
Tasmanian Government Supplier Code of Conduct

The Tasmanian Government purchases goods, services and works in a way that is fair, open and competitive, and that can stand up to public scrutiny. There is an expectation that Suppliers act responsibly, ethically and in good faith when contracting with the Tasmanian Government.

This Code sets out the minimum standards that Suppliers must meet to start and keep doing business with the Tasmanian Government. It brings together expectations that were previously spread across contracts and other documents, so Suppliers can find and understand what is expected in one place.

The Code adds to, and does not replace, a Supplier's obligations under:

- any contract it has with the Tasmanian Government; or
- any laws, policies or regulations that apply.

It will be a condition of each contract with the Tasmanian Government that a Supplier complies with this Code.

The Tasmanian Government may update this Code from time to time to keep it current. However, updated versions of the Code will only apply to new contracts entered into after the date that an updated version of the Code takes effect (ie not existing contracts).

Where can I get more information?

More information about the Tasmanian Government's procurement policies and procedures, including probity and conflict of interest guidelines, is available on the Purchasing website at www.purchasing.tas.gov.au.

Reporting and compliance

If you suspect a breach of this Code, raise it with the Tasmanian Government agency responsible for the relevant contract or procurement activity.

Information about the procurement complaints process is available at www.purchasing.tas.gov.au.

1. General expectations

Integrity and fair dealing

Suppliers must act honestly, fairly and openly when dealing with the Tasmanian Government in connection with any contract with the Tasmanian Government.

Respect and professionalism

Suppliers must treat people with respect and support inclusive workplaces.

Corporate governance and accountability

Suppliers must demonstrate high standards of professional conduct and corporate citizenship. This includes sound governance and business practices that can withstand scrutiny. Suppliers must conduct themselves in way that will not bring the Tasmanian Government into disrepute or that could damage the reputation of the Tasmanian Government.

No secret profits

Suppliers must not make any secret profit or secret commission in connection with any activity related to any contract with the Tasmanian Government.

Business Integrity

Suppliers must not engage in or facilitate, either directly or indirectly, fraudulent, corrupt, unethical, exploitative, dishonest, unconscionable or collusive activities.

Influences

Suppliers must not seek to influence Tasmanian Government representatives by making payments, providing favours, gifts, entertainment or other acts which could be construed as special treatment.

Conflict of interest

Before entering into a contract, Suppliers must make sure there is no actual, perceived or potential conflict of interest, in relation to that contract.

Suppliers must tell the Tasmanian Government in writing, as soon as possible, about any actual, perceived or potential conflict of interest. Conflicts must be managed and resolved in a way that the Tasmanian Government accepts.

A conflict of interest includes a personal interest or a duty owed to a third party that conflicts, or may conflict, with the diligent and proper performance of the contract.

No inconsistent activity

Suppliers must not do anything that could adversely affect their ability to meet their obligations under a Tasmanian Government contract.

Cooperation

Suppliers must cooperate with the Tasmanian Government and other Suppliers to the Tasmanian Government. Suppliers must not charge extra for cooperation that is reasonably part of performing a contract with the Tasmanian Government.

Public access to information

Suppliers acknowledge that the Tasmanian Government may be required to disclose information under applicable laws (including the *Right to Information Act 2009* (Tas)). This may occur without the Supplier's consent.

Confidentiality in Government contracts

Suppliers acknowledge that the Tasmanian Government is committed to ensuring Government contracting is conducted in an open and transparent manner and that its contracts do not contain confidentiality provisions that might prevent public scrutiny.

Unless the contract explicitly states otherwise, both the Tasmanian Government and Suppliers may publish the contract without reference to each other.

No interference with executive duties or powers

Suppliers must not include or seek to include any provision in a contract which is intended to prevent or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. If any clause in any contract is inconsistent with this provision of the Code it will be of no legal effect to the extent of the inconsistency.

Value for money and economic and social benefits

The Tasmanian Government is committed to ensuring that any contracts that it enters into benefit the Tasmanian community. Where the contract includes broader economic and social benefit commitments, Suppliers must deliver those commitments to the extent set out in that contract (if any).

Health and safety

Suppliers must provide a safe working environment and comply with all workplace health and safety laws that apply.

Suppliers must follow reasonable rules and directions about safety, record keeping and security at Tasmanian Government workplaces and sites.

Zero tolerance towards violence

Suppliers must not use violence, threats, bullying or intimidation at work or when interacting with Tasmanian Government representatives.

Modern slavery

Suppliers must take reasonable efforts to identify modern slavery risks within their supply chains and reduce those risks.

Safeguarding children

The Tasmanian Government is committed to ensuring the safety of children and young people. Suppliers must perform their obligations in a way that safeguards children and young people and complies with Tasmanian Government requirements and all applicable laws.

Dumped goods

Suppliers must not supply any goods that are imported into Australia at less than their normal value or that are subject to any dumping duty under any applicable law.

Suppliers must only supply goods manufactured, constructed or assembled in the place or factory specified in the contract, if such a place or factory is specified.

Trading terms with Tasmanian based Suppliers

Suppliers must trade with their Tasmanian based Suppliers on trading terms that include a requirement that Suppliers pay invoices received from their Tasmanian based Suppliers within 14 days.

Tasmanian Building and Construction Industry Training Levy

If the contract relates to Building and Construction, Suppliers must bear the cost of any levy which is imposed in respect of the value of the works which is payable under or in respect of the *Building and Construction Industry Training Fund Act 1990* (Tas).

Tasmanian Building and Construction Training Policy

Suppliers must comply with the Tasmanian Government Building and Construction Training Policy available at www.skills.tas.gov.au.

2. Supplier's performance under the Supplier Code of Conduct

Review

The Tasmanian Government may review, monitor or audit how Suppliers are meeting their obligations under the Code.

If this occurs, Suppliers must cooperate with representatives from the Tasmanian Government, including by attending meetings and promptly answering questions.

Consequences for failure to comply with the Code

If a Supplier does not comply with the Code, it may be a breach of the Supplier's contract with the Tasmanian Government. It may also result in the Supplier (including any of their personnel) being referred to regulatory authorities and/or the Supplier's suspension or removal from Tasmanian Government prequalification schemes.

If the Tasmanian Government reasonably believes that any of the Supplier's personnel involved in the performance of the contract are failing to comply with the behavioural standards specified in the Code, then the Tasmanian Government may:

- prohibit access of those individuals from any sites occupied or used by the Tasmanian Government; and/or
- direct the Supplier to withdraw those individuals from being involved in the performance of the contract.

Reasonable directions

Suppliers must follow any reasonable direction given by the Tasmanian Government in relation to this provision 2 of the Code.

Inconsistencies

If the obligations in this Code and a contract with the Tasmanian government can both be complied with then Suppliers must comply with both sets of obligations where that is possible.

Procurement, Risk and Contract Management, Department of Treasury and Finance

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