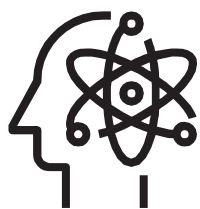


Code of Conduct

July 2021



Talent



Integrity



Excellence

Our Vision

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

Purpose & Objectives

PURPOSE

The Purpose is to improve national and international standards and advance the marine surveying industry.

OBJECTIVES

1. To research, improve, and promote the discipline of marine surveying through the delivery of processes and resources to support those involved in the industry.
2. To work with government at all levels to ensure that the interests and livelihoods of those persons working within the marine survey industry are protected.
3. To provide consumers with sufficient information and ensure that the marine survey industry itself is represented in regard to the public decision-making process.
4. To provide educational resources for all people engaged in or wanting to join the profession to improve and enhance the future of the industry.

About the Code of Conduct

The Code of Conduct is a self-regulatory sector code of good practice, compulsory for anyone wishing to become a member of AIMS.

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.

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 marine surveying practice including integrity, leadership, and competency. 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 behaviors of all Members all of the time. The values are intended to be observable behaviors 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 maintaining 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.

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 is supported by AIMS Complaints Handling and Investigation policy. AIMS accepts formal complaints from both members and non-members related to members, board members, students, employees and AIMS policies and practices. Persons making a complaint, or the subject of a complaint, are afforded due procedural fairness as outlined in the policy.

Please read the codes and standards and agree to them by completing the declaration at the back and sending it back to us 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 remain confidential at all times. They will not be provided to a third party without your written consent.

AIMS responsibilities under the Code of Conduct

The AIMS Board of Directors and staff take responsibility to demonstrate integrity, exercise leadership and practice competently by ensuring that:

- The code is used by all members and that staff of the AIMS abide by the guidelines as much as is practical
- Employees and members abide by the accepted protocols for conflicts of interest
- Policies and procedures for disciplinary action, grievances and complaints are developed and implemented
- Encouraging, where applicable, members to hold appropriate insurance coverage
- 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
- Appropriate training and guidance is provided to members, employees and the Board as required
- The Institute is free of harassment and bullying
- Employees and volunteers are safe and have adequate WHS policies and procedures in place
- Due diligence is implemented in all dealings with members and employees
- That AIMS standards are aligned to any actual or implied international standards and protocols for the profession of marine surveying
- Job descriptions and key performance indicators are provided, and the Board have clear roles and responsibilities

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 integrity, objectivity and competence. We expect our members to:

- Treat everyone with respect
- Treat all contracts for work with honesty and integrity
- 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.
- Advertise services honestly and not make misleading statements to consumers
- Abide with the use of stamp and identity card requirements
- 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
- Respect the property rights and confidential information of your clients
- Accept and offer only those business courtesies that conform to common and reasonable ethical practice
- Be accountable for your performance
- Respect your employer and their rights to maintain their business clients
- Support new entrants to the industry wherever possible
- Undertake only those surveys that they are qualified to undertake
- Strive to receive instructions in writing and work to the instructions to the best of your ability
- Prepare and present professional and honest survey reports
- Keep accurate records
- Update your knowledge regularly

Breaches or Non-Compliance

If AIMS identifies member or board member non-compliances to standards or breaches of our Code of Conduct or certification or accreditation schemes, these will be handled in accordance with the AIMS Complaint Handling and Investigation policy.

Use of the AIMS Stamp, CCMS Card, and AIMS Logos

AIMS issues electronic stamps to all Certified and Full Members. 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 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 Board may consider warranting such action. Notice in this regard will be made in writing to the member advising that the stamp is no longer to be used and citing the reason for the decision.

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

Members also have access to use the AIMS logo upon request. The logo can be used on correspondence, reports and marketing materials.

The use of the logo is given at the discretion of the Institute on the following conditions:

1. The AIMS logo remains the property of the Institute and must only be used by current financial members in accordance with the guidelines set out below. The AIMS logo cannot be used to endorse reports prepared by other persons who are not members of AIMS.
2. If the AIMS logo or wording indicating AIMS Membership is used on a website or in marketing materials, all Marine Surveyors within the organisation must be members of AIMS. For example; if company ABC has 3 Marine Surveyors as employees and only one is a member of the AIMS the logo or wording referencing membership cannot be used on company marketing materials including websites.
3. If any of the above conditions change, the AIMS logo and any reference to membership must immediately be removed from all materials and websites related to the organisation and its employees.
4. The Institute reserves the right to cancel the authority to use the AIMS logo, in the event of the member becoming non-financial, misusing the logo, or for whatever other reasons the Institute may consider warranting such action.

