



AUSTRALIAN
INSTITUTE OF
QUANTITY
SURVEYORS

Code of Professional Conduct

JULY 2016

CODE OF PROFESSIONAL CONDUCT

1. Generally

- 1.1 Every member of the Australian Institute of Quantity Surveyors shall comply with the Memorandum and Articles of Association of the Institute and with the By Laws, Regulations and Code of Professional Conduct from time to time established by the Institute.
- 1.2 The Code of Professional Conduct ("the Code") is a public statement of the principles, values and behaviour expected of Members of the Australian Institute of Quantity Surveyors ("the Institute"), as determined by the Board.
- 1.3 Any transgression of this code by a partnership or corporation shall be deemed a transgression by the individual member or members of the Institute who are partner or directors in the partnership or corporation.
- 1.4 The purpose of the Code is to ensure that high standards of corporate and individual behaviour are observed by all Members. The Code represents a framework for professional conduct and aims to provide assistance and clarification.
- 1.5 A breach of this Code may constitute Professional Misconduct which may be investigated by the Institute in accordance with the Complaints Handling & Disciplinary Procedures under the By-Laws.
- 1.6 In order to maintain public confidence in the professional standards of Members of the Institute it is essential that those Members exhibit, and are seen to exhibit, professional standards in carrying out their duties.

2. Definitions

For the purposes of this code, the following definitions shall apply:

- 2.1 Client - the word "client" shall mean an individual who or an organisation which enters into an agreement with a member, partnership or corporation for the provision of professional services on a specific project or projects.
- 2.2 Employer - the word "employer" shall mean an individual who or a partnership or corporation which engages a member as a salaried employee.
- 2.3 Member – means all Corporate Members and Non Corporate Members as defined in the Institute's Articles of Association.
- 2.4 Partnership and Corporation - the words "partnership" or "corporation" shall mean partnerships or corporations offering quantity surveying services either solely or in combination with other professional services, and having partners or directors who are members of the Australian Institute of Quantity Surveyors.
- 2.5 Professional Conduct - the term "professional conduct" shall mean the adherence to a standard of behaviour befitting a professional quantity surveyor and Institute member at all times while engaged in a professional capacity.
- 2.6 Professional Misconduct - the term "professional misconduct" shall mean behaviour which in the opinion of the Institute falls short of or directly contravenes professional conduct.
- 2.7 Secretary - the word "secretary" shall mean the person appointed from time to time as the company secretary under the Australian Securities Commission regulations.

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3. Relations with Clients

- 3.1 Members must carry out their professional duties ethically, with honesty, competence, and in good faith, without personal bias, and in a manner which upholds the values and reputation of the quantity surveying profession.
- 3.2 In the areas of documentation, accuracy, timeliness and fees, it is incumbent upon the member to provide their client with the information and professional guidance necessary for the client to make an accurate and informed decision about what performance standards, outcomes and risks can be expected in relation to the services they are engaging.
- 3.3 A Member must act promptly and efficiently in the servicing of the client's instructions.
- 3.4 A Member must, in the case of unavoidable delay, communicate to the client the progress being made in respect of the instructions issued to the Member.
- 3.5 Members must not falsify or misrepresent his or her professional qualifications, grades of membership, experience or prior responsibilities.
- 3.6 A Member must operate within the limits of his or her qualifications and experience and must not accept instructions in a field of practice in which he or she possesses insufficient knowledge and skill to provide competent services to the client, unless the Member obtains fully informed consent from the client to undertake the services in conjunction with a person having the required competence.
- 3.7 A Member, on being approached or instructed to proceed with quantity surveying work in respect of which the Member has reason to believe services of another Member, partnership or corporation have been engaged in respect of similar work by the same client, shall notify such member, partnership or corporation.
- 3.8 A member must not supplant or attempt to supplant another member, partnership or corporation who or which has been awarded a commission.
- 3.9 A Member must obtain or confirm in writing all instructions and variations of instructions of the client or the client's representatives.
- 3.10 A Member should properly supervise all services carried out for and on the Member's behalf.
- 3.11 A Member must not provide any advice or make any statement without reasonable foundation unless it is appropriately qualified or limited.
- 3.12 A Member must complete the work or services required by the Member's client, unless:
 - (a) the Member and the Member's client have otherwise agreed;
 - (b) the Member is discharged by the client; or
 - (c) the Member terminates the agreement with the client for just cause, and on reasonable notice to the client.
- 3.13 A Member must not, during, or after termination of a retainer, disclose to any other person, who is not a partner or employee of the Member's firm, any confidential information provided directly or indirectly by a client or to a client, unless:
 - (a) the client authorises the disclosure;

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- (b) the Member is permitted or compelled by law to disclose;
 - (c) the Member discloses information for the sole purpose of avoiding the probable commission or concealment of a felony; or
 - (d) necessary for replying to or defending any charge or complaint as to conduct or professional behaviour brought against the Member or his or her partners, associates or employees.
- 3.14 Where information critical to the assignment being undertaken is relied upon by a Member, the source of that information must either be disclosed in the relevant report or contained in the working papers supporting the relevant report and be appropriately attributed in either case, unless the information is protected by confidentiality, or the Member is prevented by privacy or other like laws from disclosing or referring to the source.
- 3.15 A Member must not include false or misleading claims in any advertisement for his or her services.
- 3.16 A Member must not directly or indirectly exert undue pressure or influence on any persons, whether by the offer or provision of any payment, gift or favour or otherwise, for the purpose of securing instructions for work, or accept instructions from any person where there is reason to believe that undue pressure or influence may have been exerted by a third party in expectation of receiving a reward for the introduction.
- 3.17 Not advertise and/or promote their business in an indiscreet manner, or in a manner which is in conflict with any of the foregoing responsibilities.
- 3.18 Where holding themselves out to the public as practicing quantity surveyors, have and maintain appropriate professional liability insurance.

