

10.15.Statement of Business Ethics

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ENDORSED BY: Margaret Palmer, Director Corporate Services

ATTACHMENTS:

1. Statement of Business Ethics 2022 V 3 [**10.15.1** - 6 pages]

PURPOSE:

This report recommends amendments to Council's *Statement of Business Ethics* (formerly known as the *Code of Conduct - Contractors, their Staff and Business Associates*).

EXECUTIVE SUMMARY:

This 'strategic' policy has been reformatted, renamed and content updated to include references to Child Safe and Modern Slavery. Whilst the amendments are not considered significant (mandatory additions), as this is a public-facing policy, public exhibition (minimum 42 days) is recommended prior to the policy being re-adopted. In turn, the current *Code of Conduct - Contractors, their Staff and Business Associates* will be rescinded.

FINANCIAL IMPLICATIONS:

There are no direct financial implications associated with the proposed policy amendments.

RECOMMENDATION:

1. THAT Council endorse the Statement of Business Ethics for public exhibition for a minimum of 42 days during which submissions may be made, and that the final policy be reported back to Council for adoption, together with any submissions received.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.2 Strong civic leadership and customer focussed services

BACKGROUND

In 2022, a review of Council policies was undertaken. Council considered changes to policies for Directions 1 to 4 of the Community Strategic Plan. On 30 November 2022, Councillors were advised through the Councillor Bulletin that Direction 5 policies would be reported to Council as individual policies rather than as a group. Parallel to this, work is being undertaken regarding the classification, review, and content of policies, including consultation with Councillors.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

DETAIL

This 'strategic' policy has been reformatted, renamed and content updated to include references to Child Safe and Modern Slavery. Whilst the amendments are not considered significant (mandatory additions), as this is a public-facing policy, public exhibition (minimum 42 days) is recommended prior to the policy being re-adopted. In turn, the current *Code of Conduct - Contractors, their Staff and Business Associates* will be rescinded.

Following readoption, the policy will be finalised inclusive of renumbering alphabetically, the version control and footers updated, and the final versions registered in Council's records system and replaced on the Council website.



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Policy Owner: Director Corporate Services

Category: Strategic

Category: 5. Our Civic Leadership

1. INTRODUCTION

North Sydney Council is committed to high ethical standards and this Statement of Business Ethics sets out the standards the Council requires of its contractors and business associates. It is based on the standards in the Council's *Code of Conduct for - Councillors and Staff*.

It is essential that all Council Officials, contractors and their staff and other business associates work together to maintain our excellent reputation.

In dealing with Council contractors and their staff and other business associates are responsible for maintaining Council's high ethical standards in all contract work. Council expects all parties to perform their duties with integrity, honesty and fairness.

2. VALUES AND KEY PRINCIPLES

All contractors, their staff and business associates are responsible for ensuring that they act ethically when dealing with or on behalf of Council. All parties working for Council are expected to know and understand the standards in this Statement of Business Ethics.

When working for Council contractors and their staff and other business associates should at all times be courteous towards the public, Council staff and Councillors and not bring the Council in disrepute. They must obey all laws or contractual obligations.

Council is committed to providing a work environment free of harassment or discrimination.

Council has community and environmental responsibilities and contractors, and their staff and other business associates are expected to honour them when doing business with or on behalf of our Council.

Safety is paramount and therefore all persons doing work with or for our Council should protect their safety and others in the work environment and the public arena. Council is responsible for providing a safe work environment and for putting first, the health, safety and welfare of members of the public, Council officials, contractors, their staff and business associates.

Re-adopted by Council [inset date]

3. KEY RESPONSIBILITIES

3.1 What to expect from Council

Staff, this includes employees, contractors, consultants and volunteers, are bound by our code of conduct. They are accountable for their actions and are expected to maintain the following:

- use public resources effectively and efficiently;
- encourage fair and transparent competition while seeking value for money;
- protect confidential and proprietary information;
- deal fairly, ethically and honestly with all individuals and organisations;
- disclose any situation that involves or could be perceived to involve a conflict of interest;
- not seek or accept financial or other benefits for performing official duties;
- treat all potential suppliers with impartiality and fairness and given equal access to information; and
- all procurement activities and decisions be fully and clearly documented to provide an effective audit trail.

3.2 What we ask from Contractors

We require all providers of goods and services to:

- comply with our procurement policies and procedures;
- declare any actual or perceived conflicts of interest as soon as you become aware of them;
- act ethically, fairly and honestly in all dealings with us;
- take all reasonable measures to prevent the disclosure of confidential information;
- provide accurate and reliable advice and information when requested;
- not offer Council staff any financial inducements or any gifts or other benefits which may influence or be seen as influencing them;
- comply with Council's Modern Slavery framework; and
- comply with Council's Child Protection framework.

4. MODERN SLAVERY

The Contractor must take reasonable steps (appropriate to their size and circumstance) to identify, assess and address modern slavery risks within their operations and supply chains.