We encourage all members to report misuse of the AIMS Stamp or AIMS Logo by members or non-members.

Conflicts of Interest

As the peak collective body for marine surveyors in Australasia, we believe the issues of Conflict of Interest for any 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 (which is the benchmark for conflicts of interest) 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 is 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, or suitability 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)

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” firm¹.

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 law².

¹ Working wisdom

² The Register UK

Continuing Professional Development

Continuing Professional Development (CPD) is a mandatory requirement for all levels of membership of the AIMS apart from students. The Institute requires all members to undertake activities which will keep them abreast of professional developments, new skills and broaden their experience.

Members are required to obtain a minimum of 10 points per calendar year however points can be accrued and rolled over to the following year where a member has exceeded the minimum points in one year. Members will need to provide evidence that they have obtained 10 points per calendar year or 30 points during each consecutive 3-year period.

Evidence is required to support your activities and this may include a receipt, a copy of a certificate of attendance, email confirmation or trail, diary notation or log, or any other means of confirming your activities.

CPD is due in the first quarter of each year for the previous calendar year, but CPD evidence can also be submitted during the year as it is accrued. CPD submissions are to be emailed to info@aimsurveyors.com.au.

We are here to help. If you are not sure about how to make up your points or have participated in activities aside from those listed below which you think may qualify, contact us via email or phone and we can work with you.

Continuing Professional Development activities may include but are not limited to:

- Subscriptions to magazines and industry publications – 1 point
- Attending a Marine Survey organisation or company technical meeting – 2 points
- Attending an industry networking event (formal or informal) – 2 points
- Technical meetings or presentations in person or online – 5 points
- Short courses and workshops – 5 points
- Publication of a letter or short article in an industry magazine – including the AIMS newsletter or website/ LinkedIn forum – 5 points
- Completion of any business management activities (could be new software, new business systems, attending business related events etc.) – 5 points
- Completion of an AIMS business or professional development short course – 5 points
- Researching and learning a new skill or mentoring a new surveyor (logbook evidence required) – 5 points
- The preparation and presentation of material for courses, conferences, and seminars – 10 points
- Attendance at seminars and conferences related to the Marine Survey and Shipping industries generally – 10 points
- Completion of an AIMS survey specific professional development program or undertaking any post-graduate study or individual tertiary short course, unit or subject – 10 points
- Formal training course (Diploma or higher) related to Marine Survey that is undertaken with an assessment component – 20 points

Complaints And Investigations

Received complaints will follow AIMS complaints handling process through an initial, investigative, and decision-making phase. Subjects of received complaints will also have an opportunity to request a review and appeal of decision as outlined in the appeal process.

All received written and photo evidence will only be used for the purpose of the complaint investigation and treated as confidential in line with the requirements of the Privacy Act and AIMS Records Management Policy.

Complaints may be lodged involving marine surveyor members, AIMS board members, students, employees or policies and processes via email, telephone or submitted on the *AIMS Grievance and Complaint Form*.

The first point of contact for submitting complaints will be to the AIMS General Manager (GM) at gm@aimsurveyors.com.au or, in the case where the complaint involves the GM, the chairman of the board at chairman@aimsurveyors.com.au.

Complaints will be assessed under the Complaint Handling and Investigation Policy for any matters occurring within the previous 12-month period.

If the complaint does not contain sufficient information, the complainant will be contacted in writing with a request for further information. If additional requested information is not provided within the stated period, the complaint investigation process will not proceed.

In accordance with privacy laws, the outcome of the investigation is unable to be shared with the complainant.

The AIMS representatives appointed to manage the decision-making process will depend on the previous history of complaints received against the respondent as well as the severity or complexity of the complaint.

Penalties applied as an outcome of the decision-making process will consider:

- Previous complaint history of respondent
- Type of complaint – standards, ethical practice etc
- Severity of possible outcomes and/or safety concerns which could arise
- Experience and background of the respondent

Penalties applied as an outcome of the decision-making process may be, but are not limited to:

- Official written notification or warning with action for improvement and/or rectification
- Review of membership level, executive position, or employment arrangements
- Requirement for remedial training or mentoring
- In the instance of serious breaches or continued repeat offences - temporary or permanent suspension or cancellation of membership

Following the advice of a penalty as an outcome of a received complaint, the respondent has the right to appeal the penalty.

For the full complaint handling process refer to the AIMS Complaint Handling and Investigation policy on the AIMS website or request a copy via gm@aimsurveyors.com.au.

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 membership or failure to abide by the Code of Conduct may result in suspension of my membership with the Australasian Institute of Marine Surveyors.

Name: _____

Date: _____

Signature: _____



The largest industry body in the Australasian region for professional marine surveyors.

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