

Business Ethics Policy

Contents

1. Scope
 2. Purpose
 3. Policy – Business Ethics Principles
 4. Associated documents
 5. Definitions
-

1. Scope

This Business Ethics Policy provides guidance to all sectors of the community when conducting business with City of Parramatta Council (Council) and explains the mutual obligations and role of all parties. Business may include the supply of goods and services, use of contractors and consultants, assessment of development applications and other general dealings.

2. Purpose

The purpose of this Business Ethics Policy is to ensure all sectors of the community who conduct business with Council maintain the highest ethical business standards.

Council officials (Councillors, Administrators, members of staff of Council, Council Committee Members, Conduct Reviewers, Delegates of Council and volunteers) are required to comply with Council's Code of Conduct, policy, procedures and relevant legislation governing ethical behaviour. The same standard is expected of all individuals and organisations that deal with Council to reduce the risk of inappropriate business activities and actual, potential or perceived conflicts of interest occurring.

This Policy supports and complements Council's Code of Conduct Framework, of which Council's Code of Conduct is a central component. The mechanisms in both this Policy and the Code of Conduct aim to protect Council's financial position, integrity and reputation of Council, and ensure that decision-making is made in a fair and ethical manner.

Business Ethics Policy		
Owner: Governance Manager	Area: Corporate Services	POL No: 313
Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years



3. Policy – Business Ethics Principles

Council has adopted a set of Corporate Values to guide the conduct of Council officials and provide a foundation in its approach to delivering services to the community.

3.1 Corporate Values

Customer Focus

We communicate openly with our customers, are responsive to their needs and create new relationships as our city grows

Innovation

We build on our strengths, champion creative solutions and seek new and sustainable ways to deliver superior outcomes

Integrity

We deliver on promises, act ethically, take responsibility for our actions, and speak up respectively. Integrity is the foundation on what everything is based.

Teamwork

We support the role of leadership, collaborate within and across our teams, build effective partnerships with colleagues and our community to achieve our goals

3.2 Key Business Principles

Council is committed to ethical business practices based on Council's Corporate Values and Code of Conduct. As part of this commitment, Council will ensure:

- Business dealings will be ethical and transparent and open to public scrutiny whenever possible.
- All Council decisions and considerations will be based on merit and made in a fair and impartial manner.
- potential conflicts of interest are managed ethically.

3.3 What You Can Expect From Council

Council will ensure that all its policies, procedures and practices relating to tendering, procurement, contracting, purchasing of goods or services, assessment of development applications, use of consultants and/or contractors, and engagement of strategic partners

Business Ethics Policy		
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and sponsors are all consistent with best practice and the highest standards of ethical conduct.

Council officials are bound by Council's Code of Conduct and the policies contained within the Code of Conduct Framework.

The Code of Conduct Framework outlines that Council must act with fairness, transparency, have an accountability to the community, act with consistency and integrity in all its interactions with the community.

When conducting business with all sectors of the community, Council officials are accountable for their actions and are expected to exercise:

- Integrity
- Leadership
- Selflessness
- Impartiality
- Accountability
- Openness
- Honesty
- Respect.

To achieve probity, Council will consider and adhere to the following principles at all stages of the purchasing, tendering, contracting, partnership, sponsorship and development application processes:

- Clarity, transparency and consistency of process;
- Equity of access;
- Accountability
- Declared all actual and perceived conflicts of interest and ensure they are promptly and transparently managed;
- Obtaining best value for money for the community;
- Effectively and efficiently monitoring and evaluating performance for the benefit of the community receiving services and for feedback opportunities for the service provider;
- Seeking effective environmental and social outcomes.

All approvals, decisions and procurement activities will be clearly documented to enable transparent and effective governance across the organisation. Council will assess all applications objectively, considering all relevant and material factors in determining a decision on matters that come before the Council.

Business Ethics Policy		
Owner: Governance Manager	Area: Corporate Services	POL No: 313
Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years



Whilst Council's dealings will be transparent, accountable and open to public scrutiny wherever possible, there may be times when confidentiality will be required by Council. Similarly, Council will effectively manage intellectual property appropriately.

