

STRATHFIELD COUNCIL

BUSINESS ETHICS STATEMENT

June 2021

RESPONSIBILITY	Corporate Services		
DATE ADOPTED	June 2021	MINUTE	
REVISED	June 2021	REVIEW	2023
ECM No	1352084		
ASSOCIATED POLICIES	Strathfield Council Access to Information Policy Strathfield Council Code of Meeting Practice Strathfield Council Code of Conduct Strathfield Council Complaints Handling Policy Strathfield Council Procurement Policy Strathfield Council Records Management Policy Strathfield Council Work Health & Safety Policy		
ASSOCIATED LEGISLATION	<i>Local Government Act 1993</i> <i>Independent Commission Against Corruption (ICAC) Act 1998</i> <i>Work Health and Safety Act 2011</i> <i>Privacy and Personal Information Act (PPIPA) 1998</i> <i>Public Interest Disclosures Act 1994</i>		
ASSOCIATED DOCUMENTS	NSW Audit Office Better Practice Guide: Fraud Control Improvement Kit NSW Audit Office – Fraud Control in Local Councils The Ethics Centre (www.ethics.org.au)		

Introduction

1.0 Purpose

This Policy outlines the ethical standards required of tenderers, suppliers, consultants and contractors engaged by Strathfield Council and exists concurrently with the legislative, regulatory and other policy requirements, notably Council's Code of Conduct, which controls or affects the business of Council.

1.1 Objectives

This Policy aims to:

- set out the ethical standards expected of Council's suppliers and business partners
- encourage compliance with Council's ethical standards
- provide guidance on complaints and reporting processes

1.2 Coverage

This policy applies to councillors and council staff as well as tenderers, suppliers, contractors and consultants and their sub-contractors/employee.

Policy Statement

2.0 Council's Commitment

Strathfield Council is committed to conducting business professionally, in a sound commercial manner and to the highest ethical standards, so that the community has confidence and trust in Council's business dealings, services and decision-making.

We are also committed to our Code of Conduct which set outs the standards for ethical behaviour of Council officials, including Councillors and Council employees. Council expects all Council officials to observe a high standard of probity, ethical behavior and integrity. Our officials, will at all times, act honestly, transparently and responsibly in their decision making and business partnerships.

Council's business partners, including suppliers, tenderers, contractors and consultants are required to respect and acknowledge the way Council conducts its business and ensure that they maintain a similar level of ethical behavior in their dealings with Council.

2.1 Our values

In addition to the principles in the *Local Government Act, 1993* Strathfield Council has adopted a statement of values which are the underlying attitudes that consistently affect all of our action and decision-making processes. Council requires all employees and contractors to understand and support these values.

We ask that suppliers doing business with us respect the way we conduct business and ensure that they maintain a similar level of ethical behavior in their dealing with Council and our Officials.

2.2 What you can expect from Strathfield Council

In all business dealings Council expects Staff and Councillors to observe the highest standards of ethical, probity and professional conduct. This includes:

- complying with the law, Council and NSW Local Government policies and guidelines
- using Council resources efficiently and effectively
- acting honestly, fairly, and with impartiality at all times
- being prepared to attest to probity, and not engaging in any form of collusive practice, including offering or taking inducements, gifts, benefits or fixing of prices etc
- not engaging in practices that give one party an improper advantage over another
- encouraging fair and transparent competition and seeking value for money
- protecting confidential information

- clearly specifying all requirements and criteria for evaluation and responding promptly to requests for advice and information
- immediately disclosing and managing potential and perceived conflict of interests
- being responsible for our own safety and that of others
- enhancing and protecting the environment
- reporting to Council's Chief Executive Officer (CEO) any suspected breaches of these ethical standards.

