

3.19 Statement of Business Ethics

1. Policy Objective

The Statement of Business Ethics provides guidance for businesses, organisations and other sectors of the community, undertaking business with the Shire of East Pilbara (“the Shire”). It outlines the Shire’s ethical standards and expectations that goods and service providers and contractors will comply with these standards in all their dealings with the Shire. This Statement also outlines what goods and service providers and contractors can expect from the Shire.

2. Our key business principles

Ethics and integrity - The Shire and its employees shall observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner. All parties are to be treated equitably, consistently, impartially and fairly.

Value for money - The Shire will procure goods and services that offer the best value for money. Best value for money does not automatically mean the lowest price. Rather the Shire will balance all relevant factors including initial cost, whole-of life cost, quality, reliability and timeliness in determining true value for money.

Transparency and accountability - Business activities are to be open, transparent, comply with relevant legislation and the Shire’s policies, procedures and practices. The Shire’s business dealings will be transparent and open to public scrutiny wherever possible.

Sustainability - The Shire is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities and to consider environmental and social impacts when purchasing goods and services.

3. What you can expect from the Shire

The Shire will ensure all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with the law, industry leading practice and the highest standards of ethical conduct.

All employees, contractors and volunteers are bound by the Shire’s Code of Conduct for Local Government Employees, Contractors and Volunteers. Councillors, committee members, and candidates are bound by the Code of Conduct for Council Members, Committee Members and Candidates. Each Code of Conduct requires those bound by them to be accountable for their actions and will:

- Use public resources effectively and efficiently.
- Avoid any conflicts of interest (whether real, perceived or potential).
- Deal with all individuals and organisations in a fair, honest and ethical manner.
- **Never seek gifts or other personal benefits.**

In addition, all Shire procurement activities are guided by the following principles:

- All suppliers (whether invited to lodge a submission through tendering or other request for quotation process) will be treated with impartiality and fairness, and given equal access to information to assist with quotations, tendering or supply.
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible taking into account best value for money considerations.

- 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.
- Tenders will not be called unless the Shire has a firm commitment to proceed to contract although the Shire reserves the right not to proceed with any tender or quotation so advertised.
- All contracts that involve services to the public will be undertaken in a manner consistent with the Shire's Disability Access and Inclusion Plan 2020-2025.
- The Shire will not disclose confidential or proprietary information.
- The Shire will provide public services to all on an equitable basis. Fees for services will be charged at the rates approved by Council.
- Shire equipment and resources will be made available for use on payment of the fee approved by Council or as per the terms of a contract between the Shire and other party.
- The use of Shire equipment and resources is subject to the Shire's Codes of Conduct.

4. What the Shire expects from goods and service providers and contractors

All providers of goods and services and contractors to the Shire must:

- Comply with all Australian Laws, regulations and workplace standards.
- Operate in a safe manner in compliance with the Workplace, Health and Safety Act.
- Act ethically, honestly and fairly when dealing with the Shire.
- Be aware of the Shire's policies, guidelines and procedures relating to purchasing, including this Statement (available on the Shire's website).
- Not offer Shire employees, Elected Councillors, contractors, sub-contractors and consultants any financial inducements, or any gifts or other benefits (including employment).
- Not seek discounts on fees and charges for Shire provided public services.
- Not engage in any form of collusion.
- Declare any actual, perceived or potential conflicts of interests.
- Give reliable advice and accurate information when requested.
- Notify the Shire immediately if there are any errors or omissions in documents.
- Consider the environmental and local economic impacts when providing goods and services.
- Take all necessary steps to ensure the supply of goods and services is sourced in an ethical and socially responsible manner.
- Not discuss Shire business or information in the media.
- Take all necessary measures to prevent the disclosure of confidential information.

Immediately report any unethical behaviour (actual or perceived).

5. Why is compliance important?

By complying with this Statement of Business Ethics, all sectors of the community undertaking business with the Shire will be able to advance objectives and interests fairly and ethically.

Non-compliance with the Shire's ethical standards whilst undertaking business with the Shire and/or improper or unethical conduct could lead to consequences such as termination of contracts, exclusion from future procurement and business activities or loss of future work with the Shire. Overall business reputations can also be adversely impacted if corrupt and criminal behaviour is made public. The Shire has a legal obligation to report any reasonably suspected case of corruption to the WA Corruption and Crime Commission.

Complying with the Shire's business principles will also prepare your business for dealing with the ethical requirements of other local governments and public sector agencies.

6. How do I reporting suspected wrongdoing?

If you are concerned about a possible breach of this Statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact the Shire's Chief Executive Officer, Complaints Officer or Public Interest Disclosures Officer.

Where there is a reasonable suspicion of corrupt conduct by a Shire officer, the Chief Executive Officer must report it to the Corruption and Crime Commission.

Shire officers may make a Protected Interest Disclosure (or 'whistleblower' complaint) by contacting a Public Interest Disclosures Officer.

Contact details and further information on reporting suspected wrongdoing are available on the Shire's website and staff intranet.

Guidance notes

Incentives, gifts and benefits

The Shire's employees, Elected Councillors, Committee members, contractors and suppliers must not be offered incentives, gifts or benefits because of business relationships.

Conflicts of interest

All Shire employees, Elected Councillors, Committee members, contractors and suppliers must disclose any actual, perceived or potential conflicts of interest. The Shire requires this of all persons, organisations and sectors of the community undertaking business with the Shire.

Confidentiality

Information which is marked confidential, or which a reasonable person would expect to be confidential, must be treated as such.

Communication between parties

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

Use of Shire equipment, resources and information

All Shire equipment, resources and information must only be used for acceptable purposes.

Contracting employees

All contracted and subcontracted employees are expected to comply with this Statement. If subcontractors are employed to assist with work for the Shire, they must be made aware of this Statement.

Intellectual property rights

All parties are to respect intellectual property rights and formally negotiate any access, licence or use of intellectual property.

Safety

All parties shall observe legal and moral obligations to protect the safety of Shire employees, Elected Councillors, Committee members, contractors and suppliers, and the public.

Regional Price Preference

The Shire encourages the development of competitive local businesses. This is supported by Council's Regional Price Preference Policy.

Authorisation Details

References:	<i>Local Government Act 1995</i>		
Authorised by:	Council		
Date:	26 August 2022	Item No.	11.2.3
Review/Amendment Date		Item No.	
Next Review	Annually		
Responsible Directorate	Chief Executive Officer		
Responsible Officer	Manager Governance, Risk and Procurement		
File No.			