

## POLICY REGISTER

# STATEMENT OF BUSINESS ETHICS POLICY

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## **WHY A STATEMENT OF BUSINESS ETHICS?**

Warren Shire Council works with private, public and not-for-profit sectors to provide a diverse range of services to the community. The community expects Council to have high ethical standards in everything we do. Council is expected to not have any conflict between its own interests and obligations to the community.

This statement is intended for anyone in the private, public or not for profit sectors who is involved in a business arrangement with Council or is proposing to be in such an arrangement. It explains Council's ethical position. Anyone dealing with Warren Shire Council in a business arrangement is expected to comply with the ethical framework in which Council works. This statement outlines what you can expect from Council and what Council will expect from you in any business dealings.

Council expects all its business partners to comply with this Statement and to acquaint themselves with, and understand, the standards prescribed by this Statement.

## **COUNCIL'S VALUES**

Underpinning this statement of business ethics are the values enounced in Council's Code of Conduct. When doing business with the private sector, Warren Shire Council and its staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations; and
- Avoid any conflicts of interest (whether real or perceived).

Council is also committed to:

- Transparent and accountable practices; and
- Sustainable economic, environmental and social practices.

## **CODE OF CONDUCT**

The Code of Conduct sets the minimum requirements of conduct for all Council Officials in carrying out their functions and is prescribed by the regulation. The Code of Conduct has been developed to assist Council Officials to:

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

## **KEY PRINCIPLES**

Council will undertake its business activities and dealings with the public on the following key principles:

### **Integrity**

Council Officials must not place themselves under any financial or any other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

### **Leadership**

Council will promote the key principles by demonstrating leadership and exemplify high standards of ethical behaviour to strengthen the public's trust and confidence in Council.

### **Impartiality**

Council decisions will be made on merit and in accordance with any statutory obligations when carrying out business dealings. This means fairness and equitable treatment for all. This includes awarding contracts, procurement and the sale of Council assets.

### **Accountability**

Council is accountable to the public for its decisions and actions and should consider all issues on their merits, taking into account the views of others. Reasons for decisions should be recorded, appropriate records should be kept and proper audit trails established.

### **Openness**

Council will be open and transparent about actions it has undertaken and decisions it (and its staff) have made. All information should be made available, any restriction must be based on sound wider public interest reasons or commercial confidentiality.

### **Honesty**

Council and its staff will act honestly. Private interests relating to public duties must be appropriately declared and resolved. All relevant statutory requirements must be followed, all potential or actual conflicts of interest must be fully disclosed and the Code of Conduct observed at all times.

### **Respect**

Council and its staff will treat others with respect at all times. All others will be treated in a professional and courteous manner.

## **WHAT YOU CAN EXPECT FROM COUNCIL**

Council will ensure that all of its policies, procedures and practices relating to tendering, contracting, purchasing of goods and services, assessment of development applications, use of consultants and the interaction with lobbyists are all consistent with best practice and the highest standards of ethical conduct.

Council's Code of Conduct binds staff and delegates. When doing business with the private, public and not-for-profit sectors, staff and delegates are accountable for their actions and are expected to:

- Use Council resources efficiently and effectively;
- Be honest, professional, accessible, open, fair and ethical;
- Communicate clearly and respond promptly to questions to resolve issues quickly;
- Comply with the law, this statement and the policies and procedures that guide our methods of operation;
- Provide open competition for work in the necessary or optimum way;
- Resolve any actual, perceived or potential conflicts of interest;
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts;
- Strive to achieve the best value for money;
- Never seek any gifts or other personal benefits;
- Protect privacy and confidentiality where necessary;

- Observe environmental sustainability considerations;
- Comply with work health & safety requirements.

To achieve probity, Council will consider at all stages of the purchasing, tendering, contracting and development application processes the following factors:

- Transparency of process;
- Accountability;
- Ethically managing potential conflicts of interest;
- Obtaining best value;
- Monitoring and evaluation of performance.

Council's dealing will be transparent, accountable and open to public scrutiny. However, there will be times when confidentiality will be required in relation to some commercial information relating to third parties with whom business has been conducted.

#### **WHAT COUNCIL EXPECTS FROM TENDERERS, CONTRACTORS, SUPPLIERS, APPLICANTS, CONSULTANTS ETC.**

Council requires all suppliers of goods and services, tenderers, contractors, consultants, development applicants and anyone doing business with Council to observe the following principles:

- Act ethically and honestly in dealing with Council;
- Declare actual or perceived conflicts of interest;
- Comply with Council's procurement policies and procedures;
- Provide accurate and reliable information when required;
- Take all reasonable measures to prevent disclosure of confidential Council information;
- Refrain from engaging in any form of collusive practice;
- Refrain from offering staff and delegates gifts, benefits, inducements or incentives;
- Assist Council to prevent unethical practices in our business relationships;
- Comply with privacy legislation in relation to personal obtained through dealings with Council or work undertaken for Council;
- Comply with all the on-site work health and safety requirements;
- Act without discrimination;
- Respect and comply with environmental laws;
- Provide Council with a quality product or service on time that gives good value for money.

If you have any concerns about this statement, any concerns about breaches of this statement or any conduct that may involve fraud or corruption, maladministration, or serious and substantial waste of public funds, please contact Council's General Manager.

Alternatively, you may consider directly contacting the NSW Independent Commission Against Corruption (ICAC), the NSW Ombudsman or the NSW Office of Local Government.

#### **CONSEQUENCES OF UNETHICAL BEHAVIOUR & NON-COMPLIANCE WITH THE CODE OF CONDUCT**

Corrupt or unethical behaviour by an entity doing business with Council could lead to the following actions or consequences:

- Termination of any contract in place;
- Loss of future opportunities with Council;
- Loss of reputation;
- Investigation for corruption/ fraud matters;
- Criminal prosecution.

Consequences for Council staff and delegates may include:

- Formal investigation;
- Disciplinary action;
- Criminal prosecution.

## **GUIDANCE NOTES**

### **Incentives, gifts, benefits**

Warren Shire Council expects its staff to, where possible, decline gifts and benefits offered to them during the course of their work. Providers should refrain from offering any gift or benefit to Council staff.

Staff should familiarise themselves with, and be guided by, the Warren Shire Council Gifts and Benefits Policy in relation to such matters.

### **Conflicts of Interest**

All Council staff are required to disclose any potential conflicts of interest. The Council extends this requirement to all entities doing business with Council, its contractors and suppliers.

### **Confidentiality**

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

### **Communication between Parties**

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

### **Use of Warren Shire Council Equipment, Resources and Information**

All Warren Shire Council equipment, resources and information should only be used for proper official purposes and in accordance with Council policies.

### **Intellectual Property Rights**

In business dealings between Warren Shire Council and other entities; parties to the dealings will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property.