



BYRON SHIRE COUNCIL

DRAFT POLICY 07/???

BUSINESS ETHICS

#705074

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

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POLICY TITLE BUSINESS ETHICS

FILE REFERENCE COR050505

1. OBJECTIVES

- 1.1. To promote ethical behaviour and relationships within Council and in conducting the business of Council.
- 1.2. To provide clear guidance to Councillors, staff, contractors and suppliers regarding ethical business conduct with Byron Shire Council.

2. POLICY STATEMENT

- 2.1. Councillors and staff will conduct their Council roles in such a way as to maintain the highest level of community accountability, community stewardship and leadership whilst maintaining respect for individuals and the rule of law.

3. AIMS

- 3.1. Build and maintain ethical relationships with all sectors of the community and in particular the private sector.
- 3.2. Encourage transparency and accountability in all dealings including lending, contracting, supply of goods and services and business partnerships.
- 3.3. Ensure other sector partners understand Council's public duty obligations and expectations of ethical conduct.
- 3.4. Manage the potential risk and misunderstanding that can occur in business transactions between the public and private sectors.
- 3.5. Maintain corruption-resistant, ethical work practices.
- 3.6. Promote relationships with ethical businesses.

4. WHAT PROVIDERS CAN EXPECT FROM COUNCIL STAFF AND COUNCILLORS

- 4.1. 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.
- 4.2. 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.
- 4.3. 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:

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

5. WHAT COUNCIL EXPECTS FROM PROVIDERS

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

- a) Deliver value for money
- b) Comply with Council's Procurement Policy and related procedures
- c) Respect the conditions set out in documents supplied by Council
- d) Disclose beneficial interests in contracts wherever possible
- e) Provide accurate and reliable advice and information when required
- f) Declare actual or perceived conflicts of interest as soon as they become apparent

- g) Act ethically, fairly and honestly in all dealings with Council
- h) Respect the obligation of Council staff and Councillors to adhere to Council's policies
- i) Refrain from divulging privileged or confidential information to unauthorised persons
- j) 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
- k) Refrain from discussing Council business or information in the media without Council's consent
- l) Assist Council to prevent unethical practices in our business relationships
- m) Behave in an ethically, socially, economically and environmentally responsible way in the conduct of their business
- n) Refrain from lobbying or canvassing Council staff during a tender process
- o) Avoid pressuring Council staff and Councillors to depart from their ethical obligation, inadvertently or otherwise
- p) Assist Council in providing a safe and healthy working environment
- q) Respect the environment and use energy efficient equipment, products containing recycled materials and environmentally friendly products and employ sustainable practices wherever reasonably possible.

6. COMPLIANCE WITH ETHICAL BUSINESS PRACTICES – DISCLOSURE STATEMENT FOR TENDERS

6.1. In seeking individual tenders for goods and services, Council will require a disclosure statement of ethical conduct to identify:

- a) Any criminal convictions within the last five (5) years
- b) Any convictions for any offence with a penalty of greater than or equal to \$30,000 in the last five (5) years
- c) Whether the tenderer complies with International Labour Standards for any or all international operations of their company

6.2. One of the criteria for tender assessment will be compliance with Council's Business Ethics Policy.

7. WHY YOU NEED TO COMPLY

7.1. 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:

- a) Termination of contracts

- b) Loss of future work
- c) Loss of reputation
- d) Investigation for corruption

7.2. Matter being referred for criminal investigation

7.3. Disqualification of tender