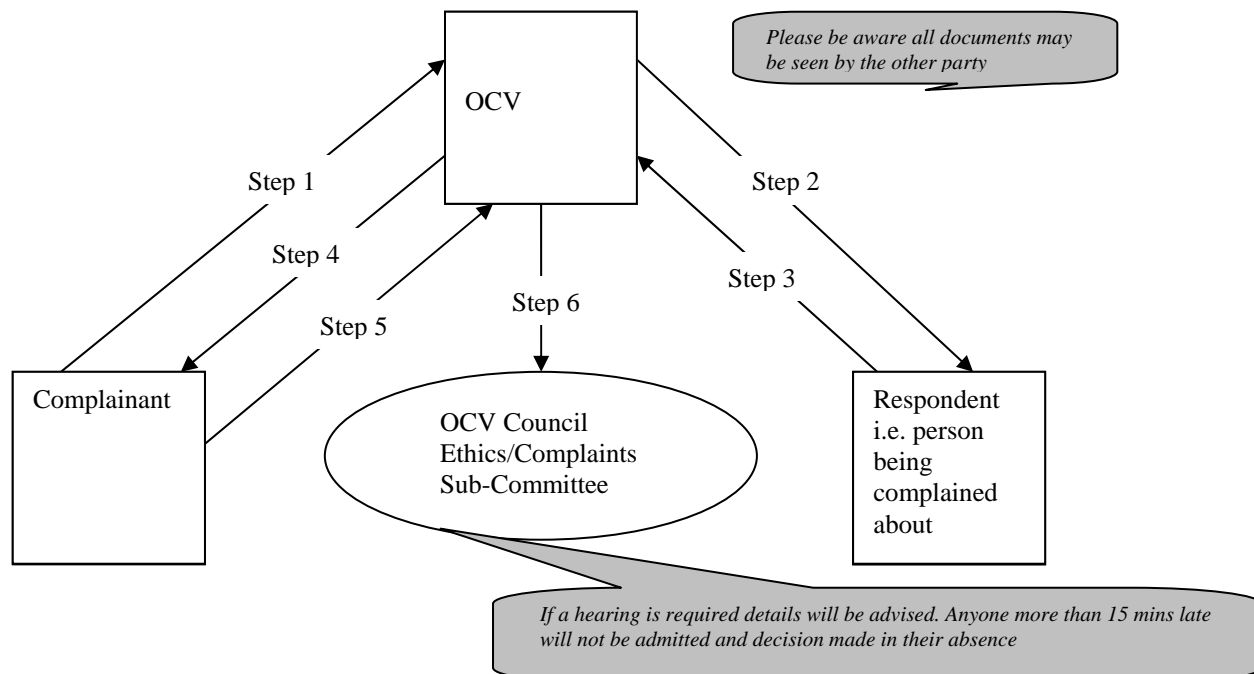




**Process:** When a complaint is received the letter of complaint is sent together with a covering letter to the person being complained about and asks for their comments. Most complaints end at this point. Those that do not can then be considered with information from both sides. Where required the response from the respondent is forwarded back to the complainant with an opportunity for further comment before the Sub-Committee considers the complaint. This is represented pictorially below.



If any member shall wilfully refuse or neglect to comply with the provisions of the Constitution, *Code of Professional Conduct*, or shall be guilty of any conduct unbecoming of a member, and any other guideline or standard formally approved and adopted by OCV, OCV has the disciplinary power to censure, fine, suspend or expel the member from OCV.

Alternatively to OCV, the Owners Corporations Act 2006 provides a number of options in dealing with disputes. It sets out a three-tiered complaint and dispute resolution process involving:

- The owners corporation internal dispute resolution process
- Conciliation through Consumer Affairs Victoria (CAV)
- Application to the Victorian Civil and Administrative Tribunal (VCAT) for an order

More information is available from CAV on Ph: 1300 55 81 81 or [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

## CODE OF PROFESSIONAL CONDUCT

### 1.0 Preliminary

The recognition attached to being a member of Owners Corporations Victoria Inc. (OCV) depends on the reputation of its members. Each member must maintain the high standard of ethical behaviour and professional conduct required by OCV.

### 2.0 Definitions

- a. "Constitution" means the Constitution of OCV
- b. "Council" means the governing Council of OCV acting in accordance with the Constitution
- c. "Client" means individuals, firms, organisations, and owners corporations who utilise members' services
- d. "OCV" means Owners Corporations Victoria Inc.

