

Business Ethics

A Guide for Contractors, Consultants, Suppliers and Tenderers
dealing with Banyule City Council



Business Ethics Guide

Banyule City Council is committed to ensuring high standards of ethical behaviour in the care, control and management of the Banyule Municipality. The community places its trust in Councillors and Council staff and is entitled to expect that the business of Council will be conducted with efficiency, impartiality and integrity, and that the public interest will always take priority over private interests.

Contractors, Consultants, Suppliers and Tenderers Responsibilities

The Local Government Act 2020 (Section 130) sets out obligations for persons engaged under a contract to provide advice or services to the Council to disclose any conflict of interest before providing the advice or a report to Council.

When dealing with Council in your capacity as a provider of goods and/or services, you must conduct your business in line with the guidelines in this brochure. This Business Ethics brochure provides information on how the conflict of interest requirements affect you as a service provider to Council. Breaches of this guide on your behalf could jeopardise your working relationship with Council and compromise the Council officer dealing with you.

Conflict of Interest Requirements

(Sections 126-129 of the Local Government Act 2020). A conflict of interest is where a person has a personal or private connection with a matter that may compromise their ability to act in the public interest. A conflict of interest can exist even if no improper action results from it.

Conflicts of interest relate to either a general or material interest in a matter (subject to Section 129 of the Local Government Act 2020):

- A General Conflict of Interest generally exists if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.
- Private Interest means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public Duty means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.
- A relevant person means a person who is a:
 - Councillor;
 - member of a delegated committee who is not a Councillor; or
 - member of Council staff.
- A Material Interest generally exists if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
- A benefit or loss may arise personally or through an Affected person which includes:
 - a family member;
 - a company in which they or their spouse or domestic partner holds office;
 - an employer of other than a public body;
 - a business partner;
 - a client;
 - a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; or
 - a donor of a disclosable gift.

For further information regarding the sections as described please go to [Local Government Act 2020](#)

What to do if you have a Conflict of Interest

A contractor, consultant or supplier who provides a report and who has a conflict of interest in the matter must disclose the conflict of interest when providing the report, in accordance with Section 130 of the Local Government Act 2020. This would normally be done by recording the disclosure in the report itself.

Where advice is being provided in person, the disclosure should be made at that time.

Advice about interests must be provided before the matter is considered and determined by the Council. The initial disclosure of a conflict of interest must be provided by the type(s) of interest:

- General interest
- Material Interest

The Council may then require that the specific nature of the interest be provided, which the contractor, consultant or supplier must provide.

Please Note: *Under Section 130 of the Local Government Act 2020 there are penalties for not disclosing conflicts of interest. Should you believe at any stage that you may have a conflict of interest in relation to work you are undertaking for Council or have any queries regarding your obligations, please discuss this with your Contract Supervisor.*

Gifts And Benefits

Councillors and Council staff must never demand or request any gift, benefit or hospitality for themselves or anyone else in connection with Council work or public duties.

"Gifts" are defined as unsolicited and where there is no expectation of repayment. Examples include: free or discounted services, tickets, products, beverages and food (such as chocolates, cakes, meals etc.).

"Benefits" are defined as something which is believed to be of value to the receiver, such as a service for which there is no expectation of repayment. Examples include: hospitality (such as a lunch or dinner), invitations to corporate events (such as dinner dances and balls), invitations to corporate boxes at major events (such as the football, tennis, concerts etc), accommodation or travel.

It is requested that you do not offer Council officers or Councillors any type of gift or benefit as this may jeopardise your working relationship with Council and compromise the Council officer or Councillor.

Confidentiality – Use of Information

It is important that the community has confidence that any information acquired by Council is used only for Council purposes. If you or your organisation obtains any confidential, commercial or personal information from Banyule City Council during the course of your business dealings with Council you must:

- protect the confidential, commercial or personal information;
- only access it when needed for your work for Council;
- not use the information for any non-official purpose outside the Council work;
- only release information when you have the authority to do so;
- only use the information for the purpose it is intended to be used.

Privacy and Data Protection Act 2014 and Health Records Act 2001

As a contractor of Council you are bound by the Information Privacy Principles (IPPs) of the Privacy and Data Protection Act and/or the Health Privacy Principles (HPPs) of the Health Records Act and any applicable Code of Practice with respect to any act or practice engaged on behalf of Council. The Privacy and Data Protection Act

2014 regulates the management, collection, use and disclosure of 'personal information' and 'sensitive information' and the Health Records Act 2001 regulates the management, collection, use and disclosure of 'health information'.