4. Conflict of Interest

- 4.1 A Member must take reasonable steps to identify circumstances that could be construed as a conflict of interest.
- 4.2 A Member must not, in any dealings with a client allow the interests of the Member or an associate of the Member to conflict with those of the client.
- 4.3 Subject to Rule 4.4, a Member must not accept instructions from a client or continue to provide services to a client where accepting the instructions or continuing to provide the services is likely to create either a real or perceived conflict of interest.
- 4.4 Where a conflict of interest arises, or where a Member identifies circumstances that could be construed as a conflict of interest, the Member must:
- (a) inform the client, and any other interested party, of the actual or potential conflict of interest;
 - (b) encourage the client to obtain independent professional advice;
 - (c) inform the client that neither the Member or the Member's firm can act or continue to act for the client unless the instructions are confirmed in writing with an acknowledgement of the actual or potential conflict of interest; AND a Member must only accept the instructions or continue to provide the services if:

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- (d) the client provides a written confirmation of their instructions with an acknowledgement of the actual or potential conflict of interest;
 - (e) any other interested party provides confirmation that the Member and the Member's firm may accept the instructions or continue to provide the services to the client; and
 - (f) the Member discloses the conflict of interest in any relevant document or report prepared for the client relating to that matter.
- 4.5 A Member must not accept a payment or favour from a third party which may affect their relationship with a client, unless the circumstances are fully disclosed to, and agreed by all interested parties.

5. Impartiality

- 5.1 A Member must maintain the strictest independence and impartiality where the exercise of objective judgement is required. In such circumstances, a Member must not:
- (a) adopt the role of advocate in a case where their duty is to exercise independence and impartiality;
 - (b) act as an advocate and as an expert in the same matter;
 - (c) act as an advocate in a matter where another member of the same firm as the Member has acted as an expert in that matter;
 - (d) act as an expert in a matter where another member of the same firm has acted as an advocate in that matter;
 - (e) allow the performance of their professional duties to be improperly influenced by the needs or preferences of a client or other party;
 - (f) rely upon critical information supplied by a client without appropriate qualification or confirmation from other sources; or
 - (g) act in any way inconsistent with the duties of independence and impartiality.

6. Members and the Institute

- 6.1 A Member must not:
- (a) purport to represent the views of the Institute unless expressly authorised to do so;
 - (b) reflect adversely on the professional integrity of the Institute, its staff, or its Members.
- 6.2 A Member shall compete fairly with other members, partnerships and corporations by promoting the principle of selection of quantity surveyors by clients upon the basis of merit, and not on the basis of fees alone.

Note A: *It shall not be a breach of this Code of Professional Conduct for a member, firm or corporation to submit, in response to an enquiry by a Client or prospective Client, a fee proposal for the provision of professional services, provided always that such a fee proposal forms part of a submission outlining technical skills, experience, resources, etc. Nor shall it be a breach of this Code where such a proposal is knowingly submitted in competition with the submissions of other Quantity Surveyors.*

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- 6.3 A Member must conduct themselves in a manner which is not derogatory to their professional character nor likely to lessen the confidence of the public in the Institute or the profession nor bring them into disrepute.
- 6.4 A member shall promote the advancement of the quantity surveying profession.
- 6.5 A member must take such steps as are reasonably necessary to maintain and improve his or her knowledge and skill in the fields in which he or she practises.
- 6.6 A member must not maliciously or carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of other Members or Institute staff.
- 6.7 When dealing with the Institute a Member must be frank and honest and subject to any express requirement set out in the Memorandum and Articles of Association, By-Laws, and Regulations, a Member must fully cooperate with any request for information or directive from the Institute where a complaint has been lodged or where there is deemed to be a prima facie breach of the Professional Rules.
- 6.8 A Member must notify the Institute of any complaint against the Member.
- 6.9 A Member must undertake the prescribed minimum level of Continuing Professional Development (CPD) activities, and certify their compliance to the Institute in accordance with the By Laws governing CPD.

7. Copyright

- 7.1 A Member must not, without appropriate acknowledgement, reproduce, paraphrase or summarise any work, words, ideas or intellectual property of another person which creates the impression that it is their own, and all reports prepared by Members must give appropriate acknowledgement of the ideas, scholarship and intellectual property of others insofar as these have been used.

8. Non-Compliance

- 8.1 Where a Member considers circumstances exist that warrant departure from or non-compliance with any rule herein, the Member's report must include a statement that outlines the reasons for the departure or non-compliance and any impact on the content of the report.

EFFECTIVE DATE: 1 JULY 2016