

MANLY COUNCIL

STATEMENT OF BUSINESS ETHICS



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This Statement of Business Ethics ('Statement') has been developed to assist Council to ensure that it, and the businesses with which it is associated, act in a transparent, ethical and accountable manner so as to enhance and protect our organisation's reputation, as well as safeguarding Council's culture of integrity and ethical conduct.

Council's reputation is built on trust and this influences how our community and business partners feel about our organisation and the services it provides. This reputation can be tarnished forever by the unethical actions of a few people or even just one person.

Acting with transparency and integrity is about more than our organisation's image and reputation or avoiding legal issues. Integrity is about '*doing what is right*', about maintaining an organisation in which we are all proud to work and with which we are proud to be associated. Ultimately, it's about each of us knowing that we have done the right thing in the right way.

This means, among other things, acting honestly, observing a high standard of probity, ethical behaviour and integrity, treating each other and our customers, partners, suppliers and our community fairly and with respect, and being transparent and open in our business processes.

The *Local Government Act 1993* (NSW) requires every council to adopt a Code of Conduct. The standards in this Statement are based on our Code of Conduct and our values.

Henry Wong
General Manager

OUR VALUES

Our corporate values go to the centre of who we are as an organisation. Council requires its employees and consultants to understand and support these values. We ask that suppliers doing business with us respect and acknowledge the way we conduct our business, ensure that they maintain a similar level of ethical behaviour in their dealings with Council, and work with us in promoting our values, which are as follows:

Communication	– we listen, share, respond, engage and collaborate
Leadership	– we lead by example
Accountability	– we work with integrity and take ownership for our actions and outcomes
Safety	– we work safe, think safe, and keep others safe
Sustainability	– we respect and protect our natural environment
Respect	– we treat others as we would like to be treated
One Team	– we work together to achieve a common goal
Work-Life Balance	– we protect and maintain the well-being, health and safety of our staff.

KEY BUSINESS PRINCIPLES:

This Statement outlines Council's expectations on how goods and service providers and contractors are to deal with Council and vice versa.

We aim to achieve:

- value for money – *note: this does not necessarily mean lowest price*
- fair, open and effective competition
- transparency.

GUIDELINES FOR DOING BUSINESS WITH COUNCIL

Council will ensure all its business relationships are ethical, fair and consistent. In particular, Council's business dealings will be transparent and open to public scrutiny at all times.

By complying with this Statement you will be able to advance your business objectives and interests with Council, fairly and ethically.

You should be aware of the consequences of not complying with this Statement. Demonstrated corrupt or unethical conduct could lead to:

- termination of contracts/dismissal
- loss of further opportunities
- loss of approvals
- loss of reputation
- investigation for corruption/criminal activity as well as punishment civil or criminal.

WHAT SHOULD YOU EXPECT FROM COUNCIL?

All members of staff, Councillors and delegates are bound by Council's Code of Conduct. They are accountable for their actions and are expected to:

- use Council resources efficiently and effectively
- encourage fair and transparent competition while seeking value for money
- ensure that all procurement activities and decisions are fully and clearly documented so as to provide an effective audit trail
- protect confidential and proprietary information
- deal fairly, ethically and honestly with all individuals and organisations so as to avoid any actual or perceived conflict of interest
- disclose any situation that involves or could be perceived to involve a conflict of interest
- not seek or accept financial or other benefits or personal gain for performing official duties
- treat all potential suppliers equality, impartiality, fairness and respect
- act honestly and ethically when dealing with the community, business partners (including potential partners) and others

- present the highest standards of professionalism, ethical behaviour and probity in all dealings with suppliers and the community
- be able to account for all decisions and provide feedback on these decisions
- not be involved in any activities such as performing work with suppliers, consultants or contractors
- not engage in the practice of so-called 'order splitting' or any similar practices with suppliers, contractors or consultants.
- Provide all suppliers and tenderers with the same information and equal opportunity.

