
- Tips for Tender Evaluators



Our recent clients

	Australian Catholic University		Department of Health and Human Services - Victoria		Sustainability Victoria
	Care Connect		Department of Justice and Regulation		Swinburne University
	City of Melbourne		Department of Premier and Cabinet		The University of Melbourne
	City of Port Phillip		Environment Protection Authority Victoria		VicRoads
	Department of Economic Development, Jobs, Transport and Resources - Victoria		Emergency Services Telecommunications Authority		Victorian Managed Insurance Authority
	Department of Education and Training - Victoria		Greater Metropolitan Cemeteries Trust		Victoria Police
	Department of Environment, Land, Water and Planning - Victoria		Melbourne Market Authority		Victorian School Building Authority

“The integrity of our process had to be flawless, within extremely tight timelines. We contracted CourtHeath to ensure the process was thorough and the probity assured. They were terrific, guiding us through the government policies and processes in a manner that impressed even our internal experts. CourtHeath has the ability to manage the client in a way that generates confidence in the integrity of each and every step. I would certainly recommend CourtHeath to the public sector for probity and procurement services.”

Andrew Williamson



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