



Fire Protection  
Association Australia  
Life. Property. Environment.

# CODE OF PROFESSIONAL CONDUCT

## **COMPLIANCE WITH THE CODE ESTABLISHES THE BENCHMARK FOR PROFESSIONAL CONDUCT IN THE DELIVERY OF SERVICES TO THE COMMUNITY.**

Fire Protection Association Australia's (FPA Australia) Code of Professional Conduct (the Code) prescribes the principles, standards of behaviour and service delivery requirements expected of all Association Professional Members, and individuals accredited under the Fire Protection Accreditation Scheme (FPAS) and the Bushfire Planning and Design Accreditation Scheme (BPAD). These individuals must sign the Code of Professional Conduct declaration, stating that they will abide by the requirements of the Code and accept any decision if it is determined they have breached the Code.

*2 April 2019*

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## 1.0 CODE OF PROFESSIONAL CONDUCT

The FPA Australia Code of Professional Conduct (the Code) prescribes the principles, standards of behaviour and service delivery requirements expected of all Association Professional Members, and individuals accredited under the Fire Protection Accreditation Scheme (FPAS) and the Bushfire Planning and Design Accreditation Scheme (BPAD). Compliance with the Code:

- Establishes the benchmark for the delivery of services to the community;
- Enshrines the principles of integrity and professional relations with clients; and
- Upholds the principles of the competitive process.

Signatories to the Code:

- Agree to abide by the Code;
- Are bound by the provisions of the Code; and
- Shall always act to uphold the intent of the Code and the reputation of FPA Australia and the fire protection industry.

Signatories must aim to perform to the highest ethical standards in carrying out their work to maintain community confidence in the integrity of work performed.

Signatories must act honestly, ethically, responsibly and with accountability in providing fire protection services.

The Code cannot address all circumstances faced by Signatories in their work role, nor does it attempt to:

- Replace any of the requirements placed on individuals by legislation; or
- Provide standards to business practices.

If Signatories are in doubt as to the correctness of an action, they should seek the guidance of FPA Australia.

Signatories must comply with the Code, and those who contravene the Code may lose or have their accreditation and/or membership suspended.

### 1.1 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;
- Honesty and truthfulness in all matters relating to the performance of work activities and never claim unjustly, qualifications and / or accreditation that are not held; and
- When carrying out fire protection work, actions or decisions that consider the welfare of others, above all other competing interests.

## 1.2 Definitions

In this Code, the following definitions apply:

**Accreditation Scheme:** A non-government, formalised process to recognise appropriate level of skills and knowledge.

**Activity:** A project, task, service, report or advice that a Signatory undertakes in the fire protection industry for a Client.

**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 and the accreditation scheme they are accredited by.

**Client:** Any party that seeks the services of a Signatory.

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

**Professional Member:** An individual who holds Professional Membership with FPA Australia.

**Signatory to the Code:** An individual accredited under an FPA Australia accreditation scheme or a Professional Member of FPA Australia who have agreed to abide by the Code.

**Work:** An activity that a Client commissions a Signatory to carry out.



## 2.0 CONDUCT

Signatories shall strive for best practice in relation to quality and compliance of work.

### 2.1 Professional Behaviour

When carrying out work, Signatories shall comply with the following Code requirements and exercise reasonable care and attention in carrying out their work responsibilities, and in the exercise of their powers.

As a principle of professional behaviour, Signatories will:

- Abide by the terms and conditions and any guidelines established by the accreditation scheme and/or Professional Membership;
- Comply with all terms and conditions of this Code;
- Comply with the National Construction Code of Australia and any other relevant standards, laws, regulations and FPA Australia technical documents and guidelines related to the competent fire safety practitioner function;
- Make certain that decisions and actions made in the work place are reasonable, fair and appropriate;
- Take practical steps to consider all facts when making decisions and carrying out work activities and statutory functions;
- Avoid any action or oversight that may discredit the fire protection profession, including those that a third party would most likely conclude adversely affect the good reputation of the profession;
- Not misinform clients, government departments, professional organisations, the community, other fire protection service providers, accredited individuals and Professional Members of the Association about any matter relating to their work activities;
- Act honestly, equitably and with integrity, and without discrimination towards any person in relation to their work activities;
- Maintain the security of confidential documents or information for which they are responsible;
- Not use confidential information obtained through work activities for the purpose of gaining a private benefit for themselves or for any other person; and
- Act in the public interest above all other interests when performing their competent fire safety practitioner function.

### 2.2 Conflict of Interest

When working in the fire protection industry, Signatories shall pay particular attention to any actual, perceived and potential conflict of interest. Types of conflict of interest cover:

#### Actual Conflict of Interest

A Signatory holds a role where they can be influenced by private interests when performing a role.

### Perceived conflict of interest

A Signatory holds a role where they appear to be influenced by private interests when performing a role.

### Potential conflict of interest

A Signatory holds a role where they may in future be influenced by private interests when performing a role.

