

COUNCIL POLICY



Policy name	Statement of Business Ethics
--------------------	------------------------------

Abstract
Defines the standards of behaviour required between Council and Business's it is associated with to enhance and protect Council's reputation, as well as safeguard Council's culture of integrity and ethical conduct.

Dates	Policy or amendment approved	15 Mar 2023
	Policy or amendment takes effect	16 Apr 2023
	Policy is due for review (up to 4 years)	15 Mar 2027
Endorsed by	Executive Leadership Team	
Approved by	Gunnedah Shire Council, at its Ordinary Meeting of Council held 15 Mar 2023. Resolution number: 5.03/23	
Policy Custodian	Director Corporate Services	
Relevant to	Gunnedah Shire Council Elected Members Council staff and volunteers, suppliers and contractors General public	
Superseded Policies	Nil	
Related documents	Policy – Procurement and Tendering Policy – Council's Code of Conduct	
Related legislation	Nil	



Gunnedah Shire Council

Statement of Business Ethics

This Statement of Business Ethics (“Statement”) has been developed to assist Council to ensure that it, and the businesses with which it is associated, act in a transparent, ethical and accountable manner so as to enhance and protect our organisation’s reputation, as well as safeguard Council’s culture of integrity and ethical conduct.

Council’s reputation is built on trust and this influences how our community and business partners feel about our organisation and the services it provides. This reputation can be tarnished by the unethical actions of a few people or even just one person.

Acting with transparency and integrity is about more than our organisation’s image and reputation or avoiding legal issues. Integrity is about ‘doing what is right’, about maintaining an organisation in which we are all proud to work and with which we are proud to be associated. Ultimately, it’s about each of us knowing that we have done the right thing in the right way.

This means, among other things: acting honestly; observing a high standard of probity, ethical behaviour and integrity; treating each other and our customers, partners, suppliers and our community fairly and with respect, and being transparent and open in our business processes.

The Local Government Act 1993 requires that every Council adopt a Code of Conduct. The standards in this Statement are based on our Code of Conduct and our values.

Contents

OUR VALUES	3
KEY BUSINESS PRINCIPLES	3
GUIDELINES FOR DOING BUSINESS WITH COUNCIL	3
WHAT SHOULD YOU EXPECT FROM COUNCIL?	4
WHAT DOES COUNCIL EXPECT FROM YOU?	4
GUIDANCE NOTES	4
Incentives, gifts and benefits.....	4
Conflict of Interest.....	5
Confidentially and personal information	5
Communication between parties.....	5
Contracting and subcontracting employees.....	5
Intellectual property rights.....	5
Alcohol and drugs	6
Offers of employment to Council staff	6
Former Council employees.....	6
Is behaviour ethical or not?.....	6
Reporting corruption, maladministration and wastage	6
Breaches of this Statement	7
Council’s commitment.....	7
Contact details.....	7

OUR VALUES

Our corporate values go to the centre of who we are as an organisation. Council requires that its employees and consultants understand and support these values. We ask that suppliers doing business with us respect and acknowledge the way we conduct our business, ensure that they maintain a similar level of ethical behaviour in their dealings with Council and work with us in promoting our values.

Our values, in partnership with our community, are:

- Equity;
- Integrity;
- Leadership;
- Openness and accountability;
- Customer satisfaction;
- Commitment to safety; and
- Efficient and effective use of resources.

KEY BUSINESS PRINCIPLES

This Statement outlines Council's expectations on how goods and service providers and contractors are to deal with Council and vice versa.

Council aims to apply the following principles in all of its business dealings:

- Accountability and transparency;
- Value for money – note: this does not necessarily mean the lowest price;
- Open and effective competition;
- Probity, ethical behaviour and fair treatment; and
- Workplace health and safety and risk assessment.

These principles enable suppliers to promote their interests effectively but avoid unproductive and potentially questionable activities. All potential providers of goods and services are subject to the same ethical operating environment and must comply with these guidelines.

Council recognises the need to support local business and industry in conjunction with applying best price/value. Potential suppliers and/or service providers will be given fair and equitable consideration of each tender or quotation submitted.

GUIDELINES FOR DOING BUSINESS WITH COUNCIL

Council will ensure that all its business relationships are ethical, fair and consistent. In particular, Council's business dealings will be transparent and open to public scrutiny at all times.

By complying with this Statement you will be able to advance your business objectives and interests with Council, fairly and ethically.

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.

WHAT SHOULD YOU EXPECT FROM COUNCIL?

All members of staff, Councillors and delegates are bound by Council's Code of Conduct. They are accountable for their actions and are expected to:

1. Use Council resources efficiently and effectively;
2. Encourage fair and effective competition while seeking value for money;
3. Ensure that all procurement activities and decisions are fully and clearly documented so as to provide a transparent audit trail;
4. Protect confidential and proprietary information;
5. Deal fairly, ethically and honestly with all individuals and organisations so as to avoid any actual or perceived conflict of interest;
6. Not seek or accept financial or other benefits or personal gain for performing official duties;
7. Present the highest standards of professionalism in all Council dealings;
8. Provide all suppliers and tenderers with the same information and equal opportunity.

