

CODE OF ETHICS OF THE GEOLOGICAL SOCIETY OF SOUTH AFRICA

ANNEXURE 2 TO THE GSSA CONSTITUTION

PREAMBLE

THE PURPOSE OF THE CODE OF ETHICS IS TO COMMIT MEMBERS TO UPHOLD AND ENHANCE THE HONESTY, HONOUR, INTEGRITY AND DIGNITY OF THEIR PROFESSIONS, SUCH THAT THE MEMBERS AND THEIR PROFESSIONS MERIT THE HIGHEST ESTEEM BY THE COMMUNITY. ALLEGED BEHAVIOURS, WHICH COULD BE DEEMED A BREACH OF THE CODE OF ETHICS, INCLUDE:

- a. ANY BREACH OF THE SPECIFIC CLAUSES OF THE CODE OF ETHICS. BREACHES WITHOUT DISHONESTY, INTENT, REPETITION OR RECKLESS INCOMPETENCE SHOULD BE DEEMED AS "NON-COMPLIANCE" WHICH COULD RESULT IN PERSONAL COUNSELLING AND/OR ADMONITION, BUT NOT SUSPENSION. MORE SERIOUS BREACHES (WITH THE AFOREMENTIONED CHARACTERISTICS) SHOULD BE DEEMED AS 'UNETHICAL BEHAVIOUR" AND COULD GIVE RISE TO SUSPENSION, EXPULSION, AND/OR PUBLICATION
- b. ANY BREACH OF ANY RULE OR CODE OF THE SOCIETY, OR RELEVANT TO THE PROFESSION THAT IS CHARACTERISED BY DISHONESTY, INTENT, OR RECKLESS INCOMPETENCE. FURTHER, ANY REPEATED CODE VIOLATIONS WOULD BE TAKEN AS A PRIMA FACIA CASE OF "UNETHICAL BEHAVIOUR".
- c. GROSS PROFESSIONAL INCOMPETENCE, MISCONDUCT OR UNETHICAL BEHAVIOUR
- d. PROFESSIONAL DEFAMATION.
- e. CRIMINAL CONDUCT.

PROVISIONS CONTAINED WITHIN THE CODE OF ETHICS ARE NOT DESIGNED TO RESTRICT COMPETITIVE BEHAVIOUR IN ANY WAY. THE SOCIETY IS COMMITTED TO PROMOTING VIGOROUS COMPETITION WITHIN THE INDUSTRY.

CODE OF ETHICS

1. IN CONDUCTING THEIR PROFESSIONAL ACTIVITIES, THE RESPONSIBILITY OF MEMBERS FOR THE WELFARE, HEALTH AND SAFETY OF THE COMMUNITY SHALL AT ALL TIMES COME BEFORE THEIR RESPONSIBILITY TO THE PROFESSION, TO SECTIONAL OR PRIVATE INTERESTS, THEIR CLIENTS OR EMPLOYERS, OR TO OTHER MEMBERS.
2. MEMBERS SHALL AT ALL TIMES ACT SO AS TO UPHOLD AND ENHANCE THE HONESTY, HONOUR, INTEGRITY AND DIGNITY OF THE PROFESSION.
3. MEMBERS SHALL NOT TAKE ON THE FUNCTIONS OF AN EXPERT IN FIELDS OTHER THAN THEIR OWN OR ACCEPT PROFESSIONAL OBLIGATIONS THAT THEY ARE NOT COMPETENT TO DISCHARGE.
4. MEMBERS SHALL BUILD THEIR PROFESSIONAL REPUTATION ON MERIT AND SHALL NOT COMPETE UNFAIRLY.