Signatories shall:

- Not take advantage of their position and responsibilities for the purpose of obtaining, any preferential treatment or other improper advantage for themselves or for any other person;
- Not request or receive a gift or benefit that is intended or perceived to cause them to act in an unfair or biased way whilst undertaking their work activities;
- Take all reasonable steps to ensure any person related to them does not receive any gifts or benefits related to the work activities performed by themselves; and
- Ensure that all conflicts of interest are disclosed and effectively managed. Unresolved or badly managed conflicts of interest can lead to corruption or abuse of role and responsibilities or the perception that these exist.

The Code considers, that a person is related to a Signatory if they are a spouse, de facto partner, sibling, parent or child of the Signatory).

#### Note:

Examples of actual, perceived and potential conflict of interest and additional information on conflict of interest is provided in FPA Australia's Accreditation Scheme documentation (See Section 3 of Attachment 2 Managing Conflict of Interest).

## 2.3 Commitment to Best Practice

Signatories shall undertake their best endeavours to apply best practice in relation to:

- Quality and compliance of work activities;
- Timely completion of projects;
- Implementing and adhering to 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; and
- Developing ethical and responsible customer, competitor and community relationships.

## 2.4 Communications

Signatories shall:

- Be straightforward and honest in all professional and business relationships, ensuring that fair dealings with clients and the community are accurate, truthful and not misleading;

- Not make disparaging remarks in relation to clients, government departments, professional organisations, the community, other fire protection service providers, accredited individuals and Professional Members of the Association; and
- Inform a Client of any matters affecting their ability to carry out their statutory or contractual work activities, and keep the Client informed of any subsequent change in circumstances to their ability.

## 2.5 Contract Administration

Signatories shall:

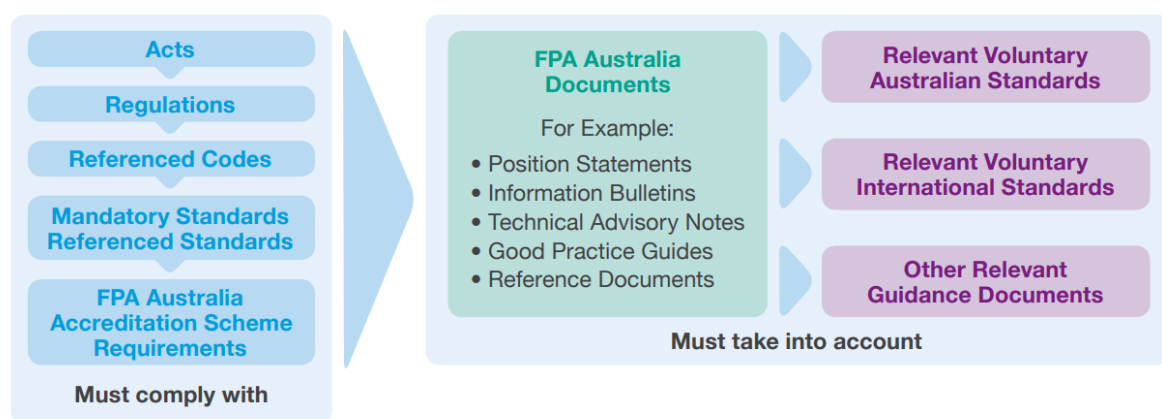
- Uphold all contractual obligations and deliver to the Client the agreed services;
- Advise clients promptly where variations to contracts or scope of work are unavoidable;
- Respond promptly to requests for information and co-operatively support efforts to resolve problems, claims and disputes;
- Ensure professional quality assurance processes are followed; and
- Protect commercial-in-confidence information or intellectual property.

## 3.0 COMPLIANCE

### 3.1 Compliance Expectations

Work undertaken by Signatories must as a minimum, comply with or seek to exceed, all relevant legislation, codes, standards and the requirements of the relevant FPA Australia accreditation scheme.

In addition to this, Signatories must have regard to FPA Australia documents and relevant voluntary Australian and International Standards and Guidelines.



Work undertaken by Signatories must as a minimum, comply with or seek to exceed, all relevant legislation, codes, standards and any relevant accreditation applicable.

**‘Must take into account’** means if a document published 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; and
- Provide evidence that the outcomes will not adversely impact on fire protection or relevant regulatory objectives.

### 3.2 Accreditation

Signatories who hold accreditation shall support and comply with the requirements of the accreditation scheme within their discipline and field of practice.

Accredited Signatories are accredited to act only within, and not exceed their accreditation level, which means to operate within the limits of their qualifications, experience and expertise.

Signatories shall support and agree to, any audit process required by FPA Australia’s accreditation scheme or FPA Australia Professional Membership.



## 4.0 PROFESSIONAL DEVELOPMENT

Signatories shall undertake continuing professional development by maintaining and improving their skills, knowledge and competencies within their field of practice.

### 4.1 Continuing Professional Development

Continuing professional development (CPD) means ongoing learning undertaken by a Signatory relevant to their field of practice.

Signatories shall meet the CPD requirements of FPA Australia's accreditation scheme relevant to them.

