



NAMBUCCA SHIRE COUNCIL STATEMENT OF BUSINESS ETHICS POLICY NO:G 07

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

Our Values

The following values and behaviours are considered to be core requirements of our organisation. All staff working for Nambucca Shire Council are expected to demonstrate these values and behaviours in their dealings with each other and with our community.

Professionalism	Show drive and motivation, innovation, an awareness of strengths and weaknesses and a commitment to learning.
Accountability	Take responsibility for own actions, act in line with legislation and policy, be open and honest
Community Focus	Delivering customer and community focused services in line with strategic objectives
Teamwork	Be a respectful, inclusive and reliable team member, collaborate with others and value diversity
Safety	Strive towards a safety focused workplace culture to ensure the well-being of staff, their families and the community
Value For Money	Achieve results through the efficient use of resources and a commitment to quality outcomes
Leadership	Engage and motivate staff, develop capability and potential in others and champion positive change

Related Policy Links:

Fraud and Corruption Policy
Internal Reporting (Public Interest Disclosure)
Requests and Complaints

Purpose of this document

This Statement of Business Ethics is intended to provide a clear understanding of mutual obligation; it helps set the ethical ground rules for all business dealings between Nambucca Council and suppliers and business partners. It applies to all business partners and suppliers, including providers of goods and services, contractors, tenderers and consultants.

It defines Council's ethical standards and establishes Council's expectation that all suppliers will meet these standards. It also provides businesses dealing with Council with a degree of understanding of what to expect in such dealings.

This Statement aligns to Council's core values, primarily through the value of 'Openness and Accountability'. In keeping with this value, Council will endeavour to behave with integrity, impartiality, transparency and fairness at all times.

This Statement of Business Ethics also explains what the consequences are for staff, Councillors, suppliers and business partners of not complying with the requirements of this Statement.

What is the impact of Business Ethics?

ICAC Advice

It should be noted that the Independent Commission Against Corruption (ICAC) in NSW defines those people employed by Council as consultants or contractors to be "public officials". When engaged by Council, consultants and contractors are subject to the jurisdiction of ICAC and are considered to be "public officials" for the purpose of the ICAC Act.

In addition, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of its official functions.

Further information relating to the ICAC Act is readily available to all Suppliers (including tenderers, contractors and consultants) at the ICAC web site – www.icac.nsw.gov.au and copies of all relevant Council policies are also available at any time.

Impact for Suppliers and Business Partners

By aligning business practices with Council's ethical expectations, suppliers and business partners can expect to:

- Compete for business on an even playing field;
- Establish practices, which put them in good stead in competing for works with other public sector agencies.

If suppliers and business partners to Council do not comply with this Statement, then the consequences may be as follows:

- Formal investigation for corruption or other offences;
- Possible loss of work;
- Termination of contracts;
- Damage to reputation;
- Loss of rights (such as loss of operating or trade licences etc).

Impact for Council Staff

If Council Staff do not comply with this Statement, then the consequences may be as follows:

- Formal investigation;
- Disciplinary action;
- Dismissal;
- Potential criminal charges.

How to Comply

Council

Council aims to follow processes that are transparent and to act with impartiality, honesty and fairness and to be consistent in all measures. Council expects its entire staff to abide by the law and all relevant policies and procedures.

Fairness means being objective, reasonable and even-handed. It does not mean pleasing everyone. Council will strive to be fair by ensuring that our processes are appropriate and demonstrate this by being open and accountable, wherever practicable. This does not mean that Council will always go to formal tender or that we will call for bids for items of low monetary value. Council will only deal exclusively with

parties in exceptional circumstances and where we can demonstrate there are valid reasons for doing so, based on sound probity principles and in line with the Local Government Act 1993 and related regulations.

As a local government body, Nambucca Shire Council has a commitment to ensure community funds are expended efficiently, effectively and economically and aims to attain “best value for money” in its business dealings with the private sector.

“Best value for money” is determined by considering all the factors, which are relevant to a particular purpose – for example:

- Experience;
- Quality;
- Reliability;
- Timeliness;
- Service;
- Initial and ongoing costs.

It is important to note that “Best value for money” does not automatically mean the “lowest price”. It means the offer that is most advantageous to Council after considering the above factors.

Council Staff and Councillors

Code of Conduct

Council has a formally adopted Code of Conduct for its staff and Councillors. The Code embraces the concept of integrity, ethical conduct and accountability throughout its organisation. Council’s staff are accountable for their actions and are expected to act in the public interest.

As stated in Council's Code of Conduct:

“Nambucca Council values its tradition of integrity, responsibility and fair dealing. Our ratepayers need to have confidence that as Councillors and employees we will continue to strive to maintain the highest standards in our dealings with the community we serve. Our Code of Conduct reflects Council’s determination to attract the highest level of confidence from our community and we commend it to you.”

