



WAVERLEY  
COUNCIL

# STATEMENT OF BUSINESS ETHICS

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# STATEMENT OF BUSINESS ETHICS

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<b>Approved by</b>	Council
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<b>TRIM reference</b>	D22/50695
<b>Relevant strategic direction(s)</b>	<p><b>Objective 3.4:</b> Govern Waverley Council well, and build culture, capability, capacity, systems and processes to deliver services to the community</p> <p><b>Strategy 3.4.1:</b> Promote an organisational environment that encourages professionalism, sustainability, integrity and ethical conduct</p>
<b>Relevant legislation/codes</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Local Government (General) Regulation 2021</li> <li>• Independent Commission Against Corruption Act 1988</li> <li>• Public Interest Disclosures Act 1994</li> <li>• Government Information (Public Access) Act 2009</li> <li>• Electoral Funding Act 2018</li> </ul>
<b>Related policies/procedures/guidelines</b>	<ul style="list-style-type: none"> <li>• Code of Conduct for Council Committee Members and Other Council Officials</li> <li>• Code of Conduct for Councillors</li> <li>• Code of Conduct for Council Staff</li> <li>• Procedures for the Administration of the Code of Conduct</li> <li>• Internal Reporting Policy</li> <li>• Procurement Policy</li> <li>• Sponsorships Policy</li> </ul>
<b>Related forms</b>	<ul style="list-style-type: none"> <li>• Internal Report Form</li> </ul>



# HOW WE DO BUSINESS AT WAVERLEY COUNCIL



Our community expects high ethical standards in the provision of Waverley Council (Council) services and in everything else we do. How we manage our relationships is key to maintaining the community's trust and

confidence. Council has set out an ethical framework in which it operates and what we expect from Councillors, Council staff and those who do business with Council.

Our Statement of Business Ethics (the Statement) sets out the key principles that underpin our business relationships and outlines our expectations of all providers and suppliers to Council and what they can expect of Council when doing business with us.

The Statement will enable providers and suppliers to Council to advance their business objectives and interests with us fairly and ethically.

Council has zero tolerance to unethical behaviour and fraud and corruption. If you have any questions or wish to provide information about suspected corrupt or unethical conduct, please refer to section **6. Further Assistance** of this Statement.

Emily Scott  
**General Manager**

## 1. PRINCIPLES UNDERPINNING OUR BUSINESS RELATIONSHIPS

The key principles that underpin our business relationships with providers and suppliers to Council are:

### Behaving ethically

We will ensure our business relationships are honest, ethical, fair, without prejudice and consistent.

### Achieving value for money

We will follow procurement practices that promote value for money and will consider both financial and non-financial factors including quality, reliability, technical expertise, timeliness, safety, environmental sustainability and legislative compliance. Value for money does not necessarily mean 'lowest price'. However, the lowest price might represent best value for money if it satisfies the other criteria.

### Promoting competition

We will follow procurement practices that promote competition which will result in the best possible range of good and services at the best possible price.

### Being open and transparent

Our dealings with providers and suppliers to Council will be transparent and open to public scrutiny whenever possible.

### Fairness

We will treat all parties involved in an objective, reasonable and even-handed manner. Potential providers or suppliers will be given equal access to information and opportunities to submit bids.

We will only request for tender if we intend to award a contract.

### Prevention of corruption

We are committed to ethical standards and it is the responsibility of Councillors and Council staff, as well as providers and suppliers to Council, to report any instances of suspected corruption, maladministration or illegal activities.

## 2. WHAT TO EXPECT FROM US

Councillors and Council staff are bound by our Code of Conduct. Our Councillors and staff are also bound by Council's values of care, respect integrity, innovation and collaboration along with the core public sector values of integrity, trust, service and accountability.

