



CUMBERLAND  
CITY COUNCIL

# Statement of Business Ethics

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	POL-011
<b>Policy Owner</b>	Director Governance & Risk
<b>Date Adopted</b>	TBC
<b>Version No</b>	2.1
<b>Document ID Number:</b>	8944192
<b>Review Date</b>	May 2029

## INTRODUCTION

This Statement of Business Ethics (Statement) provides guidance for staff of Cumberland City Council (Council) and all sectors of the community who conduct, or wish to conduct, business with Council. This Statement sets out the ethical framework by which Council operates, the standards of integrity demanded of Council Officials and the mutual obligations of those whom conduct business with Council. Council has zero tolerance of unethical behaviour, fraud, and corruption, and expects its business partners to be subject to the same level of ethical behaviour.

In the service of fully delivering its functions and in order to ensure the ethical deliverance of public value, Council conducts a range of business with private, public and non-profit sectors. How these relationships are managed is critical in maintaining the trust and confidence of the Cumberland community, who expect Council to operate under the highest ethical standard.

This statement forms part of Council's governance framework and reinforces Council's [Code of Conduct](#). The mechanisms in this Statement and the [Code of Conduct](#) aim to be consistent with Council's obligations under the [Local Government Act 1993](#) and related legislation. In addition, this Statement and the [Code of Conduct](#) protect Council's financial position, integrity, and reputation as well as ensuring that decision making is ethical, fair and transparent.

## SCOPE

All business conducted by Council shall be conducted in accordance with this statement.

This statement is applicable to all Council Officials, Council-run businesses and organisations as well as to any other parties conducting business with, or wishing to conduct business with, Council.

## DEFINITIONS

<b>Business</b>	All policies, procedures and practices of Council relating to procurement, recruitment, the assessment and determination of applications, use of consultants, use of contractors, interaction with lobbyists, the supply of goods and services, as well as other general dealings
<b>Cash-Like Gift</b>	Include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.
<b>Council</b>	Cumberland City Council
<b>Council Officials</b>	Councillors, Council Staff, Administrators, Members of Council Committees, Conduct Reviewers, Delegates of Council, Council Advisers and Volunteers
<b>NSW</b>	New South Wales

## KEY PRINCIPLES

Section 8 of the *Local Government Act 1993* provides Councils in NSW with guiding principles that facilitate strong, healthy and prosperous local communities. These principles are detailed in the table below:

Element of Local Government Act 1993	Principle
<b>Exercise of Functions Generally</b>	Council should provide strong and effective representation, leadership, planning and decision-making.
	Council should carry out functions in a way that provides the best possible value for residents and ratepayers.
	Council should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
	Council should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
	Council should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
	Council should manage lands and other assets so that current and future local community needs can be met in an affordable way.
	Council should work with others to secure appropriate services for local community needs.
	Council should act fairly, ethically and without bias in the interests of the local community.
	Council should be responsible employers and provide a consultative and supportive working environment for staff.
<b>Decision-Making</b>	Council should recognise diverse local community needs and interests.
	Council should consider social justice principles.
	Council should consider the long term and cumulative effects of actions on future generations.
	Council should consider the principles of ecologically sustainable development.
	Council decision-making should be transparent and decision-makers

	are to be accountable for decisions and omissions.
<b>Community Participation</b>	Council should actively engage with their local communities, through the use of integrated planning and reporting framework and other measures.
<b>Sound Financial Management</b>	Council spending should be responsible and sustainable, aligning general revenue and expenses.
	Council should invest in responsible and sustainable infrastructure for the benefit of the local community.
	Council should have effective financial and asset management, including sound policies and processes for the following— <ul style="list-style-type: none"> <li>▪ performance management and reporting</li> <li>▪ asset maintenance and enhancement</li> <li>▪ funding decisions</li> <li>▪ risk management practices</li> </ul>
	Councils should have regard to achieving intergenerational equity, including ensuring the following— <ul style="list-style-type: none"> <li>▪ policy decisions are made after considering their financial effects on future generations</li> <li>▪ the current generation funds the cost of its services.</li> </ul>
<b>Integrated Planning and Reporting</b>	Council should identify and prioritise key local community needs and aspirations and consider regional priorities.
	Council should identify strategic goals to meet those needs and aspirations.
	Council should develop activities, and prioritise actions, to work towards the strategic goals.
	Council should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
	Council should regularly review and evaluate progress towards achieving strategic goals.
	Council should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
	Council should collaborate with others to maximise achievement of strategic goals.
	Council should manage risks to the local community or area or to the council effectively and proactively.
	Council should make appropriate evidence-based adaptations to

meet changing needs and circumstances.