Given that the fire protection industry is constantly changing and evolving by:

- Ongoing research;
- Updated regulations, standards and codes; and
- New and improved technologies and equipment.

Signatories must take all reasonable steps to maintain and update their level of skill and knowledge in their field of practice to ensure industry currency and maintain contemporary knowledge.

FPA Australia promotes the concept of ongoing learning and upskilling and expects Signatories to undertake continuing professional development.

### 4.2 Approved CPD activities related to FPAS Accreditation

The approved CPD activities may include training in one or more of the following areas:

- Professional and/or good practice;
- Relevant legislation;
- The accreditation scheme;
- Relevant Australian Standards; or
- Technical knowledge relevant to the accreditation held.

Each FPA Australia accreditation scheme outlines CPD activities.

## 5.0 INSURANCE

### Insurance cover is important for the fire protection activities undertaken by all Signatories.

Signatories must comply with any insurance requirements of an FPA Australia accreditation scheme or where required under Professional Membership.

Insurance cover provides benefits to Signatories, business entities and the broader community by mitigating the risk of an unforeseen event.

It is mandatory that Signatories who hold accreditation under an FPA Australia Accreditation Scheme, and where applicable Professional Membership, maintain insurance currency either independently or through the business they are engaged by.

It is recommended that professional advice is sought by Signatories as to the appropriate level of cover for the fire protection activities they undertake, if not already covered by the business they are engaged by.

Furthermore, Signatories should check with their insurance advisor to ensure that all business activities are covered and listed on their insurance policy schedule.

## 6.0 PROMOTION

### 6.1 Individual Promotion

FPA Australia will promote the benefits of using an accredited Signatory to provide fire protection services.

Promotion includes a national website listing of Signatories who are accredited under an FPA Australia accreditation scheme that will provide an individual's accreditation details.

Accredited Signatories permitted to use an authorised logo must comply with the guidelines as outlined by the relevant accreditation scheme.

## 7.0 DECLARATION REQUIREMENT

To gain accreditation or Professional Membership by FPA Australia, Signatories must agree to abide by the Code of Professional Conduct.

### 7.1 Cessation of Accreditation or Professional Membership

Upon cessation, suspension or termination of accreditation or Professional Membership, Signatories shall discontinue promoting themselves as an accredited individual or a Professional Member and making any other reference to holding accreditation or Professional Membership through FPA Australia. This shall require removing any documents from distribution that contain reference to an individual's accreditation or Professional Membership and advising existing clients that accreditation or Professional Membership is no longer current.

### 7.2 Removal from Register

Cessation of a Signatory's accreditation or Professional Membership, either voluntarily or by suspension or termination, and failure to be financial, will result in removal of the Signatory from FPA Australia's national register.

## 8.0 ACCREDITATION APPEAL PROCESS

In order to determine that procedural fairness has been afforded to Signatories in relation to decision-making regarding accreditation, FPA Australia has an Accreditation Appeals Panel (AAP) that allows applicants, accredited practitioners or other affected parties to appeal decisions made by FPA Australia.

The AAP will operate the appeal process independently of FPA Australia staff.

## 9.0 COMPLAINTS, NON-COMPLIANCE & ENFORCEMENT

Signatories are responsible for meeting obligations to maintain compliance.

### 9.1 Breaches

FPA Australia will investigate reported breaches of compliance with this Code, or any requirements of a relevant accreditation scheme or Professional Membership. If non-compliance is identified it will take appropriate enforcement action regardless of whether authorities such as state planning authorities or 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.

### 9.2 Monitoring Signatories

Signatories are responsible for meeting obligations to maintain compliance. FPA Australia reserves the right to request Signatories to demonstrate processes and procedures that are in place to meet compliance requirements. FPA Australia also reserves the right to conduct a compliance audit or to appoint an independent auditor to conduct such an audit.

### 9.3 Investigating and Reporting Potential Code Breaches

FPA Australia may instigate investigation to determine whether a breach has occurred without receipt of a written complaint where it has reason to believe that, a Signatory is acting in breach of the Code provisions.

Other suspected breaches of the Code must be reported in writing to FPA Australia. 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 or individual in question regarding the complaint being reported to FPA Australia.

FPA Australia will:

- Receive allegations about breaches of this Code;
- Investigate all alleged breaches for validity; and
- 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 authorise suspension of the Signatory's accreditation and/or Professional Membership pending the outcome of a further investigation.



*Alleged breaches of this Code can be reported to:*

*Fire Protection Association Australia  
PO Box 1049 Box Hill  
Victoria Australia 3128  
Tel: (03) 8892 3131  
Fax: (03) 8892 3132*

## **9.4 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 accreditation or Professional Membership with FPA Australia unless certain actions are taken;
- Refer the matter to the appropriate Regulatory Authority;
- Suspend the accreditation or Professional Membership of the Signatory;
- Terminate the accreditation or Professional Membership of the Signatory; or
- Inform the Signatory to take immediate steps to cease using any promotional material relating to the accreditation scheme or Professional Membership and not imply in any way that he or she is an accredited individual under an accreditation scheme or a Professional Member of FPA Australia.