

## **AVI Disciplinary Code Outline**

### **Citation**

1. This Code is the Complaints and Discipline Code.

### **Definitions**

2. In this Code:

**"Council"** means the Professional Standards Council constituted by the Professional Standards Act 1994.

**"Institute"** means the Australian Valuers Institute Co-operative Limited.

### **What actions may be the subject of a complaint?**

3. A complaint may be made that a member of the Institute has acted (or has failed to act) in such a way as to justify the taking of disciplinary action against the member under this Code. A complaint may be made and dealt with even though the person about whom it is made has ceased to be a member.

### **Who may make a complaint?**

4. Any person may make a complaint (including the Institute and the Council).

### **How is a complaint made?**

5. A complaint may be made to the Institute. The complaint must be in writing and contain the particulars of the allegations on which it is founded. The Institute must notify the Council of each complaint made to it (other than a complaint made by the Council).

### **What happens after a complaint is made?**

6. The Institute must consider a complaint as soon as practicable after the complaint is made to it or notified to it by the Council. The Institute will then do any one or more of the following:

- a) it may require the complainant to provide further particulars to the complaint;
- b) it may carry out an investigation into the complaint;
- c) it may attempt to resolve the complaint by conciliation.
- d) it may decline to entertain the complaint (because, for example, the complaint is frivolous, vexatious, misconceived or lacking in substance);
- e) it may conduct a hearing into the complaint.

### **What action may be taken after a hearing into a complaint?**

7. After the Institute has conducted a hearing into a complaint against a person, it will, if it finds the complaint substantiated, do any one or more of the following:

- a) caution or reprimand the person;
- b) impose conditions as to the carrying out of the person's occupation;
- c) require the person to complete specified courses of training or instruction;
- d) require the person to report as to the carrying out of the person's occupation at the times, in the manner and to the persons specified by the Institute;
- e) order the person to obtain advice as to the carrying out of the person's occupation, from such persons as are specified by the Institute;
- f) expel the person from membership of the Institute.

If the Institute finds the complaint substantiated, it must dismiss the complaint. The Institute is not entitled to make an award of compensation.

#### **Notices of decisions**

8. Within 30 days after a decision is made by the Institute concerning a complaint, the complainant and the person against whom the complaint is made must be given a written statement of the decision. The statement must include the reasons for the decision.

#### **What rights of representation do parties to a complaint have?**

9. The complainant and the person about whom the complaint is made are not entitled to legal representation during attempts to resolve the complaint by conciliation but are entitled to legal representation during a hearing into the complaint.

#### **How may the functions of the Institute under this Code be exercised?**

10. A function of the Institute under this Code may, in accordance with a resolution of the Institute, be exercised by the Board of Directors of the Institute or by a person or persons appointed for the purpose.

#### **Protection from liability**

11. No matter or thing done or omitted by the Institute or a person acting in accordance with a resolution of the Institute subjects the person personally to any liability if the matter or thing was done or omitted in good faith for the purpose of implementing this Code