**30 PEEL ST, COLLINGWOOD, VIC, 3066**

- e. "Logo" means any symbol approved by OCV as an identifying mark of OCV
- f. "Member" means a person or company admitted to membership of OCV, in any category as defined in the Constitution
- g. "NCTI" means the National Community Titles Institute
- h. "Owners corporation" means an owners corporation as defined by the Subdivision Act 1988 and Owners Corporations Act 2006
- i. "Owners Corporation manager" means a person or company who, for reward, exercises functions of an owners corporation
- j. "Act" means the Subdivision Act 1988 and Owners Corporations Act 2006
- k. "Regulations" means the Owners Corporations Regulations 2007

### **3.0 Principles**

The code is not intended to cover all aspects of ethical conduct and professional practice. Appropriate conduct requires observance of unwritten conventions. As a general guide, members should at all times conduct themselves in a dignified and responsible manner consistent with the following principles:

#### ***Integrity***

Members should be straightforward, honest and sincere.

#### ***Objectivity***

Members must be fair and must not allow prejudice or bias to override their objectivity.

#### ***Independence***

Members should be free, and should appear to be free, of any interest that might be regarded as being incompatible with integrity and objectivity, and should disclose any direct or indirect conflict of interest.

#### ***Technical Standards***

Members should carry out their work in accordance with the technical and professional standards relevant to that work.

#### ***Competence***

Members have a duty to maintain their level of competence. They should only undertake work which they can expect to complete competently and in a timely manner.

### **4.0 Logo**

Members may display the OCV members logo, but must comply with the rules regarding display of the OCV members logo advised from time to time by the Council.

### **5.0 Secret Commission**

Members must not directly or indirectly pay or accept an undeclared commission in any form.

### **6.0 Ethical Conduct**

- a. A member must refrain from any conduct that might bring discredit to OCV, or its members.
- b. It is unethical for a member to induce or attempt to induce a breach of contract between a Client and its owners' corporation manager.
- c. A member must not denigrate another member, nor any individual, company or profession in general.

### **7.0 Delivery of Books and Records**

- a. If a member ceases to be an owners corporation manager for a Client, they must, within 28 days, return to the secretary or chairperson of the owners corporation, all records and funds of the owners corporation

- b. The member must produce records upon request from an authorised representative of the Client, and must co-operate in the transfer of all types of records which are the property of the Client, including without limitation, electronic records.

## **8.0 Advertising**

Members must not advertise in a way which:

- a. Creates 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.

## **9.0 NCTI Code**

OCV is an Affiliate member of the National Community Titles Institute (NCTI) and it is intended that this code be consistent with the Code of Conduct of the NCTI.

## **10.0 Additional Requirements**

- a. A member shall at all times observe the Constitution of OCV and any other guideline or standard formally approved and adopted by OCV.
- b. A member must at all times conduct their owners corporation business in accordance with the Subdivision Act 1988, Owners Corporations Act 2006 and Owners Corporations Regulations 2007.
- c. Members are expected to promote the aims and objectives of OCV and strive for the highest degree of professionalism in the practice of owners corporation management
- d. Members are expected to be active in OCV and willingly share with fellow members the lessons of their experience
- e. A member shall be responsible for actions of their employees in their business relations with fellow members and clients
- f. If a member attends a meeting of an owners corporation managed by another owners corporation manager, that the visiting owners corporation manager shall at the first available opportunity disclose their name, their company and their reason for attendance at the meeting (e.g. proxy, invitation, etc.).

## **11.0 Continuing Professional Development (CPD)**

- a. Members must conform to any CPD training as may be required by the Council from time to time to retain membership of OCV or the appropriate chapter
- b. Members must conform to any additional CPD training as may be required by their professional or trade association.

## **12.0 Discipline**

If the Council resolves to discipline a member, the council must implement the procedure provided in the Constitution.

## **13.0 Contact details for OCV**

Postal: 30 Peel St, Collingwood, Vic, 3066

Telephone: 03 9416 4688

Fax: 03 9416 4788

e-mail: [info@ocv.org.au](mailto:info@ocv.org.au)

Web: [www.ocv.org.au](http://www.ocv.org.au)

**30 PEEL ST, COLLINGWOOD, VIC, 3066**



ABN: 91 066 558 592

**30 PEEL ST, COLLINGWOOD, VIC, 3066**