3.4 What Is Expected From You

We require all suppliers of goods and services, applicants, consultants, contactors, owners and applicants of development applications and all stakeholders undertaking business with Council to observe the following principles:

- Act ethically and honestly in all dealings with Council.
- Declare actual or perceived conflicts of interests as soon as you become aware of the conflict.
- Respect the obligations of Council Officials to abide with Council's Code of Conduct.
- Be aware and comply with legislation, Council's policies and procedures as they pertain to the business before Council, and the conditions set out in documents supplied by Council.
- Understand and comply with Council's procurement policies and procedures.
- Provide accurate, concise and reliable advice and information when required.
- Prevent the disclosure of confidential Council information.
- Refrain from engaging in any form of collusive practice including offering, Council Officials and delegates inducements or incentives, including gifts and benefits, designed to improperly influence the conduct of their business.
- Refrain from any action or contact that may be considered an attempt to influence a decision of Council Officials.
- Assist Council to prevent unethical practices in our business relationships.
- Maintain records of all dealings with Council.
- Refrain from discussing Council business or information in the media.

3.5 Consequences of Non-Compliance to this Policy

All stakeholders must comply with this Business Ethics Policy. Stakeholders should be aware of the consequences of not complying with Council's ethical requirements when doing business with Council and may include:

- Investigation, including referral of matters to relevant authorities (ICAC) and for criminal investigation (Police) where appropriate;
- Damage to reputation;
- Loss of future work or approval; and

Business Ethics Policy		
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Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years



- Immediate termination of contract or order, at any stage.

Council officials who do not comply with this Policy will also be considered in breach of Council's Code of Conduct and subject to relevant disciplinary action.

3.6 Gifts and Benefits

Gifts, benefits or hospitality must not be received or given in connection with any prospective business dealings. Council Officials are not permitted to ask for any reward or incentive from external parties, and are expected to decline such offers of gifts and benefits during the course of their work.

Council Officials who are involved in exercising regulatory and procurement processes, are prohibited under any circumstances to accept gifts, hospitality and benefits of any kind (including lunches), where the staff are dealing with persons seeking a decision from Council, or who have sought a decision from Council within the previous 12 months.

In accordance with Council's *Gifts and Benefits Policy*, any offer or acceptance of a gift by Councillors or staff must be disclosed and recorded in Council's Gifts and Benefits Register.

3.7 Conflicts of interest

Council Officials are required to disclose, in writing, any actual, perceived or potential conflicts of interest, as well as provide Council with any other related disclosures that may be required. Council extends this requirement to any applicants, business partners, contractors and suppliers.

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

Conflicts of interest that lead to partial or biased decision making may constitute corrupt conduct and for Council officials, will be dealt with under Council's Code of Conduct.

Business Ethics Policy

Owner: Governance Manager	Area: Corporate Services	POL No: 313
Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years



3.8 Privacy and Confidentiality

Council has an obligation to protect the information collected about our customers and the community.

Council expects that customers will treat all information appropriately and all information collected must be used for the purpose it was provided.

Any confidential information should be treated as such and should not be revealed to persons other than those with a genuine need and authority. Suppliers handling private information on behalf of Council are expected to adhere to Council's Privacy Management Plan.

The *Government Information (Public Access) Act 2009* provides mechanisms for the public to gain access to Council's information, except in certain circumstances.

3.9 Intellectual Property

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

Transfer of intellectual property will be addressed via contractual agreement.

3.10 Legislative and Policy Requirements

All legislative and policy requirements must be adhered to by staff, delegates, business associates and suppliers involved in the contracting or tendering for services or supplies, or other business relationships.

3.11 Development applications

In its formal role in determining a development application Council has to consider the matters prescribed in legislation in a way that is open and transparent and is seen to be fair to all parties involved.

Business Ethics Policy

Owner: Governance Manager	Area: Corporate Services	POL No: 313
Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
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Council Officials are to ensure that no action, statement or communication with applicants, proponents or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

Council Officials should not be expected to offer support or otherwise for any party associated with the development application process. Council Officials involved in development applications will treat all aspects of the development application process in a professional and ethical manner.

Specific provisions of Council's *Code of Conduct* also refers to the consideration of development applications.

