

THE INSTITUTION OF ENGINEERS, AUSTRALIA

*code of ethics*

DISCUSSION DRAFT VERSION 2009



ENGINEERS  
AUSTRALIA



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## PART A: PREAMBLE

Engineering has been a constant prerequisite in our development as a civilisation, and engineering continues to play a key role in bringing us closer to a safe, secure and sustainable future.

Engineering is fundamentally about using ingenuity to formulate and solve problems. Engineering is the human endeavour which creates and shapes the world in which we live. It provides a bridge between science and technology and between technology and commerce.

Within the profession, members of the engineering team – professional engineers, engineering technologists and engineering associates - are society's agents of change and enable us to realise our dreams and to shape the way we live. Almost every aspect of life has been influenced by and owes its existence to engineering, such as the water we drink, the buildings in which we live, learn and work, the products we create, the computers we use, how we communicate and the appliances that make our lives more efficient and comfortable.

Engineers Australia expects that members of the engineering team will behave in a manner which merits the trust and respect of the public and the communities impacted by engineering activities. This trust is earned by an engineering team whose members are committed to the following values:

- 1. Public wellbeing, health and safety and sustainability
- 2. Responsible leadership
- 3. Personal and professional honesty and integrity
- 4. Professional competence and currency of knowledge and expertise.
- 5. *Social justice, inclusiveness and equity*

The Code of Ethics of Engineers Australia sets the standards of professional conduct expected of members of the engineering team practising in Australia and of those members practising overseas.

**Comment:** National Congress members expressed the view that additional information be included in the Preamble to reflect that the Code of Ethics is an aspirational code, and that more of the sentiment in the Preamble in the Code of Ethics 2000 be incorporated.

**Comment:** Some National Congress members queried whether the word 'public' or 'community' or 'social' should be used in this value. The view was expressed that 'public' relates to people, whereas 'community' is more inclusive of people, the economy, the physical environment etc. Other National Congress members were of the view that 'sustainability' should be a separate value.

**Comment:** Some National Congress members suggested that the word 'practice' be added after 'competence'. Other National Congress members considered Value 4 to be an obligation and not a value.

**Comment:** Some National Congress members considered that an additional value 'Social Justice, inclusiveness and equity' should be added. There was general agreement that the principles of acting in good faith and equity and without discrimination in Tenet 4 of the current Code should be reflected in the revised Code, either as an additional value or in the principles under one of the other values.

## PART B: VALUES AND OBLIGATIONS

The shared values of the engineering profession are:

- > Public wellbeing, health and safety and sustainability
- > Responsible leadership
- > Personal and professional honesty and integrity
- > Professional competence and currency of knowledge and expertise
- > Social justice, inclusiveness and equity (?)

The principles that members of Engineers Australia are expected to observe in their professional conduct in demonstration of these values are:

### Value 1 Public wellbeing, health and safety and sustainability

Members are expected to:

- > Contribute to building and maintaining a society and environment where, in meeting the needs of the present, the ability of future generations to meet their own needs is not compromised
- > Promote the efficient and effective use of resources
- > Safeguard the wellbeing, health and safety of the public and the communities affected by engineering activities/by their work
- > Plan and design for occupational health and safety

### Value 2 Responsible leadership

Members are expected to:

- > Uphold the reputation and trustworthiness of the engineering profession
- > Act lawfully
- > Promote the value of the profession to the public
- > Communicate effectively with relevant parties and stakeholders

### Value 3 Personal and professional integrity

Members are expected to:

- > Act with respect, loyalty, honesty and truthfulness
- > Avoid perceived or actual conflict of interest
- > Avoid and seek to eliminate fraudulent activity, bribery and corruption

### Value 4 Professional competence and currency of knowledge and expertise

Members are expected to:

- > Practise only in their areas of current competency, knowledge and expertise
- > Practise in accordance with statutory requirements and the acceptable standards of the day
- > Pursue continuing development of competency, knowledge and expertise in their areas of practise and facilitate the sharing of knowledge throughout their careers
- > Avoid practising in an environment that is unsupportive of successful outcomes

**Comment:** Some National Congress members expressed the view that there ought to be notes to explain each of the values in practice.

**Comment:** Some National Congress members suggested this principle be moved to Value 3 Personal and professional integrity. Some National Congress members raised the issue as to whether acting within the law was adequate as not all lawful conduct is necessarily moral conduct.

**Comment:** Some National Congress members questioned the use of the word 'promote'.

**Comment:** Some National Congress members suggested that the principles under each value should be prioritised. There was general agreement that the principles of acting in good faith and equity and without discrimination in Tenet 4 of the current Code should be reflected in the revised Code, either as a separate value or as principles under one of the four listed values.

**Comment:** National Congress members discussed but did not come to a final conclusion as to whether the Code of Ethics ought to cover both the professional and personal lives of members of the profession.

**Comment:** Some National Congress members considered that loyalty to whom should be spelled out e.g. to employer, profession, community, government, environment etc.

**Comment:** Some National Congress members suggested that the obligation to expose *fraudulent activity, bribery and corruption* be added.

**Comment:** Some National Congress members suggested that an *additional principle* be added under Value 4.

## PART C: RULES OF CONDUCT

Engineers Australia recognises that ethics and standards of conduct are not and cannot be permanently fixed. Developing community standards and the requirements and aspirations of the engineering profession will change over time and may be unforeseen or unanticipated.

Members of Engineers Australia are required/expected to carry out their professional work in accordance with both the specific provisions and the spirit of the Code of Ethics and to be aware of circumstances and situations which may compromise compliance with the fundamental principles of the Code.

