Title: STATEMENT OF BUSINESS ETHICS GOV-POL-5

Keywords: Business, ethics, rules, suppliers, goods and services, contractors, tenderers, consultants.

Service: **GOVERNANCE**

Responsible Officer: **DIRECTOR CORPORATE & COMMUNITY SERVICES**

Objective

To set out ethical ground rules for all sectors of the community when conducting business with Yass Valley Council.

Policy

1. General Principles

There are two main principles that form the basis of Yass Valley Council's business agreements:

- demonstrated impartiality and fairness at all stages of business transactions;
- best possible value for public money.

2. Impartiality and Fairness

Impartiality and fairness are about being objective, even handed and reasonable. An impartial person will try objectively to establish criteria for determining best value for money and will work hard to objectively assess each tender, proposal or quotation against criteria.

Being impartial includes taking into account the practicalities of a given situation. Impartially does not require for example inviting bids from firms which have performed poorly in the past. In some circumstances, fairness takes into account the effects of actions of others. It would be unfair to call tenders when there is no serious intent to award a contract subject to a satisfactory offer.

Fairness does not necessarily mean pleasing everyone. Some people are occasionally adversely affected by fair decisions. Council operates from a viewpoint where it wishes to be fair in all its dealings and minimise where possible, any adverse effects of its decisions.

3. Value for Money

Value for money is determined by considering all the factors which are relevant to a particular process. For example, quality, reliability, timeliness, service, initial and ongoing costs are all factors which can make a significant impact on benefits and costs. Value for money does not mean 'lowest price'. However, the lowest price bid might offer best value if it meets other essentials such as quality and reliability.

4. Ethical Behaviours

4.1 Council expects staff to:

(a) Respect and follow Council's policies and procedures and Code of Conduct;
(b) Treat all tenderers for the supply of goods and services equitably;
(c) Promote fair and open competition while seeking best value for money;
(d) Protect confidential information;
(e) Meet or exceed public interest and accountability standards;
(f) Avoid situations where private interest could conflict with public duty;
(g) Never solicit or accept remuneration, gifts or other benefits from a supplier for the discharge of official duties;
(h) Deal with any token gifts in accordance with Council's Gifts & Benefits policy;
(i) Comply with Council's Accommodation and Travelling Expenses policy;
(j) Respond promptly to reasonable requests for advice and information;
(k) Not make comment to the public about Council matters unless they are specifically delegated to do so by the General Manager.

4.2 Council expects tenderers, suppliers, consultants and contractors to:

(a) Respect the conditions set out in documents supplied by Council;
(b) Respect the obligation of Council staff to abide by Council's procurement policy;
(c) Abstain from collusive practices;
(d) Prevent unauthorised release of privileged information, including confidential Council information;
(e) Refrain from offering Council employees or Councillors any financial or other inducement which may give any impression of unfair advantage.

4.3 Council expects all parties to:

(a) Disclose any conflicts of interest related to any business transaction or council decision;
(b) Treat council and business information as confidential unless otherwise indicated;
(c) Respect each others intellectual property rights and formally negotiated any access licence for use of intellectual property;
(d) To comply with the Statement of Business Ethics and to make any sub-contractors or sub-consultants aware of this statement.

5. Is Behaviour Ethical or Not?

There is no absolute definition of 'ethical behaviour'. If there is any doubt about the ethics of a proposed action, a sensible test is whether or not you would be happy to see your behaviour published in the local newspaper.

Staff and Councillors of Yass Valley Council or those in the employ of a tenderer, supplier, consultant or contractor who are concerned that a breach of the law or of ethical conduct may have taken place, should discuss the matter with Yass Valley Council's Public Officer or General Manager on (02) 6226 1477.

6. Breaches

6.1 Non-compliance

If suppliers to Council do not comply with the Statement of Business Ethics, this may lead to:

- Tenders being excluded from consideration
- Matters being referred for investigation
- Contracts being terminated
- Firms or individuals being excluded from participating in future business opportunities with Council.

If Council officials do not comply with this policy, any breaches would be investigated in accordance with Council's Code of Conduct and may lead to:

- A formal investigation
- Disciplinary action
- Dismissal
- Potential criminal charges.

6.2 Reporting Unethical Behaviour

Yass Valley Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corrupt conduct, maladministration or waste should be made to Council's General Manager in accordance with Council Policy GOV-POL-7 – Complaints Against Council.

6.3 Internal Disclosures

Public officials making disclosures about corrupt conduct, maladministration or waste of public funds are protected under the Protected Disclosures Act 1994. Disclosures should be lodged in accordance with Council Policy GOV-POL-15 – Internal Disclosures.

Other Relevant Policies/Procedures

Local Government Act 1993
Local Government (General) Regulation 2005
Independent Commission Against Corruption Act 1998
Council Policy GOV-POL-7 – Complaints Against Council
Council Policy GOV-POL-15 – Internal Disclosures
Council Policy GOV-POL-17 – Gifts and Benefits
Council Policy HR-POL-12 – Accommodation & Travelling Expenses

History

Minute No	*Date of Issue*	*Action*	*Author*	*Checked By*
	19 February 2009	*Written*	*Julie Buckley*	*EMT*
118	*25 March 2009*	*Adopted*		*Council Meeting*
170	*13 May 2009*	*Confirmed*		*Council Meeting*