

CODE OF CONDUCT



OUR VISION

Excellence in marine surveying
Safe vessels, safe seafarers, safe surveyors
Self-regulation and Certification of professional Commercial Marine Surveyors

OUR MISSION

Our primary mission and strategic planning remains focused on establishing, promoting and maintaining the specialised discipline of marine surveying by:

- Providing and supporting the implementation of a code of professional practice to encourage and promote integrity and responsibility amongst all members
- Working with Government and other professional associations to advance the reputation of our surveyors and the profession
- Implementing a professional certification program and
- Periodically reviewing and updating standards and operational practices for marine surveyors in every sector

PURPOSE & OBJECTIVES

Purpose

The Purpose is to improve national and international standards for marine surveying and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of AIMS Members.

Objectives

1. To enable high standards of practice by AIMS Members.
2. To provide assurance to the stakeholders of AIMS Members.
3. To enable self-regulation and influence external regulation of the sector.
4. To champion standards of good practice for all sectors of the industry

ABOUT THE CODE OF CONDUCT

This document contains the full text of the revised Code of Conduct ratified at the Executive and Annual General Meeting on 24 August 2018. The revised Code of Conduct came into effect on 1 September 2018.

The Code of Conduct is a voluntary, self-regulatory sector code of good practice and reflects our Quality Management obligations.

The Code aims to improve marine survey outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of AIMS Members. In conjunction with other aspects of AIMS objectives, the effective delivery of the Code will contribute to the realisation of our self-regulatory approach to the official formal Certification of Commercial Marine Surveyors.

The Code sets standards for practice rather than standards for results. It goes beyond the minimum standards required by government regulation and focuses on good practice. It is designed to provide all members with information on our policies for general business and ethical conduct as well as conduct specific to marine surveying. Members are required to act in an ethical and professional manner and in doing so promote the AIMS as the professional body that it is.

The Code provides assurance to all AIMS Members' stakeholders by enabling high standards of practice and works in conjunction with our business compliance mechanisms as well as contributing to continuous improvement through guidance for good practice and a range of professional development opportunities.

VALUES

The Code is underpinned by a set of values which are designed to inform the behaviours of all Members all of the time. The Values are intended to be observable behaviours against which Members can be held to account. Where necessary, the Values will be used to assist in both the interpretation and application of the Code. These Values are:

TALENT

We are committed to maintaining and enhancing the talent of our surveyors by committing to ongoing professional development, developing and delivering marine surveyor qualifications and Certifying those members who achieve professional practice status.

INTEGRITY

We are committed to maintain and enhancing the integrity of our organisation and of our surveyors by encouraging and promoting adherence to our code of conduct. We act with honesty and are guided by ethical and moral principles in all that we do.

EXCELLENCE

We are committed to promoting excellence in all that we do as an organisation and by recognising those members who display excellence in their field of expertise, whether they be individuals or organisations, through our Awards for Excellence program

ACCOUNTABILITY

We take responsibility for our actions and are accountable to all our stakeholders for our performance and integrity.

TRANSPARENCY

We openly share information about our organisations and our work to all our stakeholders and to the public.

RESPECT

We recognise the value and diversity of every person and are committed to treating others with due regard for their rights, dignity and integrity.

EQUITY

We are committed to overcoming prejudices and disadvantage and promoting fair and just access to resources and opportunities.

COOPERATION

We work with and alongside others in a spirit of mutuality, respecting diversity and difference in the pursuit of common goals.

Over the past 5 years we have worked hard to ensure that marine surveying is seen in

the Government arena and in the public eye as being a “profession”.

We promote our members as professional marine surveyors and require individual members to be properly qualified and experienced in the categories of survey services that they offer.

Every individual member holds the responsibility for our reputation and it is a requirement of membership and Certification to follow these standards and to remind others to do so as well.

The code also includes a Disciplinary Action policy and a Grievance and Complaint mechanism. These are available to members who feel they have been unjustly or unfairly treated and will also allow them to make formal complaints about member conduct.


