



## ***Statement of Business Ethics Policy***

<b>Policy, General Manager's Directive, Procedure, Procedural Guideline, Work Instruction</b>	Policy (External)
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<b>Documents superseded</b>	P0-00040 - Statement of Business Ethics v1.0
<b>Related documents</b>	The Local Government Act 1993 Local Government (General) Regulation 2005 Independent Commission Against Corruption Act 1998 Code of Conduct Public Interest Disclosure - Internal Reporting. Procurement Guidelines and Procedures
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<b>Section / Department</b>	Governance Services
<b>Linkage to Our Community Vision</b>	5 Civic Leadership
<b>Objective</b>	5.1 Council is an organisation that embraces business excellence
<b>Strategy</b>	5.1.4 Best practice, sustainability principles, accountability and good governance are incorporated in all that we do



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## **1. Scope**

This Statement of Business Ethics (“the Statement”) applies to all private sector entities, including non-government organisations and other government agencies, supplying goods, and providing services to Bellingen Shire Council (the Council).

All Council contractors and sub-contractors are expected to comply. Suppliers are responsible for making their contractors aware of this statement and requiring their compliance with it.

## **2. Policy Statement**

Bellingen Shire Council’s business relationships are based on honesty, fairness, and consistency.

The principle of best-value-for-money is at the core of all Council’s business relationships with private sector suppliers. Best-value-for-money does not automatically mean the lowest price; rather, Council will balance all relevant factors such as initial cost, whole-of-life costs, quality, reliability, timeliness, past performance, service, and sustainability in determining true value for money.

Our business decisions will be made in a transparent manner and in accordance with adopted Council policies and procedures and legislation so that our customers and business partners understand the reasons for our actions and the integrity of our procurement processes is not compromised.

## **3. Legislative and Policy Framework**

This policy is based on recommendations from the Independent Commission Against Corruption (ICAC), Section 55 of the Local Government Act 1993 (NSW), Part 7 of the Local Government (General) Regulation 2005 (NSW), the Model Code of Conduct and Council’s policies and procedures.

## **4. Independent Commission Against Corruption Advice**

The Independent Commission Against Corruption (ICAC) in NSW defines those people employed by Councils as consultants or contractors to be “public officials”. When engaged by Council, consultants & contractors are subject to the jurisdiction of ICAC and are considered to be “public officials” for the purpose of the ICAC Act.

In addition, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of its official functions.

Further information relating to the ICAC Act is readily available to all suppliers (including tenderers, contractors, and consultants) at the ICAC web site - [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) and copies of all relevant Council policies are also available at any time.



## 5. What you can expect from Council

- Abide by the adopted Council Codes of Practice, policies and procedures
- Be accountable for their actions and act in the public interest
- Act honestly, ethically, and fairly in all their dealings
- Document all procurement activities and decisions
- Avoid potential, real, or perceived conflicts of interests
- Treat all our business partners or potential business partners with courtesy, impartiality, fairness and provide equal access to information
- Encourage fair and open competition while seeking value for money
- Be open in our business dealings subject to privacy and commercial-in-confidence considerations
- Not solicit or accept financial or other benefits for performing their work
- Respond promptly to reasonable requests for advice and information
- Not disclose your proprietary or confidential information.

## 6. What is expected of you

- Act ethically and honestly in all dealings with Council
- Respect the obligation of Council staff to act in accordance with the Code of Conduct and the principles outlined in this statement
- Declare any potential, real or perceived conflicts of interest immediately to Council
- Refrain from offering our employees any inducements or incentives
- Deliver value for money
- comply with all applicable legislation, regulations, Council policies, written procedures and lawful instructions
- taking reasonable care for the health, safety and welfare of individuals in connection with your Council dealings
- Prevent the unauthorised release of privileged, confidential or commercial-in-confidence information
- Refrain from discussing Council business or information with the media
- Refrain from canvassing support from Council staff or delegates during a formal tender period
- Refrain from engaging in any form of collusive practice

Other specific responsibilities are outlined elsewhere in the Statement.

## 7. Practical Guidelines

### 7.1 Code of Conduct

Council has adopted the Model Code of Conduct (the Code) for its staff and Councillors. The Code embraces the concept of integrity, ethical conduct, and accountability throughout their organisations.

Staff and Councillors are expected to act in accordance with the Code and to maintain the highest standards of ethical behaviour consistent with the positions they hold. Equally, suppliers and business partners are expected to demonstrate equivalent behavioural standards.



## **7.2 Conflicts of Interest**

Council staff and Councillors are required to disclose any potential, actual or perceived conflicts of interest. We extend this requirement to all our business partners and suppliers. Our business partners are required to disclose in writing any perceived or actual conflicts of interest. Conflicts of interest should be disclosed in writing to the General Manager.

## **7.3 Information, Confidentiality, and Intellectual Property**

Information which is marked confidential, or which a reasonable person would expect to be confidential, should be treated as such. In our business relationships all parties will respect each other's intellectual property rights and will formally negotiate any access, licence, or use of intellectual property.

## **7.4 Endorsements**

Council staff cannot provide public endorsement of a business or its products on Council's behalf or in any other way connected with Council.

## **7.5 Public Comment**

Unless explicitly permitted, businesses must not make any public comment or statement that would lead anyone to believe that they are representing the Commission, or expressing its views, whether at public and community meetings, via the media, or when it is likely that the public at large will become aware of such comments or statements.

## **7.6 Gifts, Benefits, and Incentives**

Gifts, entertainment, travel, or any other form of benefit may not be given or received as a reward, encouragement, or improper influence for preferential treatment in connection with Council dealings.

Commission officers are explicitly prohibited from accepting gifts from a supplier or potential supplier, unless it is part of attending a conference, during the provision of training, or is promotional material (such as inexpensive pens).

Council staff prohibited from soliciting gifts, benefits, or hospitality. Any instances of staff requesting gifts, benefits or hospitality are to be reported to the General Manager or the Group Leader Governance Services.

## **7.7 Bribery**

The General Manager or either of Council's Deputy General Managers is to be notified of any instances of Council staff, or others, offering or seeking bribes.

## **7.8 Communication**

As a general principle, all communication with suppliers & business partners and Council should be clear, direct & accountable. Communications should, where possible be in writing.

## **7.9 Other Employment**

Council employees shall not engage in outside employment or business that relates to the business of Council, or could conflict, with their duties with the Council. They can only engage in a second job or business if they have the written approval of the General Manager.



## 8. Breaches

Our Statement of Business Ethics is about being able to conduct business in a fair and ethical manner that advances the interests and objectives of Council as well as private business.

There may be consequences for not complying with this Statement. Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts and tendering opportunities
- loss of future work
- loss of reputation
- investigation and/or administrative action
- reporting to other relevant organisations
- dismissal of Council employees
- potential criminal charges.

## 9. Who to contact if you think there is a breach

If you are concerned about a possible breach of this statement or wish to report or have concerns about corrupt conduct, maladministration, or serious waste of public funds, please contact the General Manager or either of Council's Deputy General Managers on 6655 7300.

The Public Interest Disclosures Act protects public officials disclosing corruption related matters from reprisal of detrimental action and ensures disclosures are dealt with properly.

External reporting can also be made to:

Independent Commission Against Corruption (ICAC)
T: 1800 463 909
E: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
NSW Ombudsman
T: 1800 451 524
E: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>
NSW Office of Local Government
T: 02 4428 4100
E: <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>