

Statement of Business Ethics Policy

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Purpose

This statement provides guidance for the private sector when doing business with Greater Hume Shire Council.

It outlines Council's ethical standards and expectations of goods and service providers and contractors in all of their dealings with Council. The Statement will also outline what goods and service providers and contractors can expect of Council.

Council aims to promote integrity, ethical conduct and accountability throughout Council's operations.

Our staff are expected to maintain high standards of integrity and ethical conduct, consistent with the positions of trust they hold and we expect no less of the service providers and contractors that undertake work for Council.

Scope

This policy applies to Councillors, employees, suppliers and/or service providers when doing business.

Definitions

Nil.

Policy Content

Our business principles

This statement will ensure that all its business relationships are honest, ethical, fair and consistent in obtaining best value for money. Best value for money does not automatically mean the lowest price. Council will balance all relevant factors including initial cost, whole of life cost, quality, reliability and timeliness in determining true value for money.

Part of obtaining best value for money will also include ensuring that all our business relationships are honest, ethical, fair and consistent.

Council business will be transparent and open to public scrutiny where ever possible.

What you can expect from Council

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

Our staff are bound by Council's Code of Conduct when doing business with the private sector and will be expected to:

- Abide by the law and all relevant policies and procedures
- Use public resources effectively and efficiently
- Deal fairly honestly and ethically with all individuals and organisations
- Avoid conflicts of interest (whether real or perceived).

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In addition all Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and allow for effective performance review of contracts
- Tenders will not be called unless Council has a firm intention to proceed to contract
- Council will not disclose confidential or proprietary information.

What Council expects of our suppliers, consultants and contractors

Council requires all private sector providers to observe the following principles when doing business with Greater Hume Shire Council:

- Respect the obligations of Council staff to act in accordance with this statement
- Not exert pressure on Council staff to act in ways that contravene the business ethics or code of conduct of Council
- Not offer staff inducements or incentives such as money, gifts, benefits, and entertainment or employment opportunities
- Provide accurate advice and information when required
- Act ethically, fairly and honestly in all dealings with Council
- Declare any actual or perceived conflicts of interest as soon as you become aware of the conflict
- Prevent the unauthorised release of privileged or confidential information, such as commercial-in-confidence information.

Why should the private sector comply with the statement?

By complying with Council's Statement of Business Ethics you will be able to advance your business through the opportunity to bid for public sector work on a level playing field. You will also enhance your capacity to undertake public sector work with similar compliance requirements in the future.

As all Council suppliers of goods and services are required to comply with this statement, no provider will be disadvantaged in any way. By complying with Council's principles this will also prepare your business for dealing with the ethical requirements of other government agencies, should you wish to do business with them.

Consequences for not complying with the principles of business ethics as outlined in this statement can be significant for both public officials and people doing business with Council.

Consequences for Council staff include investigation, disciplinary action, dismissal or potential criminal charges.

Consequences for private sector partners could lead to:

- Investigation for corruption or other offences
- Possible loss of work
- Damage to reputation
- Termination of contracts
- Loss of rights (such as loss of operating or trade licences or loss of development approval).

It should be noted that any individual can be found corrupt by the Independent Commission Against Corruption (even if they are not a public official) if they try to improperly influence a public official or a public authority's honest or impartial exercise of their official functions.

Some Practical Guidelines

Incentives: Gifts, benefits, hospitality, meals, travel and accommodation

Advice in relation to Gifts and Benefits can be found in Council's Code of Conduct and additionally Council has also adopted a Bribes, Gifts and Benefits Policy which states that:

"It is Council's preferred position that:

- gifts and benefits not be offered to Councillors, staff and delegates
- gifts and benefits are not to be solicited
- gifts and benefits should be actively discouraged by Councillors, staff and delegates
- people doing business with Council should understand that they do not need to give gifts or benefits to Councillors, staff and delegates to get high quality service.

Gifts and benefits fall into two categories, those that are more than nominal value and those of nominal value (see definitions below).

Gifts below nominal value (token) can be accepted without disclosing details to a supervisor, the General Manager or the Mayor (in the case of Councillors).

For the purposes of this policy "nominal value" is described as goods and/or services which have nominal value (ie less than \$150.00).

Generally speaking, nominal (token) gifts and benefits may include:

- Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business.
- Free meals, of a modest nature, and/or beverages provided to Council officials who formally represent Council at work related events such as training, education sessions and workshops.
- Refreshments of a modest nature, provided at conferences where you are a speaker.
- Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages.
- Invitations to appropriate out of hours "cocktail parties" or social functions organized by groups, such as, Council Committees and community organisations.

