

BUSINESS ETHICS STATEMENT

Penrith City Council works with private, public and non-profit sectors to provide a range of services to the community. Accordingly, organisations, service providers, small businesses and individuals can expect high standards of ethical behaviour from Councillors and employees, likewise we expect high standards of behaviour from all firms and individuals that do business with us. We are committed to conducting business in a sound commercial, appropriate and ethical manner.

This statement outlines ethical standards and expectations that goods and services providers, contractors and applicants (for Development Applications) are to comply with when they deal with Council.

It also outlines what can be expected of Council Employees, Councillors and Delegates of Council (a person, other than a councillor or member of staff of a council, to whom a function of the council is delegated) and the need for them to observe a high standard of ethical behaviour standards and procedures. These ethical standards are an integral part of sound commercial practice and ensure that the community has confidence and trust in the integrity of Penrith City Council.

If concerns arise that Council is not meeting the standards contained in this document, representations can be made to Council's Chief Governance Officer or to the General Manager.

COUNCIL VALUES

Council has adopted values to guide our behaviour in the workplace and how we relate to our work colleagues, our customers, our communities, and our stakeholders, as follows:

- **Respect** – being responsive to others' experiences, perspectives, values and beliefs, listening, being open and working to understand the perspective
- **Accountability** – by behaving in an honest, ethical and professional way, identifying and following legislation, rules, policies, and codes of conduct, speaking out against misconduct, illegal and inappropriate behaviour, by working and leading by example.
- **Innovation** – by being open to new ideas and change, offering our opinions and making suggestions, adapting to new situations and not giving up easily

WHAT ARE OUR KEY BUSINESS PRINCIPLES?

Our business dealings will be transparent and open to public scrutiny wherever possible. We are committed to the purchasing of all goods and services through transparent processes that are both efficient and effective.

We will ensure that Council's policies, procedures and practices relating to tendering, contracting, purchasing of goods or services, assessment of development applications, use of consultants and/or contractors, are all consistent with best practice, the highest standards of ethical conduct and comply with relevant legislation.

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 that comes before council.

Council seeks to purchase goods, equipment and services so that it achieves the best value for money. However, our decision making takes into consideration many things including upfront costs, ongoing costs, suitability, quality, reliability, availability, experience, good corporate values, reputation, safety, legal compliance, local content and environmental sustainability. Best value for money does not automatically mean the lowest price. Council is required to balance all these relevant factors including in determining true value for money.

WHAT CAN YOU EXPECT OF COUNCIL?

Councillors, employees and delegates are bound by the Council's Code of Conduct and the documents contained within the Code of Conduct Framework. We will:

- Use public resources effectively and efficiently.
- Deal fairly, honestly and ethically with all individuals and organisations.
- Avoid or manage any conflict of interest (whether actual or perceived). Treat potential suppliers impartially and fairly. Ensure that equal access to information is given.
- Abide by all relevant and applicable laws and regulations
- Never solicit or accept remuneration, gifts or other benefits from a supplier or applicant for the discharge of official duties;
- Properly document Council business processes.
- Have regard to sustainable practices.
- Not involve potential suppliers in tender processes or quotation processes where Council has no intention or capacity to contract with a supplier.
- Be open and transparent in its tendering and purchasing processes
- Properly deal with information supplied to it, by not disclosing confidential or proprietary information
- Act in a manner which enhances public confidence and integrity of local government

WHAT DO WE ASK OF YOU?

We expect and require suppliers to Council, applicants, consultants, contractors, owners, applicants of Development Applications and anyone doing business with Council to observe the following:

- Secure access to and comply with Council's procurement policies and procedures
- Act ethically and honestly
- Declare actual or perceived conflicts of interest as soon as you become aware of them (for more information on conflict of interest, please see the Council's Code of Conduct)
- Respect the obligations of Councillors and employees to abide with Council's Code of Conduct
- Comply with Council's procurement policy and any relevant documents or procedures (if possible).
- Provide accurate and reliable information.

- Take all reasonable measures to prevent the disclosure of confidential Council information.
- Comply with Council's Privacy Management Plan and the relevant Privacy legislation.
- Refrain from discussing Council business or information with the media
- Comply with all relevant laws and contractual obligations
- Provide and protect the safety of employees and others in the work environment and public arena, including providing a workplace free from bullying and harassment
- Respect the environment, comply with environmental laws and have sustainable practices
- Communicate clearly and respond promptly to questions resolving any issues quickly
- Not act in a way that is a collusive practice
- Refrain from offering employees, councillors and delegates inducements or incentives, including gifts and benefits, designed to improperly influence the conduct of their business.
- Assist Council to prevent unethical practice in Council relationships.

