

Statement of Business Ethics

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| Date policy was adopted: | 26 April 2017 |
| Resolution number: | 112/17 |
| Next Policy review date: | April 2018 |
| Reference number: | C1752244 |

Statement of Business Ethics

INTRODUCTION

Queanbeyan-Palerang Regional Council is committed to serving our community with integrity, efficiency, fairness and impartiality. In conducting business we will put our public duty to the community ahead of our personal interests. The people of our region and those who come in contact with us, expect nothing less.

This Statement of Business Ethics provides guidance for all sectors of the community when conducting business with Council and explains the mutual obligations and role of all parties. This business may include the supply of goods and services, use of contractors and consultants, assessment of development applications and other general dealings.

Council officials and staff are required to comply with Council's standards of conduct, procedures and relevant legislation governing ethical behaviour. The same standard is expected of all individuals and organisations that deal with Council to reduce the risk of inappropriate business activities and actual, potential or perceived conflicts of interest occurring.

These ethical standards are an integral part of the Council's sound commercial practice.

Councillors, Council staff and its representatives (including volunteers and delegates) are required to observe a high standard of ethical behaviour and comply with legislation, Council policies and procedures. Therefore we ask that in doing business with Council, you as a supplier to Council abide by this statement of business ethics in all your dealings with Council.

KEY BUSINESS PRINCIPLES

Councillors, staff and its representatives must maintain the highest standards of conduct and are to abide by the following Key Business Principles:

- **Value for money**
- **Impartiality**
- **Fairness**
- **Transparency**

Value for money – *the need to obtain the best possible value for public money*

Under the Value for Money principle getting best value for money means considering all factors relevant to a particular purchase. Although price is important, consideration must also be given to whole of life costs and non-price factors such as quality, reliability, product safety, delivery time, ongoing service and support. Factors such as experience, qualifications of personnel, knowledge of Council's needs and previous work performance are critical in the evaluation when procuring services. However the lowest price might offer the best value if it meets other essentials such as quality and reliability.

Value for money will be pursued through fair and effective competition. Other things being equal, the extent of competition sought by Council will be consistent with the financial value of the procurement, with higher value cases normally subject to open initiations to quote, bid or tender.

Impartiality – *the need to be unbiased during the procurement process*

Impartiality means endeavouring to be objective and even handed in making assessments against predetermined criteria. The skill, knowledge and responsibility of the staff involved in the procurement process will be appropriate to the nature, complexity and magnitude of the procurement.

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Fairness – *the need to be fair in all Council dealings during the procurement process*

Council will act fairly. The process of inviting and assessing quotations, bids and tenders will safeguard against favouritism, improper practices and opportunities for corruption. Private interests will not be allowed to influence decisions about procurement. Staff will be aware of their responsibilities and will be accountable for their actions and decisions. Written records will be kept including the reasons for selecting or rejecting quotations, bids and tenders.

Fairness does not necessarily mean pleasing everyone. Some people are occasionally adversely affected by fair decisions. Council operates from a viewpoint where it wishes to be fair in all its dealings and minimise where possible, any adverse effect of its decisions.

Transparency – *the need to be for the procurement process to be transparent*

Transparency means visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures. However there will be times when confidentiality will be required by Council.

WHAT IS EXPECTED FROM YOU

Queanbeyan-Palerang Regional Council requires all members of the public, applicants, lobbyists, contractors, suppliers and anyone doing business with Council to:

- Act ethically, fairly and honestly in all dealings with Council.
- Declare actual, potential or perceived conflicts of interest as soon as possible.
- Respect the obligations of Councillors and staff to abide by Council's Code of Conduct and other relevant policies (e.g. Procurement Policy, Gifts & Benefits Policy etc).
- Be aware and comply with legislation, Council's policies and procedures as they pertain to the business before Council, and the conditions set out in documents supplied by Council.
- Provide accurate and reliable advice and information to Council when required.
- Prevent the disclosure of confidential information.
- Refrain from discussing Council business or information in the media.
- Assist Council to prevent unethical practices in our business relationships.
- Refrain from engaging in any form of collusive practice, or offering Council officials inducements or incentives including gifts and benefits, designed to improperly influence the conduct of their business.
- Refrain from any action or contact that may be considered an attempt to influence a decision of Councillors or staff.
- Maintain records of all dealings with Council.

