



**POLICY NO: CCC030**

# **STATEMENT OF BUSINESS ETHICS**

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## STATEMENT OF BUSINESS ETHICS

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### Introduction

1. Central Coast Council (Council) is committed to serving our community with integrity, efficiency, professionalism, fairness and impartiality. In conducting business, Council will put our public duty to the Central Coast Community first based on the following business principles:
  - (a) Business relationships with external parties will be transparent;
  - (b) Procurement decisions will be based on merit, will be impartial and will not take extraneous issues into account; and
  - (c) Council procurement decision-making processes will be open (where practicable), consistent and accountable.
2. The Central Coast Community and those who come in contact with Council expect nothing less.
3. This Statement of Business Ethics articulates what to expect and how to behave when conducting business with Council. This business may include, but is not be limited to:
  - (a) supply of goods and/or service;
  - (b) use of contractors and/or consultants;
  - (c) assessment of development applications; and
  - (d) other business partnerships and alliances.
4. These ethical standards are not an additional requirement in doing business with Council but are an integral part of sound commercial practice.
5. As per Council's Code of Conduct, all Council Officials are required to observe a high standard of ethical behaviour and comply with all legislation, standards and procedures.
6. Council expect that those conducting business with Council will abide by this Statement of Business Ethics in all dealings with Council.
7. If those conducting business with Council, feel at any time that Council is not meeting the standards set out in this document, there is an obligation to promptly report any concerns to Council's Chief Executive Officer.

### Objectives

8. Council aims to achieve best value for money in the expenditure of public funds while being fair, ethical and transparent.
9. To achieve this Council relies on both Council's Procurement Policy and Procedures and those conducting business with Council to conduct themselves to the expected high standards of behaviour.

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10. This Statement of Business Ethics, which is drawn from Council's Code of Conduct, sets out the standards that Council expects from those conducting business with Council.
11. Those conducting business with Council are responsible for working with Council Officials to maintain Council's high ethical standards and to perform their duties with integrity, honesty, fairness and transparency.

## Policy Statement

### Jurisdiction

12. This Policy covers all Council Officials as defined in Council's adopted Code of Conduct and any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.
13. This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.

### Values and Key Principles

14. Those conducting business with Council, their employees and business associates are expected to act in accordance with Council's values.
15. Council's values include, but are not limited to the following:
  - (a) **Serve** – We deliver amazing services through empowering people and pursue collaborative partnerships for better community outcomes.
  - (b) **Improve** – We look for better ways of doing things and encourage participation and new ideas.
  - (c) **Collaborate** – We build relationships based on mutual trust and share ideas, talent, skills and knowledge.
  - (d) **Be Your Best** – We strive to be our best every day and promote self-awareness and development.
  - (e) **Be Positive** – We celebrate having a go and build one team spirit.



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### Responsibilities of Council

16. Council Officials are bound by Council's Code of Conduct. They are accountable for their actions and are expected to:
  - (a) Use public resources effectively and efficiently;
  - (b) Ensure clear accountabilities in relation to procurement and contract management processes;
  - (c) Encourage fair and transparent competition while seeking value for money;
  - (d) Protect all confidential, and proprietary information, and intellectual property;
  - (e) Deal fairly, ethically and honestly with all individuals and organisations;
  - (f) Disclose any situation that involves or could be perceived to involve a conflict of interest;
  - (g) Not seek or accept financial or other benefits for performing official duties;
  - (h) Respond to reasonable requests for advice and information without delay;
  - (i) Be open, candid and reliable in our communication with you;
  - (j) Immediately report corrupt behaviour (actual or perceived); and
  - (k) Act in accordance with Council's Policies and Procedures and relevant legislation.
17. All potential suppliers will be treated with impartiality and fairness and given equal access to information.
18. All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail.

### Responsibilities of those conducting business with Council

19. Those conducting business with Council, their employees and business associates are responsible for ensuring that they act ethically when dealing with Council and any Council Official. Those conducting business with Council are expected to know and understand the standards in this Statement of Business Ethics.
20. Those conducting business with Council are to ensure that their staff and sub-contractors are made aware of their responsibilities under this Statement of Business Ethics and to take appropriate measures to ensure their compliance.
21. When those conducting business with Council are working for Council, they should, at all times, be courteous towards the public, Council Officials and not bring the Council into disrepute. Those conducting business with Council must obey all relevant laws and comply with all contractual obligations.

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22. Council is committed to providing a work environment that is free of harassment, bullying or discrimination. Both those who engage in, and those who cause, instruct, aid or knowingly permit another person to engage in bullying, harassment or discrimination in the workplace will be held responsible.
23. Council has community and environmental responsibilities and those conducting business with Council are expected to honour them at all times.
24. Safety is paramount. Those conducting business with Council, their staff and any sub-contractors, should protect their safety and others safety in the work environment and the public arena.
25. Council is responsible for providing a safe work environment and for putting first the health, safety and welfare of Council Officials, the public and those conducting business with Council.