## MUTUAL EXPECTATIONS

### What you can expect from Council

Council Officials are bound by Council's [Code of Conduct](#) and supporting policies within Council's governance framework. There is an expectation that Council Officials will act in the public interest, act with integrity, uphold transparency and remain accountable, as well as observing the highest standards of ethical, probity and professional conduct.

Stakeholders can expect that Council will:

- Comply with the applicable State and Federal laws and regulations
- Comply with the applicable Council policies, procedures, and guidelines and will ensure these documents are consistent with best practices
- Utilise Council resources efficiently and effectively
- Strive to achieve the best value for money
- Be professional, honest, accessible, transparent, accountable, fair and ethical
- Not engage in any activities that would bring the public sector into disrepute
- Provide access to information unless there is an overriding public interest against disclosure
- Pay its accounts on time
- Communicate clearly and respond promptly to questions resolving any issues quickly
- Clearly specify all requirements and criteria for evaluation and responding promptly for requests for advice and information
- Effectively and efficiently monitoring and evaluating performance for the benefit of the community and feedback opportunities for the service provider
- Provide open competition for business in using the appropriate or optimum procurement methodology
- Resolve any actual, perceived or potential conflicts of interests in the public interest
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts
- Never seek any gifts, hospitality or other personal benefits
- Protect privacy, confidential and proprietary information as well as commercial-in-confidence information
- Observe environmental sustainability considerations
- Comply with Work Health and Safety requirements

Council will ensure that all policies, procedures and practices relating to the procurement of goods and services, use of contractors and consultants, assessment of development applications, and interactions with lobbyists are consistent with good practice and the highest standards of ethical conduct.

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 on matters that come before the Council.

### **What Council expects of its business partners**

Cumberland Council requires all suppliers of goods and services, members of the public, applicants, lobbyists, contractors, suppliers and anyone doing business with Council to comply with this Statement and observe the following:

- Act ethically, fairly and honestly in all dealings with Council.
- Comply with Council's procurement framework and procedure.
- Declare actual, potential or perceived conflicts of interest as soon as possible.
- Respect the obligations of Councillors and staff to abide by Council's Code of Conduct.
- Be aware and comply with legislation, Council's policies and procedures as they pertain to the business before Council, and the conditions set out in documents supplied by Council.
- Provide accurate and reliable advice and information when required.
- Prevent the disclosure of confidential information.
- Refrain from discussing Council business or information in the media.
- Assist Council to prevent unethical practices in our business relationships.
- Act without discrimination and on the basis of informed cultural understanding.
- Refrain from engaging in any form of collusive practice, or offering Council officials inducements or incentives including gifts and benefits, designed to improperly influence the conduct of their business.
- Respect the environment, comply with environmental laws and have sustainable practices in the use of resources and waste management.
- Refrain from any action or contact that may be considered an attempt to influence a decision of Councillors or staff.
- Maintain records of all dealings with Council.
- Provide Council with quality work, product or service on time that delivers value for money.
- Take reasonable care for the health, safety, and welfare of individuals in connection with your Council dealings.
- Ensure the security and proper use of Council resources, assets and materials
- Report any breaches of these ethical standards to Council or the applicable oversight bodies where applicable.

Council requires its business partners refrain from engaging in practices which cause, involve or contribute to modern slavery, as defined by [Section 4 of the Modern Slavery Act 2018](#). Where necessary, Council requires its business partners to respond to Modern Slavery

questionnaires or criteria in procurement and contract documentation. Further, Council requires its business partners to read and acknowledge the Cumberland Disability Inclusion Action Plan 2022-2026 and agree to take reasonable measures to comply with *Disability Inclusion Act 2014 No 41*.

