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## Our Commitment

Our community expects high ethical standards in the provision of Kiama Municipal Council’s services and in everything else we do. Council has set out an ethical framework in which it operates and what we expect from Councillors, Council employees and those who do business with Council.

The Statement of Business Ethics is prepared by Council to ensure Council’s expectations around best practice procurement, contractor engagement, fair dealings, integrity and good governance are clear, practical and understood by those who have dealings with Council. The Statement will enable providers and suppliers to Council to advance their business objectives and interests with us fairly and ethically.

## Scope

This Statement applies to all private sector individuals or entities, not-for-profit organisations, other government agencies, Council representatives and members of the public. Council representatives include Councillors, contractors, consultants, employees, volunteers, delegates of the Council and members of Council Committees who represent, or act on behalf of, Council.

## References

This statement should be read in conjunction with:

- Council's Alcohol and Other Drugs Policy
- Council's Behavioural Standards for Keeping Children Safe
- Council's Child Safe Policy
- Council's Code of Conduct
- Council's Local Preference Purchasing Policy
- Council's Fraud and Corruption Control Policy
- Council's Internal Reporting (Public Interest Disclosure) Policy
- Council's Procurement Policy
- Council's Unsolicited Proposals Policy

## Business Principles

The key principles that underpin our business relationships with providers and suppliers to Council are:

- **Behaving ethically** – we will ensure our business relationships are honest, ethical, fair, without prejudice and consistent.
- **Achieving value for money** – we will follow procurement practices that promote value for money and will consider both financial and non-financial factors including quality, reliability, technical expertise, timeliness, safety, environmental sustainability and legislative compliance.  
Value for money does not necessarily mean 'lowest price'. However, the lowest price might represent best value for money if it satisfies the other criteria.
- **Promoting competition** – we will follow procurement practices that promote competition which will result in the best possible range of goods and/or services at the best possible price.
- **Being open and transparent** – our dealings with providers and suppliers to Council will be transparent and open to public scrutiny whenever possible.
- **Fairness** – we will treat all parties involved in an objective, reasonable and even-handed manner. Potential providers or suppliers will be given equal access to information and opportunities to submit bids.
- **Prevention of corruption** – we are committed to ethical standards and it is the responsibility of Councillors and Council staff, as well as providers and suppliers to Council, to report any instances of suspected corruption, maladministration or illegal activities.

## What to expect from us

Councillors and Council employees are bound by our Codes of Conduct. Our Councillors and employees are also bound by Council's values of respect, integrity, innovation, teamwork and excellence along with the core public sector values of integrity, trust, service and accountability.

We will conduct business in line with applicable legislation, the NSW Office of Local Government's procurement framework and policies, our Codes of Conduct and local policies and standards.

We will ensure equitable conditions for all participants in any procurement process. We will endeavour to use plain language in specifications and criteria and evaluate proposals/tenders based solely on those specifications and criteria.

We will evaluate and award contracts on the basis of 'best value for money' as part of an open, and transparent process. Best-value-for-money does not automatically mean the lowest price. We will balance all relevant purchasing requirements including initial cost, whole-of-life costs, quality, reliability and timeliness to determining true value for money.

We will maintain business relationships based on open and effective communication, respect and trust.

## What we expect from you

We expect all our business partners to:

- strive for the highest standards of professional conduct and ethical behaviour;
- take reasonable measures to prevent unethical practices in their business including but not limited to modern slavery;
- avoid any activity that may appear to be a potential inducement;
- ensure they do not engage in anti-competitive, or collusive activities or practices that aim to give a party an improper advantage over another;
- take reasonable care for the health, safety and welfare of all individuals involved in the business activity;
- submit competitive quotes/tenders that comply with the requirements set out in our request documents, and only when they have a firm intention and capacity to proceed with a contract; and
- maintain business relationships based on open and effective communication, respect and trust, and adopt a non-adversarial approach to dispute resolution

Additionally, we expect our business partners to ensure they, and their employees and/or contractors, familiarise themselves with NSW Local Government procurement frameworks and policies, our Codes of conduct and local policies and standards, which can be found [here](#). We specifically refer to:

### **Alcohol and Other Drugs Policy**

Kiama Municipal Council is committed to ensuring all workers are provided with a safe, healthy and productive workplace free from the adverse effect of any drugs and/ or alcohol. Council takes a zero-tolerance stance of any use of alcohol or illegal drugs which constitutes a criminal offence or has the potential to adversely affect the health and safety of Council's workers and others in the workplace or the conduct of Council's operations.

### **Code of Conduct for Employees, Volunteers and Contactors**

The Model Code of Conduct sets the minimum standards of conduct for Council employees, contractors and volunteers. It is prescribed by regulation to assist these workers to: understand and comply with the standards of conduct that are expected of them; enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence; and act in a way that enhances public confidence in local government.

