

**THE TREE GUILD  
OF WESTERN AUSTRALIA**



***CODE FOR  
PROFESSIONAL  
CONDUCT***

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The most recent version of this document can be obtained  
from the Tree Guild of WA website at [www.treeguildwa.asn.au](http://www.treeguildwa.asn.au)  
or by emailing the Tree Guild at [treeguild@casm.com.au](mailto:treeguild@casm.com.au)



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## Definitions

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Unless otherwise defined within this document,

<b>Accredited Professional Member or APM</b>	means a member of the Tree Guild who has been admitted as an Accredited Professional Member
<b>Code</b>	means the Code for Professional Conduct adopted by the Tree Guild of Western Australia Inc., as amended from time to time
<b>Constitution</b>	means the Constitution of the Tree Guild of Western Australia Inc.
<b>Member</b>	means a member of the Tree Guild of Western Australia Inc.
<b>OHSE Guidance Code</b>	means the Occupational Health Safety and Environment Guidance Code adopted by the Tree Guild, as amended from time to time
<b>Professional Standards Panel</b>	means the Professional Standards Panel as appointed by the Committee of the Tree Guild of Western Australia from time to time in accordance with its Constitution
<b>Qualification Standards</b>	means the Qualification Standards adopted by the Tree Guild, as amended from time to time
<b>Tree Guild</b>	means the Tree Guild of Western Australia Inc.

## About This Code

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Abiding by the provisions of this Code is a condition of joining and continuing membership of the Tree Guild of Western Australia.

To demonstrate their commitment to this Code and the principles herein, all members will sign a commitment to abide by this Code as a condition of their membership of the Tree Guild of Western Australia.

Breaches of this Code are dealt with by a process set out in the Constitution of the Tree Guild of WA Inc. This process enables members of the public as well as members of the Tree Guild to make a complaint in relation to an alleged breach of the code, and provides for sanctions where breaches of the Code are established.

This Code contains General Principles in relation to ethical and professional conduct, and a number of principles dealing with specific matters. The General Principles and the Specific Principles are equally binding.

## How this Code applies to different Categories of Tree Guild Members

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**Full Members** are bound to observe all the applicable elements of this Code and are subject to the Disciplinary and Dispute Resolution Procedures herein.

**Accredited Professional Members** are bound to observe all the applicable elements of this Code and are subject to the Disciplinary and Dispute Resolution Procedures herein. They must also comply with all the applicable requirements of the Qualification Standards.

**All other members** are required to support the principles set out in the Code.

## Accredited Professional Members

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Full Members of the Tree Guild may apply to become Accredited Professional Members.

Admission to the rank of Accredited Professional Member is limited to Full Members who comply with all the requirements of this Code, and who also satisfy the Competency Standards and Continuing Professional Development requirements set out in the Qualification Standards.

## General Principles

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Members of the Tree Guild of Western Australia will observe a high standard of ethical behaviour and professional conduct.

Ethical behaviour in this context means more than just compliance with legal obligations. It includes acting with honesty and integrity in all dealings with clients, employees and others.

Members will comply with the rules of the Tree Guild, and will not take part in conduct that is unbecoming of a member or prejudicial to the interests and purposes of the Tree Guild and its members.

## Principle 1 — Respect for People and Property

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Members and, where applicable, their staff, will act with courtesy and professionalism in all their dealings with clients and the general public.

Members will show respect for people, property and the environment in undertaking their operations. In particular, members will not ensure that they do not

- access property without proper permission (which includes statutory authority), or
- carry out operations in a way that adversely impacts a client or other property owner or resident

unless such actions are reasonably necessary to avoid imminent harm to a person or property or where the owner has been consulted and consented.

## Principle 2 — Honesty

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Members will act honestly in all dealings with clients and the general public.

All fees and charges will be fully disclosed to clients and agreed before work commences.

Members will ensure that all advertising is truthful.

## Principle 3 — Respect for Laws

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Members must comply with all applicable legislative and government requirements.

Members must not engage in any collusive practices or practices that are otherwise prohibited by the *Competition and Consumer Act 2010*.

## Principle 4 — Safety

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Members must observe all the provisions of the OHSE Guidance Code, or else have in place an occupational health and safety management system containing measures for assessing, identifying and managing safety issues that are no less effective than the requirements of the OHSE Guidance Code. An occupational health and safety management system that has been independently audited and certified to meet the requirements of AS/NZS 4801 shall be regarded as complying with this Code.

## Principle 5 — Professional Standards

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Members will ensure that they maintain their professional knowledge through on-going involvement in professional development activities.

Members will ensure that their staff are competent to undertake their responsibilities, in a safe manner while meeting customer requirements and complying with all legal obligations.

Accredited Professional Members will observe the requirements for Competency Requirements and Continuing Professional Development set out in the Qualification Standards adopted by the Tree Guild Committee as amended from time to time.

## Principle 6 — Maintaining Ethical and Professional Conduct in the Industry

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Any allegations of a breach of this Code will be dealt with in accordance with the provisions of the Tree Guild Constitution.

## Disciplinary and Dispute Resolution Procedures

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### ABOUT THESE PROCEDURES

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The Tree Guild Constitution provides for the Committee to establish a Professional Standards Panel to undertake the Disciplinary and Dispute Resolution Procedures set out in this Code.

When any matter concerning a potential breach of the Code comes to the attention of the Committee, the Committee will convene a Professional Standards Panel and direct the Panel to carry out an investigation in accordance with the Code for Professional Conduct and report its findings and recommendations to the Committee.

