



BUSINESS ETHICS STATEMENT

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INTRODUCTION

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 the 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 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 the Council is not meeting the standards contained in this document, representations can be made to the 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 good governance 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, exercise due care and diligence
- 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 relevant documents 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
- Provide accurate and reliable information

- Take all reasonable measures to prevent the disclosure of confidential Council information
- Comply with the 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 in place
- Communicate clearly and respond promptly to questions resolving any issues
- Not act in a way that is a collusive practice
- Refrain from offering employees, Councillors and delegates inducements or incentives, including gifts and benefits, intended 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

In general, Councillors and Council employees must not seek gifts or benefits of any kind as prescribed under the Code of Conduct. Customers doing business with the Council must not offer gifts and benefits to Councillors, Council Employees or Delegates, in line with the Council's Code of Conduct.

Council employees involved in procurement, tendering or sales activities for the Council are not permitted to accept any gift or benefit from a current or potential supplier or buyer. 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 pecuniary and non-pecuniary interests and conflicts of interest, whether they are actual, perceives, or potential conflicts of interest. It is also expected that persons we do business with also declare any 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 the 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 obtain approval before engaging in secondary employment under the Council's Code of Conduct.

USE OF COUNCIL EQUIPMENT, RESOURCES, AND INFORMATION

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

INTELLECTUAL PROPERTY

In business relationships with the 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 use only 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 the 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.

MODERN SLAVERY

Council recognises its responsibilities prescribed under the Modern Slavery Act 2018 and the Modern Slavery Amendment Bill 2021 to provide information on identifying, managing, and reporting on modern slavery issues with suppliers and supply chains.

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 the Council. Demonstrated corruption or unethical behaviour could lead to termination of contracts, loss of future work, damage to reputation, investigation of corruption, matters being referred for criminal investigation, and criminal prosecution.

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.

REPORTING UNETHICAL BEHAVIOUR

Reports of unethical behaviour, fraud, corruption, maladministration or waste of public money can be made to the Council's Governance unit on 4732 7777.

Reporters of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention, or local government pecuniary interest contravention 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
- Information and Privacy Commission NSW
- NSW Auditor General
- Office of Local Government (OLG)

REVIEW

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

RELATED LEGISLATION AND POLICIES

- Local Government Act 1993
- Public Interest Disclosure Act 1994
- Privacy and Personal Information Protection Act 1998
- Modern Slavery Act 2018 No 30
- Modern Slavery Amendment Act 2021 No 39
- Government Information (Public Access) Act 2009

- Child Safe Policy
- Model Code of Conduct and Procedure
- Public Interest Disclosures Internal Reporting Policy
- Fraud and Corruption Prevention Policy
- Procurement Standards Tender Plan

Document Control

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