

## Contractor Code of Conduct

<b>Policy type</b>	Council
<b>Function</b>	Organisation
<b>Policy Owner</b>	Procurement
<b>Effective date</b>	26 September 2024

### 1. Purpose

The Contractor Code of Conduct (the Code) defines the standards of behaviour and requirements expected from contractors engaged by the Cassowary Coast Regional Council (Council). While contractors are not Council employees, this Code applies to all contractors involved in providing goods, trades, services, or consultancy to the Council. The Code is applicable from the start of the engagement process, covering not only contractors who are successfully engaged but also those who submit tenders and quotes.

The Code is designed to promote best practices by clearly defining Council's expectations, which are guided by the principles set out in the *Public Sector Ethics Act 1994*.

All Contractors should also refer to Council's [Code of Conduct for Council Teams Members](#). This outlines behaviours expected from Council employees which also set the expectations of Contractors who work for Council.

Although the Code may not address every possible situation, the principles it establishes serve as the foundation for all arrangements between the Council and its contractors in the delivery of goods and services.

The Code serves as a reference to help contractors uphold a high standard of ethical behaviour. Contractors are encouraged to proactively assess their compliance with the Code and take action to address any actual or perceived breaches.

This Code complements the Council's Procurement Process Conditions, Standard Terms and Conditions: Services, and Standard Terms and Conditions: Goods & Services, or any other contract entered in to with Council.

Contractors are expected to maintain the highest standards of behaviour when performing contracts or services with or on behalf of the Council, fostering a culture where professional ethical conduct is recognised, valued, and consistently followed.

Non-compliance or breaches of this Code including unethical behaviour and improper conduct as defined may result in action detailed in section 6 'breaches of the Code'.

## 2. Background

As a local government, Council is entrusted with the responsibility to represent the community and to meet their expectations in delivering services across the Cassowary Coast Region.

Contractors engaged by Council to provide goods or services are equally accountable to the community. The community rightfully expects that all individuals and entities contracted by the Council will uphold the highest standards in their operations.

Council expects all Contractors to act with integrity, maintain ethical standards, protect public resources, and foster effective, productive relationships with both the Council and the community.

The Code outlines these expectations, reinforcing our commitment to sustainable, ethical, and socially responsible procurement practices on behalf of our stakeholders.

## 3. Scope

The Code applies in all circumstances where contractors are engaged by the Council or are in an active procurement process with Council such as tenders, quotes and expressions of interest. This includes Council workplaces, job sites where contractor activities are connected to Council work, and outside the workplace where certain behaviours may directly relate to Council activities. Additionally, the Code extends to any other situations where a contractor's actions could impact the reputation or operations of the Council

## 4. Definitions

**Council** – means Cassowary Coast Regional Council

**Conflict of Interest** - means any actual, potential or perceived conflict between the interests of the Contractor and the Contractor's obligations. See [Code of Conduct for Council Team Members](#) for more information.

**Contractor** – means any person or entity, including their employees, subcontractors or volunteers engaged by Council to provide trades, goods, services or consultancy to Council directly or to the community on behalf of Council.

**Contract** – refers to any legally binding agreement, arrangement, or understanding entered into between the Council and a Contractor. This contract outlines the specific terms, conditions, and obligations under which the Contractor will provide goods, services, trades, or consultancy directly to the Council or to the community on behalf of the Council.

**Unethical behaviour** – refers to

- i. Bullying, harassment, intimidation, exerting undue influence
- ii. Canvassing, bribery, contact with decision makers regarding procurement
- iii. Inappropriate conduct or misconduct.
- iv. Fraudulent, criminal or corrupt conduct.
- v. Actions which result in a loss of confidence by the community in the Council and the Contractor.
- vi. Actions which result in a lack of trust in decisions made by the Contractor or Council.

- vii. Actions which have an unacceptable impact on Council financial resources.
- viii. Actions which result in the loss of reputation and credibility of Council and the Contractor.
- ix. Actions which may result in a breach of trust with Council.

