



STATEMENT OF BUSINESS ETHICS

Business dealings between Dubbo Regional Council and the private sector are becoming more extensive and can often raise sensitive ethical questions. To enhance and protect our organisation's reputation, as well as safeguarding Council's culture of integrity and ethical conduct, Dubbo Regional Council has developed these guidelines for behaviour appropriate to business dealings within Council.

This statement is published on Council's Website and provided to external organisations, service providers, small business and individuals to adopt standards of ethical behaviour that meet Council's requirements. It also outlines guidelines for staff so you know what to expect from Council when conducting business with us.

I hope you find the guidelines of assistance when dealing with Dubbo Regional Council.

A Public Officer is available to address any concerns you may have in relation to the guidelines on (02) 6801 4000.

Murray Wood
CHIEF EXECUTIVE OFFICER
20 JUNE 2023

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1. OVERVIEW

1.1 Applicability

This statement applies to all the Councillors, council employees, volunteers, tenderers, consultants, suppliers and contractors.

1.2 Reference to the Code of Conduct

Dubbo Regional Council requires all its representatives, staff and Councillors to understand and abide by a written Code of Conduct. The Council also expects private industry and its representatives doing business with us to respect and acknowledge Council's code of conduct, ensure they maintain similar standards of ethical conduct in their dealings with Council.

1.3 Our Values

Our corporate values go to the centre of who we are as an organisation. Dubbo Regional Council requires all its representatives, staff and Councillors to understand and support these values and abide by a written Code of Conduct. Ensure that they maintain similar standards of ethical conduct in their dealings with Council and work with us in promoting our values, which are;

Progressive – Be Curious, Courageous & Innovative

- Challenging the status quo
- Finding better ways
- Seeking challenge and innovation

Sustainable – Balanced Approach with Growth and Opportunity

- Financially sound
- Social equity & Environmentally responsible
- Conscientious leadership and governance

One Team – Working Together

- We take care of each other and ourselves
- Partnering to deliver better outcomes
- Fostering positive experience & investing in people

Integrity – Accountable For Our Actions

- Valuing and acknowledging our cultures
- Leading by example

- Open and ethical Practice
- Upholding our commitments

2. KEY BUSINESS PRINCIPLES

2.1 Value for Money

The best value is determined by considering all the factors which are relevant to a particular process. For example quality, reliability, timeliness, service, initial and ongoing costs are all factors which can make a significant impact on benefits and costs. Value for money does not mean "lowest price". However, the lowest price bid might offer best value if it meets other essentials such as quality and reliability.

2.2 Impartiality and fairness

Impartiality and Fairness simply is about being objective, even-handed and reasonable. An impartial person will try objectively to establish criteria for determining best value for money and will work hard to objectively assess each tender against criteria. A fair person would not, for example, change or introduce new selection criteria midway through the tendering process without advising all tenderers. Being impartial includes taking into account the practicalities of a given situation. Impartiality does not require, for example, inviting bids from firms which have performed poorly in the past. In some circumstances, fairness takes into account the effects of actions of others. It would be unfair to call tenders when there is no serious intent to award a contract subject to a satisfactory offer. Fairness does not necessarily mean pleasing everyone. Some people are occasionally adversely affected by fair decisions. Council operates from a viewpoint where it wishes to be fair in all its dealings and minimise where possible, any adverse effects of its decisions.

2.3 Sustainability

Council requires that any business dealing with Council must comply with all applicable environmental laws and continually strive to improve their sustainability performance to minimise the environmental impact of their operations, focusing on the reduction (as

appropriate) of waste, carbon emissions, water or natural resources consumption.

2.4 Work Health and Safety

Dubbo Regional Council is committed in protecting the health, safety and wellbeing of its employees, contractors and visitors in the workplace, when carrying out its activities and undertakings.

Council requires that its suppliers strictly adhere to all relevant Australian health & safety and workplace laws and strive to create a safe working environment for their employees and anyone else affected by their operations.

