



# Statement of **Business Ethics**

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This statement reinforces Council's ethical values and provides guidance for all sectors in the community when doing business with Council. Council's ethical standards are enshrined in our Code of Conduct and other governance policies. They are also summarised in this Statement of Business Ethics.

It is Council's expectation that contractors and other providers of goods and services to Council will comply with these standards when conducting business with, or on behalf of, Council. This Statement also outlines what you can expect from Council when conducting business with us.

## Our Key Business Principles

Council expects all its representatives, staff and Councillors to behave ethically. Our standards of conduct and ethics are outlined in our Code of Conduct and staff and other representatives of Council are required to uphold these standards of conduct and ethics at all times. Council also expects private industry and its representatives to maintain similar standards of ethical conduct in their dealings with, and on behalf of, Council.

## Procurement Principles

### Value for money

In all of our business decisions we will strive to obtain the best value for money. We will do this by taking into account all relevant costs and benefits of each proposal including factors such as initial costs, suitability, flexibility, reliability, on-going costs, reputation and performance history of the supplier, occupational health and safety requirements, relative risk, legal compliance and environmental sustainability.

### Open and Effective Competition

Potential Vendors will be treated equitably based upon their legal, commercial, ethical, technical and financial capabilities. All other factors being equal, Council may choose to support Small and Medium Enterprises in accordance with State Government procurement reforms to increase opportunities for small and medium enterprises (SMEs) to gain government business.

### Efficient, Effective and Ethical Use of Resources

The Council will select a procurement processes to commensurate with the fit for purpose, size and risk profile of the particular procurement activity and shall be conducted in accordance with Council's procurement policies, processes and procedures. In all procurement activities, the process should identify critical factors that need to be considered to ensure the maximum possible contribution and relevant outcome are being delivered to all stakeholders. In most circumstances, goods and services estimated to cost over \$150,000 (including GST) will be subject to a tender process to be carried out. Other procurements may be the subject of specific contracts and agreements with the Council, NSW Department of Finance, Services and Innovation (NSW Procurement), Local Government Procurement (LGP), Procurement Australia, Southern Sydney Regional Organisation of Councils (SSROC), or by competitive quotations. Low value items will be obtained through Council's standard ordering processes.

At all times Council officers will act ethically, embracing the principles of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Ethical behaviour identifies and avoids conflicts of interest ensuring an individual does not make improper use of their power and position.

Council will not seek to benefit from vendors practices that may be dishonest, unethical or unsafe.

Council will not enter into contracts with vendors who have had a judicial decision made against them (not including decisions under appeal) relating to employee entitlements and have not paid the claim. Council will require a declaration on these matters from all tenderers.

### Accountability and Transparency

Council will ensure that procurement processes are conducted soundly and that the related decisions are documented, defensible and substantiated in accordance with legislation and Council policies. Council officials are accountable and responsible for the actions and decisions they take in relation to procurement and the resulting outcomes, of which, may be the subject of public scrutiny.

## What You can Expect from Us

Council will ensure that all policies and procedures relating to its procurement process are consistent with legislative requirements, best practice and the highest standards of ethical conduct.

Under our Code of Conduct, Council staff are accountable for their actions and are expected to:

- act with integrity and avoid conflicts between their personal interests and professional duties;
- respect and follow the letter and spirit of Council's policies and procedures;
- use public resources effectively and efficiently;
- make decisions solely on merit;
- treat all tenders equitably and promote fair and open competition;
- protect confidential information;
- never solicit or accept payment, gifts or other benefits from a supplier for the discharge of official duties; and
- record and give reasons for decisions (where appropriate).

## What We Expect of You

We expect tenderers, suppliers, contractors and consultants to:

- respect the conditions set out in documents supplied by Council, including complying with relevant Council policies and procedures;
- provide accurate and reliable advice and information when required;
- declare actual or perceived conflicts of interest as soon as you become aware of them;
- act ethically, fairly and honestly in all your dealings with, and on behalf of, Council;
- respect the obligation of Council staff to abide by Council's Code of Conduct and other policies;
- not engage in collusive practices;
- prevent the unauthorised release of privileged information, including confidential Council information;
- refrain from discussing Council dealings with the media, except with Council's consent;
- not offer Council employees or Councillors any financial or other inducement which may give any impression of unfair advantage; and
- report to Council's General Manager any suspected breach of these ethical standards.

## Why You Need to Comply

Council only wishes to do business with people and entities that share our values and ethics. By complying with our Statement of Business Ethics you will be able to advance your business interests in a fair and ethical manner and be certain in the knowledge that others dealing with Council are doing the same.

