



## Business Ethics Statement

Application	Councillors, Staff, Contractors and Suppliers
Responsible Officer	Director Corporate and Community Services
File No	CM:POL:CWP
Authorised by	General Manager – Council
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### 1. Purpose and context of the policy

This statement provides guidance for the private sector when doing business with Carrathool Shire Council (CSC). It outlines Carrathool Shire Council's ethical standards and our expectation that service providers and contractors will comply with these standards in all their dealings with us. This statement also outlines what goods and service providers and contractors can expect of CSC.

Our vision is to protect and promote quality of life in harmony with economic development and environmental sensitivity.

Our mission is to provide the community of Carrathool Shire with cost effective works, services and planning, fundamental to the progression of quality of life and economic development opportunity, balanced with the environment.

The policy is developed with reference to the Independent Commission Against Corruption's "Developing a Statement of Business Ethics" document.

### 2. Our Key Business Principles

The principle of best value for money is at the core of all the Carrathool Shire Council's business relationships with private sector suppliers of goods and services.

Best value means that CSC will look at a range of criteria including cost, reliability, timeliness, and financial sustainability.

A fair, honest, ethically and consistent business relationship is important to CSC. Fairness means being objective, reasonable and even-handed. It does not mean pleasing everyone. If some people are adversely affected by a particular decision, that may be unfortunate but is not necessarily unfair. We strive to be fair by ensuring that our processes are appropriate and demonstrate this by being open and accountable, wherever practicable. This does not mean that we will always go to open public tender or that we will call for bids for items of low monetary value. We only deal exclusively with parties in exceptional circumstances and where we can demonstrate there are valid reasons for doing so, based on sound probity principles.

Individuals in the organization will use the highest personal and professional values to help make informed judgments integral to achieving CSC's mission.

As a leading local government council in NSW our business dealings will be transparent and open.

### 3. What providers can expect from Carrathool Shire Council

CSC requires its councillors and employees to:

- Seek value for money and use public resources effectively and efficiently
- Be open in business dealings, subject to commercial in confidence, security and privacy considerations

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- Respond promptly to reasonable requests for advice and information
- Treat all potential providers impartially and be given equal access to information and opportunities to submit bids.
- Fully document all procurement activities and decisions within the recordkeeping system to provide an effective audit trail and allow for the effective performance review of contracts.
- Deal honestly with suppliers and be timely in paying accounts
- Avoid and declare situations where private interests conflict with council duty
- Not solicit or accept remuneration or other benefit from organizations seeking or having an official relationship with council
- Abide by the law, Code of Conduct and Council's Procurement policy and manual.

#### **4. What Council expects from providers**

CSC expects that providers will:

- Deliver value for money
- Avoid collusive practices
- Disclose beneficial interests in contracts wherever appropriate
- Declare actual or perceived conflicts as soon as you become aware of the conflict.
- Respond promptly to reasonable requests for information
- Not accept solicitations from or make offers to council employees of financial or other benefits
- Assist Council to prevent unethical practices in our business relationships.
- Take all reasonable measures preventing the disclosure of confidential Council information and not discuss Council business with the media.

#### **5. Particular Situations for Care**

##### **Gifts**

Gifts must not be given in connection with any prospective business dealings. Public officials are not permitted to ask for any reward or incentive for doing their job. If a supplier wishes to provide a personal gift, it should be of a token or nominal value (less than \$50 in value), and should have no connection with the evaluation of tenders or negotiation of contracts. Carrathool Shire councillors and staff members are required to record the receipt of gifts in a public gifts and benefits register.

##### **Hospitality and Entertainment**

Extension of modest hospitality by council or industry can be appropriate as a means of facilitating business. Cost sharing can also be appropriate. Typically, such hospitality may take the form of presentations, demonstrations, briefings and discussion, accompanied by breakfast lunch or dinner. The hospitality should not be lavish, nor should it generally include travel and accommodation. It is not appropriate for council staff or councillors to accept any offer of free entertainment from industry where it could be regarded as substantial and could give rise to either the reality or perception of a conflict of interest. During the tender evaluation process, social contact should be avoided. During contract negotiations there will not be any acceptance of hospitality.

##### **Conflicts of Interest**

Councillors and staff shall ensure that there is no conflict or incompatibility between their personal interests and the impartial fulfilment of their public or professional duties. Staff shall not knowingly engage in private work with or for any person or body with an interest in a proposed or current dealing with the Council, without first advising the General Manager. Councillors and designated staff who have a direct or indirect financial interest in a matter to be considered by Council shall not take part in the discussion or vote on the matter.



### Commercial-In-Confidence

Information supplied by companies is frequently given “in confidence” and on the strict understanding that it will not be revealed to other than those with a genuine need to know.

Under no circumstances are CSC employees and councillors to allow commercial-in-confidence information to be made known to unauthorised persons. Unauthorised in this setting means any person without a bona fide right to know such information. Competing tenderers are never to be given another tenderer’s information in regard to the performance specifications nor any aspects of pricing, quotations, tender, bid, advance details of future product releases, nor any other commercial or proprietary information. However, under section 179(b) Local Government (General) Regulation 2005, Council is required to display a public notice specifying the name of the successful tenderer and tender amount, or indicate if no tenders were accepted.

### Contracting Employees

All contracted and sub-contracted employees are expected to comply with CSC’s Statement of Business Ethics.

### Intellectual Property Rights

CSC and industry will respect each others intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

## 6. Why providers need to comply

All Council suppliers of goods and services are required to comply with this statement. Compliance provides providers with the opportunity to bid for public sector work on a level playing field. Failure to comply with this statement can lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Criminal investigation.

## 7. Distribution

The adopted Statement of Business Ethics is to be included in the following Council dealings:

- Tenders – to be attached to all tender documents
- Expressions of Interest – to be attached to all Expression of Interest documents
- General Suppliers – to be issued in any mass mail outs to general suppliers (eg requests to provide updated mailing/banking details).

## 8. 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 or Council’s Disclosure Officer, the Manager Finance and Administration on (02) 6965-1900.

### Revision Table

Minute /Date	Amendment Summary	Reason or Reference
0289 / 19.10.2004		Adoption
19.09.2011	Contact phone number updated	Reviewed by General Manager
18.09.2012		Policy Amended
0741 / 16.10.2018		Amended



### **Associated Documents**

Internal Reporting Policy  
Internal Reporting System Procedures  
Code of Conduct  
Procurement Policy and Manual  
Complaints Handling Policy and Procedure  
Grievance Handling Policy and Procedure  
Disciplinary Action Procedure  
Gifts or Benefits Policy

### **Review**

This policy will be amended from time to time as required and will be reviewed within twelve months of an ordinary election.