

COBAR SHIRE COUNCIL



Business Ethics Policy

FILE: P5-82

**Responsible Officer: Director of Corporate and
Community Services**

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OBJECTIVES

Cobar Shire Council's policy on Business Ethics has been prepared to assist with the conduct of business between Cobar Shire Council and transacting parties which, on balance will be from the non local government sector and will include suppliers, contractors, consultants, tenderers, applicants and objectors.

Council recognises that the private sector and public sector in general have different core values which require to be understood to enable business to transact effectively.

The policy sets out Council's expectations for the behaviour of its Officers and councillors and the requirements of those with which it deals. It is essential that Council provides an environment in which business dealings are conducted in a transparent manner and are open to public scrutiny, notwithstanding that on occasions appropriate confidentiality and protection of private information is required.

POLICY STATEMENT

Cobar Shire Council has a desire to act lawfully, ethically and in the best interest of the public.

It places high value on open and accountable business transactions with a consistent approach at all times. Acknowledging that Council uses public resources demands that it will ensure diligence in each transaction.

This policy is supported by Codes of Conduct for Councillors and staff and an extensive range of policies and guidelines on specific issues.

Provision exists for enquiries regarding this policy or seeking information regarding an apparent breach of ethical behavioural standards or suspected corrupt conduct. Enquiries may be directed to Council's Public Officer on telephone 02 68365888 or lodging a report with either the Independent Commission against Corruption (ICAC) or the NSW Division of Local Government.

This policy is a means of providing guidance regarding the standards of ethical behaviour that transacting parties can expect from Councillors and staff and that in turn they are expected to provide to Council when engaged in transactions.

Council's guiding principles are;

1. Openness and Transparency

All of our dealings are transparent and open to public scrutiny. This includes both the process surrounding the matter, and where appropriate the nature of the matter itself. We will maintain appropriate confidentiality, protect private information, and not disclose commercial-in-confidence or proprietary information unless legally required to do so.

2. Fairness

All parties are to be treated evenly. Potential suppliers will be given equal access to information and opportunities to submit offers. The introduction of new information during the tendering process will be provided to all tenders.

3. Value for Money

All business decisions will be made with value for money as one of the key criteria. This does not necessarily mean the lowest price and a number of other factors, including: ongoing costs, quality, reliability of product and support, safety and environmental factors will also be considered.

4. Objectivity

All business transactions will be conducted against objective criteria with Council's Integrated Planning Model providing the top level justification. Criteria for transactions will exist and transactions will be assessed against that criteria.

5. Legislative Compliance

All business transactions will comply with relevant legislation and Council's internal control procedures. Whilst there are a large number of acts to be observed, particular focus will be on the Local Government Act 1993, the various environmental and planning acts and the Income Assessment Act 1992.

By ensuring that these guiding principles are observed Cobar Shire Council will operate to the highest standards of ethical conduct. It is essential that councillors and staff avoid actual, potential and perceived conflicts of interest.

On balance gifts and other benefits should not be solicited or accepted from a supplier or applicant. The Code of Conduct details instances where 'token value' gifts may be deemed acceptable.

6. Observance of Intellectual Property Rights

In business relationships parties are expected to respect each others intellectual property rights.

7. Conflicts of Interest

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

Council's Code of Conduct requires that Council officials disclose and resolve any possible conflicts of interest they have. The Code requires that if any Council official has a conflict of interest, in any matter, they must not be involved in any discussion or decision making regarding the matter.

SUMMARY

Complying with these guiding principles will enable parties to pursue their business transactions with Council in a fair and ethical manner. It is an expectation that all transacting parties will comply and Cobar Shire Council gives an assurance that compliance will not place any party at a disadvantage.

Transacting parties are assured that Council's staff will abide by the law and Council's relevant policies and procedures and always act with due care and diligence.

POLICY REVIEW

This policy is to be reviewed every two years.