Personal and/or Health Information provided by Council can be used solely for the intended purpose as directed by Council. This information cannot be used or disclosed for any purpose other than the intended purpose.

Under the Privacy and Data Protection Act 2014 (Part 3, Section 16), external Council contractors must abide by the Act. Contractors of Council, are required to collect, use, and disclosure personal information in accordance with Privacy and Data Protection Act 2014.

Under the Health Records Act 2001 (Part 2, Section 11), external contractors with Council contracts who are health service providers (as defined by the Act) are required to collect, use, and disclosure health information in accordance with the Health Records Act regardless of the contract date.

Labour and human rights

Council believes that all workers in its supply chain deserve to be treated with dignity and respect. All suppliers to Council are expected to provide a fair and ethical workplace, which upholds high standards of human rights and integrates appropriate labour and human rights policies and practices into its business.

Anti-discrimination

Subject to applicable laws, suppliers are expected not to discriminate against any worker based on age, disability, ethnicity, gender, marital status, political affiliation, race, religion, sexual orientation, gender identity, union membership, or any other status protected by law, in hiring and other employment practices.

Anti-harassment

Suppliers are expected to commit to a workplace free from workplace bullying, harassment, victimisation and abuse. Suppliers are expected not to bully workers or threaten workers with, or subject them to, unlawful or inhumane treatment. This includes, but is not limited to, abuse and harassment which can be verbal, physical, sexual or psychological.

Human rights

Suppliers are expected to provide goods and services in a manner consistent with any applicable human rights obligations. Consistent with relevant modern slavery legislation, suppliers are expected to proactively identify, address and – where required by legislation – report on risks of modern slavery practices (defined broadly to include all forms of human trafficking, forced labour and slavery-like practices) in their business operations and supply chains.

Prevention of involuntary and underage labour

Suppliers are expected to:

- (a) ensure that all work is undertaken without coercion;
- (b) not use any form of forced, bonded or indentured labour; and
- (c) employ only workers who are the applicable minimum legal age.

All use of temporary and outsourced labour should be within the limits of the law. Suppliers are therefore expected to:

- (a) use all reasonable endeavours to ensure that the third-party recruitment agencies it uses are compliant with the provisions of this Code and applicable law; and

(b) be responsible for payment of all recruitment-related fees and expenses in recruiting foreign contract workers either directly or through third party agencies.

Working hours, wages and benefits

Suppliers must:

(a) follow all applicable laws and regulations with respect to wages, working hours and workers compensation insurance;

(b) ensure that all workers receive their legally mandated minimum wages, benefits, superannuation, leave entitlements and time off for legally recognised holidays; and

(c) pay workers' wages as required under applicable laws in a timely manner and not be expected to use wage deductions as a disciplinary measure. All overtime is expected to be reasonable and paid at the rate and in accordance with the applicable laws.

General Conduct

Behaviour that could constitute an act of disorder or misbehaviour should be avoided as it may jeopardise your working relationship with Council.

Specifically, conduct should be avoided:

- that contravenes the Local Government Act 2020, associated regulations and/or Council's relevant administrative requirements and policies.
- is detrimental to the pursuit of the charter of a Council
- is improper or unethical, or is an abuse of power;
- or otherwise amounts to misconduct, comprises or involves intimidation, bullying, harassment or verbal abuse.

Related Documents

- Council Policy — 14072 Gifts and Hospitality Policy
- Guidelines - 5975 Banyule Information Privacy Guidelines

How to contact Council

For all enquiries about any Council Services:

Telephone: 03 9490 4222

Email: enquiries@banyule.vic.gov.au

Website: www.banyule.vic.gov.au

Fax: 03 9499 9475

If your hearing or speech is impaired, you can call us through the National Relay Service on **133 677** (TTY) or **1300 555 727** (ordinary handset) and ask for 03 9490 4222.

Postal Address:

PO Box 94, Greensborough 3088

Council Service Centres:

Greensborough: 1 Flintoff Street

Ivanhoe: Ivanhoe Library and Cultural Hub 275 Upper Heidelberg Road

Office Hours of Opening:

Greensborough - Monday to Friday 8.30am to 5.00pm

Ivanhoe Monday to Friday – 9.30am to 5.00pm

Interpreter Service:

If you need an interpreter, please contact TIS National on 131 450 and ask to be connected to Banyule Council on 03 9490 4222