

TASMANIAN ANNEXURE TO THE NATIONAL CODE OF PRACTICE FOR THE CONSTRUCTION INDUSTRY

Compliance

Tasmanian Government Policy

The Tasmanian Government is committed to the implementation of this Code. Compliance within this Code shall be a condition of tender for all Tasmanian Government construction projects.

Breaches of the Code, as may be evidenced through non compliance, lack of commitment or unethical activity, may result in sanctions being invoked.

Where the breach also involves any law or statute, the matter will be referred to the relevant enforcement agency.

Contractors, subcontractors, consultants and suppliers

Sanctions for non-compliance with the Code are based on the Government's right, as a client, to choose with whom it does business.

The final sanction imposed will depend on the nature of noncompliance and may involve:

- a formal warning; or
- partial exclusion from tendering opportunities, that is reduction in the number of tendering opportunities; or
- preclusion from tendering for any work for a specified period.

Sanctions can be applied by a single Government agency for lesser breaches or on a Government-wide basis for more severe breaches.

Government agencies

In the case of non-compliance by a Government agency, the Minister responsible for that agency will consider appropriate changes to that agency's policies, practices and/or procedures. Where it is demonstrated that individuals have deliberately or wilfully breached the Code by acting in contravention of the agency's policies, practices and/or procedures, disciplinary action may be taken where appropriate.

Enforcement

Government agencies as clients

For Government projects, monitoring of the application of the Code of Practice will be undertaken as part of the relevant agency's core business function. However, to facilitate industry accessibility, each agency will:

- establish internal co-ordination procedures for managing Code(s) matters; and
- establish and advertise a central point of contact.

Department of Treasury and Finance

The Procurement and Property Branch of the Department of Treasury and Finance is responsible for the development of consistent policy on all matters related to tendering and contracts, for implementation by Government agencies. In this context, Treasury's co-ordination role includes overall monitoring of the Code to ensure that it is being consistently applied across Government projects. Accordingly, Treasury will also act as a central point of contact in respect of Code matters.

Role of Industry

In addition to the Tasmanian Government as a client seeking to ensure compliance with the standards of behaviour defined in the Code, it is expected that the relevant industry organisations will contribute to the achievement of these standards.

Employer and Industry Associations

Where a contractor, subcontractor, consultant, supplier, employer or industry association representative is found to have breached the Code, the circumstances of the breach will be referred to the relevant association for appropriate action under that association's rules and/or code of practice compliance procedures.

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