



Housing Industry Association Limited

HIA National Code of Ethics

16 July 2013

In the interpretation of this Code, except where excluded by the context, words and phrases shall have the same meaning ascribed to them as in the Constitution of Housing Industry Association Limited, ABN 99 004 631 752 ("the Association").

HIA National Code of Ethics - Preamble

1 Introduction

Housing Industry Association Limited is an association of approximately 40,000 members working in the housing industry. It is the peak national industry association for the residential construction and home building, renovation and development industry in Australia.

The Association and its Members are committed to promoting the highest standards of customer service, workmanship and business conduct, and full compliance with all applicable laws, regulations, codes and standards. In order to do that, the Association has for many years had various Codes of Conduct applying in particular States and Territories.

This National Code of Ethics has been developed by the Association, in consultation with the Australian Competition and Consumer Commission, to apply throughout Australia, to ensure that the same high standards of commercial conduct shall be observed by all its Members in their dealings with each other, suppliers, customers and with the public.

This Code has been designed to comply with Australian Standard AS4269-1995 on Complaints Handling and Australian Standard AS 3806-1998 on Compliance Programs.

2 To whom does this Code apply?

This National Code of Ethics applies to Members of the Housing Industry Association. It is the duty of every Member to comply with this Code, and to take all reasonable steps to ensure that their associates and employees do not commit any act or make any omission which would be a breach of this Code if committed by the Member.

3 The Aims and Objectives of this Code

This Code applies to all commercial dealings by Members with fellow Members, suppliers, customers and with the public generally. It also applies to the obligations of Members under the Constitution of the Association.

This Code aims to:

- (a) promote the highest standards of customer service, competence, workmanship and conduct by Members in the housing industry;
- (b) provide guidelines to Members on best practice for the marketing, costing and supply of building services to the public;
- (c) establish a simple and effective complaints handling and disputes resolution procedure, with appropriate sanctions for breaches of this Code;
- (d) through responsible self-regulation, complement and enhance existing laws and codes governing Members; and

- (e) strengthen the competitive edge of Members of the Association by assuring customers and suppliers that they have the right to expect the highest standards at all times.

4 Fairness

All Members of the Association have agreed to be bound by this HIA National Code of Ethics, under which they shall at all times conduct their business so as to:

- (a) provide products and services with competence, fairness, value, honesty and integrity;
- (b) ensure that all products and services they provide are delivered as advertised, and that all claims made are genuine;
- (c) ensure that standards of workmanship are provided as promised to the customer, in accordance with appropriate industry practice for the class of work concerned, and in a manner which shall enhance the reputation of the industry;
- (d) use their best endeavours to ensure compliance with the Code by all partners, associates, employees and contractors, to the extent that the Code applies to them; and
- (e) avoid any action which might bring the Association and its Members into disrepute.

5 Relations Between Members

Members believe that the individual success of other Members benefits the Association as an industry body and, in turn, aids each Member through their association with the Association. Therefore, Members shall:

- (a) seek to promote the goals of the Association by adhering to the principles in this Code and providing mutual support and assistance to other Members bound by this Code; and
- (b) at all times conduct their business in free and fair competition, and refrain from making any misleading or untrue statements about other Members.

6 Best Practice

The Association shall on a regular basis publish for the guidance of its Members details of what it considers to be appropriate standards of conduct, service, workmanship, best practice and ethical dealing in particular areas.

7 Complaints

- (a) Any consumer, Member or other person who believes they have a complaint against a Member in connection with their commercial conduct or obligations under the Constitution of the Association may ask the Association to deal with the complaint under this Code of Ethics.

- (b) Unless satisfied that the complaint is not a genuine one, or is trivial or vexatious, the Association shall attempt to resolve the complaint informally, including by reference to independent mediation if appropriate.
- (c) If the Association is unable to resolve such a complaint, it shall refer the complaint to an independent Complaints Committee for decision.
- (d) The Complaints Committee shall consider the complaint in a fair and proper manner in accordance with detailed complaints procedures adopted by the Association under this Code [Attachment 1].
- (e) The Complaints Committee, if it finds that a Member is in breach of this Code, may take disciplinary action against the Member, including cautioning, reprimanding, suspending, obtaining undertakings in relation to future conduct or recommending that the National Board of Directors of the Association terminate the membership of the Member.

8 Code Administration

This Code is administered by the National Board of Directors of the Association, subject to the Constitution of the Association and By-laws made under that Constitution from time to time. The National Board of Directors shall:

- (a) keep this Code under review to ensure that it is achieving its stated objectives;
- (b) if necessary, and after due consultation with interested bodies, implement any changes to this Code which appear desirable;
- (c) report annually on the performance of this Code, as measured by appropriate indicators developed by the National Board;
- (d) provide guidance and assistance to Members in developing appropriate internal mechanisms to facilitate the Member's continuous compliance with this Code; and
- (e) may convene a Codes Administration Sub-committee for this purpose.