This mechanism is also available to members of the public who use AIMS marine surveyor services.

Please read the codes and standards and agree to them by completing the declaration at the back and sending it back to us marked attention to our Membership Manager on info@aimsurveyors.com.au or to our PO Box Address.

If you don't agree with the standards or don't understand them, please let us know and we will do our best to clarify any issues you may have.

Your declaration will be filed with your membership documentation and we will ensure that these documents are securely kept and confidential at all times. They will not be provided to a third party without your written consent.

We urge all members to get behind the code of conduct and encourage and promote professionalism in our industry and our Institute.



AIMS RESPONSIBILITIES UNDER THE CODE OF CONDUCT

The AIMS Executive team and CEO take responsibility for ensuring that:

- Policies and procedures for disciplinary action, grievance and complaints is developed and implemented
- That AIMS standards are aligned to any actual or implied international standards and protocols for the profession of marine surveying
- That members abide by the accepted protocols for conflicts of interest
- The code is used by all members and that staff of the AIMS abide by the guidelines as much as is practical
- The Institute is free of harassment and bullying
- That employees and volunteers are safe and have adequate WHS policies and procedures in place
- That members ensure that they have WHS policies in place
- That where applicable, members hold appropriate insurance coverage
- Job descriptions and key performance indicators are provided, and the Executive have clear roles and responsibilities
- Appropriate training and guidance is provided to members, employees and the Executive as required
- Due diligence is implemented in all dealings with members and employees
- Confidentiality and privacy laws are adhered to
- There is no bias against or for any member, employee or office bearer
- All complaints, grievances and disputes will be addressed promptly and within the guiding principles of, transparency, fairness, respect and accountability

We will not tolerate retaliation against any person who raises complaints regarding business practices or ethics in good faith.

YOUR RESPONSIBILITIES UNDER THE CODE OF CONDUCT

The success of our industry is dependent on the trust and confidence we earn from everyone we deal with. Marine Surveyors are 'independent' in their judgements and practice with competence, integrity and objectivity. We expect our members to:

- Treat everyone with respect
- Undertake only those surveys that they are qualified to undertake
- Treat all contracts for work with honesty and integrity
- Strive to receive instructions in writing and work to the instructions to the best of your ability
- Always act in the interest of the Principal or Client and notify your client immediately if problems arise
- Uphold the law and work in compliance with standards, legislation and applicable marine orders
- Refuse improper payments or reward in connection with the services offered
- Make informed independent pricing and marketing decisions and refuse to collude on price
- Avoid assignments or situations that would create a conflict of interest. Inform the client of any business connection, interest or affiliation that might influence your objectivity
- Refuse any assignment that raises doubt on his ability to remain impartial.
- Remain impartial in business dealings with any Client, a contractor, a supplier or any other party in relation with the Client. Influences could come from brokers, agents, shippers, insurance companies, workshops, marinas or any other individual or business entity that may raise doubt on his ability to be impartial
- Not engage in any boycott or any matter that would unfairly disadvantage a competitor and ensure that dealings with other surveyors are ethical and fair and promote best practice in dealing with competitors.
- Respect the property rights and confidential information of your clients
- Prepare and present professional and honest survey reports
- Accept and offer only those business courtesies that conform to common and reasonable ethical practice
- Keep accurate records
- Be accountable for your performance
- Respect your employer and their rights to maintain their business clients
- Update your knowledge regularly
- Support new entrants to the industry wherever possible
- Advertise services honestly and not make misleading statements to consumers
- Abide with the use of stamp and identity card requirements

LEGAL TIP ON A COMMON ETHICAL PROBLEM

No one really “owns” clients. Clients are free to be served by anyone they choose. But employer’s own two “aspects” of clients that employees simply cannot take with them: the first is client information. You simply cannot take client information from your employer: that’s theft.

The second aspect is that your employer “owns” the good will of that client. While you are an employee, you owe a duty of loyalty to your employer, including a duty not to do anything to harm their business or their relations with clients.