2.3 What we expect from our business partners

Council requires that all private sector providers of goods and services observe the following principles when doing business with Council:

- respect the obligations placed upon Council staff to abide by Council's Code of Conduct and our policies and procedures
- act ethically, fairly and honestly in all dealings with Council
- respect the conditions set out in documents supplied by Council, including complying with relevant Council policies and procedures
- abstain from collusive practices and not act secretly or fraudulently
- provide accurate and reliable advice and information when required
- declare actual, potential or perceived conflicts of interest as soon as you become aware of them
- take all reasonable measures to prevent the disclosure of confidential Council information.
- Refrain from lobbying or canvassing Councillors or members of staff during the tender process
- refrain from offering Council employees, Councillors and/or members of their immediate families any cash or cash like gifts, financial or other inducements which may give any impression of unfair advantage.
- refrain from discussing Council business or dealings in the media, except with Council's consent.
- assist the Council to prevent unethical and fraudulent practices in our business relationships.
- deliver value for money
- report to Council's CEO any suspected breaches of these ethical standards

2.4 Why you need to comply

Council requires all business partners to comply with this Policy. Compliance with our Policy will assist our suppliers of goods and services to advance their business objectives and interests in a fair and ethical manner.

Business partners who engage in any unethical or illegal (including corrupt) behaviour could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matters being referred for criminal investigation
- Consequences for Councillors, staff and volunteers not complying with Council's Code of Conduct may include:
 - loss of civic office
 - investigation
 - disciplinary action
 - dismissal
 - potential criminal charges

Additional Things You Need to Know

3.0 Gifts or Benefits

Anyone wanting to do business with Council must understand that business practices common in the private sector such as offering of gifts, benefits and incentives are not permitted at Council.

Under no circumstances will a gift of cash or cash-like gift such as gift vouchers, credit cards, debits cards with credit on them, memberships or entitlements to discounts be accepted.

As offering of gifts and benefits may be perceived as an attempt to unfairly influence decisions and services, Council expects Councillors and Council Staff to decline gifts or benefits. Any gift or benefit offered must be immediately reported to the CEO in writing. Gifts and benefits are recorded in Council's Gift Register and Benefits Register.

3.1 Conflicts of Interests

If an actual, perceived or potential conflict of interest in your work with Council exists or arises, you must disclose it to Council. A conflict of interest arises if your financial, business or personal interests or those of other people close to you such as family or personal relationships or your affiliation with groups or associations, conflict with your obligations to the Council.

3.2 Media and Public Comments

You must not make any public comment or statement that would lead anyone to believe you are expressing the views or policies of Strathfield Council, including comments or statements made at public and community meetings, via the media, social media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

3.3 Communications

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

3.4 Confidentiality of Information

All Council information must be treated as confidential unless otherwise indicated in writing. In dealing with Council information:

- you must take care to maintain the security of any confidential or personal information you become aware of in your work with the Council.
- you must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with the Council. Personal information is any information about an individual that discloses identity or where identity can be reasonably ascertained
- no one should access, use or remove from Council workplaces or premises any Council information or personal information, unless they need it for their work with the Council and have authorisation to use or disclose the information.
- any breach of the security, or misuse, of the council's confidential or personal information must be reported to the Council's CEO.

Council officials are required to protect confidential information, only use confidential information for the purpose it is intended to be used and not use confidential information for the purpose of securing a private benefit for themselves or any other person.

Requests for access to Council information will be managed in accordance with Council's Access to Information Policy and associated procedures.

3.5 Use of Council Resources

Council's equipment, resources and information should only be used for its proper official purpose.

3.6 Contracting Employees

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

3.7 Intellectual Property Rights

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

3.8 Bullying, Harassment and Discrimination

Council officials and its business partners must not bully, harass, discriminate against, or support others who bully, harass and discriminate against other contractors, employees or

members of the public. This includes, but is not limited to bullying, harassment and discrimination on the grounds of gender, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, sexuality or transgender.

3.9 Sponsorship

Council seeks and receives requests for financial and/or in kind sponsorship from organisations, businesses or individuals to support specific events, promotions or other activities of Council. All sponsorship arrangements must comply with Council's adopted policies, codes and procedures. It is essential that any sponsorship does not limit Council's ability to carry out its functions fully and impartially nor will sponsorship influence a Council decision.

