



THE
INSTITUTION
OF ENGINEERS,
AUSTRALIA

2000
CODE OF ETHICS

*Approved by the Congress of
The Institution of Engineers, Australia
in April 2000 and adopted by
The Association of Consulting
Engineers, Australia
and
The Association of Professional
Engineers, Scientists and Managers,
Australia.*

The Institution of Engineers, Australia was founded in 1919 and incorporated by Royal Charter in 1938. The work of the Institution covers all aspects of the professional and technical fields of engineering.

The membership of the Institution comprises professional engineers, engineering technologists, and engineering associates/officers, engaged in all areas of engineering activity, as well as students preparing for such careers.

PREAMBLE

Engineering is a creative process of synthesising and implementing the knowledge and experience of humanity to enhance the welfare, health and safety of all members of the community, with due regard to the environment in which they live and the sustainability of the resources employed. It involves a diversity of related functions ranging from the development and application of engineering science through to the management of engineering works. The members of the Institution of Engineers, Australia are bound by a common commitment to promote engineering and facilitate its practice for the common good based upon shared values of:

- ethical behaviour;
- competent performance;
- innovative practice;
- engineering excellence;
- equality of opportunity;
- social justice; and
- sustainable development.

The community places its trust in the judgement and integrity of members to pursue the stated values and to conduct their activities in a manner that places the best interests of the community above those of personal or sectional interests. The Code of Ethics provides a statement of principles which has been adopted by the Congress of the Institution as the basis upon which members shall conduct their activities in order to merit community trust. It is also the framework from which rules of conduct may be developed.

The Tenets of the Code of Ethics embrace cardinal principles, which are immutable. Members are required to support and apply the Tenets as part of their obligations of membership of the Institution and the advancement of the discipline of engineering. The Code is accompanied by a section, which provides some general guidance on the application of the principles to meet perceived community expectations. Members are required to abide by the Tenets as part of their commitment to participate in the affairs of the Institution. A breach of any one Tenet of the Code of Ethics is regarded as unethical conduct.

CODE OF ETHICS

All members of the Institution of Engineers, Australia, in the practice of the discipline of engineering, are committed and obliged to apply and uphold the Cardinal Principles of the Code of Ethics, which are:

- to respect the inherent dignity of the individual
- to act on the basis of a well informed conscience, and
- to act in the interest of the community.

These principles are encapsulated within and established by the Tenets of the Code of Ethics.

The Tenets of the Code of Ethics:

1. Members shall place their responsibility for the welfare, health and safety of the community before their responsibility to sectional or private interests, or to other members;
2. Members shall act with honour, integrity and dignity in order to merit the trust of the community and the profession;
3. Members shall act only in areas of their competence and in a careful and diligent manner;
4. Members shall act with honesty, good faith and equity and without discrimination towards all in the community;
5. Members shall apply their skill and knowledge in the interest of their employer or client for whom they shall act with integrity without compromising any other obligation to these Tenets;
6. Members shall, where relevant, take reasonable steps to inform themselves, their clients and employers, of the social, environmental, economic and other possible consequences which may arise from their actions;
7. Members shall express opinions, make statements or give evidence with fairness and honesty and only on the basis of adequate knowledge;
8. Members shall continue to develop relevant knowledge, skill and expertise throughout their careers and shall actively assist and encourage those with whom they are associated, to do likewise;
9. Members shall not assist in or induce a breach of these Tenets and shall support those who seek to uphold them if called upon or in a position to do so.



GENERAL GUIDANCE FOR MEMBERS

Note: The following information is provided as a general guide only. This information and any express or inferred provision or statement does not in any way form part of the Code of Ethics. The provisions of the Code of Ethics and their interpretation and application will depend at all times on the particular facts and circumstances of the matter at issue or under consideration. This General Guidance is provided to assist members to understand the concepts embodied in the Code of Ethics but not to dictate them.

The Code of Ethics establishes the standard, which the members of the Institution adopt to regulate their working habits and relationships.

The Code is structured in two tiers covering Cardinal Principles, which guide all behaviour governed by the Code and the linked Tenets, which provide more specifically the principles to which the members of the Institution subscribe. The following section amplifies but does not define the essence of the Cardinal Principles and identifies, in general terms only, some of the principles, which underlie the Tenets.

