

Draft revised

Statement of Business Ethics

1. Purpose

- 1.1. This Statement of Business Ethics has been developed specifically to clarify Council's expectations of all the people and organisations that Council does business with.

2. Scope

- 2.1. AlburyCity is committed to the highest ethical standards and prefers to conduct business with people and organisations who share that commitment.
- 2.2. Our community expects superior standards of ethical and professional conduct from Councillors, delegates and ~~employees~~staff who are required to comply with Council's Code of Conduct. This Code provides strict guidance regarding procurement activities and general behaviour.
- 2.3. AlburyCity's suppliers, tenderers, contractors, consultants and their employees, agents, partners, and sub-contractors, must take reasonable steps to ensure The Statement of Business Ethics is communicated, understood and complied with.

3. References

3.1 Relevant reference documents and legislation:

3.1.1 AlburyCity's Social and Sustainable Procurement Policy

3.1.2 AlburyCity's Code of Conduct

3.1.3 Office of Local Government Tendering Guidelines for NSW Local Government

3.1.4 Competition and Consumer Act 2010 (Cth) and the Fair Trading Act 1987 (NSW)

3.1.5 Modern Slavery Act 2018

4. Definitions

- 4.1. Unauthorised communication/lobbying: is defined to include seeking to influence, seeking to obtain the support and/or assistance of Councillors or Council employees or urging and/or persuading Councillors or Council employees to do something or take a particular action in relation to the relevant procurement.

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4.5. Content

5.1 When tendering, supplying or contracting to Council you can expect to be treated with fairness, professionalism and respect. In return, Council expects suppliers, tenderers, contractors, consultants and their employees, agents, partners and sub-contractors to apply similar standards.

5.2 Ethical decisions:

5.2.1 Honour core ethical values such as; trustworthiness, respect, responsibility, impartiality, fairness, equity and transparency.

5.2.2 Strengthen credibility and engender trust.

5.2.3 Comply with laws and regulations.

5.3 Making ethical decisions is about choosing options according to ethical principles. It is about choosing to do what is right, whether it's convenient or not.

5.4 Ethical behaviours:

5.4.1 AlburyCity's suppliers, tenderers, contractors, consultants, their employees, agents, partners and subcontractors are expected to:

a. comply with all relevant contractual and statutory obligations;

b. comply with applicable wage and remuneration laws, particularly related to minimum wages, overtime rates, and mandated benefits;

c. refrain from engaging in any criminal or dishonourable activity;

~~b.d.~~ be courteous towards the public, Councillors and employees;

~~e.e.~~ promptly disclose any conflict of interest;

~~d.f.~~ take reasonable measures to prevent disclosure of confidential information;

~~e.g.~~ not lobby or canvass Councillors or Council ~~employees~~ staff during a tender or quotation process as it is unethical and inappropriate, and may be illegal;

~~f.h.~~ immediately report any corrupt behaviour;

~~g.i.~~ respect the obligation of Council officers to act in accordance with the law and Council's Code of Conduct, policies and procedures;

j. operate in a sustainable manner which protects and enhances the environment; and

~~h.k.~~ act in the public interest while undertaking work on behalf of AlburyCity.

5.5 The Independent Commission Against Corruption (ICAC) Act defines those engaged as consultants or contractors by a public authority such as Councils, as "public officials".

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When contractors and consultants are contracted by Council, they are subject to the ICAC jurisdiction and are considered to be public officials.

5.6 AlburyCity's suppliers, tenderers, contractors, consultants, their employees, agents, partners and subcontractors must not:

5.6.1 give, or offer to give, bribes, gifts or inducements to Council officers;

5.6.2 engage in any activities with the purpose of reducing or eliminating competition;

5.6.3 misuse Council resources;

5.6.4 behave in any way that may bring Council into disrepute;

5.6.5 work on Council projects on sites under the influence of alcohol or drugs that could impair their ability to work safely;

5.6.6 make any statement or act in a manner that could mislead anyone to believe they are representing Council, or expressing Council views;

5.6.7 use the AlburyCity logo or brand elements in an unauthorised manner;

5.6.8 engage in business activities that impact on or remove the basic human rights, health and safety of others; and

5.6.9 use forced, slave or child labour in the provision of goods and services to Council.

5.7 Unauthorised communications and lobbying:

5.7.1 Unauthorised communication or lobbying of Councillors or Council employees during a tender or quotation process will lead to tenders being excluded from consideration.

5.7.2 Only the appointed Tender/Quote Coordinator is to accept any contact from a tenderer relating to enquiries not considered to be unauthorised communication or lobbying (i.e procedural or timing related questions).

5.7.3 Suppliers are to be made aware that Councillors and Council employees are required to promptly notify the Chief Executive Officer of any approach that may constitute unauthorised communication or lobbying. If the unauthorised communication or lobbying is in writing, a copy should be provided to the Chief Executive Officer.

5.7.4 The Chief Executive Officer is to disclose the existence of any unauthorised communication or lobbying at the commencement of the business item being

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addressed at the Council meeting and advise of the Chief Executive Officer's decision to exclude the identified tender.

5.75.8 Breaches and dishonourable conduct:

5.8.1 Breaches of the Statement of Business Ethics and demonstration of dishonourable conduct may lead to:

- a. tenders being excluded from consideration;
- b. matters being referred for investigation;
- c. contracts being cancelled; and
- d. firms or individuals being excluded from participating in future business opportunities with Council.

5.6. Documentation

6.1 The Statement of Business Ethics is supported by the AlburyCity Procurement Manual.

6.7. Authorisation

Owner	Directorate	Business, Growth & Community
	Responsible Officer	Team Leader Procurement Services
Authorisation	Adopted Council March 2017 <u>Updates pending Council June 2022</u>	
Review Date	<u>June 2026</u>	
Register	This policy is included in the Public Policy and Procedure Register.	
Record of Amendments	2007	New Policy
	September 2013	Reviewed.
	December 2016	Reviewed
	March 2017	Reviewed.
	<u>June 2022</u>	<u>Reviewed and updated</u>
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