



**Board of Surveying
& Spatial Information**

Ethics and Code of Professional Conduct

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Ethics and Code of Professional Conduct

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1. Purpose of this Document

This document has been prepared to provide clarity to the Ethical and Professional Conduct requirements for Land and Mining Surveyors registered under the *Surveying and Spatial Information Act 2002*.

2. Introduction

Surveying is fundamental to the provision, delimitation, maintenance and enhancement of the economic, physical and social environments that support society. Surveyors therefore have an ethical responsibility that extends to the public, in addition to their clients, employers, employees and peers.

2.1. Registration as a Surveyor

Surveyors in New South Wales are registered under the *Surveying and Spatial Information Act 2002 (the Act)*.

The objectives of the Act (s 2A) are:

- a) to provide for the registration of land surveyors and mining surveyors to ensure that only appropriately qualified persons carry out land surveys and mining surveys, and
- b) to ensure that registered surveyors provide services to the public in a professional and competent manner, and**
- c) to provide for the maintenance of a State cadastre and ensure its integrity, and
- d) to provide for the co-ordination of surveys carried out by public authorities and for the establishment of a State control survey, and
- e) to provide for the investigation of, and the giving of advice to the Government relating to, the collection, collation and dissemination of spatial information other than surveys.

The Act (Part 6, s 28) provides for a Board of Surveying and Spatial Information (BOSSI) which has responsibilities to administer the Act, including, amongst other things, investigating complaints against registered Surveyors, and where determined, the taking of disciplinary action.

The Act also allows BOSSI to take action against a registered surveyor who is guilty of professional misconduct. The Act (Part 3, s13(4)) defines **professional misconduct** as, among other things, 'any act or omission that demonstrates that the surveyor is not a fit and proper person to be registered as a surveyor'.

To determine if a surveyor is a fit and proper person to provide surveying services to the public, in a professional and competent manner, BOSSI is required to consider:

- a) the reputation, honesty and integrity of the surveyor, and any past conviction;
- b) whether the person possesses the qualifications, competence, character, diligence, honesty, integrity and judgement to properly perform the duties of a registered surveyor; and
- c) the circumstances of the case.

Further details are provided in BOSSI Policy for the Consideration of Complaints against Surveyors'.

2.2. Ethical Principles

Ethical Principles establish a framework for conduct based on honesty, integrity and courtesy. To merit the trust of the community, the standards of the Profession, and the respect of colleagues, Surveyors are required to comply with the Ethical Principles set out in this document (Section 3).

A breach of the Ethical Principles may constitute unprofessional conduct, which may lead to investigation in accordance with the Act.

2.3. Code of Professional Conduct

A Code of Conduct reinforces and clarifies the highest standards of professional behaviour among surveyors. Whilst ethical principles are enduring, Codes of Conduct can evolve as community standards and professional surveying practices evolve.

The Code of Professional Conduct (Section 4) has been prepared to assist surveyors in fulfilling their professional and legal obligations to the public, the government and their clients. To assist BOSSI in administering the Act, and to assist Surveyors in performing their duties, The Code for Professional Conduct provides a framework for the legal, professional and public obligations of surveyors. This Code has been modelled on the International Federation of Surveyors (FIG) Code of Ethics.

3. Ethical Principles

Surveyors are to act in accordance with the following principles.

a) INTEGRITY

- (i) Maintain the highest standards of honesty and integrity towards those with whom they come into contact, either directly or indirectly.
- (ii) Accurately and conscientiously measure, record and interpret all data and offer impartial advice based thereon.

b) INDEPENDENCE

- (i) Diligently and faithfully execute their role according to the law.
- (ii) Maintain their objectivity and provide their clients and employers unbiased advice, without prejudice or favour either towards or against other organisations or persons.

c) CARE AND COMPETENCE

- (i) Maintain their knowledge and skills, keep abreast of developments in their fields of practice and apply their expertise for the benefit of society.
- (ii) Only accept work that they reasonably believe they will be able to carry out in a professional manner.
- (iii) Exercise care in the performance of their duties, including adherence to work health and safety obligations and responsibilities.

d) DUTY

- (i) Maintain confidentiality about the affairs of their current and former clients and employers, unless required by law to make disclosures.
- (ii) Avoid conflicts of interest.
- (iii) Take environmental, cultural and heritage concerns into account in their operations and activities.

- (iv) Recognise the interests of the public when providing services to their clients or employers.
- (v) Conduct their work to the best of their ability, giving due consideration to the rights of all parties.

4. Code of Professional Conduct

The following is not, and should not be considered, an exhaustive list of professional conduct requirements. The list in Section 4 is provided as a guidance to surveyors on the professional conduct that supports the ethical principles set out in Section 3.

