

BOARD OF GEOLOGISTS MALAYSIA
CODE OF PROFESSIONAL CONDUCT FOR PRACTITIONERS

1. INTRODUCTION

This Code of Professional Conduct for Practitioners (Code) sets out the code of professional practice and ethics applicable to registered practitioners pursuant to Section 21 of the Geologists Act 2008 and pursuant to provisions in Section 4 in addition to sanctions or conditions or restrictions that may be imposed under Section 33 of the Geologists Act 2008.

2. GENERAL GUIDING PRINCIPLES

1. Practitioners registered pursuant to provisions in Sections 21 of the Geologists Act 2008, shall be guided in their professional conduct in accordance with the highest standards of integrity, courtesy, morality, professional conscience and moral responsibility.
2. He or she shall have regard for standards and the spirit of the following clauses that demands competence and devotion to service for the advancement of human welfare.
3. He or she shall constantly and consistently uphold the dignity and high standing of the profession.
4. He or she shall bear the responsibility to inform the Board of Geologists Malaysia of any contravention of any law applicable in Malaysia or this Code by any Practitioner.

3. PROFESSIONAL ETHICS

1. A Practitioner shall discharge his or her professional duty with integrity and intellectual honesty.
2. A Practitioner shall comply with all applicable laws of any jurisdiction where work is performed or services carried out, where a report or an opinion is provided on geology or geological scientific matters.
3. A Practitioner shall perform services or carry out work or assignments for which he is experienced in or have been practising prior to the introduction of the Geologists Act 2008 and having duly registered to practise under the said Act. only if he is qualified by education, training, expertise or experience in the specific technical field in which he or she is involved.
4. A Practitioner shall act towards other professionals with courtesy and good faith, and shall not intentionally injure the reputation or business of another professional.

5. A Practitioner shall not compete unfairly with another Practitioner or Registered Geologist, or compete primarily on the basis of fees without due consideration for other factors to ensure that his or her engagement is based on merit or services performed or offered.
6. A Practitioner shall not offer or accept or solicit covert payment or remuneration or reward or commission or any valuable consideration or benefit in any kind for the purposes of obtaining work.
7. A Practitioner shall make clear he is not a geologist and shall not knowingly engage in false or deceptive advertising or make false, misleading or deceptive representations or claims with regard to the profession or his or her qualification or expertise or ability or competency of other geologists or practitioners.
8. A Practitioner shall not seek to use his or her privilege as a registered Practitioner for personal profit or to secure competitive advantage.
9. A Practitioner shall not knowingly participate in any illegal activity or permit the use of materials in the performance of services for illegal purposes.

4. DUTIES TO THE PUBLIC AND ENVIRONMENT

1. A Practitioner shall have due regard to public needs, welfare, health, safety and environment in the performance of professional services.
2. A Practitioner shall take into consideration all foreseeable circumstances and consequences within their knowledge and available facts, arising from their professional service and activities that may impact on society, in particular on health, safety and environment, and property of others.
3. A Practitioner shall avoid making public statements on geology but when unavoidable shall make public statements that are truthful and factual based on scientific evidence and technical opinions that are founded upon his or her competence and knowledge of the facts in the subject matter.
4. A Practitioner shall not make statements that may mislead or deceive members of the public or any public body or cause harm to the public.
5. A Practitioner shall not conduct or engage in any activity that may result in conditions that could endanger public health, safety and environment and harm to property belonging to others.

5. ADVANCEMENT OF THE PROFESSION

1. A Practitioner shall support measures that will improve the quality and availability of professional services that he or she practices.
2. A Practitioner shall, in as far as possible, without breaching confidentiality conditions, contribute to the development of geological sciences through the sharing of their knowledge, expertise and experience and contribute to training activities as well as exchanges of technical and scientific information.