3.10 Secondary Employment

Council's business partners should not make offers of employment to Council staff, which may be publicly perceived to obtain an unfair advantage. Council staff are not permitted to engage in outside employment or business that:

- conflicts with official duties
- interferes with Council work
- adversely affects work performance
- involves using confidential information or Council resources obtained through work with Council.

Council employees must be approved by the CEO for any form of secondary employment. Failure to obtain approval may result in disciplinary action or dismissal of employment.

3.11 Post Separation Employment

Suppliers should be aware that Council employees, as public officials will act honestly, fairly and impartially and will not use commercially sensitive information to facilitate future employment opportunities in the private sector. In general following separation from Council there should be a 12 month separation period before conducting business with Council on behalf of a new employer.

3.12 Tendering

Council's tendering process does not permit applicants to canvass or lobby councillors or contact council staff other than the advertised contact person. Any action or contact that may be considered as an attempt to influence a decision of Council's staff or councillors shall disqualify the relevant tender applicant.

3.13 Complaints

Complaints regarding Council service should be lodged in accordance with Council's Complaint Handling Policy. Complaints regarding matters relating to contractual arrangements with Council should be raised in the first instance with the Manager responsible for the operational

administration. If these remain unresolved, complaints can be forwarded to Council's CEO.

3.14 Reporting breach of this Policy

Council encourages the reporting of corrupt conduct, maladministration, fraud or serious waste of public funds. Council undertakes to deal with all reports or enquiries in a prompt, professional and confidential manner. Reports regarding Council's ethical standards should be made to:

The Chief Executive Officer
Strathfield Council
PO Box 120
STRATHFIELD NSW 2135

Further information on Council's Policies, including our Code of Conduct are available from:

- our website, www.strathfield.nsw.gov.au, or
- Council's Customer Service Centre - 65 Homebush Road Strathfield, or
- via email: council@strathfield.nsw.gov.au

Alternatively reports of any suspected corruption can be made to Independent Commission Against Corruption (ICAC) or for maladministration to the NSW Ombudsman.

3.15 Protected Disclosures

If a public official makes disclosures to a Nominated Disclosure Officer, about corrupt conduct, maladministration or waste of public fund, they may be protected under the *Public Interest Disclosures Act 1994* (PID Act).

Should a person report behaviour that meets the criteria of the PID Act, Council undertakes to protect them from associated reprisal or detrimental action.

For further advice on the PID Act, refer to Council's PID Policy, or contact Council's PID Coordinator on 9748 9999

Document History

Date	Details	Council Meeting Date
6 February 2007	Policy adopted	20/07
6 April 2010	Revision	88/10
24 August 2012	Administrative Amendment - Policy amended as legislation changed eg OH&S and <i>Protected Disclosures Acts</i> were replaced and/or amended.	

7 May 2013	Policy amended due to adoption of new Code of Conduct	85/13
September 2017	Administrative Amendment - Periodic revision	
June 2021	Policy Review	CEO / Mayor

Declaration of Business Ethics

Council's Business Ethics Policy provides an outline of the ethical framework within which Council operates. It reinforces Council's values for conducting business as well as stating what Council expects from its public sector and business partners.

As a prospective business partner, it is a requirement that you have reviewed Council's Business Ethics Policy and understand the need to abide by it when conducting business with, or on behalf of, Council.

DECLARATION

I, _____
(name and position of person making declaration)

of _____
(name of firm, company, partnership, corporation, association or other organisation or entity)

have reviewed Council's Business Ethics Policy and declare that

(name of firm, company, partnership, corporation, association or other organisation or entity)

and any parent, subsidiary or franchisee of

(name of firm, company, partnership, corporation, association or other organisation or entity)

agree to abide by the principles contained therein

(signature of person making declaration)

(Date)