Code of Practice

The principles, standards of behaviour and service delivery requirements for all FPA Australia Corporate Members

Fire Protection Association Australia Life Property Environment
Fire Protection Association Australia (FPA Australia) is the national peak body for fire safety that provides information, services and education to the fire protection industry and broader community.

FPA Australia is represented across Australia by active members and is supported by the broader industry and related stakeholders in the built environment, bushfire and other specialist sectors. The Association is a not-for-profit organisation with its national head office based in Melbourne.

Central to our vision is a focus on advocacy in order to influence change and deliver improved fire safety outcomes for the community.

The Association plays a pivotal role in providing advice and information on all aspects of fire safety and related emergencies through a range of services to the industry and the wider community.

FPA Australia offers a flexible range of membership options across Personal, Corporate and Organisational categories. These options are based on a tiered structure with a range of benefits to suit all stakeholders working in, or associated with, the fire protection industry in Australia.
Our Vision
To promote the protection of life, property and the environment from fire and related emergencies.

Our Mission
To work with our members, government, corporate and community organisations for the continuous improvement in legislation, standards, education, awareness, products and services for the protection of life, property and the environment from fire and related emergencies.

Our Values

**Integrity:** behaving ethically, acting with loyalty, honesty and transparency and being prepared to express our views.

**Independence:** being prepared to establish relationships, build trust and foster co-operation without showing favour.

**Professionalism:** being committed to the continuous professional development of our Association and industry.
Introduction
Compliance with the Code establishes the benchmark for the delivery of products and services to the community.

Code of Practice

The Fire Protection Association Australia Code of Practice (the Code) prescribes the principles, standards of behaviour and service delivery requirements and applies to all Fire Protection Association Australia (FPA Australia) Signatories to the Code (Signatories).

Compliance with the Code:

- establishes the benchmark for the delivery of products and services to the community
- enshrines the principles of integrity and professional relations with clients
- upholds the principles of the competitive process.

Signatories are Corporate members of FPA Australia who:

- sign the Code of Practice Declaration to become code compliant
- are bound by the provisions of the Code
- are permitted to use FPA Australia trademark logos stipulated in Terms and Conditions for use of FPA Australia trademark logos.
- shall always act to uphold the intent of the Code and the reputation of FPA Australia.
Objectives

Compliance with this Code will ensure Signatories operate responsibly and ethically and support FPA Australia’s commitment to serve the community, for the best possible outcomes for the protection of life, property and the environment.

To this end Signatories will promote:

- high standards of service delivery through compliance with the full spirit and intent of all relevant legislation, codes and standards that pertain to the fire protection industry
- goodwill, positive outcomes and responsible corporate and social behaviour, through the observance of statutory requirements and contractual agreements in all dealings with clients, competitors and the community
- environmental responsibility and sustainable use of resources that consider the needs of future generations, including the responsible management of ozone depleting substances and synthetic greenhouse gases
- employment and development of competent, skilled and experienced persons who hold the appropriate qualifications, licences and accreditation where required.
Definitions

In this Code, the following definitions apply:

**Authorised Officer:** An officer of a Signatory authorised to commit the company to be bound by the Code.

**Board:** The Board of Directors of FPA Australia.

**Breach:** When a Signatory fails to comply with any provisions, terms or conditions set out or referred to by FPA Australia.

**Client:** Any party that seeks the products and services of a Signatory as defined in this Code.

**Complaint:** Any reason for dissatisfaction or expression of grievance with a product or service offered or provided by a company that is a Signatory.

**Signatory to the Code:** A Corporate member of FPA Australia, who has signed the declaration, or whose authorised officer has signed the declaration, that states they will be bound by the Code.

**Third Party:** Any party engaged by a Signatory including contractors, consultants or third parties that provide a product or service on behalf of the Signatory.

**Work:** A project, task or service that a Client commissions a Signatory to carry out in accordance with this Code and other relevant documents.
Application of the Code of Practice

Signatories will:

• comply with all the provisions, terms and conditions included in this Code of Practice
• comply with their obligations as stated in the FPA Australia - Memorandum and Articles of Association (Constitution) and the Membership Application Terms and Conditions, (Refer to Appendix A: Terms and Conditions)
• ensure they, their employees or any third party engaged by them are educated in the provisions of this Code
• be responsible for ensuring work undertaken by themselves, their employees or any third party engaged by them are compliant with this Code.

Commitment to Best Practice

Signatories shall use their best endeavours for best practice in relation to:

• quality and compliance of work
• quality assurance of contractual documentation and work
• tendering practices*
• timely completion of projects
• implementing workplace health and safety requirements
• promoting practices that reduce environmental impacts and contribute to the sustainable use of resources and energy without compromising fire protection
• developing ethical and responsible customer, competitor and community relationships.*

* Refer to Appendix B: Tendering Best Practice
Communications
Signatories shall:
• ensure that dealings with Clients and the community, including advertising, are always accurate and truthful and are not misleading
• not make defamatory remarks in relation to clients, government departments, FPA Australia, the community and other fire protection services providers.