Panel members will be appointed by the Committee in consideration of the nature of the alleged breach being reviewed. Panel members may be drawn from the Executive Committee or the general membership. Any nominee for such an appointment has the right of refusal.

These procedures set out the way in which the Professional Standards Panel shall carry out its work.

### DEFINITIONS

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In these procedures,

<b>Committee</b>	means the Committee of the Tree Guild of Western Australia Inc.
<b>Complaint</b>	means a matter that is referred to the Panel by the Committee
<b>Complainant</b>	means the person or organisation who initially raised the matter with the Tree Guild
<b>Panel</b>	means the Professional Standards Panel
<b>Respondent</b>	means the member of the Tree Guild who is the subject of the Complaint

### METHOD OF OPERATION

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The Panel shall determine its own method of operation, consistent with:

- The Tree Guild Constitution; and
- This Code.

The Panel shall act according to equity, good conscience, and the substantial merits of each matter without regard to technicalities or legal forms. The Panel shall not be bound by any rules of evidence, but may inform itself on any matter in such a way as it thinks just.

Members of the Panel shall take care to identify potential conflicts of interest in matters that are before them. If a member of the Panel believes that they may have a conflict of interest in dealing with any particular matter, they must inform the Guild immediately. The Committee will then appoint a replacement Panel member for the purposes of that matter only.

In the Panel is unable to reach a unanimous decision on any matter than it may proceed to determine matters on the basis of a decision by the majority of its members.

## DISCIPLINARY AND DISPUTE RESOLUTION PROCEDURES

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### Initial steps

Upon being directed by the Committee to carry out an investigation, the Panel will:

- Advise the Complainant that the matter is being dealt with under this Code and seek approval from the Complainant to release information raised by them about the Complaint to the Respondent.
- If the Panel considers it appropriate, seek further information from the Complainant to assist in identifying the matters to be investigated.
- Unless the Panel considers it inappropriate to do so, contact the Respondent and provide them an opportunity to rectify the situation to the satisfaction of the Complainant.

The Panel shall then notify the Respondent in writing that a complaint has been made and provide the Respondent with:

- Information about the substance of the Complaint in line with the consent for release of information given by the Complainant;
- The opportunity to settle the Complaint directly by reaching agreement with the Complainant;
- Advice that the Respondent's response will be provided to the Complainant in line with the Disciplinary and Dispute Resolution Procedures;
- A copy of this Code and the Section of the Tree Guild Constitution relating to Discipline.

The Panel shall provide the Respondent with 15 business days to provide a substantive response to the Complaint. The Panel may extend this period on request from the Respondent if it reasonably believes it would be fair to do so. If an extension is granted the Panel must advise the Complainant.

If the Respondent fails to provide a substantive response within the required time, the Panel may report the failure to respond to the Committee and the Committee may impose sanctions in accordance with the Constitution.

When the Panel receives the response from the Respondent,

- If the Complaint has been settled by agreement between the Respondent and Complainant, the Panel shall confirm in writing the terms of the agreement with the Respondent and Complainant, and shall advise the Complainant that they may contact the Tree Guild to recommence the Disciplinary and Dispute Resolution Process if the terms of the settlement agreement are not met. The Panel shall provide a report to the Committee outlining the action that has been taken.
- If the Complaint has not been settled, the Panel shall:
  - Provide the Complainant with the Respondent's response
  - Give the Complainant 15 business days in which to reply. The Panel may extend this period on request from the Complainant if it reasonably believes it would be fair to do so. If an extension is granted the Panel must advise the Respondent.

- If the Complainant does not reply within the required time, the Panel may discontinue the matter and advise the Tree Guild Committee. The Committee may then notify the Respondent and the Complainant accordingly.

### **Determination of the Complaint**

If at the completion of Stage One, the Complaint remains unresolved, the Panel will proceed to determine the Complaint. This will include the Panel investigating the facts and circumstances of the matter and making findings as to:

- Whether a breach of this Code has occurred; and
- If so, what penalty should be imposed, insofar as the Constitution allows.

In deciding whether and what penalty should be imposed in the event of finding a breach of the Code, the Panel may take into account any written undertaking from the Respondent to the Complainant in whole or partial satisfaction of the matter.

The Panel may dismiss a Complaint at any stage for reasons including:

- The investigation may prejudice or interfere with legal proceedings
- The Complaint does not raise any substantial issue concerning the Respondent's compliance with this Code
- The Complaint is or has become frivolous or vexatious
- The Committee has accepted a written undertaking from the Respondent in resolution of the matter
- The Complainant advises that the Respondent has taken action that, in the view of the Complainant, is a satisfactory resolution of the Complaint.

### **Reporting to the Committee**

Upon concluding an investigation or dismissing a Complaint, the Panel shall provide a written report to the Committee. This report shall set out any findings and recommendations, supported by reasons that set out:

- Relevant findings on questions of fact
- Reference to the evidence or other material on which the findings were based

### **Consideration of the Panel's Findings and Recommendations**

Upon receiving the Panel's report, the Committee may:

- Adopt the findings and recommendations;
- Adopt the findings but adopt a different penalty than recommended on the basis that it is just in the circumstances to do so;
- Decide not to adopt the findings and recommendations in the event that the Committee considers:
  - the proceedings of the Panel were not properly conducted,
  - the findings or recommendations are contrary to law or the Constitution of the Tree Guild; or
  - there are legal proceedings on foot that would be prejudiced by proceeding with the matter.

Upon making its decision, the Committee shall write to the Complainant and the Respondent to notify them of the outcome of the Complaint.



**THE TREE GUILD  
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