

# Kyogle Council

## Statement of Business Ethics



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## STATEMENT OF BUSINESS ETHICS

### 1. Title

This Policy may be cited as Kyogle Council's Statement of Business Ethics.

### 2. Validity

This policy derives its validity from Council Resolution number CO/0419/20.

### 3. Introduction

Kyogle Council is committed to conducting business in a sound and ethical manner. Quality service delivery at a reasonable cost increasingly requires Council to work in partnership with external service providers.

In dealing with Council, contractors and business associates are responsible for maintaining high ethical standards in all contract work. Council expects all parties to perform their duties with integrity, honesty and fairness.

This statement of business ethics is a means of providing guidance regarding the standards of ethical behaviour that organisations, service providers, small businesses and individuals can expect from Councillors and members of staff, and that are expected of them, in their dealings with Council.

### 4. Key Principles

Council's Code of Conduct outlines the following key principles:

#### INTEGRITY

Not being under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

#### LEADERSHIP

Promoting and supporting the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by our own ethical behaviour.*

#### SELFLESSNESS

Making decisions solely in the public interest. We must not act in order to gain financial or other benefits for ourselves, our family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

#### OBJECTIVITY

We must make decisions solely on merit and in accordance with our statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

#### ACCOUNTABILITY

We are accountable to the public for our decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

#### OPENNESS

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

#### HONESTY

We have a duty to act honestly. We must declare any private interests relating to our public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

#### RESPECT

We must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

### 5. **What is expected of Contractors and Business Associates**

Council expects Tenderers, Suppliers, Consultants and Contractors and their staff to:

- ensure that they act ethically when dealing with Council and its officials. All parties working for Council are expected to know and understand the standards in this Statement of Business Ethics.
- at all times be courteous towards the public, Council staff and councillors and not bring the Council into disrepute.
- obey all relevant laws or contractual obligations.
- provide a work environment free of harassment or discrimination.
- protect their safety and others in the work environment and the public arena.
- comply with any applicable conditions of development consent or land use requirements and regulations

## 6. What you can expect from Council

Councillors and members of staff must adhere to Council's Code of Conduct. As a result they are expected to:

- Treat all tenderers for supply of goods and services equitably
- Meet or exceed public interest and accountability standards
- Use public resources effectively and efficiently.
- Abide by all relevant and applicable laws and regulations.
- Respect and follow Council's policies and procedures
- Deal fairly, honestly and ethically with all individuals and organisations.
- Promote fair and open competition while seeking best value for money.
- Appropriately manage situations where private interest could conflict with public duty
- Protect confidential information.
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the discharge of official duties. (Gift and Benefit Policy)
- Respond promptly to reasonable requests for advice and information.

## 7. Guidance Notes

### (a) Gifts or Benefits

Council only permits the acceptance of gifts by Councillors or staff if they are a nominal or token value and do not create a sense of obligation. All gifts accepted and all offers of gifts whether token or not are required to be disclosed, and in many circumstances must be recorded in Council's Gifts Register. Staff must comply with Council's Gift and Benefits Policy.

Gifts or benefits must not be offered to any Council official, which is designed to gain any advantage for yourself or your organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty.

Cash should not, in any circumstances, be offered to a Council official.

*Note: If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately under the Council's policies and procedures.*

(b) Conflicts of Interest

Councillors and members of staff are required to disclose and resolve any actual or potential conflicts of interest. Contractors, business partners, and suppliers are asked to do the same.

If a conflict of interest in your work with our Council exists or arises, you must disclose it to the Council. A conflict of interest arises if your own interests, or those of other people close to you, conflict with your obligations to the Council.

*A conflict would exist where you have a personal interest, or your relative, company, employer or other person known to you has an interest, that could lead you to be influenced in the way you carry out your duties for the Council.*

(c) Use of Council Information

Confidentiality:

Any confidential Council information should be treated as such and should not be revealed to persons other than those with a genuine need and authority. Private, confidential, commercial-in-confidence or proprietary information should never be given to unauthorised persons.

Suppliers handling private information on behalf of Council are expected to adhere to Council's Privacy Management Plan.

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

Intellectual property:

In business relationships with council, all parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

(d) Council Resources

All Council equipment and resources should only be used for their proper official purpose. Councillors, members of staff, delegates and customers doing business with council are expected to be efficient, economical and ethical in their use and management of council resources, including staff time.

(e) Public Comment

Contractors and business associates must not make any public comment or statement that would lead anyone to believe that you are representing council, or expressing its views or policies.

(f) Alcohol and Drugs

No one should come to work for the council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

(g) Reporting Unethical Behaviour

When doing work for the Council contractors and business associates have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste to the Council. Refer to Council's Fraud Prevention Policy.

Alternatively they can report any suspected instances of corruption to the ICAC or maladministration to the Ombudsman.

Public officials reporting corrupt conduct, maladministration or waste can be protected by the Protected Disclosures Act 1994. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated.

(h) Management of Contractor Performance

Situations may arise where contractors or business associates are identified as being, or at risk of being, in non-compliance with the expectations of this policy. In these circumstances Council staff will work with the contractors or business associates in order to clarify expectations and identify areas for improvement to ensure ongoing compliance. Circumstances may also arise where punitive measures such as termination or suspension of engagements may be used subject to specific contractual arrangements or service level agreements.