



STATEMENT OF BUSINESS ETHICS P3.0108.3

STATEMENT OF BUSINESS ETHICS

DIVISION: Customer and Corporate Strategy

BRANCH: Legal and Governance

CATEGORY: 2

PART 1 - INTRODUCTION

- 1.1 Camden Council ("Council") is committed to ensuring its business is conducted in a sound commercial and ethical manner, having regard to legislative requirements, the requirements of the Office of Local Government, and Council policies.
- 1.2 Council will demonstrate and practice a professional and ethical approach to all its business activities. Council staff will observe a high standard of probity, ethical behavior and integrity in their business dealings and are bound by, and required to conduct their activities in accordance with:
- Council's Core Values;
 - Council's Code of Conduct;
 - Council's Secondary Employment Policy;
 - Council's Privacy Management Plan;
 - Council's policies concerning gifts and benefits;
 - The *Local Government Act 1993*;
 - Delegated authorities;
 - Work health & safety legislation;
 - Other relevant legislation, policies and procedures.
- 1.3 This Statement of Business Ethics ('Statement') provides guidance regarding the standards of ethical behavior that organisations, service providers, small businesses and individuals can expect from Councillors and staff, and that are expected of them in their dealings with Council. Council has a zero tolerance approach to fraud and corruption or modern slavery in its business dealings.

2. BUSINESS PRINCIPLES

There are four key principles which guide dealings with applicants, objectors and suppliers.

Objectivity

- 2.1 Council establishes criteria and objectively assesses matters against such criteria. We take into account all relevant and material facts and circumstances that apply to a given situation, and make decisions based upon merit. Objectivity does not require inviting bids from firms that have performed poorly in the past, or taking into account irrelevant factors in making decisions.

Fairness

- 2.2 Council will treat all parties involved in a fair and even-handed manner. For example, applicants will be advised of all the information required to make an application and, when decision is made, of the reasons for the decision. Potential suppliers will be given equal access to information and opportunities to submit bids. Tenders or requests for quotation will not be called unless there is the intention to award a contract, subject to a satisfactory offer. Changes to or introduction of new selection criteria midway through a tendering process will not occur without advice of such changes being provided to all tenderers.

Openness

- 2.3 All dealings with Council will be transparent and open to public scrutiny. This includes both the process surrounding the dealing and, where appropriate, the nature of the dealing itself. Council will maintain appropriate confidentiality, protect private information, and not disclose commercial-in-confidence or proprietary information unless legally required to do so.

Value for Money

- 2.4 Council will consider all the factors that are relevant to a particular purchase. These include, but may not be limited to, initial and ongoing costs, quality and reliability, timeliness and continuity of supply, and commitment to public health, employee safety, environmental sustainability and other legislative compliance. Value for money does not necessarily mean “lowest price”.

The lowest price might, however, represent best value for money if it satisfies other essential criteria.

3. WHAT CAN YOU EXPECT FROM COUNCIL?

- 3.1 Council will ensure that all policies, procedures and practices related to approvals, tendering, contracting and the procurement of goods and services are consistent with best practice and the highest standard of ethical conduct. All approvals and procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and allow for effective performance review. Councillors and members of staff must adhere to Council’s Code of Conduct. As a result they are expected to:
- Use public resources effectively and efficiently;
 - Abide by all relevant and applicable laws and regulations;
 - Respect and comply with Council’s policies and procedures;
 - Deal fairly, honestly and ethically with all individuals and organisations;
 - Assess applications objectively, considering all relevant and material factors;
 - Promote fair and open competition while seeking best value for money;
 - Avoid actual, potential or perceived conflicts of interest;
 - Protect confidential information and refrain from discussing Council business or information with the media;
 - Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant in the discharge of official duties;
 - Respond promptly to reasonable requests for advice and information.

