

Statement of Business Ethics

Date policy was adopted:	
Resolution number:	
Next Policy review date:	2028
Reference number:	52.5.4
Strategic Pillar	Corporate Services
Responsible Branch	Finance

1. OUTCOMES

- 1.1 Queanbeyan-Palerang Regional Council (QPRC) is committed to serving our community with integrity, efficiency, fairness and impartiality. In conducting business, we will put our public duty to the community ahead of our personal interests.
- 1.2 This Statement of Business Ethics provides guidance for all sectors of the community when conducting business with Council and explains the mutual obligations and role of all parties. This may include the supply of goods and services, use of contractors and consultants, assessment of development applications and other general dealings.
- 1.3 These ethical standards are an integral part of the Council's sound commercial practice.

2. STATEMENT

- 2.1 Council officials must maintain the highest standards of conduct and abide by the following Key Business Principles in all its dealings:
 - (a) Fairness
 - (b) Impartiality
 - (c) Transparency
 - (d) Value for money
- 2.2 The same standard is expected of all contractors who deal with Council so that the risk of inappropriate business activities and actual, potential or perceived conflicts of interest occurring may be reduced.

3. SCOPE OF THE STATEMENT

- 3.1 This Statement applies to all Council officials and contractors.

4. DEFINITIONS

Contractor — includes contractors, sub-contractors, consultants, assessors, delegates, lobbyists and/or any individual or company conducting business with QPRC.

Council official — includes QPRC councillors, Council staff, administrators, Council committee members, representatives, delegates of Council and volunteers.

Fairness — the need to be fair in all Council dealings during the procurement process.

Impartiality — the need to be unbiased during the procurement process.

Transparency — the need for the procurement process to be transparent.

Value for money — the need to obtain the best possible value for public money.

5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- *NSW Crimes Act 1900*
- *NSW Independent Commission Against Corruption Act 1988*
- *NSW Local Government Act and Regulations*
- *NSW Electoral Commission – What is a political donation*
- *QPRC Code of Conduct*

- QPRC Anti-Fraud and Corruption Policy
- QPRC Sustainable Procurement and Contracts Policy
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- QPRC Public Interest Disclosures Policy
- QPRC Privacy Policy and Management Plan

6. CONTENT

6.1 Fairness Principle

- 6.1.1 The process of inviting and assessing quotations, bids and tenders will safeguard against favouritism, improper practices and opportunities or perceptions for corruption. Private interests will not be allowed to influence decisions about procurement. Staff will be aware of their responsibilities and will be accountable for their actions and decisions. Written records will be kept including the reasons for selecting or rejecting quotations, bids and tenders.
- 6.1.2 Fairness does not necessarily mean pleasing everyone. Some people are occasionally adversely affected by fair decisions. Council will be fair in all its dealings and minimise, where possible, any adverse effects of its decisions.

6.2 Impartiality Principle

- 6.2.1 This means endeavoring to be objective and even-handed in making assessments against predetermined criteria. The skill, knowledge and responsibility of the staff involved in the procurement process will be appropriate to the nature, complexity and magnitude of the procurement.

6.3 Transparency

- 6.3.1 This means visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures. However there will be times when confidentiality will be required by Council.

6.4 Value for Money Principle

- 6.4.1 Achieving the best value for money means considering all factors relevant to a particular purchase. Although price is important, consideration must also be given to whole-of-life costs and non-price factors such as quality, reliability, product safety, delivery time, ongoing service and support. Factors such as experience, qualifications of personnel, knowledge of Council's needs and previous work performance are critical in the evaluation when procuring services. The lowest price may offer the best value if it meets other essential criteria such as quality and reliability.
- 6.4.2 Value for money will be pursued through fair and effective competition. The extent of competition sought by Council will be consistent with the financial value of the procurement, with higher value cases normally subject to open initiations to quote, bid or tender.

6.5 Confidentiality

- 6.5.1 All Council information is considered to be confidential and cannot be disclosed unless Council has agreed otherwise in writing, the information is public knowledge, or the law requires it to be disclosed.