### **Breaches of this Statement**

All stakeholders are required to comply with this Statement. Stakeholders should be aware of the consequences of not complying with Council's ethical requirements when doing business with Council, and may include:

- Immediate termination of contracts / orders
- Loss of future work / opportunities with Council
- Investigation, including referral of matters for criminal investigation to external agencies where appropriate
- Loss or damage to reputation
- 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, that may include:

- Dismissal or Loss of Civic Office
- Investigation
- Disciplinary Action
- Potential Criminal Charges

## **GUIDELINES FOR BUSINESS PARTNERS**

### **Gifts and Benefits**

Council Officials are expected to take the appropriate course of action, in accordance with Council's [Code of Conduct](#) and *Gifts and Benefits Guideline*. Any offer or acceptance of a gift by Council Officials is mandated to be disclosed and recorded in Council's *Gifts and Benefits Register*.

All Council Officials:

- Must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment.
- Are prohibited from seeking gifts or benefits of any kind.
- Should never accept gifts from suppliers.
- Should never accept a gift or benefit that creates a sense of obligation, or is intended or likely to influence them carrying out their public duty.
- Must not accept any offers of cash or cash-like gifts.

Council Officials involved in the exercise of regulatory or procurement processes are prohibited under any circumstances to accept gifts, hospitality and benefits of any kind, where the officials are dealing with persons seeking a decision from Council, or who have sought a decision from Council.

As a condition of engagement with Council, prospective Business Partners must agree not to offer any gifts or benefits to Council Officials. This includes, but is not limited to, paying for the costs of entertainment, meals, travel or accommodation.

### **Conflicts of Interest and Disclosure**

In accordance with the [Code of Conduct](#), all Council Officials are required to disclose any actual, perceived, or potential conflicts of interest they have in a matter they are dealing with, as soon as practicable after becoming aware of the interest.

Conflicts of Interests exist where a reasonable person perceives that Council officials, or those fulfilling duties on behalf of Council, preference their personal interests over their public duties. Conflicts of Interest may be:

- Pecuniary – where there is a reasonable likelihood or expectation of appreciable financial gain either to:
  - You
  - A spouse or partner
  - A relative
  - Your employer
  - A company or other body of which you, your nominee, partner or employer, is a shareholder or member.
- Non-Pecuniary - private or personal interests that do not amount to a pecuniary interest as defined above.

Council extends the requirement to disclose conflicts of interest to parties with which it conducts business. This must be done in writing, as soon as practicable after the individual is made aware of the interest.

### **Lobbying**

Lobbying is a normal and, in some circumstances, an acceptable part of the democratic process. However, lobbying is not acceptable if it undermines public confidence in impartial decision making falls outside the bounds of appropriate and lawful behaviour. Inappropriate or unlawful conduct with regard to lobbying involves attempting to gain preferential treatment based on factors other than merit.

The lobbying of Council Officials in certain situations is not permissible. These situations may include, but are not limited to:

- Tender processes
- Engagement of services
- Development applications while under assessment
- Matters subject to legal action

## **Attempts to Influence Decisions**

Any action or contact that may be considered or perceived to be an attempt to influence a decision of Councillors or staff is a breach of this Statement.

Any such attempt during the tender process will immediately disqualify the relevant tenderer or service provider. Council's Request for Tender or Quotation documentation will contain statements prohibiting proponents from approaching Councillors and Council officers not nominated as contact people during a tender process.

## **Use of Council Equipment, Resources and Information**

All Council equipment, resources and information should only be used for its proper official purpose; equipment remains the property of Council at all times.

Council Officials and its business partners are expected to respect and protect the information held concerning residents and the community in accordance with the [Privacy and Personal Information Protection Act 1998](#) as well as Council's [Privacy Management Plan](#). All information is considered confidential unless specifically expressed by Council Officials. Council expects its business partners to treat all Council information appropriately and use the information for the purpose for which 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.

Requests for access to Council information is to managed in line with the relevant provisions of the [Government Information \(Public Access\) Act 2009](#) and associated procedures of Council.

## **Intellectual Property**

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

Transfer of any intellectual property will be addressed by contractual agreement.

## **Communication**

All communication between Council and its business partners should be clear, direct, and accountable, in order to minimise the risk of inappropriate influence, or the perception of inappropriate influence. All communication should be through the approved channels.