Where the Contractor is required to comply with the *Modern Slavery Act 2018* (Commonwealth), a Modern Slavery Statement must be prepared and forwarded to the Principal for each reporting period (as defined under the *Modern Slavery Act 2018 (Cth)*) that falls under the duration of this Contract.

Re-adopted by Council [inset date]

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The Contractor must notify the Principal in writing as soon as practicable of any Modern Slavery occurrence or human rights violations detected within their operations or supply chain and the remedial action taken, including actions to reduce the risk of future occurrence. Failure to notify and to take action to rectify the situation and prevent it from occurring again will result in termination of the Contract.

5. CHILD SAFETY AND WELLBEING

The Child Safe Standards are one of several recommendations made by the Royal Commission into Institutional Child Sexual Abuse. They provide a benchmark by which organisations can assess their child safe capability. The standards provide guidance for organisations to create cultures, adopt strategies and act to put the interests of children first whilst keeping them safe from harm.

Implementing the standards effectively will help the organisation drive cultural change. A child safe culture encompasses a set of values and practices that guide the attitudes of all Council employees.

6. CONFLICTS OF INTEREST

If a conflict of interest in work with Council exists or arises, contractors and their staff and other business associates must disclose it to the Council. A conflict of interest arises if our own interests, or those of other people close to us, conflict with our obligations to the Council.

A conflict would exist where a person has a personal interest, or their relative, company, employer or other person known to them has an interest, that could lead them to be influenced in the way they carry out their duties for the Council.

A Councillor who becomes aware that a business in which he/she has an interest is seeking to provide goods or services to the Council, where the value of the goods or services do not require Council to seek public tenders, must disclose such interest to the General Manager.

7. GIFTS OR BENEFITS

Gifts or benefits which are designed to gain any advantage for contractors and their staff and other business associates or their organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty, must not be offered to any Council official. Token gifts may be given or accepted if the gift is not likely to be seen as compromising.

Contractors and their staff and other business associates should not accept any gift in relation to their work for Council, which could influence, or be seen to influence, their impartiality in relation to the work or services they are providing to Council.

Cash should not be offered to a Council official in any circumstances.

Re-adopted by Council [inset date]

Note: If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately under the Council's policies and procedures.

8. CONFIDENTIAL AND PERSONAL INFORMATION

Care must be taken by contractors and their staff and other business associates to maintain the security of any confidential or personal information they become aware of in their work with Council.

Contractors and their staff and other business associates must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through their dealings with Council.

Personal information is any information about a person where you know who the person is or you can guess who the person is.

No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.

Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to the Council's Public Officer.

9. COUNCIL RESOURCES

Council resources may only be used for Council purposes, unless approval has been given. Council resources include materials, equipment, vehicles, documents, records, data and information.

10. PUBLIC COMMENT

Contractors and their staff and other business associates 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.

This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

11. ALCOHOL AND DRUGS

Contractors and their staff and other business associates should not carry out their duties for Council while under the influence of alcohol or other drugs that could impair their ability or cause danger to the safety of themselves or others.

Re-adopted by Council [inset date]

12. OFFERS OF SECONDARY EMPLOYMENT TO COUNCIL STAFF

If contractors and their staff and other business associates offer a Council staff member a second job, whilst they are still employed with the Council, the Council staff member will need to seek approval from the Council's General Manager.

Approval will not be given if the second job could conflict with their official duties with the Council

13. REPORTING CORRUPTION MALADMINISTRATION AND WASTAGE

When contracted to Council contractors and their staff and other business associates are considered to be public officials for the purposes of *the Independent Corruption (ICAC) Act 1988* and subject to the ICAC's jurisdiction.

Contractors and their staff and other business associates have a responsibility to report any suspected instances of corruption, maladministration, or serious and substantial waste to the Council.

Alternatively, any suspected instances of corruption can be reported to the ICAC or maladministration to the Ombudsman.

14. BREACHES OF THE CODE

Failure to comply with this Code of Conduct may cause penalty clauses in the contract to be invoked and/or civil or criminal proceedings to be brought or other action considered appropriate by North Sydney Council.

15. NORTH SYDNEY COUNCIL'S COMMITMENT

Council is committed to the standards in this Statement of Business Ethics. They reflect the high standards expected by our community and contractors and their staff and other business associates are expected to maintain these standards and principles when undertaking work for, or on behalf of Council.

16. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Access to Council Information Policy
- Child Safe Policy
- Code of Conduct - Councillors and Staff
- Code of Meeting Practice

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- Community Engagement Policy
 - Complaints Handling Policy
 - Gifts and Benefits Policy
 - Open Government Policy
 - Privacy Management Plan

The Policy should be read in conjunction with the following documents/legislation:

- Independent Commission Against Corruption Act 1988
- Local Government Act 1993

17. FOR ASSISTANCE/INFORMATION ABOUT THIS CODE:

For more information or assistance with this Statement of Business Ethics contact Council's Public Officer on 9936 8100.

Version	Date Approved	Approved by	Resolution No.	Review Date
1	4 April 2005	Council	291	2008/09
2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21
5	[insert date]	Council	[insert min. no.]	2024/25

Re-adopted by Council [inset date]