MASTER BUILDERS
AUSTRALIAN CAPITAL TERRITORY

MEMBER CODE OF CONDUCT

MEMBERS OF THE MASTER BUILDERS ASSOCIATION ARE BOUND BY A CODE OF CONDUCT BASED UPON THE FOLLOWING ETHICAL PRINCIPLES:

- to act at all times with honesty, integrity and responsibility and in the spirit of good faith and fair dealings;
- to deal fairly and equitably with clients and other industry participants at all times;
- not to engage in any conduct which is unfair, harsh or unconscionable;
- not to engage in any practice which will lower the standards applicable in the building and construction industry;
- compliance, not only with the law, but also with the industry standards of conduct prescribed in the Code;
- accountability for any transgressions of the Code;
- promotion of an efficient, competitive and ethical building and construction industry; and
- support for continued industry reform, and in particular, changing the adversarial nature of commercial dealing to that of the partnering concept of utmost good faith and fairness in all such dealings.

It is a condition of membership that Members comply with this Code. In particular, MBA members shall not knowingly engage or cooperate in:

Collusive tendering
Attempt to make, arrive at, give effect to, be concerned in, or be a party to, any collusive arrangement or understanding.

Misleading conduct
Engage in any conduct that is misleading or deceptive or is likely to mislead or deceive.

Anti-competitive prices
Supply, or attempt to supply, any goods or materials upon condition that the purchaser agrees to take other goods or services from a nominated third party.

Resale price maintenance
Shall not engage or attempt to engage in the practice of resale price maintenance.

BREACHES OF THE CODE

It is important to remember that the Code deals only with the conduct and behaviour of Members in relation to the Rules of the Master Builders Association and does not provide any remedies (contractual or otherwise) to commercial clients or members of the public.

Disputes over contractual rights/obligations or technical matters should be dealt with under the contract between parties. It is not the function of the Code to adjust the contractual rights or obligations of the parties, which is the role of the Courts, Arbitrator or other Disputes Resolutions agent. Before lodging a formal complaint, parties should meet at least once to try and explain their concer ns and to endeavour to mutually resolve the matter.

If this is unsuccessful then a formal complaint should be made in writing to the Executive Director of the Master Builders Association setting out details of the complaint. If the Executive Committee considers that the Member has a case to answer, it will be referred to the Member Integrity Committee for consideration.

The Member Integrity Committee will provide written notice of the allegations to the Member and request them to attend a hearing. Complainants do not have a right to attend such hearings, nor to any documents relating to the findings of the Member Integrity Committee. However, if the Member Integrity Committee considers that the Member in question has breached the Code, public reprimands, fines and (in serious cases) suspension or revocation of membership can be imposed on the Member.

An affected Member has 14 days to lodge a written notice of appeal with the Executive Director, who must then refer the complaint to a Special Meeting of Members for final consideration.

AVOIDING COMPLAINTS

Experience has shown that the majority of disputes are of a minor nature and often due to a lack of understanding of the building process. Members are encouraged to communicate effectively and regularly with their clients at all times. Proper documentation is vital for both parties.

Members recognise that if their client has a problem, then they have a problem. All problems have a solution and it helps both parties if problems are resolved quickly, rather than letting them drag on to become disputes. Avoiding disputes should be the objective. So, by working together to finding solutions, both parties are better off.

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