



STATEMENT OF BUSINESS ETHICS

Policy No: 1.2.2(v3)

Date Adopted: 23/07/2018

Resolution No: 285/2018

Supersedes: 1.2.2(v2)

Proposed Review Date: 23/7/2020

Responsible Officer: General Manager

Verified by

General Manager.....

Verified by

Mayor.....

1. INTRODUCTION

This Statement of Business Ethics applies to Council's Elected Representatives, Council staff, contractors, volunteers and business associates dealing with Council.

Bourke Shire Council is committed to conducting its business in a sound commercial and ethical manner and this Statement of Business Ethics sets out the standards the Council requires of its elected representatives, Council staff, contractors, volunteers and business associates. Both Council staff and any person dealing with Council must always be aware of the ethical standards the community demands when Council's resources are used either directly or indirectly.

Bourke Shire Council will demonstrate and practice a professional and ethical approach to all its business activities and all Council staff are required to conduct their activities in accordance with Council's Code of Conduct and to observe a high standard of probity, ethical behaviour and integrity in all their business dealings.

All individuals and organisations that seek to deal with Bourke Shire Council are required to comply with these standards of ethical behaviour in their dealings with Council.

2. BUSINESS PRINCIPLES

The two (2) main principles forming Bourke Shire Council's business agreements and dealings, are:-

1. Council seeks to achieve the best possible value for the public's dollar; and
2. Council will demonstrate impartiality, fairness and openness in all processes and dealings.

These principles enable suppliers and contractors to promote their interests in a productive manner and to avoid any potentially questionable activities. Those providing goods and services to Council also benefit from the assurance that their competitors are required to behave in accordance with the same guidelines.

3. WHAT YOU CAN EXPECT FROM US

Our business dealings will be transparent, impartial, and fair and open to public scrutiny wherever possible. The way we deliver our services is driven first and foremost, by a need to ensure and demonstrate that our community receives the best possible value for its investment. We are accountable for ensuring that the provision of best value starts with the elected Council, extending to the General Manager and Council staff at all levels.

Unlike a private business, Council deals with public money and must comply with many legislative requirements, state agency policies and its own policies. These dictate the way Council operates both internally and in its dealings with the community. They also require that most of Council's information is dealt with publicly and is made available for public scrutiny. While they may at times give the impression that there is excessive red tape in dealing with Council, compared to dealing with a private business, these rules, regulations and policies are designed to ensure that Council maintains high standards of ethical conduct, both internally and in its dealings with members of the public.

In assessing overall value for money being achieved, consideration is given to a range of factors, including environmental sustainability, not just achieving the lowest possible cost. We must also strive to measure the true cost of our services and the value they add to the community.

Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services, are consistent with the highest standards of ethical conduct.

Staff will ensure that procurement will be conducted with honesty and fairness that all prospective contractors and suppliers are afforded equal opportunity to tender/quote for all goods and services and that staff will comply with all aspects of Council's purchasing and procurement policies and procedures. Our staff are bound by:-

- Council's Code of Conduct,
- The Local Government Act, 1993,
- Delegated Authorities,
- Work Health Safety Act, 2011,
- Council's Procurement Policy,
- Council's Disposal of Assets Policy,
- Council's Risk Management Policy.

Council will ensure that all policies and procedures relating to approvals, tendering, contracting and purchasing of goods and services are consistent with best practice and high ethical standards. All activities and decisions will be fully and clearly documented to provide an effective audit trail. All Councillors and staff must adhere to Council's Code of Conduct and are expected to:

- Use public resources effectively and efficiently
- Abide by all relevant and applicable legislative requirements
- Respect and comply with Council's policies and procedures
- Deal fairly, honestly and ethically with all individuals and organisations
- Assess applications objectively, considering all relevant factors
- Promote fair and open competition whilst seeking best value for money
- Protect confidential information

Staff will always ensure that no opportunity exists for their personal interest, or those of people they have an association with, to remain in conflict with the proper performance of their public duties. Where any conflict of interests is identified, it will be declared and properly managed. All members of the community can be confident that all decisions made by Council are impartial and in the best interests of the community.

4. WHAT WE WILL ASK OF YOU

Bourke Shire Council expects that its tenderers, contractors, suppliers and their employees and subcontractors, as agents of Council, will all be guided by the same policies, procedures and practices that bind Council and its staff to act in an ethical manner.

Where delivering a service involves working with the private sector, we work together to plan, manage and deliver the service using a partnership approach, focused on providing the best outcome for the customer. We trust and respect each other.

We require all private sector providers of goods and services to observe the following principles when doing business with Council:-

- Deliver value for money,
- Comply with Council's approvals and procurement policy and procedures,
- Respect the obligations of staff to abide by Council policies,
- Respect and comply with the conditions set out in documents supplied by Council,
- Provide accurate and reliable advice and information when required,
- Declare actual, potential or perceived conflicts of interest,
- Act ethically, fairly and honestly in all dealings with the Council,
- Take all reasonable measures to prevent the disclosure of confidential Council information,
- Refrain from engaging in any form of collusive practice, including offering Council officers inducements or incentives designed to improperly influence the conduct of their duties,
- Refrain from lobbying or canvassing Councillors or members of staff during tender or other business processes,
- Refrain from discussing Council business or information in the media,
- Assist Council to prevent unethical practices in its business relationships,
- Co-operate with Council's post-separation employment guidelines.

