

(2) A person who contravenes the provisions of this section or section 3 is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for two years or to both such fine and imprisonment.

Consent of  
Director of  
Public  
Prosecutions

**28.** The consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are brought under this Act.

Regulations

**29.** The Minister after consultation with the Board and subject to negative resolution of Parliament may make regulations for the carrying out of the functions of the Board including provisions for—

- (a) the registration of registered engineers and the issue of Certificates of Registration;
- (b) the contents of the register including the classes of engineering discipline in which an engineer may be qualified and in respect of which his name shall be entered in the register;
- (c) the disciplining of registered engineers;
- (d) the review, payment and collection of fees;
- (e) the conduct of examinations; and
- (f) the prescribing of anything required by this Act to be prescribed.

#### SCHEDULE

(Section 10)

#### CODE OF ETHICS

- Article 1. A registered engineer owes a duty to the public, to his employers and clients, to other members of his profession and to himself and shall act at all times with—
- (a) fidelity to public needs;
  - (b) fairness and loyalty to his associates, employers, clients, subordinates and employees; and

- (c) devotion to high ideals of personal honour and professional integrity.

#### THE PUBLIC

Article 2. A registered engineer—

- (a) shall express any opinion on engineering matters only on the basis of adequate knowledge and honest conviction;
- (b) shall ensure, to the best of his ability, that the statements on engineering matters attributed to him are not misleading and properly reflect his professional opinion; and
- (c) shall not express publicly or while he is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction.

Article 3. A registered engineer—

- (a) shall have proper regard for the safety, health and welfare of the public in the performance of his professional duties;
- (b) shall notify the proper authorities of any situation which he considers, on the basis of his professional knowledge, to be a danger to public safety or health; and
- (c) shall complete, sign or stamp only those plans or specifications which reflect proper regard for the safety and health of the public.

Article 4. A registered engineer—

- (a) shall endeavour to extend public understanding of engineering and its place in society;
- (b) shall endeavour at all times to enhance the public regard for, and its understanding of, his profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering; and

- (c) shall not give opinions or make statements on professional engineering projects connected with public policy where such statements are inspired or paid for by private interests unless he clearly discloses on whose behalf he is giving the opinions or making the statements.

Article 5. A registered engineer—

- (a) shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity, or persons who do not conform to the basic principles of the Code of Ethics;
- (b) shall conform to the provisions of this Act in his practice of engineering;
- (c) shall not sanction the publication of his reports in part or in whole in a manner calculated to mislead and if it comes to his knowledge that they are so published, he shall take immediate steps to correct any false impressions given by them.

Article 6. A registered engineer shall sign or stamp only those plans, specifications and reports actually prepared by him or under his direct professional supervision.

THE EMPLOYER AND CLIENT

Article 7. A registered engineer—

- (a) shall act for his client or employer as a faithful agent;
- (b) shall be realistic and honest in all estimates, reports, statements and testimony;
- (c) shall admit and accept his own errors when proven obviously wrong and refrain from distorting or altering the facts in an attempt to justify his decision;
- (d) shall so advise his client or employer when he believes that a project will not be successful;
- (e) shall not accept outside employment to the detriment of his regular work or interest, or without the consent of his employer;

- (f) shall not attempt to attract an engineer from another employer by unfair methods; and
- (g) shall engage, or advise on engaging, experts and specialists when such services are in his client's or employer's best interests.

Article 8. A registered engineer—

- (a) shall not disclose confidential information pertaining to the interests of his clients or employers without their consent;
- (b) shall not use information coming to him confidentially in the course of his assignment as a means of making personal gain except with the knowledge and consent of his client or employer as the case may be; and
- (c) shall not divulge any confidential findings resulting from studies or actions of any commission or board of which he is a member or for which he is acting without the consent of the commission or board.

Article 9. A registered engineer shall present clearly to his clients or employers the consequences to be expected if his professional judgment is overruled by non-technical persons or bodies in matters pertaining to work for which he is professionally responsible.

Article 10. A registered engineer—

- (a) whose interest is likely to be affected whether directly or indirectly by any decision of his client or employer on any matter whatsoever shall in writing disclose to his client or employer the nature of his interest immediately after the relevant facts have come to his knowledge;
- (b) shall be treated as having an indirect interest in a matter with which his client or employer is concerned if he or his spouse is a director, shareholder, partner or employee of a person who is a party to any contract or proposed contract with his client or employer or has a pecuniary interest in any other matter with which his client or employer is concerned;

- (c) shall, when functioning as a member, advisor or employee of a public authority, a State enterprise or a government body or department, make prior full disclosure with respect to services provided by him or his organisation in private engineering practice and shall decline to participate in any considerations or actions where a conflict of interests is likely to arise.

**Article 11. A registered engineer—**

- (a) shall not accept remuneration for services rendered other than from his client or employer;
- (b) shall not accept compensation from more than one interested party for the same service or for services pertaining to the same work, under circumstances that may involve a conflict of interest, without the consent of all interested parties;
- (c) shall not accept any royalty or commission on any article or process used on the work for which he is responsible without the consent of his client or employer;
- (d) shall not, where he is acting in a consulting or any other capacity in respect of works, tender for work in any other capacity in respect of such works without the consent of his client or employer.

**OTHER MEMBERS OF THE PROFESSION**

**Article 12. A registered engineer—**

- (a) shall conduct himself towards other registered engineers with courtesy, fairness and good faith;
- (b) shall not accept any engagement to review the work of another registered engineer for the same employer or client except with the knowledge of such engineer, unless such engineer's engagement on the work has been terminated; and

- (c) shall not maliciously injure the reputation or business of another registered engineer.

Article 13. A registered engineer—

- (a) shall not compete unfairly by attempting to obtain employment, advancement or professional engagements by unfair bidding, that is to say by taking advantage of a salaried position, or by unfairly criticizing other registered engineers;
- (b) shall not attempt to supplant another registered engineer in a particular employment after becoming aware that definite steps have been taken towards the other's employment;
- (c) shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure professional engineering work;
- (d) shall not use equipment, supplies, laboratory or office facilities of his employer to carry on outside private practice without consent.

MISCELLANEOUS

Article 14. A registered engineer—

- (a) shall undertake only such work as he is competent to perform by virtue of his training and experience; and
- (b) shall not misrepresent his qualifications.

Article 15. A registered engineer—

- (a) shall not advertise his work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession; and
- (b) may employ circumspect advertising to announce his practice and availability. Only those media shall be used as are necessary to

reach directly an interested and potential client or employer, and such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another registered engineer, either specifically or by implication.

Article 16. A registered engineer—

- (a) shall advise the Board of any practice which is contrary to the Code of Ethics and which has come to his attention;
- (b) shall assist and co-operate with the Board and the Disciplinary Committee with respect to disciplinary enquiries and proceedings under this Act to the best of his ability.

Passed in the Senate this 18th day of June, 1985.

R. L. GRIFFITH  
*Clerk of the Senate*

Passed in the House of Representatives this 6th day of November, 1985.

J. E. CARTER  
*Clerk of the House*