

Statement of Business Ethics

MINUTE NUMBER	CS/009
DATE APPROVED	18 August 2016
EFFECTIVE	18 August 2016
AUTHORITY	General Manager
CONTACT OFFICER	Director Corporate Services

1 PURPOSE

- 1.1 The Statement provides guidance for private sector contractors, suppliers, consultants, tenderers or business partners conducting business with the Forbes Shire Council;
- 1.2 This statement outlines the ethical standards and business principles that are expected to be complied with to ensure integrity and professionalism and meet mutual expectations of the relationship.

2 SCOPE

- 2.1 The Statement applies to all officials and staff members of Council and the third parties that enter into any business relationships with Council;
- 2.2 The Independent Commission Against Corruption Act defines those engaged as consultants or contractors by a public authority as 'public officials'.

3 DEFINITIONS

- 3.1 For the purposes of this policy, the following definitions apply:

Term	Definition
Act	<i>Local Government Act 1993 (NSW)</i>

4 POLICY STATEMENT

- 4.1 Defining the principles of conduct expected of both parties ensures and enhances the integrity and professionalism of both organisations;
- 4.2 The Statement also confirms Council's values and accountability systems and procedures;
- 4.3 The Statement has been developed to assist Council to:
 - i. Operate in a way that enhances public confidence in the council's commitment of engagement pro-actively and effectively with businesses;
 - ii. Recognise the standards that are expected when engaged with businesses;
 - iii. Identify best practice approaches to encouraging a vibrant and flourishing (local) business sector; and
 - iv. Enable Council to fulfil their commitment to the Small Business Friendly Councils Program.

5 KEY BUSINESS PRINCIPLES

5.1 Commitment to (Local) Business

- 5.1.1 Council recognises the importance of their local (small) business sector as a vital community and economy contributor;
- 5.1.2 Council values local (small) businesses as an important stakeholder in community consultation and will undertake regular and targeted consultation with the small business sector;

- 5.1.3 Council acknowledges that a 'one-size-fits-all' approach will not meet the needs of all small businesses;
- 5.1.4 Council actively engages where appropriate with State-based businesses on matters affecting the local economy;
- 5.1.5 Council strives to ensure that strategic and day-to-day decision making is based on the consideration of the needs and potential impacts of all stakeholders including small businesses;
- 5.1.6 Council supports education, networking and other development opportunities for the local business community.

5.2 Value for Money

- 5.2.1 The principle of best value for money is central to Council's business relationship with private sector suppliers of goods and services. Decisions based on price alone are not necessarily representative of best value for money;
- 5.2.2 Best value requires an assessment of whole of life cycle costs including factors such as initial cost, quality, suitability, reliability, on-going costs, legal compliance, timelessness, environmental sustainability in order to determine the true value for money;
- 5.2.3 An important element in obtaining the best value of money also include ensuring Councils business dealings are impartial, honest, ethical, fair and consistent.

5.3 Transparency

- 5.3.1 Transparency means visible and verifiable confirmation of the integrity of the purchasing process and compliance with the relevant legislation and adopted Council procedures;
- 5.3.2 Council's business decision will be transparent with decisions based upon merit and in accordance with Council's policies and procedures;
- 5.3.3 Under the Government Information (Public Access) Act, there is a presumption to provide access to government information unless there is an overriding public interest against disclosure;
- 5.3.4 Impartiality means the purchasing process must be undertaken in a fair, objective consistent and business-like manner leading to improve performance and cost effective business processes and procedures for Council. Council strives to be impartial by ensuring its processes are appropriate;
- 5.3.5 Tenders will not be called unless Council has a firm intention to proceed to contract. All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids. All procurement activities will be clearly documented to allow for effective performance review.

5.4 Openness and Accountability

- 5.4.1 Council is committed to the purchase of goods, equipment and services through established Federal, State and Local Government contract systems and SSROC collaborative arrangements where possible and reasonably practical;

- 5.4.2 Where all other factors are equal, Council may give preference to Australian made products and/or goods and services from local businesses.

