

STATEMENT OF BUSINESS ETHICS

POLICY OBJECTIVE

This Statement of Business Ethics (Statement) has been developed to assist Wentworth Shire Council (Council) to ensure that it, and the businesses with which it is associated, act in a transparent, ethical and accountable manner so as to enhance and protect our organisation's reputation, as well as safeguarding Council's culture of integrity and ethical conduct.

1. POLICY STATEMENT

The intent of this policy is to provide guidance to organisations and individuals on expected behaviours when dealing with Council. It is critical that Council and its private sector contractors, suppliers, consultants, tenderers or business partners have mutual expectations of the relationship. This Statement defines the principles of conduct that are expected of both parties in order to ensure the integrity and professionalism of both organisations is enhanced and is a statement of Council's values and systems of accountability.

The *Local Government Act 1993 (NSW)* requires every council to adopt a Code of Conduct. The standards in this Statement are based on our Code of Conduct and our values.

2. POLICY COVERAGE

This policy applies to all organisations and individuals that deal with Council. All organisations and individuals must adopt the standards of ethical behaviour set out in the policy statement.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth Shire is supported by strong and ethical civil leadership with all activities conducted in an open, transparent and inclusive manner.

Strategy: 4.2 A strong, responsible and representative government.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Wentworth Shire Council
Corrupt Conduct	Occurs when, among other things, a public official carries out public duties dishonestly or partially and the conduct in question could constitute either a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of the public official.
Impartiality	means the purchasing process must be undertaken in a fair, objective, consistent and business-like manner, leading to improved performance and cost-effective methods of doing business for Council. It does not mean pleasing everyone. We strive to be impartial by ensuring that our processes are appropriate.
Maladministration	Conduct that involves action or inaction of a serious nature that is either contrary to law, or is unreasonable, unjust, oppressive or improperly discriminatory, or is based wholly or partly on improper motives.
Statement	Statement of Business Ethics

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Transparency	Means visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures.
Value for Money	Means an estimate of the worth or desirability of the goods or services offered. This can include such factors as initial costs, whole of life cost, quality, the extent to which the goods or services meet the specified requirements and also social and environmental responsibilities.

5. POLICY CONTENT

The following is the policy of this Council:

What we can expect from you?

We require anyone 'doing business with Council' (including all applicants, suppliers of goods and services, political lobbyists, consultants, contractors and their sub-contractors) to:

- Act ethically, fairly and honestly in all dealings with Council;
- Deliver value for money;
- Comply with Council's procurement policies and procedures;
- Provide accurate and complete information;
- Declare actual or perceived conflicts of interest as soon as such matters arise;
- Keep Council information confidential;
- Avoid collusion and unfair practices;
- Do not offer Council officials any financial inducements or incentives or gifts or benefits designed to improperly influence the conduct of their duties;
- Assist Council in providing a safe and healthy working environment;
- Do not discuss Council business or information with the media;
- Help deter unethical practices and/or fraud by reporting your concerns to Council;
- Respect the environment, comply with environmental laws and have sustainable practices in the use of resources and waste management;
- Take all reasonable measures to prevent unethical occurrences within your own supply chain;
- Work with Council in efforts to enhance capability to address / mitigate any risk of modern slavery in supply chains; and
- Respect Council's intellectual property rights and formally negotiate any access, license or other use of those rights.

Guidelines for doing business with Council

Council will ensure all its business relationships are ethical, fair and consistent. In particular, Council's business dealings will be transparent and open to public scrutiny at all times.

By complying with this Statement, you will be able to advance your business objectives and interests with Council, fairly and ethically.

Breaches of the Code

You should be aware of the consequences of not complying with this Statement. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts/dismissal;
- Loss of further opportunities;

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- Loss of approvals;
- Loss of reputation; or
- Investigation for corrupt/criminal activity as well as punishment civil or criminal.

Our Key Business Principles

Council is committed to the Codes of Conduct and our values require that Council's actions are consistent with the following principles:

- Commitment to the system of government and good governance, upholding the law and effecting priorities, policies and decisions professionally and impartially;
- Integrity and impartiality, highest ethical standards, fair and respectful engagement with the community, effective processes and decision-making in the public interest;
- Accountability and transparency, exercising due care and diligence, using public resources in an effective and accountable way, and managing information within the legal framework;
- Sustainability in development, management of assets and infrastructure, and delivery of effective services, while minimising environmental and negative social impacts; and
- Economy and efficiency, risk-based approach that will deliver the best outcome (including value for money) for Council and the Wentworth Shire community;

Value for money means an estimate of the worth or desirability of the goods or services offered. This can include such factors as initial costs, whole of life cost, quality, the extent to which the goods or services meet the specified requirements and also social and environmental responsibilities.

