

# Cancer Institute NSW

## Statement of Business Ethics

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<b>Document Title:</b>	Cancer Institute NSW Statement of Business Ethics			
<b>Summary:</b>	Staff and <i>external contractors</i> are expected to behave ethically and comply with the NSW Health Code of Conduct, high standards of behaviour are also expected from those who engage with the Cancer Institute NSW (the Institute) on a commercial basis. Compliance with this Statement of Business Ethics is a condition of contracting with the Institute.			
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<b>Applies To:</b>	All Institute employees and contractors.			
<b>References:</b>	<a href="#">NSW Health Code of Conduct.</a> <a href="#">NSW Health Fraud Control Strategy</a> <a href="#">NSW Health Public Interest Disclosures</a> <a href="#">NSW Health Conflict of Interests &amp; Gifts and Benefits</a> <a href="#">NSW Health Reporting to the NSW ICAC</a> <a href="#">NSW Treasury Circular TC 18-02</a> <a href="#">CINSW Fraud &amp; Corruption Control Policy &amp; Procedure</a>			
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## 1. Our Commitment

The Institute is the lead agency for lessening the impact of cancer in NSW. Just as we are expected to behave ethically and comply with the NSW Health Code of Conduct, high standards of behaviour are also expected from those who engage with the Institute on a commercial basis. That is why we have made compliance with this Statement of Business Ethics a condition of contracting with us.

## 2. Our Values

Our CORE+4 values have been co-designed with employees to build a positive workplace culture. These values define what is important to the Institute and provide a foundation to support how we work and behave. We all have a role to play in promoting and embedding the CORE+4 values.

Collaboration	<ul style="list-style-type: none"> <li>We work together to achieve our objectives. We seek and value contributions from those with diverse skills from across the Institute. We engage frequently and consistently with others across divisions.</li> </ul>
Openness	<ul style="list-style-type: none"> <li>We all contribute, offer new ideas and provide constructive feedback. We have a common understanding of important matters through transparent, Institute-wide communications. We are approachable at all levels.</li> </ul>
Respect	<ul style="list-style-type: none"> <li>We treat others as we would like to be treated ourselves. We value people's different perspectives, capabilities and backgrounds, and resolve conflicts constructively. We recognise and reward each other for our hard work.</li> </ul>
Empowerment	<ul style="list-style-type: none"> <li>We have processes that support staff to make independent decisions. We create a positive environment in which people are encouraged to grow, develop and succeed. We are all accountable for our own performance and behaviour.</li> </ul>
Strategic	<ul style="list-style-type: none"> <li>We understand how the Cancer Plan translates into our organisational, divisional, team and individual priorities. We strive to be influential and results driven and we monitor for quality outcomes. We are driven by one overarching organisational direction.</li> </ul>
Supportive	<ul style="list-style-type: none"> <li>We share the load and support one another. We celebrate each other's achievements, and want each other to succeed.</li> </ul>
Innovative	<ul style="list-style-type: none"> <li>We seek and suggest new ideas or ways of doing things. We are not afraid of making mistakes, and share our learning with others. We take opportunities to work in better ways.</li> </ul>
Flexible	<ul style="list-style-type: none"> <li>We are trusted in how we do our own work. We work flexibly, when it works for our projects and colleagues. We adapt when priorities change.</li> </ul>

### 3. Key Business Principles

The Institute is committed to maintaining high standards of integrity and ethical conduct that are consistent with the policies, guidance, and directions issued by the NSW Ministry of Health.

The Institute expects that its business dealings are transparent and open to public scrutiny wherever possible and that private sector organisations support all Institute employees' adherence to and maintenance of appropriate ethical behaviours. The Institute believes that establishing and maintaining ethical business relationships will promote positive relationships with goods and service providers and help to preserve the reputations of the businesses and individuals involved, meet community expectations of probity and value in the public sector and reduce the likelihood of corrupt conduct.

This statement provides guidance for goods and service providers when doing business with the Institute. It also outlines what goods and service providers can expect of the Institute. The Institute conducts all procurement in accordance with the [NSW Procurement Policy Framework](#), and the [NSW Health Procurement \(Goods and Services\) Policy](#).

The Institute seeks to achieve Value for Money in its procurement activity, as outlined by the [NSW Government Procurement Policy Framework](#). *'Value for money is not necessarily the lowest price, nor the highest quality good or service. It requires a balanced assessment of a range of financial and non-financial factors, such as: quality, cost, fitness for purpose, capability, capacity, risk, total cost of ownership or other relevant factors.'*

#### What you can expect from us

All business dealings with the Institute are expected to be honest, ethical, fair and consistent. The Institute will ensure that it complies with [NSW Procurement Policy Framework](#), and the [NSW Health Procurement \(Goods and Services\) Policy](#).

All Institute employees are bound by the [NSW Health Code of Conduct](#).