WHAT CAN YOU EXPECT FROM US

Queanbeyan-Palerang Regional Council will expect its Councillors, staff and representatives to:

- Respect and comply with Legislation, Council's policies, procedures and guidelines.
- Treat all tenderers for the supply of goods and/or services equitably.
- Promote fair and open competition while seeking the best value for money.
- Protect confidential information.
- Meet or exceed public interest and accountability expectations.
- Avoid situations where personal interest could conflict with public duty.
- Never solicit or accept remuneration, gifts or other benefits from a supplier.
- Respond promptly to reasonable requests for advice and/or information.
- Determine the level of risks associated with the acquisition when deciding on the method of purchase to be used;

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- Undertake and document a risk analysis for all procurement involving the process of calling of tenders or as determined by the delegated purchasing officer;
- Ensure segregation of duties in the requisitioning, approval and payment functions;
- Only approve the incurring of expenditure up to the delegated monetary level and within budgetary limits;
- Ensure all suppliers are registered and contracted with Council through a registration process that confirms a pre-approved and/or established systems of WHS systems, environmental factors and insurances are in place;
- Use Council's procurement services, Council stores, State Government Contracts, Local Government Procurement Contracts, and Council's period contracts whenever possible;
- Provide suppliers with Council's standard Purchase Order and/or contract prior to supply; and
- Maintain a contract register and procedures for contract variation and contractor evaluation.

WHY YOU NEED TO COMPLY

All of Council's providers of goods and services are required to comply with this statement. The principles of this Statement are consistent with the ethical requirements of other public sector agencies. Therefore you must be careful when you deal with us, because we are public officials.

Council will not tolerate corrupt conduct in any form, such as trying to influence the outcome of a tender. Council's standard tendering invitations, for example, state that any action or contact that may be considered as an attempt to influence a decision of Council's staff or Councillors will automatically disqualify the relevant tender.

People and businesses who engage in corrupt conduct are committing a crime. Penalties for certain acts under the Independent Commission Against Corruption Act 1988 and the Crimes Act 1900 can include imprisonment. Non-compliance with the requirements of this Statement resulting in demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation
- Disqualification of tender

ADDITIONAL INFORMATION

An indicator which could serve as a measure of the effectiveness of the policy and any supporting procedures and be built into Management Plan reporting processes.

Gifts and Other Benefits

Council awards contracts and determines applications based solely on merit. Gifts must NOT be given in connection with any prospective business dealings and Council officials are not permitted to ask for any reward or incentive for doing their job. The acceptance of gifts of a token value by Councillors and staff is permitted in certain circumstances. All gifts accepted and all offers of gifts whether token or not are required to be disclosed and are required to be recorded in Council's Gift & Benefits Register. Council staff who are involved in exercising regulatory and procurement processes **are prohibited under any circumstances to accept gifts, hospitality and benefits of any kind or value.**

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References to 'gifts' normally include other benefits or cash. Gifts or benefits to Council's staff and Councillors that have a nominal or token value and do not create a sense of obligation, may be acceptable. **Cash is never acceptable.** All gifts must be declared and entered in Council's Gifts & Benefits Register by the recipient. Council's *Code of Conduct and Gifts & Benefits Policy* contains further information.

Communication

You must communicate with us clearly and directly at all times, and account for all communications. This will ensure that there is a minimal risk of appearing to influence Council's staff or Councillors inappropriately.

Confidentiality

All Council information is considered confidential and cannot be disclosed unless Council has agreed otherwise in writing, or the information is public knowledge, or the law requires it to be disclosed.

Conflict of Interest

Council's staff and Councillors must disclose any actual, potential or perceived conflict between their personal interests and their professional duties. This includes both pecuniary and non-pecuniary interests and is equally important.

