



# Code of Conduct

*For member representatives participating in  
Consult Australia meetings*

July 2023

*This Code of Conduct, along with the Code of Ethics  
and the Guide on Consult Australia Activities and  
Avoiding Anti-Competitive Behaviour sets out the  
behaviour expected of Consult Australia members  
and their representatives.*

## Consult Australia brings competitors together

Consult Australia members are businesses that provide consulting advisory, design, and engineering services and are part of the same industry. The opportunities Consult Australia provides (networking meetings, discussions, and events) bring competitors in the same industry together which has the potential to lead to anti-competitive behaviour and/or contravention of the *Competition and Consumer Act 2010* (Cth).

Consult Australia requires members and their representatives to:

- meet the obligations of the Code of Ethics
- be familiar with the Guide on Consult Australia Activities and Avoiding Anti-Competitive Behaviour
- behave in line with this Code of Conduct.

## If you participate in Consult Australia meetings, you must be familiar with and meet this Code of Conduct

This Code of Conduct assists individuals to understand their obligations with regards to their behaviour and participation at Consult Australia member meetings (including with stakeholders).

Participants acknowledge the responsibility and privilege to participate in meetings and develop policy and other guidance material for Consult Australia and its members. Individuals must adhere to this Code of Conduct to support the productive participation by all participants in meetings and in the development of material.

Participants will also actively encourage compliance with this Code of Conduct, accepting and encouraging rapid actions to address poor, unacceptable, or inappropriate behaviours and breaches of this Code of Conduct.

## Code of Conduct

### 1. Promote a culture of fair and ethical behaviour

For example, by:

- acting at all times with honesty, integrity and responsibility and in the spirit of good faith and fair dealing
- not engaging in any conduct which is unfair, harsh or unconscionable
- not engaging in any wilful practice which may lower the standards applicable in the industry
- observing both the spirit and the letter of the relevant laws of the Commonwealth, states and territories in which members operate including the *Competition and Consumer Act 2010* (Cth) and the relevant Fair Trading Act(s)
- promoting the objectives of this Code of Conduct, and the Consult Australia Code of Ethics, including encouraging the reporting of unethical behaviour, breaches of the law and matters detrimental to Consult Australia and its reputation.

### 2. Recognise that the development of policy and other documentation/ information is for the benefit of the Australian community and members of Consult Australia, over and above the interests of any individual or company.

### 3. Commit to respecting others and the professional culture of Consult Australia, attending meetings fully briefed and prepared.

This includes committing to meeting etiquette and the rules of engagement by:

- turning mobile phones off/to silent
- being on time
- respecting others and their opinions by allowing one person to speak at a time
- following an agreed agenda
- accepting group decisions and not returning to 'closed agenda items' unless new, relevant subject matter emerges.

#### **4. Behave in a transparent manner by declaring all relevant interests.**

This includes managing or remove potential, perceived or actual conflicts of interest, and facilitating the resolution of competing interests.

#### **5. Act in good faith and with due care and diligence and comply with applicable laws and standards.**

This including avoiding collusive or anti-competitive behaviour that is contrary to the *Competition and Consumer Act 2010* (Cth). Individuals must not:

- attempt to make, arrive at, give effect to, be concerned with or be a party to any collusive arrangement or understanding that may reduce or prevent competition
- engage in any conduct which is misleading or deceptive or which is likely to mislead or deceive
- supply, or attempt to supply, any good or material upon condition that the purchaser agrees to take other goods or services from a nominated third party
- engage or attempt to engage in the practice of price fixing or resale price maintenance
- discuss prices, discounts, rebates or credits with competitors including other member representatives at any Consult Australia meetings (whether formal or informal)
- discuss excluding or limiting dealings with a supplier or customer with other member representatives at any Consult Australia meetings (whether formal or informal)
- discuss active tenders, specifically or generally, except in the case of standard form contracts.

## Guidelines for engagement with stakeholders

In addition to the above, all participants involved in engagement with stakeholders will meet the following guidelines:

- Engage with stakeholders to find a win-win solution. Where a mutual agreement cannot be found on an issue, agree to park the issue and move on to areas where cooperation is possible.
- Participate as representatives of Consult Australia. Any issues relating to any contracts or bids between their employing organisation and the stakeholder are not to be discussed in such meetings.
- Take the time to listen to stakeholders before making requests of them.
- Seek to have a minimum of two Consult Australia representatives at every meeting, where appropriate.
- Take time to be briefed on relevant issues before attending stakeholder meetings. This includes general backgrounding and Consult Australia policy.