If called upon to do so, members may be expected to be prepared to justify any departure from both the provisions and spirit of the Code. Non-compliance will be evaluated and administered in accordance with the Disciplinary Regulations.

The Rules of Conduct illustrate how the values and fundamental principles in the Code of Ethics are expected to be applied in situations in which members of Engineers Australia exercise their professional judgment and include in general terms the types of conduct considered appropriate and that which should be avoided.

The Rules of Conduct are not intended to be, nor should they be interpreted as a full or exhaustive list of the situations and circumstances which may comprise compliance and non compliance with the Code of Ethics. Rather, they should be regarded as a guideline framework to assist members of Engineers Australia and stakeholders to identify, evaluate and respond to potential circumstances which may give rise to non-compliance with the Code of Ethics.

Allegations of non-compliance will be assessed on a case-by-case basis. Not all non-compliance will necessarily constitute a breach of the Code of Ethics. The specific nature of the non compliance, the corrective action taken and safeguards applied once a non compliance has been identified will be taken into account when considering the significance of any breach.

A Disciplinary Tribunal may have regard to these Rules of Conduct in coming to a conclusion or applying any penalty under the Disciplinary Regulations.

The Rules of Conduct include examples of compliance and non compliance situations for each obligation in the Code of Ethics.

**Comment:** Some National Congress members noted that the obligations in the Rules of Conduct were a mixture of both positive and negative conduct. The view was expressed that the emphasis should be more on positive conduct.

## Public wellbeing, health and safety and sustainability

- **Contribute to building and maintaining a society and environment where, in meeting the needs of the present, the ability of future generations to meet their own needs is not, as far as possible, compromised**
  - a. assess the impacts that may arise from a particular action or decision and select an appropriate alternative as far as possible to arrive at an environmentally sound and sustainable project
- **Promote the efficient and effective use of resources**
  - a. strive to achieve the beneficial objectives of engineering work with the lowest possible consumption of raw materials and energy and by adopting sustainable management practices
  - b. promote the development of alternatives to the use of non-renewable resources
  - c. promote the wise use of non-renewable resources through waste minimisation and recycling, wherever possible in engineering activities.
- **Safeguard the wellbeing, health and safety of the public and the communities affected by their work**
  - a. endeavour to maintain engineering services essential to public health and safety

## Responsible Leadership

- **Uphold the reputation and trustworthiness of the engineering profession**
  - a. behave at all times in a manner which upholds the values and reputation of the engineering profession
  - b. promote the selection of members of an engineering team on the basis of merit
  - c. treat others with respect and courtesy and without discrimination or harassment
- **Act lawfully**
  - a. do not engage in misleading or deceptive conduct
  - b. take into account commonly accepted codes, statutory requirements, engineering and environmental standards of the day and apply them in a manner which does not jeopardise the public wellbeing, health and safety of the public and communities impacted by the engineering activities
- **Communicate effectively with relevant parties and stakeholders**
  - a. relate to an employer or client in an open and informed basis
  - b. make sure that information provided is relevant and in a readily understood form
  - c. provide clear and timely communications concerning engineering services, costs, outcomes and risks
  - d. inform an employer or client of any possible adverse consequences of proposed activities based on the accepted engineering practices of the day
  - e. apply (strict) confidentiality to information or property available as a result of the service provided, unless
    - authorised otherwise; or
    - compelled by law to disclose; or
    - the information has lost its confidentiality; or
    - the information is obtained from another person who is not bound by the confidentiality owed to the employer or client and who does not give the information confidentially to the member

## Personal and professional integrity

- **Act with respect, loyalty, honesty and truthfulness**
  - a. apply skills and knowledge with honesty, good faith and without personal bias
- **Act impartially and objectively without discrimination**
  - a. avoid assignments that are likely to create either a real or perceived conflict of interest
  - b. prepare reports and make statements in an objective and accurate manner
  - c. if required in the circumstances to do so, accept, as well as give, honest and fair professional criticism when commenting on another's work or making public comment
  - d. exercise restraint in explaining own work, give proper credit to those to whom proper credit is due and acknowledge the contributions of others
  - e. do not unfairly criticise others for their past work, where such work was conducted in accordance with the accepted standards and practices and community values at the time and in accordance with the needs of the time
- **As far as possible avoid and seek to eliminate fraudulent activity, bribery and corruption**
  - a. do not be involved with any practice of a fraudulent, corrupt, dishonest or criminal nature
  - b. do not accept compensation, financial or otherwise, from the engaging 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
  - c. neither solicit nor accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their products
  - d. neither pay nor offer directly or indirectly inducements to secure work
  - e. 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.

## Professional competence and currency of knowledge and expertise.

- **Practise in areas of competence**
  - a. operate within the limits of qualifications and experience
  - b. neither falsify nor misrepresent qualifications, grades of membership, experience and prior responsibilities
  - c. inform employers or clients if an assignment requires qualifications and experience outside fields of competence, and make appropriate recommendations on obtaining further advice
- **Practise in accordance with statutory requirements and the commonly accepted standards of the day**
  - a. apply sound engineering judgment based on experience, the acceptable standards of the day and relevant analysis to arrive, as far as possible, at an appropriate balance of considerations for any given situation
- **Pursue continuing development of knowledge and expertise and encourage the sharing of knowledge throughout their careers**
  - a. continue to develop relevant knowledge and expertise throughout career and encourage associates to do likewise

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