

Statement of Business Ethics

V2



Title	Statement of Business Ethics
Summary	The Statement outlines the ethical standards of behaviours expected from Council and service providers/service partners when engaging in business activities.
Document Type	Statement
Relevant Strategic Plan Objective	Strategic Direction 5: Progressive, responsive and effective civic leadership.
Legislative Reference	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Modern Slavery Act 2018</i> • <i>Local Government Act 1993</i> • <i>Public Interest Disclosures Act 2022</i> • <i>State Records Act 1998</i> • <i>Independent Commission Against Corruption Act 1988</i> • <i>Crimes Act 1900</i>
Related Council Documents	<ul style="list-style-type: none"> • Complaints Handling Policy • Disposal Policy • Governance, Delegations and Compliance Framework • Fraud and Corruption Control Policy • Fraud and Corruption Control Procedure • Gifts, Benefits and Hospitality Guideline • Grants and Fee Scale Policy • Model Code of Conduct • Procedures for the Administration of the Model Code of Conduct • Privacy Policy • Privacy Management Plan • Procurement Policy • Procurement Procedure

	<ul style="list-style-type: none">• Public Access to Information Policy• Public Interest Disclosures Policy• Related Party Disclosures Procedure• Data Breach Policy• Data Breach Procedure• Agency Information Guide
Version Control	See last page

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1 Purpose

The purpose of this Statement of Business Ethics is to provide a summary of Council's ethical standards expected of both Council Officials and service providers/service partners when doing business with Council.

2 Scope

This policy applies to all Council Officials and service providers/service partners (including any employees and subcontractors of those service providers/service partners).

3 Definitions

In the Statement of Business Ethics, the following terms have the following meanings:

Term	Meaning
Act	<i>Local Government Act 1993.</i>
conflict of interest	Includes either a: <ul style="list-style-type: none"> • pecuniary conflict of interest; • a significant non-pecuniary conflict of interest; • a non-significant non-pecuniary conflict of interest, as defined in the Model Code of Conduct and described in section 7 of the Conflict of Interest Policy.
Corruption or corrupt conduct	Dishonest activity in which a Council Officer, Councillor, volunteer, or service provider/services partner acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by Council, or a person purporting to act on behalf of and in the interests of Council, in order to secure some form of improper

	<p>advantage for Council either directly or indirectly.</p> <p>Fraud is an example of corrupt conduct. Corrupt conduct is defined in the <i>Independent Commission Against Corruption Act 1988</i>.</p>
Councillor	Inner West Council elected representative.
Council committee members	A person other than a Councillor or Council Officer who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council's audit, risk and improvement committee.
Council Officer	Inner West Council members of staff (including full-time, part-time, casual, and contracted staff).
Council Official	Councillors, Council Officers, Council committee members and delegates of Council.
Delegate of Council	A person (other than a Councillor or Council Officer) or body and the individual members of that body, to whom a function of Council is delegated.
Fraud or fraudulent conduct	Dishonest activity causing actual or potential financial loss to Council including theft of monies or other property by Councillors, Council Officers, delegates of Council, Council committee members, volunteers, or service providers/services partners, and/or where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction, or use of falsified documentation used or intended for use

for a normal business purpose or the improper use of information or position for personal financial benefit. Fraud is further defined in the *Crimes Act 1900* (NSW).

Modern Slavery

The term Modern Slavery refers to a number of offences, as set out succinctly by the Local Government Procurement organisation:

- Slavery & slavery like practices – this can include workers having to work long hours with very little pay and sometimes in very poor conditions, not being paid or not being paid a 'living wage'.
- Forced labour – this includes any type of work people have been forced to do against their will or under threat of some form of punishment. This has occurred in Australia in the construction industry and usually affects migrants or people on working or bridging visas.
- Child labour and child slavery – Child labour is terribly harmful for children and hinders their education and development. Child slavery occurs when a child is exploited for someone else's gain. Examples are child trafficking, child soldiers and child marriage.
- Human trafficking – this can involve transporting and recruiting people for the purpose of exploitation, using violence, threats or coercion. This again has occurred in the construction industry in Australia.

- Debt bondage – this is the world’s most widespread form of slavery. It happens when people borrow money that they cannot repay and are forced to work to pay off the debt, losing control over the conditions of both their employment and the debt.
- Servitude – the victim is significantly deprived of their personal freedom.