Consequences for not complying with Council's ethical requirements could include:

- termination of contracts;
- loss of future work opportunities;
- loss of reputation;
- investigation for corruption;
- Potential legal proceedings; and
- referral to the NSW Police for criminal investigation.



## Additional Things You Should Know

### Legislation, Codes, Policies, Procedures and Guidelines

The Council is committed to promoting stakeholder behaviour and best practice tendering that complies with relevant legislation, codes, policies, procedures and guidelines.

### Conflicts of Interest

A conflict of interest exists where a reasonable and informed person would perceive that an individual could be influenced by a private interest when carrying their public duty. A conflict of interest may involve avoiding a personal disadvantage as well as gaining a personal advantage. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct. Perceptions of a conflict of interest can be as important as actual conflicts of interest.

Conflict of interests must be avoided or managed in order to uphold the probity of Council decision-making. Councillors, Council officers, delegates, consultants, contractors and customers doing business with the Council are required to disclose, in writing, any perceived or actual conflicts. Such disclosures will be recorded on the relevant file.

### Related Party Interests

Related party relationships are a normal feature of commerce and business, however there is the possibility of an entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

Council is required to disclose all material and significant related party transactions and outstanding balances, including commitments, in its annual financial statements. To facilitate this, you are advised that Council's key management personnel are required to declare full details of any related party transactions (other than non-material ordinary citizen transactions). Council maintains this information in Registers of Related Parties and Related Party Transactions.

### Confidentiality

All Council information must be treated as confidential unless otherwise indicated in writing.

### Communication

All communication between Council and its business partners should be clear, direct and accountable to minimise the risk of perception of inappropriate conduct.

### Use of Council Equipment, Resources and Information

All Council equipment, resources and information should only be used for its proper official purpose, except where Council's Code of Conduct permits otherwise. Those parties conducting business with the Council are expected to use and manage Council resources, including staff time, in an efficient, effective and ethical manner.

### Contracting Employees

All contracted and sub-contracted employees are expected to comply with Council's Statement of Business Ethics. If you employ sub-contractors in your work for Council you must make them aware of this Statement.

### Incentives, gifts and benefits

Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should not offer any such incentives to Council staff. All offers will be formally reported by staff for recording on Council's Gifts and Benefits register, regardless of whether the gift or benefit has been refused or accepted by staff.

### Intellectual Property Rights

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

## Public Comment

Only those Council officers who have a specific delegation to do so may make public comment about matters concerning the Council. If an officer does not have the delegation, he or she must not make any public comment that would lead anyone to believe that they are representing the Council, or expressing its views on the policies of the Council. This includes comments or statements made at public and community meetings, through the media and the like where it is reasonably foreseeable that the comments, or the statements, will become known to the wider public.

All matters requiring a public comment on behalf of the Council shall be directed to the Council's Media Spokesperson.

## Sponsorship, Grants and Community Resourcing

Council regularly considers requests from the community members and groups for financial assistance, in-kind support or sponsorship towards their activities or events. These applications are considered under the Council's Financial Assistance Policy, and Grants and Community Resourcing Policy. From time-to-time, Council may seek financial or in-kind support from the business community to support specific activities it conducts such as major events and community based programs.

Sponsorship, grants or donations, whether in-kind or financial, must not interfere with the ability of the Council to carry out its functions and such processes must be open and transparent.

## Work Health and Safety

It is expected that Council and those who conduct business with the Council will ensure that workers and visitors' health and safety is of paramount importance and that all legislative and procedural safety requirements are complied with.

## Important Contacts in reporting Unethical Behaviour or Other Wrongdoing

If you have any questions regarding this Statement of Business Ethics or to provide information about suspected unethical behaviour, fraud, corrupt conduct, maladministration or substantial waste please contact Council directly by letter, phone, fax or email at the contact details provided.

Public officials reporting about this type of conduct can be protected by the Public Interest Disclosures Act 1994. This Act protects public officials disclosing corruption related matters from reprisal or detrimental action and ensures reports are properly investigated and dealt with. You are encouraged to make these reports to Council if you believe you are aware of wrongdoing. Reports may also be made to:

IWC Independent Ombudsman

The Independent Commission Against Corruption (ICAC) ph. 8281 5999

NSW Ombudsman ph. 9286 1000

NSW Office of Local Government ph. 4428 4100

For a copy of Council's Code of Conduct, visit [www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au)