PRINCIPLES

The Cardinal Principles express the beliefs and values of the members of the Institution based on the recognition that:

- a. there are fundamental common ties that bind all humanity together and that our institutions derive their ultimate value from people. Accordingly, our expectations and performance in dealing with others should be conducted with fairness and honesty and members should accord the highest importance to freedom of choice, equality of opportunity and social justice;
- b. in the face of conflicting requirements, the content and quality of our choices are finally a matter of personal responsibility, and that in coming to any decision members should give due weight to all relevant facts and guiding principles as far as they can be ascertained; and
- c. members hold a privileged and trusted position in the community. Members have a duty to ensure that this position is not used for personal or sectional interests to the detriment of the wider community.

The Tenets express the shared commitment of the members to act in a manner, which upholds the Cardinal Principles and are based on the more specific principles expressed by:

- behaviour engendering community trust;
- risk being managed in the interest of the community;
- the community having the right to be informed;
- a responsibility of service to clients or employers;
- practice being in accord with sustainability and environmental principles;
- fairness in dealing with others;
- relationships being on an open and informed basis;
- opinions or evidence being a balanced and full representation of the truth;
- knowledge being current to serve best the interests of the community, employers and clients;
- awareness of the consequences of actions;
- a shared responsibility to uphold the Tenets.

INTERPRETATION

The Tenets of the Code are couched in broad terms. The following comments are provided to expand on and give, among other things, some general guidance in respect of interrelated or interdependent components of the Code as well as stand alone provisions. They are provided to assist members to understand the philosophy of the Code but are not part of the Code. Any guidance on ethical obligations as provided in this general guide is not to be applied or interpreted as limiting the scope of the Code nor should it be seen as exhaustive. A breach of the Code of Ethics occurs when a member acts contrary to the Code when judged in the particular circumstances of the matter at issue.

A member or other person requiring further guidance should contact either the office of the Assistant Chief Executive or the Associate Director Engineering Practice, and request a copy of a list of Office Bearers nominated, from time to time, by the Congress of the Institution to provide guidance on ethical issues.

THE COMMUNITY

The commitment of members to act in the interest of the community is fundamental to the ethical values of the profession. The term “community” should be interpreted in its widest context to comprise all groups in society, including the member’s own workplace. Members’ obligations to the welfare, health and safety of the community involve the application of sound engineering judgement based on experience and relevant analysis to arrive at the appropriate balance of considerations which must apply in any given situation. Protection of the environment is both a short term and long term concern of the community and needs to be considered by members at all times. Members’ obligations extend to taking reasonable steps to understand the consequences of their own actions and the actions of those with or for whom they are working.

In general compliance with the provisions of the Code of Ethics, members:

- a. should work in conformity with accepted engineering and environmental standards and in a manner which does not jeopardise the public welfare, health or safety;
- b. should endeavour at all times to maintain engineering services essential to public health and safety;
- c. should have due regard to requirements for the health and safety of the workforce;
- d. should give due weight to the need to achieve sustainable development and to conserve and restore the productive capacity of the earth;
- e. should endeavour to ensure that information provided to the public is relevant and in a readily understood form;
- f. should avoid assignments taken on behalf of clients or employers that are likely to create a conflict of interest between the member or their clients or employers and the community;
- g. should not use association with other persons, corporations, or partnerships to conceal unethical acts;
- h. should not involve themselves with any practice which they know to be of a fraudulent, dishonest or criminal nature.

AREAS OF COMPETENCE AND DESCRIPTION OF QUALIFICATIONS

Members should understand the distinction between working or providing advice and/or services in an area of competence and working competently. Working in an area of competence requires members to operate within the limits of their qualifications and experience. Working competently requires principally the application of sound judgement. If an error of judgement occurs it may, but not necessarily will, be as a result of negligence. Even if negligent, that does not necessarily imply that the member has acted unethically.

Members, in complying with the Code of Ethics:

- a. should neither falsify nor misrepresent their own, or their associates’ qualifications, grades of membership, experience and prior responsibilities;
- b. should, in the practice of consulting engineering, not describe themselves, nor permit themselves to be described, nor act as consulting engineers unless they occupy a position of professional independence and are either prepared to design and/or supervise engineering work or act as unbiased and independent advisers on engineering matters;
- c. should inform their employers or clients, and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside their fields of competence;
- d. should acknowledge that the terms ‘professional engineer’ or ‘member of the engineering profession’ are used to describe only those persons eligible to be Graduate or Corporate Members of the Institution;
- e. should acknowledge that the term ‘engineering technologist’ is used by the Institution to describe only those persons eligible to be Graduate Engineering Technologists or Engineering Technologist Members of the Institution;
- f. should acknowledge that the term ‘engineering associate/officer’ is used by the Institution to describe only those persons eligible to be Graduate Engineering Officers or Engineering Officer Members of the Institution.