WHAT DOES COUNCIL EXPECT FROM YOU?

We require anyone 'doing business with Council' (including all applicants, suppliers of goods and services, political lobbyists, consultants, contractors, and their sub-contractors, owners and applicants) to:

- deliver value for money
- comply with Council's procurement policy and guidelines
- act ethically, fairly and honestly in all dealing with the Council
- declare any actual or perceived conflicts of interests as soon as you become aware of the conflict
- take all reasonable measures to prevent disclosure of confidential Council information or proprietary information
- provide accurate and reliable advice and information when required
- comply with the law
- equipment or resources supplied by the Council must be used for the agreed official purpose only
- refrain from engaging in any form of collusive practice, including offering Council officials inducements, incentives or gifts or benefits designed to improperly influence the conduct of their duties or gain (or perceived to gain) preferential treatment
- respect Council's intellectual property rights and formally negotiate any access, licence or other use of those rights
- refrain from discussing Council business or information in the media without Council's consent
- assist Council in providing a safe and healthy working environment.

- assist Council to prevent unethical practices in our business relationships by complying with this Statement. Note: If you employ sub-contractors in your work with Council you must make them aware of this Statement
- if you have provided a political donation, to disclose that donation where required so to do (cf s147, *Environmental Planning and Assessment Act 1979* (NSW)).

GUIDANCE NOTES

Incentives, gifts and benefits:

Council's employees and Councillors do not expect to receive incentives, gifts, or benefits (including hospitality) as a consequence of business relationships with providers of goods or services. Providers of goods and services are required to refrain from offering any such incentives, gifts, or benefits to Council employees or Councillors unless desirable to enhance cultural exchanges such as sister city arrangements.

Council's Code of Conduct outlines the type of gifts and benefits that may be received by Councillors and Council employees. Please consult the proposed recipient or Council's Code of Conduct to confirm whether the recipient may accept an incentive, gift or benefit.

Gifts of cash or cash-like gifts should not, in any circumstances, be offered to a Council employees or Councillor.

Note: *If a gift or benefit (especially cash or a cash-like gift) is offered to a Council official to influence the way they do their work, they must report it immediately.*

Conflict of interest:

All Council employees and Councillors are required to disclose any actual or perceived conflict of interest, whether pecuniary or non-pecuniary. Council extends this requirement to all Council business partners, contractors and suppliers.

When working for Council you are required to act in Council's interest. A conflict of interest would exist if you have a personal interest, or your relative, company, employer or another person you know has an interest that could reasonably be expected to influence the way you carry out your duties for Council. In determining whether or not you have a conflict of interest you must consider public perception.

In any conflict situation you are expected to place Council's interests ahead of your own and, where there is any doubt, to always err on the side of caution.

If at any time during your engagement with Council a conflict of interest exists or arises, you must disclose the nature of the conflict, as well as the nature of your interest, to the person with whom you are working or who is managing your contract or to Council's Office of Corporate Governance.

Confidentiality and personal information:

All Council information must be treated as confidential unless otherwise indicated.

Commercial-in-confidence or proprietary information contained within tenders, quotations, expressions of interest, proposals, heads of agreements, contracts and the like should never be given to those with a competing interest or to unauthorised persons.

You must take care to maintain the security of any confidential or personal information you become aware of in your work with or for Council.

You must abide by the privacy legislation governing, among other things, the collection, holding, use, correction, disclosure and transfer of personal information obtained through your dealings with Council.

No one is permitted to access, use or remove (from Council premises) any Council information, or any personal information pertaining to any other person, unless they need that information for their work with or for Council and have the necessary authorisation to do so.

Communication between parties:

All communication should be clear, direct and accountable so as to minimise the risk of the perception of inappropriate influence being brought to bear on the business relationship. Any canvassing of Council staff or Councillors during a tender process will disqualify the bid from further consideration. Contact with Councillors whilst performing work with or for Council is prohibited unless expressly authorised by the Council.

