



Light
Regional
Council

Developer Engagement Statement of Business Ethics Policy

Reference Number:	Section 6 No. 18
Responsible Department:	Governance
Related Policy/Procedure:	2.2 Code of Code for Council Members 2.4 Code of Conduct for Council Employees 4.3 Separate Rate Policy 4.14 Public Private Partnerships Policy 6.15 Fraud & Corruption Prevention Policy 6.31 Unreasonable Complainant Conduct Policy Ethics Statement for LRC Employees Conduct
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1. Introduction

Light Regional Council works with private, public and non-profit sectors to provide a range of services to the community. Organisations, service providers, business and individuals can expect high standards of ethical behaviour from Councillors and members of staff. Underpinning these expectations are our organisational values. They drive our behaviour and reflect how we conduct ourselves in our business. As a council we will always be guided by:

- Foundation values of respect, honesty and integrity;
- Showing leadership;
- Having a constant awareness of the community we serve;
- Our need to be financially viable;
- Striving for quality outcomes; and
- A focus on achieving positive environmental sustainability outcomes from Council's activities.

2. Purpose

This Policy provides guidance regarding the standards of ethical behaviour that organisations, businesses, individuals and developers can expect from Councillors and members of staff and, in turn, what Council can expect of them in their dealings with Council.

3. Policy Statement

Our values guide our actions in conducting business in a socially responsible and ethical manner. As an organisation and as individuals, we respect, apply and comply with the law, support human rights and equal opportunity, protect the environment, achieve operational excellence and work for the benefit of our communities. Council officials will act with honesty and integrity in an open and transparent manner, performing their roles efficiently, effectively and fairly, thereby attracting the highest level of confidence from our community.

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4. Council's Ethics Statement for Light Regional Council Employees Conduct

Council's Ethics Statement for Light Regional Council Employees Conduct, together with its Elected (or alternatively Council and Committee) Members Code of Conduct, sets the requirements of conduct for Council officials and staff in carrying out their functions. These Codes of Conduct have been developed to assist Council officials to:

- Understand the standards of conduct that are expected of them;
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (*Local Government Act 1999*); and,
- Act in a way that enhances public confidence in the integrity of Local Government.

5. Council's Key Business Principles

Council's Codes of Conduct are based on several key principles and sets out standards of conduct that meet these principles and statutory provisions applicable to local government activities. The key principles that the Codes of Conduct are based on, build upon elements of the Council's Strategic Plan and relate to key Mission, Values and Core Principles statements stated in that document.

In addition, key principles engrained within the organisation and underpinning both our Codes of Conduct and Strategic Plan include the following:-

Integrity

We must not place ourselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence us in the performance of our duties.

Leadership

We have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. This means promoting public duty to others in the Council and outside, by our own ethical behaviour.

Selflessness

We have a duty to make decisions in the public interest and not act to gain financial or other benefits for ourselves, our family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker or someone associated with the decision maker.

Impartiality

We should make decisions on merit and in accordance with our statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit selection in recruitment and in purchase and sale of Council's resources, considering only relevant matters.

Accountability

We are accountable to the public for our decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to scrutiny, keeping proper records, establishing audit trails and conducting audits.

Openness

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the client or business, when authorised, offering all information and communicating clearly.

Honesty

We have a duty to act honestly. We must declare any private interests relating to our public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law, following the letter and spirit of policies and procedures, observing the Code of Conduct, fully disclosing actual or potential conflict of interests and exercising any delegated authority strictly for the purpose for which the authority was delegated.

Respect

We must always treat others with respect, and in turn there will be an expectation that we also will be treated with respect.

This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in Local Government decision making.

Although Council business dealings must be transparent and open to public scrutiny, there will be times when information on Council's relationships with the private sector cannot be made publicly available, however we will always act fairly in our decision making. That means we are objective, reasonable and even-handed. It does not mean that we can satisfy everyone all the time. We will publicly support our decisions unless we must maintain confidentiality or protect privacy.