A copy of this Statement of Business Ethics will be included in all tender documentation, along with relevant Council policies. This Statement will accompany any other relevant business documentation where Council requires work to be undertaken on its behalf. It will also be included on Council's Website.

4.1 Why should the private sector comply with the above?

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

Complying with Council's principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

You should also be aware of the consequences of not complying with Council's ethical requirements, when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

Termination of contracts,
Loss of future work,
Loss of reputation,
Investigation for corruption.

4.2 Ethical Behaviour

A Statement of Business Ethics will not be effective unless the organisation and its employees are committed to it. That will demand explicit commitment by the elected members, senior management clear commitment by line management, allocation of resources to educating employees and adoption of internal measures for ensuring compliance.

The community rightly expects Councillors and staff to be honest, reasonable and equitable in their dealings with them and to have the public interest at heart. Council's adopted Code of Conduct is a key mechanism to assist council officials to act honestly, ethically, responsibly and with accountability.

The Code of Conduct has been developed to assist Council officials to:-

- Understand 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;
- Act in a way that enhances public confidence in the integrity of Local Government.

Particular situations in which industry and Council should exercise care include:

4.2.1 Gifts, Benefits and Inducements

While it may be common practice for the private sector to offer incentives to those they want to do business with, as a way of promoting their company or their particular interests, Councillors and staff are constrained by both legislation and Council's Gifts and Benefits policy.

Council decisions on contracts and partnerships with the private sector will be made on merit. There is no need or place for gifts or incentives, when doing business with Council.

Public officials, must never request any gift or benefit for themselves or anyone else in connection with their work or duties, or accept any token gift that may give a perception that the person offering the gift, is seeking to influence the staff member.

Council's Code of Conduct and Gifts and Benefits policy clearly set out Council's position as regards gifts and benefits.

4.2.2 Conflict of Interests

A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced, by a personal interest when carrying out your public duties.

Council's Code of Conduct and Conflict of Interests policy requires that Council officials disclose and resolve any possible conflict of interests and also must not be involved in any discussion or decision making, regarding any matter affected by a conflict of interests.

Please refer to the Council's Code of Conduct and Conflict of Interests policy for further advice in this regard.

4.2.3 Confidentiality of Information

Council deals with all requests for information, under the provisions of the Government Information (Public Access) Act 2009. Council is transparent in all its dealings and will only deal with a matter in confidential session at Council Meetings, in accordance with Section 10 of the NSW Local Government Act 1993.

Council recognises that there is a potential for former employees, who may have had access to confidential or sensitive information during the course of their employment, to

disclose or misuse that information for commercial or private purposes. To that end, Council will take all lawful steps to ensure that former employees do not disclose or misuse information acquired during the course of their employment, once that employment ceases.

Importantly, in dealings with Council one should not make any assumptions regarding intellectual property rights. These should be specifically negotiated as part of any relevant dealings.

4.2.4 Ethical Communication

As a general principle, all communication by Council officials with other parties including suppliers to the Council, will be clear, direct and accountable. In turn, Council expects that those parties with whom the Council is doing business, will ensure that their communication with the Council will also be clear, direct and accountable, to minimise the risk of inappropriate influences being brought to bear on the business relationship.

There will be times when some communication needs to be strictly confidential, for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols, or keeping some communication confidential.

Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing inappropriate has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed.

4.2.5 Use of Council Resources

Council resources include financial, material and human resources. They should only be used:-

- For the benefit of Council.
- Effectively, economically and carefully.

4.2.6 Other Employment or Business

Staff shall not engage in outside employment or business that could conflict, or be seen to conflict, with their duties with the Council and can only engage in a second job or business, if they have the approval of the General Manager. Prior to engaging in a second job or business, staff should provide a written request for approval to their supervisor, who will pass it onto the General Manager for approval.

Any second job or business will be done in private time. It must not:-

- Adversely affect normal work,
- Lead to a conflict of interests,
- Lead a fair person to think that a conflict of interests may arise,
- Involve the use of Council's resources,
- Involve the use of information obtained from the Council.

4.2.7 Discrimination and Harassment

Staff shall not discriminate against anyone on the grounds of race; sex; colour; nationality; religious conviction; ethno-religious background; marital status; age; pregnancy; physical,

intellectual and/or psychiatric disability; sexual preference; transgender; association or political conviction.

4.2.8 Reporting Corruption and Maladministration

It is the responsibility of staff not only to act honestly, but also to report any instances of possible corruption or maladministration, to their immediate supervisor, Manager or the General Manager.

4.2.9 Work Place Behaviour and Safety

Members of the public and work colleagues are to be treated with respect, empathy and sensitivity.

Staff acknowledge that their actions outside work are a reflection on the Council and how it is perceived by the community.

Staff are aware of their responsibilities in ensuring that they do not attend work under the influence of drugs or alcohol, or consume drugs or alcohol during working hours.

It is acknowledged that Council and those that deal with Council will ensure that workplace safety is of paramount importance and that all legislative and procedural safety requirements are complied with.

4.2.10 Supervisory Responsibility

Supervisors are required to be responsible both for their staff and to Council, for fostering an ethical and equitable work environment. Supervisors are responsible for ensuring that they are effective role models for their staff and that the staff they supervise are aware of the requirements of the Code of Conduct.

4.2.11 Making Contact

If there are any questions or information regarding this statement, or if you wish to provide information about an apparent breach of ethical conduct or suspected corrupt conduct, please contact Council's Public Officer on (02) 6830 8000.