3. A Practitioner shall endeavour at all times to enhance the public's regard for the profession and geological science by promoting awareness and knowledge and by discouraging untrue, unfair or exaggerated statements about it, and is encouraged to contribute to the understanding of issues of public interest where his or her professional knowledge may assist that understanding.

6. RELATIONSHIP BETWEEN PRACTITIONERS AND REGISTERED GEOLOGISTS

1. A Practitioner shall conduct himself or herself with dignity, courtesy, respect and integrity when dealing with another Practitioner or Registered Geologist.
2. A Practitioner shall not betray the good faith of another Practitioner or Registered Geologist or breach the person's trust, act unfairly towards him or her or damage the person's reputation.
3. A Practitioner shall not take credit for work or services performed by another Practitioner or Registered Geologist unless the work is specifically and contractually done on his or her behalf.
4. A Practitioner shall not deliberately harm the relationship between other Practitioners or Registered Geologists and their clients.
5. A Practitioner shall not take over the work of another Practitioner or Registered Geologist acting for the same client without steps being taken by the client to release the work required to be undertaken.
6. A Practitioner shall only provide a critique or opinion of another Practitioner's or Registered Geologist's work or service, if it is carried out in an objective and reasonable manner.
7. A Practitioner shall extend his or her professional courtesy to another Practitioner or Registered Geologist by promptly providing opinions, recommendations or responses when consulted.

7. DUTIES OF PRACTITIONERS TO THEIR CLIENTS

1. A Practitioner shall charge and accept fair and reasonable fees proportionate to the service provided.
2. A Practitioner is obliged to maintain professional secrecy and protect third parties in the performance of his or her service in so far that it does not contravene any law that is applicable in Malaysia.
3. A Practitioner shall not promise or broadcast specific professional advice that cannot be supported by a genuine, objective possibility, nor seek to publicise professional qualification that he does not actually hold with the aim of keeping his client from going to other professional colleagues.
4. A Practitioner shall inform or disclose a potential conflict of interest that could influence or appear to influence the quality of service provided.

5. A Practitioner should not conceal, alter or deny the existence of evidence, facts or accepted technical or scientific facts that could favour a client or mislead the public.
6. A Practitioner shall sign, stamp and affix his or her seal on plans, specifications, reports, maps or documents that he or she has prepared under his or her direct supervision and control, or if it was prepared by a third party, only after thorough review on which he or she accepts professional responsibility and any arising liability.
7. A Practitioner shall not sign, stamp and affix his or her seal on plans, specifications, reports, maps or documents that he or she lacks competence or expertise or prepared not under his or her direct supervision or control, unless he or she accepts professional responsibility and any arising liability.
8. Where a Practitioner provides professional services to different clients with divergent interests, he or she shall endeavour to explain the nature of his or her responsibilities and inform them that he or she will cease to provide services should a situation arise that will impair their independence and impartiality to other clients.
9. Where a professional advice has been overruled by a client or amended or varied contrary to the original advice, and a Practitioner is aware that it will give rise to situations or consequences that may bring harm or endanger life or property or environment, or loss such as life or financial, he or she shall inform the client and any authority and explain the consequences of his or her advice being overruled, amended or varied, unless it was done without the knowledge of the Practitioner.
10. A Practitioner shall disclose to his or her client if he or she is a director or a substantial shareholder of a contracting company or entity that he or she deals with on behalf of his or her client.
11. A Practitioner shall refrain from using confidential information or materials to the detriment of their client or to obtain benefit whether directly or indirectly for himself or herself or for any other third party.
12. A Practitioner shall inform his or her colleagues, employees or any third party related to the performance of a services of their obligation to preserve secrecy and confidentiality, and shall take all necessary measures and precautions to prevent them from using or disclosing a client's confidential information or material to the detriment of their client or to obtain benefit whether directly or indirectly for themselves or any third party.

Dated: 16 June 2016

[BoG – 9th Meeting/13 June 2016]

Dato' Yunus Bin Abd Razak, P.Geol
Chairman
Board of Geologists Malaysia