9 Consultation

The Association shall make every effort to ensure that the benefits and obligations of this Code are known as widely as possible, both among its Members and their staff, and with the public generally. The Association shall cooperate with other bodies, including the ACCC and Departments of Fair Trading, in dealing with matters arising under this Code.

The Association welcomes comment on this Code and its operation. The Association is committed to ongoing improvement of and consultation about this Code with interested public and private bodies, including individual customers, consumer groups, ACCC, Fair Trading and Consumer Protection Departments, Trade Associations, Suppliers, Public Utilities and Local Governments. Any correspondence should be sent by Mail to the Housing Industry Association, 79 Constitution Avenue, Canberra ACT 2612, or by E-Mail to compliance@hia.com.au.

HIA National Code of Ethics – The Principles

All Members of the Housing Industry Association have agreed to be bound by the HIA National Code of Ethics, under which they shall at all times conduct their business so as to:

- 1 Provide products and services with competence, fairness, value, honesty and integrity.
- 2 Ensure that all products and services they provide are delivered as advertised, and that all claims made are genuine.
- 3 Ensure that standards of workmanship are provided as promised to the customer, in accordance with the appropriate industry practice for the class of work concerned, and in a manner which shall enhance the reputation of the industry.
- 4 At all times conduct their business in free and fair competition, and refrain from making any misleading or untrue statements about other Members.
- 5 Avoid any action which might bring the Association and its Members into disrepute.

Housing Industry Association Limited, ACN 004 631 752, May 1998

Attachment 1 to HIA National Code of Ethics

HIA Complaints Procedures and Rules for Member Discipline

- 1 This Complaints Procedure applies to complaints which are made in writing, which are not anonymous, and which in the opinion of the relevant Regional Executive Director are genuine and not trivial or vexatious.
- 2 The Association shall request from the Member, within a specified time, a written response to the matters contained in the complaint, in which case the Member must provide the response as requested.
- 3 The relevant Regional Executive Director shall, if they consider it appropriate, attempt to resolve the complaint informally, including by reference to independent mediation.
- 4 Where a complaint relates to a matter which is subject to current or pending proceedings involving the Member before a court or tribunal, or a licensing or other regulatory or disciplinary authority, the Association will await the decision of that court, tribunal or authority before taking any further action to resolve the complaint. The Association is not a court and must respect the decisions of such bodies, nor will it attempt to anticipate what might be decided.
- 5 If the matter has not been resolved by the decision of the court, tribunal or authority (or by the Association informally), the Association shall refer the complaint to an independent Complaints Committee for decision.
- 6 The Managing Director shall convene a Complaints Committee as required in that Region, and shall provide any necessary administrative support for it in its deliberations. The Managing Director may delegate this function to the General Counsel, where appointed.
- 7 The Complaints Committee shall be constituted as follows:
 - (a) where the complaint is from a consumer affected by the commercial conduct of the Member, a Complaints Committee consists of:
 - (i) a solicitor (not being the Association's solicitor);
 - (ii) two Members of the Association; and
 - (iii) any other person of good character and repute nominated by the relevant Department of Fair Trading / Consumer Affairs.
 - (b) where the complaint is from another Member, a consumer not affected by the commercial conduct of a Member or is a complaint from a regulatory or disciplinary authority, a Complaints Committee consists of:
 - (i) the Regional President;
 - (ii) the Regional Vice-President;
 - (iii) or where a conflict of interest arises in relation to any of the foregoing office bearers, their delegate; and

(iv) if so requested by the respondent Member, a member of the National Board of Directors.