4. WHAT IS EXPECTED OF YOU?

4.1 We require all members of the public, applicants, objectors, suppliers, consultants, contractors, sub-contractors and business partners to observe the following when doing business with or on behalf of Council:

- Deliver value for money;
- Act ethically, fairly and honestly in all dealings with Council;
- Respect the obligation of staff to abide by Council policies including the Code of Conduct;
- Comply with Council's approvals and procurement policies and procedures;
- Respect and comply with the conditions set out in documents supplied by Council;
- Provide accurate and reliable advice and information when required;
- Declare actual, potential or perceived conflicts of interest as soon as possible;
- Take all measures to prevent unauthorised release of privileged information, including confidential information;
- Refrain from engaging in any form of modern slavery;
- Refrain from lobbying or canvassing Councillors or members of staff regarding proposals in situations where there are formal assessment procedures in place for determining the merits of the proposal which offer a more suitable channel through which representations can be made (for example, relating to development applications, tenders or other procurement processes, grants and unsolicited proposals);
- Refrain from engaging in any form of collusive practice, including offering Council officials inducements or incentives designed to improperly influence the conduct of their duties;
- Refrain from discussing Council business or information in the media;
- Assist Council to prevent unethical practices in its business relationships.

5. WHY YOU MUST COMPLY

5.1 This Statement is about being able to conduct business in a fair and ethical manner that advances both the interests and objectives of Council and everyone's business. As all stakeholders are required to comply with this Statement, compliance will not place any party at a disadvantage.

5.2 Complying with these principles and standards of behaviour will also prepare suppliers to deal with the ethical requirements of other public sector organisations, should they choose to do business with them. There are consequences of not complying with the standards of behaviour outlined in this Statement.

5.3 Breach of this Statement or demonstrated corrupt or unethical conduct could lead to:

- Disqualification of tender, or termination of contracts;
- Loss of future work;
- Dismissal for Council employees and delegates
- Investigation for corruption;
- Loss of reputation;

- Matters being referred to law enforcement authorities for criminal investigation, or to the NSW Independent Commission Against Corruption (the ICAC) or other independent authorities.

5.4 The ICAC is an independent NSW body that can investigate allegations relating to public officials on matters concerning corrupt conduct, including but not limited to official misconduct, bribery, fraud, theft, forgery and collusive tendering. The term public official is broadly defined under the *Independent Commission Against Corruption Act 1988* and includes any person engaged by or acting for a public authority, including a local council.

The principal officer of a public authority, such as the general manager of a local council, has a duty to report to the ICAC where there is a reasonable suspicion that corrupt conduct has occurred or may occur.

6. DOING BUSINESS WITH COUNCIL

Gifts and Benefits

6.1 Council awards contracts and determines applications based solely on merit. Gifts or benefits, as defined in Council's Code of Conduct, must not be given in connection with any prospective business dealings or generally where they might be perceived as intending to influence Council officers. Contractors must hold their sub-contractors to the same standards. Council officers are not permitted to ask for any reward or incentive for doing their job and none is expected. Attempting to give a gift or benefit is likely to have a negative effect on relationships with Council. Council maintains a gifts and benefits register to ensure that any gifts or benefits are recorded.

Conflicts of Interest

6.2 Councillors and staff are required to disclose and resolve any actual or potential conflicts of interest. Applicants, objectors, business partners, consultants, contractors and suppliers are required to do the same. It is the responsibility of all persons doing business with Council to understand what constitutes a conflict of interest.

In broad terms, a conflict of interest exists when a public official could be influenced, or a reasonable person would perceive that the public official could be influenced, by a personal interest when carrying out their public duty. Further explanations of conflicts of interest can be found in Council's Code of Conduct.

Declarations of a conflict of interest should be made promptly to the Council officer who is administering the matter or the Manager Legal and Governance (see contact details at the end of this Statement).

Use of Council equipment and resources

6.3 Council equipment, resources and information should only be used for their proper official purpose and in accordance with the relevant policies of Council.

Use of Council information

6.4 Any confidential Council information should be treated as such and should not be revealed to unauthorised persons. Private, confidential, commercial-in-confidence or proprietary information contained within applications, objections,

tenders, quotations, expressions of interest, proposals, heads of agreements and the like, should never be given to competitors or unauthorised persons. Information provided by Council should only be used for the purpose it was given.

