

# CODE OF CONDUCT

PROPERTY  
INVESTMENT  
PROFESSIONALS  
OF AUSTRALIA



# Objective

The Property Investment Professionals of Australia Association is the peak industry body developed to bring about standards and accreditation in the property investment industry. As such members are committed to fostering best practice by raising standards and facilitating professional development and market integrity. MEMBERS will continue to monitor the property investment industry, ensure our members are committed to disclosure, education and honest practice and seek to bring education and information to consumers and property professionals alike.

PIPA supports profitable business and wishes to ensure that all members have the greatest opportunity to operate profitably within the parameters set down by this code of conduct. To ensure a high standard is maintained this Code of Conduct (the Code) has been developed for all persons acting on behalf of PIPA, including but not limited to board members, regional councils and committees, employees, consultants and contractors.

**The purpose of the Code is to provide a framework for applying the five core values underpinning PIPA's commitment to excellence:**

**+ Professional  
Development**

**+ Leadership  
+ Disclosure**

**+ Respect  
+ Integrity**



## Professional Development and Qualifications

### Raise industry standards

Members will anticipate the long term needs of the industry to best satisfy and represent its constituents and ensure that Members facilitate the access to a high standard of professional development. Members will commit to obtaining educational qualifications to better serve our clients and will remain abreast of all industry development through a commitment to the Continuing Professional Development (CPD) Program offered through PIPA.

All PIPA members will ensure that they obtain, and maintain a level of qualification equal to, or better than the Property Investment Advising course which seeks to satisfy the requirements of the Financial Services Reform.

## Leadership

### Uphold reputation and values

Members will uphold the reputation and values of PIPA and avoid any behaviour that would bring discredit to PIPA. In doing so Members will positively promote PIPA at all times and ensure that consumers are aware of the purpose and core values of PIPA.

### Raise professional standards

Members will observe the highest standards of professional conduct and ethical behaviour when acting on behalf of PIPA or participating in PIPA endorsed or related activities, and when servicing our clientele.

### Abide with laws and regulations

Members will abide with the laws and regulations of Australia at all times.

### Comply with PIPA rules, policies, procedures and the code

Members will comply with PIPA's rules, policies, procedures and the Code of Conduct and promote the same to our clients.

## Disclosure

### Fees and commissions

Members and any related entity will disclose to clients, in writing, all fees and commissions which are associated with the provision of our services so they may make proper assessment of the value of that service. This includes all commissions, payments, kickbacks and soft or hard dollar rewards which may be triggered by the utilisation of any of our services.

### **Manage conflict of interests**

Members will manage any situation in the performance of duties which may create a conflict of interest. Where a conflict of interest occurs Members will advise PIPA immediately and do all they can to indemnify PIPA against any issues arising. Members will also disclose conflicts of interest to clients as soon as they become aware of this, including any material interest in the accessing of any offered product.

### **Promote PIPA**

Members will utilise the PIPA logo, Members website and marketing material, including a reference to a 'commitment to the Code of Conduct'.

### **Use position for proper purpose**

Members will use their position for a proper purpose and not take advantage of that position for personal gain or to disadvantage PIPA.

### **Advocate and report**

Members will advocate the Code and report any breaches to a PIPA manager who will deal with them in accordance with appropriate company procedures. PIPA will work to ensure that the matter is dealt with promptly and fairly, and that the person making the report is not disadvantaged in any way and that the person to whom the report refers is given an opportunity to respond.





## Complaints Handling

A complaints handling procedure must be formulated and presented to all clients in writing at the first consultation.

This complaints handling process must include strategies for dealing with complaints and the contact details of an external complaints handling organisation.

The person assigned to deal with the complaint should have the authority to determine and respond to any complaint made by a consumer.

Written notes about any complaint should be made and a copy presented to the complainant.

A Member must ensure that a consumer is treated courteously when making a complaint to a Member.

A Member must not, subject to statutory requirements, impose any fee on a consumer who makes a complaint.

A Member must always maintain a record of written complaints made against that Member in the form and manner stipulated by the Board from time to time.



## Professional Indemnity Insurance

Members must at all times maintain Professional Indemnity insurance which is appropriate to their specific service provision. The policy must be in a form approved by the Board from time to time. Where the policy is extended to insure agents, sub-agents and/or consultants, it will also be necessary to ensure that such persons and/or companies are named on the policy.

## Respect

### **Competence, diligence and due care**

Members will employ competence, diligence and due care in carrying out duties and always act in the best interests of our customers and PIPA.

### **Observe confidentiality of information**

Members will observe the confidentiality of any information acquired in the conduct of business on behalf of PIPA and not make improper use of that information or disclose it to a third party unless authorised or legally required to do so.

### **Use and manage PIPA resources responsibly**

Members will use and manage PIPA resources responsibly and in a manner which is in the best interests of PIPA.

### **Responsibility to individuals and the community**

Members will show care and consideration in all relationships. Members will treat fairly individuals and the wider community.

## Integrity

### **Responsibility to stakeholders and the industry**

Members will be responsive to the needs of stakeholders and the industry. Members do this to deliver industry relevance, value and results for our stakeholders.

A Member must deal with all persons with whom they may come into contact in the course of their professional and commercial activities honestly, honourably and in good faith.

A Member must express written terms and conditions of their services in plain language and provide a fair and balanced view of the relationship between the client and the Member.

A Member must not engage in any acts or omissions of a misleading, dishonest, deceptive or fraudulent nature.

A Member must ensure that a Member's advertising will not be misleading, dishonest or deceptive.