If you do not have a “non-compete” agreement with your employer, after you leave their employment, you are entirely free to offer your services, or the services of your new employer, to that client. You’re free to compete, and that’s simply “free enterprise” at work. But be careful: you’re not free to openly criticise your old employer – you are only able to offer the services of your new, “better” firm.¹

Even if your employment contract is poorly drafted and doesn’t contain any confidentiality or non-compete provisions – or you haven’t signed one at all – there’s a general principle of law in place that can prevent you being able to take unfair advantage of information you received in confidence while working for your employer.

To be protected by the law of confidentiality, the information must be confidential in nature, meaning that it must have the “necessary quality of confidence” and it must be disclosed in circumstances importing an obligation of confidence.

Unless there was a clear understanding that you would have rights to continue to use client lists, information on other employees and their skills, information on company policy or procedures, information on services or product specs and pricing after you leave, taking, using or copying these is against the law.²

¹ Working wisdom

² The Register UK

USE OF THE AIMS STAMP AND CCMS CARD

AIMS issues electronic stamps to all Members and Associates. Your membership number is displayed on your stamp.

The stamp can be placed adjacent to your signature on reports and other correspondence.

The stamps are issued to active financial Members and Associates only and on the following conditions:

1. The stamp remains the property of the Institute and must only be used by the member whose name appears on the stamp. The stamp cannot be used to endorse reports prepared by other persons who are not members of AIMS, as membership of the Institute and the recognition is conferred only upon the member and not to a company or other persons in the same organisation.
2. The Institute reserves the right to cancel the authority to use the stamp in the event of the member becoming non-financial, misusing the stamp, or for whatever other reasons the Executive may consider warranting such action. Notice in this regard will be made by the Secretary in writing to the member advising that the stamp is no longer to be used and citing the reason for the decision.

An electronic identity card is also issued to Certified Commercial Marine Surveyors™ to enable them to provide proof of their Certification. In the event that Certification is revoked the identity card will be cancelled and no longer able to be downloaded.

Membership of AIMS is well recognised throughout the maritime industry and the identify card and stamp is to be looked upon as a seal of quality.

CONFLICTS OF INTEREST

As the peak collective body for marine surveyors in Australia, we believe the issues of Conflict of Interest for any commercial surveying activity is serious and requires careful definition.

Marine surveyors across the world accept that their role is to be independent and conflicts of interest must be avoided at all costs.

A conflict of interest occurs where the surveyor has competing professional and/or personal interests which could make it difficult for them to be impartial and objective.

Section 37 of the National Law Regulation explains it clearly and provides that a Marine Surveyor is related to a person if the surveyor: (a) is the person's spouse, de facto partner, child, parent, grandparent, grandchild, sibling, aunt, uncle, niece, nephew or cousin; or (b) has a contractual arrangement with the person that might reasonably be seen to give rise to a conflict between the surveyor's duties as a surveyor and the surveyor's interests under the arrangement; or (c) is an employer, partner or employee of the person; or (d) is employed by the same employer as the person.

AIMS surveyors commit to avoid undertaking surveys for persons they are related to or are employed by or with or for persons that own or occupy any part of the vessel or works on the vessel and must not work for any entity that owns, partially or in whole, any part of the marine surveyors' business or that has any involvement in the conduct of the marine surveyors' work.

Before accepting work ask yourself these 3 questions

1. Would you be able to defend your objectivity in a court or a tribunal if a dispute occurs?
2. Can you concisely show in writing that you have no bias and that the client has no bearing on your objectivity?
3. Would your insurance cover you?

STEPS TO TAKE

- Inform the AIMS if you are unclear on whether any situation is in doubt
- Inform the client of any matter, relationship, business connection, interest or affiliation that might influence your judgment or be seen to bias your objectivity
- Act only with the principal or client and do not take payment from more than one client for services you are delivering

AMSA ACCREDITED SURVEYORS

AMSA accredited surveyors should be vigilant in their approach as conducting surveys where there is a conflict of interest as a **breach of the conditions of accreditation and grounds for suspension or revocation of accreditation**.

