

FOREWORD FROM THE CITY MANAGER

Fairfield City Council is committed to doing business in a sound commercial and ethical manner. That means making sure our community is well represented and governed, with Council and its business partners acting ethically and in the interest of the community.

The people of Fairfield City expect Council to manage public money honestly and effectively to meet community goals. The City Plan and Code of Conduct set the highest standards of probity, ethical behaviour and integrity for Council Officials.

This Statement of Business Ethics summarises those standards and expectations. The Statement outlines what you can expect from Council when you do business with us – and what we expect from you.

If we all follow the standards of behaviour described in this Statement, the community can be confident that Council's business relationships are effective, honest and fair.

For the purposes of this Statement, Council Officials is defined as:

- Mayor and Councillors
- Council employees
- Consultants and contractors of the Council
- Council owned business
- Council Committees (including those which may be established under Section 355 of the Local Government Act)
- Volunteers of Council

1. OUR COMMITMENT TO THE COMMUNITY

Council Officials must always act in ways that strengthen the community's confidence in Council's decisions, services and integrity. Council's partnership with the community is based on the following key principles:

- Leadership:** We actively promote the Community's Vision for the City.
- Commitment:** We care for the community and the people Council employs.
- Sustainability:** We must consider the environmental, social, governance and economic impacts of our decisions.
- Integrity:** We are fair, open, ethical and consistent in all our activities.
- Participation:** All parties are given genuine opportunities to take part in Council decisions and activities.
- Best Value:** We use our resources effectively to ensure that people get the highest quality service Council can afford.
- Improvement:** We learn from experience to find better ways to do business.

2. WHAT YOU CAN EXPECT FROM US

We will try to ensure that all our policies, procedures and practices relating to procurement, recruitment, assessment and determination of applications, use of consultants and/or contractors and interaction with lobbyists, meet the highest ethical standards.

Council Officials are bound by Council's Code of Conduct and are accountable for their actions in business dealings. We must:

- Use Council resources efficiently and effectively
- Act respectfully, honestly and ethically when dealing with the community and others
- Avoid conflicts of interest, both real and perceived
- Act in a manner which enhances public confidence in the integrity of local government

To be honest and fair when doing business with you, we will always consider the following essential factors:

- Transparency of process
- Accountability
- Ethically managing conflicts of interest
- Obtaining best value
- Monitoring and evaluating performance
- Environmental and social outcomes

3. WHAT WE EXPECT FROM YOU

You must follow these principles:

- Deliver value for money
- Act respectfully, ethically and honestly in all dealings with Council
- Declare actual or perceived conflicts of interest as soon as you know about them
- Comply with Council's procurement policies and procedures
- Provide accurate and reliable information when required
- Take all reasonable measures to prevent disclosure of confidential Council information
- Avoid any form of collusive practice such as offering inducements or incentives designed to improperly influence Council Officials in the conduct of their duties
- Help Council prevent unethical practices in our business relationships

4. WHY IS COMPLIANCE IMPORTANT?

By complying with our Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all our suppliers of goods and services are required to comply with this Statement, compliance will not disadvantage you in any way.

Complying with our principles will also prepare your business for dealing with the ethical standards of other public sector agencies, should you choose to do business with them. Failing to comply with our ethical requirements may have serious consequences. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of reputation
- Investigation for corruption
- Loss of future opportunities with Council
- Matters being referred for investigation

Consequences for Council Officials may include:

- Investigation
- Dismissal or loss of civic office
- Disciplinary action
- Criminal charges

5. ADDITIONAL REQUIREMENTS

5.1 INCENTIVES, GIFTS, BENEFITS, HOSPITALITY, MEALS ETC

While it may be common practice for the private sector to offer incentives to those they want to do business with, as a way of promoting their company or their particular interests, Council awards contracts and determines applications solely on the basis of merit. There is no need or place for gifts or incentives. Gifts (including token gifts) must **not** be offered in connection with any business dealings. We are not permitted to request or accept any gift or benefit either personally or for anyone else in connection with our work or duties.

Offering gifts and benefits may be seen as an attempt to unfairly influence us in our roles.

Our Code of Conduct clearly sets out our position in regards to gifts and benefits.

5.1.1 TENDERING

Council’s tendering process does not permit applicants to canvass, lobby or contact Council Officials on tenders, other than the advertised contact person.

Any communication with a Council Official constitutes lobbying, if it is done in an attempt to influence or is capable of influencing – at any stage in the process.

A Tenderer shall not directly or indirectly, discuss the tender with an elected member of Council, or canvass support from an employee of Council, at any time.

Any Tenderer involved in such activity will result in their tender being rejected.

Applicants will be disqualified from tendering if they do anything that may be considered as an attempt to influence Council's decision.

5.1.2 SUPPLIER INTERACTION

Suppliers, consultants and contractors must deliver value for money and not engage in relationship selling techniques. Business relationships should always be conducted professionally, with attendance at Council sites by appointment only.

Businesses wanting to tell Council about new products or services should email procurement@fairfieldcity.nsw.gov.au.