5.1 What You Can Expect from Council –Developer Engagement

Council will ensure that all its policies, procedures and practices relating to engaging with developers are consistent with best practice and the highest standards of ethical conduct. Developer engagement is based upon the following core business principles -

- Transparency of process;
- Accountability;
- Ethically managing potential conflicts of interest; and
- Monitoring and evaluation of performance.

Council employees and Council members are bound by Council's Codes of Conduct and legislative controls established within the various Acts and Regulations. When interacting with the private sector, Council employees will be accountable for their actions and are required to:

- Use public resources effectively and efficiently;
- Deal fairly, honestly and ethically with all individuals and organisations;
- Avoid any conflicts of interest (whether actual or perceived);

- Meet or exceed public interest and accountability standards;
- Abide by all relevant and applicable laws and regulations, including compliance with legislative timeframes for development assessments;
- Respect and follow Council's policies and procedures;
- Protect confidential information;
- Never solicit or accept remuneration, gifts or other benefits from anyone other than the Council for the discharge of official duties;
- Respond promptly to reasonable requests for advice and information where lawful to do so and not adverse to Council (and the public) interest.

However, Council staff reserve the right not to engage with developers or their advisers:

- After business hours;
- In unannounced meetings – that are either 'in progress', or otherwise at short notice; and
- In any meeting without reasonable notice, a clear purpose and an agenda distributed beforehand. It is expected that summary notes will be shared by the organiser/s within a reasonable timeframe after such meetings.

Planning Policy

The *Planning, Development and Infrastructure Act 2016* includes a range of parties that may propose an amendment to a designated instrument for the consideration of the Minister for Planning (Part 5, Division 2, Section 73(2)(b)). This includes a person who has an interest in land and who is seeking to alter the way in which the *Planning and Design Code* or a design standard affects that land. In such an instance, subject to the approval of the Minister, the Chief Executive of the (State) Department may conduct the process on behalf of that person and recover the associated costs.

Council will only propose an amendment to a designated instrument to the Minister when it has determined that this is necessary, acting reasonably and at its discretion.

Council Costs arising with respect to Private Development

Council reserves its capacity to consider utilising Section 154 of the *Local Government Act 1999* to recoup any costs that it may incur because of a private development, acting reasonably (refer to the 'Separate Rate Policy').

5.2 **What Council asks of Developers**

Council's aspiration is for all developers and/or landowners who may be undertaking development-related activity to observe the following principles when interacting with Council in relation to any actual or potential DPA or development application: -

- Provide accurate and reliable advice and information when required;
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;

- Act ethically, fairly, honestly and respectfully in all dealings with Council;
- Take all reasonable measures to preserve the integrity and keep confidential any confidential information provided to you by Council;
- Refrain from engaging in any form of collusive practice, including offering Council employees' inducements or incentives designed to improperly influence the conduct of their duties;
- Respect legislative processes established under various Acts of Parliament;
- Respect the integrity of the Council and acknowledge that all determinations adopted by resolution have been thoroughly investigated by Council employees and carefully considered by the elected body of Council;
- Act with moral conscience always respecting statutory protocols and procedures;
- Refrain from discussing Council business or information with the media;
- At all times be courteous towards the public, Council employees and Council members and not bring the Council into disrepute;
- Obey all relevant laws and contractual obligations;
- Assist Council to prevent unethical practices in our business relationships;
- Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council; and
- Communicate clearly and respond promptly to questions resolving any issues quickly.

Light Regional Council has a zero-tolerance policy towards any harm, abuse or threats directed towards employees. Any conduct of this kind will be dealt with under the Council's 'Unreasonable Complainant Conduct Policy' and in accordance with Council's duty of care and work health and safety responsibilities.

In such circumstances:

- Council staff are authorised to provide a warning, and then terminate any such contact at their discretion if the behaviour continues; and
- Refuse to engage with any related request for subsequent contact for a period of up to 24 hours.