If an AMSA Accredited Surveyor undertakes a survey activity (e.g. initial or periodic survey) on a given vessel, they have exercised their duty as an accredited surveyor.

In the event that the accredited surveyor receives a further request to carry out a non AMSA related survey on the same vessel which has survey currency based on the AMSA survey carried out – a conflict of interest situation exists, and this should be declared, and the instruction declined.

The conflict of interest in the particular vessel survey extends to employers or employees of the accredited surveyor. The conflict of interest would reasonably exist for the period of time that the survey remains valid for the certificate of survey. At such time that the subject AMSA survey activity is superseded by a survey by another un-related surveyor, the conflict of interest in the vessel could reasonably be seen as being released.

Commercial Surveying Activities Where a Conflict of Interest May Arise with an Accredited AMSA Survey

Any commercial survey activity which is predicated upon the vessel being in current AMSA survey and in which an AMSA accredited surveyor has undertaken surveys for this to occur – a conflict of interest exists if the accredited AMSA surveyor is to undertake this survey. In short, the client is engaging a surveyor to independently evaluate at the least, the seaworthiness, condition, suitability or seaworthiness of a vessel for a given task.

An AMSA accredited surveyor cannot reach an unbiased independent opinion on a vessel he/she (or the surveying company) has previously deemed to be compliant and upon which a current AMSA Certificate has been issued or endorsed.

The following surveying activities (but not limited to these) have the potential for a conflict of interest for an accredited surveyor with a current survey relationship with the vessel:

- H&M Damage Survey
- P&I Survey
- Condition and Suitability Survey
- Condition and Valuation Survey
- Warranty Surveys
- Pre-Purchase Survey
- On-Hire/ Off-Hire Survey
- Expert Witness
- Offshore Vessel Inspection (OVID, CMID)

HANDLING COMPLAINTS

All members, the Executive and Council, employees, contractors and students are given information about the complaints procedure as part of their induction.

Written advice will be sent to the person within 14 days of the complaint being received explaining what is being done to investigate and resolve their complaint.

If the complaint has not been resolved by this stage the person will be asked to formalise their complaint in writing (if this has not already been done).

AIMS commits to investigate and resolve all complaints within a further 28 days of receipt of the formalised written complaint. If this time frame cannot be met, the person will be informed of the reasons why and of the alternative time frame for resolution. All complaints are dealt with:

- Seriously
- Quickly
- Confidentially; and
- Without stopping the person's right to use AIMS services
- All persons have the right to access a support person at all stages of the complaints resolution process

Copies of all complaints and details of actions taken are held with the Chief Executive Officer. These files are secure and confidential.

Details regarding the outcomes of any complaint and the reasons for the outcomes will be provided to the complainant in writing.

Within six months of the complaint being resolved, the Chief Executive Officer must review the actions taken to ensure adequate follow up.

Where a member (including student members) or external agency or person makes a complaint against an AIMS member, an AIMS policy or an AIMS employee or contractor, the Chief Executive Officer will:

1. notify the person about whom a complaint is being made and the nature of the complaint;
2. investigate the complaint and provide the person with an opportunity to respond to any issues raised either in person, writing or other means;
3. attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party;
4. take any other action necessary to resolve the issue

Complaints against a member should be referred to the CEO in the first instance. The CEO, or an approved delegate, will attempt to resolve the issue to the satisfaction of the complainant and will advise the person about whom a complaint is being made of the notification and the nature of the complaint.

Where the President is the subject of a complaint, the complaint should be referred to another Member of the Executive.

