

Council Policy



Policy Title:	Business Ethics
Policy Number:	1.17
Focus Area:	CS1 Leading and Advocating for our Community
Responsibility:	Governance and Risk
Meeting Adopted:	19 May 2020 [Resolution 190520/18]

OBJECTIVE

To provide clear ethical guidance to Councillors, staff and those doing business with Council (including contractors), regarding the conduct of council business.

SCOPE

This policy represents Council's Statement of Business Ethics. It is an important tool in raising awareness about doing business with Council and the respective responsibilities of public officials and private sector suppliers, contractors, consultants, tenderers and partners. The Business Ethics Policy outlines the moral standards which guide the organisation in carrying out its business.

Richmond Valley Council aims to apply integrity, ethical conduct and accountability as part of its processes and this policy will be utilised in situations where Council deals with private sector suppliers of goods and services. Accordingly, this policy outlines Council's expectations that goods and service providers and contractors will comply with those standards in their dealings with Council.

POLICY

Councillors and staff will conduct their council roles in such a way as to maintain a high level of accountability, community stewardship and leadership whilst maintaining a respect for individuals and compliance with legislative provisions and policies adopted by Council.

Council expects that service providers, contractors and others who deal with and undertake works for Council should apply the same level of integrity and ethical conduct.

Aims

- Promote ethical behaviour and relationships with Council and in conducting the business of Council;
- Build and maintain ethical relationships with all sectors of the community and in particular the private sector;
- Encourage transparency and accountability in all dealings including lending, contracting, supply of goods and services and business partnerships;
- Ensure other sector partners understand Council's public duty obligations and expectations of ethical conduct;

- Manage the potential risk and misunderstanding that can occur in business transactions between the public and private sectors;
- Maintain corruption-resistant, ethical work practices. Corrupt acts such as inducements are not acceptable to Council and will be reported to the Independent Commission Against Corruption (ICAC); and
- Promote relationships with ethical businesses.

What Providers Can Expect from Council Staff and Councillors

In this policy, “provider” means any person or entity that provides a service to Council, supplies a product to Council, or carries out a function on behalf of Council, and includes contractors, lessees, sponsors and the like.

Council will ensure that its policies, procedures and practices related to contracting, purchase of goods and services and tendering are consistent with best practice and the highest standards of ethical conduct.

When doing business with the private sector providers of goods and services including tenderers, suppliers, consultants and contractors, Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently;
- Be accountable and act in the public interest;
- Deal fairly, honestly and ethically with all individuals and organisations and be timely in payment of accounts;
- Not solicit nor accept any benefit from a provider for the discharge of official duties;
- Avoid situations where private interest could conflict with public duty (whether real or perceived);
- Treat all potential suppliers with impartiality and fairness and give equal access to information and opportunities;
- Respond promptly to reasonable requests for advice and information;
- Promote fair and open competition while seeking value for money and promoting relationships with ethical business;
- Respect and follow Council’s policies and procedures e.g. Code of Conduct and Purchasing Policy;
- Abide by the law;
- Fully and clearly document all procurement activities and decisions to provide an effective audit trail and to allow for effective performance review of contracts;
- Purchase energy efficient equipment, products containing recycled materials and environmentally friendly products wherever reasonably possible and consider lifecycle management issues in costs considerations;
- Not disclose confidential or proprietary information;

- Not encourage or entertain lobbying or canvassing; and
- Promote a safe and healthy working environment.

What Council Expects from Providers

Council, in return, has similar expectations of its business clients, contractors, lessees, suppliers and sponsors and asks the business community to:

- Deliver value for money;
- Comply with Council's Purchasing Policy and related procedures;
- Respect the conditions set out in documents supplied by Council;
- Disclose beneficial interests in contracts wherever possible;
- Provide accurate and reliable advice and information when required;
- Declare actual or perceived conflicts of interest as soon as they become apparent;
- Act ethically, fairly and honestly in all dealings with Council;
- Respect the obligation of Council staff and Councillors to adhere to Council's policies;
- Refrain from divulging privileged or confidential information to unauthorised persons;
- Refrain from engaging in any form of collusive practice, including offering council staff or Councillors inducements or incentives designed to improperly influence the conduct of their duties. Corrupt acts such as inducements are not acceptable;
- Refrain from discussing Council business or information in the media without Council's consent;
- Assist Council to prevent unethical practices in our business relationships;
- Behave in an ethically, socially, economically and environmentally responsible way in the conduct of their business;
- Refrain from lobbying or canvassing Council staff during a tender process;
- Avoid pressuring Council staff and Councillors to depart from their ethical obligation, inadvertently or otherwise; and
- Assist Council in providing a safe and healthy working environment.