- 6.5 Third parties handling private information on behalf of Council are expected to adhere to Council's Privacy Management Plan.

Communication

- 6.6 All communication by any means should be clear and direct to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship. Only authorised Council staff can make comments on behalf of Council and others must not do so without Council's consent.

Secondary and post-separation employment

- 6.7 Members of Council staff have a duty to maintain public trust and confidence and not use commercially sensitive information to facilitate future employment opportunities.

Intellectual property rights

- 6.8 In business relationships with Council, parties are expected to respect each other's intellectual property rights, and formally negotiate any access, licence or use of intellectual property.

Workplace Safety

- 6.9 Council recognises its obligation to provide a workplace that is without risk to the safety and health of Workers so far as reasonably practicable. Council's commitment to caring for the safety of its Workers is defined in its Work Health and Safety Policy and is supported and guided by its Safety Management System. This includes preventing bullying, harassment and discrimination and those who engage in, or cause, instruct, aid or knowingly permit another person to engage in these practices in the workplace will be held responsible.

Political Donations

- 6.10 The law requires that persons who have a financial interest in, or have made a submission in relation to, a development application or a planning instrument, disclose certain information about political donations and other gifts. This is a mandatory requirement if a donation or gift has been made to a Councillor or Council employee within the previous two years of the application or submission.

Sponsorship

- 6.11 Camden Council has adopted a Community Financial Assistance Policy and Incoming Sponsorship Policy, which all public officials should make themselves aware of prior to entering into any sponsorship arrangements with Council.

7. WHOM TO CONTACT ABOUT THIS STATEMENT

- 7.1 If you are concerned about a possible breach of this Statement, or about any conduct that could involve corrupt conduct (including fraud), maladministration, serious and substantial waste of local government money, government

information contravention or local government pecuniary interest contravention please contact Council's General Manager or Manager Legal and Governance by letter, phone, or email at the contact details below.

Phone: 02 4654 7777

Email: mail@camden.nsw.gov.au

Address: PO BOX 183 Camden NSW 2570

Alternatively, reports of unethical or corrupt behaviour can be made to:

- Independent Commission Against Corruption (ICAC) – 02 8281 5999 (concerning corrupt conduct, including fraud)
- NSW Auditor-General – 02 9275 7100 (concerning serious and substantial waste)
- NSW Information Commissioner - 1800 472 679 (concerning government information contravention)
- NSW Ombudsman – 1800 451 524 (concerning maladministration)
- Office of Local Government – 02 4428 4100 (concerning corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention or local government pecuniary interest contravention)

7.2 Public officials reporting corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention or local government pecuniary interest contravention are protected from reprisals or detrimental action under the *Public Interest Disclosures Act 1994*. A public official is defined under that Act to include an individual who is an employee or otherwise in the service of a public authority, such as a local council. This can include, for example, consultants and contractors. See Council's Public Interest Disclosures Act Internal Reporting Policy.

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RELEVANT LEGISLATIVE INSTRUMENTS: *Independent Commission Against Corruption Act 1988*
Local Government Act 1993
Modern Slavery Act 2018
Public Interest Disclosures Act 1994
Work Health and Safety 2011

RELATED POLICIES, PLANS AND PROCEDURES: Code of Conduct
Community Financial Assistance Policy
Conflict of Interest Procedure
Fraud and Corruption Prevention Policy
Gifts and Benefits Procedure
Incoming Sponsorship Policy
Privacy Management Plan
Public Interest Disclosures Act Internal Reporting Policy
Purchasing and Procurement Policy
Schedule of Sub-Delegations
Secondary Employment Policy
Work Health and Safety Policy

RESPONSIBLE DIRECTOR: Director Customer and Corporate Strategy

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council ORD15/17	New policy	14/02/2017	17/138643
2	N/A	Nil	08/02/2019	17/138643
3	Council ORD75/22	Minor amendments	14/06/2022	17/138643