



Burwood Council

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STATEMENT OF BUSINESS ETHICS

**For business dealings between Burwood Council,
the Private Sector and Other Parties**

PO Box 240, BURWOOD NSW 1805
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
Phone: 9911-9911 Fax: 9911-9900
Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

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1. INTRODUCTION

The Statement of Business Ethics has been developed to assist those dealing with Burwood Council to be aware of and understand ethical standards that the community expects from all Council Officials (Councillors and Council Officers) and those that enter into a business relationship with Council.

The Statement defines the principles of conduct that are expected of both parties in order to ensure the integrity and professionalism of both organisations is enhanced and is also a statement of Council's Values and systems of accountability.

Burwood Council will demonstrate and practise a professional and ethical approach to all its business activities and all Council Officers are required to conduct their activities in accordance with Council's Code of Conduct and observe a high standard of probity, ethical behaviour and integrity in their business dealings.

The Council expects all its suppliers, contractors and consultants to comply with this statement and understand our values:

- **Governance** – consultation, accountability, transparency
- **Service** – efficiency, effectiveness, responsiveness
- **Sustainability** – prudence, innovation, preservation
- **Respect** – honesty, fairness, dedication, integrity

Our Vision – To make Burwood vibrant, prosperous, progressive and proud of its history and heritage.

Our Mission – To create a quality lifestyle for Burwood Council citizens by promoting harmony and excellence in the delivery of Council services.

2. BUSINESS PRINCIPLES

Burwood Council is committed to ethical business practices based on public duty principles.

Our business principles are:

1. **Value for money** - obtaining the best quality and value for the price.
2. **Open and fair competition** – all prospective suppliers must be treated fairly in an open and transparent manner with the same access to information about the engagement.
3. **Accountability** – framework and process lines of responsibility and accountability are clear. All transactions must be adequately documented.
4. **Risk management** – recognise risk and develop strategies to deal with the risk.
5. **Probity and transparency** – conduct business in an honest and principled manner, demonstrating the highest levels of integrity consistent with public interest.

3. WHAT TO EXPECT FROM COUNCIL OFFICERS

Burwood Council will ensure that all its policies, corporate practices and procedures relating to tendering, contracting, and purchasing of goods and services and the use of consultants and contractors are consistent with best practice and the highest standards of ethical conduct.

Council Officers will ensure that procurement will be conducted with honesty and fairness, and that all prospective contractors and suppliers are afforded equal opportunity to tender/quote for goods and services.

Council's Code of Conduct binds Councillors and Council Officers. When doing business with the community or private sector, Councillors and Council Officers are accountable for their actions and are expected to:

- Use Council resources efficiently and effectively
- Act honestly and ethically when dealing with the community and others
- Avoid conflicts of interest, both real and perceived
- Comply with work, health and safety requirements

To achieve probity, Council will consider at all stages of the purchasing, tendering and contracting processes the following essential factors:

- Transparency of process
- Accountability
- Ethically managing potential conflicts of interest
- Obtaining best value
- Monitoring and evaluation of performance

Council's dealings will be open to public scrutiny, wherever possible. However, there will be times that confidentiality will need to be considered.

4. WHY ARE YOU REQUIRED TO COMPLY WITH THE STATEMENT?

All Council's suppliers of goods and services are required to comply with this statement, no provider will be disadvantaged in any way.

By aligning business practices with Council's ethical expectations, suppliers can expect to:

- compete for business in a fair manner
- prepare your business for dealing with the ethical requirements of other public sector agencies should you choose to do business with them

Contractors or consultants engaged by a public authority as 'public officials' are subject to Independent Commission Against Corruption (ICAC) jurisdiction and are considered to be public officials for the purposes of the *Independent Commission Against Corruption Act 1988* (ICAC Act 1988).

In addition, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or a public authority's honest or impartial exercise of their official functions.

You should also be aware of the consequences of not complying with Burwood Council's ethical requirements when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future opportunities with Council
- Damage to reputation
- Investigation for corruption
- Matters being referred for criminal investigation
- Loss of rights - such as loss of operating or trade licences or loss of development approval

5. WHAT WE ASK OF YOU

Burwood Council requests all suppliers of goods and services, consultants, contractors and anyone doing business with the Council to observe the following:

- Respect the obligations of Council Officers to act in accordance with this statement, Council policies, corporate practices, procedures and legislation
- Do not exert pressure on Councillors or Council Officers to act in ways that contravene Council's business ethics or Code of Conduct
- Do not offer Councillors and Council Officers inducements or incentives designed to improperly influence the conduct of their duties
- Act ethically, fairly and honestly in dealings with the Council
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- Provide accurate and reliable information
- Take all reasonable measures to prevent disclosure of confidential Burwood Council information
- Refrain from engaging in any form of collusive practice
- Assist Burwood Council to prevent unethical practices in our business relationships
- Comply with privacy legislation in relation to personal information obtained through dealings with Council or work undertaken for Council
- Comply with all on-site work, health and safety requirements
- Deliver quality and value for money
- Act without discrimination and on the basis of informed cultural understanding
- Commitment to not exert pressure on your staff to act in ways that contravene this statement

Contractors/consultants are to make any subcontractors they employ aware of this statement and the consequences of breaching it.