CLIENTS AND EMPLOYERS

Members have a responsibility to provide loyal service to their employers or clients for whom they should apply their knowledge and skills with fairness, honesty and in good faith. Such loyalty extends to informing the employer or client of any possible adverse consequences of proposed activities based on accepted engineering practice of the day and taking all reasonable steps to find alternative solutions. Loyalty to the employer or client also requires that strict confidentiality be applied with respect to information or property available to the member as a result of the service provided. Members should not reveal facts, data or information obtained without the prior consent of its owner. A possible exception to the provision of loyal service, which might nevertheless still be consistent with obligations under the Code, is when the welfare, health or safety of the community, or the environment on which they depend, is or is likely to be threatened by actions of the employer or client and all reasonable attempts by the member to have the employer or client modify the proposed actions have been unsuccessful.

Members should relate to an employer or client on an open and informed basis so as to establish a position of trust. Any circumstances, which may be regarded as detrimental to the maintenance of trust, should be avoided or disclosed.

Members, in complying with the Code of Ethics:

- a. should promote the principle of selection of consulting engineers by clients upon the basis of merit as well as fees, and should compete with other consulting engineers on the same basis. Members should note that it is acceptable for them to provide information as to the basis on which they usually charge fees for particular types of work. Also, it shall not be a breach of the Code of Ethics for members to submit a proposal for the carrying out of work which proposal includes, in addition to a technical proposal, an indication of the resources which members can provide and information as to the basis upon which fees will be charged or as to the amount of the fees for the work which is proposed to be done. In this respect it is immaterial whether or not members are aware that others may have been requested to submit proposals, including fee proposals, for the same work;
- b. may use advertising (which includes direct approaches to prospective clients by any reasonable means) which is not misleading, to announce their practice and availability. Information given must be truthful, factual and free from ostentatious or laudatory expressions or implications;
- c. should, when acting as administrator of a contract, be impartial as between the parties in the interpretation of the contract. This requirement of impartiality should not diminish the duty of members to fairly apply their skill and knowledge in the interests of their employers or clients;
- d. should keep their employers or clients fully informed on all matters, including financial interests, which are likely to lead to a conflict of interest;
- e. should advise their clients or employers when they judge that a project will not be viable, whether on the basis of commercial, technical, environmental or any other such risk which the member might reasonably have been expected to consider;
- f. should inform their clients or employers of the possible consequences in the event that a member's judgements are over-ruled on matters relating to the welfare of the community. Where justified by the consequences, which result from the matter continuing, members shall endeavour further to persuade the client or employer to discontinue with the matter. If unsuccessful, members may make the details of the adverse consequences known to the public without incurring a breach of the Code of Ethics;
- g. should neither disclose nor use confidential information gained in the course of their employment without express permission, unless permission unduly withheld would jeopardise the welfare, health and safety of the community;
- h. should not undertake professional work under terms or conditions that would compromise their ability to carry out their responsibilities in accordance with recognised professional standards;
- i. should not accept compensation, financial or otherwise, from more than one party for services on the same project, nor provide free services, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;
- j. should neither solicit nor accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their products;
- k. should neither pay nor offer directly or indirectly

inducements to secure work;

- l. should neither solicit nor accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

COLLEAGUES

The Tenets of the Code of Ethics are based on shared values and a shared responsibility to uphold them. Members have an obligation to exercise fairness in dealing with others and to provide support and assistance when required. Members should avoid any actions or statements which can be construed as being unfairly critical of a colleague or intended to favour their own position at the expense of a colleague.

Members, in generally complying with their obligations under the Code of Ethics:

- a. should exercise due restraint in explaining their own work, should give proper credit to those to whom proper credit is due and should acknowledge the contributions of subordinates and others;
- b. should accept, as well as give, honest and fair professional criticism when commenting on another's work or making public comment;
- c. should compete on the basis of merit;
- d. should neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of others;
- e. should, where acting as a representative on behalf of an employer, recognise that other members, who are employees, are colleagues to whom the Code of Ethics applies;
- f. recognising the duty of consulting engineers to provide frank and fearless advice to clients, should not mischievously, recklessly or falsely call into question the skill, competence, qualifications or experience of a duly appointed consulting engineer for the purpose of undermining the standing or appointment of that consulting engineer;
- g. should not induce a client to breach a contract entered into with a duly appointed consulting engineer;
- h. should, if asked by a client to review the work of another, whether or not for the purposes of replacing that other, discuss the review with the other person or organisation to present a balanced opinion where such discussion is possible

or not precluded by the terms of appointment for review; and

- i. should not unfairly criticise others for their past work where such work was conducted in accordance with the accepted standards and practices and community values of the time, and in accordance with the needs of the time.

