
Cessnock City Council Statement of Business Ethics

Date Adopted 18/11/2020 Revision: 5

1. STATEMENT OBJECTIVES

This Statement of Business Ethics (Statement) aims to outline what businesses can expect when conducting business with Council and what behaviours Council requires from those it does business with.

Council is committed to upholding the principles outlined in this Statement, which reflect the high standards of ethical conduct expected by our community. These principles are requirements of Council's Code of Conduct, of which all Council officials must adhere.

Equally the community expects high standards of ethical conduct from all suppliers, organisations, service providers, small businesses and individuals that have dealings with Council.

2. STATEMENT SCOPE

Council requires all parties, Council officials, contractors, sub-contractors, suppliers and other business associates, to perform their duties with integrity, honesty, fairness and transparency to obtain the best possible outcomes for the Cessnock Community.

3. STATEMENT

3.1. BUSINESS PRINCIPLES

Council has four key principles, which guide its dealings on procurement/business matters:

Fairness: Council treats all parties involved in a fair and impartial manner. Potential suppliers or contractors will be given equal access to information and opportunities to submit bids. Tenders will not be called unless there is the intention to award a contract, subject to being in the best interest of Council and the community.

Prevention of Corruption: Council is committed to high ethical standards and it is the responsibility of Councillors and staff, as well as Council suppliers and contractors, to not only act honestly but also report any instances of possible fraud, corruption, maladministration or illegal activities.

Value for Money: Council considers all relevant factors when undertaking or engaging the procurement of goods or services. These include initial and ongoing costs; quality and reliability; customer service; Work Health and Safety; technical expertise; environmental sustainability and other 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.

Objectivity: Council establishes a procurement criteria and objectively assesses all tenders and quotes against the nominated criteria. All procurement decisions are based on merit, and take into account all relevant information and circumstances that apply to a given procurement requirement.

3.2. EXPECTATIONS AND RESPONSIBILITIES

Suppliers and contractors shall be aware of the following requirements when dealing with Council:

3.2.1. CONFLICT OF INTEREST

Conflicts of interest include both pecuniary and non-pecuniary interests. (A pecuniary interest is an interest that a person has in a matter because of the reasonable likelihood or expectation of appreciable financial gain or loss to the person. A non-pecuniary interest may include family relationships, friendships or other interests that do not involve a direct financial gain). Council staff are required to disclose any potential conflicts of interest. Suppliers, contractors and organisations of Council are encouraged to do the same.

3.2.2. USE OF INFORMATION

Any confidential Council information must not be revealed to persons other than those with a genuine need and appropriate authority. Private, confidential, commercial-in-confidence or proprietary information obtained as a result of doing business with Council, must never be given to competing interests or unauthorised persons. Suppliers and contractors handling private and personal information when working for Council must adhere to Council's Privacy Management Plan.

3.2.3. GIFTS AND BENEFITS

In accordance with Council's code of Conduct, Council staff do not accept any gifts from its suppliers to avoid creating a sense of obligation to offer repeat business.

Failure to comply with this requirement may result in Council ceasing to do business with the supplier.

Council maintains a Gifts and Benefits Register which tracks and monitors all declared offers of gifts and benefits and is made publicly available on request. Please refer to Council's Code of Conduct and Council's website for further information.

3.2.4. USE OF COUNCIL'S RESOURCES

Contractors, subcontractors, suppliers and business associates may only use Council resources and equipment if it is in accordance with specific conditions of a formal contract. Council resources include material, equipment, vehicles, documents, records, data and information.

3.3. EMPLOYMENT OF COUNCIL STAFF

All suppliers and contractors who deal with Council are not permitted to offer Council staff outside employment or business proposals of any kind. Council staff have a duty to maintain public trust and confidence, and not use commercially sensitive information to facilitate future employment opportunities in the private sector. Under Council's Code of Conduct, all staff are required to seek approval from the General Manager prior to undertaking secondary employment. Approval will not be given if the secondary employment is likely to result in unmanageable conflict or the appearance of conflict with their Council duties.

3.3.1. PUBLIC COMMENTS

You must not make any public comments or statements that would lead anyone to believe they are representing Council, or expressing its views or policies.

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

3.3.2. CANVASSING SUPPORT

During a tender process, any prospective supplier or contractor shall not directly or indirectly discuss their tender bid with a Councillor, or canvass support from an employee of Council, at any time. Any supplier or contractor involved in such activity will result in their tender being rejected.

3.3.3. ALCOHOL AND DRUGS

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.

3.4. COMPLYING WITH THE STATEMENT

By complying with the principles and standards of behaviour outlined in this Statement, all parties will be able to advance their objectives and interests in a fair and ethical manner.

Failure to comply with this Statement may be deemed as a breach of contract. Council may terminate its contract or take other actions considered appropriate.

3.5. REPORTING

To report any unethical behaviour in doing business with Council, write to:

Post: General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325
Email: council@cessnock.nsw.gov.au

4. STATEMENT DEFINITIONS

Council	Cessnock City Council
Council Officials	General Manager, Mayor, Councillors, employees, and volunteers.
Consultant / Supplier	A person or entity engaged to provide advice and or designs where Council relies on the advice or designs in its decision making and where Council might incur a loss if the advice or design contains errors or omissions or where the consultant is otherwise negligent.
Contract	A legally binding agreement between two or more parties that creates obligations on each party that is enforceable by law

Procurement The act of obtaining or purchasing goods, works or services. Procurement activities include tendering (quoting), tender assessment, requisitioning/ordering, contract management, as well as the end receipt and approval of payment.

Tender A formal offer received via tender process to provide goods, works or services for or on behalf of Council in response to a Council Request For Tender (RFT) for values >\$250,000 (including GST).

5. STATEMENT ADMINISTRATION

Business Group:	Finance and Administration
Responsible Officer:	Finance and Administration Manager
Guideline Review Date:	Three years from date of adoption unless legislated otherwise
File Number / Document Number:	DOC2014/005361
Relevant Legislation / Australian Standards:	<ul style="list-style-type: none"> • <i>Government Information (Public Access) Act (NSW) 2009</i> • <i>Local Government Act 1993 (NSW)</i> • <i>Public Interest Disclosure Act 1994 (NSW)</i> • <i>Public Works and Procurement Act 1912 No 45 (NSW)</i> • <i>Work Health and Safety Act 2011 (NSW)</i> • Local Government (General) Regulations 2005 • Public Works and Procurement Regulation 2019 • Work Health and Safety Regulation 2017
Related Policies / Protocols / Procedures	<ul style="list-style-type: none"> • Disposal of Assets (not including Infrastructure or Property Assets) Policy • Procurement Policy • Public Information Access Policy (GIPA) • Records Management Policy • Risk Management Policy • Corporate Credit Card Protocol • CCC Fraud and Corruption Control Strategy • Code of Conduct • Gifts and Benefits Procedure • Procurement Guidelines • SP 3.8 WH&S Procurement

6. Statement History

Revision	Date Approved / Authority	Description Of Changes
1	16 March 2005 (Minute No: 220 (16/03/05))	New Statement adopted
2	4 April 2012 (Minute No: 1964 (04/04/12))	Periodic review
3	18 September 2013 (PM91/2013 – 581)	Periodic review
4	4 July 2018 (CC46/2018)	Periodic review
5	18 November 2020 (103/2020)	Periodic review