



CUMBERLAND  
CITY COUNCIL

# Statement of Business Ethics

## AUTHORISATION & VERSION CONTROL

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## INTRODUCTION

This Statement of Business Ethics sets out the standards Council requires of its contractors and business associates. These standards are drawn from the *Cumberland Council Code of Conduct* which applies to all Councillors, employees and other Council officials.

Cumberland Council aims to achieve best value for money in the expenditure of public funds whilst being fair, ethical and transparent. Council conducts a range of business with private, public and non-profit sectors to deliver a range of services for the community, who expect a high ethical standard of behaviour from Council. In return, Council expect high standards of behaviour from all firms and individuals that do business with us. Business may include but is not limited to: the supply of goods and services, use of contractors and consultants, assessment of development applications and other general dealings.

## PRINCIPLES

Council is committed to ethical business practices, based on Council's values and the key principles contained within Council's Code of Conduct including: Leadership, Selflessness, Impartiality, Openness and Honesty.

As part of this commitment, Council will ensure:

- Business dealings will be ethical and transparent, and open to public scrutiny whenever possible.
- All Council decisions and considerations will be based on merit and made in a fair and impartial manner.
- Ethically manage potential conflicts of interest.

## WHAT IS EXPECTED FROM YOU

Cumberland Council requires all suppliers of goods and services, members of the public, applicants, lobbyists, contractors, suppliers and anyone doing business with Council to observe the following:

- Act ethically, fairly and honestly in all dealings with Council.
- Comply with Council's procurement framework and procedure.
- Declare actual, potential or perceived conflicts of interest as soon as possible.
- Respect the obligations of Councillors and staff to abide by Council's Code of Conduct.
- Be aware and comply with legislation, Council's policies and procedures as they pertain to the business before Council, and the conditions set out in documents supplied by Council.

- Provide accurate and reliable advice and information when required.
- Prevent the disclosure of confidential information.
- Refrain from discussing Council business or information in the media.
- Assist Council to prevent unethical practices in our business relationships.
- Act without discrimination and on the basis of informed cultural understanding.
- Refrain from engaging in any form of collusive practice, or offering Council officials inducements or incentives including gifts and benefits, designed to improperly influence the conduct of their business.
- Respect the environment, comply with environmental laws and have sustainable practices in the use of resources and waste management.
- Refrain from any action or contact that may be considered an attempt to influence a decision of Councillors or staff.
- Maintain records of all dealings with Council.
- Provide Council with quality work, product or service on time that delivers value for money.

## **WHAT YOU CAN EXPECT FROM US**

Councillors, staff and delegates are bound by Council's Code of Conduct and supporting policies within Council's governance framework. There is an expectation that Council staff will be courteous and act with transparency and integrity in all its interactions with members of the public.

When doing business with the private, public and not-for-profit sectors, staff and delegates are accountable for their actions and are expected to:

- Utilise Council resources efficiently and effectively
- Strive to achieve the best value for money
- Be professional, honest, accessible, open, fair and ethical
- Communicate clearly and respond promptly to questions resolving any issues quickly
- Comply with all relevant legislation, this statement and the policies and procedures that guide our methods of operation
- Provide open competition for business in using the appropriate or optimum procurement methodology
- Resolve any actual, perceived or potential conflicts of interests in the public interest
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts
- Never seek any gifts, hospitality or other personal benefits
- Protect privacy and confidentiality where necessary
- Observe environmental sustainability considerations
- Comply with Work Health and Safety requirements

Council will ensure that all policies, procedures and practices relating to the procurement of goods and services, use of contractors and consultants, assessment of development applications, and interactions with lobbyists are consistent with good practice and the highest standards of ethical conduct.

All approvals, decisions and procurement activities will be clearly documented to enable transparent and effective governance across the organisation. Council will assess all applications objectively, considering all relevant and material factors in determining a decision on matters that come before the Council.

## **WHY COMPLY WITH THIS STATEMENT**

All stakeholders are required to comply with this Statement. Stakeholders should be aware of the consequences of not complying with Council's ethical requirements when doing business with Council, and may include:

- Immediate termination of contracts / orders
- Loss of future work / opportunities with Council
- Investigation, including referral of matters for criminal investigation to external agencies where appropriate
- Loss or damage to reputation
- Criminal prosecution

Council officials who do not comply with this Statement will be considered in breach of Council's Code of Conduct and subject to disciplinary action under the Code.