Contracting and subcontracting employees:

All contracted and subcontracted employees are expected to comply with this Statement. As previously stated, if you engage subcontractors in your work with or for Council, you must make them aware of this Statement.

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 other use of intellectual property.

Alcohol and drugs:

No one should come to work for the Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their work with or for Council or cause danger to the safety of themselves or others.

Offers of employment to Council staff:

You must not offer a Council employee private or secondary employment which conflicts or may conflict with their duties at Council. All private or secondary employment must be approved by the General Manager and approval will not be given if, in the opinion of the General Manager, the employment conflicts or is likely to conflict with the employee's official duties with Council.

Former Council employees:

Council employees, as public officials, must not breach public trust, must at all times act honestly, fairly and impartially, and must not use commercially sensitive information with a view to facilitating future employment opportunities in either the public or the private sector. In addition, it is not permissible to use or otherwise take advantage of any relationships with current employees so as to seek or appear to seek favourable treatment or access to confidential or proprietary information.

Under the *Local Government Act 1993* (NSW), some staff leaving Council's employ must have resigned for at least 12 months prior to negotiating or conducting any business with Council on behalf of a new employer.

Is behaviour ethical or not?

There is no absolute definition of 'ethical behaviour'. If there is any doubt about the ethics of a proposed action, a sensible and practical test is whether or not you would be happy to see your behaviour published in the local newspaper. (Note. This assumes that the behaviour in question is otherwise lawful in all respects.)

For information on who to contact if you are concerned about a breach of the law or any unethical conduct that has or may have taken place refer to the contacts section within this Statement.

Reporting Corruption Maladministration and Wastage:

Council will not tolerate unethical conduct or fraud. Council encourages its Councillors, staff, and the business community to report all such matters.

When working with or for Council in a paid, unpaid, or contracted capacity, you are considered to be a 'public official' for the purposes of the *Independent Commission Against Corruption Act 1988* (NSW) and you are therefore subject to the ICAC's jurisdiction.

'Corrupt conduct' occurs when, among other things, a public official carries out public duties dishonestly or partially and the conduct in question could constitute either a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of the public official.

'Maladministration' (sometimes referred to as conduct which is otherwise 'wrong conduct') is conduct that involves action or inaction of a serious nature that is either contrary to law, or is unreasonable, unjust, oppressive or improperly discriminatory, or is based wholly or partly on improper motives.

When doing work with or for Council you have a responsibility to report any suspected instance of corruption, maladministration, or serious and substantial waste, information on contacts refer to the contacts section within this Statement.

Alternatively, you can report any suspected instance of corruption to the ICAC, maladministration to the Ombudsman, and serious and substantial waste to the Division of Local Government, Department of Premier and Cabinet.

There are a number of forms of protection available to any person who reports any of the above mentioned wrong practices in the appropriate manner. Reports must, however, be honest and reasonable. Council will deal with reports in a prompt, professional, and confidential manner. Council's 'Internal Reporting Policy' applies to all such reports.

Breaches of the Code:

Failure to comply with this Statement may cause penalty clauses in a contract with Council to be invoked and/or civil or criminal proceedings to be brought or other action considered appropriate by Council to be instituted.

Council's Commitment:

The standards and principles outlined in this Statement reflect the high standards expected by our local community. You are also expected to maintain these standards and principles when undertaking work with, for, or on behalf of Council. If you have any questions, or are unsure about any matter relating to this Statement refer to the contacts section for contact numbers.

Contact Details:

Staff, Councillors of Council, those in the employ of a tenderer, supplier, consultant or contract, can use the contacts listed below to discuss a breach of the law, or any unethical conduct that may or may not have taken place, suspected instances of corruptions, maladministration or serious and substantial waste or for more information or questions, contact:

Council's Disclosures Coordinator

02 9976 1603 or 02 9976 1521

Council's Public Officer

02 9976 1603

Council's Office of Corporate Governance

02 9976 1521

Council's General Manager

02 9976 1501

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