

CORPORATE SERVICES

Statement of Business Ethics

03 June 2019

Contents

Message from the General Manager	3
1. Randwick City Council's business principles	3
2. What to expect from Randwick City Council staff	3
3. Expectations of contractors and private sector partners	4
4. Incentives, gifts, benefits, hospitality, meals, travel and accommodation	4
5. Why should the private sector comply with this statement?	4
6. Conflict of interest	5
7. Sponsorship and related practices	5
8. Confidentiality and intellectual property right	5
9. Public Comment	6
10. Ethical communication	6
11. Modern Slavery	6
12. Secondary employment and post-separation employment	6
13. Who to contact about this statement	6

Message from the General Manager

The purpose of this Statement of Business Ethics is to raise private sector awareness of public sector values. It is critical that Council and its private sector contractors, suppliers, consultants, tenderers or business partners have mutual expectations of the relationship. This 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 a statement of Council's values and systems of accountability.

Ray Brownlee
General Manager

1. Randwick City Council's business principles

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

Randwick City Council's business principles are as follows:

- All procurement is conducted on the basis of value for money
- All business relationships with external parties will be transparent
- Procurement and appointment decisions will be based on merit and will be impartial and will not take extraneous issues into account
- Council procurement decision making processes will be open (where practicable) and accountable.

Value for money means an estimate of the worth or desirability of the goods or services offered. This can include such factors as initial cost, whole of life cost, quality, the extent to which the goods or services meet the specified requirements and also social and environmental responsibilities.

Transparency means visible and verifiable confirmation of the integrity of the purchasing process and compliance with relevant legislation and adopted Council procedures.

Impartiality means the purchasing process must be undertaken in a fair, objective, consistent and business-like manner, leading to improved performance and cost effective methods of doing business for Council. It does not mean pleasing everyone. We strive to be impartial by ensuring that our processes are appropriate.

2. What to expect from Randwick City Council staff

Randwick City Council staff must, at all times, comply with the Council's adopted Code of Conduct for staff, which includes adhering to the following staff values:

- I – Integrity
- C – Customer focus
- A – Accountability
- R – Respect
- E – Excellence.



In addition, staff are required to comply with Council's purchasing and tendering policies and procedures and any relevant legislation. Staff are, at all times, expected to act in the public interest and with due care and diligence.

3. Expectations of contractors and private sector partners

Private sector partners, contractors, consultants, suppliers and tenderers are expected to:

- Respect the obligations of Council staff to act in accordance with this statement, Council policies and legislation
- Not exert pressure on Council staff or Councillors to act in ways that contravene Council's business ethics or Code of Conduct
- Not offer Council staff or Councillors inducements or incentives, such as money, gifts, benefits, entertainment etc.

Randwick City Council expects all contractors to act in accordance with this statement and related policies and guidelines (as referred to in the statement) at all times. Contractors are expected to maintain the highest standard of ethics and accountability in their dealings with Council.

Contractors are also expected to make any sub-contractors they employ aware of this statement and the consequences of breaching it.

4. Incentives, gifts, benefits, hospitality, meals, travel and accommodation

Randwick City Council has guidelines with respect to gifts and benefits. All public officials are required to comply with these guidelines at all times. There is no need or place for incentives when dealing with Randwick City Council.

Gifts must not be given (or offered) in connection with any prospective business dealings and public officials are not permitted to ask for any reward or incentive for doing their job.

5. Why should the private sector comply with this statement?

Compliance with this statement will provide the opportunity to bid for Council work on a level playing field.

It should be noted that the ICAC Act defines those engaged as consultants or contractors by a public authority as 'public officials'.

Non-compliance with the principles of business ethics outlined in this statement could result in the following consequences: investigation; possible loss of work; damage to reputation; termination of contracts etc.

Consequences for Council staff could include: investigation, disciplinary action; dismissal; or potential criminal charges.

6. Conflict of interest

Randwick City Council's Code of Conduct for staff addresses the management of conflicts of interest.

A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced, by a personal interest when carrying out your public duty.

Any conflict between your interests 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.

7. Sponsorship and related practices

Randwick City Council has adopted sponsorship guidelines which all public officials should make themselves aware of prior to entering into any sponsorship arrangements with Council.

8. Confidentiality and intellectual property right

Suppliers, contractors or consultants shall keep confidential the terms of any contract with Council and shall only expose the details as required by any law and to those of its employees, agent etc, as necessary to enable the supplier, contractor or consultant to perform the contract or agreement.

Before disclosing any information acquired through your dealing with the Council, you should seek the advice of the council as to whether it considers any confidentiality clauses or copyright provisions apply.

The Government Information (Public Access) Act and Regulation requires local 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. See Council's website for the type of information required to be included in the 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 document(s) is whether the document(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.

Government information also extends to that held by private sector contractors. In entering into a service contract, Randwick City Council must have an immediate right to access to information;

- Relating to the performance of services under the contract;
- Collected by the contractor from members of the public; and
- Received by the contractor from the agency to facilitate the provision of services.

Suppliers, contractor or consultants would normally grant to the Council a perpetual non-exclusive licence in respect of intellectual property in the goods and services supplied to Council to the extent reasonable necessary to use the goods and services for their intended purpose and ancillary and related services. Intellectual property rights will not be assumed and must be negotiated before being recognised.

9. Public Comment

Private sector partners, contractors, consultants, suppliers and tenderers must not make any public comment or statement that would lead anyone to believe that you are expressing the views or policies of Council.

This includes comments or statements made at public meetings or events, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

10. Ethical communication

As a general principle, communication should be clear, direct and accountable. Private sector suppliers, contractors and consultants have an obligation to ensure that their communication with Council and its staff abides by these general principles in order to minimise the risk of inappropriate influences being brought to bear on the business relationship.

Communications should, where necessary and practical, be in writing.

11. Modern Slavery

Randwick City Council is committed to maintaining and improving systems and processes to avoid complicity in modern slavery or human rights violations related to our own operations, our supply chain, and our services.

12. Secondary employment and post-separation employment

The following post-separation employment conditions are imposed on staff:

- Staff must not disclose confidential information obtained in the course of their employment.
- Staff must not convert any property of the Council to their own use unless properly authorised.

Staff need written approval from Council to enter into any secondary employment arrangements and secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between a staff member's public role and their private interests.

13. Who to contact about this statement

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 Council's General Manager on (02) 9093 6803 or by email at council@randwick.nsw.gov.au