3.12 Council Resources

Council resources should only be used for Council purposes and in the public interest. Council Officials and customers doing business with Council are expected to be efficient, economical and ethical in their use and management of Council resources, including staff time.

3.13 Secondary or future employment of Council Officials

Council Officials have a duty to maintain public trust and confidence, and not to disclose confidential information obtained during the course of their employment, or use this information to facilitate future employment opportunities. Council Officials are required to obtain written approval from Council before entering any secondary employment arrangements. Senior staff are required to sign non-disclosure agreements when exiting employment from Council.

3.14 Contractors and subcontractors

All contracted and sub-contracted employees are expected to comply with this Policy. It is the responsibility of contractors to ensure sub-contractors they engage are aware of this Policy as they are equally bound by it.

Business Ethics Policy		
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3.15 Reporting unethical behaviour (Public Interest Disclosure Policy)

Council is committed to promoting ethical behaviour. Reports of unethical behaviour, including fraud, corruption, maladministration or serious or substantial waste can be made to Council's:

- Public Interest Disclosures Coordinator (Internal Ombudsman) – (02) 8757 9044
- the Chief Executive Officer – (02) 9806 8110
- Council's Disclosures Officer – Level 2 or Level 3 Managers.

Reports of unethical or corrupt behaviour can also be made to:

- Independent Commission Against Corruption (ICAC) – 1800 463 909
- NSW Ombudsman – (02) 9286 1000
- Office of Local Government – (02) 4428 4100
- NSW Audit Office – (02) 9275 7100

Public officials reporting corrupt conduct, maladministration or waste can be protected by the Protected Disclosures Act 1994. This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly dealt with.

3.16 Lobbying

Lobbying is a normal, and in some circumstances an acceptable, part of the democratic process. However, lobbying that is not fair and undermines public confidence in impartial decision making falls outside the bounds of appropriate and lawful behavior.

The lobbying of Councillors and staff in certain situations is not permissible. These situations may include, but are not limited to: tender processes, engagement of services, development applications under assessment or a matter subject to legal action.

3.17 Attempts to influence Council decisions

Any action or contact that may be considered or perceived to be an attempt to influence a decision of Councillors or staff will constitute a breach of this Policy.

Any such attempt during a tender process will immediately disqualify the relevant tenderer or service provider. Councils tender documentation will contain statements prohibiting

Business Ethics Policy		
Owner: Governance Manager	Area: Corporate Services	POL No: 313
Date of Commencement: 13 May 2019	Approval Authority: Council	Date Approved: 15 June 2021
Amendment: 4	Date of Next Review: 2024	Review period: Every 4 years



proponents from approaching Councillors and Council Staff not nominated as contact people during a tender process.

3.18 Use of Council equipment and resources and information

All Council equipment and resources should only be used for its proper official purpose. Equipment remains the property of Council at all times.

3.19 Communication

All communication between parties should be made in writing, in a clear and concise manner to minimize the risk of perception of inappropriate influence. All communications should be through the approved channels.

3.20 Workplace Health and Safety

Workplace health and safety is of paramount importance to Council. It is expected that all parties who do business with Council comply with legislative and procedural safety requirements.

3.21 Political Donations

The law requires that persons with a financial interest in, or who have made a submission in relation to a Development Application or a planning instrument, disclose certain information about political donations and other gifts that have been made to a Councillor or Council employees within the previous two years of the application or submission.

3.22 Sponsorships

All offers of sponsorship will be undertaken in accordance with Council's adopted Sponsorship and Donations Policy.

3.23 Cold Calling

Council officials will not

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Owner: Governance Manager	Area: Corporate Services	POL No: 313
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3.24 Who to contact

If you have any questions regarding this Business Ethics Policy, including how it applies to you, please contact Council's Public Officer (Ian Woodward – (02) 9806 5474) or the Chief Executive Officer.

4. Associated documents

Policy 005: Secondary Employment
Policy 334: Gifts and Benefits
Policy 218: Code of Conduct
Policy 219: Code of Meeting Practice
Policy 228: Public Interests Disclosure
Policy 333: DA and S94 Contributions
Policy 318: Fraud and Corruption
Privacy Management Plan
Code of Conduct

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