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## 1. INTRODUCTION

The Spirits Victoria Association ("SVA") Member Code of Conduct provides a behavioural and ethical framework for the conduct of all Members.

The Code of Conduct defines how SVA Members are to relate to the SVA, other Members, employees of SVA, government, industry bodies, SVA suppliers, consumers, and the community. The SVA requires that members operate in a professional manner, and with the highest level of commercial integrity.

### Treatment of others

Everything we do can have ethical, work health and safety, social, environmental, and economic impacts. Our own success and sustainability as an organisation depend on not only what we do, but also how we do it. It is for this reason, we should always work and act with integrity and comply with applicable laws, regulations, codes, policies, and procedures.

SVA and its members are committed to operating ethically and responsibly, creating long term value for the communities we serve. We play an essential role in the community as, an Owner, employer, and corporate citizen.

This Code of Conduct is supplementary to the Constitution.

This Code is designed and intended to outline the behaviours we as an Association aspire to – externally and internally – with customers, staff, and other members. It is not intended to be a complete guide of how we should interact with each other and the ordinary principles of:

- respect for and in our dealings with others,
- courtesy and good manners,
- co-operation,
- honesty in our business practices and in our dealings with others,

should apply.

In keeping with the principles above, Members shall engage and interact with each other and the SVA executives, staff, and Committee in a respectful manner always in person, online and in the various online forums used by the SVA group. Specifically in using the various meetings, forums, and online platforms (e.g., Facebook) available to Members and used by SVA, Members and SVA executives and staff shall not:

- criticise, abuse, harass, intimidate, 'put down', smear, ridicule, bully or disparage SVA, its Committee (Committee), executives, or staff<sup>1</sup>;
- criticise, abuse, harass, intimidate, 'put down', smear, ridicule, bully or disparage SVA Members or Members businesses, products or conduct;

Every Member of SVA is expected to comply with a code of conduct determined by the Committee from time to time.

SVA requires its Members, the Committee Members, and employees to observe the highest standards of professional conduct and ethical behaviour in the conduct of all their operations. By maintaining such standards, Members, enhance their own standing and foster confidence and respect in the spirits and hospitality industries. Such confidence includes both consumer and business confidence as well as that of government and community.

### **Making a Complaint**

Members have every right to make complaints and this policy is not designed to gag legitimate questions or criticisms of performance or behaviour. The Committee of SVA has approved a Member Complaint Policy which is available on request.

### **Members**

As a Member of the SVA, I/we will:

1. will co-operate with and support the SVA to achieve its objectives and strategy
2. act honestly, in good faith and in the best interests of the Association
3. demonstrate commitment to best practice and continual improvement of the industry including participation in voluntary guidelines and accreditations
4. compete fairly in the markets in which I/we operate
5. work safely and apply industry best practice to the health, safety and wellbeing of employees, clients, consumers, suppliers, and communities
6. promote and commit to safety policies and procedures within my business
7. show respect for the diverse range of people and cultures with whom they and SVA work and for their human rights
8. should not engage in conduct likely to bring discredit to SVA or the spirits industry
9. not be involved in corrupt or unlawful practices, bribery, discrimination, or similar improper behaviour
10. shall not misrepresent or mislead members of the public as to the availability, quality, or fitness for purpose of any products, or carry out or conduct misleading marketing campaigns or advertising

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<sup>1</sup> Harassment, intimidation and bullying are defined in Appendix 1

11. refrain from making representations (to Members, media, government, other) on behalf of SVA
12. shall act courteously and with good manners when dealing with other Members, SVA staff and the public
13. shall not enter into any agreement or undertake any activity which may conflict with the interests of the Association or which would breach this code of conduct
14. have an obligation, always, to comply with the spirit as well as the principles of this Code.

#### **Disciplinary Action and consequences**

The SVA Constitution include clauses and a process for which Members can be disciplined, expelled, suspended, or fined for bringing the Association into disrepute and/or to settle disputes between the SVA and its Members.

As a Member of the SVA, I/we will:

1. recognise that if the Committee of the SVA determines that I/we have breached any principle of the Code of Conduct, our membership may be suspended or terminated, or the Member fined as per the Constitution and in adherence to the procedure set out.

SVA will provide clear and transparent communication to Members before taking any action or any steps towards a disciplinary consequence. Members will be provided with a copy of the Complaints Procedure.

## Appendix 1- Harassment, Intimidation and Bullying Definitions

### Harassment

Harassment provisions are included across a range of legislation, including the following:

- section 28A of the *Sex Discrimination Act 1984* defines sexual harassment as when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to a person. This occurs in circumstances where it is possible that the person harassed would be offended, humiliated or intimidated. Sexual harassment can be subtle and implicit rather than explicit;
- section 18C of the *Racial Discrimination Act 1975* prohibits offensive behaviour based on racial hatred. Offensive behaviour includes an act that is likely to offend, insult, humiliate or intimidate another because of their race, colour or national or ethnic origin; and
- section 25 of the *Disability Discrimination Act 1992* prohibits harassment in relation to an employee's disability.

There is equal opportunity legislation in each state and territory which also deals with sexual harassment at work.

According to the AHRC, some examples of harassment include:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about a person's disability; or
- asking intrusive questions about someone's personal life, including their sex life.

Employers have a common law duty to take reasonable care for the health and safety of their employees, as well as additional duties under federal and state or territory work health and safety legislation. An employer's duty of care to its employees may be breached if bullying or harassment (including sexual harassment) occurs within the workplace. Employers should be aware of the obligations and duties set out in relevant work health and safety legislation in each state and territory.

<https://lawcouncil.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>

### Bullying

Bullying is defined under section 789FD of the *Fair Work Amendment Act 2013* (Cth) as when an individual or group of individuals repeatedly behave unreasonably towards a worker and that behaviour creates a risk to health and safety.

Bullying includes a range of behaviours such as:

- yelling, screaming or offensive language;
- excluding or isolating employees;

- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changing work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance;
- constant unconstructive criticism and/or nitpicking;
- suppression of ideas; and
- overloading a person with work or allowing insufficient time for completion and criticising the employees work in relation to this.

*<https://lawcouncil.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/bullying-and-harassment-in-the-workplace>*

### **Intimidation**

Laws provide a broad definition for “intimidation”; it can refer to any act that creates fear of physical or mental harm. It can also include the process of attempting to coerce or deter an action by inducing fear.

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