



Statement of Business Ethics Policy

Policy No: 1.2.2(v2)
Date Adopted: 28/04/2025
Minute No: 2025/95
Supersedes: 1.2.2(v1)
Proposed Review Date: 28/04/2028
Responsible Officer: Manager Corporate Services

Verified by General Manager..... Verified by Mayor.....

1. Intent

The objectives of this policy are to:

- Make sure all dealings with Bourke Shire Council are honest, fair, and transparent.
- Set clear expectations for how Council staff, contractors, and business partners should behave.
- Build trust with the community by showing that Council uses public resources responsibly.

2. Scope

This policy is applicable to all Councillors, employees, tenderers, consultants, contractors, volunteers, suppliers and business partners who work for or with Bourke Shire Council. It includes all of the following: buying products, handling contracts, and providing services.

3. Framework

Council is committed to doing the right thing. This means:

- Following all laws and regulations.
- Being fair, open, and accountable in everything we do.
- Acting with integrity and making decisions that are in the best interests of the community.

4. Provisions

4.1 What You Can Expect from Council

Council is committed to conducting itself in an open, equitable, and transparent manner. Council seeks to ensure that the community receives the best value for its money at every level, from the elected Council to every employee.

To maintain fairness and trust, Council is required to adhere to stringent laws, regulations, and procedures as it manages public monies. Although these procedures may seem complicated at times, they are necessary to uphold high ethical standards and transparency.

Council takes into account more than simply the lowest price when determining 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 just mean "lowest price". However, the lowest price bid might offer best value if it meets other essentials such as quality and reliability.

Specifically, Council officials must adhere to Council's Code of Conduct and in this regard are expected to:

- Respect those with whom they deal with in the course of their duties;
- Use public resources effectively and efficiently;
- Abide by all relevant and applicable laws and regulations;
- 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 and material factors;
- Promote fair and open competition while seeking best value for money;
- Avoid actual, potential or perceived conflicts of interest;
- Protect confidential information;
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the discharge of official duties; and
- Respond promptly to reasonable requests for advice and information.

4.2 What We Expect from You (Contractors and Business Partners)

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, Council will work together to plan, manage and deliver the service using a partnership approach, focused on providing the best outcome for the customer. Trust and respect of each other is paramount.

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

- Act ethically, fairly and honestly in all dealings with the Council,
- Respect and be courteous towards members of the public and Council officials;
- Comply with all relevant contractual and statutory obligations, including Work Health and Safety legislation;
- Respect and comply with the conditions set out in any documents supplied by Council;
- Provide accurate and reliable advice and information when required;
- Declare actual, potential or perceived conflicts of interest to Council as soon as possible;
- Take all reasonable measures to prevent the unauthorised release of privileged and confidential information and refrain from discussing Council business or information in the media,

- Refrain from engaging in any form of modern slavery;
- Immediately report instances of corruption, maladministration or the serious or substantial waste of public money;
- Refrain from lobbying or canvassing Councillors or members of staff during procurement or other business processes,
- 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 engaging in any activity with the purpose of reducing or eliminating competition;
- Refrain from behaving in a way that might bring the Council into disrepute;
- Refrain making any statement or acting in any way that could mislead anyone to believe that they are representing Council, or expressing Council views or policies.
- Deliver value for money,
- Comply with Council's approvals and procurement policy and procedures,
- Respect the obligations of staff to abide by Council policies,

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.

4.3 What Happens if You Don't Follow the Rules

If these standards are not met, it could lead to:

- Disqualification of tender;
- Termination of contracts;
- Being excluded from future business/work opportunities with Council;
- Investigated for corruption, inappropriate or unethical conduct;
- Referral of the matter for criminal investigation.

The consequences for non-compliance with this Statement of Business Ethics for Council officials include:

- Disciplinary action
- Dismissal

4.5 Ethical Behaviour

The public understandably expects council members and employees to act honourably, fairly, and with integrity, placing the needs of the general public first.

In order to ensure that officials behave morally, responsibly, and are accountable in all of their interactions, Council has adopted a written Code of Conduct.