Transparency means visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures. Council is committed to ethical sourcing, fair trade practices and to consider, identify and manage modern slavery risk within its supply chain. Ethical sourcing means sourcing products in a responsible and sustainable way, from organisations who treat workers fairly and equally, while minimising their impact on the wider environment and society.

Impartiality means the purchasing process must be undertaken in a fair, objective, consistent and business-like manner, leading to improved performance and cost-effective methods of doing business for Council. It does not mean pleasing everyone. We strive to be impartial by ensuring that our processes are appropriate.

What should you expect from Council?

All members of staff, Councillors and delegates are bound by Council's Code of Conduct. They are accountable for their actions and are expected to:

- Use Council resources efficiently and effectively;
- Encourage fair and transparent competition while seeking value for money;
- Ensure that all procurement activities and decisions are fully and clearly documented so as to provide an effective audit trail;
- Protect confidential and proprietary information;
- Deal fairly, ethically and honestly with all individuals and organisations so as to avoid any actual or perceived conflict of interest;
- Disclose any situation that involves or could be perceived to involve a conflict of interest;
- Not seek or accept financial or other benefits or personal gain for performing official duties;
- Treat all potential suppliers with equality, impartiality, fairness and respect;
- Act honestly and ethically when dealing with the community, business partners (including potential partners) and others;

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- Present the highest standards of professionalism, ethical behaviour and probity in all dealings with suppliers and the community;
- Work with Suppliers in efforts to enhance capability to address / mitigate any risk of modern slavery in supply chains;
- Be able to account for all decisions and provide feedback on these decisions;
- Ensure appropriate documents and records are maintained for all procurement activities;
- Not be involved in any activities such as performing work with suppliers, consultants or contractors;
- Not engage in the practice of so-called 'order splitting' or any similar practices with suppliers, contractors or consultants; and
- Provide all suppliers and tenders with the same information and equal opportunity.

GUIDANCE NOTES

Incentives, gifts and benefits

Council's employees and Councillors do not expect to receive incentives, gifts, or benefits (including hospitality) as a consequence of business relationships with providers of goods or services. Providers of goods and services are required to refrain from offering any such incentives, gifts or benefits to Council employees or Councillors.

Council's Code of Conduct outlines the type of gifts and benefits that may be received by Councillors and Council employees. Please consult the proposed recipient or Council's Code of Conduct to confirm whether the recipient may accept an incentive, gift of benefit.

Gifts of cash or cash-like gifts should not, in any circumstances, be offered to Council employees or Councillors.

Note: *If a gift or benefit (especially cash or a cash-like gift) is offered to a Council official to influence the way they do their work, they must report it immediately.*

Conflict of interest

All Council employees and Councillors are required to disclose any actual or perceived conflict of interest, whether pecuniary or non-pecuniary. Council extends this requirement to all Council business partners, contractors and suppliers.

When working for Council, you are required to act in Council's interest. A conflict of interest would exist if you have a personal interest, or your relative, company, employer or another person you know has an interest that could reasonably be expected to influence the way you carry out your duties for Council. In determining whether you have a conflict of interest you must consider public perception.

In any conflict situation you are expected to place Council's interests ahead of your own and, where there is any doubt, to always err on the side of caution.

If at any time during your engagement with Council a conflict of interest exists or arises, you must disclose the nature of the conflict, as well as the nature of your interest, to the person with whom you are working or who is managing your contract or to Council's Office of the General Manager.

Confidentiality and personal information

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

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Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreements, contracts and the like should never be given to those with a competing interest or to unauthorised persons.

You must take care to maintain the security of any confidential or personal information you become aware of in your work with or for Council.

You must abide by the privacy legislation governing, among other things, the collection, holding use, correction, disclosure and transfer of personal information obtained through your dealings with Council.

No one is permitted to access, use or remove (from Council premises) any Council information, or any personal information pertaining to any other person, unless they need that information for their work with or for Council and have the necessary authorisation to do so.

