



PORT MACQUARIE  
HASTINGS

# **EXPRESSION OF INTEREST**

FOR

**Independent Members**

**of the**

**Heritage, Arts & Culture Priorities  
Advisory Group**

**Expression of Interest No: EOI-14-08**

Submissions must be lodged by:

***11:00 am Thursday 20 November 2014***

***In the Official Tender Box,***

Port Macquarie-Hastings Council,  
Cnr Lord & Burrawan St,  
Port Macquarie, NSW 2444  
(PO Box 84)

## **NOTICE TO INTERESTED PARTIES**

Port Macquarie-Hastings Council (PMHC) is seeking Expressions of Interest (EOI) from suitably skilled and interested community members to serve as additional members of the recently established Heritage, Arts and Culture Priorities Advisory Group (HACPAG) of Port Macquarie-Hastings Council.

As per the formal Charter of the HACPAG (a copy of which is provided with this document), there are to be up to a maximum of seven (7) independent community members on the HACPAG. The Group currently has four (4) voting members and Council is now seeking to increase the membership by an additional three (3) members.

The HACPAG provides a forum in which all aspects of Heritage Arts and Cultural matters in the Port Macquarie-Hastings LGA may be discussed, supported, facilitated or recommended to Council.

The HACPAG will progress actions consistent with ensuring the long-term sustainability of the Heritage, Arts and Culture sector of the LGA which will provide positive benefit to the liveability of the LGA.

### **1. INFORMATION / CONTACT PERSON**

All enquires relating to this Expression of Interest are to be directed to Council's nominated Contact Person as listed below. Verbal enquiries must be confirmed in writing/e-mail.

Name: Lesley Atkinson, Director Community & Organisational Development

Phone: 02 6581 8570

Email: [lesley.atkinson@pmhc.nsw.gov.au](mailto:lesley.atkinson@pmhc.nsw.gov.au)

### **2. BACKGROUND**

At the 20 November 2013 Council meeting, Council resolved:

1. To endorse the development of an overarching committee
2. That Council undertake further consultation with all members of the two committees (Arts & Cultural Development Committee and the Museums & Heritage Sub-Committee) and provide the wider community the opportunity to also comment on the proposed overarching committee.
3. That a further report be put to Council outlining the feedback and a proposed Charter in February 2014.

At the 19 February 2014 Council meeting, Council resolved:

That Council:

1. Create a new Heritage Arts and Culture Priorities Advisory Group.
2. Adopt the attached draft Charter for the Heritage Arts and Culture Priorities Advisory Group, save and except the membership limits of clause 3.0 Membership.
3. Set the Heritage Arts and Culture Priorities Advisory Group membership to comprise two (2) Councillors and up to a maximum of seven (7) independent community members, all with voting rights.
4. Seeks expressions of interest from interested community members to fill the seven (7) independent community positions on the Heritage Arts and Culture Priorities Advisory Group.
5. Following the membership expression of interest process, a report be provided to Council with the proposed membership for consideration.

6. Request the Heritage Arts and Culture Priorities Advisory Group, as an initial task, to review the current Charter, its relevance and make recommendations to Council.
7. Encourage special interest groups within the Heritage, Arts and Culture sector to continue to meet amongst themselves and to direct any future matters requiring Council's attention through the Heritage Arts and Culture Priorities Advisory Group so as to ensure the overall interests of the sector are able to be considered by Council.
8. Undertake a review of the Heritage Arts and Culture Priorities Advisory Group after 12 months of formation.
9. Disband both the Heritage & Museums Sub-Committee and the Arts & Cultural Development Committee.
10. Formally thank the members of the Heritage & Museums Sub-Committee and the Arts & Cultural Development Committee for their commitment and time to date and draw their attention to the expression of interest for membership of the Heritage Arts and Culture Priorities Advisory Group.

At the 16 April 2014 Council meeting, Council resolved:

That Council:

1. Appoint the following people as independent members of the Heritage, Arts & Culture priorities Advisory Group for a twenty-four (24) month term commencing from the first meeting date of the Advisory Group:
  - Gay Laurance-Daniel
  - Margret Meagher
  - Pam Vernon
  - Jennifer Hutchison
2. Appoint Councillor Sargeant as Chairperson and Councillor Intemann as Alternate to the Heritage, Arts and Culture Priorities Advisory Group.
3. Formally advise all persons (in writing) who submitted an expression of interest to join the Heritage, Arts and Culture Priorities Advisory Group of the outcome.
4. Call the inaugural meeting of the Heritage, Arts & Culture Priorities Advisory Group.

