
POLICY OBJECTIVE

The objective of this policy is to:

- Outline the ethical standards required of business partners i.e. tenderers, suppliers, consultants, and contractors engaged by Edward River Council.
- This policy exists concurrently with the legislative, regulatory, and other policy requirements, notably Council's Code of Conduct, which regulates the business behaviour of Council.

SCOPE

This policy applies to tenderers, suppliers, contractors and consultants and their sub-contractors/employees, Councillors, and all Council employees and volunteers.

LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Independent Commission Against Corruption (ICAC) Act 1998
- Protected Disclosures Act 1994

POLICY STATEMENT

Preamble

Edward River Council is committed to conducting business professionally and to the highest ethical standards. This ensures the community has confidence and trust in Council's business dealings, service delivery and decision making.

The ethical and behavioural standards expected from our external business partners are aligned to those stipulated in Council's Code of Conduct and which are expected from all Edward River Council Councillors, employees, and volunteers.

Council's Code of Conduct set the requirements expected of Council officials in carrying out their functions:

- 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 (Section 439 – Local Government Act 1993; and
- Act in a way that enhances public confidence in the integrity of Local Government

COUNCIL'S ORGANISATIONAL VALUES

Edward River Council's Code of Conduct is also underpinned by organisational values that guide staff conduct. Council's Organisational Values are:

- Integrity:** We will maintain our reputation for honesty and integrity and our ability to fulfil our promises. It is this concept by which all our actions are based and by which we are happy for our actions to be judged.
- Respect:** We show respect to those we deal with both inside and outside of the Council.

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- Teamwork:** We approach all our work as a team, sharing our skills and resources for our client's benefit.
- Professionalism:** We value our clients and are accountable for the work we do with them.

DOING BUSINESS WITH COUNCIL

Council will ensure its business relationships are ethical, honest, fair, and consistent. Our business dealings will be transparent and open to public scrutiny wherever possible.

Two main principles form the basis of our business agreements:

- Obtain the best possible value for public money
- Impartiality and fairness in all processes undertaken

These principles enable suppliers to promote their interests productively and avoid potentially questionable activity. Those providing goods and services also benefit from the assurance that their competitors are required to behave in accordance with the same guidelines.

What you can expect from Edward River Council

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

- Acting honestly and with impartiality
- Conforming with all legal obligations
- Not engaging in practices that give one 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
- 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.

What we expect from our business partners

Edward River 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 staff to abide by Council's Code of Conduct and other policies
- Take all reasonable measures to prevent the disclosure of confidential Council information

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- 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

Why is compliance important?

Edward River Council requires all business partners to comply with this 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 with Council
- Loss of future work
- Damage to your reputation
- Investigation for corruption or referral to the Independent Commission Against Corruption (ICAC)
- Matters being referred for criminal investigation; and
- Criminal prosecution

Consequences for Councillors, staff and delegates may include:

- Loss of civic office for Councillors
- Investigation
- Disciplinary action including termination of employment
- Potential criminal charges

GUIDELINES FOR ETHICAL CONDUCT

Gifts or Benefits

Council expects its Councillors and employees to declare any offer of a gift or benefit made by parties with whom Council conducts business. Gifts or benefits to the value up to \$50 need to be entered on council's Gift Register with offers of gifts or benefits \$50 and over to be reported in writing to the General Manager.

Council's business partners must refrain from offering any gift or benefit to Council Officers as it may be construed as an 'incentive' and all such offers will be formally disclosed and reported in Council's Gifts and Benefits Register. Council officials must not:

- Seek or accept a bribe or other improper inducement
- Seek gifts or benefits of any kind
- Accept any gift that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in the carrying out their public duty
- Accept any gifts or benefits exceeding token value (\$50.00); Such offers must be reported to the General Manager in writing

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- Accept a gift or benefit of value under any circumstances' if their public duty involves procurement, tendering, sales, regulatory or decision making.

Gifts or benefits of token value, e.g. coffee, dinner or lunch, may be accepted but are to be recorded in Council's Gifts and Benefits Register. An example of this could be the presentation of a book or bottle of wine, chocolates under \$50 when presenting to an external group.

Conflicts of Interest

A conflict of interest arises if your own interest, or those of other people close to you, conflict with your obligations to the Council.

All Council staff are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors, and suppliers. If an actual, perceived or potential conflict of interest in your work with Council exists or arises, you must disclose it to the Council.

Media and Public Comments

You must not make any public comment or statement that 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.

Communications

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

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 of 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's 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.

Council's officials are required to protect confidential information, only use confidential information for the purpose it is intended to be used and not use confidential information for securing a private benefit for themselves or any other person.

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

Use of Council Resources

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

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.

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.

Harassment and Discrimination

Council officials and its business partners must not harass, discriminate against, or support others who harass and discriminate against other contractors, 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.

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 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.

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.

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.

REPORTING BREACHES OF THIS POLICY

Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the General Manager in writing.

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

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

The General Manager
Edward River Council
PO Box 270
DENILQUIIN NSW 2710

ASSOCIATED POLICIES AND PROCEDURES

Protected Disclosures & Public Interest Policy
Code of Conduct
Complaints Handling Policy
Procurement Policy

Policy Version Control

Policy Title	Business Ethics Policy
Doc ID	27209
Department	Corporate Services
Function	Governance
Policy Group	Leadership
Responsible Officer	Director Corporate Services
Version	2
Adopted	14 June 2017
Next revision	2021

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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 its 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 of

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

agree to abide by the principles contained therein.

(signature of person making declaration)