Prescribed organisations	An organisation referenced in legislation that has the ability to tender on behalf of councils, including the Local Government Procurement Partnership and Procurement Australasia.
Service providers/ partners	A person or company engaged to provide services to Council.
SSROC	Southern Sydney Region of Councils.
Statement	This Statement of Business Ethics.

4 Statement of Business Ethics

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 Model Code of Conduct and other governance policies, including, for example, the Fraud and Corruption Control Policy, the Conflict of Interest Policy, the Procurement Policy and the Gifts, Benefits and Hospitality Guideline. They are also summarised in this Statement.

It is Council’s expectation that service providers/service partners of Council 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 Council Officials to behave ethically. Our foundational standards of conduct and ethics are outlined in our Model Code of Conduct and are required to be upheld by Council Officials and Council Officers at all times.

Council’s Model Code of Conduct requires that Council Officials not conduct themselves in a manner that:

- Is likely to bring Council or other Council Officials into disrepute.
- Is contrary to statutory requirements or Council's administrative requirements or policies.
- Is improper or unethical.
- Is an abuse of power.
- Involves the misuse of a position to obtain a private benefit.

Council also expects that the private industry and its representatives maintain similar standards of ethical conduct in all dealings with, and on behalf of, Council.

5 Procurement Principles

Value for money

In all of our business decisions, Council strives to obtain the best value for money. Council does this by taking into account all relevant costs and benefits of each proposal including factors such as experience, quality, reliability, timeliness, service, risk profile and initial and ongoing costs.

Open and effective competition

Council is committed to ensuring open and effective competition amongst our service providers/service partners by ensuring compliance with the procurement requirements in the Act and implementing robust systems in our policies and procedures. Council Officials will not disclose any information that could jeopardise a procurement process by creating an unfair advantage amongst service providers/service partners, and therefore threatening the principle of open and effective competition.

Conflicts of interest

Council takes a strong stance against an improper use of power and position. In an effort to reduce the risk of corrupt conduct, and to ensure open and effective competition, Council has implemented strict controls for the disclosure, detection and management of 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 out 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.

Pursuant to the Model Code of Conduct, Council Officials must disclose any conflicts of interest in relation to any procurement activity being undertaken. Conflicts of interest will be managed in accordance with Council's Conflict of Interest Policy. Generally, a Council Officer that has a conflict of interest must not participate in consideration of, or decision making in relation to, the matter in which the Council Officer has the conflict of interest. Council expects that operators in private industry, with whom Council is dealing,

also disclose any conflicts of interest to ensure that the principle of open and effective competition is upheld.

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, 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.

Fraudulent or corrupt conduct

Council does not tolerate fraudulent or corrupt conduct of any kind and will take any complaints of such conduct seriously. Any complaints received will be investigated in line with the Fraud and Corruption Control Policy and Procedure, and disciplinary actions will be taken against anyone who engages in fraudulent or corrupt conduct. In the context of any procurement activity, Council Officers will undertake vetting of contractors in accordance with the Procurement Procedure.

Potential service providers/service partners will be treated equitably based upon their legal, commercial, ethical, technical and financial capabilities.

Efficient, effective and ethical use of resources

Council will select a procurement method commensurate with the size and risk profile of the particular procurement activity, which must be conducted in accordance with the Procurement Policy and Procurement Procedure. In most circumstances, the procurement of goods and services estimated to cost over \$250,000 (including GST) will be carried out via a public tender or expression of interest process. Council Officers will be required to seek a number of quotes depending on the value of the procurement for any procurements valued at less than \$250,000 (including GST). Where service providers/service partners are contracted under Council tendered panels, or panels established by the SSROC or prescribed organisations, these shall be utilised in the first instance. Only when an established supplier arrangement does not exist will the Council Officer seek external marketplace quotes.

At all times Council Officials will act ethically, embracing the principles of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Council will not engage with service providers/service partners that are dishonest, unethical or unsafe.

Social procurement

Council is committed to our social procurement practices, and will:

- Take reasonable steps to ensure that goods and services procured are not the product of Modern Slavery, in accordance with the Procurement Policy and Procurement Procedure.
- Encourage the use of aboriginal contractors by ensuring that all procurement activities with a value of over \$150,000 will be advertised on the Supply Nation Member Opportunity Board.
- Only engage with contractors who display a commitment to sound employee and industrial relations policies.
- Preference local contractors and organisations that employ people with disabilities, indigenous contractors or people that come from disadvantaged communities, where possible, where other factors are equal and reasonable comparative market rates are offered.
- Have regard to sustainability and environmental practices when engaging and contracting with contractors.
- Have regard to sustainability and environmental practices when disposing of Council assets, in accordance with Council's Disposals Policy.

