

## Purpose

The purpose of this code is to provide the values, principles and beliefs in delivering building owners a level of quality specified system inspection work and personal ethics by registered independent qualified persons to sustain a safe and healthy work place.

## Scope

The code applies to all registered Independent Qualified Persons (Individual)

Disciplinary matters will be conducted by Council under a due and fair process to provide an efficient procedure in managing any disciplinary matter, received (in writing) by the Registrar and or / Panel pertaining to an Independent Qualified Person.

In the Public interest, Independent Qualified Persons need to be held accountable for their performance in carrying out their responsibilities under the appropriate sections of the Building Act 2004 inclusive of any amendments.

## Principles of Code

- Acting lawfully and ethically in the best interests of Building Owners and Auckland Council.
- Being honest in dealings with Auckland Council and Building Owners.
- Being of sound character.
- Treating all information gained with care and using it for appropriate purposes only.
- Complying with all relevant legislation, regulations and the building code.
- The disciplinary action is applied to encourage acceptable work quality ethics and, provide consequences for failing to do so.

## Grounds for discipline (but not limited to)

- Did or supervised work negligently or incompetently
- Obtaining registration for specified systems dishonestly
- Carried out work on systems they were not registered for
- Consistently failing to provide correct documentation
- Misrepresented their competence on specified systems
- Carried out or supervised work on specified systems outside their competency
- Has provided false information / documentation to Building Owner or Auckland Council
- Either orally or in writing made any declaration or representation, knowing it to be false or misleading
- Produced to the Registrar or made use of any document, knowing that it was not genuine
- Complaint received from a customer regarding the quality of the service being provided or any matter regarding inappropriate behaviour.

## Warning Process

Auckland Council reserves the right to vary the warning process as appropriate to the situation. The warning process may include but is not limited to the following:

- *In the first event of a breach of discipline the Independent Qualified Person may be issued an oral warning, formal written (Level 1)*
- *In the second event of a breach of discipline the Independent Qualified Person may be issued a first written warning (Level 2)*
- *In the third event of breach of discipline the Independent Qualified Person may be issued a final written warning (Level 3)*
- *In the event of any further breach of discipline the Independent Qualified Person may be classified as Serious Misconduct culminating in suspension or deregistration (Level 4)*

## Penalties

- *Request that further training is required*
- *Being formally reprimanded (oral or written)*
- *Suspension of registration up to 12 Months*
- *Removed from the register (totally) or (deregistered for a specified system)*

## Serious Misconduct

All serious misconducts will mean an instant suspension from the Independent Qualified Person register during an investigation. This may mean waiting for reports from emergency services or suitably qualified persons to determine the extent of issue. Serious misconduct may include but is not limited to:

- *A specified system is found to be in a state that would suggest that no testing and / or maintenance has been completed for some time*
- *A specified system is directly linked to a serious injury*
- *A specified system is directly linked to a death*

## Suspension/Removal of Registration as an Independent Qualified Person

If it is determined that no further action is required then registration will continue.

- *If further action is required registration may be suspended until further investigation is complete this information will be relayed to the IQP and to other Territorial Authorities.*
- *Removal of registration would only occur after a thorough investigation had been completed:*
- *If the findings are that, the Independent Qualified Persons registration is to be suspended or deregistered the IQP and Territorial Authorities will be notified.*

## Appeals

Any complainant may request an appeal of the outcome of a disciplinary hearing. The appeal will be forwarded to a senior management committee to consider and respond.