

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.

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 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.