

## Role and Scope of the Code Administration Committee

September 2022

### About

The *Code of Conduct for Fair Service Provision in Shopping Centres* (the Code of Conduct) will be monitored by a Code Administration Committee (CAC), whose role it is to oversee any matters related to its usability and implementation.

This may include the provision of advice around the handling of breaches, complaints, or disputes associated with the application of the Code in practice. The CAC is supported by a Secretariat, which provides assistance in administering the duties of the CAC.

This document outlines the operation of the CAC and the Secretariat, and how a Party may raise issues to be considered by the CAC.

### Monitoring the Code of Conduct

The CAC provides a forum to accept feedback and discuss industry wide issues relating to conduct in the provision of cleaning services. Its role is also to develop any relevant supporting guidance and material to assist in the implementation and operation of the Code of Conduct.

Matters raised with the CAC should be done so in the spirit of:

- Assisting the CAC to become aware of and understand key issues with respect to the application and implementation of the Code of Conduct.
- Informing the need for and development of any relevant supporting guidance and material.

### Defined terms

- “Party” means a cleaning service provider or shopping centre owner or manager who is, or may in the future, provide or engage cleaning services.
- “Matters” raised with the CAC may include a breach, complaint, dispute, or a request for advice concerning the implementation of the Code of Conduct with respect to cleaning contract tenders, awarding/engagement, and/or administration.

### Role of the CAC

The role of the CAC is to:

- Monitor the Code of Conduct, including opportunities for review and improvement.
- Consider feedback on the Code of Conduct, in the context of periodic reviews.
- Consider issues related to the ‘Principles of Fair Service Provision’ by parties to a cleaning tender or contract.
- Develop relevant supporting guidance and material which may assist in the application of the Code of Conduct.
- Where there is mutual or a majority agreement by the CAC, it may consider or investigate certain or broader subject matters of importance to the operation of the Code.

The CAC’s role is **NOT** to:

- Mediate or arbitrate complaints or disputes in relation to commercial, contractual or sensitive arrangements or agreements between parties.
- Impose sanctions or remedial action.

- Consider matters or documents that could give rise to breaching the intent, spirit, and application of relevant provisions of the *Competition and Consumer Act 2010*, including price setting, cartel conduct, collusion, and exclusive dealing.
- Consider matters that seek to utilise the CAC to pursue or advance a parties' commercial interests or objectives.
- Consider matters (including subject matters) referred on to a third party for further determination, or where advice has been provided by government or a statutory authority.

### **Role of the Secretariat**

The role of the CAC Secretariat is to:

- Liaise with the CAC and administer the handling of matters raised in relation to the Code of Conduct.
- Communicate with the parties throughout the CAC's consideration of a matter.

### **How to raise a matter for consideration**

- Matters should be raised by emailing both the SCCA and BSCAA.
- The Secretariat (currently the SCCA) will then liaise with the CAC to assess whether a matter is pertinent to the 'Principles of Fair Service Provision' and would benefit from being considered further.
- The Secretariat will inform the party raising the matter if the CAC will accept consideration of the issues, or if it will not be considering the issue any further.

### **How matters will be progressed and considered**

- If a matter is to be considered by the CAC, the Secretariat will inform the party raising the issue and will communicate an indicative process and timing for consideration. The Secretariat will also request any information reasonably necessary for the CAC to consider the subject matter or issues raised.
- The CAC will deliberate on matters at its quarterly meetings, unless any matters are considered urgent.
- In considering a matter referred or raised with it, the CAC:
  - May provide suggestions (advice or guidance) to the parties as to how a matter could be progressed or resolved.
  - May also decline to consider a matter brought before it, including where the CAC is not provided with sufficient information to properly consider the matters raised.
  - Is not liable for any costs, loss or damages a party may incur in connection with a matter raised.
- The Secretariat will keep parties reasonably informed about the progression of matters being considered by the CAC.
- The Secretariat will also formally close out matters raised, by confirming, in writing, that a matter is closed.

### **Contacts**

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