6 WHAT YOU CAN EXPECT FROM US

- 6.1 Council will ensure its policies, procedures and practices relating to all procurement activities are consistent with best practice and meet the highest standards of ethical conduct;
- 6.2 Council's staff and officials are bound by the requirements under Council's Code of Conduct;
- 6.3 When conducting business dealings with the private sector, our staff and official are expected to:
- i. Be courteous and professional;
 - ii. Respond promptly and appropriately to enquiries made of them;
 - iii. Use public resources effectively and efficiently;
 - iv. Deal fairly, honestly and ethically with individuals and organisations;
 - v. Avoid any conflicts of interested (real or perceived);
 - vi. Not seek and refuse to accept any gift of personal benefit; and
 - vii. Report any attempt made to solicit their favourable consideration through the offer of a gift or personal benefit.
- 6.4 The consequence for the failure of our staff and officials to adhere to Councils Code of Conduct requirements include: investigation, misconduct charges, suspension from civic office, disciplinary action including employment termination and potential criminal charges.

7 WHAT WE EXPECT FROM YOU

- 7.1 Forbes Shire Council requires all private sector providers of goods and services to observe the following principles when conducting business dealings with Council:
- i. Be courteous and professional;
 - ii. Respect the obligations of Council staff to act in accordance with this statement Council policies and legislation and comply with Councils procurement policies and procedures;
 - iii. Provide accurate and reliable advice and information when required;
 - iv. Declare any actual or perceived conflict of interest as soon as you become aware of the conflict;
 - v. Act ethically, fairly and honestly in all dealings with Council;
 - vi. Take all reasonable measures to prevent the disclosure of confidential information of the Council;

- vii. Refrain from engaging in any form of collusive practice including offering Council official and staff any inducements or incentive designed to improperly influence the conduct of their duties;
 - viii. Refrain from discussing Council business or information in the media;
 - ix. Provide Council with quality goods and/or services on time and deliver value for money;
 - x. Act lawfully; and
 - xi. Report any suspected unethical or corrupt conduct on the part of a Council official and staff in writing to the General Manager.
- 7.2 The consequences of not complying with the Council's ethical requirements when doing business with it may include: termination of any contract, agreement or order, loss of future work, loss of reputation, investigation for corruption, matters referred for criminal investigation and prosecution.

8 ADDITIONAL REQUIREMENTS

8.1 Gifts and Benefits

- 8.1.1 Council staff should not be offered nor should they accept gifts and benefits;
- 8.1.2 Token gifts, of a nominal value, may be accepted in appropriate circumstance;
- 8.1.3 You should refrain from offering any such 'incentives' to Council officials and staff;
- 8.1.4 Any gift received by a Council official and/or staff member must be declared in the Council's Gifts and Benefits Register. Gifts of cash or gift cards are expressly prohibited.

8.2 Conflicts of Interests

- 8.2.1 Conflicts of interest exist where a reasonable and informed person would perceive that an individual could be influenced by a private interest when carrying out their public duty;
- 8.2.2 All Council officials and staff members are required to disclose any potential conflict of interest. Council extends this requirement to all of its business partners, contracts and suppliers;
- 8.2.3 Any conflict between provider interest and those of Council must be reported to and resolved to the satisfaction of the Council.

8.3 Confidentiality

- 8.3.1 Providers of goods and services should keep the terms of any contract with the Council as confidential and shall only disclose those details to their employees, agents etc as necessary to enable the fulfilling of the contract terms or as required by law;
- 8.3.2 Before disclosing any information acquired through business dealing with Council, providers should seek the advice of the Council as to whether it considers that any confidentiality clauses or copyright provision apply;

- 8.3.3 The Government Information (Public Access) Act and Regulation required local councils to publish a range of open access information including a register of government contracts on their website and provide cop to the public;
- 8.3.4 Under the GIPA Act, all government information is to be release unless there is an overriding public interest disclosure;
- 8.3.5 One of the facts that Council can consider in disclosing documents is whether the document affects the business interests of agencies and other persons (including the situation where disclosure would diminish the competitive or commercial value of any information or prejudice any person's legitimate business, commercial profession or financial interests.);
- 8.3.6 Government information also extends to that held by private sector contracts;
- 8.3.7 When entering into service contracts, Council must have an immediate right to access to information:
- i. Relating to the performance of services under the contract;
 - ii. Collected by the contract from member of the public; and
 - iii. Received by the contract from the agency to facilitate service provision
- 8.4 Intellectual Property**
- 8.4.1 In business relationships with Council, all parties will respect each other's intellectual property rights and will formerly negotiate access, licence or use of intellectual property.
- 8.5 Workplace Safety**
- 8.5.1 It is expected that Council and those who conduct business with the Council, will ensure that workplace safety is of paramount importance and that all legislated and procedures safety requirements are complied with.
- 8.6 Sponsorship**
- 8.6.1 Guidelines apply to any sponsorship arrangements with Council. Sponsorships arrangement must be undertaken in an appropriate and transparent manner and are subject to public scrutiny.
- 8.7 Political Donations**
- 8.7.1 NSW State legislation requires the public disclosure of donation or gifts when lodging or commencing development proposals. Disclosure requirements also apply to individuals and entities lodging submission in objection or support of these types of proposals;
- 8.7.2 Further detail regarding these requirements may be obtained by contacting Council's Customer Service Section.
- 8.8 Communication Between Parties**
- 8.8.1 All communication should be clear, direct and accountable;

