



SHIRE COUNCIL
Blayney

Statement of Business Ethics

Policy	2H
Officer Responsible	General Manager
Last Review Date	19/09/2022

Strategic Policy

Introduction

This statement provides guidance for the private sector when doing business with Blayney Shire Council.

It outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in their dealings with Council. This Statement also outlines what goods and services external providers and contractors can expect of the Council.

Council aims to promote integrity and ethical conduct, consistent with the positions of trust they hold and we expect no less of the service providers and contractors that undertake work for us.

This statement is designed to ensure that business relationships between this Council and external private sector service providers and contractors are fair and productive for all.

Our 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 honest, ethical, fair and consistent.

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.

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

What you can expect of us

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

Our staff are bound by Council's Code of Conduct. When doing business with the private sector, Blayney Shire Council 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 and act in the public interest.
- Abide by the law and all relevant Council policies and procedures.
- Avoid any conflicts of interest (whether real or perceived).
- Always act with due care and diligence.
- Not use their position to obtain opportunities for future employment and not allow themselves or their work to be influenced by plans for, or offers of, employment outside Council.

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 an efficient performance review of contracts
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless Council has firm intention to proceed to contract
- This Council will not disclose confidential or proprietary information.

What we ask of you

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

- Respect for obligation of public officials to act with the statement
- Deliver value for money
- Help Council prevent unethical practices in our business relationships
- Comply with Council's procurement policies and procedures
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interests 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 and not act secretly or fraudulently
- Refrain from discussing Council business or information with the media
- Assist Council to prevent unethical practices in our business relationships
- Commit to not offer staff or officials inducements or incentives such as money, gifts, benefits, entertainment
- Commitment to not exert pressure on Council staff or officials to act in ways that contravene Council's Statement of Business Ethics or Code of Conduct

- To ensure the integrity and confidentiality of Council information and commercial in confidence information received from other contractors and suppliers, as a general rule, you should not offer to employ or engage in any capacity Council staff while they are employed by Council or within 12 months of ceasing employment, if there is a risk of breach of confidentiality.

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

Complying with this, 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.

The ICAC Act defines those engaged as consultants and contractors by public authorities as 'public officials'. Therefore, contracted consultants and contractors are subject to the ICAC Act and are considered public officials for the purposes of the ICAC Act.

Further, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of official functions.

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

- Termination of contracts
- Loss of future work
- Investigation for corruption and other offences
- Loss of reputation
- Loss of rights (*such as loss of operating or trading licences or loss of development approval*)
- Matters being referred for criminal investigation.

Consequences for Council staff or officials may include:

- Investigation
- Dismissal or loss of civic office
- Disciplinary action
- Potential criminal charges

Guidance Notes

Incentives, gifts, benefits

In general, this Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'Incentives' to Council staff.

Council awards contracts and determines applications solely on the basis of merit. Gifts (including token gifts) must **not** be offered in connection with any business dealings and Council officials are not permitted to ask for any reward or incentive for doing their job.

Offering gifts and benefits may be seen as an attempt to unfairly influence us in our roles.

If a gift is accepted, Council requires the staff member to record the gift in the Gifts and Benefits register. (See Gifts and Benefits Policy for procedures).

Tendering

Council's tendering process does not permit applicants to canvass, lobby or contact Council staff or officials other than the advertised contact person. Applicants will be disqualified from tendering if they do anything that may be considered as an attempt to influence Council's decision.

Supplier Interaction

Suppliers, consultants and contractors must deliver value for money and not engage in relational selling techniques. Business relationships should always be conducted professionally, with attendance at Council sites by appointment only.

Businesses wanting to tell Council about new products or services should email: council@blayney.nsw.gov.au

Conflict of Interest

Council staff are required to disclose any potential conflicts of interest. Council extends this requirement to all of our business partners, contractors and suppliers.

Secondary Employment and Post –separation employment

Council will not authorise officials to undertake secondary employment if it could create a real or perceived conflict of interest between the official's public role and private interests.

Council officials have a duty to maintain public trust and not use any commercially sensitive information to help get future employment in the private sector or for personal financial gain.

You must not offer employment to Council officials because it may be publicly seen as obtaining an unfair advantage or trying to unfairly influence us in carrying out our public duty.

The following post-separation employment conditions are imposed on staff:

- Staff must not disclose confidential information obtained in the course of their employment.

- Staff must not convert any property of the Council to their own use unless properly authorised.

Confidentiality

All Council information should be treated as confidential unless otherwise indicated.

Communication between parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Blayney Shire Council equipment, resources and information

All Council equipment, resources and information should only be used for its proper official purpose.

Council maintains a lot of information about its customers and the community. Council has an obligation to protect this information and maintain its integrity. It is expected that you will treat all Council information appropriately and use it for the purpose it was provided.

Council resources are to be used ethically, effectively, efficiently and carefully in the course of official duties and must not be used for private purposes, except where private use has been authorised. It is expected that you will treat our resources in the same manner.

Should you have any questions regarding this statement or to provide information about suspect behaviour please contact us:

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End of Policy

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