



ASW MEMBER CODE OF ETHICS AND BUSINESS PRACTICE

Version History

Version No.	Date	Changed by	Nature of Amendment
0.1	28/07/2020	Catrin Allsop	First version
0.2	10/08/2020	Catrin Allsop	Board requested amendments
0.3	11/08/2020	Catrin Allsop	Board requested amendments
1.0	12/08/2020	Catrin Allsop	Final version

THE CODE'S OBJECTIVES:

This Code of Ethics and Business Practice applies to members of Australia's South West (ASW). All members of ASW are required to comply.

Its objectives are to:

- Provide professional business standards that will set ASW members apart from those who are not members
- Deliver professional business standards by which members can measure the value of being an integral part of the tourism network
- Add value to ASW membership by providing an operational framework within which members can promote their product and build strong and sustainable business relationships.

PART ONE – PROFESSIONAL BUSINESS STANDARDS

DELIVERY OF SERVICES

The member acknowledges its responsibilities to meet the reasonable expectations of all clients to the best of its ability. Clients include any individual, group or business desirous of using or receiving the goods or services of the member. The member will, so far as it is reasonably able, present its goods and services in the best possible way.

Tourism Business

Any organisation, business, local authority or person whose aim and activities include active development, servicing or promotion of tourism may become a member of ASW.

Tourism Marketing

Members acknowledge the importance of marketing their product. The member will adopt a plan to encourage and foster the development and promotion of their products and services in the relevant markets with at the minimum an active and functioning social media presence and/or website.

Disclosure

Members will be informed of all the terms and conditions of any contract entered into, including the terms of payment and any cancellation and any pre-conditions before entering the transaction.

Complaints and Disputes

ASW members should conduct their activities so as to try to avoid disputes with other businesses and fellow members. In the event of a difference of view between members or businesses, both parties must enter into an appropriate dispute resolution process. The member must adopt procedures to ensure all reasonable client concerns and queries will be fairly and amicably dealt with as soon as practicable. Members should provide a system that facilitates effective communication with clients, in the event of a client concern or complaint.

PART TWO – LAWFUL BUSINESS PRACTICES

GENERAL LAW

Fit and Proper Person

In assessing whether a person who is an applicant for ASW membership, an applicant for renewal of ASW membership or who is an ASW member, meets the Fit and Proper Person Requirements, the Board will consider the following:

- whether the person has been convicted of an offence against a law of the Commonwealth or of a State or Territory of Australia, or a foreign country, and if so, the seriousness of the offence;
- whether the person has ever had his, her or its ASW membership cancelled or suspended;
- whether the person or Directors has ever become bankrupt, applied to take the benefit of a law for the benefit of bankrupt or insolvent debtors, compounded with his or her creditors or assigned his or her remuneration for the benefit of creditors;
- whether the business is solvent;
- whether the person has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
- whether the person was involved in another business who is covered by any of the above paragraphs that gave rise to the relevant prosecution or other action;
- whether the person has ever provided a statutory authority with false or misleading information or made a false or misleading statement to a statutory authority, and whether the person knew that the statement made or information provided to statutory authority was false or misleading;
- whether the person has public liability insurance of at least \$5 million and the relevant licences to run the operation;
- whether the person has engaged in activity that might bring ASW into disrepute;
- whether the person is part of any dispute between an existing member or ASW;
- whether the person has displayed any threatening behaviour or harassment of an ASW staff member or Board Director; and
- whether the person has undertaken conduct demeaned detrimental to the interests of ASW.

Contracts

A binding contract is formed when at least two people agree to do something for each other, for a benefit. If you enter into a binding contract you must perform all your obligations agreed with the other party.

Duty of Care

ASW members must at all times uphold a duty of care to their contractors, clients and consumers. There is a general duty of care on employers of the workplace to ensure the health, safety and welfare at work of all employees and others who come to the workplace.

- It is the employer's responsibility to ensure that all reasonably practicable measures have been taken to control risks against all possible injuries arising from the workplace.
- The employer's duty of care applies to all people in the workplace, including visitors, contractors etc.
- There is a general obligation on employees to take care of others and cooperate with employers in matters of health and safety. An employee must also co-operate with the employer or other person so far as is necessary to enable compliance with the relevant OH&S/WHS Act/Regulations.

Licensing and/or registration

ASW members that own, use, hire, contract or otherwise engage transport vehicles must ensure that the said vehicles are legally registered and appropriately insured as public passenger vehicles.