**Improper conduct** – refers to

- i. engaging in misleading or deceptive conduct in relation to the procurement process or the contract;
- ii. engaging in any collusive tendering, anticompetitive conduct, or any other unlawful or unethical conduct with any other tenderer, or any other person in connection with the procurement process;
- iii. failing to disclose a Conflict of Interest in breach of the Standard Terms and Conditions;
- iv. attempting to improperly influence any personnel of Council, or violate any applicable law regarding the offering of inducements in connection with the procurement process or the contract;
- v. accepting or inviting improper assistance of employees or former employees of Council in preparing its tender or any claim against Council in connection with the contract;
- vi. using any information improperly obtained, or obtained in breach of any obligation of confidentiality in connection with the procurement process or the contract;
- vii. engaging in aggressive, threatening, abusive, offensive or other inappropriate behaviour or committing a criminal offence; or
- viii. engaging in conduct contrary to sections 199 and 200 of the *Local Government Act 2009* (Qld).

**Public comment** – means any statement, opinion, or piece of information expressed openly in a public forum, such as a meeting, social media platform, website, or other media accessible by the general public. Public comments can include verbal remarks, written statements, or shared content that is intended to be viewed, heard, or read by a broader audience. These comments can pertain to various topics, including Council activities, policies, decisions, or other matters of public interest.


## 5. Policy

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that will form the basis for this Code of Conduct.

### 5.1 Integrity and Impartiality

Council's procurement is conducted in an environment of integrity, probity and accountability. Council is committed to the highest ethical standards and expects Contractors to commit to the same standards. Contractors should adhere to the following:


1. Ensure all actual or perceived conflicts of interest that could impact objectivity, impartiality, or the performance of the contract must be disclosed to the Procurement Department.
2. Contractors must conduct their business to the highest standards and ensure their practices are beyond reproach. They are prohibited from engaging in any fraudulent, corrupt, or unethical activities and behaviour and improper conduct as defined, including but not limited to: bullying, harassment, intimidation, canvassing Councillors, bribery, money laundering, and theft.

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3. Sensitive and confidential information must be managed in accordance with all relevant privacy legislation, regulations, and confidentiality agreements.
  4. Public comments on Council business should not negatively impact the Council's interests, reputation, or standing within the community, nor should they bring the Council into dispute. This includes any comments, contributions, posts, or sharing of content on social media platforms such as, but not limited to, Facebook or Instagram.
  5. All interactions with Council employees, councillors, and members of the community are conducted with respect, courtesy, and honesty. Contractors who oversee their own employees are responsible for ensuring that their team understands and adheres to Council's expectations.
  6. Contractors should model exemplary business practices and foster a collaborative relationship with the Council. By working together to address any issues in a timely and respectful manner, Contractors help avoid contractual disputes and promote strong, positive working relationships.

## **5.2 Promoting the Public Good**

Council is committed to partnering with contractors who prioritise the welfare of their employees and contribute positively to the community. Contractors can demonstrate their alignment with this commitment by:

1. Treating all members of the public equitably and with honesty, fairness, sensitivity and dignity. Contractors are expected to treat complaints received in the performance of the contract including from Council officers, the community or the employees of the contractor seriously and to respond and manage such complaints appropriately including referral to Council Contract Manager where appropriate to do so.
2. Ensuring that their business, employees, subcontractors, agents, and supply chain do not engage in or contribute to slavery, human trafficking, exploitation, forced labour, or any conduct akin to modern slavery, as defined by applicable laws.
3. Complying with all relevant Workplace Health and Safety (WHS) laws, regulations, and Council officers' instructions.. Contractors are expected to review workplace hazards, including both physical and psychosocial risks such as bullying, harassment, and stress. They must provide required training to employees, ensure the availability of necessary personal protective equipment, and promote a safe work environment that addresses both physical and mental well-being.
4. The Contractor must comply with the *Fair Work Act 2009* (Qld) and all relevant industrial relations laws. This includes ensuring fair wages, working conditions, and entitlements for all employees and subcontractors, and adhering to anti-discrimination and equal opportunity provisions. Contractors are also expected to respect the rights of workers, including their right to a safe workplace and fair treatment under applicable laws.
5. Complying with all relevant environmental and biosecurity legislation (both Federal and State) and related council local laws and policies to not only minimise environmental harm while delivering goods and services under the contract but also to look for opportunities to improve environmental outcomes.

