

	<b>POLICY – BUSINESS ETHICS</b>	<b>Doc No.</b>	
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# Draft Business Ethics Policy

## 1. INTRODUCTION

This Policy outlines the ethical standards required of tenderers, suppliers, consultants and contractors engaged by Balranald Shire Council. This policy guideline exists concurrently with the legislative, regulatory and other policy requirements, notably Council's Code of Conduct, which controls or affects the business of Council.

This Policy aims to provide external organisations, service providers, small business and individuals with an understanding of Council's expectation in relation to standards of ethical behaviour that meet Council's requirements. It also provides guidelines for staff on Council's expectations when conducting business.

## 2. POLICY OBJECTIVE

The objectives of this policy are to:

- Set out the ethical standards expected of Council's suppliers and business partners
- Encourage compliance with Council's ethical standards
- Provide guidance on complaints and reporting processes

## 3. POLICY SCOPE

This policy applies to Councillors, Council Staff as well as Tenderers, Suppliers, Contractors and Consultants and their Sub-Contractors/Employees.

## POLICY STATEMENT

### 4.1 PREAMBLE

Balranald Shire Council is committed to conducting business professionally at all times and to the highest ethical standards, so that the community has confidence and trust in Council's business dealings, services and decision making.

Balranald Shire Council is committed to our Code of Conduct that sets out the standards for ethical behaviour of Council officials and representatives to act honestly, transparently and responsibly in their decision making and business partnerships.

Council's Code of Conduct assists Council officials to:

- Understand the standards of behaviour required of them
- Enable them to act honestly and exercise care and diligence
- Enhance public confidence

Council's Business Partners are also required to comply with those standards of behaviour in their dealings with Council.

## 4.2 Council's Values and Commitments to our Community

In addition to our statutory charter in the Local Government Act, Balranald Shire Council has adopted a statement of values which expresses our commitment to servicing the community.

- **Honesty:** We will be transparent, frank and truthful to ourselves, each other and with other people we deal with.
- **Respect:** We will treat others as we want to be treated ourselves, we will be tolerant of each other and accept that people have different opinions.
- **Enjoyment:** We will create a pleasant and enjoyable working environment with satisfying jobs.
- **Teamwork:** We will cooperate and support each other to achieve common goals.
- **Openness:** We will collaborate openly and provide opportunities to communicate and network regularly with each other.
- **Leadership:** We will provide a clear strategy and direction and support all to achieve organisational and community goals.
- **Customer Focus:** We will constantly strive to be responsive to our customers' needs and preferences by providing high quality services.

These values are reflected in our actions and decision making processes.

## 4.3 What you can expect from Balranald Shire Council

In business dealings, Council expects Councillors and staff to observe the highest standards of ethical, probity and professional conduct. This includes:

- Acting honestly and with impartiality at all times
- Conforming with all legal obligations
- Not engaging in practices that give a party an improper advantage over another
- Being prepared to attest to probity, and not engaging in any form of collusive practice, including offering or taking inducements, gifts, benefits or fixing of prices etc.
- Protecting confidential information
- Clearly specifying all requirements and criteria for evaluation and responding promptly to request for advice and information
- Immediately disclosing and managing potential conflicts of interest

- Being responsible for our own safety and that of others
- Enhancing and protecting the environment
- Reporting to Council's General Manager any suspected breaches of these ethical standards

#### **4.4 What we expect from our business partners**

Balranald Shire Council requires that all private sector providers of goods and services observe the following principles when doing business with Council:

- Act ethically, fairly and honestly in all dealings with the Council
- Respect the conditions set out in documents supplied by Council, including complying with relevant Council Policies and Procedures
- Abstain from collusive practices and not act secretly or fraudulently
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interest as soon as you become aware of them
- Respect the obligation of Council's staff to abide by Council's Code of Conduct and other Policies
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from lobbying or canvassing Councillors or members of staff during the tender process
- Refrain from offering Council employees or Councillors any gifts, financial or other inducements which may give any impression of unfair advantage
- Refrain from discussing Council business or dealing in the media, except with Council's consent
- Assist the Council to prevent unethical and fraudulent practices in our Business relations
- Deliver value for money
- Report to Council's General Manager any suspected breaches of these ethical standards

#### **4.5 Why you need to comply**

Balranald Shire Council requires all business partners to comply with the Policy. Compliance with our Policy will assist our Suppliers of goods and services to advance their business objectives and interest in a fair and ethical manner. Business partners who engage in any unethical or illegal (including corrupt) behaviour could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation

Consequences for Councils, staff and volunteers not complying with Council's Code of Conduct may include:

- Loss of Civic Office
- Investigation
- Disciplinary action

- Dismissal
- Potential criminal charges

## **5. Additional things you need to know**

### **5.1. Gifts or Benefits**

Anyone wanting to do business with Council must understand that business practices common in the private sector such as offering of gifts, benefits and incentives is not permitted at Balranald Shire Council.

Under no circumstances will a gift or cash or money be accepted.

As offering of gifts and benefits may be perceived as an attempt to unfairly influence decisions and service, Council expects Councillors and Council staff to decline gifts or benefits.

Council employees and Councillors who are offered any gift or benefit must immediately inform the General Manager in writing.

Gifts and benefits are recorded in Council's Gift Register and Benefits Register.

### **5.2. Conflicts of Interest**

If an actual, perceived or potential conflict of interest in your work with Council exists or arises, you must disclose to the Council. A conflict of interest arises if your own interest, or those of other people close to you, conflict with your obligations to the Council.

### **5.3. Media and Public Comments**

You must not make any public comment or statement what would lead anyone to believe that you are expressing the views or Policies of Council. This includes comments or statements made at Public and Community meetings, via the media, or when it is reasonably foreseeable that the comment's, or statement, will become known to the public at large.

