

Central Coast Council

Statement of Business Ethics



Date Adopted: 22/08/2023

Revision: 2

Policy Number: CCC030

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1. Statement Objectives

- 1.1. This Statement of Business Ethics (**Statement**) sets the standard of ethical behaviours that Council expects from suppliers, contractors, service providers and individuals that do business with Council.
 - 1.2. Council is committed to upholding the principles outlined in this Statement and to ensuring its business is conducted in a fair and ethical manner. These principles align with the requirements of Council's Code of Conduct, of which all Council officials must comply.
 - 1.3. Equally, the community expects high standards of ethical conduct from all suppliers, organisations, service providers, small businesses and individuals that have dealings with Council.
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2. Statement Scope

- 2.1. The expectations set out in this statement apply to all Councillors, Council staff, businesses, organisations, members of the public, and any other parties doing business with, or wishing to do business with Council. This Statement supports Council's Procurement Policy.
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3. Statement Purpose

- 3.1. The purpose of this statement of business ethics is to set out the values and principles that guide the conduct of Council in all of its business activities. As a public entity, Council has a responsibility to act with integrity, transparency, and accountability, and to ensure that its actions are in the best interest of the community.
- 3.2. Council is committed to the following principles of business ethics:
 - 3.2.1. Integrity: We will always act with honesty, fairness, and impartiality, and will not compromise our principles for personal gain or the benefit of any particular group.
 - 3.2.2. Transparency: We will be open and honest in our communication with the public and will make information available to the community to the fullest extent possible, while respecting the privacy rights of individuals.
 - 3.2.3. Accountability: We will be accountable for our actions and will take responsibility for any mistakes or errors that we make. We will strive to learn from our mistakes and to continuously improve our performance.
 - 3.2.4. Respect: We will treat all individuals with dignity and respect, regardless of their background, status, or position. We will not tolerate discrimination, harassment, or any form of unethical behaviour.

- 3.2.5. Responsibility: We will take our responsibility to the community seriously and will make decisions that reflect the best interests of our constituents. We will consider the long-term impact of our actions and will strive to create a sustainable future for our community.
 - 3.2.6. Compliance: We will comply with all applicable laws, regulations, and ethical standards, and will ensure that our actions are in line with the highest standards of business ethics.
 - 3.2.7. Council is committed to upholding these principles in all of its activities, and we expect all of our employees and stakeholders to do the same. We believe that by adhering to these values, we can build a strong and vibrant community that is founded on trust, integrity, and mutual respect.
- 3.3.** Council values are embedded in the development, review and implementation of this Statement (and its supporting documents) to achieve consistent decision-making and appropriate resolution of ethical dilemmas even when there are no rules to follow. This in turn aids in the prevention and/or control of fraud and corruption.
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4. Business Principles

- 4.1.** The following four key principles guide Council's dealings on business and procurement matters:
- 4.1.1. Fairness**
 - 4.1.1.1. Council treats all parties involved in an even-handed manner. Potential suppliers or contractors will be given equal access to information and opportunities to submit bids. Tenders will not be called unless there is the intention to award a contract, subject to being in the best interests of the Council and the community.
 - 4.1.2. Prevention of corruption**
 - 4.1.2.1. Council is committed to high ethical standards, and it is the responsibility of Council Officials and suppliers and contractors engaged to do work for Council, not only to act honestly, but also report any instances of possible fraud, corruption, maladministration or illegal activities.
 - 4.1.3. Value for money**
 - 4.1.3.1. Council considers all factors when undertaking or engaging the procurement of goods or services. These include initial and ongoing costs, quality and reliability, customer service, OH&S, technical expertise, environmental sustainability, and other legislative compliance. Value for money does not necessarily mean 'lowest' price; however, the lowest price

might represent best value for money if it satisfies the other criteria.

4.1.4. Objectivity

- 4.1.4.1. Council has established procurement criteria and objectively assesses all tenders and quotes against the nominated criteria. All procurement decisions are based on merit and consider all relevant information and circumstances that apply to a given procurement requirement.

5. Expectations and Responsibilities

- 5.1.** Suppliers and contractors shall be aware of the following requirements when dealing with Council:

5.1.1. Conflict of Interest

- 5.1.1.1. Conflicts of interest include both pecuniary and non-pecuniary interests. A pecuniary interest is an interest that a person has in a matter because of the reasonable likelihood or expectation of appreciable financial gain to the person. A non-pecuniary interest may include family relationships, friendships or other interests that do not involve a direct financial gain.
- 5.1.1.2. Council staff are required to disclose any potential conflicts of interest immediately. Suppliers, contractors and organisations of Council are required to do the same.

5.1.2. Use of Council resources

- 5.1.2.1. Suppliers, contractors, sub-contractors and business associates may only use Council resources and equipment if it is accordance with specific conditions of a formal contract.
- 5.1.2.2. Council resources include, but are not limited to, material, equipment, vehicles, documents, records, data and information.

