

<b>Title</b>	Statement of business ethics
<b>Responsible manager(s)</b>	General Manager
<b>Contact officer(s)</b>	Divisional Manager, Governance and Information
<b>Directorate</b>	Finance and Business Development
<b>Approval date</b>	26 August 2015
<b>Focus area</b>	Support Services
<b>Delivery Program link</b>	SS1.2 Maintain a sound governance framework within which Council operates
<b>Operational Plan link</b>	SS1.2.2 Ensure transparency in council dealings

## Purpose

This statement of business ethics provides guidance for the private sector when doing business with Eurobodalla Shire Council.

It outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in all their dealings with us.

It also outlines what goods and service providers and contractors can expect of Council.

<b>1</b>	<p><b>Application</b></p> <p>This statement applies to all dealings with Eurobodalla Shire Council.</p>
<b>2</b>	<p><b>Legislation and Code of Conduct</b></p> <p>Council complies with the <i>Local Government Act 1993</i>, <i>Public Interest Disclosures Act 1994</i>, <i>Competitive Tendering Guidelines</i> (Office of Local Government), our <a href="#">Code of Conduct</a>, and relevant internal policies on procurement and tendering, gifts and benefits, and public interest disclosures.</p>
<b>3</b>	<p><b>Our key business principles</b></p> <p>The principle of best value for money is at the core of all of Council's business relationships with private sector suppliers of goods and services.</p> <p>Best value for money does not automatically mean the lowest price.</p> <p>Rather, Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability, and timeliness in determining true value for money.</p> <p>Part of obtaining best value for money also includes ensuring all our business relationships are honest, ethical, fair and consistent.</p> <p>Our business dealings will be transparent and open to public scrutiny wherever possible. However, given the nature of some Council work, there may be times when details of some business relationships cannot be made publicly available.</p>
<b>4</b>	<p><b>What you can expect from us</b></p> <p>Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.</p>

	<p>Our staff are bound by Council's <a href="#">Code of Conduct</a>.</p> <p>Council staff are accountable for their actions and are expected to:</p> <ul style="list-style-type: none"> <li>• use public resources effectively and efficiently;</li> <li>• deal fairly, honestly and ethically with all individuals and organisations;</li> <li>• avoid any conflicts of interest (whether real or perceived).</li> </ul> <p>In addition, all Council procurement activities are guided by the following core business principles:</p> <ul style="list-style-type: none"> <li>• all potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids;</li> <li>• 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;</li> <li>• energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible;</li> <li>• tenders will not be called unless Council has a firm intention to proceed to contract;</li> <li>• Council will not disclose confidential, commercial-in-confidence or proprietary information.</li> </ul>
5	<p><b>What we ask of you</b></p> <p>We require all providers of goods and services to observe the following principles when doing business with Council:</p> <ul style="list-style-type: none"> <li>• respect the obligation upon Council staff to act in accordance with this statement;</li> <li>• refrain from exerting pressure on Council officers to act in ways that contravene this statement or our <a href="#">Code of Conduct</a>;</li> <li>• comply with Council's procurement policies and procedures;</li> <li>• provide accurate and reliable advice and information when required;</li> <li>• declare actual or perceived conflicts of interest as soon as you become aware of the conflict;</li> <li>• act ethically, fairly and honestly in all dealings with Council;</li> <li>• take all reasonable measures to prevent the disclosure of confidential Council information;</li> <li>• refrain from engaging in any form of collusive practice, including offering Council staff inducements or incentives (gifts, money, entertainment, meals, accommodation, travel, or employment opportunities) designed to improperly influence the conduct of their duties;</li> <li>• refrain from discussing Council business or information in the media;</li> <li>• assist Council to prevent unethical practices in our business relationships;</li> <li>• behave in an ethically, socially, economically and environmentally responsible way in the conduct of your business.</li> </ul>

6	<p><b>Why is compliance important?</b></p> <p>By complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner.</p> <p>As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.</p> <p>Complying with Council’s principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.</p>
7	<p><b>Consequences of non-compliance</b></p> <p>You should also be aware of the consequences of not complying with Council’s ethical requirements when doing business with us.</p> <p>Demonstrated corrupt or unethical conduct could lead to:</p> <ul style="list-style-type: none"> <li>• termination of contracts;</li> <li>• loss of future work;</li> <li>• loss of reputation;</li> <li>• investigation for corruption;</li> <li>• matters being referred for criminal investigation.</li> </ul>
8	<p><b>Incentives, gifts, benefits</b></p> <p>In general, Council expects its staff to decline gifts, money, benefits, travel, entertainment, or hospitality offered during the course of their work.</p> <p>You should refrain from offering any such ‘incentives’ to Council staff – all such offers will be formally reported. If a gift is accepted, Council requires the staff member to advise their coordinator and to record the gift in a public Gifts and Benefits Register.</p> <p>Council only permits its staff to accept gifts if:</p> <ul style="list-style-type: none"> <li>• gifts are token and of a nominal value;</li> <li>• refusing a gift is likely to be perceived as rude or offensive;</li> <li>• the offer is not targeted at an individual officer.</li> </ul> <p>Please refer to our <a href="#">Gifts and Benefits policy</a> for more information.</p>
9	<p><b>Conflicts of interest</b></p> <p>All Council staff are required to disclose any potential conflicts of interest.</p> <p>Council extends this requirement to all our business partners, contractors and suppliers.</p> <p>Please refer to <i>Part 4</i> of our <a href="#">Code of Conduct</a> for more information.</p>
10	<p><b>Ethical Communication between parties</b></p> <p>As a general principle all communication between Council and private sector parties should be clear, direct and accountable.</p>