#### What we expect from you

All goods and service providers are expected to:

- Observe and comply with NSW Health procurement policies and procedures.
- Provide accurate, concise, and reliable information when required.
- Declare actual or perceived conflicts of interest as soon as these conflicts are recognised.
- Act ethically and be honest in all dealings.
- Take all reasonable measures to prevent the unauthorised disclosure of NSW Health confidential information.
- Refrain from discussing Institute business or information in the media prior to obtaining Institute written consent.
- Refrain from offering Institute employees or contractors' inducements or incentives (e.g. hospitality, gifts, sponsorship or other benefits) designed to unfairly persuade Institute employees (e.g. securing or attempting to secure influence or favour from the Institute or individual employees).
- Assist the Institute in identifying and eradicating unethical practices.

### Why is compliance essential?

Consistent with the [Independent Commission Against Corruption \(ICAC\) Act 1988](#), The Institute defines consultants and contractors as 'public officials'. Any individual that attempts to improperly influence a public official or a public authority's honest or impartial exercise of their functions may be found corrupt by the ICAC.

All Institute goods and service providers are required to comply with this Statement. The consequence of not complying with the Institute's ethical requirements when doing business with the Institute could lead to:

- Termination of contracts.
- Loss of future business opportunities.
- Reputational damage.
- Investigation for alleged breaches of the [NSW Health Code of Conduct](#).
- Referral to ICAC for investigation for corruption.
- Referral to NSW Police for investigation of alleged criminal offences.

## 4. Practical Guidelines

### 4.1. Conflicts of interest

All Institute employees are required to declare any actual, potential, or perceived conflicts of interest under NSW Health Policy Conflicts of Interest and Gifts and Benefits, and the Institute's Fraud & Corruption Control Framework. Declared conflicts of interest are recorded in the Institute's Conflicts of Interest Register and reviewed regularly to ensure the appropriate management processes remain in place.

A conflict of interest can arise where an employee could be influenced or perceived to be influenced, by a competing interest when carrying out their public duty. Competing interests may arise through personal or private interests, or through separate professional interests. Having a conflict of interest is not necessarily a problem; it is how it is dealt with that is important. A conflict of interest can be actual, potential, or perceived; an interest can be pecuniary or non-pecuniary.

All Institute contractors, consultants, suppliers, tenderers, and business partners must have appropriate policies and processes in place to manage any conflicts of interest when dealing with the Institute.

### 4.2. Gifts and benefits

Contractors, consultants, suppliers, tenderers, and business partners must not offer or give Gifts or Benefits to Institute employees and there is no expectation from Institute employees that any Gifts or Benefits will be provided. Institute employees will decline Gifts, Benefits, or travel offered during the course of their work. Cash gifts (or equivalent, for example gift vouchers) are never acceptable.

Institute Contractors, consultants, suppliers, tenderers, and business partners must not pay or offer to pay for any form of entertainment for Institute employees. This includes such things as tickets to sporting or social events, social meals at restaurants, travel expenses to attend either local or interstate meetings or conferences, or accommodation expenses. The Institute meets all such business costs for employees.

Institute employee participation in some modest forms of hospitality is permitted where: a clear underlying business purpose exists; it is in the normal course of business; relates to the work of NSW Health; has a public benefit; and is disclosed by the employee.

Offers, acceptance, and non-acceptance, of all Gifts, Benefits and hospitality are required to be disclosed by Institute employees in accordance with the NSW Health Policy Conflicts of Interest and Gifts and Benefits.

The Institute acknowledges that judgement by both commercial partners/suppliers and employees needs to be exercised regarding the offer and acceptance of Token Gifts or hospitality – the essence is that it must be modest (both actual and in perception) and not be encumbered by obligation. It must also not be offered at a time that could raise general concerns about conflicts of interest, for example during a tender or contract negotiation period. Modest hospitality could include basic refreshments at meetings, and simple light working luncheons.

### **4.3. Intellectual property and copyright**

All parties shall respect each other's intellectual property rights and should formally negotiate any access, licences or use of intellectual property. In most cases the State will own copyright in any material that is created, commissioned or first published by the State unless an agreement has been made that someone else will own copyright.

### **4.4. Confidentiality, Information & Data Privacy**

Information (whether hard copy documents or electronically stored data) that is marked confidential or that is provided in circumstances where a reasonable person would assume the information was provided in confidence, should never be released, disclosed to a third party or used for a different purpose than it was given for, without the express consent of the party that provided the information.

Institute contractors and staff are required to comply with the [Privacy and Personal Information Protection Act 1998](#), or the [Health Records and Information Privacy Act 2002](#), when managing information and data obtained in the performance of their duties. This extends to assisting the Institute comply with the Mandatory Notification of Data Breach (MNDB) Scheme under Part 6A of the [Privacy and Personal Information Protection Act 1998](#).

Privacy resources for contractors, including the [MNDB scheme](#), can be found on the [Information and Privacy Commission's](#) web site.

### **4.5. Communication between parties**

All communication shall be clear, direct, professional and accountable to minimise the perception of any inappropriate influence in commercial dealings. The Institute will comply with the [Government Information \(Public Access\) Act 2009](#) when managing information relating to contractors' records or access applications received under the Act in so far as they relate to information about contractors.