### **5.4. Communications**

All communication between Council and its business partners should be clear, direct and accountable to minimise the risk or perception of inappropriate conduct.

### **5.5. Confidentiality of Information**

All Council information must be treated as confidential unless otherwise indicated in writing.

In dealing with the Council's information:

- You must take care to maintain the security or any confidential or personal information you become aware of in your work with the Council
- You must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your

dealing with the Council. Personal information is any information about a person where you know who the person is or you can guess who the person is.

- No-one should access, use or remove from Council workplace or premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to the Council's General Manager.

Requests for access to the Council information will be managed in accordance with Council's *Access to Information Policy* and associated procedures.

## **5.6. Use of Council Resources**

Council's equipment, resources and information should only be used for its proper official purpose.

## **5.7. Contracting Employees**

All contracted and sub-contracted employees are expected to comply with Council's Business Ethics Policy. If you employ sub-contractors in your work for Council you must make them aware of this Policy.

## **5.8. Intellectual Property Rights**

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

## **5.9. Harassment and Discrimination**

Council's officials and its business partners must not harass, discriminate against, or support others who harass and discriminate against other contracts, employees or members of the public. This includes, but is not limited to, harassment and discrimination on the grounds of gender, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexuality or transgender.

## **5.10. Sponsorship**

Balranald Shire Council seeks and receives requests for financial and/or in kind sponsorship from organisations, businesses or individuals to support specific events, promotions or other activities of Council. All sponsorship arrangements must comply with Council's *Donations, Subsidies and Financial Assistance Policy*. It is essential that any sponsorship does not limit the Council's ability to carry out its function fully and impartially nor will sponsorship influence a Council's decision.

## **5.11. Secondary Employment**

Council's business partners should not make offers of employment to Council's staff, which may be publicly perceived to obtain an unfair advantage. Council's staff are not permitted to engage in outside employment or business that:

- Conflicts with official duties
- Interferes with Council work

- Adversely affect work performance
- Involves using confidential information or Council resources obtained through work with Council.

Secondary employment of Council staff requires the approval of the General Manager.

## **5.12. Tendering**

Council's tendering process does not permit applicants to canvass or lobby Councillors or contact Council staff other than the advertised contact person. Any action or contact that may be considered as an attempt to influence a decision of Council's staff or Councillors shall disqualify the relevant tender applicant.

## **6. Complaints**

Complaints regarding Council service should be lodged in accordance with Council's Complaints Handling Policy. Complaints regarding matters relating to contractual arrangements with Council should be raised in the first instance with the Manager responsible for the operational administration. If these remain unresolved, complaints can be forwarded to Council's General Manager.

## **7. Reporting breaches of this Policy**

Council encourages the reporting of corrupt conduct, maladministration, fraud or serious waste of public funds. Council undertakes to deal with all reports or enquiries in a prompt, professional and confidential manner. Reports regarding Council's ethical standards should be made to:

The General Manager  
Balranald Shire Council  
PO box 120  
BALRANALD NSW 2710

Further information on Council's Policies, including the Code of Conduct can be obtained from Council's Customer Service Centre at 70 Market Street, Balranald, Website [www.balranald.nsw.gov.au](http://www.balranald.nsw.gov.au) Phone (03) 5020 1300 or email to [council@balranald.nsw.gov.au](mailto:council@balranald.nsw.gov.au)

Alternatively reports of any suspected corruption can be made to the Independent Commission Against Corruption (ICAC) or for maladministration to the NSW Ombudsman.

## **8. Protected Disclosures**

Disclosures about corrupt conduct, maladministration or waste of public funds are protected under the Protected Disclosures Act 1994. Persons who report unethical behaviour that is conduct covered by this Act can seek protection from any reprisal or detrimental action.

## **9. REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant State Agencies and Best Practice guidelines.

The standard review period will be bi-annually from the effective date, but is not limited to earlier review subject to changes in legislation and/or organisational directives. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Director Corporate and Community Services is responsible for the review of this Policy.

#### **10. LEGISLATIVE AND LEGAL FRAMEWORK**

This policy is to be read in conjunction with the following:

- Independent Commission Against Corruption (ICAC) Act 1998*
- NSW Local Government Act 1993*
- Work Health and Safety Act 2011*
- Privacy and Personal Information Regulation 2014*
- Protected Disclosures Act 1994*

#### **11. RELATED DOCUMENTATION**

This policy is to be read in conjunction with the following:

- Council's adopted Code of Conduct
- Purchasing Policy
- Gifts and Benefits Policy
- Social Media Policy
- Secondary Employment Policy
- Grants, Subsidies and Financial Assistance Policy
- Records Management Policy
- Privacy Plan
- Public Interest Disclosures Internal Reporting Policy

## **DECLARATION OF BUSINESS ETHICS**

Council's Business Ethics Policy provides an outline of the ethical framework within which Council operates. It reinforces Council's values for conducting business as well as stating what Council expects from its public sector and business partners.

As a prospective business partner, it is a requirement that you have reviewed Council's Business Ethics Policy and understand the need to abide by it when conducting business with, or on behalf of, Council.

### DECLARATION

I, \_\_\_\_\_  
(name and position of person making declaration)

Of \_\_\_\_\_  
(name of firm, company, partnership, corporation, association or other organisation or entity)

Have reviewed Council's Business Ethics Policy and declare that

\_\_\_\_\_  
(name of firm, company, partnership, corporation, association or other organisation or entity)

And any parent, subsidiary or franchisee

Agree to abide by the principles contained therein

\_\_\_\_\_  
(Signature of person making declaration)