## Conflict of Interest

26. A conflict of interest is as defined in Council's Code of Conduct.
27. If a conflict of interest in the work undertaken by those conducting business with Council exists or arises, those conducting business with Council are under an obligation to provide full details to Council's Unit Manager Governance and Business Services immediately.
28. Where there is a conflict of interest known, those conducting business with Council must put Council's interest ahead of their own private interest.

## Council Resources

29. The use of Council resources by those conducting business with Council may only occur when approved by an authorised Council Official.
30. Council resources include, but are not limited to:
  - (a) Council Staff;
  - (b) material;
  - (c) equipment;
  - (d) vehicles;
  - (e) documents;
  - (f) records;
  - (g) data; and
  - (h) information.

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### Gifts or Benefits

31. Gifts and Benefits are dealt with under Council's adopted Code of Conduct and Council's adopted Gifts and Benefits Policy. They will not be repeated here.

### Confidential and Personal Information

32. Those conducting business with Council must take all reasonable care to maintain the security of any confidential or personal information (in whatever form – hardcopy, electronic etc) that those conducting business with Council become aware of in your work with the Council.
33. Those conducting business with Council must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with Council.
34. Those conducting business with Council should not access, use or remove from Council premises any Council information or personal information, unless they need it for their work with Council and have the required authorisation to use or disclose the information.
35. Copyright and intellectual property laws and standards must also be adhered to.
36. Any breach of the security, or misuse of, Council's confidential or personal information must be immediately reported to Council's Privacy Officer.

### Public Comment

37. All Council Officials are bound by Council's adopted Code of Conduct.
38. Unless expressly approved in advance and in writing by Council's Chief Executive Officer, those conducting business with Council must not make any public comment or statement that would lead anyone to believe they are representing Council, or expressing Council's views or policies.
39. For the avoidance of doubt, this includes, but is not limited to any comments or statements made:
  - (a) at public and community meetings;
  - (b) via the media including social media; and/or
  - (c) when it is reasonably foreseeable that the comments or statements will become known to the public at large.

### Alcohol and Drugs

40. Those working for Council are all subject to the same condition in Council's Code of Conduct as Council Officials are in relation to alcohol or other drugs that could impair a reasonable person's ability to carry out their job or cause danger to the safety of themselves or others.



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### Offers of secondary employment to Council Officials

41. Council Officials are under section 353 of the *Local Government Act 1993* not to engage, for remuneration, in private employment or contract work outside the service of Council that relates to the business of Council or that might conflict with the Council Officials' Council duties unless the Council Official has:
- (a) notified Council's Chief Executive Officer in writing of the employment; and
  - (b) received written approval from Council's Chief Executive Officer that the Council Officials is not prohibited from undertaking the employment.

### Reporting Corruption, Maladministration and Wastage

42. Those working for Council have a responsibility to report any suspected instances of corruption, maladministration, serious and substantial waste, pecuniary interest or government information contraventions to Council's Chief Executive Officer, or directly (depending on the circumstances) to the:
- (a) NSW Ombudsman; and/or
  - (b) Independent Commission Against Corruption (ICAC); and/or
  - (c) Office of Local Government.
43. Those working for Council are considered to be a "public official" for the purposes of the *Independent Commission Against Corruption Act 1988* (NSW) (see section 3 Definitions) and accordingly are subject to ICAC's jurisdiction.
44. Those working for Council are also classified as a 'public official' under section 4A of the *Public Interest Disclosures Act 1994* (NSW). This Act protects public officials from reprisal or detrimental action when disclosing to Council's Public Interest Disclosures Coordinator any corrupt conduct or other specific wrongdoing in accordance with Council's adopted Public Interest Disclosure Internal Reporting Policy.

### Breaches of this Policy

45. Failure to comply with this Statement of Business Ethics may result in appropriate action, as determined by Council's Chief Executive Officer, being taken by Council.

### Council's Commitment

46. Central Coast Council is committed to the standards in this Statement of Business Ethics, which reflect the high standards expected by the Central Coast Community.
47. Those working for Council are expected to maintain these high standards at all times when undertaking work for, or on behalf of Council.

## Supporting Document

48. The following legislation and Council policies affects the operation of this Policy:

- (a) *Local Government Act 1993 (NSW)*;
- (b) *Local Government (General) Regulations 2005 (NSW)*;
- (c) *Independent Commission Against Corruption Act 1988 (NSW)*
- (d) *Public Interest Disclosures Act 1994 (NSW)*;
- (e) Council's adopted [Code of Conduct](#).
- (f) Council's adopted Gifts and Benefits Policy
- (g) Council's adopted Procedures for the Administration of the Code of Conduct