### **4.6. Bullying, harassment and discrimination**

Workplace bullying, harassment and discrimination are unacceptable behaviours with the Institute and will not be tolerated under any circumstances. All Institute contractors, consultants, suppliers, tenderers, and business partners must have appropriate policies and processes in place to manage workplace bullying, harassment and discrimination when dealing with the Institute.

#### **4.7. Contracting employees**

All contracted and sub-contracted employees are expected to comply with the Institute's Statement of Business Ethics. All contractors are responsible for ensuring their sub-contractors comply with the statement and are aware of the consequences of breaching the principles it contains.

#### **4.8. Other employment and external business activities**

The Institute requires employees, in accordance with NSW Health Code of Conduct, to obtain the approval of the Chief Executive prior to entering into any private/secondary employment arrangement (including with family companies or trusts). This will not be approved if it has the potential to create an actual or perceived conflict of interest between the employee's public official role and their private interests.

All part-time or casual Institute employees are required to advise the Institute Chief Executive Officer or delegate of any real or potential conflict of interest between their employment at the Institute and any other employment.

Institute employees are not to use either their position, government information, or intellectual property developed while serving Government to secure private employment.

Commercial partners and suppliers must not offer Institute employees private employment which conflicts with their public duties. The Institute's general expectation is that existing commercial partners will avoid employing former Institute employees within 12 months of such former employees leaving the Institute. Institute contractors that have commercial dealings with the Institute and employ former Institute employees need to ensure that these employees do not seek, or appear to seek, favourable treatment or access to confidential Institute information.

#### **4.9. Public interest disclosures – 'whistle-blower's protection'**

The Institute does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and other forms of serious wrongdoing.

All commercial partners and suppliers of goods or services to the Institute are required to report all information they become aware of where they honestly believe, on reasonable grounds, that the information or evidence shows or tends to show serious wrongdoing.

Individuals and corporations (and employees or officers of these corporations) engaged by the Institute under a contract to provide services to, or on behalf of, the Institute are classified as 'public officials' under the [Public Interest Disclosures Act 2022](#) (The PID Act). The PID Act protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing in line with requirements of the PID Act. The PID Act also ensures that disclosures are appropriately investigated and dealt with. Public officials, including Institute employees and contractors that report corrupt conduct, fraud, serious maladministration or serious and substantial waste of public funds or a failure to deal appropriately with Government information are protected from reprisals under the PID Act.

#### **4.10. Reporting unethical or corrupt behaviour**

If you are concerned about a possible breach of this code by an Institute staff member, you should report this directly to the Institute Chief Audit Executive by email mail to the Manager Governance, Risk & Compliance [thomas.weir@health.nsw.gov.au](mailto:thomas.weir@health.nsw.gov.au).



If you are concerned about any conduct that could involve fraud, corrupt conduct, maladministration, or serious and substantial waste of public funds, this can also be reported via one of these external channels:

- corrupt conduct – Independent Commission Against Corruption (ICAC)
- maladministration – NSW Ombudsman
- serious and substantial waste – NSW Audit Office
- access to government information (GIPA) – Information and Privacy Commission NSW

## 5. Definitions

Term	Definition
<b>Benefit</b>	Is a service or intangible item which is of value to the receiver. Examples include access to preferential treatment or to a private box at sporting events.
<b>Conflicts of interest</b>	<p>Actual: where a person's duties as an employee (that is the principal goals of the profession or activity, the duties of public office, the protection of clients, the health of patients, or the integrity of research) may be unduly influenced by a secondary interest (such as a personal or competing professional interest, including secondary employment or office).</p> <p>Perceived: where it could reasonably be perceived that the competing interests could improperly influence the performance of duties – whether or not this is in fact the case.</p> <p>Potential: where the competing interests have the potential to conflict with official duties in the future.</p> <p>Pecuniary interest: is an interest associated with a reasonable likelihood or expectation of appreciable financial gain or loss to a person or to someone associated with them, for example partners, relatives, or friends.</p> <p>Non-pecuniary interest is an interest which does not relate to money, but which may relate to a non-financial gain or loss to a person, or someone associated with them. Examples of non-pecuniary interests might include kinship, friendship, membership of an association, society or trade union or involvement (or interest) in an activity.</p>
<b>Employee(s)</b>	Includes any person working in a permanent, temporary casual, termed appointment or honorary capacity, including volunteers and contractors.
<b>Gift</b>	Any item, service, prize, hospitality or travel, offered or provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and / or a value to the recipient, a member of their family, relation, friend or associate, and includes bequests.
<b>Nominal value</b>	Is the monetary limit of acceptable token gifts. The nominal value for the Institute is \$75.00.
<b>Non-token gifts</b>	Is a gift or benefit that can be seen to be given as an inducement or have a greater value.
<b>Token gifts</b>	Are inexpensive gifts of gratitude such as a bunch of flowers of nominal value.