ACTING AS AN EXPERT WITNESS

An expert witness is in a privileged position in giving evidence in judicial or quasi-legal proceedings. This privileged position may allow the expert in a hearing to be present when other witnesses are giving evidence contrary to the normal exclusion and to advise counsel on examination of other expert witnesses. Additionally to giving evidence as to matters of fact, as a normal witness, an expert may give evidence by way of opinion based on factual or hypothetical circumstances. The role of the expert witness is generally to give a tribunal the benefit of the expert's special training, knowledge and experience to assist or guide the tribunal in respect of matters which the tribunal itself may not have adequate knowledge or experience. The duty of the expert witness is to the tribunal and the process and not to the party engaging the expert to give evidence before a tribunal. The expert witness should not be an advocate in the proceedings and advocacy rather than objective and honest presentation of evidence is likely to inconsistent with obligations under the Code of Ethics.

In compliance with general obligations under the Code of Ethics members acting as experts should:

- a. prepare reports and make statements or give evidence before any tribunal in an objective and accurate manner. Any opinion expressed should be on the basis of adequate knowledge and technical competence in the relevant area but may be speculative based on experience and wide relevant knowledge provided such speculation and the basis are clearly disclosed;
- b. reveal the existence of any interest, pecuniary or otherwise, that might actually affect or give the appearance of affecting their judgement in any matter about which they are making a statement or giving evidence;
- c. ensure that all reports and opinions given to a client prior to the institution or continuance of any legal proceedings include all relevant matters of which they are aware, whether or not the reports and opinions are favourable to the

- position of their client;
- d. ensure that they listen carefully to each question put and that each answer given, before a tribunal, is given objectively, truthfully and as completely as possible, covering all matters relevant to the question;
- e. when giving evidence as to past occurrences, unless otherwise directed by the tribunal, have regard to normal practice and the state of knowledge generally at the relevant time.

PUBLIC COMMENT OR STATEMENTS

Public comment and statements by members should comply with generally accepted standards of the community. The presentation of arguments should be made in a way that maintains and enhances community trust in the values and expertise of the membership of the Institution. A loss of community trust would be contrary to the best interests of the community in circumstances where the member's comments might be crucial to the welfare, health and safety of the community. Members should display restraint in the manner in which they comment on engineering matters, especially in circumstances where the member, by explicit reference or implication, gives the public reason to believe that their comments are made on the basis of relevant knowledge.

UNAUTHORISED RELEASE OF INFORMATION (sometimes described as 'Whistleblowing')

In the course of a member's employment, situations may arise concerning the employer or client organisation, which may present the member with a significant moral problem. These could include criminal behaviour, threats to public safety or unethical policies. Depending upon the particular circumstances a member may have responsibility under the provisions of the Code of Ethics to ensure that any such practices are brought to the attention of those with direct authority to rectify the problem or to raise the matter elsewhere.

The making of unauthorised statements differs from the broader aspects of public comment or statements in that it normally involves access to and disclosure of privileged information, either directly or indirectly, which information is not otherwise in the public domain. Comment on the information available may lie outside a member's area of competence.

Where a member has or is intending to make such disclosure the member might consider the following issues as a matter of practicality.

- Make any objections to unethical practices promptly so as to avoid any misinterpretation of the motives for doing so.
- Focus on the issues and proceed in a tactful, low-key manner to avoid unnecessary personal antagonism, which might distract attention from solving the problem.
- Keep supervisors informed of their actions, as much as possible, both through informal discussion and formal memoranda.
- Be accurate in their observations and claims, and keep formal records documenting relevant events.
- Raise the problem initially through normal organisational channels.
- Consult colleagues for advice and avoid isolation.
- Consult with an Office Bearer nominated by the Congress of the Institution on the ethical issues involved, or with other organisations as appropriate.
- Seek legal advice concerning potential legal liabilities.