Contract Administration
Signatories shall:
• uphold all contractual obligations and deliver to the Client the agreed products and/or services as stipulated in the contract
• advise clients promptly where variations to contracts are unavoidable
• respond promptly to requests for information and co-operatively support efforts to resolve problems, claims and disputes
• protect commercial-in-confidence information or intellectual property
• support the management and entitlements of contractual obligations and ensure timely processing and security of payments.
Compliance Expectations

Work undertaken by Signatories should as a minimum, comply with or seek to exceed, all relevant legislation, codes and standards. In addition to this, Signatories must have regard to FPA Australia Technical Documents and voluntary Australian and International Standards and Guidelines.

**Must comply with**

- Acts
- Regulations
- Referenced Codes
- Mandatory Standards
- Referenced Standards

**Must have regard to**

- Voluntary Australian Standards
- Voluntary International Standards
- Other Guidance Documents

**FPA Australia Technical Documents**

For Example:

- Position Statements
- Information Bulletins
- Technical Advisory Notes
- Good Practice Guides
- Reference Documents
Work undertaken by signatories should as a minimum, comply with or seek to exceed, all relevant legislation, codes and standards. Signatories must also have regard to FPA Australia Technical Documents and voluntary Australian and International Standards and Guidelines.

‘Must have regard to’ means if a Technical Document by FPA Australia applies to a particular work activity, there is an expectation that the Signatory will attempt to apply it. If the Signatory is unable to apply it, the Signatory should be able to:

- demonstrate the reasons why not
- provide evidence that the outcomes will not adversely impact on fire protection objectives.

Other Services

There are a number of specialised services provided by FPA Australia Signatories that may relate to, but not be strictly limited to, planning and design, fire safety engineering, emergency management, risk consultancy, personnel training and product testing. Signatories whose operations would be classified under Other Services shall, where there are legislative imperatives to do so, comply with all relevant standards and regulatory requirements. In all other cases Signatories shall apply best practice methods.
Licensing and Accreditation

Signatories shall support licensing and accreditation of practitioners and professionals working within their disciplines.

If signatories employ or engage individuals who do not hold accreditation, the signatory must be able to clearly demonstrate the individual/s hold the appropriate skills, knowledge and/or qualification in their field of practice.

Qualified and Competent Persons

Signatories shall employ or engage appropriately qualified persons. Qualifications shall be determined in accordance with the appropriate Australian Qualification Framework competencies or a recognised industry accreditation program. Where formal licensing does not exist, Signatories shall commit staff to appropriate training and supervision.

Signatories shall support the continuing professional development of staff where appropriate and recognise the relevant experience of an individual and support that individual in becoming suitably qualified.
Public and Product Liability Insurance

Public and Product Liability Insurance is a mandatory requirement for Signatories. Currently, the minimum amount of liability (sum insured) required is:

- Public Liability: $10 million for any one occurrence
- Product Liability: $10 million for any one period of insurance

The Public and Product Liability policy must cover all business activities of the Signatory. Signatories should seek professional advice as to the appropriate level of cover for the fire protection activities the business undertakes.

It is also a requirement that the Public and Product Liability policy has been paid in full and that the policy remains current for the period of membership.

**Note**

Some insurance companies do not provide adequate insurance cover for all business activities for the fire protection industry. Signatories should check with their insurance advisor to ensure that all business activities are covered and are listed on the insurance policy schedule.

FPA Australia further recommends that professional indemnity insurance be considered, subject to a Signatory’s business activities and requirements.
FPA Australia will promote the benefits of using a Signatory to provide fire protection systems and equipment and/or related products and services.

**Use of FPA Australia trademark Logo**

Signatories are permitted to use FPA Australia trademark logos as stipulated in Terms and Conditions for use of FPA Australia trademark logos.

**Declaration Requirements**

To be promoted, signatories must sign the Code of Practice Declaration at the commencement and renewal of membership, or when otherwise requested and remain a financial member of FPA Australia.

**Website Listing – Signatories**

FPA Australia will provide a website listing of Signatories who have signed the Code of Practice Declaration. Signatories are encouraged to make reference to the Code on their website and promote the Code to their clients.
**Cessation of Membership**

The use of any FPA Australia trademark logo must be withdrawn upon cessation or suspension of membership. The former signatory shall immediately cease and desist from using this logo, any other application of the FPA Australia logo and any type of reference to holding membership to the Association. This shall require removing any documents from distribution that contain any FPA Australia trademark logo or any other form of FPA Australia logo.

**Removal from Website**

Cessation of membership, either voluntary or through suspension, failure to be financial or failure to provide a current signed Code of Practice Declaration when requested, will result in removal from the website listing.

FPA Australia will promote the benefits of using a Signatory to provide fire protection systems and equipment and/or related products and services.
Breaches
FPA Australia will investigate reported breaches of compliance with this Code and if non-compliance is identified take appropriate enforcement action regardless of whether authorities such as the Office of Fair Trading or the Australian Competition and Consumer Commission undertake an investigation for breaches against the Competition and Consumer Act 2010 (including the Australian Consumer Law) or other relevant legislation.

