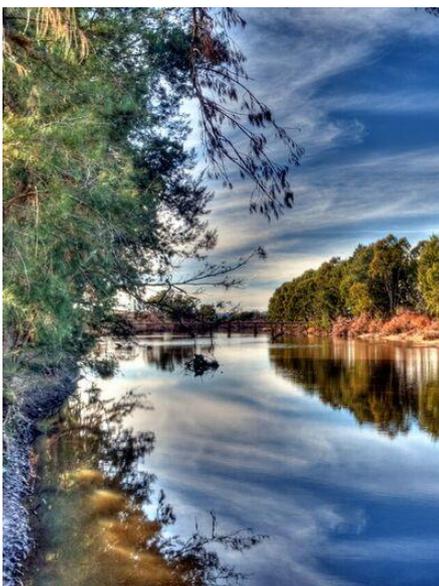




# Statement of Business Ethics





## TABLE OF CONTENTS

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TABLE OF CONTENTS.....	0
Document Control.....	1
Document History .....	1
1. INTRODUCTION .....	2
2. SCOPE .....	2
3. KEY BUSINESS PRINCIPLES .....	2
4. WHAT COMMERCIAL PARTNERS CAN EXPECT FROM HILLTOPS EMPLOYEES .....	4
5. WHAT HILLTOPS EXPECTS OF COMMERCIAL PARTNERS.....	5
6. GUIDELINES.....	6
7. RESPONSIBILITIES.....	8
8. COMMUNICATION.....	8
9. REPORTING UNETHICAL BEHAVIOUR.....	8



## Document Control

<b>Policy</b>	Draft Statement of Business Ethics	<b>Policy Number</b>	TBA
<b>Author/Reviewer</b>	Executive Director Corporate & Community	<b>Review Period and Date</b>	Reviewed within 12 months of election/4 yearly

This policy shall be reviewed: -

- This policy shall be reviewed within 12 months of an election, and thereafter at four yearly intervals at least, to ensure it meets all statutory requirements and the needs of Council. It may also be reviewed at other times as determined by Council.
- This policy commences as from the last date of adoption by Council as listed in the document history and replaces all previous versions.

## Document History

<b>Date</b>	<b>Status</b>	<b>Version</b>	<b>Resolution</b>	<b>Description</b>
23/02/2018	Draft	0.1		For review by the Policy Development and Review Committee
28/03/2018	Draft	0.2		Presented to Council for endorsement, public exhibition 28 days
28/03/2018	Draft	0.3	18/57	Endorse policy to be on public exhibition for 28 days
02/05/2018	Final	1	18/57	Policy adopted



## 1. INTRODUCTION

This Statement of Business Ethics provides guidance for Council staff and all sectors of the community who conduct business with Hilltops Council (Council). It outlines the standards of integrity and ethical conduct that are expected from Council, and states the ethical expectations of suppliers when dealing with Council.

We are serious about our responsibility to ratepayers, and seek the same from all commercial partners and suppliers. The support of our stakeholders is relied upon to assist Council in ethically delivering public value as a service provider, regulator and local government entity.

Our policies and business ethics are designed to be consistent with our obligations under the Local Government Act 1993, and related regulations. Council staff are 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.

All business conducted by Council will be in accordance with the business ethics principles set out in this statement.

General Manager  
HILLTOPS COUNCIL

## 2. SCOPE

The expectations set out in this statement apply to all Councillors, Council staff, businesses, organisations, members of the public, and any other parties doing business with, or wishing to do business with Council.

## 3. KEY BUSINESS PRINCIPLES

The following key business principles underpin all Council business agreements;

### 3.1 Integrity and Impartiality

Council will act honestly and equitably, not abuse power or resources, and avoid and declare conflicts between personal interests and official duties. Council values, and strives to achieve, high standards of public administration and is committed to using public resources in an effective and accountable way.

Council will act in accordance with our duty of care, and will strive to ensure that all members of the public receive proper entitlements and know their rights. Procedural fairness will be observed and documented when making business decisions.

Being impartial does not negate good business practices such as directly seeking bids for items of low monetary value, or declining to invite bids from firms that have performed poorly in the past. In exceptional circumstances Council may deal with a supplier exclusively, when there are valid reasons for doing so based on sound probity principles.



