



# NAMBUCCA VALLEY COUNCIL STATEMENT OF BUSINESS ETHICS POLICY NO:G 07

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## *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 Valley 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 Prevention Policy No CS 20  
Fraud Management Strategy Policy No CS 19  
Public Interest Disclosures Policy No G 08  
Requests and Complaints Policy No CS 03  
Code of Conduct Policy No G 04  
Code of Conduct for Councillors Policy No G 20  
Code of Conduct for Staff Policy No G 21  
Code of Conduct for Committees Policy No G 22

### **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 Valley 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 'Accountability'. In keeping with this value, Council will endeavour to behave with integrity, impartiality, transparency and fairness at all times. Council has a zero tolerance approach to fraud, corruption or modern slavery in its business dealings.

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 website – [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) and copies of all relevant Council policies are also available at any time at [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au)

#### **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);
- Loss of future opportunities with Council;
- Possible legal action.

#### **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 Valley 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 Codes of Conduct for its staff, Councillors and committee volunteers. The Codes embrace the concept of integrity, ethical conduct and accountability throughout the organisation. Council’s staff are accountable for their actions and are expected to act in the public interest.

Staff, Councillors and volunteers are expected to act in accordance with these Codes 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 Codes 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 Codes 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, regulations and industry codes of practice (in particular, approvals, procurement, child safety and modern slavery) 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;
- Take all reasonable measures to prevent unethical occurrences within your own supply chain;
- Provide accurate and reliable information when requested and maintain records of all dealings with Council;
- Not discuss Council business or information with the media;
- Manage business risks to our satisfaction;
- Assist Council in providing a safe and healthy working environment;
- Respect the environment and have sustainable practices in the use of resources and waste management;
- Only use Council's equipment, resources and information for its proper and agreed purposes and respect each other Intellectual Property (IP) rights;
- 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 professionalism, accountability, community focus, safety, value for money and leadership.

### **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 as well as having read and understood the Fraud and Corruption Prevention Policy No CS 20.

### **Compliance with requirement of the *Modern Slavery Act 2018 (NSW)*.**

'Modern slavery' describes situations where offenders use coercion, threats or deception to exploit victims and undermine their freedom. It is an umbrella term used to encompass a number of exploitative practices including forced labour, slavery, servitude, debt bondage, human trafficking, deceptive recruiting for labour

services, the worst forms of child labour and forced marriage. The relevant definitions are contained in the *Modern Slavery Act 2018 (NSW)*.

The only way Council can reduce those risks is either through active engagement with our suppliers to change the way they produce and distribute goods, or to find alternative suppliers. By integrating modern slavery risk considerations into our sourcing strategy, Council can create incentives for both existing and new suppliers to supply products not made with modern slavery.

As Nambucca Valley Council is committed to combatting modern slavery we have implemented various measures to reduce the risk of our procurement activities resulting in or contributing to human rights violations and will continue to implement further measures that will comply with the requirements of the Office of the Anti-slavery Commissioner's Guidance on Reasonable Steps (see <https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/due-diligence-and-reporting/guidance-on-reasonable-steps.pdf>) and the Office of Local Government's Circular 23-17 Update on councils' obligations under the Modern Slavery Act 2018 (NSW) (see <https://www.olg.nsw.gov.au/council-circulars/23-17-update-on-councils-obligations-under-the-modern-slavery-act-2018-nsw/>).

One such requirements is that is a supplier has to comply with the Commonwealth *Modern Slavery Act 2018 (NSW)* a Modern Slavery Statement from the supplier will be required as part of their quotation/tender/contract.

### **Compliance with NSW Child Safe Standards.**

The Child Safe Standards provide a benchmark against which organisations can assess their child safe capacity and set performance targets. The Standards provide tangible guidance for organisations to drive a child safe culture, adopt strategies and act to put the interests of children first, to keep them safe from harm.

The 10 Child Safe Standards are:

- Child safety is embedded in organisational leadership, governance and culture.
- Children participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved.
- Equity is upheld and diverse needs are taken into account.
- People working with children are suitable and supported.
- Processes to respond to complaints of child abuse are child-focused.
- Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
- Physical and online environments minimise the opportunity for abuse to occur.
- Implementation of the Child Safe Standards is continuously reviewed and improved.
- Policies and procedures document how the organisation is child safe.

Council's requirement in its procurement dealings is that all suppliers must ensure their practices align with the requirements of the Child Safe Standards and use the Standards through their systems, policies and processes to continually improve their child safe capabilities.

### **Confidentiality and Intellectual Property**

Any confidential Council information shall be treated as such and shall not be revealed to persons other than those with a genuine authority. Private, confidential, commercial-in-confidence or proprietary information contained within applications, objections, tenders, quotations, expressions of interest, proposals, contracts, heads of agreements and the like, should never be given to competing interests or unauthorised persons.

Suppliers handling private information on behalf of Council are also expected to adhere to Council's Privacy Management Plan (see <https://www.nambucca.nsw.gov.au/files/assets/public/v/4/council/complianceformspolicies-amp-reporting/policies/coporate-services/50043-2023-cs-06-privacy-management-plan-revised-september-2023.pdf>).

The specific requirements of copyright laws and individual contracts must be adhered to in relation to confidentiality and intellectual property.

In business relationships with Council, all parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

Transfer of intellectual property will be addressed via the contractual agreement.

The *Government Information (Public Access) Act 2009 (NSW)* (GIPA) and Regulation requires local councils to publish a range of open access information on their websites and provide copies to the public. Council's website includes information we are obligated to make publicly available under GIPA. It is also a requirement to release government information unless there is a public interest against disclosure.

Government information is also extended to that held by private sector contractors and therefore in entering into a service contract, Council must have right to access certain information (GIPA - Section 121).

### **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, serious and substantial waste of public funds or breach of pecuniary interests you have an obligation to contact Council's General Manager or the Disclosure Co-ordinator (Director Corporate Services). Council's Public Interest Disclosures Policy No G 08 provides details of how to report an issue and provides internal and external contact options such as the ICAC.

### **History**

|                           |                 |                               |                          |
|---------------------------|-----------------|-------------------------------|--------------------------|
| <b>Department:</b>        | Governance      | <b>Last Reviewed</b>          | <b>Resolution Number</b> |
| <b>Policy Category</b>    | Council         | New Policy                    |                          |
| <b>Endorsed By:</b>       | General Manager | 28 Sept 2021                  | By AGMCS                 |
| <b>Approval Authority</b> | Council         | 29 February 2024<br>(Council) | 55/24                    |
| <b>Policy Owner</b>       | DCS             |                               |                          |
| <b>Contact Officer</b>    | DCS             |                               |                          |
| <b>Document No.</b>       | 34362/2018      |                               |                          |
| <b>First Adopted</b>      | 11 Oct 2018     |                               |                          |
| <b>Resolution No:</b>     | 482/18          |                               |                          |
| <b>Review Date:</b>       | January 2026    |                               |                          |

## STATEMENT OF BUSINESS ETHICS DECLARATION

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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 |, <sup>1</sup>

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 and the Fraud Prevention Policy No CS 20 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 Valley Council Statement of Business Ethics and the Fraud Prevention Policy and will not exert pressure nor influence Council staff that may cause them to waiver from Council's Codes 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.
- f The supplier complies with requirements of the *Modern Slavery Act 2018 (NSW)*.
- g The supplier has ensured that their practices align with the requirements of the *Child Safe Standards NSW* and uses the Standards through their systems, policies and processes to continually improve their child safe capabilities.

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 Declared at <sup>4</sup> on <sup>5</sup> of <sup>6</sup>  
5 Day  
6 Month and year

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