5.1.3. Gifts and benefits

- 5.1.3.1. Council only permits the acceptance of gifts by Councillors and staff if they are of a nominal or token value and do not create a sense of obligation.
- 5.1.3.2. Suppliers that offer gifts or benefits as a reward for, or perceived as influencing, the purchasing decisions of Council staff will not be tolerated.
- 5.1.3.3. Failure to comply with this requirement will result in Council ceasing to do business with the supplier.

- 5.1.3.4. Council maintains a Gifts and Benefits Register which tracks and monitors all declared offers of gifts and benefits and is made publicly available on request.

5.1.4. Use of information

- 5.1.4.1. Any confidential Council information should not be revealed to persons other than those with a genuine need and authority. Private, confidential, commercial-in-confidence or propriety information obtained as a result of doing business with Council should never be given to competing interests or unauthorised persons.

- 5.1.4.2. Suppliers and contractors handling private and personal information are expected to adhere to Council's Privacy Management Plan.

- 5.1.4.3. Any breach of the security, or misuse of, Council's confidential or personal information must be immediately reported to Council's Privacy Contact Officer.

5.1.5. Public comment

- 5.1.5.1. Unless expressly approved in advance and in writing by Council's Chief Executive Officer, suppliers and contractors must not make any public comments or statements that would lead anyone to believe they are representing Council or expressing its views or policies.

- 5.1.5.2. This includes any comments or statements made at public and community meetings, via the media including social media or when it is reasonably foreseeable that the comments or statements will become known to the public at large.

5.1.6. Alcohol and Drugs

- 5.1.6.1. No supplier, contractor, subcontractor or business associate should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

5.1.7. Employment of Council staff

- 5.1.7.1. All suppliers and contractors who deal with Council are not permitted to offer Council staff outside employment or business proposals of any kind.

- 5.1.7.2. Council staff have a duty to maintain public trust and confidence, and not use commercially sensitive information

to facilitate future employment opportunities in the private sector.

- 5.1.7.3. Under Council's Code of Conduct, all staff are required to seek approval from the Chief Executive Officer that the Council Official is not prohibited from undertaking the employment. Approval will not be given if the secondary employment is likely to result in unmanageable conflict or the appearance of conflict with their Council duties.

5.1.8. **Canvassing support**

- 5.1.8.1. During a tender process, any prospective supplier or contractor shall not directly or indirectly discuss their tender bid with a Councillor, or canvass support from an employee of Council at any time. Any supplier or contractor involved in such activity will result in their tender being rejected.

5.1.9. **Modern Slavery**

- 5.1.9.1. Suppliers and contractors must comply with the requirements under the *Modern Slavery Act 2018* (NSW).
- 5.1.9.2. Council will not participate in any procurement with a supplier or contractor that is found to be engaging in modern slavery.

6. Responsibilities

Compliance, monitoring and review

- 6.1. The Chief Executive Officer or their delegate is responsible for ensuring compliance with this Statement.
- 6.2. This Statement aligns with Council's Code of Conduct and Procurement Policy.

Records management

- 6.3. Staff must maintain all records relevant to administering this Statement in accordance with Council's Information and Records Management Policy.

7. Statement Definitions

Contract	means a legally binding agreement between two or more parties that creates obligations on each party that is enforceable by law.
Council	means Central Coast Council.
Council Officials	means the Chief Executive Officer, Mayor, Councillors, employees and volunteers.
Procurement	means the act of obtaining or purchasing goods, works or services. Procurement activities include tendering (quoting), tender assessment, requisitioning/ordering, contract management, as well as the end receipt and approval of payment.
Supplier	means a person or entity engaged to provide advice or designs where Council relies on the advice or designs in its decision-making and where Council might incur a loss if the advice or design contains errors or omissions or where the consultant is otherwise negligent.
Tender	means a formal offer received via tender process to provide goods, works or services for on or behalf of Council in response to a Council Request for Tender (RFT) for values >\$250,000 (excluding GST).

8. Statement Administration

Business Group	Corporate Services
Responsible Officer	Section Manager Governance
Associated Procedure (if any, reference document(s) number(s))	
Statement Review Date	Four years from date of adoption unless legislated otherwise.
File Number / Document Number	D15388252
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> – <i>Local Government Act 1993</i> (NSW) – <i>Local Government (General) Regulation 2021</i> (NSW) – <i>Independent Commission Against Corruption Act 1998</i> (NSW) – <i>Public Interest Disclosures Act 1994</i> (NSW) – <i>Modern Slavery Act 2018</i> (NSW)
Relevant desired outcome or objectives as per Council's Delivery Program	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G4: Serve the community by providing great customer experience, value for money and quality services.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> – Code of Conduct (D15487987) – Delegations Register – Gifts and Benefits Policy (D14226000) – Procedures for the Administration of the Code of Conduct (D15488001) – Procurement Policy (D13888146)

9. Statement History

Revision	Date Approved / Authority	Description of Changes
1	12 April 2018	New statement adopted by CEO (D13283970)
2	22 August 2023 Minute Number 140/23	Review to incorporate legislative changes and align with the adopted Procurement Policy

