

Supplier Code of Conduct

Latrobe City Council is committed to providing and maintaining a structure that ensures ethical behaviours by its Suppliers.

All Suppliers have a responsibility to follow and comply with the principals outlined in this document. This Code of Conduct should be read in conjunction with Latrobe City Council Purchase Order Terms and Conditions.

1. SUPPLIERS RESPONSIBILITIES

1.1 COMPLIANCE

Latrobe City Council's Suppliers must comply with all applicable laws, codes and regulations as set out in applicable Procurement documents. Suppliers must also comply with all Federal and State laws, Local Laws and regulations, including the *Public Record Act of Victoria (1973)*.

1.2 CONFLICT OF INTEREST

The Supplier must immediately make a full disclosure in writing to Latrobe City Council of the existence, nature and extent of any actual or potential conflicts of interest that the Supplier or any of its employees, agents and subcontractors, may have between the Supplier's obligations under its Contract with Latrobe City Council and the interests of:

- the Supplier, its employees, agents or subcontractors;
- an associate of the Supplier, its employees agents or subcontractors;
- a company in which the supplier its employees, agents or subcontractors are involved, whether as an officer, shareholder, employee or otherwise; or
- any other person with whom or which the Supplier or its employees, agents or subcontractors have a financial or business association, whether directly or indirectly.

If the Supplier fails to comply with its obligations listed above, Latrobe City Council may immediately terminate all dealings with this Supplier.

1.3 ANTI-COMPETITIVE CONDUCT

Suppliers, and their respective officers, employees, agents and advisors must not engage in any collusion, anti-competitive conduct or any similar conduct with any other Supplier or any other person in relation to the preparation, content or lodging of their quotes or pricing.

1.4 PUBLIC IMAGE

All people engaged to carry out the works must show courtesy and politeness towards the public and present a positive image of Latrobe City.

1.5 INTELLECTUAL PROPERTY

The Supplier agrees to indemnify, keep indemnified and hold harmless Latrobe City Council from and against any action, claims, losses, damages, penalties, demands or costs (including, without limitation, all indirect losses, consequential losses and legal costs on a full indemnity basis) arising from actual or alleged infringements in the provision of the Specified Services of any rights in respect of letters patent, trademarks, copyright, design, confidential information or the like whether granted by Commonwealth of Australia, a foreign State or the common law.

1.6 COUNCIL/CONFIDENTIAL INFORMATION

All persons including Suppliers must not release any document or article or divulge any information gained in the course of their dealings with Council to the media or any person without the prior written approval of Latrobe City Council. Suppliers are required to protect Latrobe City Councils confidential information and must ensure they comply with the *Privacy and Data Collection Act 2014*.

1.7 GIFTS AND HOSPITALITY

Suppliers should not offer Council officers any inducements, gifts or hospitality. Council officers must comply with the Latrobe City Council *Gifts, Benefits and Hospitality Policy*.

1.8 COUNCIL RESOURCES

Suppliers may only use Council property, facilities, resources, and/or equipment in accordance with the terms and conditions of their contract or agreement.

1.9 DRUGS AND ALCOHOL

Suppliers must not attend for duty under the influence of intoxicating substances (i.e. drugs, alcohol, etc.) and must not consume intoxicating substances whilst on duty.

1.10 HEALTH AND SAFETY

Suppliers are expected to:

- Adhere to the requirements of the Council's *OH&S Operational Policy* and its supporting procedures to ensure their own health and safety and the health and safety of others in their workplace.
- Report immediately any accident, incident and near-miss via the organisations agreed procedures.
- Identify and report immediately any workplace hazards and unsafe behaviour or unsafe conditions via the organisations agreed procedures.
- Cooperate with others in seeking appropriate solutions to manage hazards or when suggesting other health and safety improvements.

1.11 OUTSIDE EMPLOYERS OR BUSINESS BY STAFF

It is essential the Latrobe City Council staff do not engage in outside employment on business that could raise a conflict of interest. Suppliers who deal with Council are not permitted to offer Council staff outside employment or business proposals of any kind.

1.12 SUPPLY CHAIN TRANSPARENCY

All suppliers who intend to engage in the practice of sub-contracting must first obtain written permission from Latrobe City Council before doing so.

Suppliers who wish to engage sub-contractors must ensure that the sub-contractor possesses all of the required competencies, insurances and licences as required.

The terms and conditions agreed between the contractor and the sub-contractor in relation to Latrobe City Council business must be agreed so that their agreement does not expose Latrobe City Council to any level of financial, reputation or operational risk.

1.13 PURCHASE ORDERS

No supplier or contractor may provide goods, works or services without being provided an authorised purchase order from Latrobe City Council. Verbal or written instructions to proceed works without a purchase order are considered non-compliant.

2. GENERAL CONDUCT

Suppliers must avoid behaviour that could constitute an act of misconduct or misbehaviour. You should therefore avoid conduct that:

- breaches the Local Government Act
- is an abuse of power or otherwise amounts to misconduct
- causes, comprises or involves intimidation, harassment or verbal abuse
- causes, comprises or involves discrimination, disadvantages or adverse treatments
- causes, comprises or involves prejudice in the provision of service to the community

Suppliers must act lawfully, honestly and exercise a reasonable degree of care and diligence.

3. BREACHES

It is the responsibility of Council officers and Suppliers to act in accordance with Councils Code of Conduct and must report any breaches of the code immediately. Reports should be made to the Coordinator Procurement or the Manager Governance.

Author: Coordinator Procurement	Approved Date: March 2020	Approved By: The Executive Team	Next Review By: March 2022
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