The key objectives of the HACPAG were as follows:

***Short-term (within 3 months):***

1. To review the current Charter, its relevance and make recommendations to Council regarding any changes.
2. To facilitate formal and informal communication and consultation processes with local arts, cultural and heritage organisations, practitioners, advisors and the wider community in order to understand the needs of the sector.

***Ongoing objectives:***

1. To work with Council to establish the Port Macquarie-Hastings LGA as a heritage, arts and cultural destination.
2. To promote and support local creative industries and initiatives and facilitate partnerships or links between Council and the community and associate service providers.
3. Examine the need for skills development workshops to increase the sustainability of the heritage, arts and cultural sector.
4. It should be noted that the role of an independent member of the HACPAG is a voluntary position for which Council makes no payment.
5. The intention is to report the results of the evaluation of this Expression of Interest to the December 2014 meeting of Council, for the consideration of Council.

The initial term of the HACPAG is a period of twenty-four (24) months, from the first meeting date of the HACPAG. The initial meeting was held on 20 May 2014. A review is to take place at the twelve (12) month period to ensure relevance to the ongoing aims of the HACPAG.

In addition to the maximum of seven (7) independent members that are the subject of this EOI, other members of the HACPAG are - Councillors x 2 (Chairperson and Alternate Chairperson) and relevant Council staff.

### 3. EVALUATION & SELECTION

EOIs will be evaluated by a formal evaluation panel. All submissions will be evaluated against the assessment criteria as set out below. These criteria will be weighted and the individual scores aggregated to give an overall score for each submission. The evaluation panel will then recommend suitable applicants for the consideration of Council at a formal meeting of Council. It should be noted that Council reserves the right to not accept any of the EOI submissions and it should also be noted that the members of the HACPAG, taken collectively, will have a broad range of skills and experience relevant to the objectives of the HACPAG.

In addition to addressing the evaluation criteria listed below, ALL applicants must complete the following Schedules:

- SCHEDULE 1 - APPLICANTS DETAILS;
- SCHEDULE 2 - STATEMENT OF BUSINESS ETHICS DECLARATION.

#### 3.1. ASSESSMENT CRITERIA

***Each of the following criteria must be addressed in your submission. If you fail to address any of these criteria, your submission may not be considered. The criteria are (shown in no particular order):***

- 3.1.1 Demonstrated understanding, experience and / or qualifications in two or more of the following areas:
  - Finance
  - Governance
  - Heritage
  - Arts
  - Culture
  - Entertainment
  - Change Management
  - Strategic Business Planning.
- 3.1.2 Demonstrated connections with a wide range of cultural and/or heritage networks.
- 3.1.3 Availability to attend a minimum of one meeting per month with the potential to participate in working groups or more frequent meetings in the first three months.
- 3.1.4 Resident of the Port Macquarie-Hastings Local Government area.
- 3.1.5 An ability to represent the wider community interest in the formulation of Council policies related to heritage, arts and culture.

## 4. CONDITIONS OF EXPRESSION OF INTEREST

### 4.1. Supporting Information

Interested community members should attach no more than one A4 page outlining why they wish to participate on the HACPAG and the skills/knowledge/networks they participate in to support the evaluation criteria listed in Clause 3 above.

### 4.2. Acceptance

Council will not be bound to accept any or all of the submitted Expressions of Interest, or part thereof.

### 4.3. Canvassing

Canvassing of the Mayor / Councillors / General Manager and / or staff by any interested person shall invalidate that Expression of Interest.

### 4.4. Statement of Business Ethics

All Interested Parties are required to sign the Statement of Business Ethics declaration (included in this EOI document), that states that the interested party has read and understood the contents and meaning of the Statement of Business Ethics. Failure to do so may result in your submission not being considered.

### 4.5. EOI Lodgement Requirements

Expressions of Interest shall be submitted on the Forms and Schedules provided by Council in the attached Appendices & EOI Submission Documents and either:

Lodged electronically via Council's tendering web site at [www.tenderlink.com/pmhc](http://www.tenderlink.com/pmhc):

Enclosed in a sealed envelope with the envelope marked legibly in block letters as follows:

**EOI-14-08**  
**For**  
**Independent Members of the Heritage, Arts and Culture Priorities**  
**Advisory Group**

And delivered by hand / courier / mail and placed in the:

**TENDER BOX**  
**Ground Floor**  
**PORT MACQUARIE – HASTINGS COUNCIL**  
**PO Box 84**  
**Cnr Lord & Burrawan St**  
**Port Macquarie NSW 2444**

So as to be received **before the closing time and date for EOIs:**

Time / Date: **11:00 am Thursday 20 November 2014**

Late submissions will not be accepted.

