



**BYRON  
SHIRE  
COUNCIL**

**DRAFT**

## **Business Ethics Statement**

**2022**

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## Information about this document

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### Document History

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#1154351	May 2020	Updated and turned in to a Statement

### Further Document Information and Relationships

Related Legislation	Local Government Act 1993 (NSW), Local Government (General) Regulations 2021 (NSW) and Modern Slavery Act 2018 (NSW)
Related Policies	Purchasing and Procurement Policy Code of Conduct for Councillors 2022 Code of Conduct for Council Staff 2022 Code of Conduct for Council Committee Members, Delegates of Council, and Council Advisers 2022 Fraud and Corruption and Control Policy
Related Standards, Procedures, Statements, documents	Procurement Guidelines

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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# 1. Introduction

## 1.1 Objectives

This Statement of Business Ethics provides guidance for all sectors of the community who conduct business with Byron Shire Council (Council). It outlines the standards of integrity and ethical behaviour from Council, and states expectations of providers of goods and services when dealing with Council.

Our policies and business ethics are aligned and consistent with our obligations under the *Local Government Act 1993*, and related regulations. Council 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 who work with us.

## 1.2 Scope

The expectations set out in this Statement apply to all sectors of the community doing business with, or wishing to do business with Council.

# 2. Statement

Council will ensure its business relationships are ethical, honest, fair and consistent. Business dealings will be transparent and open to public scrutiny wherever possible.

# 3. What to Expect from Council

Council staff are bound by the code of conduct. They are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Encourage fair and transparent competition while seeking value for money
- Comply with Council policies and procedures and government laws and regulations
- Be accountable and act in the public interest
- Not solicit nor accept any benefit from a provider for the discharge of official duties
- Treat all potential suppliers with impartiality and fairness and give equal access to information and opportunities
- Respond promptly to reasonable requests for advice and information
- Promote fair and open competition while seeking value for money and promoting relationships with ethical businesses
- Fully and clearly document all procurement activities and decisions to provide an effective audit trail and to allow for effective

performance review of contracts

- Utilise opportunities to achieve continual social, economic governance and environmental improvement in operations and activities carried out by Council
- Protect confidential or proprietary information
- Disclose any situation that involves or could be perceived to involve conflicts of interest.

## 4. What We Expect from Goods and Service Providers

Council requires all providers of goods and services to:

- Ensure familiarisation and compliance with this Statement, the Purchasing and Procurement Policy
- Ensure up to date awareness and compliance with legislative requirements and best practice standards, including Work Health and Safety when undertaking work for, or supplying goods and services to Council
- Act ethically, fairly and honestly in all dealings with Council
- Disclose beneficial interests in contracts wherever possible
- Provide accurate and reliable advice and information when required or requested
- Declare actual or perceived conflicts of interest as soon as they become apparent
- Respect the obligation of Council staff and Councillors to adhere to Council policies
- Refrain from divulging privileged or confidential information to unauthorised persons
- 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
- Refrain from discussing Council business or information in the media without Council's consent
- Assist Council to prevent unethical practices in our business relationships
- Behave in an ethically, socially, economically and environmentally responsible way in the conduct of their business
- Refrain from lobbying or canvassing Council staff during a tender or request for quote process

- Avoid pressuring Council staff and Councillors to depart from their ethical obligation, inadvertently or otherwise
- Take all necessary steps to ensure materials and equipment used in the provision of goods and services are sourced in an ethical and socially responsible manner
- Refrain from engaging in practices which cause, involve or contribute to modern slavery, and when requested respond to Modern Slavery Questionnaires and/or criteria in procurement and contract documentation
- Not make any statements or behave in any way that could mislead anyone to believe that they are representing Council or expressing Council views or policies without the appropriate authority.
- Eliminate, reduce or reuse waste wherever possible in relation to the provision of goods and services, and their manufacture, supply chains, and maintenance to actively keep materials in circulation and reduce waste to landfill.

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

Providers should also be aware of the consequences of not complying with Council's ethical requirements. Demonstrated corrupt or unethical conduct could lead to termination of contracts and loss of future work.

## 5. Guidelines

- Gifts or benefits must not be offered to Councillors or Council staff
- All Council staff and business partners must disclose any potential and actual conflicts of interest
- Information which is marked confidential, or which a reasonable person would expect to be confidential, should be treated as such
- In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access, license or use of intellectual property
- To avoid misunderstandings, it is important to use written correspondence for communication involving business-related decisions. Verbal communication should be followed up with written confirmation of decisions or commitments made
- Where equipment or resources are supplied by Council, they must only be used for the agreed official purpose
- It is expected that Council and those who conduct business with Council will ensure that workplace safety is of paramount importance and that all legislative and procedural safety requirements are complied with

- All contractors and sub-contractors are expected to comply with the Statement of Business Ethics. If you employ sub-contractors in your work with the Council you must make them aware of this Statement.

Any provider which becomes aware of the presence of modern slavery in their operations or supply chain must report this to the relevant Project Manager and/or Manager Corporate Services as soon as possible, including the details of the human rights violation discovered and what remedial and preventative measures are occurring. If satisfactory actions are not taken by the provider, Council may consider its contractual obligations, and a report may be made to the Anti-slavery Commissioner NSW or other appropriate agency.

## 6. Reporting Unethical Behaviour

Members of the public can, and are encouraged to, report wrongdoing to the General Manager or the external agencies below:

- The Independent Commission Against Corruption 02 8281 5999 or 1800 463 909
- NSW Ombudsman 02 9286 1000
- Information and Privacy Commission NSW 1800 472 679
- NSW Office of Local Government 02 4428 4100
- Department of Communities and Justice, Anti-slavery Commissioner 02 9377 6000