Complaint Initiated by FPA Australia
FPA Australia may instigate investigation without receipt of a written complaint where it has reason to believe that a Signatory is acting in breach of the Code provisions. A breach is considered to have occurred if a Signatory fails to comply with any provisions set out in the code.

Monitoring Signatories
Signatories are responsible for meeting obligations to maintain compliance. FPA Australia reserves the right to request Signatories to demonstrate they meet and satisfy all compliance requirements with regards to the code. FPA Australia also reserves the right to conduct a compliance audit or to appoint an independent auditor to conduct such an audit.
Reporting and Investigating Potential Code Breaches

Suspected breaches of the Code must be reported in writing to the FPA Australia Membership Services Manager via post or online. Such written complaints must include the name and contact details of the complainant and include:

- a brief outline of the complaint and
- copies of all correspondence exchanged between the complainant and the company in question regarding the complaint being reported to FPA Australia.

The Membership Services Manager will:

- receive allegations about breaches of this Code
- investigate all alleged breaches for validity
- determine whether a breach has occurred, and if appropriate, refer the matter to the Chief Executive Officer (CEO) of FPA Australia for further determination and possible investigation.

If the CEO determines a major breach has occurred, the CEO can immediately suspend the Signatory’s membership pending the outcome of a further investigation.

Alleged breaches of this Code can be reported to:

Membership Services Manager  
Fire Protection Association Australia  
PO Box 1049 Box Hill  
Victoria Australia 3128  
Tel: (03) 8892 3131  
Fax: (03) 8892 3132
Outcomes When a Breach is Identified

If the outcome of an investigation determines a breach of the Code, the CEO may decide on, but is not limited to, one or a combination of the following options:

• seek a formal apology from the Signatory for the breach as well as a written undertaking from the Signatory that the breach will not be repeated

• require the Signatory to take specified remedial action to correct the breach and avoid re-occurrence

• send a formal warning to the Signatory stating they may be suspended from membership with FPA Australia unless certain actions are taken

• refer the matter to the appropriate Regulatory Authority

• suspend the membership of the Signatory

• in the event of a Signatory’s suspension of membership, the matter will be referred to the Board of Directors for further determination. This may result in continued suspension whilst remedial action is taken, for example, professional development, training, qualification and/or licence attainment

• inform the Signatory to take immediate steps to cease using any FPA Australia trademark logo and not imply in any way that it is a member of or affiliated with the Association.

The Board has sole discretion to terminate a Signatory’s membership.

Note
All investigation of potential breaches will be undertaken in strict confidence by the Membership Services Manager, CEO and Board.
Code of Practice Review Committee

The Code of Practice Review Committee supervises the administration of the Code and is responsible to the Board.

The Committee shall be made up of:
- the CEO of FPA Australia
- three (3) members of the management team of FPA Australia including the Membership Services Manager
- one (1) representative from the FPA Australia Board of Directors.
The Code of Practice Review Committee is responsible for the review, evaluation and administration of the Code.

Role of the Code of Practice Review Committee
The Code of Practice Review Committee is responsible for the review, evaluation and administration of the Code. In conducting its review, the committee where appropriate, will consult with groups affected by the Code. The review shall make recommendations to the Board for consideration.

Amendment
The Board may at any time resolve to amend the Code. Once an amendment of the Code has been made, the Board will ensure that:
- each member of FPA Australia promptly receives notice of the amendment
- the amendment is adequately publicised so that consumers and organisations that are not members of FPA Australia may be made aware of the amendment.
Appendix A: Terms and Conditions

The Terms and Conditions of the Code of Practice should be read carefully and Signatories should ensure familiarity with elements of the Terms and Conditions not detailed in this Code, namely:

- Memorandum and Articles of Association (Constitution)
- Membership Application
- FPA Australia Trademark Logos
- Termination and Suspension and
- Privacy Policy.

For further information visit: www.fpaa.com.au or call 1300 731 922.
Appendix B: Tendering Best Practice

Tendering Best Practice
This Code supports fair and equitable tender processes and endorses the tendering principles in:
- AS 4120  Code of Tendering.
- AS 2124  General Conditions of Contract
- AS 4122  General Conditions of Contract for Consultants

Tendering should be based upon, and consistent with, the principles outlined in these standards (most up to date).

Conflict of Interest
Where there is a conflict of interest or potential conflict of interest, whether it be financial or non-financial, it shall be declared, assessed and resolved in favour of the public interest. Where there is any doubt concerning a conflict, the party with the potential conflict shall withdraw from any decision making part of the issue.

Anti–Competitive Conduct
There are a number of unfair business practices that are unlawful, whether under the Competition and Consumer Act 2010 (including the Australian Consumer Law), other legislation or under case law. Such practices include but are not limited to, collusion, price fixing, receiving payment for work not completed and entering and inspecting premises without the owner’s or tenant’s permission, and representing that a party has authority to enforce fire safety legislative requirements when they do not.

Signatories shall not engage in anti-competitive conduct whilst undertaking business activities.