

STATEMENT OF BUSINESS ETHICS

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RESPONSIBLE OFFICER		General Manager	

GENERAL MANAGER'S MESSAGE

This statement provides guidance for the private sector when doing business with Riverina Water County Council.

It outlines Council's ethical standards and expectations of goods and service providers and contractors in all of their dealings with Council. The Statement will also outline what goods and service providers and contractors can expect of Council.

Council aims to promote integrity, ethical conduct and accountability throughout Council's operations.

Our staff are expected to maintain high standards of 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 Council.

OUR BUSINESS PRINCIPLES

This statement will ensure that all its business relationships are honest, ethical, fair and consistent in obtaining best value for money. Best value for money does not automatically mean the lowest price. Council will balance all relevant factors including initial cost, whole of life cost, quality, reliability and timeliness in determining true value for money.

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

Council business will be transparent and open to public scrutiny where ever possible.

WHAT YOU CAN EXPECT FROM COUNCIL

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 highest standards of ethical conduct.

Our staff are bound by Council's Code of Conduct when doing business with the private sector and will be expected to:

- Abide by the law and all relevant policies and procedures.
- Use public resources effectively and efficiently.
- Deal fairly honestly and ethically with all individuals and organisations.
- Avoid conflicts 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 effective audit trail and allow for effective performance review of contracts.
- Tenders will not be called unless Council has a firm intention to proceed to contract.
- Council will not disclose confidential or proprietary information.

WHAT COUNCIL EXPECTS OF OUR SUPPLIERS, CONSULTANTS AND CONTRACTORS

Council requires all private sector providers to observe the following principles when doing business with Riverina Water County Council:

- Respect the obligations of Council staff to act in accordance with this statement
- Not exert pressure on Council staff to act in ways that contravene the business ethics or code of conduct of Council.
- Not offer staff inducements or incentives such as money, gifts, benefits, and entertainment or employment opportunities.
- Provide accurate advice and information when required.
- Act ethically, fairly and honestly in all dealings with Council.
- Declare any actual or perceived conflicts of interest as soon as you become aware of the conflict.
- Prevent the unauthorised release of privileged or confidential information, such as commercial–in-confidence information.

WHY SHOULD THE PRIVATE SECTOR COMPLY WITH THE STATEMENT?

By complying with Council's Statement of Business Ethics you will be able to advance your business through the opportunity to bid for public sector work on a level playing field. You will also enhance your capacity to undertake public sector work with similar compliance requirements in the future.

As all Council suppliers of goods and services are required to comply with this statement, no provider will be disadvantaged in any way. By complying with Council's principles this will also prepare your business for dealing with the ethical requirements of other government agencies, should you wish to do business with them.

Consequences for not complying with the principles of business ethics as outlined in this statement can be significant for both public officials and people doing business with Council.

Consequences for Council staff include investigation, disciplinary action, dismissal or potential criminal charges.

Consequences for private sector partners could lead to:

- Investigation for corruption or other offences.
- Possible loss of work.
- Damage to reputation.

- Termination of contracts.
- Loss of rights (such as loss of operating or trade licences).

It should be noted that any individual can be found corrupt by the Independent Commission Against Corruption (even if they are not a public official) if they try to improperly influence a public official or a public authority's honest or impartial exercise of their official functions.

SOME PRACTICAL GUIDELINES

- Incentives: Gifts, benefits, hospitality, meals, travel and accommodation.

Advice in relation to Gifts and Benefits can be found in Council's Code of Conduct and additionally Council has also adopted a Gifts and Benefits Policy which states that:

2.1 General Provisions

- 1) *Council generally discourages the acceptance of gifts or benefits by Councillors, Council staff or Council delegates (Council Officials) unless such gifts are made to the Council as a corporate body rather than to an individual.*
- 2) *No gifts **of any value** (including nominal value) are to be accepted by Councillors, Council staff or Council delegates (Council Officials) in any circumstances during the course of a tender period.*
- 3) *If a gift or benefit is received in the course of a Council Official's duties and relates to the work of Council, or has a public benefit, it may be accepted. All such gifts become the property of Council and must be recorded in Council's Gifts and Benefits Register. Such gifts may be disposed of as provided for by clause 2.2.9 of this Policy.*
- 4) *No gifts or benefits of more than nominal value may be accepted by Council Officials, except in the circumstances set out in paragraph 2.2.1.(3) below.*
- 5) *Under no circumstances are offers of money, including items that can be redeemed for money such as gift vouchers, lotto/lottery/scratchy tickets, tickets to events, travel tickets, goods and/or services, to be accepted.*
- 6) *You must always consider the purpose, intent and value of the gift or benefit being offered before making a decision to accept such gift or benefit.*

2.2 Specific Provisions

2.2.1 Special Circumstances

- 1) *Gifts to family members – Council staff must take all reasonable steps to ensure that their immediate family members are not the recipients of gifts and benefits that could be perceived to be an attempt to influence the behaviour of that Council Official.*
- 2) *Prizes and gifts - On occasions Council officials may receive a prize or gift as a result of entering a competition while engaging in official Council business. Any such gifts/prizes that are received shall be deemed to be the property of Council, not the individual, and may be disposed of as provided under clause 2.2.9 of this Policy.*
- 3) *Gifts that cannot be returned – There may be circumstances where a gift, unacceptable under Council's policy, is inadvertently accepted by a Council official*

or may not be easily return (for example, in some cultures where non-acceptance or returning a gift may cause offence, insult or embarrassment), or the value of such gift is unknown at the time of receipt. Such gifts shall be deemed to be the property of Council and disposed of appropriately as set out in clause 2.2.9 of this Policy.

