



Code of Conduct

Strata Community Association (Qld)

A code of ethics to establish the principles that govern the conduct of Members of Strata Community Association in the context of the strata living environment.

Explanatory Note

This **Code of Ethics** has been prepared by SCA following consultation with state/territory **Boards** and **Members**.

As a general rule, applying common sense, good judgment and integrity to the issues that are faced on a day-to-day basis will help ensure that **Members'** business decisions are consistent with the **SCA State or Territory Member Body / Chapter values** and **this Code**.

SCA and its **State or Territory Member Body / Chapter** are determined to protect and enhance the reputation of its collective membership. In a service business, the integrity that our brand "SCA" represents is one of SCA's most valuable assets.

Acting with integrity and the highest **ethical** standards is good business practice and policy. Each **Member** of SCA (Qld) should adhere to both the letter and the spirit of **this Code**.

Whilst **this Code** does not attempt to list every possible **ethical** issue that may arise, it does set out clear requirements for the conduct of **Members**.

Failure to comply with **this Code** means that **Members** may be subject to disciplinary procedures as set out in **this Code** and the relevant **Constitution of SCA (Qld)**.

This Code is in three parts:

<i>Part One</i>	Applies to all Members
<i>Part Two</i>	Applies to specific sectors within SCA (Qld) , being: a. Strata Managers ; b. Strata Services ; and c. Strata Owners .
<i>Part Three</i>	Deals with making complaints and enforcement and disciplinary procedures of this Code .

Table of Contents

EXPLANATORY NOTE	i
DICTIONARY	iii
INTERPRETATION	v
PART ONE – ALL MEMBERS	1
1.1 DATE OF COMMENCEMENT OF THIS CODE.....	1
1.2 DUTY	1
1.3 ETHICAL DUTIES OF ALL MEMBERS.....	2
1.4 GUIDE.....	3
PART TWO – SPECIFIC MEMBERS	4
2.1 STRATA MANAGERS.....	4
2.2 STRATA SERVICES.....	5
2.3 STRATA OWNERS	6
PART THREE – ENFORCEMENT	7
3.1 ENFORCEMENT ACTION.....	7
3.2 WHO MAY LODGE COMPLAINTS UNDER THIS CODE?	7
3.3 HOW ARE COMPLAINTS MADE?	7
3.4 WHO REVIEWS THE COMPLAINT?	8
APPROVAL	9

Dictionary

In this document the following words mean:

- “Code of Conduct ”** and **“this Code”** this document as amended or modified from time to time including all its parts.
- “Constitution”** the constitution of **SCA (Qld)** as amended, modified or replaced from time to time.
- “Board”** the directors of the **SCA State or Territory Member Body / Chapter**.
- “ethical”** in accordance with the moral standards customarily applied in a business or professional relationship.
- “Body Corporate Committee”** means the committee of a Body Corporate. Interchangeable with terms used in each State/Territory [and includes the Board of Directors of a **Body Corporate** having such a Board].
- “Body Corporate Committee Member”** means a member of a **Body Corporate Committee**.
- “Former Code”** the “Code of Ethical Conduct” in existence under the **Constitution** of SCA (Qld) immediately before the resolution of SCA (Qld) to replace that “Code of Ethical Conduct” with **this Code**. *Refer schedule A – Item 1.*
- “Guide”** **“Guide”** as defined in clause 1.4 of **this Code** as it may be provided, amended, modified, replaced or revoked from time to time.

“SCA State or Territory Member Body / Chapter”	SCA (Qld), affiliated with of Strata Community Association <i>Refer Schedule A – Item 2 for ACN/ABN.</i>
“Member”	“Member” or “Members” as defined in the Constitution .
“Owner”	means an owner of a lot or lots in a Body Corporate , and includes a shareholder in a Body Corporate having such a structure.
“Body Corporate”	a “Body Corporate” as defined in the Legislation . Is interchangeable with the terms used in each state/territory such as Body Corporate or Strata Scheme.
“Strata Manager”	a strata managing agent or employee of a strata management firm as defined in the Constitution and Membership Category for Strata Managers .
“Strata Services”	a Member of the Strata Services Membership Category of SCA (Qld); being a supplier/service provider to the strata industry

Interpretation

In **this Code** unless the contrary intention appears:

- i. a reference to a statute or other law includes regulations and other instruments under it and any consolidations, amendments, re-enactments or replacements of it;
- ii. the singular includes the plural and vice versa;
- iii. a reference to a **Member**, whether by use of the term “**Member**” or otherwise, includes a reference to a person in the employ of that **Member**;
- iv. where a word or phrase is given a defined meaning in **this Code**, any other part of speech or grammatical form in respect of such word or phrase has a corresponding meaning;
- v. a reference to an act includes an omission and a reference to doing an act;
- vi. headings are for reference only and do not affect the meaning or interpretation of **this Code**; and
- vii. **this Code** is intended to be consistent with the “Code of Conduct” for each State or Territory that is a corporate **Member** or Chapter of Strata Community Australia as it may be adopted, amended, modified, revoked or replaced from time to time. In the event of any inconsistency with that “Code of Conduct”, **this Code** is to be read as if consistent with that “Code of Conduct” to the extent of that inconsistency.

