



Code of Conduct and Complaints and Disciplinary Procedure



CODE OF CONDUCT AND COMPLAINTS AND DISCIPLINARY PROCEDURE

The Association of Building Compliance states the purpose for which the Association was established as follows:

- To educate, encourage and provide information and guidelines in relation to the Building Compliance industry and to promote and foster relationships with key stakeholders and other related industry groups.
- To support and encourage Members through education, training, workshops, courses and resources to work to meet current legislative requirements and standards and assist the Association in maintaining recognition as an organisation and industry.
- To consult on, participate and provide training and expertise in any matters of legislation and regulation by Government and Territorial Authorities applicable to either or both the Building Compliance regime and/or Independent Qualified Person (IQP) regime.
- To promote and pursue all standards to maintain recognition as a respected educational organisation.
- Educate and keep informed Members on related industry issues and legislative changes at all times.
- Support, disseminate, advise on, encourage and provide guidelines in the industry.
- Foster relationships and strategies with Council, Government Agencies, Fire Service and other agencies that will promote the Association and its purposes.
- Support and encourage Employer and Employee participation in industry training initiatives.
- Improved and transparent communication with Members and providing for active participation of Members.

The Purpose of this Code is to provide our members with strong, consistent ethical values and principles and define the responsibilities and behaviours that would be expected from Association of Building Compliance Members.

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All members of the Association of Building Compliance should always act lawfully and ethically and strive to deliver the highest possible standard of service to all customers.

All members, whether new or current, are expected to abide by this Code of Conduct.

This code covers all financial members of the Association of Building Compliance.

IN AREAS RELATING TO PUBLIC INTEREST:

All members must take reasonable steps to safeguard health and safety of people, including:

- Yourself
- Staff
- Community

IN AREAS RELATING TO PERSONAL CONDUCT:

All members must act competently. This includes but is not limited to:

- Ensuring that relevant knowledge and skills are kept up to date.
- Ensuring that you only undertake activities that are within your competence: and
- Ensuring that you undertake these activities in a careful and competent manner.

Members must not:

- Misrepresent, or permit others to misrepresent your competence, or;
- Knowingly permit other IQP's, for whom you are responsible, to undertake activities outside their competence, undertake activities in a manner that is not careful or competent or permit others to misrepresent their competence.

ALL MEMBERS ARE REQUIRED TO BEHAVE APPROPRIATELY. THIS INCLUDES BUT IS NOT LIMITED TO:

- Acting with honesty and integrity
- Treating other members with respect and courtesy
- Disclosing and appropriately managing any conflicts of interest.

Members must not:

- Accept from any person anything which is intended to improperly influence your decision making responsibilities as a professional building practitioner.
- Engage or support corrupt practices.

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If a member becomes aware that their professional advice may not be followed and believe that the failure to observe this advice would have adverse consequences, they must inform the recipient of that advice of these consequences (duty of care). It is advisable that this is confirmed in writing.

CONFIDENTIALITY

If a member obtains confidential information from clients or employers in the course of their activities they must not:

- Use the information for any purpose except that for which the information was obtained.
- Disclose the information unless permission has been given by the client/employer.

PROFESSIONAL DEVELOPMENT

As professionals, we should strive to meet the highest standards of competence and strengthen our competencies on a continuous basis.

- The intent is to expand our knowledge in our area of subject matter expertise.
- Commit to continuous learning, skills development and application of new knowledge related to our area of expertise.

MISREPRESENTATION

Members shall not misrepresent themselves to others by implying they are acting/speaking formally on behalf of the Association of Building Compliance as a whole, or unless otherwise invited to do so by invitation of the Management Committee.

USE OF THE ASSOCIATION OF BUILDING COMPLIANCE BRAND

Members are encouraged to utilise the Association's logo on their commercial correspondence, however, members are required to contact the Association Manager and request an electronic copy of the Association's membership logo.

REPORTING BREACH OF CODE OF CONDUCT

If you have reasonable grounds to believe that another Member has committed a significant breach of this Code of Conduct, you must report the matter to the Association of Building Compliance.

DISCIPLINARY PROCEDURES

These disciplinary procedures are to be read in conjunction with the Association of Building Compliance Code of Conduct.

COMPLAINTS REGARDING MEMBERS

A person may lodge a complaint to the Association of Building Compliance about any breach of this code of conduct of a Member.

The complaint must be made in writing and must contain the complainant's name and contact details.

The Association of Building Compliance will endeavour to give reasonable assistance to enable a person wishing to make a complaint, to put that complaint in writing.

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF BUILDING COMPLIANCE

The Disciplinary Committee of the Association of Building Compliance will be made up of a minimum of two members of the Management Team, the Association Manager and the Regional Co-ordinator for the region relevant to the complaint. When investigating a complaint, the Committee may, at its own discretion, bring in experts to assist in the investigation of the complaint.