3. WHAT CAN YOU EXPECT FROM COUNCIL?

When doing business with external parties Council staff are accountable for their actions and are expected to:

- Respect and follow Council's policies and procedures
- Treat all tenderers for the supply of goods and services equitably, impartially, fairness and with respect
- Ensure that all procurement activities and decisions are fully and clearly documented so as to provide an effective audit trail
- Promote fair and transparent competition while seeking best value for money
- Protect confidential and proprietary information
- Meet or exceed public interest and accountability standards
- Avoid situations where private interest could conflict with public duty
- Never solicit or accept remuneration, gifts or other benefits from a supplier for the discharge of official duties
- Respond promptly to reasonable requests for advice and information
- Present the highest standards of professionalism, ethical behaviour and probity in all dealings with suppliers and the community.

4. WHAT COUNCIL EXPECTS FROM YOU:

Council requires all external parties to observe the following principles when conducting business with Council:

- Act ethically, fairly and honestly in all dealing with the Council
- Respect the obligation of Council staff to abide by Council's procurement policy
- Assist Council in providing a safe and healthy working environment
- Refrain from engaging in any form of collusive practice, including offering Council officials inducements, incentives or gifts or benefits designed to improperly influence the conduct of their duties or gain (or perceived to gain) preferential treatment
- Prevent unauthorised release of privileged information, including confidential Council information
- Declare any actual or perceived conflicts of interests as soon as you become aware of the conflict
- Assist Council to prevent unethical practices in our business relationships by complying with this Statement. Note: If you employ sub-contractors in your work with Council you must make them aware of this Statement.

5. INTERACTION WITH COUNCIL OFFICERS

All communications and interactions with the Council Officers should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Any interaction between supplier and Council Officers must comply with the following requirement:

- Meetings are to be made by appointment only, unannounced visits to Council sites are not allowed.
- Meetings are to occur only in the designated public areas of Council buildings, not in

workplaces, staff lunchrooms or operational areas of work sites.

6. ETHICAL BEHAVIOUR OR NOT

There is no absolute definition of 'ethical behaviour'. If there is any doubt about the ethics of a proposed action, a sensible test is whether or not you would be happy to see your behaviour published in the local newspaper. (Note: This assumes that the behaviour in question is otherwise lawful in all respects)

For information on who to contact if you are concerned about the breach of the law or any unethical conduct that has or may have taken place refer to the contacts section within this statement.

7. COMPLIANCE

WHY IS COMPLIANCE IMPORTANT?

By complying with Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. All supplier of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

NON COMPLIANCE

You should be aware of the consequences of not complying with this Statement. Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts/dismissal
- loss of further opportunities
- loss of approvals
- loss of reputation
- Investigation for corruption/criminal activity as well as punishment civil or criminal.

8. CONFLICT OF INTEREST

Dubbo Regional Council employees and Councillors are required to disclose any actual or perceived conflict of interest, whether pecuniary or non-pecuniary. Council extends this requirement to all Council business partners, contractors and suppliers.

When working for Dubbo Regional Council you are required to act in Council's interest. A Conflict of Interest would exist if you have a personal interest, or your relative, company, employer or another person you know has an interest that could reasonably be expected to influence the way you carry out your duties for Council. In determining whether or not you have a conflict of interest you must consider public perception.

In any conflict situation, you are expected to place Council's interests ahead of your own and, where there is any doubt, to always err on the side of caution. If at any time during your engagement with Council a conflict of interest exists or arises, you must disclose the nature of the conflict, as well as the nature of the interest, to the person with whom you are working or who is managing your contract or to Council's office of Corporate Governance.

9. ADDITIONAL REQUIREMENTS

9.1 Use of council equipment, resources and information

All Council equipment, resources and information should only be used for its official purpose. Contractor, subcontractors, may only use Council resources and equipment if it is in accordance of a formal contract.

9.2 Confidentiality and personal information

All information of Dubbo Regional Council must be treated as confidential unless otherwise indicated.

Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, head agreements, contracts and the like should never be given to those with a competing interest or to unauthorised persons.

You must take care to maintain the security of any confidential or personal information you become aware of in your work with or for Dubbo Regional Council.

You must abide by the privacy legislation governing, among other things, the collection, holding, use, correction, disclosure and transfer of personal information obtained through your dealings with Dubbo Regional Council.

No one is permitted to access, use or remove (from Dubbo Regional Council premises) any Council information, or any personal information pertaining to any other person, unless they need that information for their work with or for Council and have the necessary authorisation to do so.