The Code 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:

4.5.1 Gifts, Benefits and Inducements

Legislation and Part 6 of Council's Code of Conduct, titled Personal Benefit, addresses the requirements of council members and employees in respect of Gifts and Benefits. These requirements may be different to some businesses in the private sector who may provide incentives to those they wish to do business with in order to promote their firm or specific interests.

Contracts and collaborations with the business sector will be decided by the Council based on merit. When doing business with the Council, gifts and incentives are simply not appropriate.

Public officials are not allowed to accept any form of gifts, including token gifts, that could be seen as an attempt to influence a staff member or ask for gifts or benefits for themselves or others in connection with their work or obligations.

4.5.2 Conflict of Interest

A conflict of interest arises when you may be affected by a personal interest while performing your public duties, or when a reasonable person would believe that you may be influenced.

Council officials must report and resolve any potential conflicts of interest and refrain from participating in discussions or decision-making pertaining to matters impacted by conflicts of interest, as stipulated in the Council's Code of Conduct and Conflict of Interests policy.

4.5.3 Confidentiality of Information

All information of Bourke Shire Council 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, Bourke Shire 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 Bourke Shire 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.

4.5.4 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.

4.5.5 Other Employment or Business

Employees are expected to refrain from taking up outside jobs or businesses that would interfere with their responsibilities to the Council. They are also only permitted to take on a second job or business with the General Manager's consent. Employees should submit a formal request for permission to their supervisor before taking up a second job or business. The supervisor will then forward the request to the General Manager for approval.

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

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

4.5.6 Discrimination and Harassment

Employees are prohibited from treating someone differently based on their race, sex, colour, country, religious beliefs, ethno-religious background, marital status, age, pregnancy, physical, intellectual, or mental handicap, sexual choice, transgender identity, association, or political beliefs.

4.5.7 Work Place Behaviour and Safety

Council is committed to 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.

No person should come to work for Bourke Shire 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.

4.5.8 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.

4.5.9 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, Bourke Shire Council is required to address 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.

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.

4.6 Reporting Issues

Where you do not believe Council or an external service provider is meeting the requirements described in this Statement, or have concerns about any conduct that could involve unethical behaviour, corrupt conduct (including fraud), maladministration or the serious or substantial waste of public money; please contact:

- Council's Public Officer or the General Manager on 02 6830 8000.

Reports can also be made to the following external agencies:

- Independent Commission Against Corruption on (02) 8281 5999 concerning corruption conduct (including fraud);
- NSW Ombudsman on (02) 9286 1000 concerning maladministration;
- NSW Office of Local Government on (02) 4428 4100 concerning corrupt conduct, maladministration or the serious or substantial waste of public money.

Public officials reporting corrupt conduct, maladministration or the serious or substantial waste of public money are protected by the *Public Interest Disclosures Act 2022*.

Staff members have an obligation to act honestly as well as to notify their immediate supervisor, manager or general manager of any suspected corruption or maladministration.

4.7 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.

5. Accountabilities

The General Manager is responsible for making sure this policy is followed. Everyone working with or for the Council also has a role to play in upholding these standards.

6. Definitions

Term	Definition
Confidential Information	Information that's not public and must be kept private to protect trust and integrity.
Conflict of Interest	When personal interests might affect someone's ability to act in the public's best interest.
Council officials	Includes the Mayor and Councillors; Council employees; consultants and contractors of Council; members of Council committees; delegates and volunteers of Council and Council advisors.
Procurement	The process of buying goods, services, or works.

7. Linkages

7.1 Applicable Legislations

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

- *Local Government Act 1993*

- *Local Government (General) Regulation 2021*
- *Work Health and Safety Act 2011*
- *Government Information (Public Access) Act 2009*

7.2 Related Policies & Procedures

Please refer to the following policies/procedures:

- Code of Conduct
- Procurement Policy

8. Review

This Policy will be reviewed every three (3) years or as required in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

8.1 Policy Amendments

Version	Date Approved	Description of Changes
1.2.2 (v1)	23/07/2018	Policy initiated.
1.2.2 (v2)	28/04/2025	Policy reviewed, amended and format changed.