Sponsorship

From time to time, Council seeks financial or in-kind sponsorship from the private sector to support Council's activities or events. Council also regularly provides sponsorships or grants to community organisations for their activities or events. Council has a Sponsorships, Grants and Loans Policy that sets out the procedures and considerations that apply in these situations. Sponsorships, grants or loans must not interfere with Council's ability to carry out its functions, and the process of seeking and providing sponsorships, grants and loans must be open and transparent.

Contractors, Sub-Contractors, Consultants and Delegates

You must ensure that any person who is engaged in your work for Council complies with this Statement. This applies to all delegates including your staff, contractors, sub-contractors, consultants and any other persons or organisations. We must ensure that any person who acts for Council complies with this Statement.

All delegates of Council must also comply with Council's Code of Conduct.

Secondary and Post-Separation Employment

Council's staff members have a duty to maintain public trust. If a Council staff member works as an employee outside Council, this is called 'secondary employment'. Running a business or acting as a consultant is also considered 'secondary employment', even if the staff member is not strictly an employee in the other business. Council's Chief Executive Officer can prohibit Council's staff from secondary employment where there is, or might be, a conflict of interest. Council's staff must apply for the Chief Executive Officer's approval of secondary employment if there is a risk of conflict of interest.

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Council's staff must not use their access to commercially sensitive information they gain at Council to assist them into secondary employment or into new employment, business or consultancy after they leave Council. This includes detailed knowledge of Council policies, procedures, practices and information unless these are public knowledge. Council's staff must also not allow themselves or their work to be influenced by plans for, or offers of, new employment, business or consultancy. Council's Code of Conduct contains further information.

Intellectual Property

You must respect Council's intellectual property and Council must respect your intellectual property. Access, licence or use must be agreed in writing.

Use of Resources

Council's resources must only be used for official purposes. Council's *Code of Conduct* contains further information.

Political Donations

The law requires that persons who have a financial interest in, or have made a submission in relation to a Development Application or a planning instrument, must disclose certain information about political donations and other gifts. This is a mandatory requirement if a donation or gift has been made to a Councillor or council employee within the previous two years of the application or submission.

Reporting Unethical Behaviour

Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the Chief Executive Officer or Council's Public Officer on 02 6285 6513.

External reports can be made to the:

- Independent Commission Against Corruption 02 8281 5999
- NSW Ombudsman 02 9286 1000
- NSW Department of Local Government 02 4428 4100

Public officials, including Council's staff and councillors, who report corrupt conduct, maladministration or serious waste of public funds can be protected by the Protected Disclosures Act 1994. This Act protects public officials disclosing corruption related matters from reprisal or detrimental action and ensures that disclosures are properly investigated and dealt with.

WHO TO CONTACT

If you have any questions about this statement or wish to provide information about suspected corrupt or unethical conduct, please contact **Council's Public Officer on 02 6285 6513**.

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| POLICY:- | |
| Policy No: | |
| Policy Title: | Statement of Business Ethics |
| Date Policy was adopted by Council: | 26 April 2017 |
| Resolution Number: | 112/17 |
| Previous Policy Review Date: | |
| Next Policy Review Date: | April 2018 |
| PROCEDURES/GUIDELINES:- | |
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| RECORDS:- | |
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| Container Reference in TRIM: Procedure | |
| Other locations of Policy: | Intranet (linked to TRIM Container) |
| Other locations of Procedures/Guidelines: | Intranet (linked to TRIM Container) |
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| RESPONSIBILITY:- | |
| Draft Policy developed by: | Director Economic and Community Development |
| Committees (if any) consulted in the development of the Draft Policy: | |
| Responsibility for Implementation: | Director Economic and Community Development |
| Responsibility for Review of Policy: | Director Economic and Community Development |

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| INTEGRATED PLANNING FRAMEWORK: | |
| Strategic Direction (CSP): | |
| Service: | |
| Program: | |

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| Senior Authorising Officer | Position General Manager | Signature/Date  10/05/2017 |
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| ACTION | COUNCIL MEETING DATE | RESOLUTION NUMBER | REPORT ITEM NUMBER |
|-------------------------------------|----------------------|-------------------|--------------------|
| NEW/RECONFIRMED/ AMENDED | | | |
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| DATE REVIEWED | REVIEWER POSITION | REVIEWER NAME |
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