### **3.2 Value for Money**

Council will procure goods and services that offer the best value for money. Best value for money does not simply mean the lowest price, rather, it is determined through comparative analysis of all the costs and benefits associated with a purchase, from sourcing to operating and eventual disposal. Council considers commercial, technical, financial, social, ethical, economic and environmental factors in determining value for money.

### **3.3 Accountability and Transparency**

All business relationships between Council and commercial partners will be fair, open and consistent. Clear documentation and lines of accountability will be maintained for purchasing decisions to ensure the efficient, effective and proper expenditure of public money.

Council staff must exercise powers lawfully, and provide information and assistance when authorised to do so.

Council staff will acknowledge and accept their responsibilities and accountabilities. Council will support all business decisions publicly when able, and will manage information as openly as practicable within the legal framework.

Council business dealings will at all possible times be transparent and open to scrutiny. There will be cases, however, when information on Council's relationships with private suppliers cannot be made publicly available due to confidentiality or privacy obligations. In these cases, Council will always act in accordance with the provisions in this statement.

### **3.4 Respect and Sustainability**

Council is committed to sustainable procurement, and will endeavour to include sustainable business practices and high levels of corporate social responsibility in our evaluation criteria for the selection of suppliers. Suppliers are encouraged to demonstrate that the goods and services that they offer can make a positive impact on the communities and markets in which they operate. Council supports procurement which creates a universally accessible community for people with disability, diverse backgrounds and cultures.

Council will respectfully, effectively and ethically manage all forms of public resources including human, material and financial assets, as well as intellectual property and information. We will act in the interest of safeguarding public assets and revenue, and ensure efficient program and service delivery.



## 4. WHAT COMMERCIAL PARTNERS CAN EXPECT FROM HILLTOPS EMPLOYEES

Council will ensure that its policies and procedures governing purchasing are consistent with best practice and high standards of ethical conduct.

In doing so, Council will;

- Comply with Council policies and procedures and Government laws and regulations.
- Be fair in the treatment of all Council suppliers.
- Deal ethically and honestly with suppliers and pay accounts on time.
- Encourage fair and open competition while seeking value for money.
- Aim to minimise costs to suppliers participating in the procurement process.
- Provide access to information unless there is an overriding public interest against disclosure.
- Protect confidential or proprietary information.
- Always be transparent, accountable and act in the public interest.
- Avoid any conflicts of interest (whether actual or perceived).
- Not accept remuneration, gifts or other benefits from a supplier or applicant for performing official duties.
- Respond to reasonable requests for advice and information without delay.
- Use public resources effectively and efficiently.
- Actively promote the integrity and reputation of the public sector by always acting in the public interest, and not engage in any activities that would bring the public sector into disrepute.
- When assessing all other factors as equal, potentially give preference to Australian made products, and/or goods and services from local businesses.



## 5. WHAT HILLTOPS EXPECTS OF COMMERCIAL PARTNERS

In all business dealings with Council, commercial partners should;

- Act ethically, fairly and honestly.
- Comply with relevant legislation, regulations, policies and contractual obligations.
- When requested, provide clear, concise and accurate information in a timely manner.
- Respect the conditions and requirements stated in documents supplied by Council.
- Use Council equipment, resources and information only for the purpose which it is made available by Council.
- Treat all Council information as confidential unless otherwise advised by Council.
- Respect the obligation of Council staff to comply with policies, legislation and regulation.
- Not act fraudulently or secretly.
- Ensure that any sub-contractors are aware of Council's policies and procedures, and the consequences of not complying.
- Not discuss Council dealings with the media, unless given prior express consent by Council.
- Not offer Council staff any financial or other inducements which may lead to, or be seen as leading to, gaining an unfair advantage in dealings with Council.
- Declare any actual or perceived conflict of interest.
- At all times, be courteous towards the public, Council staff and Councillors and not bring Council into disrepute.
- Report any suspected unethical or corrupt conduct on the part of a Council official, in writing, to the General Manager.

All suppliers of goods and services to Council must declare to Council (at the earliest opportunity) if they:

- Have been convicted for fraud or a fraud-related offence;
- Have been bankrupt, placed into external administration or into liquidation; or
- Have had any corrupt findings or been identified as a person of interest by the Independent Commission Against Corruption (ICAC).

The consequences of not complying with Council's ethical requirements may include;

- termination of any contract, agreement or order;
- loss of future work;
- loss of reputation;
- investigation for corruption; or
- matters referred for criminal investigation.