6.6 Communication

- 6.6.1 You must communicate with us clearly and directly at all times and account for all communications. This will ensure that there is a minimal risk of appearing to influence a Council official inappropriately.

7. EXPECTATIONS

7.1 What you can expect from Council

7.1.1 QPRC expects its Council officials to:

- (a) Respect and comply with legislation, Council's policies, directives, procedures and guidelines.
- (b) Treat all tenderers for the supply of goods and/or services equitably.
- (c) Promote fair and open competition while seeking the best value for money.
- (d) Protect confidential information.
- (e) Meet or exceed public interest and accountability expectations.
- (f) Avoid situations where personal interest could conflict with public duty.
- (g) Never solicit or accept remuneration, gifts or other benefits from a supplier.
- (h) Respond promptly to reasonable requests for advice, Information and/or feedback
- (i) Determine the level of risks associated with the acquisition when deciding on the method of purchase to be used.
- (j) Undertake and document a risk analysis for all procurement that requires the calling of tenders or as determined by the delegated purchasing officer.
- (k) Ensure segregation of duties in the requisitioning, approval and payment functions.
- (l) Only approve the incurring of expenditure up to the delegated monetary level and within budgetary limits.
- (m) Ensure all suppliers are registered and contracted with Council through a registration process that confirms pre-approved and/or established systems of WHS systems, environmental factors and insurances are in place.
- (n) Use Council's procurement services, Council stores, State Government Contracts, Local Government Procurement Contracts, and Council's period contracts whenever possible.
- (o) Provide suppliers with Council's standard Purchase Order and/or contract prior to supply.
- (p) Maintain a contract register and procedures for contract variation and contractor evaluation.

7.2 What Council expects from you

7.2.1 QPRC expects its contractors to:

- (a) Act ethically, fairly and honestly in all dealings with Council.
- (b) Declare actual, potential or perceived conflicts of interest as soon as possible.
- (c) Respect the obligations of councillors and staff to abide by Council's Code of Conduct and other relevant policies.
- (d) Be aware and comply with legislation, Council's policies and procedures as they pertain to the business before Council, and the conditions set out in documents supplied by Council.
- (e) Provide accurate and reliable advice and information to Council when required.
- (f) Prevent the disclosure of confidential information.
- (g) Refrain from discussing Council business or information in the media.
- (h) Assist Council to prevent unethical practices in our business relationships.
- (i) Refrain from engaging in any form of collusive practice or offering Council officials inducements or incentives including gifts and benefits, designed to improperly influence the conduct of their business.

- (j) Refrain from any action or contact that may be considered an attempt to influence a decision of councillors or staff.
- (k) Maintain records of all dealings with Council.

7.3 Non-compliance with this Statement

7.3.1 Non-compliance with the requirements of this Statement, resulting in demonstrated corruption or unethical conduct, could lead to:

- (a) Termination of contracts
- (b) Loss of future work
- (c) Damage to reputation
- (d) Investigation for corruption
- (e) Referral for criminal investigation
- (f) Disqualification of tender

7.3.2 Reports of unethical behaviour, fraud, corruption, maladministration or waste of public funds can be made to the General Manager on [02 6285 6223](tel:0262856223) or rebecca.ryan@qprc.nsw.gov.au.

7.3.3 External reports can be made to the:

- (a) Independent Commission Against Corruption - 02 8281 5999
<https://www.icac.nsw.gov.au/reporting/report-corruption>
- (b) NSW Ombudsman - 02 9286 1000 <https://www.ombo.nsw.gov.au/complaints/making-a-complaint>
- (c) NSW Office of Local Government - 02 4428 4100
<https://www.olg.nsw.gov.au/public/complaints-against-councils/>

7.3.4 Council officials or contractors who report corrupt conduct, maladministration or serious waste of public funds can be protected by the *Public Interest Disclosures Act 2022*. This Act protects public officials disclosing corruption related matters from reprisal or detrimental action and ensures that disclosures are properly investigated and dealt with.

8. REVIEW

8.1 This policy will be reviewed prior to the commencement of each new electoral term or earlier as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.