

# Policy

## Statement of Business Ethics 2022



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Further Document Information and Relationships	
<b>Related Legislation*</b>	<i>Local Government Act 1993</i>
<b>Related Policies</b>	Procurement Policy 2021
<b>Related Documents</b>	Code of Conduct 2020

*\*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

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## 1. INTRODUCTION

This statement provides guidance for the private sector when doing business with Liverpool Plains 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 dealings with Council. Conversely, this statement outlines what goods and services external providers and contractors can expect of Council.

Council aims to promote integrity, ethical conduct and accountability throughout. Its staff are expected to maintain high standards of integrity and ethical conduct, consistent with the positions of trust they hold and council expects no less of the service providers and contractors that undertake work for us.

## 2. COUNCIL'S KEY BUSINESS PRINCIPLES

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

Best value for money does not automatically mean the lowest price. Rather, council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability and timeliness in determining true value for money.

Part of obtaining best value for money also includes ensuring all of our business relationships are ethical, fair and honest.

Our business dealings will be transparent and open to public scrutiny wherever possible. Given the nature of some of Council's work, there will be times when the details of some business relationships will not be made publicly available.

Council is committed to the purchase of all goods, equipment and services through established NSW Government contract systems, where possible and reasonably practical. Where Council does not use this established system, Council will define the reasons for this action.

## 3. WHAT YOU CAN EXPECT FROM COUNCIL

Council will ensure that all its policies, procedures and practices relating to the quotation, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct.

Council staff are bound by Council's Code of Conduct. When doing business with the private sector, staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations
- Avoid any conflict of interest, whether real or perceived

In addition, all 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 audit trail and to allow for efficient performance reviews of contracts
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible
- Quotations/Tenders will not be called unless Council has a firm intention to proceed with a contract
- Council will not disclose confidential or proprietary information

#### **4. WHAT COUNCIL ASKS OF YOU**

Council requires all private sector providers of goods and services to observe the following principles when doing business with Council:

- Comply with Council's procurement policies and procedures
- 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 and honestly in all dealings with Council
- Take all reasonable measures to prevent the disclosure of confidential Council information
- 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
- Refrain from discussing Council business or information with the media
- Assist Council to prevent unethical practices in our business relationships.

#### **5. WHY IS COMPLIANCE IMPORTANT**

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. As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with Council's stated 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.

You should also be aware of the consequences of not complying with Council's ethical requirements when doing business with it. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Matters being referred for criminal investigation.

## 6. CONFLICTS OF INTEREST

If a conflict of interest in your work with Council exists or arises, you must disclose it to Council. A conflict of interest arises if your own interests, or those of other people close to you, conflict with your obligations to Council.

A conflict would exist where you have a personal interest, or your relative, company, employer or other person known to you has an interest, that could lead you to be influenced in the way you carry out your duties for the Council.

## 7. REPORTING CORRUPTION, MALADMINISTRATION AND WASTAGE

When contracted to Liverpool Plains Shire Council you are considered to be a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act and subject to the ICAC's jurisdiction.

When doing work for the Council you have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste of the resources of Council.

Alternatively, you can report any suspected instances of corruption to the ICAC or maladministration to the NSW Ombudsman.

## 8. CONFIDENTIAL AND PERSONAL INFORMATION

You must take care to maintain the security of any confidential or personal information you become aware of in your work with Council.

You must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with the Council.

Personal information is any information about a person where you know who the person is, or you can guess who the person is. No one should access, use or remove from Council premises any Council information or personal information unless they need it for their work with Council and have authorisation to use or disclose the information.

Any breach of the security, or misuse, of Council's confidential or personal information must be reported to Council's Director Corporate and Community Services.

## 9. COUNCIL RESOURCES

Council resources including materials, equipment, vehicles, documents, records, data and information, may only be used for official Council business unless authorised private usage has been approved.

## 10. PUBLIC COMMENT

You must not make any public comment or statement that would lead anyone to believe that you are expressing the views or policies of Council.

This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

## 11. ALCOHOL AND DRUGS

No one should come to work for Council, or return to work, under the influence of alcohol; or, other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

## 12. OFFERS OF SECONDARY EMPLOYMENT TO COUNCIL STAFF

If you offer a Council staff member a second job, whilst they are still employed with Council, the Council staff member will need to seek approval from Council's General Manager.

Approval will not be given if the second job could conflict with their official duties with Council.

## 13. ATTEMPTS TO INFLUENCE COUNCIL DECISIONS

Any action or contact that may be considered or perceived to be an attempt to influence a decision of Councillors or staff will constitute a breach of this Statement and the Code of Conduct. Any such attempt during the tender process will immediately disqualify the tenderer.

## 14. GIFTS OR BENEFITS

Gifts or benefits must not be offered to any Council official, which is designed to gain an advantage for yourself or your organisation, or which the public could reasonably see as likely to cause that Council official to depart from his or her proper course of duty.

Token gifts may be given or accepted if the gift is not likely to be seen as compromising. Council officials should not accept any gift in relation to their work at Council, which could influence, or be seen to influence, their impartiality in relation to the work or services that you are providing to Council. Cash must never, in any circumstances, be offered to a Council official.

If a gift or benefit is offered to a Council official to influence the way they do their work, they must report it immediately.

## 15. BREACHES OF THE CODE

Failure to comply with this Statement of Business Ethics may cause penalty clauses in a contract with Council to be invoked and/or civil or criminal proceedings to be brought or other action considered appropriate by Liverpool Plains Shire Council.

## 16. LIVERPOOL PLAINS SHIRE COUNCIL'S COMMITMENT

Council is committed to the standards in this Statement of Business Ethics. This Statement reflects the high standards expected by our community and you are expected to maintain these standards and principles when undertaking work for, or on behalf of Council.

If you have any questions or are unsure about any matter relating to this Statement of Business Ethics you can contact Council's **Director of Corporate and Community Services** on (02) 6746 1755.