	<p>All private sector suppliers have an obligation to ensure that their communication with Council abides by this principle, to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.</p> <p>It is important to remember that the public perception of inappropriate influence can be very damaging to the reputation of both parties, even if nothing inappropriate has occurred.</p> <p>Some communication may need to be kept confidential for commercial-in-confidence or other reasons.</p>
<p><b>11</b></p>	<p><b>Sponsorship and related practices</b></p> <p>Please refer to Council's <a href="#">Financial Assistance – Donations and Grants policy</a> for details of the type of sponsorship that Council may provide.</p> <p>Council will not ask for, entertain or enter into any sponsorship or similar arrangement that is not open and transparent, or if such sponsorship creates a perception that it could be part of an attempt to improperly influence any organisational decision-making process.</p>
<p><b>12</b></p>	<p><b>Secondary employment</b></p> <p>Council staff require approval from the General Manager to enter into any secondary employment arrangements.</p> <p>The secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between the staff member's public official role and their private interests.</p> <p>Private parties doing business with Council should be aware of this if considering making offers of employment to Council staff.</p>
<p><b>13</b></p>	<p><b>Confidentiality</b></p> <p>All Council information should be treated as confidential unless otherwise indicated.</p> <p>Council complies with the legislated requirements of the <i>Copyright Act 1968</i>, the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i>.</p> <p>Members of the public may apply for access to Council information via the provisions of the <i>Government Information (Public Access) Act 2009</i>.</p> <p>Public officials reporting corrupt conduct, maladministration or serious waste of public funds are protected by the <i>Public Interest Disclosures Act 1994</i> (NSW). This Act protects public officials disclosing corruption-related matters from reprisal or detrimental action, and ensures disclosures are properly investigated and dealt with.</p>
<p><b>14</b></p>	<p><b>Use of Council equipment, resources and information</b></p> <p>All Council equipment, resources and information should only be used for its proper official purpose.</p>

<b>15</b>	<p><b>Expectations of contractors and sub-contractors</b></p> <p>All contracted and sub-contracted employees are expected to comply with this statement of business ethics.</p> <p>If you employ sub-contractors in your work for Council, you must make them aware of this statement.</p>
<b>16</b>	<p><b>Intellectual property rights</b></p> <p>In business relationships with Council, all parties will respect each other’s intellectual property rights and will formally negotiate any access, license or use of intellectual property.</p>
<b>17</b>	<p><b>Who to contact</b></p> <p>If you have any questions regarding this statement, or to provide information about suspected corrupt conduct, please contact us directly by the contact details below:</p> <p><i>In person:</i> Public Officer - Administration Centre, 89 Vulcan Street Moruya (hours: 8:30am - 4:30pm)</p> <p><i>Phone:</i> 02 4474 1000</p> <p><i>Post:</i> PO Box 99, Moruya 2537</p> <p><i>Email:</i> <a href="mailto:council@eurocoast.nsw.gov.au">council@eurocoast.nsw.gov.au</a></p> <p><i>Fax:</i> 02 4474 1234</p> <p><i>DX:</i> DX 4873 MORUYA</p> <p>Information may also be lodged via the Council website, at: <a href="http://www.esc.nsw.gov.au/inside-council/contacts">www.esc.nsw.gov.au/inside-council/contacts</a></p> <p>For information concerning contracts and tenders, please contact our Fleet and Procurement Coordinator on: 02 4474 1000.</p> <p>For after-hours emergencies, please call: 1800 755 760</p>

**Governance**

This statement should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

*Related legislation and policies*

Name	Link
Code of Conduct	Council policies and codes of practice can be found at: <a href="http://www.esc.nsw.gov.au/inside-council/council/council-policies">www.esc.nsw.gov.au/inside-council/council/council-policies</a>
Procurement policy and code of practice	
Gifts and Benefits policy	

Fraud Control policy and Corruption Prevention code of practice	
Financial Assistance – Donations and Grants policy	
<i>Local Government Act 1993</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N</a>
<i>Public Interest Disclosures Act 1994</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+1994+cd+0+N/">www.legislation.nsw.gov.au/maintop/view/inforce/act+92+1994+cd+0+N/</a>
<i>Government Information (Public Access) Act 2009</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+52+2009+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+52+2009+cd+0+N</a>
<i>Independent Commission Against Corruption Act 1988</i>	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+35+1988+cd+0+N">www.legislation.nsw.gov.au/maintop/view/inforce/act+35+1988+cd+0+N</a>

*Related external references*

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Independent Commission Against Corruption (ICAC)	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>

*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	26 Aug 2015	GM	-	E06.0380	New code commenced (approved at ELT Meeting 26/8/15)

*Internal use*

Responsible officer	Divisional Manager, Governance and Information		Approved by	General Manager	
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