

# STATEMENT OF BUSINESS ETHICS

The following aims to provide standards of ethical behaviour, guidelines for staff when conducting business and the standards required of council officials, contractors, and other external parties.

## Key Business Principals and Values

- Integrity and impartiality
- Value for money
- Accountability and transparency
- Safety, respect and sustainability
- Responsiveness
- Teamwork

## What external business parties can expect from Cabonne Council

Council will ensure that its policies and procedures governing the purchasing of goods and services are consistent with a high standard of ethical conduct.

In doing so, council will;

- Comply with council policies and procedures, laws and regulations
- Act fairly in the treatment of all council suppliers
- Deal ethically and honestly with suppliers, and pay accounts on time
- Encourage open competition and seek value for money
- Aim to minimise cost to suppliers participating in the procurement process
- Provide access to information unless there is an overriding public interest against disclosure
- Protect confidential or proprietary information
- Always be transparent, accountable and act in the public interest
- Avoid any conflicts of interest (whether actual or perceived)
- Not accept remuneration, gifts or other benefits from a supplier or applicant for performing official duties
- Respond to reasonable requests for advice and information without delay
- Use public resources effectively and efficiently
- Actively promote the integrity and reputation of the public sector by always acting in the public interest, and not engage in any activities that would bring the public sector into disrepute

- When assessing all other factors as equal, potentially give preference to goods and services from local business.

### **What Cabonne Council expects of external business partners**

In all business dealings with council, commercial partners should;

- Act ethically, fairly and honestly
- Comply with relevant legislation, regulations, policies and contractual obligations
- When requested, provide clear, concise and accurate information in a timely manner
- Respect the conditions and requirements stated in documents supplied by council
- Use council equipment, resources and information only for the purpose which it is made available by council
- Treat all council information as confidential unless otherwise advised by council
- Respect the obligations of council staff to comply with policies, legislation, regulations and Codes of Conduct
- Not act fraudulently or secretively
- Ensure that any sub-contractors are aware of council's policies and procedures, and the consequence of not complying
- Not discuss council dealings with the media, unless given prior express consent by Council
- Not offer council staff any financial or other inducements which may lead to, or be seen as leading to, gaining an unfair advantage in dealings with council
- Declare an actual or perceived conflict of interest
- At all times, be courteous towards the public, council staff and councillors and not bring council into disrepute
- Report any suspected unethical or corrupt conduct on the part of a council official, in writing, to the General Manager.

All suppliers of goods and services to council must declare to council (at the earliest opportunity) if they or any of the employees or sub-contractors:

- Have been convicted for fraud or a fraud-related offence;
- Have been bankrupt, placed into external administration or into liquidation; or
- Have had any corrupt finding or been identified as a person of interest by the Independent Commission Against Corruption (ICAC).

### **Consequences of not complying**

There are serious consequences for not complying with Cabonne Council's ethical requirements when doing business with us. Demonstrated corrupt or unethical conduct could lead to the following:

- Termination of contracts, agreement or order

- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation.

## **Guidelines**

### **Incentives, gifts, benefits and hospitality**

Councillors and council employees cannot receive benefits, gifts, incentives or entertainment from any external parties. If a token gift is offered to council for cultural reasons, and the gift has no bearing on current or future purchasing or business, it may be received at the discretion of the General Manager. Council staff are expected to pay for all their own meals. This requirement can be waived only if a clear underlying business purpose exists, such as a catered course or conference, and the value and frequency of such functions is not excessive.

### **Conflicts of Interest**

Conflicts of interest may occur when an individual could be influenced, or could be reasonably perceived to be influenced, by a personal interest when carrying out public duties. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage.

All council staff are required to disclose any conflicts of interest to the General Manager as soon as practicably possible. Should a conflict of interest arise or be recognised by a supplier during the dealing with council, they must notify and declare this conflict of interest to council in writing.

