

Statement of Business Ethics

1. Overview

This Statement of Business Ethics (the Statement) provides guidance for all sectors of the community when conducting business with the Shire of Toodyay (Shire). It outlines the Shire's ethical standards and our expectation that service providers will comply with these standards in all their dealings with the Shire. This Statement also outlines what service providers can expect of the Shire.

2. Our Key Business Principles

- Ethics and integrity

The Shire, including its Elected Members and Workers shall observe the highest standards of ethics and integrity in undertaking purchasing activities and act in an honest and professional manner. All parties will be treated equitably, consistently, impartially, and fairly.

- Best 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.

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

All purchasing activities shall comply with relevant legislation, regulations and Shire policies and be free from bias. Full documentation and accountability will apply to purchasing decisions to ensure efficient, effective, and proper expenditure of public monies.

- Sustainability

The Shire is committed to sustainable procurement and where appropriate shall endeavour prepare tenders and quotations that minimise environmental and negative social impacts. Sustainable considerations will be balanced against best value for money outcomes.

3. What you can expect from the Shire

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

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

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

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

- All suppliers (whether invited to make a submission through tender or through direct quotation process) will be treated with impartiality and fairness and given equal access to information to assist with quotations, tendering or supply;
- All procurement activities and decisions will be fully and clearly documented by the Shire to provide an accurate audit trail to enable effective performance review of contracts;
- All contracts that involve services to the public will be undertaken in a manner consistent with the Shire's Disability Access and Inclusion Plan (DAIP) 2020-2025;
- Energy-efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible considering best value for money considerations;
- Tenders will not be invited unless the Shire has a firm commitment to proceed to contract. However, Council reserves the right not to proceed with any tender or quotation so advertised; and
- The Shire will not disclose confidential or proprietary information.

4. What we ask of you

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

- Comply with all laws applicable in Western Australia and where appropriate Commonwealth legislation;
- Gain an understanding of the Shire's policies, plans, and guidelines relating to purchasing, including an understanding of this Statement (all available on the Shire's website);
- Provide accurate and reliable advice and information when invited or required;
- Declare actual, perceived, or potential conflicts of interests as soon as you or your workers become aware of the conflict;
- Act ethically, fairly, and honestly in all your dealings with the Shire;
- Take all reasonable measures to prevent the disclosure of confidential Shire information;
- Not engage in any form of collusive practice, including offering Shire Workers, Elected Members, or Community Members (on Council Committees) any inducements or incentives designed to improperly influence the conduct of their duties;
- Not discuss Shire business or information in any media platform;
- Assist the Shire with preventing unethical practices in business relationships by reporting such practices;

5. Why is compliance important?

By complying with the Shire's Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner.

You should also be aware of the consequences of not complying with the Shire's ethical requirements when doing business with the Shire. Improper or unethical conduct could lead to termination of contracts, loss of future work with the Shire and reputational damage should the conduct be made public.

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, should you choose to do business with them.

6. Guidance Notes

(a) Incentives, gifts and benefits

The Shire's Workers, Elected Members, and Community Members (on Council Committees) do not expect to receive, or be the recipients of gifts, benefits, or incentives because of our business relationship with goods or service providers.

Goods and service providers are requested to refrain from offering such incentives, gifts or benefits to Shire Workers, Elected Members and Community Members.

The Shire's Code of Conduct provides for the type of incentives, gifts and benefits that can be received by Members and Workers. Please check with the proposed recipient as to whether a gift can be accepted, or alternatively view the Shire's [Code of Conduct](#).

(b) Conflicts of interest

All Shire Workers and Elected Members are required to disclose any actual, or perceived potential conflicts of interest. The Shire extends this requirement to all Shire business partners, contractors and suppliers.

(c) Confidentiality

All Shire information must be treated as confidential unless otherwise indicated. The Shire will maintain appropriate confidentiality and not disclose propriety information unless legally obligated to do so.

(d) Safety

The Shire strives for continuous improvement while creating a strong safety and health culture within all aspects of Shire activities. Our commitment to safety is the Shire's highest priority and will not be compromised.

All Workers, including volunteers and contractors, are required to take all reasonable care to ensure their own safety and that of others in the workplace.

(e) Communications between parties

All communications should be clear, direct, and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship. Canvassing of Elected Members during a tender process will disqualify bids from further consideration. Similarly, contact with Elected Members while providing services to the Shire is prohibited unless expressly authorised by the Shire.

(f) Use of Shire equipment, resources, and information.

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

(g) Contracting workers

All contracted and sub-contracted workers are expected to comply with this Statement. If you employ sub-contractors while working for the Shire, you must make them aware of this Statement. All contractors and sub-contractors will be required to undertake an annual induction process prior to commencing business with the Shire.

(h) Secondary Employment

Workers are not permitted to engage in private work with any person that has an interest in a proposed or current contract with the Shire.

(i) Intellectual property rights

In business relationships with the Shire, parties respect each other's intellectual property rights and will formally negotiate any access, license, or use of intellectual property.

(j) Who to contact?

If you have any questions regarding this Statement or to provide information about suspected corrupt conduct, please contact the Shire via the details below.

Chief Executive Officer

Shire of Toodyay
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

Phone: (08) 9574 9300
Fax: **(08) 9574 2158**
Email: records@toodyay.wa.gov.au
Website: www.toodyay.wa.gov.au

Persons reporting corrupt behaviour or misconduct are protected by the Corruption and Crime Commission Act 2003 and other 'Whistle-blower' protection laws such as the Public Interest Disclosure Act 2003. These laws protect persons disclosing corruption related matters from reprisal or detrimental action and ensure disclosures are properly investigated and dealt with.