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6. Cultural Heritage Protection: Contractors must comply with the *Aboriginal Cultural Heritage Act 2003 (Qld)* and the *Torres Strait Islander Cultural Heritage Act 2003 (Qld)*. They are responsible for ensuring that their activities do not harm or disturb cultural heritage sites or objects. Contractors must take all reasonable steps to identify and protect cultural heritage and must immediately report any findings or concerns to the Council's Contract Manager. Additionally, they should seek guidance and necessary approvals before commencing work in areas known or suspected to contain cultural heritage.
  7. Ensuring Council property, plant, or equipment provided to a Contractor is used only for the specified purpose, managed lawfully and efficiently, and maintained in good condition. Any loss or damage must be reported by the Contractor promptly
  8. When applicable, complying with the *Building Industry Fairness (Security of Payment) Act 2017 (Qld)* to ensure timely and fair payments to all subcontractors and suppliers involved in the contract. This includes the proper use of project bank accounts, adherence to payment schedules, and resolving payment disputes in accordance with the Act's requirements.

### **5.3 Accountability and Transparency**

Council needs to be accountable and transparent to build public trust and ensure that decisions and actions are made in the best interest of the community. Contractors share this commitment by:

1. Adhering to Council's core values, demonstrating respect, integrity, and courage whilst performing their duties under the contract.
2. Being committed to providing excellent service, delivering goods and services impartially, working cooperatively with Council, and managing any real or perceived conflicts of interest transparently.
3. Ensuring Contractors engaging subcontractors or managing or supervising others comply with the Code's values and principles and take appropriate action if any breaches occur.
4. Securing confidential or sensitive information related to Council operations or other contracts. Such information must not be used, disclosed, or shared without Council's express written consent. It should only be used for its intended purpose, not for personal gain or to harm Council or third parties, and must not be publicly disclosed without approval. Confidential information must be securely stored and, at the end of the contract, returned to Council.
5. Ensuring careful management of any personal information which is obtained or provided while dealing with Council. Contractors are required to comply with the Privacy Principles outlined in the *Information Privacy Act 2009*

### **6. Breaches of the Code**

Council expects all Contractors engaged by Council to adhere to the standards of conduct outlined in this Code.

A breach of this Code of Conduct not only undermines business effectiveness but also harms Council’s reputation and its relationship with the wider community. Any action or inaction by a Contractor that contravenes this Code will lead to disciplinary measures by the Council, which may include:

- Termination of the contract
- Removal from any Council ‘Panel Arrangement’ (Register of Prequalified Suppliers, Preferred Supplier Arrangement (defined in S232 and S233 of the Local Government Regulation 2012)
- Impact on the Contractor’s future evaluations and eligibility in future procurement processes
- A request for the replacement of any individual engaged by the Contractor under the contract
- A claim for damages or loss arising from the breach of contract
- Referral of the matter to the Crime and Corruption Commission and/or Queensland Police for further investigation

All suspected breaches of this Code will be referred to the Procurement Review Board for review.

<b>Related forms, policies and procedures</b>	Procurement Policy Procurement Process Conditions Information Privacy and Confidentiality Policy
<b>Relevant legislation</b>	<i>Local Government Regulation 2012</i> <i>Local Government Act 2009</i> <i>Privacy Act 2009</i>
<b>Reference and resources</b>	Local Government Procurement

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