### **Councils Child Safe Policy and Behavioural Standards for Keeping Children Safe**

When working with, or on behalf of Kiama Municipal Council employees, contractors and volunteers are expected to:

- respond to any concerns or complaints of child harm or abuse promptly and in line with Council's policies and procedures;
- treat all children with respect and dignity;
- always promote the safety and wellbeing of children;
- maintain privacy and confidentiality of all information regarding children;
- ensure that a minimum of one other adult is present when working in the proximity of children;
- immediately disclose all charges, convictions, and outcomes of an offence, which occurred before or occurs during your engagement with Council, in relation to child exploitation or abuse;
- obtain child and parents/guardians' written consent before photographing or filming a child; and
- seek advice from my relevant contact at Council's before engaging with children to discuss any planned activities or programs and to seek feedback regarding planned child safety measures.

## **Fraud and Corruption Control Policy and Strategy**

Fraudulent or corrupt activity will not be tolerated, Councillors, employees, contractors and volunteers have a duty to be aware of the potential for fraud and corruption and to report anything that they feel is not right. There are a range of options available for reporting of any such matters in accordance with Council's Internal Reporting (Public Interest Disclosure) Policy, including externally to the Independent Commission Against Corruption (ICAC), the NSW Ombudsman's Office, or the Office of Local Government (OLG).

## **Internal Reporting (Public Interest Disclosure) Policy**

Where you provide services on behalf of Council, pursuant to the *Public Interest Disclosures Act 2022* (the PID Act), you are considered a public official. Therefore, the PID Act applies to you and you must notify Council for the purposes of preventing fraud, corruption and unethical practices in business relationships; this can be done by reporting actual or potential wrongdoing as a Voluntary Public Interest Disclosure. The PID Act protects public officials disclosing corruption related matters from reprisal of detrimental action and ensures disclosures are dealt with properly.

You must use your best endeavours to assist in an investigation of serious wrongdoing if requested to do so by a person dealing with a Voluntary Public Interest Disclosure on behalf of Council or any other agency (as defined in the PID Act).

You also acknowledge that:

- Council has an obligation to take corrective action under section 66 of the PID Act;
- Council has a right to terminate the contract in response to a finding of serious wrongdoing or other misconduct involving you or an individual providing services under this contract; and
- if you subcontract the contract, you must ensure that the subcontract contains terms binding the person or body engaged under the subcontract that are equivalent to the terms binding you to your contract.

**Non-compliance with these requirements or illegal/corrupt conduct may lead to termination of contract, loss of future work, disqualification of tender, reporting to relevant organisations/agencies and investigation and/or administrative action.**

## **Some practical guidelines**

The points below relate to key areas of ethical behaviour. Additional advice or specific instructions about these requirements may be included in our policies, request documents and/or contractual provisions.

### **Conflicts of interest**

All Council representatives and business partners must disclose any potential or real conflicts of interest in writing. Any conflict of interest must be resolved in our favour and the public interest.

### **Gifts and/or benefits**

Gifts should not be given to or by Council representatives and we discourage the provision of benefits such as social lunches. Council participation in functions where hospitality is provided is permitted only if a clear underlying business purpose exists and the value and frequency of such functions is not excessive.

### **Information, confidentiality and privacy**

Information should be treated as confidential unless otherwise advised. All parties must take appropriate measures to comply with legislation governing the handling of confidential or private information, not release information without express permission and not use the information for any other purpose.

### **Offers of employment**

Our employees must not be offered private employment or other commercial opportunities that conflict (real or perceived) with their public duties or adversely affect their performance. Council employees are required to obtain approval prior to entering into any secondary employment or business arrangement.

## Public comment

Unless explicitly permitted, our business partners must not make any public comment or statement that would lead anyone to believe they are representing the Council, or expressing its views, whether at public and community meetings, via the media, or when it is likely that the public at large will become aware of such comments or statements.

## Work health and safety

Workplace safety is of paramount importance to us. All business partners must be able to demonstrate a commitment to work health and safety and compliance with all relevant legislation, as well as SafeWork NSW practices, and any applicable Australian or international safety standards.

## Who to contact

Please seek advice or assistance if you are unsure in implementing or dealing with any matter raised in this statement. If you have any enquires or wish to report or have concerns about corrupt conduct, maladministration or serious waste of public funds, please contact the Public Officer on 4232 0444.

External reporting can also be made to:

### Independent Commission Against Corruption (ICAC)

T: 1800 463 909

E: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

### NSW Office of Local Government (OLG)

T: 02 4428 4100

E: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

### NSW Ombudsman

T: 1800 451 524

E: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

## Review History

Date reviewed	Date adopted/endorsed	Brief detail of amendments
19 October 2004	19 October 2004	New document
19 April 2016	19 April 2016	Document reviewed and updated
30 May 2024	4 June 2024	Document updated to new template; updated content for Business Principles; additional content 'What to Expect from Council' with respect to Modern Slavery, Fraud and Corruption, PID, Child Safe, Drug and Alcohol and updated Code of Conduct responsibilities; addition of 'Practical Guidelines'; and addition of 'Who to Contact'.

## Authorisation

Name: Jane Stroud, Executive Leadership Team

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