When conducting business with Council you can expect that we will:

- comply with applicable laws, regulations, and Council's policies and procedures
- act with integrity and openness
- demonstrate fairness and transparency in our dealings with individuals and organisations
- disclose any situation that involves a conflict of interest or potential conflict of interest as soon as they become aware
- use public resources effectively and efficiently
- encourage fair and transparent competition while seeking value for money and innovative solutions
- adopt procurement processes to make it easy to do business
- document fully and clearly all procurement activities and decisions to provide an effective audit trail
- publish details of contracts awarded as required by legislation
- protect confidential, proprietary information and commercial-in-confidence information
- not seek or accept any gifts or benefits from potential, current or past suppliers
- respond to reasonable requests for advice and information
- investigate complaints.

Council will ensure that its policies, procedures and practices related to approvals, tendering, contracting and the procurement of goods and services comply with law and are consistent with NSW Government policies and guidelines, best practice and the highest standards of ethical conduct.

### 3. WHAT WE EXPECT FROM YOU?

When conducting business with Council we expect that you will:

- comply with all applicable legislations, regulations and our procurement policies and procedures
- act honestly, openly, fairly and ethically in all your dealings with Council and in all your dealings on behalf of Council
- actively promote the Statement and instil a culture of compliance with the Statement from your staff, contractors and other appropriate entities you engage to meet your contractual obligations to Council
- take reasonable measures to prevent unethical practices in your business
- take reasonable care for the health, safety and welfare of individuals in connection with your Council dealings
- disclose any situation that involves a conflict of interest or potential conflict of interest as soon as you become aware
- provide accurate and reliable advice and information when requested
- not offer Councillors, Council staff any gifts or benefits
- respond to reasonable requests for advice and information
- protect confidential, proprietary information and commercial-in-confidence information
- ensure the security and proper use of Council information, assets and materials
- refrain from making any public comments or statements that would misrepresent Council
- assist Council in preventing fraud, corruption and unethical practices in business relationships by reporting actual or potential wrongdoing.

### 4. WHY YOU NEED TO COMPLY

All of Council's providers of goods and services are expected to comply with this statement.

Council will not tolerate corrupt conduct in any form, for example an attempt to influence the outcome of a tender.

Non-compliance with the requirements of this Statement, as well as corrupt or unethical conduct could lead to:

- termination of contracts
- loss of future work
- loss of reputation
- investigation for corruption
- matter referred for criminal investigation
- disqualification of tender.

### 5. ADDITIONAL INFORMATION TO ASSIST YOU

#### Gifts or other benefits

You must not offer and gifts or benefits to Council staff and Councillors.

Council staff and Councillors are not permitted to request gifts or benefits and are expected to take the appropriate action as set out in Council's Code of Conduct.

#### Communication between parties

All communication should be honest, clear, direct, honest and accountable to minimise the risk if the perception of inappropriate behaviour or influence.

#### Conflict of Interest

Council and the wider public have an expectation that you will carry out your activities in relation to Council unimpaired by conflicts of interest.

A conflict of interest exists when a reasonable person might perceive that:

- a public official's personal interest(s) could be favoured over their public duties and/or
- an entity undertaking official duties, or those associated with it, could favour their personal interests over their public duties.

You must disclose conflicts of interest and potential conflicts of interest in relation to your Council dealings as soon as they arise in writing to Council.

## Sponsorship

From time to time, Council seeks financial or in-kind sponsorship from the private sector to support Council's activities or events. Council also regularly provides sponsorships or grants to community organisations for their activities or events.

Council's *Sponsorships Policy* outlines the principles of all inbound (received by Council) and outbound (offered by Council) sponsorship for Council and aims to establish a coordinated and transparent approach to the way Council seeks, secures, provides and manages all sponsorship. Sponsorships must not interfere with Council's ability to carry out its functions, and the process of seeking and providing sponsorships must be open and transparent.

## Contractors, Sub-Contractors, Consultants and Delegates

You must ensure that any person who is engaged in your work for Council complies with this Statement. This applies to all delegates including your staff, contractors, subcontractors, consultants and any other persons or organisations.

## Providing Council staff with private employment and commercial opportunities

You must not offer Council staff private employment or other commercial opportunities that conflict with their public duties.

Council requires its staff to obtain approval prior to entering into any secondary employment or business arrangement. Such opportunities will not be approved where there is a potential to create a conflict of interest for a staff member or adversely impact on their performance.

