



Council Policy

Business Ethics

Version 9 - 5 July 2022

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Policy - external Business Ethics

Introduction

Councillors and Council staff work to achieve high standards of integrity and accountability, consistent with the positions of trust they hold.

Our policies and business ethics are aligned and consistent with our obligations under the *Local Government Act 1993* and related regulations. Councillors and Council Officers are required to comply with the Code of Conduct.

We expect organisations and individuals doing business with us to respect and acknowledge the way we conduct our business and ensure they maintain a similar level of ethical behaviour in their dealings with Council.

This Policy will be communicated to organisations and individuals via Council's website, in procurement decisions and during other council business and development activities.

Purpose

The Business Ethics Policy gives guidance to organisations and individuals on expected behaviours when dealing with Council.

Scope

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

Policy statement

All organisations and individuals are required to observe certain principles when doing business with Council.

What we can expect from you

- Act ethically, fairly and honestly in all dealings with the 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.

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Principles

Organisational values

Our values go to the centre of who we are as an organisation. Council requires its employees and consultants to understand and support these values, and work with us in promoting our values:

- Shaping our future
- Leading at all levels
- Working together.

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 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.
- Economy and efficiency, risk based approach that will deliver the best outcome (including value for money) for Council and the Lake Macquarie community.

What you can expect from us

Our staff, Councillors and delegates are accountable for their actions and are expected to:

- act honestly and ethically when dealing with the community, business partners (including potential partners) and others
- use Council resources efficiently and effectively
- disclose any situation that involves or could be perceived to involve a conflict of interest
- treat all potential suppliers with equality, impartiality, fairness and respect
- encourage fair and transparent competition while seeking value for money
- be able to account for all decisions and provide feedback on these decisions
- protect confidential and proprietary information
- not seek or accept financial or other benefits for performing official duties
- not be involved in activities such as performing work with or for suppliers, consultants or contractors.

Breaches of this policy

Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts/dismissal
- Council will not do business with that person or organisation in the future
- Reporting of conduct to regulators, police or other government agencies
- Possible legal action
- Additional control activities added to the process or communications
- loss of further opportunities
- loss of approvals

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- loss of reputation

Investigation by council or government agencies, Responsible reporting

Council officers are required to report any suspected unethical or corrupt conduct to Council's CEO or Internal Ombudsman. Reports, based on honest beliefs and reasonable grounds, will be investigated promptly, professionally and in confidence.

Organisations, individuals and members of the public who are aware of any unethical conduct, relationships, activity or incident involving wrongdoing that could impact adversely Council are encouraged to speak up and report to Council or other government agencies including the ICAC, and NSW Ombudsman's Office.

Review and evaluation

Council will review this policy at least once during its term.

A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive.

Controlled Document Information

Authorisation Details

Folder No:	F2005/02179	TRIM Record No:	D10712001
Audience:	External - Mayor, Councillors, All Staff, Suppliers and Contractors		
Department:	Financial Services - Procurement	Officer:	Chief Financial Officer - Bjorn Lategan
Key focus area(s):	Diverse Economy		
Review Timeframe: Max < 4 years	Within 12 months of an ordinary election	Next Scheduled Review Date:	26 April 2026
Authorisation:	Adopted by Council - 26 April 2022, minor administrative amendment endorsed by Executive - 5 July 2022		
Authorisation - Council Adoption Date:	26 April 2022		

Related Document Information, Standards & References

Related Legislation:	(Legislation Name) Local Government Act 1993 Privacy Act GIPA Modern Slavery Act 2019	(Relationship/Context)
Related Policies:	(Policy Name) Code of Conduct -Staff and Code of Conduct - Council Officials Public Interest Disclosures Internal Reporting Policy Fraud and Corruption Prevention Internal Policy and Procedure Procurement Policy and procedures Public Interest Disclosures – Internal Reporting – Policy Feedback Management Policy and guidelines Privacy Management Plan	(Relationship/Context) Expected standards of behaviour Supports policy by providing direction for reporting corrupt conduct Supports policy by providing direction for dealing with conflicts of interest
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	(Document Name) Procurement Guidelines	(Relationship/Context)
Standards, COP's & Other References	(Standard, COP or Other References)	(Relationship/Context)

Definitions

Term / Abbreviation	Definition
Nil	

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Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Internal Auditor, Chief Financial Officer, Legal Counsel, Executive
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Version History

Version No	Date Changed	Modified By	Details and Comments
0	11/11/02	G Brown	Statement adopted by Council
1	01/11/05	G Brown	New template and revised review date
2	01/08/06	G Brown	Inclusion of documents numbers for related procedures and policies
3	12/08/08	A Silver	New Template
4	25/02/11	G Brown	New template and revised review date
5	08/01/15	R Hamilton	<ul style="list-style-type: none"> New Template Addition of 'Background' content Revision of 'Policy Objective' content Revision of 'Policy Statement' content Addition of 'Policy Scope' content Deletion of 'What does Council expect in return?' content, replaced with 'Statement of Procedures' heading /content Addition of 'Guidance Notes' content Deletion of 'Mutual Obligations' heading, replaced with 'Reporting Unethical Behaviour (Protected Disclosures Internal Reporting Policy)' heading. Additional content provided. Addition of 'Who to Contact' heading / content, used contact information of Disclosure Coordinator from obsolete 'Mutual Obligations' content.
6	03/01/16	K McNaughton	<ul style="list-style-type: none"> Policy updated to reflect the change in title of Protected Disclosures – Internal Reporting Policy to Public Interest Disclosures Internal Reporting Policy. Reflect changes to Councils Code of Conduct to two documents – Code of Conduct – Staff and Code of Conduct – Council Officials.
7	28/3/2017	K McNaughton	<ul style="list-style-type: none"> Minor amendments to correct formatting and grammatical errors Addition of 2 Council Disclosures Officer positions Removal of reference to Gifts and benefits policy Addition of reference to Fraud and Corruption Prevention internal Policy and Procedure
8	19/11/2021	M Archer	<ul style="list-style-type: none"> Revised Policy Statement Reflect Council's revised Organisation values Removed duplication Removed procedural elements. Update contact details Simplify for understanding and usability
9	16/06/2022	S Buckley	<p>Minor administrative amendments only:</p> <ul style="list-style-type: none"> add 'Modern Slavery Act 2019' to the Related Legislation section in the Related Document Information, Standards & References. Updated consultation table

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