2.2.2 Forms of Gifts

Gifts come in many forms and are given for a variety of reasons, some reasons being appropriate, whilst others inappropriate. Gifts may be categorised as ones of influence, gratitude, token or ceremonial – each providing a different perspective of its intent.

The intent of the gift giving provides some basis for decision making in determining whether a gift should be accepted or declined, and should be considered in consult with the other parameters provided in this Policy.

2.2.3 Nominal value

One factor in determining whether a particular gift or benefit may be accepted is its value. The value of a gift or benefit will determine how it is dealt with. Council has a nominal value of \$50. Examples of gifts and benefits of nominal value would be:

- Inexpensive pen or stationery
- Box of chocolates
- Modest bottle of wine

By contrast, the following gifts and benefits would be likely to have more than the stated nominal value of \$50:

- Tickets to sporting events or other entertainment e.g. football matches, cocktail parties, concerts
- Works of art
- Jewellery
- Free or discounted travel

2.2.4 Token gifts

Token gifts and moderate acts of hospitality include:

- Free or subsidised meals and/or beverages provided infrequently (and/or reciprocally) by representatives of other public sector agencies or at corporate training or conferences
- Free meals and/or beverages provided to public officials who formally represent
- Council at government-related functions or events

If a Council Official attends any business meeting or a meeting with community members at which food and/or beverages are purchased, any costs incurred for that Council Official should be borne by that individual so as to avoid a perception of indebtedness, even though such amount may not exceed the nominal value.

2.2.5 The Giving of Gifts by Council

There may be occasions when it is appropriate for Council to give gifts or benefits to individuals from other public or private agencies. Such gift or benefit is to be of a value appropriate to the circumstances and with endorsement from the General Manager. Appropriate caution should be exercised when the proposed recipient or organisation has a continuing business relationship with Council.

2.2.6 Reporting of Offering of Gifts or Benefits

Council officials who receive a gift or benefit, regardless of the value, must complete the Gifts and Benefits Register Form as soon as practical after receiving the gift or

benefit. Such gift or benefit is not to be used, consumed or disposed of prior to finalisation of the approval process including the General Manager's authorisation

2.2.7 The Offering of a Gift or Benefit During a Tender Period

*Under no circumstances are gifts or benefits **of any value** (including nominal value) offered by a tenderer (or any related entity or individual) during the course of a tender period, to be accepted by a Councillor, Council staff or Council delegates (Council Officials).*

If a gift or benefit is offered during a tender period, the General Manager must be notified immediately.

2.2.8 Inappropriate Offering of a Bribe

If a Council Official is offered a bribe, corrupt inducement or reward, such matter must be reported to the General Manager immediately. The offer must not be accepted in any circumstances.

Any Council Official who believes they have been offered a bribe must:

- *Immediately reject the offer*
- *Terminate the interaction with the person*
- *Keep a record of the events*
- *Inform their supervisor (or in the case of a Councillor, the General Manager)*
- *The supervisor must inform the General Manager immediately*
- *The General Manager must inform ICAC and the Police*

The General Manager has a duty under section 11 of the Independent Commission Against Corruption Act 1988 to notify the Independent Commission Against Corruption of any possible corrupt conduct.

• Conflicts of Interest

All Council staff are required to disclose any potential conflicts of interest. Council also extends this requirement to business partners, contractors and suppliers. A conflict of interest can be either:

1. Pecuniary – An interest that a person or company has in a matter because of a reasonable likelihood or expectation of financial gain or loss to the person with whom the person is associated or,
2. Non Pecuniary – A private or personal interest of an official or staff member or delegate that does not amount to a pecuniary interest as defined in the Local Government Act 1993 (eg: a friendship, membership of an association, society or trade union, or involvement or interest in an activity an may include an interest of a financial nature (DLG Model Code of Conduct December 2004 Page 12). Any complaints about possible conflict of interest should be directed to Council's General Manager for attention.

- **Sponsorship and related practices**

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.

- **Confidentiality**

Information that is considered sensitive may have commercial implications for Council together with staff matters of a personal nature will be considered confidential.

Under the Government Information (Public Access) Act 2009 (GIPAA), confidential information may be accessed upon payment of the appropriate application fees and application to Council's Information Access Officer.

- **Ethical Communication**

Providers of goods and services should ensure that communication is clear, direct and accountable to minimise the risk of perception of inappropriate influence on any business relationship.

If communication needs to be confidential for commercial in confidence or personal reasons, the communication shall still abide by the principles of clear, direct and accountable.

- **Use of Council Resources**

All Council resources must be used ethically, effectively, efficiently and carefully in the course of official business and must not be used for private purposes (except when supplied under a contract of employment) unless lawfully authorised and proper payment is made where appropriate.

- **Secondary Employment**

Under the Local Government Act 1993, all Council staff must obtain consent of the General Manager for any secondary employment that relates to the business of Council or might conflict with their Council duties. The General Manager will make the final determination whether to grant or refuse consent. 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 role and their private interest.

- **Expectations of Contractors and Sub Contractors**

Council emphasises that all Contractors and Sub Contractors will be expected to be aware of and comply with the Statement of Business Ethics.

- **Who to contact about the Statement of Business Ethics**

If you are concerned about a possible breach of this Statement, or about conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact the General Manager, Riverina Water County Council by one of the following methods:

Letter: P.O. Box 456, Wagga Wagga, NSW, 2650

Phone: (02) 6922 0608

Fax: (02) 6921-2241

Email: admin@rwcc.com.au

Persons reporting corrupt conduct are protected by the Protected Disclosures Act 1994. This Act protects individuals disclosing corruption related matters from reprisals or detrimental action and ensures that disclosures are properly investigated and dealt with.