



Statement of Business Ethics

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AMENDMENTS

11/10/2004	Adopted	CS/61
7/2/2005	Change to Code of Conduct Policy - Statement addresses a specific matter of lobbying and canvassing of tenderers, contractors and the like. Acknowledge Council's commitment to safety under WHS Act	CS/5
25/1/2012	Direction by General Manager prohibiting receipt of gifts by staff.	GM
08/11/2022	Revision	CS/40

Statement of Business Ethics

General Manager's Foreword

Community expectations of public sector governance have risen and councils increasingly draw on private sector knowledge, skills and service in long-term contractual relationships.

Mosman Council has long been both an advocate and practitioner of exposure to the market place and public-private partnerships in the delivery of services and the development and provision of community assets.

Council is committed to conducting its business in a sound commercial and ethical manner having regard to legislation, NSW Government and Council policies. This statement reinforces Council's ethical values and provides guidance for the private sector when doing business with Council. Council's ethical standards are outlined in the statement. It is Council's expectation that contractors and other goods and services providers will comply with these standards when conducting business with Council. The statement conversely outlines what the private sector can expect from Council.

Dominic Johnson
General Manager

Council's Values

Council has reaffirmed six Values in its Community Strategic Plan that guide the way services are delivered and help ensure Council remains progressive, accountable and responsive to the community. In addition to these Values, Council supports and advocates the social justice principles of equity, access, participation and rights in both service planning and delivery.

These Values are Leadership, Integrity, Transparency, Service, Inclusiveness, and Respect.

Supporting this is Council's commitment to good customer service and the service standards set out in its Customer Service Charter.

Council expects that providers doing business with us respect the way we conduct business; ensure they maintain a similar level of ethical behaviour in their dealings with Council and undertake to uphold safety in the workplace.

Council's key business principles

Council expects its Councillors, staff and representatives (Council officials) to comply with its adopted Code of Conduct. The Code of Conduct is actively promoted and developed by Council to ensure the highest standard of probity, integrity and ethical conduct is maintained. Council also expects the private sector and its representatives to maintain similar standards of ethical conduct in their dealings with Council.

Council will observe a high standard of probity, ethical behaviour and integrity in its business dealings and is bound by, and required to conduct activities in accordance with its Values, the Code of Conduct, *the Local Government Act 1993*, Department of Local Government Regulations and Guidelines, the *Work Health and Safety Act 2011*, its delegations of authority, and its adopted Purchasing Management Corporate Practice and Procedure and Tender Corporate Practice and Procedure.

Providers doing business with Council are required to respect and acknowledge the way Council conducts its business and ensure that they maintain a similar level of ethical behaviour in their dealings with Council.

At the core of Council's business relationships with private sector suppliers of goods and services (providers) is the principle of value for money. In this context, Council will consider all relevant factors including initial and on-going costs, quality, reliability, safety and timeliness.

All business relationships will be honest, impartial, ethical, fair and consistent and all dealings not subject to commercial-in-confidence limitations will be transparent and open to public scrutiny. The process surrounding any commercial-in-confidence transactions will nonetheless be transparent and open.

What providers can expect from Council officials

In its tendering, contracting and purchasing activities, Council strives to ensure that its policies, procedures and practices are consistent with best practice and the highest standards of ethical conduct.

When doing business with the private sector providers of goods and services including tenderers, suppliers, consultants and contractors, Council officials are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Be accountable and act in the public interest
- Deal fairly, honestly and ethically with all individuals and organisations and be timely in paying accounts
- Not solicit nor accept any benefit from a provider for the discharge of official duties
- Avoid situations where private interest could conflict with public duty (whether real or perceived)
- Treat all potential suppliers with impartiality and fairness and give equal access to information and opportunities
- Respond promptly to reasonable requests for advice and information
- Promote fair and open competition while seeking value for money
- Respect and follow Council's policies and procedures and abide by the law
- Fully and clearly document all procurement activities and decisions to provide an effective audit trail and to allow for effective performance review of contracts
- Purchase energy efficient equipment, products containing recycled materials and environmentally friendly products wherever reasonably possible
- Not call tenders unless Council has a firm intention to proceed to contract
- Not disclose confidential or proprietary information
- Not encourage or entertain lobbying or canvassing
- Promote a safe and healthy working environment
- Not do business with parties where a real or perceived conflict of interest exists, except with written approval from the General Manager
- Consider any risks of Modern Slavery practices (within the meaning of the *Modern Slavery Act 2018*) in the operations and supply chains used in the provision of goods and services
- Take all reasonable actions to address instances where they become aware of Modern Slavery practices in the operations and supply chains used in the provision of goods and services