Council staff are not to use their position, Council information or intellectual property developed while employed at Council to secure private employment or other commercial opportunities.

## Information, confidentiality and intellectual Property

You must adhere to the specific requirements of copyrights laws and the provisions of your contract in relation to confidentiality and intellectual property.

- In relation to any information that is available or obtained in connection with your Council dealings (hardcopy, electronic or any other form) you must:

- treat the information as confidential unless advise otherwise
- take appropriate measures to protect the information and never release the information without express permission
- comply with relevant legislation governing the handling or treatment of legislation
- only access the information if it is needed to complete your activities for, or on behalf of Council
- not use the information for private of any other non-Council purposes
- not seek or obtain either directly or indirectly any financial benefit of other improper advantage for yourself, or any other entity, from the information to which you have access to in relation to your work with Council.

## Use of Resources

Council's resources, such as equipment, facilities, vehicles and staff time, may only be used for purpose connected to your business with Council. You must avoid any action or situation in which Council's resources are being improperly used (or appear to be improperly used) for private benefit.

## Political Donations

The *Electoral Funding Act 2018* requires that persons who have a financial interest in or have made a submission in relation to a development application or a planning instrument, must disclose certain information about political donations and other gifts. This is a mandatory requirement if a donation or gift has been made to a Councillor or council employee within the previous two years of the application or submission.

## Compliance, risk management, and fraud and corruption control

You should comply with the relevant international and Australian standards on compliance, risk managements and fraud and corruption control. This includes assessing and understanding risks and having effective internal controls and compliance frameworks in place. Specific instructions about these requirements may be included in relevant contractual provisions.



## 6. FURTHER ASSISTANCE

If you have questions or comments concerning this Statement, please contact:

### **The Executive Manager, Procurement**

**Phone:** (02) 9083 8000

**Email:** [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

### **Public interest disclosures and other reports of wrongdoing**

Under the Public Interest Disclosure Act 1994 (the PID Act), a public interest disclosure is a report by a public official about potential corrupt conduct, maladministration, a government information contravention, a local government pecuniary interest contravention, or serious and substantial waste within the NSW public sector.

A person engaged by Council under a contract to provide services to or on behalf of Council is a public official for the purposes of the PID Act.

The PID Act provides certain protections against reprisals for public officials who report such matters in accordance with its provisions. The NSW Ombudsman's website contains additional information about the PID Act.

To make a report of unacceptable conduct, including conduct covered by the PID Act and breaches of this Statement, please contact:

### **The Executive Manager, Governance & Risk**

**Phone:** (02) 9083 8000

**Email:** [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au)

Alternatively, you can contact the following external organisations:

### **For matters of corruption involving NSW public officials**

#### **Independent Commission Against Corruption (ICAC)**

**Phone:** 02 8281 5999

**Toll free:** 1800 463 909

**Tel. typewriter (TTY):** 02 8281 5773

**Facsimile:** 02 9264 5364

**Email:** [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

**Web:** [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

**Address:** Level 7, 255 Elizabeth Street, Sydney NSW 2000

### **For matters of maladministration**

#### **NSW Ombudsman**

**Phone:** 02 9286 1000

**Toll free (outside Sydney metro):** 1800 451 524

**Tel. typewriter (TTY):** 02 9264 8050

**Facsimile:** 02 9283 2911

**Email:** [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

**Web:** [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

**Address:** Level 24, 580 George Street, Sydney NSW 2000

### **For disclosures about breaches of the GIPA Act**

#### **Information Commissioner**

**Toll free:** 1800 472 679

**Facsimile:** 02 8114 3756

**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

**Web:** [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

**Address:** Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

### **For disclosures about local councils**

#### **Office of Local Government**

**Phone:** 02 4428 4100

**Tel. typewriter (TTY):** 02 4428 4209

**Facsimile:** 02 4428 4199

**Email:** [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

**Web:** [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

**Address:** 5 O'Keefe Avenue, Nowra, NSW 2541



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