6. INCENTIVES – GIFTS AND BENEFITS

Gifts and Benefits – Acceptance of Gifts or Benefits Associated with Procurement is Prohibited

Both Councillors and Council Officers are prohibited to accept gifts, benefits, inducement or loyalty programs from contractors, consultants and suppliers. It is inappropriate to offer any inducement, hospitality, loyalty programs and or gifts/benefits to Councillors and Council Officers.

Companies, who provide any discounts on goods or services, must ensure that they are clearly identified on quotations and/or invoices.

Council requests that you inform your staff not to offer any gifts, benefits, inducements or loyalty programs to Councillors or Council Officers.

7. CONFLICT OF INTEREST

Conflicts or potential conflicts of interest must be disclosed by Councillors, Council Officers and our suppliers of goods and services where relevant to ensure their actions withstand public scrutiny.

Conflicts of interest exist when it is likely that a Councillor or Council Officer may be influenced, or perceived to be influenced, by a personal interest in carrying out their public duty.

There are two types of Conflict of Interest, namely Pecuniary and Non-Pecuniary.

A pecuniary interest is an interest that a person has in a matter where there is a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

Non-pecuniary interests do not have a financial component. They may arise from personal or family relationships or involvement in sporting, social or cultural activities. They include a tendency toward favour or prejudice resulting from friendship, animosity, or other personal involvement with another person or group.

Any conflict between your interest and those of Council must be reported to and resolved to the satisfaction of the Council. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.

Burwood Council has adopted a Conflict of Interest Policy for managing conflict of interests.

8. SPONSORSHIP AND RELATED PRACTICES

Council will not ask for, entertain or enter into any sponsorship or similar arrangement that is not open and transparent or if such sponsorship creates a perception that it could be part of an attempt to improperly influence any organisational decision-making process.

Burwood Council has adopted a Sponsorship Policy which establishes principles for sponsorship agreements between Burwood Council and other parties and includes guidelines for seeking sponsorship and for acting as a sponsor.

9. CONFIDENTIAL AND PERSONAL INFORMATION

The *Government Information (Public Access) Act 2009* (GIPA Act) and Regulation requires Councils to publish on their websites, and provide copies to the public, of a range of open access information, including a register of government contracts.

Under the GIPA Act, all government information is to be released unless there is an overriding public interest against disclosure. This public interest test is premised on a bias in favour of disclosing government information. One of the factors that Council can take into consideration against disclosure of a documents(s) is where there the documents(s) affects the business interests of agencies and other persons (including where disclosure would diminish the competitive commercial value of any information or prejudice any person's legitimate business, commercial, professional or financial interests).

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.

No one should access, use or remove from Council 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.

You must keep confidential any and all information, data or material of a technical or business nature or relating in any way to the operations, organisation, business, products, services, customers and personnel of the Council.

10. INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights will not be assumed and must be negotiated at the engagement stage. You may be asked to sign a Deed of Assignment of Copyright and Moral Rights Consent for any reports, documents, artwork and the like to Council.

11. ETHICAL COMMUNICATION

Providers of goods and services should ensure that communication is clear and direct to minimise the risk of perception of inappropriate influence on the business relationship.

Communication should where necessary and practical, be in writing.

12. SECONDARY EMPLOYMENT

Council Officers are required to obtain written approval from the General Manager to enter into any secondary employment. Secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between a Council Officer's public role and their private interest.

Burwood Council has adopted Secondary Employment Guidelines which establishes the framework for identifying conflicts of interest that may arise from employees engaging in employment or business outside Council, the mechanisms for notifying, prohibiting and reviewing these matters, and the appeals process to be used if an employee wishes a prohibition to be reviewed.

13. COUNCIL RESOURCES

The Council's resources should only be used for Council purposes and in the public interest. Councillors, Council Officers, suppliers, contractors and consultants doing business with Council are expected to be efficient, economical and ethical in their use and management of Council resources, including staff time.

14. REPORTING UNETHICAL BEHAVIOUR

If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Burwood Council's Internal Ombudsman on 9911 9993.

Please be aware that if you do approach Council's Internal Ombudsman with such a report, it is a requirement of ICAC that he/she must inform the General Manager immediately.

It should also be noted that once the General Manager is made aware of a possible breach as described above, that he/she reports this directly to the ICAC.

External reporting can also be made to:

- Independent Commission Against Corruption - 8281 5999
- NSW Ombudsman - 9286 1000
- NSW Division of Local Government - 4428 4100

Public Officials (Councillors and Council Officers) reporting corrupt conduct, maladministration or waste can be protected by the *Public Interest Disclosures Act 1994*. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated. Council has an adopted policy on *Public Interest Disclosures Act 1994* - Internal Reporting Policy to assist in making a disclosure.

15. COUNCIL POLICIES, CORPORATE PRACTICES AND PROCEDURES

All documents mentioned in this statement can be found on Council's website at www.burwood.nsw.gov.au