Why is Compliance Important?

By complying with this policy (and in effect Council's Statement of Business Ethics), persons and organisations dealing with Council will be able to advance business objectives and interests in a fair and ethical manner. Compliance with Council's aims and objectives outlined in this policy will also provide consistency in dealing with other Councils and public sector agencies.

Council will view non-compliance as a serious matter and any demonstrated corrupt or unethical conduct will lead to investigation and action by Council.

All of Council's providers of goods and services are required to comply with this policy. Corrupt conduct and/or non-compliance with the requirements of this policy resulting in demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts;
- Loss of future work;
- Loss of reputation;
- Investigation for corruption;
- Matter being referred for criminal investigation; and/or
- Disqualification of tender.

Fraud and Corruption

Fraud means an intentional dishonest act or omission done with the purpose of gaining an advantage, usually a financial benefit from a position of trust and authority.

The types of acts or omissions include, but are not limited to, theft, false pretenses, evasion, manipulation of information, misappropriation, larceny, embezzlement and improper destruction or falsification of accounts or records.

Corruption means a breach of trust in the performance of official duties, acted or failed to act in the performance of the functions of their duties, or taken advantage of their employment to obtain any benefit for themselves or another person.

It is not corrupt conduct unless it involves a criminal offence, a disciplinary offence or reasonable grounds for terminating the services of a public official.

Acts of fraud or corruption by business clients, contractors, lessees, suppliers or sponsors will not be tolerated by Council. We will take action to detect, investigate and discipline fraudulent and corrupt conduct. Such action may include, but is not limited to, termination of contracts or disqualification of tender. Where appropriate or required by law, we will report fraudulent or corrupt conduct to the Independent Commission Against Corruption and the NSW Police Force.

Reporting of fraud or corruption

The following avenues are available for third party reporting of fraud or corruption:

Report by phone, email or via Council's website

Complaints and reports can be made by:

- phoning (02) 6660 0300
- emailing council@richmondvalley.nsw.gov.au
- via Council's website at www.richmondvalley.nsw.gov.au under the 'Make a Complaint' link.

General Manager

Council's General Manager is responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

The General Manager can be contacted by phoning Council's office on 02 6660 0300, or by mail via a sealed envelope marked "General Manager – Strictly Confidential" Locked Bag 10 CASINO NSW 2470.

External Reporting

Council respects your right to disclose alleged wrongdoing through external reporting avenues. This includes the Independent Commission Against Corruption (for alleged corrupt conduct), NSW Ombudsman (for alleged maladministration), Information and Privacy Commission NSW (alleged government information contravention) or Office of Local Government (serious and substantial waste).

Other Information

Incentives, Gifts and Benefits

In general, Council expects Councillors and staff to decline gifts, benefits, travel or hospitality offered during the course of their work. Accordingly, all such incentives will be reported to the General Manager. Council will establish a separate Gifts and Benefits Policy which will establish circumstances in which gifts can be accepted. Corrupt acts such as inducements are not acceptable to Council.

Conflict of Interest

As Council staff are required to disclose any potential conflicts of interest, Council expects that this requirement will extend to all persons/organisations undertaking business with Council.

Confidentiality

All Council information should be treated as being publicly available unless otherwise indicated.

Communication between parties

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

Use of Council Equipment, Resources and Information

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

Contracted Employees

All contracted and sub-contracted employees are expected to comply with the Council Business Ethics Policy.

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Comments
1	21/02/2006	New policy
2	19/02/2008	Review
3	17/08/2010	Review
4	25/10/2019	Review and rebrand (formerly CPOL 1.1.13)
5	19/05/2020	Review