Surveyors should ensure they are guided at all times by the core Ethical Principles (Section 3).

4.1. General Conduct

In practicing the profession of a Surveyor, Surveyors must:

- a) put the welfare and rights of the community before their responsibility to the profession of surveying, to other surveyors, and/or to sectional or private interests;
- b) exercise unbiased and independent professional judgement;
- c) undertake to inform clients and employers of any interests they have which may adversely affect their judgement or the quality of the surveying services;
- d) ensure their professional practice complies with relevant legislation, lodgment rules, directions and guidelines including but not limited to the:
 - (i) The Act;
 - (ii) Regulations;
 - (iii) Ethics and Code of Professional Conduct, as amended from time to time;
 - (iv) Surveyor-General's Directions;
 - (v) BOSSI codes, guidelines and determinations;
 - (vi) relevant ORG/ LRS rules and guidelines;
 - (vii) outcome of any action taken against the Surveyor by BOSSI; and
 - (viii) any other relevant and applicable legislation
- e) keep their knowledge and skills current by participating in relevant continuing professional development requirements;
- f) not accept a fee or reward for work assignments that are outside the scope of their professional competence or authority;
- g) accurately convey, as far as reasonably practicable, the expertise, extent and limit of surveying services that they can provide;
- h) not reveal or use any confidential facts, data or information obtained in the course of professional practice to derive a personal pecuniary or non-pecuniary benefit (or to provide such benefit to another person or entity) without the written permission of all interested parties, or as otherwise required by law;
- i) uphold the standards of the profession;
- j) not participate in any criminal or otherwise illegal activity during the course of their employment as a Surveyor such that the profession is brought into disrepute;

- k) exercise their responsibilities and duties with the highest standards of honesty, integrity and courtesy towards all with whom they deal in their professional capacity;
- l) conform to the decisions of BOSSI on questions of ethics and professional conduct;
- m) endeavour to advance the science and practice of surveying; and
- n) build their reputation on merit and refrain from any form of unfair competition.

4.2. Conduct for Supervisors

In directing or supervising a Supervised Person, a Supervising Surveyor:

- a) must accept, and will be held responsible for, the quality and accuracy of all surveying services carried out by a Supervised Person under their supervision;
- b) must ensure that the assigned duties, services or tasks are competently completed in a timely manner and in accordance with professional standards;
- c) must exercise a standard of supervision that will ensure the surveying services have been carried out in accordance with accepted standards of surveying practice, exercising reasonable care and skill, and complying with all relevant legislation, directions and guidelines;
- d) must take all reasonable steps to ensure that any Supervised Person who carries out the surveying services preserves the confidentiality of the information obtained through undertaking those surveying services;
- e) certifying a survey carried out under their supervision must ensure the survey reflects their professional responsibilities and complies with relevant legislation, directions and guidelines. For the avoidance of doubt, a Supervisor endorsing the certification of a plan of survey is responsible for the survey, irrespective of whether it was carried out by them or under their Supervision.
- f) must not allow a Supervised Person to undertake professional responsibilities and duties beyond their competence and/or authority;
- g) when mentoring candidate surveyors, must ensure that they commit adequate time to the knowledge requirements and professional development of the Candidate Surveyor; and
- h) must encourage the professional development of all Supervised Persons.

4.3. Conduct Towards Clients

In dealing with clients, Surveyors must:

- a) be polite, courteous and professional at all times;
- b) immediately advise the client and/or their employer (where relevant) upon becoming aware of any actual or perceived conflict of interest that may impact the Surveyor's ability to undertake the surveying services;
- c) so far as reasonably practicable, and before undertaking surveying services, ensure the client has been fully informed of the implication of the professional services required, and in particular; the duration, volume of work and approximate cost of the surveying services;
- d) only access properties at reasonable times, as agreed with the client or other persons, or in accordance with the Act, for the purposes of carrying out work in connection with surveying services;

- e) not reveal or use confidential facts, data or information obtained in the course of professional practice, for their benefit, or the benefit of another, other than the client, without the client's permission, or as required by law;
- f) complete surveying services within a reasonable timeframe and as agreed with the client;
- g) advise the client of any errors or omissions made while carrying out surveying services as soon as reasonably practicable, and, wherever practicable, take appropriate steps to rectify those errors or omissions within a reasonable timeframe; and
- h) respond to complaints in a timely, polite and respectful manner.

4.4. Conduct Towards Surveyors

Surveyors must:

- a) not directly or indirectly act to undermine the reputation or business prospects of another Surveyor; and
- b) not seek to supplant, or knowingly supplant, other Surveyors from commissioned work.