

# **Australian Association of Agricultural Consultants WA Inc**

## **PROFESSIONAL CODE OF CONDUCT**

1. This Professional Code of Conduct is prescribed by the Committee of the Association in accordance with the provisions of Rule 48 of the Association's Constitution. The terms of this Code are supplementary to those Rules and those Rules are to take priority over any inconsistency that might exist in this Code.
2. Members must at all times adhere to the requirements (including, but not limited to, all requirements as to confidentiality) of the *Privacy Act*, 1988 and the National Privacy Principles set out in that legislation.
3. A Member shall not agree to supply services or supply services to a client unless he or she can provide that client with an adequate and competent service. Further, Members must not mislead or deceive clients by claiming to possess any experience, qualifications or expertise which the Member knows or ought to know the Member does not possess.
4. If, whilst performing services for a client, a Member becomes aware that he or she does not possess adequate expertise to enable those services to be rendered competently to the client, the Member shall forthwith cease acting for the client and recommend that the client obtain the services of another consultant to agriculture.
5. A Member shall not delegate any aspect of services that he or she is performing for a client if the Member knows or ought to know that the person to whom that work is being delegated lacks the necessary expertise to competently perform that work.
6. At all times Members must comply with all legislative and regulatory requirements relevant to their occupation.
7. If a Member:
  - 7.1 receives any of the following:
    - (a) commissions;
    - (b) forms of remuneration calculated on the basis of the volume of business placed by the person with the issuer of a product or service;
    - (c) other gifts or benefits from an issuer of a product or service which may reasonably be expected to influence the person;
  - 7.2 is employed by somebody who receives any of the commissions, remunerations, gifts or benefits referred to in sub-paragraph 6.1 above;
  - 7.3 is a person who provides products or services on behalf of another person and that other person receives any of the commissions, remunerations, gifts or benefits referred to in sub-paragraph 6.1 above of this clause;

- 7.4 is a person who either personally or whose employer, in providing consulting to agriculture, is subjected to direct or indirect restrictions relating to the products or services in respect of which the consulting relates (excepting restrictions imposed by the conditions on an Australian financial services licence or under the *Corporations Act, 2001* or any regulations made under that Act); or
- 7.5 is a person who personally or whose employer provides consulting to agriculture that is subject to any conflicts of interest that might:
- (a) arise from the associations or relationships of that person or employer with issuers of products or services; and
  - (b) reasonably be expected to influence the person or the employer in providing their consulting

THEN the Member must ensure that any client to whom any of those matters relate is advised fully of those matters before the Member performs any further services for that client.

8. Members must act in the best interests of their clients except where it would be unreasonable or improper to do so.
9. Members must act fairly and honestly.
10. Members must act in accordance with the instructions of their clients except where it would be unreasonable or improper to do so.
11. Members must not knowingly engage in any misleading or deceptive conduct.
12. Members must act so as to exercise due skill, care and diligence.
13. As far as is reasonable and practicable Members must facilitate an orderly transfer of the provision of consulting services when a client elects to terminate the services of one consultant to agriculture and to appoint another.
14. A Member who holds any moneys on trust for another must keep those moneys separate from all other moneys in the possession of the Member and must keep sufficient records to enable a full account to be given of the Member's dealings with those moneys.
15. When a Member holds moneys on trust such that another entity or entities are entitled to the beneficial ownership of those moneys, the Member must:
- 15.1 only use those moneys for the purposes for which they were entrusted to that Member; and
  - 15.2 at all times be able to provide an account of those moneys to any person entitled to request such an account.
16. A Member must not use for his or her own personal benefit any moneys held by that Member on trust for another entity unless that entity has expressly authorised that use.