8.8.2 Where practicable, communication should be in writing to minimise the risk or perception of inappropriate influence being brought to bear on the business relationship;

8.8.3 Sales personnel should avoid unannounced visit to Council workplaces;

8.9 Contracting Employees

8.9.1 All contracted and sub-contracted employees are expected to comply with Council's State of Business Ethics;

8.9.2 If you employ sub-contractors in your work for Council then you must make them aware of this statement.

8.10 Council Resources

8.10.1 Council resources should only be used for Council purposes and in a manner determined by the Council's Code of Conduct;

8.10.2 Parties conducting business with the Council are expected to use and manage Council resources, including staff time, in an efficient, effective and ethical manner.

8.11 Secondary and Post Separation Employment

8.11.1 Staff members require the written approval of the General Manager prior to entering into any secondary employment;

8.11.2 Approval will not be granted where there is a potential to create a real or perceived conflict of interest between the official and/or staff members public duty role and their private interest;

8.11.3 Former staff members must not disclose confidential information obtained in the course of their employment or convert any property of the Council to their own use unless properly authorised and documented.

8.12 Administration and Regulation

8.12.1 Council takes reasonable action to limit unnecessary administrative burden and to implement business improvement process for local businesses including:

- i. Only requiring necessary information, or the same information twice;
- ii. Eliminating unduly prescriptive requirements; and;
- iii. Providing clear guidance on their obligations and requirements.

8.12.2 Where Council operates businesses which compete in the market with private business, Council must apply competitive neutrality principles;

8.12.3 Council staff will work closely with local businesses or individuals to achieve compliance with the law in accordance with community expectation, Council's, value, customer service and other regulatory or legislative compliance and reporting obligations.

8.13 Reporting Unethical Behaviour

- 8.13.1 The Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the Council's General Manager;
- 8.13.2 Staff making a report about this type of conduct may be protected by the Public Disclosure Act;
- 8.13.3 External reports may also be made to:

The Independent Commission Against Corruption (ICAC)	02 8281 5999
NSW Ombudsman	02 9286 1000
NSW Division of Local Government	02 4428 4100

8.14 Best Practice

- 8.14.1 By committing to the Business Ethics Statement, Council:
- Agrees to review their procedures and practices in dealing with businesses and how these can be improved; and
 - Recognises they are expected to develop an objective, risk-based approach to implementing the Business Statement of Ethics.

9 FEEDBACK

- 9.1 Your feedback on the outcome of your dealings with the Council is important to us and assists us in continuously improving Councils performance;
- 9.2 Where possible, your comments should be made in writing and directed to:

By Mail:	The General Manager Forbes Shire Council PO Box 333 FORBES NSW 2871
By Facsimile:	02 6850 2399
By Email:	forbes@forbes.nsw.gov.au

- 9.3 For further information on Forbes Shire Council's Business Ethics Statement, please contact Council's Governance section or Senior Administration Officer on 026850 2300.

10 VARIATION

- 10.1 Council reserves the right to vary the terms and conditions of this policy subject to a report Council.

Revision History

Version	Adoption Date	Authorised by	Approved by	Revision Date
V1		Director Corporate Services	Council	21/07/2007
V2	18/08/2016	Director Corporate Services	Council	18/08/2018

Change History

Version	Change Details
V1	Approved Policy
V2	Policy Review

Related Documents

Title
Gifts and Benefits Policy
Conduct of Conduct Policy
Fraud Control Policy
Sponsorship and Donation and Waiver of Fees and Charges – Register and Policy
Intellectual Property Policy
Secondary and Post Separation Employment Policy
Public Interest Disclosure Policy
Confidentiality and/or Records Management Policy
Workplace Health and Safety Policy
<i>Local Government Act</i>
<i>Public Disclosure Act</i>
<i>Government Information (Public Access) Act (GIPA) 2009</i>
<i>Independent Commission Against Corruption Act</i>