WHAT DOES COUNCIL EXPECT FROM YOU?

We require anyone 'doing business' with Council (including all applicants, suppliers of goods and services, consultants, contractors, and their sub-contractors, owners) to:

1. Not behave in any way that may bring the Council or Council officials into disrepute;
2. Deliver value for money;
3. Comply with Council's Policy – Procurement and Tendering;
4. Act ethically, fairly and honestly in all dealing with the Council and to provide accurate and reliable advice and information when required;
5. Declare any actual or perceived conflicts of interests as soon as you become aware of the conflict;
6. Take all reasonable measures to prevent disclosure of confidential Council information or proprietary information;
7. Comply with the law;
8. Only use equipment or resources supplied by the Council for the agreed official purpose only;
9. 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;
10. Not canvas Councillors to influence procurement activities.
11. Respect Council's intellectual property rights and formally negotiate any access, license or other use of those rights;
12. Refrain from discussing Council business or information in the media, **including social media**, without Council's consent;
13. Assist Council in providing a safe and healthy working environment;
14. Assist Council to prevent unethical practices in our business relationships by complying with this Statement.
If you employ sub-contractors in your work with Council, you must make them aware of this Statement;
and
15. If you have provided a political donation, to disclose that donation where required to do so.

GUIDANCE NOTES

Incentives, gifts and benefits

Council's employees and Councillors are not to receive incentives, 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 any 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 should not, in any circumstances, be offered to a Councillor or Council employee.

Note: if a gift or benefit (especially cash) is offered to a Council official to influence the way they do their work, they must report it immediately.

Conflict of Interest

All Councillors and Council employees 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 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 interest 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 immediately disclose the nature of the conflict, as well as the nature of your interest, to the person with whom you are working or who is managing your contract or to Council's General Manager.

Confidentially and personal information

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

Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreement, 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 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 Council.

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

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 Councillors or Council staff 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 Council.

Contracting and subcontracting employees

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

Intellectual property rights

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

Alcohol and drugs

All persons, including Councillors, Council staff, delegates, suppliers, contractors, sub-contractors, agency labour hire and volunteers are bound by Council's Policy on Drug and Alcohol Management.

Offers of employment to Council staff

Council staff will need approval from the General Manager to enter into any private or secondary employment arrangements. Approval will not be given if it has the potential to create a real or perceived conflict of interest between the staff member's public official role and his or her private interests.

Former Council employees

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 relationships with current employees so as to seek or appear to seek favourable treatment or access to confidential or proprietary information.

Certain staff leaving Council's employ must have resigned at least 12 months prior to negotiating or conducting any business with Council on behalf of a new employer.

Is behaviour ethical or not?

There is no absolute definition of 'ethical behaviour'. If there is any doubt about the ethics of a proposed action, a sensible and practical 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 a breach of the law or any unethical conduct that has or may have taken place, please refer to the Contacts section listed at the conclusion of this Statement.

Reporting corruption, maladministration and wastage

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

When working with or for 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* and you are therefore subject to the Independent Commission Against Corruption's (ICAC) 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 a 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 Council, you have a responsibility to report any suspected instance of corruption, maladministration, or serious and substantial waste. To do so, or for further information in this regard, please refer to the Contacts section listed at the conclusion of 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 Office of Local Government or NSW 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. For further information on how to make a report, please refer to

Council's Internal Reporting Policy. Reports must, however, be honest and reasonable. Council will deal with reports in a prompt, professional and confidential manner.

Breaches of this Statement

Failure to comply with this Statement may cause penalty clauses in a contract with Council to be invoked and/or civil or criminal proceedings to be brought or other action considered appropriate by Council to be instituted.

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, for, or on behalf of Council. If you have any questions, or are unsure about any matter relating to this Statement, refer to the contacts section for contact numbers.

Contact details

Councillors of Council, staff, those in the employ of a tenderer, supplier, consultant or contract, can use the contacts listed below to discuss a breach of the law, or any unethical conduct that may or may not have taken place, suspected instances of corruptions, maladministration or serious and substantial waste.

Any further questions or requests for further information regarding the contents of this Statement can also be directed to the below:

Eric Groth
General Manager
Gunnedah Shire Council
PO Box 63 (63 Elgin Street)
GUNNEDAH NSW 2380
Phone: 02 6740 2100
Email: ericgroth@infogunnedah.com.au

Kelly Stidworthy (Disclosure Coordinator)
Director Corporate Services
Gunnedah Shire Council
PO Box 63 (63 Elgin Street)
GUNNEDAH NSW 2380
Phone: 02 6740 2100
Email: kellystidworthy@infogunnedah.com.au

Version Control and Change History

Date	Version	Approved by & resolution No	Amendment
15 Mar 2023	Amended	Council Resolution	Update contractor obligations