## **Contractors and sub-contractors**

All contracted and sub-contracted employees are expected to comply with this Statement. It is the responsibility of contractors to ensure sub-contractors they engage are aware of this Statement, as they are equally bound by it.

## **Secondary and Post-Separation Employment**

Council Officials have a duty to maintain public trust and confidence, and must not:

- Disclose confidential information obtained during the course of their employment with Council.
- Use this information to facilitate future employment.

As outlined in the [Code of Conduct](#), Council employees must obtain approval from the General Manager to enter into any secondary employment arrangement. Any secondary employment of Council employees must not:

- Conflict with their official duties
- Require them to work whilst on Council duty
- Disclose confidential Council information
- Use Council resources
- Cause adverse work performance

Council's business partners must not make offers of employment to Council staff, where it may be perceived to obtain unfair advantage or conflict with their role at Council.

Former staff members must not:

- Disclose confidential information obtained during their employment
- Convert any property of the Council to their own use unless properly authorised
- Seek, or appear to seek favourable treatment or
- Seek access to confidential information.

### **Workplace Health and Safety**

Workplace safety is of paramount importance to Council. It is expected that all parties who do business with Council comply with legislative and procedural safety requirements - in line with [Section 29 of the Work Health and Safety Act 2011](#).

Council's expects the parties with which it conducts business to conform to the requirements set out in the Alcohol and Other Drugs Procedure. Persons conducting business with or on behalf of Council must not come to, or return to, work under the influence of alcohol or any other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

### **Political Donations**

[Section 53 of the Electoral Funding Act 2018](#) requires that persons with a financial interest in, or who have made a submission in relation to, a development application or a planning instrument, disclose certain information about political donations and other gifts that have been made to a Councillor or Council employee within the previous two years of the application or submission.

### **Media & Public Comment**

In accordance with Council's [Media Policy](#), Council employees are prohibited from addressing enquiries from the media without the explicit prior approval or delegation from the General Manager.

Council's business partners are also subject to this policy and must not make any public comment or statement that could be perceived as representing Council, or expressing its views or policies, whether at public or community forums, via social media, via media or when it is reasonable that comments or statements will become known to the public at large.

### **Sponsorship**

Council sometimes seeks financial or in-kind sponsorship from the private sector in order to support activities, programs or events facilitated by Council (incoming sponsorships). Council also provides financial or in-kind sponsorship to support the activities and events of community organisations within the Cumberland area (outgoing sponsorships).

Council's [Sponsorship Policy](#) outlines the process for how Council evaluates incoming and outgoing sponsorships.

Sponsorship will not:

- Limit Council's capacity to carry out its functions fully and impartially.
- Improperly influence decisions or actions taken by Council.
- Compromise, or be seen to compromise, Council's regulatory and planning functions.
- Enter into any sponsorship agreements that are not open and transparent.

### **Development and Planning Proposals**

Under the [Environmental Planning and Assessment Act 1979](#) Council has a formal role in assessing development applications and planning proposals. Council's process must be open, transparent and fair to all parties involved.

Council Officials must exercise all land use planning, development assessment and other regulatory functions in a professional and ethical manner, and in line [Code of Conduct](#) must not:

- Convey any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### **Compliance and Risk Management**

Council's business partners are expected to comply with the relevant international and Australian standards on compliance and risk management. 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.

### **Legislative and Policy Requirements**

All legislative and policy requirements must be adhered to by staff, delegates, business associates and suppliers involved in contracting or tendering for services or supplies, or other business relationships.

### **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 direct correspondence to Council's Procurement Team.

### **Bullying, Harassment and Discrimination**

The [Code of Conduct](#) outlines the general conduct obligations expected of Council Officials. Council also expects that its business partners do not engage in harassing, bullying, or discriminative behaviour against any other persons.

Council has zero tolerance for harassment, bullying or discrimination on the grounds of:

- Age
- Disability
- Race (including colour, national or ethnic origin or immigrant status)
- Sex
- Pregnancy
- Marital or relationship status
- Family responsibilities or breastfeeding
- Sexual orientation
- Gender identity or intersex status
- Political affiliation
- Religious or other affiliation

### **Complaints**

Complaints regarding Council service should be lodged in accordance with Council's [Complaints and Compliments Management Policy](#). Complaints regarding matters relating to contractual arrangements with Council should be raised in the first instance with the Manager responsible for the operational administration. If these remain unresolved, complaints can be forwarded to the General Manager.

