

# Statement of Business Ethics

**The purpose of the Statement of Business Ethics is to ensure that all sectors of the community and members of the public who wish to conduct business with the Council, its staff and delegates understand the necessity to maintain the highest ethical standards of behaviour.**

This policy statement is adopted by Council and can be viewed on our website at: [shoalhaven.nsw.gov.au/Council/Access-to-Information/Policies](http://shoalhaven.nsw.gov.au/Council/Access-to-Information/Policies)

Council does not tolerate corrupt conduct by staff, councillors, delegates or external parties and is committed to avoid opportunities for inappropriate or corrupt conduct occurring in our business dealings. Council values the reporting of unethical behaviour and/or corrupt conduct internally and to appropriate external authorities. Council's Internal Reporting Policy (Public Interest Disclosures Act 1994) provides guidance in this respect and can also be viewed on the website.

This statement provides guidance for all those conducting business with Council. It explains the mutual obligations and the role of all parties involved in business dealings with Council. Business may include the supply of goods and services, the engagement of contractors and consultants, the submission and assessment of development applications and other general business dealings.

The statement applies to Council employees, Councillors and external parties, including contactors, consultants and community representatives.

This statement supports the theme of responsible governance under the Shoalhaven 2027 Community Strategic Plan and the need for integrity, transparency and accountability in all of our interactions to ensure we serve our community and manage its resources to the highest possible standards.

The statement supports the statutory duty of all public officials including Councillors and staff to act honestly and exercise a reasonable degree of care and diligence as provided under section 439 of the Local Government act 1993.

## Statement

This statement applies to all dealings between Council and sectors of the community when conducting business with Shoalhaven City Council. It outlines Council's aims to:

- Build and maintain ethical relationships with all sectors of the community - public and private sector
- Encourage transparency and accountability in all dealings including lending, contracting, supply of goods and services and business partnerships
- Ensure other sector partners understand Council's public duty obligations
- Manage the potential risk and misunderstanding that can occur in business transactions between the public and private sectors
- Maintain corruption-resistant, ethical work practices
- Inform those wishing to do business with the Council that inappropriate and/or corrupt behaviour is not tolerated, and such actions will be reported to relevant investigative authorities including the Independent Commission Against Corruption (ICAC) or NSW Ombudsman's Office where required. (Refer also to policy section Making a Disclosure)

## Business dealings with Council

### Council's business ethics

All Councillors, staff and delegates of Shoalhaven City Council are required to comply with its adopted Code of Conduct. The Code of Conduct has been developed to assist Council officials to:

- Understand the standards of conduct that are expected of them
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and due diligence
- Act in a way that enhances public confidence in the integrity of local government

In all procurement dealings, Council will act in a manner that support the principles of honesty, impartiality, ethical behaviour, fairness and consistency.

### Confidentiality of commercial information

Whilst Council promotes the principles of public openness and transparency, on occasions this must be balanced against the need to ensure that businesses are not disadvantaged through the disclosure of their business affairs. Council will therefore consider the nature and sensitivity of information and, if necessary, consult with the contractor before publicly disclosing information in accordance with the requirements of the Government Information (Public Access) Act 2009.

### What to expect from Council staff and its representatives

Council will ensure that all policies, procedures and practices related to contracting, purchase of goods and services and tendering are consistent with best practice and the highest standards of ethical conduct. Council staff are accountable for their actions having regard to the Code of Conduct, and are expected to:

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

All Council procurement dealings will be underpinned by the following guidelines:

- Energy-efficient products containing recycled material and which are environmentally friendly will be purchased wherever reasonably possible
- All potential contractors will be treated with fairness, given equal access to information and opportunities to submit bids
- The Council will not disclose confidential or proprietary information without lawful excuse

With regard to the purchases of goods and services, Council and its representatives will make decisions based on the principle of value for money. This means Council will balance all relevant factors including price, quality, experience, reliability, service, timeliness, and whole of life cost.

### What Council expects from business dealings

We require all suppliers of goods and services, applicants, contractors and consultants and others doing business with Council to observe the following principles:

- Act ethically, fairly and honestly in all dealings with Council and comply with Council's policies, procedures and guidelines
- Declare any real or perceived conflicts of interest as soon as they become aware of the conflict
- Respect the obligations of Councillors and staff to comply with Council's Code of Conduct and its policies and procedures

- Not engage in any form of collusive practices including offering employees inducements or incentives that may be designed to, or interpreted as, improperly influencing the conduct of their duties
- Assist the Council to prevent unethical practices in our business relationships and to report any potential or known inappropriate or corrupt behaviour internally to Council or externally to an investigative body such as the ICAC or NSW Ombudsman's Office

Contractors and suppliers need to be aware that the offering of gifts or benefits to Councillors, staff and delegates are generally prohibited. For further details refer to Part 6 "Personal Benefit" of Council's Code of Conduct which can be viewed on Council's website at: [shoalhaven.nsw.gov.au/Council/Access-to-Information/Policies](http://shoalhaven.nsw.gov.au/Council/Access-to-Information/Policies)

### Making a disclosure

Reports of perceived or actual unethical behaviour, fraud, corruption, maladministration or waste of public monies can be made to the Chief Executive Officer of Council's Disclosures Coordinator (Public Officer) under the Internal Reporting Policy (Public Interest Disclosures Act 1994). Matters can be directed to and marked for the attention of the Chief Executive Officer or Council's Public Officer at: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Disclosures can also be made to:

#### Independent Commission Against Corruption (ICAC)

The ICAC will investigate and expose corrupt conduct in public sector agencies including councils.

Further information can be found on the ICAC's website at: [icac.nsw.gov.au](http://icac.nsw.gov.au)

- Phone: (02) 8281 5999
- Toll free: 1800 463 909
- Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

#### NSW Ombudsman

The NSW Ombudsman handles complaints dealing with a council's failure to follow proper procedures, act on unauthorised work, enforce development consent conditions or reply to correspondence. Further information is available on the NSW Ombudsman website at: [ombo.nsw.gov.au](http://ombo.nsw.gov.au)

- Phone: (02) 9286 1000
- Toll free: 1800 451 524
- Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)