Staff and Councillors are expected to act in accordance with this Code of Conduct and to maintain the highest standards of ethical behaviour consistent with the positions they hold. Equally, suppliers and business partners are expected to demonstrate the equivalent behavioural standards.

Procurement and Tendering

Staff and Councillors must abide by the law and all its policies, procedures and practices, particularly those related to Procurement and Tendering, including relevant legislation and codes of practice. All Procurement and Tendering actions and decisions will be fully documented to a standard that will withstand scrutiny through an audit process. Please note that all pricing will remain confidential where it is considered that a commercial advantage may be gained/lost through disclosure.

All Council staff will be accountable for their actions and are required to act in the public interest and to always act with due care, integrity, transparency and fairness.

All Council staff are also expected to:

- avoid conflicts of interest;
- treat all potential providers of goods and services equally;
- abide by the law;
- strictly comply with Council’s adopted Code of Conduct, particularly in relation to incentives, gifts and benefits;
- disclose any conflict of interest, including related party employment.

Suppliers and Business Partners

General requirement

Council requires all those with whom it deals in the provision of goods and services, including business partners to observe the following principles:

- Act fairly, ethically and honestly in all dealings with Council;
- Not to disclose confidential Council information;
- Not to exert pressure nor influence on Council Staff or Councillors that may cause them to waiver from Council's Code of Conduct;
- Not to directly or indirectly canvass support from an elected Councillor or staff member of Council during a formal tender period. Doing so will result in disqualification from the process;
- Not to engage in any form of collusive practice;
- To abide by relevant legislative processes and industry codes of practice in all procurement and tendering dealings;
- To have respect for the obligation of Council staff and Councillors to act in accordance with this Statement of Business Ethics;
- Commit to not offer Council staff or Councillors inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities;
- Ensure that all sub-contractors and other people engaged by the supplier or business partner are aware of this statement and the consequences of breaching it.

Communication requirement

As a general principle, all communication with suppliers and business partners to Council should be clear, direct and accountable. Suppliers and business partners also have an obligation to ensure that their communication with Council abides by the above three principles, in order to minimise the risk of inappropriate influences being brought to bear on the business relationship.

There will be times where some communication needs to be strictly confidential for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols or keeping some communication confidential.

Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed at all times and that all communication supports Council's core values of integrity, impartiality, transparency and fairness.

Tendering

This Statement of Business Ethics will form part of all formal procurement processes, including requests for quotation, expressions of interest and tenders for Council and all tenderers will be asked to submit a signed declaration stating that they have read and fully understood the contents of this full statement in relation to their dealings with Council.

What happens if I think there is a breach?

If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Council's General Manager.

It should also be noted that once the General Manager is made aware of a possible breach as described above, that it is incumbent upon him or her to report this directly to the ICAC.

History

Department:	Governance	Last Reviewed	Resolution Number
Policy Category	Council	New Policy	
Endorsed By:	General Manager		
Approval Authority	Council		
Policy Owner	AGMCS		
Contact Officer	AGMCS		
Document No.	34362/2018		
First Adopted	11 Oct 2018		
Resolution No:	482/18		
Review Date:	October 2020		

STATEMENT OF BUSINESS ETHICS DECLARATION

The Supplier must complete and submit this form with any tender, quotation or expression of interest (EOI). All submitted information will be treated as confidential.

1 Insert the name, address and occupation of person making the declaration

I,¹

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

2

- a I hold the position of _____, and am duly authorised by the Supplier to lawfully proclaim the following and, after having made due inquiry believe the following to be accurate to the best of my knowledge.
- b The Supplier and the Supplier's representatives have read and fully understand the contents and meaning of the Nambucca Council Statement of Business Ethics as included as part of these documents.
- c The Supplier and the Supplier's representatives agree to be bound by the standards of ethical behaviour as detailed in the Nambucca Council Statement of Business Ethics and will not exert pressure nor influence Council staff that may cause them to waiver from Council's Code of Conduct.
- d The Supplier agrees not to directly or indirectly canvass support from an elected Councillor or Council staff member during the formal tender period, or be disqualified.
- e The Supplier and the Supplier's representatives agree to have respect for the obligation of Council staff to act in accordance with the Statement of Business Ethics.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

3

4 Place
5 Day
6 Month and year

Declared at ⁴ _____ on ⁵ _____ of ⁶ _____

Before me,

7 Signature of person before whom the declaration is made (see over)

7

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

8

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff, Sheriff's officer or Teacher employed on a full-time basis at a school or tertiary education institution