Part One – All Members

*This part of **this Code** applies to all **Members***

1.1 DATE OF COMMENCEMENT OF THIS CODE

This Code commences to apply to the acts and omissions of all **Members** on and from the date SCA (Qld) resolves to replace the **Former Code** with **this Code**.

The **Former Code** applies to the acts and omissions of **Members** occurring prior to the date of the resolution referred to above.

1.2 DUTY

All **Members** have a duty to look after the best interests of their principal. In particular:

- i. A **Strata Manager** owes that duty to Owners Corporations they manage. They manage for and on behalf of the **Owners** in that **Body Corporate** and the relationship is fiduciary in nature.
- ii. A **Strata Service** provider owes that duty to the **Body Corporate** for whom they are working.
- iii. In accordance with law, a strata **Owner** owes that duty to all **Owners** in that **Body Corporate**, and a **Body Corporate Committee** owes that duty to their **Body Corporate**.

1.3 ETHICAL DUTIES OF ALL MEMBERS

All **Members** must at all times:

- i. Act **ethically**.
- ii. Act honestly, be straightforward and sincere.
- iii. Not provide false, misleading or deceptive information to anyone.
- iv. Be objective, fair and not allow prejudice or bias to override that objectivity.
- v. Be and appear to be free of any interest, which might be regarded as being incompatible with integrity and objectivity.
- vi. Act in a lawful manner, and comply with the law as may apply from time to time.
- vii. Act at minimum in accordance with the generally accepted standards of their industry, and carry out their work in accordance with the technical and professional standards relevant to that work.
- viii. Perform their duties diligently and with competence, maintain their level of competence, and only undertake work which they reasonably expect to be able to complete competently and in a timely manner.
- ix. Disclose and deal with conflict of interest issues in an open and fair manner, and not pay or accept secret commissions, either directly or indirectly.
- x. Not engage in any conduct that wrongfully brings disrepute to SCA (Qld), its **Members** or the consumers of their services.
- xi. Abide by the mission statement and vision statement as promulgated by SCA (Qld) from time to time.
- xii. Comply with the rules regarding display of SCA (Qld)'s logo as promulgated by the **Board** from time to time.
- xiii. Not advertise in a way that is false, misleading or deceptive. Not advertise in a way which a) create false or unjustified expectations of favourable results; or b) consists of self-laudatory or misleading statements that are not based on verifiable facts; c) contains unidentified testimonials.
- xiv. not induce or attempt to induce a breach of contract between a Client and its Strata Managing Agent

- xv. not denigrate another **Member**, nor any individual, company or profession in general.
- xvi. observe the **Constitution** of SCA/SCA (Qld) and any other guideline or standard formally approved and adopted by **SCA (Qld)**.
- xvii. Conduct their **Body Corporate** business in accordance with the state / territory governing legislation.
- xviii. And are expected to promote the aims and objectives of SCA and strive for the highest degree of professionalism in the practice of **Body Corporate** management.
- xix. And are expected to be active in SCA and willingly share with fellow **Members** the lessons of their experience.
- xx. And shall be responsible for actions of their employees in their business relations with fellow **Members** and clients.
- xxi. Conform to any CPD training as may be required by the **Board's** national and/or state from time to time to retain membership of SCA or the appropriate category. **Members** must conform to any additional CPD training as may be required by their professional or trade.

1.4 GUIDE

SCA (Qld) may provide a **Guide** to **Members** for the purpose of assisting **Members** in relation to **this Code** ("**Guide**"). The **Guide** may be provided by making the **Guide** available to **Members** on the **SCA (Qld)** web site.

SCA (Qld) may amend, modify or replace the **Guide** from time to time in the same manner as it may provide the **Guide**. SCA (Qld) may revoke the **Guide** by publishing a note to that effect on the **SCA (Qld)**'s web site.

Part Two – Specific Members

2.1 STRATA MANAGERS

This part of this Code is specific to Strata Managers

- A. Each **SCA State or Territory Member Body or Chapter** must comply with provisions of the legislation with which they are governed.
- B. **Strata Managers** frequently become aware of their competitors' pricing models through inspection of the books and records of their competitor's **Bodies Corporate**. All **Strata Managers** must take steps to ensure that any use or contemplated use of such information is both **ethical** and legal.
- C. A **Strata Manager** must comply with governing legislation regarding disclosure of rebates, discounts or commissions, *Refer Schedule A – Item 4 for legislation specific to your State or Territory.*
- D. **Strata Managers** must not charge fees or disbursements that are not permitted under the signed agency agreement /contract of appointment or any variation of it without the consent of the **Body Corporate**.
- E. A **Strata Manager** must not accept or remain in a position on the **Body Corporate Committee** of a **Body Corporate** that is managed by another **Strata Manager** and **unethically** use information obtained as such a **Body Corporate Committee Member** to seek the change or transfer of the management of that **Body Corporate** to that first **Strata Manager**.
- F. A **Strata Manager** must not refuse or delay to convene a meeting, where one of the motions to be considered is the termination of its appointment or the appointment of another **Strata Manager**.
- G. A **Strata Manager** must not refuse or delay to provide any of the **Body Corporate** that it manages which would be in breach of its agency agreement/contract of appointment or the law. *Refer Schedule A – Item 5 for legislation specific to your State or Territory.*

- H. **Strata Managers** must take due care of records in their possession or under their control and do so in accordance with **this Code** and any applicable law.