Accountability and transparency

Council will ensure that procurement processes are conducted soundly and that the consequential 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, which, may be the subject of public scrutiny. Council conducts regular audits to ensure accountability and transparency, and to detect any instances of fraudulent or corrupt conduct. Council also keeps and maintains records in relation to contracts in accordance with the *State Records Act 1998*, the *Government Information (Public Access) Act 2009* and relevant Council policies, procedures and guidelines.

Where Council conducts a particularly high risk procurement activity, or otherwise deems it appropriate, Council may elect to engage an external probity advisor to oversee the process, ensuring transparency and accountability.

6 What you can expect from us

As part of its commitment to sound business ethics, Council ensures that all policies and procedures are consistent with legislative requirements, guidelines and best practice.

Breaches of any policies and procedures are taken very seriously by Council, and disciplinary action is taken pending the outcome of investigations for such breaches.

7 What we expect of you

We expect service providers/service partners to:

- Respect and comply with the conditions set out in documents supplied by Council, including relevant Council policies and procedures.
- Provide accurate and reliable advice and information when required.
- Declare any conflicts of interest immediately.
- Act ethically, fairly, and honestly in all your dealings with, and on behalf of, Council.
- Respect the obligation of Council Officials to abide by the Model Code of Conduct and other policies and procedures.
- Not engage in collusive practices.
- Prevent the unauthorised release of privileged information, including confidential Council information.
- Not discuss Council dealings with the media, except with Council's consent.
- Not offer Council Officials any financial or other inducement which may give any actual or perceived unfair advantage.
- Report to Council's General Manager any suspected breach of these ethical standards.

Council only wishes to do business with people and entities that share our values and ethics. By complying with this Statement 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 the following:

- Termination of contracts.
- Loss of future work opportunities.
- Loss of reputation.
- Investigation for Corruption.
- Potential legal proceedings.
- Referral to the NSW Police for criminal investigation.

8 Additional things you should know

Legislation, Codes, Policies, Procedures and Guidelines

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

Disclosure of information

All Council information is treated as confidential unless otherwise indicated in writing. Council Officials are not permitted to disclose tender or quote information from services providers/service partners that is intellectual property, proprietary, commercial-in-confidence or otherwise confidential without prior consent.

Any information will be treated in accordance with Council's Public Access to Information Policy, Privacy Policy, Privacy Management Plan, Agency Information Guide, Data Breach Policy and Data Breach Procedure.

Use of Council equipment, resources and information

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

Gifts, benefits and hospitality

Council expects Council Officials to decline gifts, benefits, travel or hospitality offered during the course of their work, in accordance with the Gifts, Benefits and Hospitality Guideline and Model Code of Conduct. You should not offer any such gifts to Council Officials.

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 a Council Officer does not have the delegation, they 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 Council shall be directed to the Council's Media Spokesperson.

Sponsorship, grants and community resourcing

Council regularly considers requests from 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 Grants and Fee Scale 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 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

Council Officials and service providers/service partners working for Council have an obligation to report suspected unethical behaviour, fraudulent or corrupt conduct, maladministration, or substantial waste. Service providers/service partners must report such conduct to a Council Official. Council Officials must then submit a complaint in accordance with the Fraud and Corruption Control Procedure. Service providers/service partners may also report:

- Allegations of corrupt conduct directly to the Independent Commission Against Corruption.
- Allegations of maladministration to the NSW Ombudsman.
- Allegations of any serious and substantial waste of Council resources to the NSW Auditor General or the NSW Office of Local Government.

The *Public Interest Disclosures Act 2022* provides Council Officials and service providers/service partners with protection from reprisal when making a public interest disclosure. Reports against Council Officials under the *Public Interest Disclosures Act 2022* will be dealt with in accordance with Council's Public Interest Disclosures Policy.

9 Breaches of this Policy

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

10 Administrative Changes

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

11 Version Control – Policy History

This policy will be formally reviewed every three years from the date of adoption or as required.

Governance use only:

Document	Statement of Business Ethics	Uncontrolled Copy When Printed	
Custodian	Senior Manager Governance & Risk	Version #	Version 1
Adopted By	Council	ECM Document #	2318445
Next Review Date	TBD		

Amended by	Changes made	Date Adopted
Governance & Risk	New Policy	5 February 2019
Governance & Risk	Policy redeveloped as part of the Policy Harmonisation Project to align with other applicable Council frameworks.	TBD