### **Sponsorship**

Council will not ask for, consider or enter into any sponsorship or similar arrangement that is not open and transparent, or where such activity creates a perception that it could be part of an attempt to improperly influence decision-making processes.

### **Confidentiality and Intellectual Property**

Any information which is marked confidential, or which a reasonable person would expect to be confidential, should be treated as such and not shared with any unauthorised party.

Access, licence or use of intellectual property rights must be negotiated during the formation of a contract or agreement between council and external parties. No individual or organisation is entitled to acquire any intellectual property rights because they are employed by or have a contract with the council.

### **Communication and Cooperation**

To avoid misunderstandings, it is important to use written correspondence for communication involving business-related decisions. Verbal communication should be followed up with written confirmation of decisions or commitments made.

Unless there is a valid reason not to, meetings should be held either on council premises or on-site. A written record of commitments given at meetings should be made and endorsed by all parties. All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence within a business relationship.

### **Secondary Employment and Post-Separation Employment**

Council staff are required to obtain approval from the General Manager prior to commencing secondary simultaneous employment. Approval will not be granted where there is a potential to create a real or perceived conflict of interest between their public duty and other employment.

Council staff will not use their position, or council information, to secure private employment. Commercial partners and suppliers should not offer council employees private employment which conflicts with their public duties.

Council staff are not permitted to engage in private work with any person that has an interest in a proposed or current contract with council.

Former staff members must not disclose confidential information obtained during their employment or convert any property of the council to their own use unless properly authorised. Former employees who have dealings with council need to ensure that they do not seek, or appear to seek, favourable treatment or access to confidential information.

### **Expectations Regarding Contractors and sub-contractors**

All contractors and sub-contractors are expected to comply with the guidelines in this statement. Suppliers are responsible for making any of their sub-contractors aware of their compliance obligations.

### **Public Comment**

Council staff are not permitted to provide public endorsement on behalf of council, or on behalf of companies or their products, without proper authorisation. Non-council employees must not make any public comment or statement that would lead anyone to believe that they are representing council, or expressing views or policies, whether at public or community meetings, via the media, or when it is reasonable that comments or statements will become known to the public at large.

### **Fraud and Corruption**

Council has zero tolerance for corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and other forms of serious wrongdoing. Our commercial partners are expected to report any conduct or matter that they become aware of where they suspect fraud, corruption or wrongdoing involving council.

### **Travel and Accommodation**

Council meets approved business travel and accommodation costs for its employees. Any variations must first be approved by the General Manager.

## **Safety**

It is expected that council and those who conduct business with the council will ensure that workplace safety is of paramount importance and that all legislative and procedural safety requirements are complied with.

Contractors, volunteers and other stakeholders engaged to perform work for Council must be aware of and comply with NSW WHS legislation.

## **Responsibilities**

Carriage of the policy is the responsibility of the General Manager. Implementation of this policy is the responsibility of all workers of council.

## **Communication**

This statement will be publicly available on council's website. It will also be included in council's suite of contractor documentation to be provided to commercial partners.

## **Chain of Responsibility**

Contractors, volunteers and other stakeholders engaged to perform work for Council must be aware of and comply with the Chain of Responsibility (CoR) Safety Management System.

## **Reporting Unethical Behaviour**

Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the Council's General Manager at:

99-101 Bank Street

PO Box 17

Molong NSW 2866

Phone: (02) 6392 3200

Email: [council@cabonne.nsw.gov.au](mailto:council@cabonne.nsw.gov.au)

External reports may also be made to:

- Independent Commission Against Corruption (02) 82815999 or 1800 463 909
- NSW Ombudsman (02) 9286 1000
- NSW Office of Local Government (02) 4428 4100

## History

Minute No.	Summary of Changes	New Version Date
21/02/09	Introduced and adopted by council on 23 February 2021	23 February 2021
22/09/16	Transferred onto new template and readopted as per s165(4)	27 September 2022