



<b>Title of Policy</b>	Statement of Business Ethics		
<b>This applies to</b>	All Council staff and anyone doing business with Council		
<b>Author</b>	Michael Boyd	<b>Date approved:</b>	
<b>Position of Author</b>	General Manager	<b>Authorised by:</b>	
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Government Information (Public Access) Act 2009		
<b>Related Policies/Procedures</b>	Code of Conduct Gifts and Benefits Policy		

**BUSINESS PRINCIPLE**

Council will use as its core, for all business relationships with private sector suppliers of goods and services, the principle of best value for money.

However, best value for money does not automatically mean the lowest price. Council will balance the various factors in assessing the best value for money. These factors include initial cost, quality, reliability, whole of life running costs and timeliness in determining the true value for money.

Council will ensure all its business relationships are honest, ethical, fair and consistent in obtaining a best value for money. Council business dealings will be transparent and open to public scrutiny wherever possible.

Council is committed to the purchase of goods, equipment and services through established suppliers where possible and reasonably practical.

**What Can Be Expected From Council**

Council will ensure that all its policies, procedures and practices relating to tendering contract in the purchases of goods and services are consistent with best practice and the highest standards of ethical conduct. Council’s staff is bound by its code of conduct when doing business with the private sector and:

1. Council staff are expected to abide by the law and all relevant policies and procedures;
2. Staff are accountable for their actions and are expected to act in the public interest;
3. Staff are always expected to act with due care and diligence;
4. Staff are expected to use public resources effectively and efficiently;
5. Staff must avoid any conflicts of interest (whether real or perceived).

In addition to Council procurement, activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids;
- All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts;
- Tenders will not be called unless Council has a firm intention to proceed to contract. Council will not disclose confidential or proprietary information.

### **What Council Asks of the Private Sector?**

All private sector providers of goods and services should observe the following principles when doing business with the Council:

1. Provide accurate and reliable advice and information when required;
2. Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;
3. Respect for the obligation of Council's staff to act in accordance with the Statement of Business Ethics;
4. Act ethically, fairly and honestly in all dealings with Council;
5. Commitment not to exert pressure on Council staff to act in ways that contravene the business ethics or code of conduct of your organisation;
6. Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the performance of their duties.
7. Commitment to not offer Council staff inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities; and
8. Assist Council to prevent unethical practices in its business relationship.

### **Why Should the Private Sector Comply with the Statement of Business Ethics?**

By complying with Council's Statement of Business Ethics you will be able to advance your

business such as the opportunity to bid for public sector work on a level playing field and enhance your capacity to undertake public sector work with similar compliance requirements in future. As all Council suppliers of goods and services are required to comply with this statement, no provider will be disadvantaged in any way.

By complying with Council's principles this will also prepare your business for dealing with the ethical requirements of other government agencies, should you wish to do business with them.

Consequences for not complying with the principles of business ethics as outlined in this statement can be significant for both public officials and people doing business with the organisation which needs to be made clear.

Consequences for Council staff include investigation, disciplinary action, dismissal or potential criminal charges.

Consequences for private sector contractor/partners could lead to:

- Investigation for corruption or other offences;
- Possible loss of work;
- Damage to reputation;
- Termination of contracts;
- Loss of rights
- Matters being referred for criminal investigation.

### **Incentives – Gifts, Benefits, Hospitality, Meals, Travel and Accommodation**

In general, Council expects its staff to decline gifts, benefits, hospitality, travel and accommodation offered during the course of their work. The private sector should refrain from offering any such incentives to Council staff. All such offers will be promptly reported.

Council staff must not:

1. Seek or accept a bribe or other improper inducement;
2. By virtue of their position acquire a personal profit or advantage which has a monetary value other than a token value;
3. Seek or accept payment, gift or benefit intended or likely to influence or that could be reasonably perceived by an impartial observer as intended or likely to influence them to act in a particular way, fail to act in a particular circumstance, otherwise deviate from the proper exercise of their official duties.

Council staff may only accept gifts if they are "token" and of a nominal value and if they do so they must abide with Council's Code of Conduct and Gifts and Benefits Policy.

Generally speaking, token gifts and moderate acts of hospitality could include:

- Gifts of single bottles of reasonably priced alcohol to Council officials at end of year functions;
- Free or subsidised meals of a modest nature and/or beverages provided infrequently that have been arranged primarily for, or in connection with discussion of official business;

- Free meals of a modest nature and/or beverages provided to Council staff who formally represent their Council at work related events such as training, education sessions, workshops;
- Refreshments of a modest nature provided at conferences where the Councillor or staff may be a speaker;
- Ties, scarves, coasters, pins, tiepins, diaries, chocolates, flowers and small amounts of beverages;

If a gift is accepted the Council requires the staff member to provide a written report to the General Manager to ensure that any gifts received are recorded in a gifts register.

### **Conflicts of Interest**

All Council staff are required to disclose any potential conflicts of interest. Council also extends this requirement to its business partners, contractors and suppliers. A conflict of interest can be two types:

Pecuniary – A pecuniary interest is an interest that a person or company has in a matter because of a reasonable likelihood or expectation of a financial gain or loss to the person. A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or the partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter.

Non-Pecuniary – Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined by the Local Government Act 1993. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Any complaints about possible conflicts of interest should be directed to Council's General Manager for attention.

### **Confidentiality**

Information that is considered sensitive and may have commercial implications for Council together with staff matters of personal nature will be considered as confidential.

As provided by the Government Information (Public Access) Act 2009, confidential information may possibly be accessed upon payment of the appropriate application fees and application to Council's Privacy Officer.

### **Communications between Parties/Organisations**

Communication should be clear, direct and accountable to minimise a risk of perception of inappropriate influence being brought to bear on any business relationship.

If communication needs to be confidential for commercial in confidence or other personal reasons the communication shall still abide by the principles of clear direct and accountability.

## **Use of Council Resources**

All Council resources must be used ethically, effectively, efficiently and carefully in the course of official business and must not be used for private purposes (except when supplied by part of a contract of employment) unless this is lawfully authorised and proper payment is made where appropriate.

## **Secondary Employment**

Under the Local Government Act 1993 all Council staff must obtain the consent of the General Manager to undertake any secondary employment that relates to business of Council or might conflict with their Council duties. The General Manager will make the final determination whether to grant or refuse consent. Secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between the staff members public official role and their private interest.

Private organisations shall not make offers of employment to Council's staff that may be construed to obtain an unfair advantage in the public eye.

## **Contractors and Sub-Contractors**

All contracted and sub-contracted employees are to comply with the Council's Statement of Business Ethics. All staff who engage sub-contractors in your work for Council must make them aware of this statement.

## **Intellectual Property Rights**

In business relationships with Council, parties will respect each others intellectual property rights and will formally negotiate any access, license or use of intellectual property.

## **Who to Contact**

If you are concerned about a possible breach of this statement or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds please contact the General Manager, Central Darling Shire Council either by:

Letter: PO Box 165, Wilcannia NSW 2836;  
Phone: 08 8083 8900  
Fax: 08 8091 5994 or  
Email: [council@centraldarling.nsw.gov.au](mailto:council@centraldarling.nsw.gov.au).

People reporting corrupt conduct are protected by the Public Interest Disclosures Act 1994. This Act protects individuals disclosing corruption/related matters from reprisal or detrimental action and ensures that disclosures are properly investigated and dealt with.