2.2 STRATA SERVICES

*This part of **this Code** is specific to Strata Service providers*

- A. Many **Strata Services** providers also belong to their own industry association or institute and **this Code** requires that they act **ethically** when observing not only their own industry association or institute's code of ethics or conduct but also **this Code**.
- B. Strata Service providers must not distribute unauthorised marketing material at the events of SCA or **SCA State or Territory Member Body / Chapters**.
- C. Strata Service providers must comply with any disclosure requirements under law, including, if applicable, any law specific to that State or Territory.

2.3 STRATA OWNERS

*This part of **this Code** is specific to Strata **Owners & Bodies Corporate***

- A. **Body Corporate Committee Members** have enormous trust placed upon them by their fellow **Owners**, both in general and when those **Owners** elect those **Body Corporate Committee Members** to the **Body Corporate Committee**.

Therefore, **this Code** seeks that **Body Corporate Committee Members** discharge their duties **ethically**.

- B. A **Body Corporate Committee Member** must not gain a benefit over and above other **Owners** or a majority of those **Owners** unless that **Body Corporate Committee Member** discloses such a benefit at any meeting of the **Body Corporate Committee** where a motion relevant to such a benefit is

considered, and makes that disclosure prior to the consideration of that motion.

- C. A **Body Corporate Committee Member** who stands to gain a benefit over and above other **Owners** or a majority of those **Owners** must not offer or provide misleading or inaccurate information to attempt to gain support for any motion relevant to such a benefit.
- D. A **Body Corporate Committee Member**, or a person who seeks to be elected as a **Body Corporate Committee Member**, must comply with any disclosure requirements under law, including, if applicable any law specific to that State or Territory. *Refer Schedule A – Item 7 for legislation specific to your State or Territory.*

Part Three – Enforcement

3.1 ENFORCEMENT ACTION

All **Members** are advised, when they apply to become **Members**, that they will be bound by **this Code**, or such other “Code of Practice and / or Ethics” as may have been adopted, have been replaced by, or replace **this Code** from time to time.

A **Member** who breaches **this Code** may be subject to enforcement and disciplinary procedures as set out in the **SCA (Qld) Constitution** and as determined by SCA (Qld) in its respective Constitution.

3.2 WHO MAY LODGE COMPLAINTS UNDER THIS CODE?

Any person may make a complaint regarding breach of **this Code**.

3.3 HOW ARE COMPLAINTS MADE?

Complaints may be made in writing, and are to be accompanied by all materials reasonably necessary to support what is alleged in that complaint.

The **Guide** may contain information and provide procedures and forms in relation to the making of complaints.

3.4 WHO CONSIDERS THE COMPLAINT?

The Professional Standards Committee of SCA (Qld) must consider the complaint as soon as practicable, and deal with the complaint in accordance with the **Constitution** and guidelines determined by SCA (Qld) (refer to procedural documents).

Approval

In accordance with its **Constitution**, SCA (Qld) replaced the **Former Code** with **this Code** by way of Board resolution passed at the SCA (Qld) Board meeting on 17 November 2015.

Schedule A

SCA (Qld)

Dictionary

- 1) Dictionary reference to “**Former Code**” refers to the SCA (QldA) **Code of Ethics**.
- 2) Dictionary reference to **SCA (Qld)** refers to SCA (Qld) which is a State Member Body of Strata Community Association.

ACN/ ABN 151 63 88 1927

Part Two – Specific Members

- 3) 2.1 Strata Manager D - references the legislation your SCA State or Territory Member Body or Chapter is governed by:

- 4) 2.1 Strata Manager I - references the legislation governing disclosure of rebates, discounts or commissions:

- 5) 2.1 Strata Managers D - references the state/territory specific sections of legislation addressing the inappropriate action to refuse or delay provision of any of the records of a Body Corporate.

- 6) 2.2 Strata Services D - references state/territory specific legislation regarding disclosures that must be complied with.

- 7) 2.3 Strata Owners D - references state/territory specific legislation regarding disclosures that must be complied with.

Approval

- 8) In accordance with its **Constitution**, Strata Community Association (Qld) replaced the **Former Code** with **this Code** by way of Board resolution passed at the SCA (Qld) Board meeting on 17 November 2015