- 8 The Complaints Committee shall inquire into the substance of any complaint referred to it. The Member must comply with the directions of the Committee in the course of its investigation of the complaint.
- 9 The Complaints Committee shall from among the members of that Committee elect a person to Chair the Committee, who shall appoint a person to be Secretary. The General Counsel shall assist Complaints Committees as necessary.
- 10 The Complaints Committee shall decide all matters referred to it in accordance with the principles of equity and good conscience, but is not bound by the rules of evidence. The Committee shall conduct its proceedings in a fair and proper manner and in accordance with the principles of natural justice.
- 11 The Managing Director may from time-to-time develop guidelines and procedures to assist Complaints Committees and complaint handling protocols for HIA staff to support and facilitate the work of Complaints Committees. The Managing Director may delegate this function to the General Counsel, where so appointed.
- 12 Except to the extent otherwise determined by the Managing Director under clause 11 of this Code, the National Board of Directors or the National Policy Congress from time to time, the Complaints Committee shall proceed as follows:
 - (a) The Committee shall obtain a written undertaking from the complainant that, in consideration of the Committee inquiring into the complaint, the complainant will not commence or prosecute any action or legal proceedings for defamation or like action, or seek to recover any loss or damage arising out of the conduct of an inquiry by a Complaints Committee, against any person who gives evidence (orally or in writing) or exercises any power or performs any duty as a Member of the Association, member of the National Board of Directors, a Regional Director or other Officer or Employee of the Association, or a member of the Regional Executive Committee or any committee or sub-committee of the Region, including a Complaints Committee.
 - (b) The Member and complainant shall both be notified in writing of the date, time and location that the Complaints Committee is scheduled to meet. The Member shall also be provided in advance with a copy of the allegations to be considered by the Committee.
 - (c) The Committee may request from the Member, within a specified time, a written response to the matters contained in the complaint, in which case the Member will provide the response as requested. The Member and complainant shall be given sufficient time to prepare their cases and may call witnesses to support their case.
 - (d) When the Complaints Committee meets, the person Chairing the Committee shall explain to the parties the process which the Committee intends to follow. Neither party is entitled to legal representation but may have other persons present to assist them in presenting their case.

- (e) The Chair will require the complainant to outline the allegations against the Member. Members of the Committee are encouraged to ask questions of clarification. The Chair will then require the Member to provide an answer or explanation in response to the complaint. The complainant and Member will be given ample opportunity to answer any allegations and clarify any matters.
 - (f) The parties may provide oral and documentary statements and other material, and are entitled to call witnesses and to tender documents. Subject to law, the Committee may require the Member to produce any documents relevant to the proceedings which are in the Member's custody and control. A party giving an oral statement may give sworn evidence if they wish, but in any case may be asked questions by the Committee and by the other party. The Committee shall give all evidence (sworn or unsworn) such weight as is appropriate, and shall take such evidence into account in making its decision to the extent appropriate.
 - (g) The Committee may, if it sees fit:
 - (i) inspect and copy any relevant documents of the parties;
 - (ii) take any sample or make any test;
 - (iii) obtain advice from any specialist consultant or other expert;
 - (iv) inspect any work which is relevant to the subject of the complaint;
 - (v) adjourn proceedings from time to time;
 - (vi) suspend proceedings pending the determination, by arbitration, expert determination litigation or otherwise, of contractual issues in dispute between the parties;
 - (vii) make recommendations to the parties aimed at resolving the complaint.
- 13 The Committee may decide the matter at the conclusion of the hearing or may adjourn the proceedings to consider its decision. If the Committee decides to consider its decision, it shall make that decision within 10 working days if possible. Both parties shall be advised that they will be notified in writing as soon as possible of the outcome.
- 14 The Chair of the Complaints Committee shall prepare a written report on the Committee's inquiry stating the issues in dispute and the decision(s) on them, and shall forward a copy of this to the Member, to the Managing Director, to the relevant Regional Director and to the General Counsel.
- 15 The Complaints Committee, if it finds that a Member has acted contrary to the HIA Code of Ethics, may do any of the following:
- (a) caution the Member;
 - (b) reprimand the Member;
 - (c) seek and obtain undertakings from the Member in relation to future conduct;

- (d) suspend the membership of the Member for up to 12 months;
 - (e) ask the National Board of Directors to terminate the membership of the Member.
- 16 Where the Complaints Committee makes a recommendation on termination of the Member, the recommendation must be referred to the National Board of Directors, who will make the final decision. The decision of the National Board of Directors will be made as soon as possible and shall be notified to the Member in writing.
 - 17 Where the Complaints Committee suspends a Member, the Association will give effect to that suspension in accordance with its terms.
 - 18 The Complainant will be advised in writing of the outcome of his or her complaint when a decision has been made on it.
 - 19 It is the duty of all Members, Officers and Employees of the Association to assist an inquiry by a Complaints Committee. No Member shall, in connection with a complaint, be entitled to commence or prosecute any action or legal proceedings for defamation or like action, or to recover any loss or damage arising out of the conduct of an inquiry by a Complaints Committee, against any person who gives evidence (orally or in writing) or exercises any power or performs any duty as a Member of the Association, member of the National Board of Directors, a Regional Executive Director or other Officer or Employee of the Association, or a member of the Complaints Committee.
 - 20 Any question arising out of or in connection with the administration of complaints not determined elsewhere in this By-law or under the HIA Member Code of Ethics shall be determined by the Managing Director or the General Counsel where so appointed.

July 2013