5.1.3 COMMUNICATION AND CO-OPERATION

As a general principle, Council will maintain business relationships based on open and effective communication, respect and trust, and adopt a non-adversarial approach to dispute resolution.

In turn, Council expects that those parties with whom the Council is doing business, will ensure that their communication with the Council will also be clear, direct and accountable, to minimise the risk of inappropriate influences being brought to bear on the business relationship.

5.2 CONFLICTS OF INTEREST

All Council Officials are required to disclose any conflicts of interest. Council extends this requirement to all our business partners, contractors, consultants and suppliers.

A conflict of interest can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social or professional activities and interests with individuals or groups including family and friends, as well as financial interest.

Perception of a conflict of interest can be as important as an actual conflict. Conflicts of interest that lead to favoritism in decision-making may constitute corrupt conduct.

Council's Code of Conduct defines requirements with regard to conflicts of interest.

Council Officials must disclose in writing any perceived or actual conflicts of interest. Disclosures will be recorded on the relevant files.

5.2.1 SECONDARY EMPLOYMENT

Council requires its employees to request approval of the City Manager prior to entering into any secondary employment arrangement. Council will not authorise Council Officials to undertake secondary employment if it could create a real or perceived conflict of interest between the official's public role and private interests.

Council Officials have a duty to maintain public trust and not use any commercially sensitive information to help get future employment in the private sector.

You must not offer employment to Council Officials because it may be publicly seen as obtaining an unfair advantage or trying to unfairly influence us in carrying out our public duty.

5.3 PUBLIC COMMENT

Council Officials are not permitted to provide public endorsement, on behalf of Council, of companies or their products.

5.4 APPROPRIATE USE OF COUNCIL INFORMATION AND RESOURCES

Council maintains a lot of information about its customers and the community. Council has an obligation to protect this information and maintain its integrity. It is expected that you will treat all Council information appropriately and use it for the purpose it was provided.

Council resources are to be used ethically, effectively, efficiently and carefully in the course of official duties and must not be used for private purposes, except where private use has been authorised. It is expected that you will treat our resources in the same manner.

5.4.1 CONFIDENTIALITY AND INTELLECTUAL PROPERTY

Any confidential Council information should be treated as such and should not be revealed to persons other than those with a genuine need and authority. Private, confidential, commercial-in-confidence or proprietary information contained within applications, objections, tenders, quotations, expressions of interest, proposals, contracts, heads of agreements and the like, should never be given to competing interests nor unauthorised persons.

Suppliers handling private information on behalf of Council are also expected to adhere to Council's Privacy Management Plan.

The specific requirements of Copyright laws and individual contracts must be adhered to in relation to confidentiality and intellectual property.

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

Transfer of intellectual property will be addressed via the contractual agreement.

5.5 WORK HEALTH AND SAFETY

When you work with Council you must give workplace safety top priority and comply with all safety laws, regulations and procedures.

No contractor, subcontractor, supplier or business associate should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

5.6 SPONSORSHIP

Council sometimes seeks financial or in-kind sponsorship from the private sector to support Council activities and events. Council also regularly provides sponsorship and grants to community organisations for their activities and events.

Council will not ask for, entertain, or enter into any sponsorship or similar arrangement that is not open and transparent or where such activity creates a perception that it could be part of an attempt to improperly influence decision-making processes.

Where applicable, specific policies and processes developed within Council for sponsorship arrangements are to be adhered to.

5.7 DEVELOPMENT AND PLANNING PROPOSALS

Everyone including Council Officials should understand that Council must determine a Development or Planning Proposal according to law and in a way that is open, transparent and seen to be fair to all parties involved.

All those involved in assessing and determining applications will treat all aspects of the application process in a professional and ethical manner.

5.7.1 POLITICAL DONATIONS

The law requires that persons who have a financial interest in or have made a submission in relation to a development or rezoning application or a planning instrument, to disclose certain information about political donations and other gifts.

This is a mandatory requirement that you must disclose if a donation or gift has been made to a Council Official within the 2 years before the application or submission. For more information or to obtain the Disclosure Form, contact our Customer Service Team on 9725 0222.

6 REPORTING UNETHICAL BEHAVIOUR

Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, and other forms of serious wrongdoing. Council's suppliers are required to report all information that they become aware of that they honestly believe, on reasonable grounds, shows or tends to show, serious wrongdoing.

Individuals and corporations (and employees or officers of these corporations) engaged by Council under a contract to provide services to, or on behalf of, Council are classified as 'public officials' under the *Public Interest Disclosures Act 1994*. The Act protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing in line with requirements of the Act. The Act also ensures that disclosures are appropriately investigated and dealt with.

Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to Council's Public Interest Disclosures (PID) Co-ordinator on 9725 0226 or Public Officer on 9725 0809.

External reports can be made to the:

Independent Commission Against Corruption	02 8281 5999
NSW Ombudsman	02 9286 1000
NSW Office of Local Government	02 4428 4100

7 CONTACT

If you have any questions regarding this Statement of Business Ethics, including how it applies to you, please contact the Public Officer on 9725 0809, the Manager Governance & Legal on 9725 0226 or email Council at governance@fairfieldcity.nsw.gov.au.