### 4.6. Costs of EOI

All costs associated with the preparation and submission of this Expression of Interest shall be borne by the interested party.

**SCHEDULE 1: APPLICANTS DETAILS & DECLARATION**

**Applicants Full Name:**

.....

**Business Address:** .....

.....

.....

**Daytime Phone No:** .....

**Mobile:** .....

**Email:** .....

**1. Do you have any recent, current or ongoing contractual relationships with Port Macquarie-Hastings Council?**

Yes  No

(Please tick the applicable box)

If you ticked “**Yes**” to the above, please attach details relating to this relationship.

**2. Do you have any other potential conflicts of interest in participating in the Heritage, Arts and Culture Priorities Advisory Group?**

Yes  No

(Please tick the applicable box)

If you ticked “**Yes**” to the above, please attach details relating to this relationship.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **SCHEDULE 2: STATEMENT OF BUSINESS ETHICS DECLARATION**

### **STATUTORY DECLARATION ON STATEMENT OF BUSINESS ETHICS DECLARATION**

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The Respondent must complete and submit this form with the EOI submission. All submitted information will be treated as confidential.

I, \_\_\_\_\_ (*Print name*),

Of \_\_\_\_\_ (*Organisations Name*),

Do hereby solemnly declare and affirm the following:

1. I hold the position of \_\_\_\_\_, and am duly authorised by the Respondents organisation to lawfully proclaim the following and, after having made due inquiry believe the following to be accurate to the best of my knowledge.
2. The Respondent and the Respondents representatives have read and fully understand the contents and meaning of the Port Macquarie-Hastings Council Statement of Business Ethics as included as part of these tender documents.
3. The Respondent and the Respondents representatives agree to be bound by the standards of ethical behaviour as detailed in the Port Macquarie-Hastings Council Statement of Business Ethics and will not exert pressure nor influence Council staff that may cause them to waiver from Council's *Code of Conduct*.
4. The Respondent and the Respondents representatives agree to have respect for the obligation of Council Staff to act in accordance with the Statement of Business Ethics.

I make this solemn declaration as to the matter aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

**Signature of Respondent:** \_\_\_\_\_

**Subscribed and declared at:** \_\_\_\_\_

**This:** \_\_\_\_\_ **Day of** \_\_\_\_\_ (*Year*) \_\_\_\_\_

**Before me:** \_\_\_\_\_ (*Print name*)

**Witness:** \_\_\_\_\_ (*Signature*)



## PORT MACQUARIE HASTINGS

# Statement of Business Ethics

### **Purpose of this document**

This Statement of Business Ethics is intended to provide a clear understanding of mutual obligation. It helps set the ethical ground rules for all business dealings between Port Macquarie-Hastings Council and Suppliers. It applies to all Suppliers, including providers of goods and services, contractors, tenderers and consultants.

It defines Council's ethical standards and establishes Council's expectation that all Suppliers will meet these standards. It also provides businesses dealing with Council with a degree of understanding of what to expect in such dealings.

This Statement aligns to Council's core values, primarily through the value of 'Openness and Accountability'. In keeping with this value, Council will endeavour to behave with integrity, transparency and fairness at all times.

This Statement of Business Ethics also explains what the consequences are for Staff, Councillors and Suppliers of not complying with the requirements of this statement.

### **What is the impact of Business Ethics?**

#### **ICAC Advice**

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It should be noted that the Independent Commission Against Corruption (ICAC) in NSW defines those people employed by Council as consultants or contractors to be "public officials". When employed by Council, consultants & contractors are subject to the jurisdiction of ICAC and are considered to be "public officials" for the purpose of the ICAC act.

In addition, 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 its official functions.

Further information relating to the ICAC Act is readily available to all Suppliers (including tenderers, contractors and consultants) at the ICAC web site – [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) and copies of all relevant Council policies are also available at any time.

#### **Impact for Suppliers**

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By aligning business practices with Council's ethical expectations, Suppliers can expect to:

- Compete for business on an even playing field
- Establish practices, which put them in good stead in competing for works with other public sector agencies.

If Suppliers to Council do not comply with this statement, then the consequences may be as follows:

- Formal investigation for corruption or other offences
- Possible loss of work
- Termination of contracts
- Damage to reputation
- Loss of rights (such as loss of operating or trade licences etc).