## **DOING BUSINESS WITH COUNCIL**

### **Gifts and benefits**

Gifts must not be given in connection with any prospective business dealings. Council staff are not permitted to seek any reward or incentive from external parties, and are expected to decline such offers of gifts and benefits during the course of their work.

Any offer or acceptance of a gift by Councillors or staff is required to be disclosed and recorded in Council's Gifts and Benefits Register.

### **Conflicts of interest and disclosure**

Councillors and staff are required to disclose any actual, perceived or potential conflicts of interest, as well provide Council with any other related disclosures that may be required. This is also required of any applicants, business partners, contractors and suppliers.

### **Lobbying**

Lobbying is a normal and in some circumstances, an acceptable part of the democratic process. However, lobbying that is not fair and undermines public confidence in impartial decision making falls outside the bounds of appropriate and lawful behaviour.

The lobbying of Councillors and staff in certain situations is not permissible. These situations may include, but are not limited to: tender process, engagement of services, development applications while under assessment, or a matter subject to legal action.

### **Attempts to Influence Decisions**

Any action or contact that may be considered or perceived to be an attempt to influence a decision of Councillors or staff is a breach of this Statement.

Any such attempt during the tender process will immediately disqualify the relevant tenderer or service provider. Council's Request for Tender or Quotation documentation will contain statements prohibiting proponents from approaching Councillors and Council officers not nominated as contact people during a tender process.

**Use of Council equipment and resources and information**

All Council equipment and resources should only be used for its proper official purpose; equipment remains the property of Council at all times.

**Corporate Information**

Council maintains information about our business partners, customers and the community. Council has an obligation to protect this information and maintain its integrity in its systems. It is expected that business partners will treat all information appropriately and all information collected must only be used for the purpose it was provided.

**Confidentiality**

Any confidential information should be treated as such and should not be revealed to persons other than those with a genuine need and authority. Suppliers handling private information on behalf of Council are expected to adhere to Council's Privacy Management Plan.

**Communication**

All communication between parties should be made in a clear and cordial manner to minimise the risk of perception of inappropriate influence.

**Secondary and post separation employment**

Staff have a duty to maintain public trust and confidence, and not disclose confidential information obtained during the course of their employment or use this information to facilitate future employment opportunities. Staff are required to obtain written approval from Council to enter into any secondary employment arrangements.

**Contractors and sub-contractors**

All contracted and sub-contracted employees are expected to comply with this Statement. It is the responsibility of contractors to ensure sub-contractors they engage are aware of this Statement, as they are equally bound by it.

**Intellectual property**

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

**Workplace safety**

Workplace safety is of paramount importance to Council. It is expected that all parties who do business with Council comply with legislative and procedural safety requirements.

**Political donations**

The law requires that persons with a financial interest in, or who have made a submission in relation to, a development application or a planning instrument, disclose certain information about political donations and other gifts that have been made to a Councillor or Council employee within the previous two years of the application or submission.

## WHO TO CONTACT

If you have any questions about this statement or would like to report suspected corrupt or unethical conduct, please contact Council's General Manager or Public Officer/Public Interest Disclosures Coordinator.

Public officials reporting corrupt conduct, maladministration or serious waste of public funds are protected under the Public Interest Disclosures Act 1994. The Act protects public officials disclosing corruption-related matters from reprisal or detrimental action and ensure disclosures are dealt with.

The Independent Commission Against Corruption (ICAC) is an independent NSW body that can investigate allegations related to public officials on matters including but not limited to unethical or corrupt conduct.

In accordance with s11 of the Independent Commission Against Corruption (ICAC) Act 1988 (NSW), a principal officer of a NSW public authority, such as a local council, has a duty to report to the ICAC where there is reasonable suspicion that corrupt conduct has occurred or may occur. Alternatively, matters of unethical or corrupt conduct can be reported directly to the ICAC.

Reports of unethical or corrupt behaviour can also be made directly to:

- Independent Commission Against Corruption (ICAC) – 8281 5999 (concerning corrupt conduct)
- NSW Ombudsman - 9286 1000 (concerning maladministration)
- NSW Auditor General – 9275 7100 (concerning serious and substantial waste)
- Office of Local Government – 4428 4100