

Australian Standard[®]

**Code of ethics and procedures
for the selection of consultants**

This Australian Standard was prepared by Committee OB/10, Construction Industry Practice. It was approved on behalf of the Council of Standards Australia on 28 October 1994 and published on 31 December 1994.

The following interests are represented on Committee OB/10:

Association of Consulting Engineers Australia
Australian Chamber of Commerce and Industry
Australian Institute of Purchasing and Materials Management
Australian Liquor Hospitality and Miscellaneous Workers Union
Construction Industry Development Agency
Construction Industry Engineering Services Group
Law Council of Australia
Master Builders Australia
MTIA/National Construction Council
National Public Work Council
Royal Australian Institute of Architects

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<p>First published as AS 4121(Int) — 1993. Revised and designated AS 4121 — 1994.</p>

PREFACE

This Standard was prepared by the Standards Australia Committee on Construction Industry Practice to supersede AS 4121(Int)—1993, *Code of ethics and procedures for the selection of consultants*.

The previous edition of this Standard was developed and issued to public comment by the Construction Industry Development Agency (CIDA) Code of Practice Working Party, and forwarded to the Standards Australia Committee on Construction Industry Practice for endorsement as an Interim Australian Standard.

This edition incorporates the following major changes from the previous edition:

- (a) Clause 6.1.3—includes a statement on the application of pre-qualification criteria in preselection.
- (b) Clause 6.2.1—includes a statement on project funding.
- (c) Clause 6.2.2(e)—includes a statement on short listing of Consultants.
- (d) Clause 6.6—includes a statement on post proposal negotiations and providing unsuccessful Consultants with reasons for non-acceptance.
- (e) Clause 8—includes a statement on commercial in confidence.

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CONTENTS

	<i>Page</i>
FOREWORD	4
1 SCOPE	5
2 APPLICATION	5
3 DEFINITIONS	5
4 ETHICS	5
5 SELECTION PROCEDURES	6
6 OBLIGATIONS OF THE PRINCIPAL	6
7 OBLIGATIONS OF CONSULTANTS	9
8 CONFIDENTIALITY	10

FOREWORD

The purpose of this Standard is to encourage high ethical standards in the procurement of professional services in the construction industry, in the belief that significant benefits will flow to the entire community through the delivery of high quality professional services with probity. It constitutes a statement of the ethics which underline best-practice selection procedures. It imposes an obligation on all those parties to refuse to condone unethical behaviour by others in the industry.

Inherent in adoption of this Standard is a willingness to deal only with industry organizations and personnel whose standards of performance and behaviour conform to those expected by this Standard.

STANDARDS AUSTRALIA

Australian Standard

Code of ethics and procedures for the selection of consultants

1 SCOPE This Standard sets out the ethics and the obligations of the Principal and Consultants in the selection and appointment of Consultants and subconsultants through direct negotiations or invitation, proposal and selection process for the procurement of professional services in the construction industry. A separate Standard covers the selection of contractors through the tender process.

2 APPLICATION This Standard applies equally to Principals, their agents, Consultants, subconsultants and suppliers and their associations and professional organizations.

3 DEFINITIONS

3.1 Construction industry—includes all building, refurbishment, maintenance, civil engineering, process engineering, mining and heavy engineering projects. It excludes cottage construction.

3.2 Consultants—any party submitting proposals.

3.3 Intellectual property—all copyright, patents and all rights in relation to inventions, registered and unregistered trademarks (including service marks), registered designs, circuit layouts and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

3.4 Principal—any party inviting and receiving proposals and selecting a Consultant.

4 ETHICS This Standard is based on the following principles:

- (a) The process used to select Consultants shall be conducted honestly and in a manner that is fair to all parties involved.
- (b) Parties shall comply with all legislative obligations including those required by trade practices and consumer affairs legislation.
- (c) The Principal shall have regard to the costs of preparing proposals with a view to minimizing the overall cost of selection.
- (d) Parties shall seek and submit proposals with the firm intention to proceed.
- (e) The conditions of inviting proposals shall be the same for each Consultant.
- (f) Consultants shall not respond to an invitation unless they genuinely believe they have the competence and capacity to undertake the project being offered.
- (g) Briefing documents shall specify the Principal's requirements as clearly and precisely as possible.
- (h) Parties shall not engage in any practices which give one party an improper advantage over another.
- (i) Parties shall not engage in practices such as collusion, secret commissions, or any other such improper arrangements.