#### **Impact for Council Staff**

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If Council Staff do not comply with this statement, then the consequences may be as follows:

- Formal investigation



- Disciplinary action
- Dismissal
- Potential criminal charges.

## How to Comply

### Council

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Council aims to follow processes that are transparent and to act with impartiality, honesty and fairness and to be consistent in all measures.

Fairness means being objective, reasonable and even-handed. It does not mean pleasing everyone. Council will strive to be fair by ensuring that our processes are appropriate and demonstrate this by being open and accountable, wherever practicable. This does not mean that Council will always go to formal tender or that we will call for bids for items of low monetary value. Council will only deal exclusively with parties in exceptional circumstances and where we can demonstrate there are valid reasons for doing so, based on sound probity principles.

As a local government body, Port Macquarie-Hastings Council has a commitment to ensure community funds are expended efficiently, effectively and economically and aims to attain “best value for money” in its business dealings with the private sector.

“Best value for money” is determined by considering all the factors, which are relevant to a particular purpose – for example:

- Experience
- Quality
- Reliability
- Timeliness
- Service
- Initial & ongoing costs

It is important to note that “Best value for money” does not automatically mean the “lowest price”. It means the offer that is most advantageous to Council after considering the above factors.

### Council Staff and Councillors

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#### Code of Conduct

Council has a formally adopted Code of Conduct for its Staff and Councillors. The Code embraces the concept of integrity, ethical conduct and accountability throughout its organisation.

As stated in the Code of Conduct:

“Port Macquarie-Hastings Council values its tradition of integrity, responsibility and fair dealing. Our ratepayers need to have confidence that as Councillors and employees we will continue to strive to maintain the highest standards in our dealings with the community we serve. Our Code of Conduct reflects Council’s determination to attract the highest level of confidence from our community and we commend it to you.”

Staff and Councillors are expected to act in accordance with this Code of Conduct and to maintain the highest standards of ethical behaviour consistent with the positions they hold. Equally, Suppliers are expected to demonstrate the equivalent behavioural standards.

#### Procurement and Tendering

Staff and Councillors must abide by the law and all its policies, procedures and practices, particularly those related to Procurement and Tendering, including relevant legislation and codes of practice. All Procurement and Tendering actions and decisions will be fully documented to a standard that will withstand scrutiny through an audit process. Please note that all pricing will remain confidential where it is considered that a commercial advantage may be gained/lost through disclosure.

All Council Staff will be accountable for their actions and are required to act in the public interest and to always act with due care, integrity, transparency and fairness.

All Council Staff are also expected to:

- Avoid conflicts of interest
- Treat all potential providers of goods & services equally
- Abide by the law
- Strictly comply with Council's adopted *Code of Conduct*, particularly in relation to incentives, gifts and benefits
- Disclose any conflict of interest, including related party employment.

## **Suppliers**

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### **General requirement**

Council requires all those with whom it deals in the provision of goods and services to observe the following principles:

- Act fairly, ethically and honestly in all dealings with Council
- Not to disclose confidential Council information
- Not to exert pressure nor influence on Council Staff that may cause them to waiver from Council's *Code of Conduct*
- To abide by relevant legislative processes and industry codes of practice in all procurement dealings
- To have respect for the obligation of Council Staff to act in accordance with this Statement of Business Ethics
- Commit to not offer Council Staff inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities
- Ensure that all sub-contractors and other people employed by the supplier are aware of this statement and the consequences of breaching it.

### **Communication requirement**

As a general principle, all communication with Suppliers to Council should be *clear, direct & accountable*. Suppliers also have an obligation to ensure that their communication with Council abides by the above three principles, in order to minimise the risk of inappropriate influences being brought to bear on the business relationship.

There will be times where some communication needs to be strictly confidential for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols or keeping some communication confidential.

*Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed at all times and that all communication supports Council's core values of integrity, transparency and fairness.*

### **Tendering**

This Statement of Business Ethics will form part of the formal tendering process for Council and all tenderers will be asked to submit a signed declaration stating that they have read and fully understood the contents of this full statement in relation to dealing with Council.

### **What happens if I think there is a breach?**

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 Council's General Manager, or one of Council's Directors. Please be aware that if you do approach a Council Director with such a report, it is a requirement of ICAC that the Director must inform the General Manager immediately.

It should also be noted that once the General Manager is made aware of a possible breach as described above, that it is incumbent upon him or her to report this directly to the ICAC.

For Council staff, please refer to Council's policy titled "Corruption, Maladministration & Serious Substantial Wastage - Reporting Of (C23)" for more information on the processes that you are required to follow in the case of a possible breach of this statement.