## **6. GUIDELINES**

### **6.1 Incentives, Gifts, Benefits and Hospitality**

Councillors and Council employees cannot receive benefits, gifts, incentives or entertainment from any external parties. If a token gift is offered to Council for cultural reasons, and the gift has no bearing on current or future purchasing or business, it may be received at the discretion of the General Manager.

Council staff are expected to pay for all their own meals. This requirement can be waived only if a clear underlying business purpose exists, such as a catered course or conference, and the value and frequency of such functions is not excessive.

### **6.2 Conflicts of Interest**

Conflicts of interest may occur when an individual could be influenced, or could be reasonably perceived to be influenced, by a personal interest when carrying out public duties. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage.

All Council staff are required to disclose any conflicts of interest to the General Manager as soon as practicably possible. Should a conflict of interest arise or be recognised by a supplier during their dealing with Council, they must notify and declare this conflict of interest to Council in writing.

### **6.3 Sponsorship**

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

### **6.4 Confidentiality and Intellectual Property**

Any information which is marked confidential, or which a reasonable person would expect to be confidential, should be treated as such and not shared with any unauthorised party.

Access, licence or use of intellectual property rights must be negotiated during the formation of a contract or agreement between Council and external parties. No individual or organisation is entitled to acquire any intellectual property rights because they are employed by or have a contract with the Council.

### **6.5 Communication and Cooperation**

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.

Unless there is a valid reason not to, meetings should be held either on Council premises or on-site. A written record of commitments given at meetings should be made and endorsed by all parties.

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence within a business relationship.

### **6.6 Secondary Employment and Post-Separation Employment**

Council staff are required to obtain approval from their Director or the General Manager prior to commencing secondary simultaneous employment. Approval will not be granted where there is a potential to create a real or perceived conflict of interest between their public duty and other employment.



Council staff will not use their position, or Council information, to secure private employment. Commercial partners and suppliers should not offer Council employees private employment which conflicts with their public duties.

Council staff are not permitted to engage in private work with any person that has an interest in a proposed or current contract with Council.

Former staff members must not disclose confidential information obtained during their employment or convert any property of the Council to their own use unless properly authorised. Former employees who have dealings with Council need to ensure that they do not seek, or appear to seek favourable treatment or access to confidential information.

### **6.7 Expectations Regarding Contractors**

All contractors and sub-contractors are expected to comply with the guidelines in this statement. Suppliers are responsible for making any of their sub-contractors aware of their compliance obligations.

### **6.8 Public Comment**

Council staff are not permitted to provide public endorsement on behalf of Council, or on behalf of companies or their products without proper authorisation. Non-Council employees must not make any public comment or statement that would lead anyone to believe that they are representing Council, or expressing its views or policies whether at public and community meetings, via the media, or when it is reasonable that comments or statements will become known to the public at large.

### **6.9 Fraud and Corruption**

Council has zero tolerance for corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, and other forms of serious wrongdoing. Our commercial partners are expected to report any conduct or matter that they become aware of where they suspect fraud, corruption or wrongdoing involving Council.

### **6.10 Travel and Accommodation**

Council meets all business travel and accommodation costs for its employees. Any variation to this policy must first be agreed with Council, not the individual employee affected, and approved by an appropriate senior manager or supervisor. Public liability and insurance requirements must also be considered.

### **6.11 Safety**

It is expected that Council and those who conduct business with the Council will ensure that workplace safety is of paramount importance and that all legislative and procedural safety requirements are complied with.



## 7. RESPONSIBILITIES

Carriage of this policy is the responsibility of the General Manager. Implementation of this policy is the responsibility of all workers of Council.

## 8. COMMUNICATION

This statement will be publicly available on Council's website. It will also be included in Council's suite of contractor documentation to be provided to commercial partners.

## 9. REPORTING UNETHICAL BEHAVIOUR

Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the Council's General Manager at;

Phone: 02 6380 1200

Email: [mail@hilltops.nsw.gov.au](mailto:mail@hilltops.nsw.gov.au)

Post: Hilltops Council  
Locked Bag 5  
Young NSW 2594

External reports may also be made to:

- The Independent Commission Against Corruption 02 8281 5999 or 1800 463 909
- NSW Ombudsman 02 9286 1000
- NSW Office of Local Government 02 4428 4100