

Schedule 1A Code of conduct for committee voting members

section 101B and definition *code of conduct*

1 Commitment to acquiring understanding of Act, including this code

A committee voting member must have a commitment to acquiring an understanding of this Act, including this code of conduct, relevant to the member's role on the committee.

2 Honesty, fairness and confidentiality

- (1) A committee voting member must act honestly and fairly in performing the member's duties as a committee voting member.
- (2) A committee voting member must not unfairly or unreasonably disclose information held by the body corporate, including information about an owner of a lot, unless authorised or required by law to do so.

3 Acting in body corporate's best interests

A committee voting member must act in the best interests of the body corporate in performing the member's duties as a committee voting member, unless it is unlawful to do so.

4 Complying with Act and this code

A committee voting member must take reasonable steps to ensure the member complies with this Act, including this code, in performing the member's duties as a committee voting member.

5 Nuisance

A committee voting member must not—

Schedule 1A (continued)

- (a) cause a nuisance on scheme land; or
- (b) otherwise behave in a way that unreasonably affects a person's lawful use or enjoyment of a lot or common property.

6 Conflict of interest

A committee voting member must disclose to the committee any conflict of interest the member may have in a matter before the committee.

Schedule 2 Code of conduct for body corporate managers and caretaking service contractors

section 118 and schedule 6, definition *code of conduct*

1 Knowledge of Act, including code

A body corporate manager or caretaking service contractor must have a good working knowledge and understanding of this Act, including this code of conduct, relevant to the person's functions.

2 Honesty, fairness and professionalism

- (1) A body corporate manager or caretaking service contractor must act honestly, fairly and professionally in performing the person's functions under the person's engagement.
- (2) A body corporate manager must not attempt to unfairly influence the outcome of an election for the body corporate committee.

3 Skill, care and diligence

A body corporate manager or caretaking service contractor must exercise reasonable skill, care and diligence in performing the person's functions under the person's engagement.

4 Acting in body corporate's best interests

A body corporate manager or caretaking service contractor must act in the best interests of the body corporate unless it is unlawful to do so.

Schedule 2 (continued)

5 Keeping body corporate informed of developments

A body corporate manager or caretaking service contractor must keep the body corporate informed of any significant development or issue about an activity performed for the body corporate.

6 Ensuring employees comply with Act and code

A body corporate manager or caretaking service contractor must take reasonable steps to ensure an employee of the person complies with this Act, including this code, in performing the person's functions under the person's engagement.

7 Fraudulent or misleading conduct

A body corporate manager or caretaking service contractor must not engage in fraudulent or misleading conduct in performing the person's functions under the person's engagement.

8 Unconscionable conduct

A body corporate manager or caretaking service contractor must not engage in unconscionable conduct in performing the person's functions under the person's engagement.

Examples of unconscionable conduct—

- 1 taking unfair advantage of the person's superior knowledge relative to the body corporate
- 2 requiring the body corporate to comply with conditions that are unlawful or not reasonably necessary
- 3 exerting undue influence on, or using unfair tactics against, the body corporate or the owner of a lot in the scheme

9 Conflict of duty or interest

A body corporate manager or caretaking service contractor for a community titles scheme (the *first scheme*) must not accept

Schedule 2 (continued)

an engagement for another community titles scheme if doing so will place the person's duty or interests for the first scheme in conflict with the person's duty or interests for the other scheme.

10 Goods and services to be supplied at competitive prices

A body corporate manager or caretaking service contractor must take reasonable steps to ensure goods and services the person obtains for or supplies to the body corporate are obtained or supplied at competitive prices.

11 Body corporate manager to demonstrate keeping of particular records

If a body corporate or its committee requests, in writing, the body corporate manager to show that the manager has kept the body corporate records as required under this Act, the manager must comply with the request within the reasonable period stated in the request.

Schedule 3 Code of conduct for letting agents

schedule 6, definition *code of conduct*

1 Honesty, fairness and professionalism

A letting agent must act honestly, fairly and professionally in conducting the letting agent business under the letting agent's authorisation.

2 Skill, care and diligence

A letting agent must exercise reasonable skill, care and diligence in conducting the letting agent business under the letting agent's authorisation.

3 Acting in body corporate's and individual lot owner's best interests

Unless it is unlawful to do so, a letting agent must, as far as practicable, act in the best interests of the body corporate and individual lot owners.

4 Ensuring employees comply with Act and code

A letting agent must take reasonable steps to ensure an employee of the letting agent complies with this Act, including this code, in conducting the letting agent business under the letting agent's authorisation.

5 Fraudulent or misleading conduct

A letting agent must not engage in fraudulent or misleading conduct in conducting the letting agent business under the letting agent's authorisation.

Schedule 3 (continued)

6 Unconscionable conduct

A letting agent must not engage in unconscionable conduct in conducting the letting agent business under the letting agent's authorisation.

Examples of unconscionable conduct—

- 1 taking unfair advantage of the person's position as letting agent relative to the body corporate or the owner of a lot in the scheme
- 2 exerting undue influence on, or using unfair tactics against, the body corporate or the owner of a lot in the scheme

7 Nuisances

A letting agent must not—

- (a) cause a nuisance or hazard on scheme land; or
- (b) interfere unreasonably with the use or enjoyment of a lot included in the scheme; or
- (c) interfere unreasonably with the use or enjoyment of the common property by a person who is lawfully on the common property; or
- (d) otherwise behave in a way that unreasonably affects a person's lawful use or enjoyment of a lot or common property.

8 Goods and services to be supplied at competitive prices

A letting agent must take reasonable steps to ensure goods and services the letting agent obtains for or supplies to the body corporate are obtained or supplied at competitive prices.