9.3 Canvassing support

During a tender process, any prospective supplier or contractor shall not directly or indirectly discuss their tender bid with a Councillor, or canvass support from any employee of Council, at any time. Any supplier or contractor involved in such activity will result in their tender being rejected.

9.4 Social media and public comment

All Council Staffs and Contractors must not post negative or derogatory comments about Dubbo Regional Council, its customers, services or members of the Council workforce.

In Addition, where your comments or profile identifies your engagement with Council, you must not post material that is offensive, fraudulent, obscene, defamatory, threatening, harassing, bullying and racist, infringes copyright, constitutes a contempt of court, breaches a court suppression order or is otherwise unlawful.

From time to time, there is interest from external parties about Council and what Council does. Only Authorised Council Officials may represent Council or make public comment on behalf of Dubbo Regional Council. This includes statement to the media and all types of Social media, unless authorised by Council.

9.5 Communication between parties

All communication should be clear, direct and accountable so as to minimise the risk of the perception of inappropriate influence being brought to bear on the business relationship. Any

canvassing of the Dubbo Regional Council staff or Councillors during a tender process will disqualify the bid from further consideration. Contact with Councillors whilst performing work with or for Council is prohibited unless expressly authorised by the Dubbo Regional Council.

9.6 Contracting and subcontracting employees

All contracted and subcontracted employees are expected to comply with this statement. As previously stated, if you engage subcontractors in your work with or for Dubbo Regional Council, you must make them aware of this statement.

9.7 Intellectual property rights

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

9.8 Alcohol and drugs

No one should come to work for Dubbo Regional Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their work with or for Council or cause danger to the safety of themselves or others.

9.9 Offers of employment to council staff

You must not offer employees of Dubbo Regional Council private or secondary employment which conflicts or may conflict with their duties at Council. All private or secondary employment must be approved by Dubbo Regional Council and approval will not be given if, in opinion of Dubbo Regional Council, the employment conflicts or is likely to conflict with the employee's official duties with Council.

9.10 Former council employees

Dubbo Regional Council employees, as public officials, must not breach public trust, must at all times act honestly, fairly and impartially and must not use commercially sensitive information with a view to facilitating future employment opportunities in either the public or the private sector. In addition, it is not permissible to use or

otherwise take advantage of any relationship with current employees so as to seek or appear to seek favourable treatment or access to confidential or proprietary information.

Under the *Local Government Act 1993 (NSW)*, some staff leaving Council's employment must have resigned for at least 12 months prior to negotiating or conducting any business with Council on behalf of a new employer.

9.11 Modern slavery

'Modern slavery' is the term used to describe situations where coercion, threats or deception are used to exploit victims and undermine or deprive them of their freedom.

In its dealings with suppliers Dubbo Regional Council addresses the standard required from suppliers and how Council will manage the risk of modern slavery in the procurement process.

When responding to Council's tenders, suppliers must ensure that their responses to the tender schedules are transparent, complete, and candid, and demonstrate a supplier's willingness to work with Council to implement and improve modern slavery risk mitigation strategies over time.

Action taken by suppliers to address modern slavery risks can vary across industries, and therefore supplier action should be tailored and effective for the relevant industry.

Dubbo Regional Council believes positive and collaborative relationships with suppliers can encourage transparency and help improve suppliers' responses to modern slavery risks.

Suppliers must provide a fair and ethical workplace that is free from bullying, harassment, victimisation and abuse. Suppliers must also take reasonable action to ensure that businesses within their supply chain are not engaged, or complicit with, human rights abuses such as forced or child labour.

Modern slavery is a serious issue, and it is important Dubbo Regional Council and its suppliers work together.

9.12 Incentives, gifts and benefits

Dubbo Regional Council ratepayers and residents have a right to expect the business of Council is conducted with efficiency, fairness, impartiality and integrity. Council officials have an obligation to carry out their duties conscientiously, honestly and objectively.

Council's employees and Councillors do not expect to receive gifts or benefits (including hospitality) as a consequence of business relationships with providers of goods and services. Providers of goods and services are required to refrain from offering such incentives, gifts or benefits to Council employees or Councillors unless desirable to enhance cultural exchanges such as sister city arrangements.

Council's Code of Conduct outlines the type of gifts and benefits that may be received by Councillors and Council employees. Please consult the proposed recipient or Council's Code of Conduct to confirm whether the recipient may accept an incentive, gift or benefit.