## Members

A Member is vicariously liable for any acts or omissions of any employee or representative that embarrasses, impugns or discredits PIPA or brings PIPA or the property investment industry into disrepute or may do any of those things. Any such acts or omissions are deemed to be a breach of this Code of Conduct by the Member.

A Member must always conduct that Member's business in accordance with the Constitution of PIPA and this Code of Conduct, act in a professional and courteous manner towards consumers and fellow Members, and refrain from any conduct which may embarrass, impugn or discredit PIPA or bring PIPA into disrepute.

A Member must immediately advise any other PIPA Member in a transaction of any financial interest, relationship or association whatsoever with an applicant.

The Code will be reviewed every three years to ensure its continuing relevance and compatibility with PIPA's other corporate governance practices.



## Compliance with Laws and the PIPA Code of Conduct

A Member must always comply with this Code, the Corporations Act 2001, the Australian Securities and Investments Commission Act 2001, the Uniform Consumer Credit Code, the Trade Practices Act 1974 and other Fair Trading legislation, and other laws and regulations applying to a loan transaction from the time of initial consultation until the transaction is closed.

## Confidentiality

A Member must at all times keep confidential and secure information provided by a client and will only disclose information as may be required by law or as authorised by the client.

## Skill, Care and Diligence

A Member must act with all due skill, care and diligence in their Property Investment Industry dealings, including adherence to the instructions of the client.

A Member must always ensure that they, their associates and staff are thoroughly knowledgeable in those areas and aspects of the Property Investment Industry in which they participate.

A Member must undertake all necessary education and other PIPA endorsed programs to maintain and further their and their staff's professionalism and skill level.





# Procedures for handling breaches of the Code of Conduct

## Procedures for handling breaches of the Code of Conduct

The Board approved PIPA's Code of Conduct (the Code). One of the elements requires PIPA to promote and enforce the code.

### Promote and enforce

Members will promote the Code and report any breaches to PIPA who will deal with them in accordance with appropriate PIPA procedures. PIPA will work to ensure that the matter is dealt with promptly and fairly, and that the person making the report is not disadvantaged in any way and that the person to whom the report refers is given an opportunity to respond.



## Conduct Committee

A Conduct Committee (the Committee) has been established to handle alleged breaches of the code.

The Committee will:

+ comprise:

- the conduct officer, who will chair the Committee;
- a member of the executive;
- General Manager

+ consider what action needs to be taken;

- report on breaches to the Board;

The procedures of the Committee will be reviewed in conjunction with the review of the code, initially after 12 months and then every three years.

## External Dispute Resolution Organisation

In addition to the above, PIPA shall appoint an external Dispute Resolution agency to act as a third party and to arbitrate the complaint on behalf of both the complainant and the member against whom the complaint is made. This agency will be selected at the time and shall operate within the state of the member.

## Conduct Officer

A member of the board will be PIPA's conduct officer. The Conduct Officer's responsibilities are:

- + To refer alleged breaches of the code to the conduct committee;
- + Ensure that the complaint is handled in accordance with these procedures;
- + Report to the Board annually, or more frequently, if deemed appropriate by the Chair

# Reporting breaches of the Code

## Terminology

- + "Complainant" refers to the person making the complaint.
- + "PIPA Representative" (Representative) refers to employees, national and regional councillors and committee members.
- + "Employee" includes, without limiting the generality of the term, servants, agents, consultants, managers, clerks, secretaries, workers and executives whether casual or permanent (as defined in the constitution).
- + "Staff member" refers to a full-time, part-time or casual employee.

## Process

- + A complaint should be made in writing or, if the complainant is unwilling to put the complaint in writing, the person to whom the complaint is made (manager or conduct officer), is obliged to record the details of the complaint, by way of a file note.
- + Any complaint referred to the conduct officer and committee shall be evaluated in accordance with the principles of natural justice.
- + After receipt of a complaint, the conduct officer shall refer the complaint to the conduct committee.
- + The conduct officer and committee will handle complaints involving the regions, by teleconference if necessary.
- + If the committee determines that the complaint is frivolous it may dismiss the complaint and inform the complainant of its decision, without referring the complaint to the representative.
- + If the committee determines that the complaint has grounds for investigation/consideration, it will advise the representative of the substance of the complaint.
- + The representative will be given adequate opportunity to respond to the complaint, either in writing or in person, before the committee determines whether the representative has a case to answer.

## Complaints against all members

- + If the complaint is about a staff member and the committee forms the view that there is a case to answer, PIPA's disciplinary procedures for alleged misconduct, outlined in PIPA's staff policies, will be implemented and the outcome reported to the Conduct Officer.

## Complaints against representatives who are not members

- + If the complaint is about a representative who is a member of PIPA and the committee deems the alleged conduct should be considered under the disciplinary rules of the Constitution, it shall refer the complaint to the Disciplinary Committee.
- + If the complaint is about a representative who is not a member of PIPA and the committee deems the alleged conduct would otherwise be considered under the disciplinary rules of the Constitution, it shall refer the complaint to the Disciplinary Committee for consideration as if the representative were a member.
- + If the committee considers that there is a case to answer but the complaint does not warrant investigation under the disciplinary rules of the Constitution, it may enter into a conciliation process with the representative to see if the matter can be dealt with satisfactorily without the need to refer it to the Disciplinary Committee.

## Appeals process

- + Staff members may lodge appeals as provided in staff policies.
- + Appeals by representatives who are not staff members may be lodged with the Conduct Officer.

### Note

- + Staff policies are available from the Head Office of PIPA.
- + PIPA's constitution is available from the Head Office of PIPA.
- + The Code should be read in conjunction with our rules.