If the matter remains unresolved, the CEO or an Executive Member will raise the matter at the next Executive Meeting following notification. Depending on the seriousness of the complaint, the Executive may:

- deal with the matter at this Executive Meeting by determining appropriate action to resolve the issue to the satisfaction of the aggrieved party and the AIMS Member; or
- defer the matter to a special meeting of the Executive or to a Sub Committee of the Executive

Under the Constitution the Executive has powers to suspend or terminate the membership of any member who wilfully 'refuses or neglects to comply' with the provisions of the Constitution, or who is 'guilty of conduct prejudicial to the interests' of AIMS. Such action must be taken in accordance with the process described in the Constitution, which provide for proper notice and rights of appeal (see Disciplinary Action)

COMPLAINTS OR DISPUTES INVOLVING THE CHIEF EXECUTIVE OFFICER OR EMPLOYEES

Complaints or disputes involving the Executive Officer or employees should be referred to the President. The procedural format for complaints involving the Executive Officer is the same as for complaints involving other employees excepting it is the President facilitating resolution.

STUDENT COMPLAINTS AND APPEALS ON ASSESSMENT

Any complaint about any outcome or decision regarding applications for scholarship or assessment results will be treated seriously, investigated, and dealt with according to the policy and procedures for appeals.

Students are provided with information on the grievance and appeal policy in the student handbook and are provided with access to the [Assessment Appeal](#) via the website or on request to the Executive Officer.

DISCIPLINING OF MEMBERS

Where the Executive is of the opinion that a member of the Association:

(a) has persistently refused or neglected to comply with a provision or provisions of the code, the rules of the Constitution or

(b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association, then,

The Executive may, by resolution suspend the member from membership of the Association for a specified period or until the matter can be brought to the Council for resolution or expulsion

A resolution of the Executive under clause (a) is of no effect unless the Council, at a meeting held no earlier than fourteen days and not later than twenty-eight days after service on the member of a notice under clause (c), confirms the resolution in accordance with this rule.

Where Council passes a resolution under clause (b) the secretary shall, as soon as practicable, cause a notice in writing to be served on the member:

- (a)** setting out the resolution of the Executive and the grounds on which it is based
- (b)** stating that the member may address the Executive at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight days after service of the notice
- (c)** stating the date, place, and time of that meeting
- (d)** informing the member that the member may do either or both of the following:

- attend and speak at that meeting of the Executive
- submit to the Council at the date of their meeting written representations relating to the resolutions.

At a meeting of the Executive held as referred to in clause (c)(ii) the Executive shall:

- (a)** give to the member an opportunity to make oral representations;
- (b)** give due consideration to any written representations submitted to the Executive by the member at or prior to the meetings;
- (c)** and by resolution determine whether to confirm or to revoke the resolution or refer the resolution to Council

Where the Executive confirms a resolution under clause (d) the Secretary shall, within seven days after that confirmation, by notice in writing inform the member of the fact and the member's right to appeal under Rule 12.

- a)** A resolution confirmed by the Executive under clause (d) does not take effect:
- b)** until the expiration of the period within which the member is entitled to appeal against the resolution when the member does not exercise the right of appeal within that period; or
- c)** where within that period the member exercises the right of appeal, unless and until the Council confirms the resolution pursuant to rule 12 (d)

RIGHT OF APPEAL OF DISCIPLINED MEMBER

A member may appeal to the Council in a general meeting against an Executive resolution, confirmed under Rule 11(d) within seven days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.

Upon receipt of a notice from a member under clause (a), the Secretary shall notify the Council, which shall convene a general meeting of the Council, to be held within twenty-one days after the date on which the Secretary received the notice or at the first available date thereafter.

At a general meeting of the Council convened under clause (b):

- (a)** no business other than the question of the appeal shall be transacted:
- (b)** the Executive and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
- (c)** the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked
- (d)** The members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

If at the general meeting the Council passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed for referral to the Association at the Annual General Meeting.

ACKNOWLEDGEMENT OF ACCEPTANCE

I, have read, understood and, as an AIMS member, I agree to abide by the AIMS Code of Conduct during the course of my membership.

I understand that by providing false information regarding my Certification, membership level or failure to abide by the Code of Conduct may result in suspension of my Certification and / or my membership with the AIMS.

Name:

Date:

Signature: