

# **NORTHERN TERRITORY BUILDING PRACTITIONERS BOARD**

<b>POLICY TITLE:</b>	<b>Code of Conduct</b>	<b>REVIEW DATE:</b>	<b>11 January 2019</b>
<b>POLICY NO.:</b>	<b>BPB-017</b>		
<b>EFFECTIVE DATE:</b>	<b>22 March 2017</b>		

## **Objective**

One of the functions of the Building Practitioners Board is 'to develop and publish codes of practice about the work and conduct of building practitioners for their reference and for use by the Board and the Director of Building Control in assessing the work and conduct of building practitioners': section 14(1)(f) Building Act (NT).

This Code of Conduct aims to ensure that the conduct of registered building practitioners in the Northern Territory meets a reasonable standard, by setting out expectations for professional conduct, competence and integrity. Any member of the public is entitled to expect that an accredited registered building practitioner will exercise their functions in a way that will meet or exceed these reasonable standards.

## **Application**

Compliance with this Code of Conduct by all registered building practitioners is mandatory, and any breach of these obligations can have serious consequences for the practitioner.

## **Obligations**

### **1. Compliance with Legislation**

Registered building practitioners must ensure they comply with all relevant and applicable legislation related to the work they undertake.

It is expected that all practitioners will have knowledge, familiarity and understanding of the legislation that applies to the categories for which they are registered.

In the event of inconsistency between this policy and the operation of a statute or regulation, this policy will apply except for inconsistency.

### **2. Acting in the public interest**

Registered building practitioners must, when undertaking their professional functions, act in the public interest.

For the purposes of the Code of Conduct, the 'public interest' consists of, among other things:

- the safety and health of people who use buildings;
- the amenity of buildings;
- the adoption and efficient application of national building standards;
- the cost effective construction and maintenance of buildings;
- the construction of environmentally and energy efficient buildings; and
- an effective and competitive building industry.

### **3. Honesty, integrity and conflicts of interest**

Registered building practitioners are to act with honesty and integrity, and to avoid and manage conflicts of interest appropriately.

These obligations include:

- a practitioner must not engage in any fraudulent, dishonest or corrupt conduct or venture;
- a practitioner must act fairly and honestly with clients, potential clients, employees, subcontractors and competitors;
- a practitioner must not make statements or provide information that they know or ought reasonably to have known are false or misleading; and
- a practitioner must avoid and manage actual and perceived conflicts of interest
- a practitioner must work within the limits of their professional indemnity insurance. For example: certification of aluminium composite cladding for type A buildings if excluded from the insurance policy.

In addition to general duties of honesty and integrity, registered practitioners are to promote their services in an honest and reasonable way.

This obligation includes:

- a practitioner must promote their services, qualifications and experience in an accurate and fair manner, which is not misleading or deceptive;
- a practitioner must attribute credit and responsibility for work honestly, and not permit their name to be used in relation to any work to misleadingly imply credit or responsibility for it; and
- a practitioner must not hold out, or authorise or permit the holding out of, a person as a registered practitioner if the person is not a registered practitioner.

### **4. Confidentiality and Privacy obligations**

Registered building practitioners are to protect the privacy of their clients.

Practitioners must not use or disclose confidential information obtained in the course of their work for a client for their personal or another party's benefit. Exceptions to this general duty include disclosure with the client's free and informed consent, and disclosure authorised or required by law.

### **5. Cooperation and dispute resolution**

Registered building practitioners are to adopt a cooperative, conciliatory approach to dispute resolution.

This obligation includes:

- practitioners must cooperate and communicate with all relevant parties, to enable all parties to fulfil their contractual obligations;
- practitioners must respond promptly to requests for advice and information from a client or another practitioner involved in a project;
- practitioners must make appropriate endeavours to minimise the potential for, and resolve, problems or disputes with their clients;

- practitioners must establish a written procedure for timely and respectful handling of complaints with a view to achieving resolution of the complaint as quickly as possible and without resorting to litigation wherever reasonably possible.

## 6. Competence

Registered building practitioners are to perform work competently and to an appropriate professional standard.

This obligation involves the following components:

- a. practitioners must only perform work in their area(s) of competence;
- b. practitioners must not undertake work which they are not competent to deliver;
- c. practitioners must perform work to an appropriate professional standard;
- d. practitioners must deliver the work within timeframes agreed with the client;
- e. practitioners must ensure that their work is supported by the required documentation;
- f. clients must be kept informed at regular intervals or upon request of:
  - the progress of their work;
  - whether work requires qualifications or experience outside the practitioner's area of competence; and
  - the extent to which, and to whom, any work is proposed to be subcontracted by the practitioner.
- g. a practitioner must ensure that any person they engage to undertake or assist with the work will also perform that work to an appropriate professional standard;
- h. a practitioner must make appropriate arrangements for the completion of the work in the event of their inability to practise, due to incapacity, retirement etc;
- i. a practitioner must have effective procedures in place to ensure that their business is run competently and that work is monitored, supervised and reviewed by a registered practitioner; and
- j. a practitioner must have effective procedures in place to ensure that they meet their obligations under this Code of Conduct.

The following are examples of activities which may be used to demonstrate competence in an area of practice –

- formal training in that area;
- significant previous experience or exposure in the type of work
- consultation with or reference to a person competent in the area
- continuing professional development for the area.

## 7. Continuing Professional Development

Registered building practitioners are to continue to develop knowledge, skills and expertise relevant to the work for which they are registered. They should actively assist and encourage workers for whom they are responsible to do likewise.

## 8. Reputation of the profession

Registered building practitioners are to act in a manner which does not bring their profession or the public's perception of the industry into disrepute.

## 9. Behaviour towards other members of the building industry

The Code of Conduct imposes a standard of behaviour expected of registered building practitioners towards other members of the building industry.

Practitioners are prohibited from:

- accepting a contract where another practitioner has been engaged to perform the same work, without first contacting that practitioner to discuss the work and any relevant circumstances;
- expressing negative opinions about the competence or integrity of other practitioners, unless it is in the public interest to do so; and
- acting maliciously to damage the reputation or business of another building practitioner or any other member of the building industry.

## 10. Fees and Payments

The Code of Conduct imposes requirements on registered building practitioners regarding fees and payments.

With respect to payments, all parties are entitled to receive the payments legally due to them, in a timely manner.

Practitioners are to:

- ensure accurate and timely preparation, documentation and submission of claims for payment;
- process claims in a reasonable and timely manner; and
- make reasonable efforts to resolve any dispute about payment in a timely and cooperative manner.

With respect to fees, practitioners are to keep clients adequately informed about fees for work the practitioner has been engaged to perform, which includes the requirement for the practitioners to provide the client with a detailed written quote before any work is commenced.

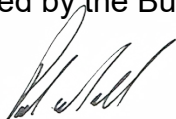
This obligation includes:

- providing the client with regular statements of account for the work performed;
- informing the client of any significant change to cost estimates provided by the practitioner; and
- ensuring that the cost of the work claimed accurately reflects the value of work done for the client.

Adopted by the Building Practitioners Board

### Policy:

Adopted by the Building Practitioners Board



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Chairman

11 January 2019