What Council expects from providers

Private sector providers of goods and services will observe the following principles when doing business with Council:

- Deliver value for money
- Comply with Council's procurement policy and procedures
- Respect the conditions set out in documents supplied by Council
- Disclose beneficial interests in contracts wherever possible
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict including related party transactions
- Act ethically, fairly and honestly in all dealings with Council
- Respect the obligation of Council officials to adhere to Council's policies
- Refrain from divulging privileged or confidential information to unauthorised persons

- Refrain from engaging in any form of collusive practice, including offering Council officials inducements or incentives designed to improperly influence the conduct of their duties
- Refrain from discussing Council business or information in the media without Council's consent
- Co-operate with Council's post separation employment requirements
- Assist Council to prevent unethical practices in our business relationships
- Behave in an ethically, socially and economically responsible way in the conduct of their business
- Refrain from lobbying or canvassing Council officials during the tender process
- Assist Council in providing a safe and healthy working environment
- Conduct ethical supply chains due diligence in relation to Modern Slavery practices (within the meaning of the *Modern Slavery Act 2018*) in the operations and supply chains used in the provision of goods and services

Why you need to comply

All of Council's providers of goods and services are required to comply with this statement. The principles of this statement are consistent with the ethical requirements of other public sector agencies. So far from being a disadvantage, compliance will in fact advance your business objectives and interests in a fair and ethical manner.

Non compliance with the requirements of this statement resulting in demonstrated corrupt or unethical conduct could lead to:-

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation
- Disqualification of tender

Reporting wrongdoing

Council promotes organisational integrity, ethics and accountability. Should you suspect that Council, Councillors or Council staff have engaged in or condoned acts of fraud, corrupt conduct, maladministration or serious and substantial waste, you can raise your concerns directly with Council's Public Officer on (02) 9978 4003 or council@mosman.nsw.gov.au.

A matter may also be reported to the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, or NSW Police, where appropriate. Should you suspect corrupt conduct, you can write to directly to the ICAC, GPO Box 500, Sydney NSW 2001

Public interest disclosure

If a public official makes a disclosures to a Nominated Disclosure Officer, about corrupt conduct, maladministration or waste of public funds, 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' Public Officer on (02) 9978 4003 or council@mosman.nsw.gov.au.

Things to consider when conducting business with Council

Gifts and benefits

Council does not permit its staff to accept any gifts or benefits including those that are of a nominal or token value.

Conflicts of interest

Council officials are required to disclose any potential conflicts of interest. This statement requires business partners, contractors and suppliers to do the same.

Communication between parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Confidentiality

Council will ensure, within the limits of the *Government Information (Public Access) Act 2009* that commercial in confidence or proprietary information contained in tenders, quotations, expressions of interest etc. is not disclosed to unauthorised persons or those with a competing interest.

Suppliers must ensure that the security of any confidential or personal information gained during their engagement by Council is maintained; all Council information must be treated as confidential unless otherwise indicated. No-one is permitted to access use or remove (from Council premises) any Council or personal information pertaining to another person, unless they need that information for their work for Council and have the necessary authority to do so.

Use of Council equipment, resources and information

All Council equipment, resources and information should only be used for its proper official purpose. Any confidential Council information should be treated as such and should not be revealed to persons other than those with a genuine need to know. Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreements and the like should never be given to competing interests nor unauthorised persons.

Post Separation employment

Council employees, as public officials, have been directed not to breach public trust and will at all times act honestly, fairly and impartially and will not use commercially sensitive information to facilitate future employment opportunities in the private sector.

Contracting employees

All contracted and sub-contracted employees are expected to comply with this statement and should be made aware of it.

Intellectual property rights

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

Further contact

Should you have any questions regarding this statement or wish to provide information about an apparent breach of any standard of ethical conduct or suspected corrupt conduct, please make contact with Council's Public Officer on (02) 9978 4000 or council@mosman.nsw.gov.au