Ethical communication between parties

All communication should be clear, direct and accountable so as to minimise the risk of the perception of inappropriate influence being brought to bear on the business relationship. Any canvassing of Council staff or Councillors during a tender process will disqualify the bid from further consideration. Contact with Councillors whilst performing work with or for Council is prohibited unless expressly authorised by Council.

Contracting and subcontracting employees

All contracted and subcontracted employees are expected to comply with this Statement. If you engage subcontractors in your work with or for Council, you must make them aware of this Statement.

Intellectual property rights

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

Alcohol and drugs

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

Offers of employment to Council staff

You must not offer a Council employee private or secondary employment which conflicts or may conflict with their duties at Council. All private or secondary employment must be approved by the General Manager and approval will not be given if, in the opinion of the General Manager, the employment conflicts or is likely to conflict with the employee's official duties with Council.

Former Council employees

Council employees, as public officials, must not breach public trust, must at all times act honestly, fairly and impartially, and must not use commercially sensitive information with a view to facilitating future employment opportunities in either the public or the private sector. In addition, it is not permissible to use or otherwise take advantage of any relationships with current employees so as to seek or appear to seek favourable treatment or access to confidential or proprietary information.

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Under the *Local Government Act 1993 (NSW)*, some staff leaving Council's employ must have resigned for at least 12 months prior to negotiating or conducting any business with Council on behalf of a new employer.

Reporting Corrupt Maladministration and Wastage

Council will not tolerate unethical conduct or fraud. Council encourages its Councillors, staff and the business community to report all such matters.

When working with or for Council in a paid, unpaid or contracted capacity, you are considered to be a 'public official' for the purposes of the *Independent Commission Against Corruption Act 1988 (NSW)* and you are therefore subject to the ICAC's jurisdiction.

'Corrupt conduct' occurs when, among other things, a public official carries out public duties dishonestly or partially and the conduct in question could constitute either a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of the public official.

'Maladministration' (sometimes referred to as conduct which is otherwise 'wrong conduct') is conduct that involves action or inaction of a serious nature that is either contrary to law, or is unreasonable, unjust, oppressive or improperly discriminatory, or is based wholly or partly on improper motives.

When doing work with or for Council you have a responsibility to report any suspected instance of corruption, maladministration, or serious and substantial waste. For information on contacts, refer to the contacts section within this Statement.

Alternatively, you can report any suspected instance of corruption to the ICAC, maladministration to the Ombudsman, and serious and substantial waste to the Office of Local Government.

There are a number of forms of protection available to any person who reports any of the above-mentioned wrong practices in the appropriate manner. Reports must, however, be honest and reasonable. Council will deal with reports in a prompt, professional, and confidential manner. Council's Internal Reporting Policy applies to all such reports.

Council's Commitment

The standards and principles outlined in this Statement reflect the high standards expected by our local community. You are also expected to maintain these standards and principles when undertaking work with, for, or on behalf of Council. If you have any questions, or are unsure about any matter relating to this Statement refer to the contacts section for contact details.

Contact Details

Council's Disclosures Coordinator

03 5027 5027

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act (NSW) 1993*
- *Local Government (General) Regulation 2021*
- *Public Interest Disclosure Act 1994 (NSW)*

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- *Modern Slavery Act 2018 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *Independent Commission Against Corruption Act 1998 (NSW)*
- *State Records Act 1998 (NSW)*

Council Policies

- GOV001 - Gifts and Benefits Policy
- GOV004 – Internal Reporting Policy
- GOV005 – Procurement Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV013 – Enterprise Wide Risk Management Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy
- GOV023 – Conflicts of Interest Policy

Council Documents

- Legislative Compliance Framework
- Enterprise Wide Risk Management Framework
- Governance Framework
- Complaints Management Framework
- Procurement Manual
- Privacy Management Plan
- Records & Information Management Policy (Operational)
- Gifts and Benefits Register
- Conflicts of Interest Register

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 28 June 2023. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: 

29 June 2023

General Manager Wentworth Shire Council

Date

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Version	Date	Author	Changes
0.1	23/05/2022	V. Sroeung	-
1.0	29/06/2022	S. Rule	Final draft adopted by Council – First Release
1.1	15/06/2023	D. Zorzi	Draft - Amended to address modern slavery obligations
2.0	29/06/2023		Draft adopted by Council 28/6/2023 – Second Release