Gifts of cash or cash-like gifts should not, in any circumstances, be offered to Council employees or Councillors.

NOTE: If a gift or benefit (especially cash or cash-like gift) is offered to a Council Official to influence the way they do their work, they must report it immediately

10. DIVERSITY AND INCLUSION

Dubbo Regional Council promotes and encourages a diverse and inclusive workforce by fostering an environment of mutual learning, respect, dignity, openness to all as well as an appreciation of different perspectives.

Council strictly prohibits unlawful discrimination or harassment on the basis of race including colour, religion, national or ethnic origin or immigrant status, gender, sexual orientation or identity, expression, age, pregnancy or marital status and breast feeding, mental or physical disability or any other characteristics protected by law.

This includes all interactions between all contractors and Council staff and customers, and all decisions that are made in connection with your engagement with us, including performance related decisions.

Dubbo Regional Council respects the importance of the culture, heritage and traditional rights of Indigenous Australians, and requires its Suppliers to do the same.

10.1 Fair wages / compensation

Suppliers who employ migrant workers shall ensure they have exactly the same entitlements as local employees required by the law or the prevailing industry wage. Any commissions or other fees with employment of migrant worker must be covered by the employer. The employer must not require the employee to submit their original identification document. Workers engaged by a supplier through an agent or contractor of the supplier are the responsibility of the Supplier.

10.2 Sustainable procurement

Dubbo Regional Council promotes the practice of integrating sustainability principles into every procurement, whether tendering a major project; making a standard purchase from a preferred contract supplier or a simple one off purchase. Council optimises the environmental, economic and social benefits for an organisation and the community it serves, building a sustainable economy on supplier diversity and SME participation and commitment to local buying, whenever practicable.

11. REPORTING CORRUPTION

MALADMINISTRATION AND WASTAGE

Dubbo Regional Council will not tolerate unethical conduct or fraud. Council encourages its Councillors, staff and the business community to report such matters.

When working with Dubbo Regional Council in a paid, unpaid, or contracted capacity, you are considered to be a 'public official' for the

purposes of the Independent Commission Against Corruption Act 1988 (NSW) and you are therefore subject to the ICAC's jurisdiction.

'Corrupt conduct' occurs when, among other things, a public official carries out public duties dishonestly or partially and the conduct in question could constitute either a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of the public official.

'Maladministration' (sometimes referred to as conduct which is otherwise 'wrong conduct') is conduct that involves action or inaction of a serious nature that is either contrary to law, or is unreasonable, unjust, oppressive or improperly discriminatory, or is based wholly or partly on improper motives.

When doing work with or for Dubbo Regional Council you have a responsibility to report any suspected instance of corruption, maladministration, or serious and substantial waste, for information on contacts refer to the contacts section within this Statement.

Alternatively, you can report any suspected instance of corruption to the ICAC, maladministration to the Ombudsman, and serious and substantial waste to the Division of Local Government, Department of Premier and Cabinet.

There are a number of forms of protection available to any person who reports any of the above mentioned wrong practices in the appropriate manner. Reports must, however, be honest and reasonable. Dubbo Regional Council will deal with reports in a prompt, professional, and confidential manner. Council's 'Internal Reporting Policy' applies to all such reports.

11.1 BREACHES OF THE CODE

Failure to comply with this statement may cause penalty clauses in a contract with Dubbo Regional Council to be invoked and/or civil or criminal proceedings to be brought or other action

considered appropriate by Council to be instituted.

12.COUNCIL'S COMMITMENT

The standards and principles outlined in this statement reflect the high standards expected by our local community. You are also expected to maintain these standards and principles when undertaking work with us, for, or on behalf of Dubbo Regional Council. If you have any questions, or are unsure about any matter relating to this statement refer to the contact section for contact numbers.

13. MORE INFORMATION

Staff and Councillors of Dubbo Regional Council or those in the employ of a tenderer, supplier, consultant or contractor who are concerned that a breach of the law or of ethical conduct may or may not have taken place, suspected instances of corruptions, maladministration or serious and substantial waste or for more information or questions, contact:

Council's Public Officer

02 6801 4000

Council's Manager Procurement

02 6801 4000

Council's Office of Corporate Governance

02 6801 4000

Council's CEO

02 6801 4110