It is incumbent upon all private sector providers of goods and services to Council to declare to Council (at the earliest opportunity) that they:

- Have not been convicted of fraud or a fraud-related offence, or, where the provider is a company, the directors have not been convicted of fraud or a fraud related offence;
- Have not been declared bankrupt, and are not a director of a company that has entered into a Deed of Company Arrangement, been placed in External Administration or into liquidation, or, where the provider is a company, the directors have not been declared bankrupt and are not a director of a company that has entered into a Deed of Company Arrangement, been placed into External Administration or into Liquidation; and
- Have not had any corrupt findings recorded against them, or been identified as a person of interest, by the Independent Commission Against Corruption (ICAC)

This is a self-declaratory mechanism. The responsibility for such declarations at all times lies with the goods and service provider, consultant or contractor.

GIFTS, BENEFITS AND HOSPITALITY

Customers doing business with Council must not provide gifts and benefits to Councillors, Council Employees or Delegates, in line with the Council's Code of Conduct. All gifts or offers of gifts, benefits and hospitality must be declared by Councillors, Delegates and Employees.

Council has previously run campaigns and will continue to do so advising members of the public that Penrith City Council believes that the simple act of saying 'thank you' is enough.

CONFLICTS OF INTEREST

Councillors and employees are required to declare Conflicts, or potential conflicts of interest. It is also expected that persons we do business with also declare any Conflicts or potential conflicts of interest they may have or declare any that they may be aware of in any process.

Conflicts of interest that lead to biased decision making may constitute corrupt conduct. Perceptions of a conflict of interest can be as important as actual conflicts.

SPONSORSHIP

Council Employees, Councillors and Delegates should not seek or receive a personal benefit or be perceived to receive a personal benefit from a sponsorship arrangement. In addition to this, Council will not seek, accept or provide sponsorship to an organisation if the sponsorship arrangement could compromise, or be seen to compromise, Council's ability to exercise its regulatory or planning functions or should the activities of any such organisations conflict with the values of Council.

SECONDARY EMPLOYMENT

You must not offer employment to Council officials who are directly related to activities you are engaging in with Council as it may be publicly seen as obtaining an unfair advantage or trying to unduly influence Council in carrying out our public duty.

If you have a Council Employee working for you in a secondary capacity, you should disclose this to the appropriate council official as soon as you become aware.

Council employees are obligated to gain approval before partaking in secondary employment under the Council's Code of Conduct.

USE OF COUNCIL EQUIPMENT, RESOURCES AND INFORMATION

All equipment, resources and information supplied by Council should only be used for its proper official purpose.

INTELLECTUAL PROPERTY

In business relationships with Council, all parties will respect each other's property rights and will formally negotiate access, license and use of intellectual property. Transfer of intellectual property will be addressed via contractual agreement.

CONFIDENTIALITY

Council has an obligation to protect the information collected about our customers and the community, in line with relevant legislation. Council expects that suppliers 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 and relevant legislation. Suppliers must notify Council if there has been a breach of data security.

The information could be in various formats and the Government Information (Public Access) Act 2009 provides mechanisms for the public to gain access to Council's information, except in certain circumstances, as provided by the relevant legislation.

COMMUNICATION BETWEEN PARTIES

All communication should be clear, direct and accountable (written confirmation) in order to minimise the risk or perception of inappropriate influence being brought to bear on the business relationship.

DISCRIMINATION AND HARASSMENT

Council and suppliers shall not discriminate against anyone on the grounds of, but is not limited to sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, sexual orientation, transgender grounds, or if a person has an infectious disease.

APPLICATIONS

Councillors' and Employees must deal with any application in a professional and ethical manner.

WHY IS COMPLIANCE IMPORTANT?

By complying with this statement you will be able to advance your business objectives and interests in a fair and ethical manner.

You should also be aware of the consequences of not complying with the requirements of this document when doing business with Council. Demonstrated corruption or unethical behaviour could lead to termination of contracts, loss of future work, loss of reputation, investigation of corruption and matters being referred for criminal investigation.

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

REPORTING UNETHICAL BEHAVIOUR

Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's governance unit on 4732 7649.

Reporters of corrupt conduct, waste and maladministration can seek the protection of the Public Interest Disclosures Act 1994. This Act and Council's policy under this Act protects persons who are disclosing corrupt conduct (in accordance with the Act) from reprisal or detrimental action and ensures disclosures are properly investigated, and confidentiality is maintained.

You can also report suspected wrongdoing or breaches of this statement to independent agencies such as:

- Independent Commission Against Corruption (ICAC)
- NSW Ombudsman
- Office of Local Government (OLG)

REVIEW

This statement will be subject to review every 4 years or as required.

Document Control

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