SCOPE OF APPLICATION AND DISCIPLINARY PROCEDURES IN RESPECT OF OBLIGATIONS UNDER THE CODE OF ETHICS

The Code of Ethics applies to all members of the Institution and to any persons who are not members of the Institution but who have agreed to be bound by the provisions of the Code of Ethics under any arrangement approved by the Congress of the Institution.

THE MEMBERSHIP

A large proportion of the Institution's membership comprises Professional Engineers, Engineering Technologists and Engineering Associates/Officers. The respective qualifications for these three groups are a four-year Australian professional engineering degree accredited by the Institution, or equivalent, a three-year Australian engineering technology qualification accredited/recognised by the Institution, or equivalent, a two-year Australian engineering associate qualification recognised by the Institution, or equivalent. Students enrolled in one of the above Australian engineering programs are also eligible.

An individual with suitable qualifications is admitted to the appropriate graduate grade. Higher grades are available as the individuals become more experienced.

Those who are not eligible for admission to one of the above three occupational categories, but who have

a degree or diploma acceptable to Council, and an active interest in a branch of Engineering or field of specialisation, which may contribute to the activities of the Institution may be admitted to the grade of Affiliate.

Full details of membership grades and qualifications are prescribed in the Institution's Bye-laws.

NATIONAL PROFESSIONAL ENGINEERS REGISTER (NPER)

NATIONAL ENGINEERING TECHNOLOGISTS REGISTER (NETR)

The National Professional Engineers Register (NPER) and the National Engineering Technologists Register (NETR) are registers, administered by the Institution on behalf of the Profession, respectively for Professional Engineers and Engineering Technologists who meet stringent criteria set for qualifications, experience, competence and continuing professional development.

There is an articulation pathway for Engineering Officers/Associates to be recognised as Chartered Engineering Technologists and therefore eligible for registration on the NETR. Similarly, there is an articulation pathway for Engineering Technologists to be recognised as Chartered Professional Engineers and therefore eligible for registration on the NPER.

When a person is entered on either of the registers, he or she acknowledges a commitment to ethical practice and a willingness to maintain an appropriate level of professional competence through continuing professional development. Non-members of the Institution may apply for registration.

The National Registers are reserved for practising professional engineers and engineering technologists, respectively. The National Registers identify the disciplines in which practitioners can demonstrate the competence appropriate for independent practice.

PROCEDURES FOR HANDLING ALLEGED BREACHES OF THE CODE OF ETHICS

The National Congress of the Institution has approved regulations governing the procedures for investigating complaints against members and deciding whether there has been improper conduct. The procedures also apply to a registrant or a non-member of the Institution who has signed an undertaking to be bound by the Bye-laws, Code of Ethics and the Disciplinary Regulations. Improper conduct includes, amongst other things, failure

to observe one or more requirements of the Institution's Bye-laws or Code of Ethics.

A Complaints Board appointed by the National President comprises a pool of people to act as members of complaints panels and appeals panels. When a complaint is received, the Chief Executive forwards the complaint to the Convenor of the Complaints Board who appoints a commissioner to investigate the complaint.

Complaints investigations are carried out in accordance with the Disciplinary Regulations, using the Manual of Investigation and Disciplinary Procedures as a general guide.

The following sanctions may be applied: admonition, reprimand, a fine, suspension from membership, expulsion from membership, undertaking of specified professional development, obligation to operate professionally under supervision, suspension or withdrawal of certification on relevant national registers administered by the Institution.

Details of the decision and the reasons for it are sent to the person concerned who may lodge an appeal. The Disciplinary Regulations provide for appeals to be heard by an appeals panel.

Where breaches are proven, the decisions are normally published. Where appropriate, similar publicity will also be given to complaints which are dismissed.

The Disciplinary Regulations and Manual of Investigation and Disciplinary Procedures may be downloaded from the Institution's web-site at www.ieaust.org.au.

APPLICATION TO OTHER PROFESSIONAL ENGINEERING ORGANISATIONS

The Institution of Engineers, Australia, the Association of Professional Engineers Scientists and Managers, Australia, and the Association of Consulting Engineers, Australia, have adopted the provisions of this Code as binding on the actions of members of their respective organisations. In this regard, they have jointly advised and recommended to all members that the interests of the community and of their profession will be best served by commitment to the provisions of the Code of Ethics through full individual membership and active support of each of the organisations for which they are eligible.

RELATED INSTITUTION POLICY STATEMENTS AND DOCUMENTS

IEAust has a range of policy documents to which members should refer for further information.