Nominal value gifts and benefits may only be accepted if the gift is not likely to be seen as compromising Councillors or employees. If you have any doubt if the gift/benefit is nominal (token) or not you should discuss it with your Director or the General Manager.

On the rare occasion that gifts, with more than a nominal value, are accepted, the details of the gift must be disclosed and recorded in the publicly available gifts and benefits register held by Council. These gifts become the property of Council to be disposed of appropriately. More than nominal (non token) gifts and benefits are those with a significant value.

You must never accept an offer of money, regardless of the amount.

Generally speaking, more than nominal (token) gifts and benefits may include:

- Tickets to major sporting events
- Corporate hospitality at a corporate facility at a sporting venue
- Discounted products for personal use
- The frequent use of facilities such as gyms
- Use of holiday homes
- Free or discounted travel
- Free training excursions
- A new job or a promotion
- Preferential treatment, such as queue jumping
- Access to confidential information
- Goods and items donated to Council and employee functions.

If you receive a gift of more than nominal (token) value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that the gifts received are recorded in a Gifts Register."

Conflicts of Interest

All Council staff are required to disclose any potential conflicts of interest. Council also extends this requirement to business partners, contractors and suppliers. A conflict of interest can be either:

1. Pecuniary – An interest that a person or company has in a matter because of a reasonable likelihood or expectation of financial gain or loss to the person with whom the person is associated or,
2. Non Pecuniary – A private or personal interest of an official or staff member or delegate that does not amount to a pecuniary interest as defined in the Local Government Act 1993 (eg: a friendship, membership of an association, society or trade union, or involvement or interest in an activity an may include an interest of a financial nature (DLG Model Code of Conduct).

Any complaints about possible conflict of interest should be directed to Council's General Manager for attention.

Sponsorship and related practices

Council will not ask for, entertain or enter into any sponsorship or similar arrangement that is not open and transparent or if such sponsorship creates a perception that it could be part of an attempt to improperly influence any organisational decision-making process.

Confidentiality

Information that is considered sensitive may have commercial implications for Council together with staff matters of a personal nature will be considered confidential.

Under the Government Information (Public Access) Act 2009, confidential information may be accessed upon payment of the appropriate application fees and application to Council's Public Officer.

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Ethical Communication

Providers of goods and services should ensure that communication is clear, direct and accountable to minimise the risk of perception of inappropriate influence on any business relationship.

If communication needs to be confidential for commercial in confidence or personal reasons, the communication shall still abide by the principles of clear, direct and accountable.

Use of Council Resources

All Council resources must be used ethically, effectively, efficiently and carefully in the course of official business and must not be used for private purposes (except when supplied under a contract of employment) unless lawfully authorised and proper payment is made where appropriate.

Secondary Employment

Under the Local Government Act 1993, all Council staff must obtain consent of the General Manager for any secondary employment that relates to the business of Council or might conflict with their Council duties. The General Manager will make the final determination whether to grant or refuse consent. Secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between the staff member's public role and their private interest.

Expectations of Contractors and Sub Contractors

Council emphasises that all Contractors and Sub Contractors will be expected to be aware of and comply with the Statement of Business Ethics.

Who to contact about the Statement of Business Ethics

If you are concerned about a possible breach of this Statement, or about conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact the General Manager, Greater Hume Shire Council by one of the following methods:

Letter: PO Box 99, Holbrook, NSW 2644

Phone: (02) 6036 0100

Persons reporting corrupt conduct are protected by the Public Interest Disclosures Act 1994. This Act protects individuals disclosing corruption related matters from reprisals or detrimental action and ensures that disclosures are properly investigated and dealt with.

Links to Policy

[Access to Information Policy](#)

[Procurement Policy](#)

[Internal Reporting \(Public Interest\) Disclosure Policy](#)

[Bribes, Gifts and Benefits Policy](#)

[Secondary Employment Policy](#)

Links to Procedure

[Procurement Procedure](#)

Links to Forms

Government Information (Public Access) Act 2009 Access Application Form
Bribes, Gifts and Benefits Register Form

References

Nil.

Responsibility

Councillors, staff, delegates and suppliers/contractors

Document Author

Director Corporate & Community Services

Relevant Legislation

Local Government Act 1993
Government Information (Public Access) Act 2009
Public Interest Disclosures Act 1994

Associated Records

Nil.