### **REPORTING WRONGDOING**

Under the [Public Interest Disclosures Act 2022](#) (*the Act*), public officials can make reports of potential corrupt conduct, serious maladministration, government information contraventions, privacy contraventions, serious and substantial wastes of public money, and local government pecuniary interest contraventions.

Under Section 14 (1)(f) of the Act, a person engaged by Council under contract to provide services or functions on behalf of Council is noted as a public official for the purposes of the Act.

The Act also protects public officials whom disclose wrongdoing against detrimental action and ensures that disclosures are properly dealt with by Council.

Under Section 27 (1) of the Act, within Council, disclosures can be made to the General Manager, nominated Disclosure Officers within Council, or the public official's manager. Further detail is available within Council's [Public Interest Disclosures Policy](#).

If you have any questions about this statement or would like to report suspected corrupt or unethical conduct, please contact Council's Director Governance & Risk, or Council's Internal Ombudsman Shared Service.

### **Director Governance & Risk**

**Phone:** (02) 8757 9000  
**Email:** [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) (Attention – Director Governance & Risk)  
**Post:** PO Box 42, Merrylands NSW 2160  
**Address:** 16 Memorial Avenue Merrylands or 1 Susan Street Auburn  
**Website:** [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)

### **Internal Ombudsman**

**Phone:** (02) 8757 9044  
**Email:** [internalombudsman@cumberland.nsw.gov.au](mailto:internalombudsman@cumberland.nsw.gov.au)  
**Post:** 11 Northumberland Road Auburn NSW 2144  
**Address:** 11 Northumberland Road Auburn NSW 2144  
**Website:** [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)

Suspected wrongdoing can also be reported to the following external bodies:

### **NSW Ombudsman**

**Phone:** 1800 451 524  
**Email:** [info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au)  
**Address:** Level 24, 580 George Street, Sydney NSW 2000  
**Post:** Level 24, 580 George Street, Sydney NSW 2000  
**Website:** [ombo.nsw.gov.au](http://ombo.nsw.gov.au)

### **Independent Commission Against Corruption**

**Phone:** (02) 8281 5999 or 1800 463 909  
**Email:** [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
**Address:** 255 Elizabeth Street, Sydney NSW 2000  
**Post:** GPO Box 500, Sydney NSW 2001  
**Website:** [icac.nsw.gov.au](http://icac.nsw.gov.au)

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

**Phone:** (02) 4428 4100  
**Email:** [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
**Address:** 5 O'Keeffe Avenue, Nowra NSW 2541  
**Post:** Locked Bag 3015, Nowra NSW 2541  
**Website:** [olg.nsw.gov.au](http://olg.nsw.gov.au)

### **Audit Office of NSW**

**Phone:** (02) 9275 7100  
**Email:** [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
**Address:** Level 19, Darling Park Tower 2, 201 Sussex Street, Sydney NSW 2000  
**Post:** GPO Box 12, Sydney NSW 2001  
**Website:** [audit.nsw.gov.au](http://audit.nsw.gov.au)

### **Information and Privacy Commission**

**Phone:** 1800 472 679  
**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
**Address:** Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000  
**Post:** GPO Box 7011, Sydney NSW 2001  
**Website:** [ipc.nsw.gov.au](http://ipc.nsw.gov.au)

## **RELATED LEGISLATION**

[Electoral Funding Act 2018](#)  
[Environmental Planning and Assessment Act 1979](#)  
[Government Information \(Public Access\) Act 2009](#)  
[Local Government Act 1993](#)  
[Modern Slavery Act 2018](#)  
[Privacy and Personal Information Protection Act 1998](#)  
[Public Interest Disclosures Act 2022](#)  
[Work Health and Safety Act 2011](#)

## **RELATED DOCUMENTS AND COUNCIL POLICY**

[Alcohol and Other Drugs Procedure](#)  
[Code of Conduct](#)  
[Compliments and Complaints Management Policy](#)  
[Gifts and Benefits Guideline](#)  
[Media Policy](#)  
[Privacy Management Plan](#)  
[Public Interest Disclosure Policy](#)  
[Sponsorship Policy](#)  
[Fraud and Corruption Control Policy](#)

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