6. **Why is Compliance Important?**

Developers should also be aware of the consequences of not complying with Council's ethical requirements when engaging with Council. By complying with this Code of Business Ethics, you can avoid damaging allegations of unfair or unethical conduct in your dealings with Council. Demonstrated corrupt or unethical conduct could lead to -

- Damage to your reputation;
- Investigation for corruption;
- Matters being referred for criminal investigation; and,
- Criminal Prosecution.

Consequences for Council Members, employees and delegates may include:

- Investigation;
- Misconduct charges;
- Loss of civic office for Council Members;
- Disciplinary action including termination of employment; and,
- Potential criminal charges.

7. **Guidance Notes – Gifts, Benefits and Hospitality**

In general, Council expects its employees to decline gifts and benefits offered by parties with whom Council conducts business. You should refrain from offering any such ‘incentives’ to Council employees as all offers will be formally reported to Council by its officers. Hospitality is however appropriate provided it is linked to business dealings with Council and provided it aligns with the provisions set out under “Gifts and Benefits” in the Ethics Statement for Light Regional Council Employees Conduct.

If a gift is accepted, Council requires the staff member to record the gift in a publicly accessible Gifts and Benefits Register.

8. **Conflicts of Interest**

All Council employees are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors and suppliers. Should a conflict of interest arise or be recognised by you in your dealing with Council you must notify and declare this conflict of interest to Council in writing.

A conflict of interest occurs when a public official is in a position to be influenced, or appear to be influenced, by your private interests when doing their job. A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional activities and interests with individuals or groups, including family and friends, as well as financial interests. There are different types of conflict of interest:

- Actual conflict of interest: A public official is in a position to be influenced by their private interest when doing their job.
- Perceived conflict of interest: A public official is in a position to appear to be influenced by their private interests when doing their job.
- Potential conflict of interest: A public official is in a position where they may be influenced in the future by their private interests when doing their job.
- A pecuniary interest involves a situation where there is the potential to gain or lose financially from your public position, for example from owning property, having unpaid debts to others, or receiving hospitality or travel.
- A non-pecuniary interest does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence your judgement or decisions, even though there is no financial benefit to you.

9. **Confidentiality**

All Council information should be treated as confidential unless otherwise advised to you by Council.

10. Communication between Parties

All communication should be clear, direct, courteous and accountable (written confirmation) to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

11. Use of Council Equipment, Resources and Information

All Council equipment, resources and information should only be used for the purpose it is made available by Council.

12. Contracted Employees

All contractors must comply with this Code of Business Ethics for doing business with Council. If you employ sub-contractor(s) in your work for Council, you must make your sub-contractor(s) aware of this Code and observe this Code of Business Ethics.

13. Reporting Unethical Behaviour (Internal Reporting Policy)

The Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's Chief Executive Officer or to the General Manager, Governance. External reporting can also be made to:

- Independent Commission Against Corruption/ Office for Public Integrity;
- SA Ombudsman; or
- Local Government Association of SA.

Public officials reporting corrupt conduct, maladministration or waste may be protected by the *Public Disclosure Act 2018* and related regulations. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated.

14. Who To Contact

If you have any questions regarding this Code of Business Ethics or wish to provide information about suspected corrupt conduct, you should contact the appointed probity officer for the project or, where a probity officer has not been appointed, Council's General Manager, Governance, on telephone 8525 3200, or by email to light@light.sa.gov.au.

Policy History

- Policy adopted at Council meeting held 22 July 2014, Refer Item GAP9.1.1/2014.page 2014/278
- Policy Amendment No. 1 adopted at Council meeting held 24 April 2018 at Item 12.2.3 Developer Engagement Statement of Business Ethics Policy – Policy Review at page 2018/154
- Policy Amendment No. 2 adopted by Council on the 27 January 2021., Item Reference 13.3.1 Developer Engagement Statement of Business Ethics Policy, Page Reference 2021/18.