Confidentiality

Members must not disclose confidential information unless required by law. The best way to protect it is to enter into a contract with the disclosee under which the disclosee agrees to keep the information confidential. Similarly, if you agree to keep someone else's information confidential, you should ensure your systems enable you to comply with your contract. The law also requires you to keep confidential information that someone has disclosed to you in circumstances where you should recognise it is confidential.

STATUTE LAW

Australian Consumer Law

The Competition and Consumer Act and similar state legislation prohibit certain unfair trading practices such as misleading or deceptive conduct, false representations and unconscionable conduct. The law requires honest and fair business conduct.

The Australian Competition and Consumer Act

The Competition and Consumer Act also prohibits conduct that is likely to restrict competition between businesses. For example: Where competitors fix prices, rebates, discounts, credits or allowances where competitors agree not to acquire goods or services from a supplier or limit the supply of their goods or services to another person where a business supplies a service on condition the customer acquire another service from another person requiring goods or services to be resold

at a minimum price or more, or, refusing to supply goods or services or supplying them on less favourable terms, because the purchaser won't agree to do so pricing below cost to eliminate or substantially damage a competitor.

In no circumstances are the provisions of this Code of Ethics and Business Practice to be interpreted as requiring members to adopt a course of conduct which is inconsistent with the requirements imposed upon them by the Competition and Consumer Act and other equivalent state laws and regulations.

Discrimination

When employing individuals or providing a service to tourists it is important not to discriminate against people. Common types of discrimination are: Racial discrimination where someone is treated less fairly because of their ethnic background or national origin. Sex discrimination where a person is treated less fairly than another person because of their gender, marital status or because they are pregnant. Disability discrimination occurs where a person is treated less favourably on the basis of their disability in circumstances where the disability does not materially affect the person's capability to do a job or safely partake in a given tourist activity.

Occupational Health and Safety

Organisations have an obligation to ensure the health, safety and welfare of employees and others in the workplace. Steps that can be taken to ensure the health, safety and welfare of employees are to provide training and supervision, to provide and maintain safe entrances and exits and to establish an effective reporting procedure of unsafe practices and to remedy a work area that has resulted in injuries in the past.

Privacy

Privacy laws protect personal information. Personal information is any information or opinion that identifies a person or can be reasonably used to identify a person. For example, personal information would be somebody's name or address. Organisations should comply with the ten privacy principles set out in the Privacy Act 1988. In particular, an organisation should only collect personal information that is necessary for its functions or activities and should disclose to the person how his or her personal information will be used.

Copyright

Copyright protects expressions of ideas such as written material, software, and artistic works including photographs, music, films and sound recordings. Copyright protection is automatic and free. A work is protected from the time it is first written down, painted or drawn or recorded in some way. If you wish to use somebody's copyrighted work you need to seek permission, preferably in writing, from that person, before using the work.

PART THREE – COMPLIANCE

BREACH OF THIS CODE

In accordance with ASW's Constitution, the Board has absolute power to approve or reject membership applications and if the Board considers that a Member should be suspended or expelled from the membership of ASW because his or her conduct is detrimental to the

organisation, this will be communicated in writing to the member.

DISCIPLINARY PROCEDURE

The procedure for the management of a breach or complaint in relation to a member's conduct is as follows and is outlined in the ASW complaints Management Policy:

- a) A report of a breach or a complaint is lodged with the ASW office to any staff member
- b) Any person or entity can lodge a complaint to the ASW office to any staff member
- c) Where the complaint is not an alleged serious breach of legislation, policy, procedure or contract, the Informal Resolution Procedure is used.
- d) Where the complaint is an alleged serious breach of legislation, policy, procedure or contract, the Investigation Procedure is used.
- e) The Acknowledgement of Receipt Procedure is used for a complaint against a member or stakeholder involved in the tourism industry by a member of the public or another tourism business.
- c) The member to whom the complaint is directed is to be contacted in writing by the ASW office in the manner and form required by ASW's Constitution.

RIGHT OF APPEAL

An ASW member has a right of appeal from a decision of the Board. The procedure for an appeal is as provided in the Constitution. In the event that a dispute cannot be resolved, such dispute may be heard by the State Administrative Tribunal.

PART FOUR – INCONSISTENCY

To the extent of any inconsistency between this Code of Ethics and Business Practice and ASW's Constitution, ASW's Constitution prevails to the extent of the inconsistency.