On Receipt of a Written Complaint

1. The Association Manager will ensure all information and details have been provided and refer the complaint to the Disciplinary Committee and advise the Association Chairperson.
2. The Disciplinary Committee will investigate the complaint in accordance with the following process.
 - (a) The Association must notify the relevant member that a formal complaint regarding their conduct has been received. The Association will advise the member about the general nature of the complaint before commencing the investigation.
 - (b) The Disciplinary Committee will carry out an initial investigation of the complaint to determine if the complaint proceed or be dismissed.
 - (c) The member shall have one right of challenge of any individual who forms part of the disciplinary committee. Any further dispute shall be referred to the Chairperson for determination in respect to conflict of interest of any party.
 - (d) The Disciplinary Committee may seek to verify the information in the complaint by requesting a statutory declaration by the complainant.
 - (e) After considering the complaint, the disciplinary committee may advise both parties that the complaint should be referred to mediation or another dispute resolution process.
 - (f) If alternative dispute resolution is not used or fails to resolve the dispute, the disciplinary committee will decide whether the complaint should be:
 - a. Further investigated.
 - b. Be dismissed

DISCIPLINARY PROCEDURES *cont.*

POWER OF THE DISCIPLINARY COMMITTEE

The Disciplinary Committee may

- (a) Make, or appoint a person to make any preliminary inquiries it considers necessary:
- (b) Engage legal counsel, who may or may not be present at a hearing of the Committee and who can advise the Committee on matters of law, procedure and evidence.
- (c) Request the member complained about or the complainant, to provide to the Committee, within a specified period of at least 15 working days, any documents or materials/information that they are in possession or control of which is relevant to the complaint or inquiry; and
- (d) Request the member complained about, or the complainant, to attend before the Committee, at that person's own cost, on at least 14 days notice
- (e) Provide information to assist the complainant and the Member complained about, in regards to obtaining counsel or other advocacy assistance.

WAY IN WHICH THE DISCIPLINARY COMMITTEE MUST CONSIDER THE COMPLAINT

- (a) If the complaint has been referred to outside mediation or legal action, then the Disciplinary Committee will determine any course of action based on the final determination of the mediation or legal action taken.
- (b) If the matter is to remain within the Association of Building Compliance the Disciplinary Committee will follow with the process as outlined below.
 - a. Send details of the complaint or inquiry to the Member complained about.
 - b. Invite the Member to respond in writing to the complaint within 30 days.
 - c. Should a meeting be requested by the Disciplinary Committee then :
 - i. The Disciplinary Committee shall request the meeting and give the complainant, the member complained about, and any other person alleged to have been aggrieved, 20 days notification of:
 - 1. The time and place of the meeting
 - 2. The right to those persons to be heard and represented, and to present evidence at the meeting.
 - d. Complainants, member complained about and any other person alleged to have been aggrieved will be required to notify the Committee within 15 days if they wish to be heard or present at the meeting.
 - e. The complainant, member complained about, and any person alleged to be aggrieved have the right to be heard and represented, and to present evidence at the meeting.

DISCIPLINARY PROCEDURES *cont.*

HOW THE DISCIPLINARY COMMITTEE'S DECISION MUST BE MADE:

The Disciplinary Committee's decision on a complaint must be made in the following way:

- (a) The Committee must make its decision as soon as practicable, but may delay making the decision until the outcome is known of any other legal proceedings that may affect its findings.
- (b) If the Committee is not unanimous, the decision of the majority of the Committee plus one Board member will determine the decision of the Committee.
- (c) As appropriate in considering a complaint in regard to an alleged breach of ethical and/or professional conduct, the Disciplinary Committee may evaluate the diligence in applying the Code of Conduct by the Member, the degree to which account was taken of each clause of the Code and the extent of the breach of the Code of Conduct.
- (d) As appropriate in considering a complaint, the Disciplinary Committee may evaluate the actions and competence expected of the member, having regard to the extent that the Member attempted to comply with the Code of Conduct and the extent of the breach.

THE ASSOCIATION MUST NOTIFY AND IMPLEMENT DECISION

The Association must:

- (a) Notify the complainant and the Member complained about of the Committee's decision, the reasons for that decision, and any dissenting views.
- (b) Implement any of those decisions that require actions by it, but must allow at least 20 days after notifying the complainant of the decision before implementation.

POWERS OF THE DISCIPLINARY COMMITTEE

On completion of an investigation into a formal complaint, and the conclusion of any subsequent challenge, the disciplinary committee with approval from the Chairperson shall have the powers to take the following actions:

1. Recommend professional development training to further assist the member.
2. Suspend membership for a period of time as determined by the Disciplinary Committee
3. Terminate membership in cases of a serious breach of this code of conduct and/or clearly evidenced negligence.
4. Have the discretionary right to advise the local territorial authority of a termination of membership.



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