5. MEMBERS SHALL APPLY THEIR SKILL AND KNOWLEDGE IN THE INTERESTS OF THEIR EMPLOYER OR CLIENT FOR WHOM THEY SHALL ACT, IN PROFESSIONAL MATTERS, AS FAITHFUL AGENTS OR TRUSTEES.
6. MEMBERS SHALL GIVE EVIDENCE, EXPRESS OPINIONS OR MAKE STATEMENTS IN AN OBJECTIVE AND TRUTHFUL MANNER AND ON THE BASIS OF ADEQUATE KNOWLEDGE.
7. MEMBERS SHALL CONTINUE THEIR PROFESSIONAL DEVELOPMENT THROUGHOUT THEIR CAREERS AND SHALL ACTIVELY ASSIST AND ENCOURAGE THOSE UNDER THEIR DIRECTION TO ADVANCE THEIR KNOWLEDGE AND EXPERIENCE.
8. MEMBERS SHALL COMPLY WITH ALL LAWS AND GOVERNMENT REGULATIONS RELATING TO THE MINERAL INDUSTRIES, AND WITH THE RULES, REGULATIONS AND PRACTICES AS ESTABLISHED AND PROMULGATED BY THE STOCK EXCHANGES WITH RESPECT TO THE OFFICIAL LISTING REQUIREMENTS FOR MINING AND/OR OTHER COMPANIES, WITHIN THE COUNTRY IN WHICH THEY ARE WORKING.
9. MEMBERS SHALL COMPLY WITH ALL RELEVANT LAWS AND REGULATIONS OF ANY COUNTRY IN WHICH THEY WORK, INCLUDING ALL CIVIL AND CRIMINAL LAWS, REGULATIONS, POLICIES AND PRACTICES REGARDING INTELLECTUAL PROPERTY.

INTERPRETATIONS

PREAMBLE

FOR AN "UNETHICAL BEHAVIOUR" TO OCCUR, THE ALLEGED BEHAVIOUR MUST BE SUFFICIENT IN NATURE TO "BRING THE MEMBERS AND THEIR PROFESSION" INTO DISREPUTE WITH THE COMMUNITY. BEHAVIOURS THAT COULD POTENTIALLY MERIT SUCH AN OUTCOME INCLUDE (1) ANY BREACH OF THE SPECIFIC CLAUSES OF THE CODE OF ETHICS, (2) DISHONESTY AND MISREPRESENTATION, (3) PROFESSIONAL INCOMPETENCE, (4) DEFORMATION AND (5) CRIMINAL CONDUCT.

CLAUSE 1:

IN CONDUCTING THEIR PROFESSIONAL ACTIVITIES, THE RESPONSIBILITY OF MEMBERS FOR THE WELFARE, HEALTH AND SAFETY OF THE COMMUNITY SHALL AT ALL TIMES COME BEFORE THEIR RESPONSIBILITY TO THE PROFESSION, TO SECTIONAL OR PRIVATE INTERESTS, THEIR CLIENTS OR EMPLOYERS, OR TO OTHER MEMBERS.

The principle here is that the interests of the community have priority over the interests of others.

It follows that members:

- a. Shall avoid assignments that may create a conflict between the interests of their client or employer and the public interest.
- b. Shall work in conformity with acceptable technological standards and not in such a manner as to jeopardise the public welfare, health or safety.
- c. Shall endeavour at all times to maintain technological services essential to public welfare.
- d. Shall in the course of their professional life endeavour to promote the well-being of the community. If their judgement is over-ruled in this matter they should inform their client or employer of the possible consequences (and, if appropriate, notify the proper authority of the situation)

- e. Shall, if they consider that by so doing they can constructively advance the well-being of the community, contribute to public discussion on scientific and technological matters in their area of competence.

CLAUSE 2:

MEMBERS SHALL AT ALL TIMES ACT SO AS TO UPHOLD AND ENHANCE THE HONESTY, HONOUR, INTEGRITY AND DIGNITY OF THE PROFESSION.

The principle here is that the profession should endeavour by its actions to merit the highest esteem of the community. It follows that a member:

- a. Shall not be involved with any business or professional practice that is known to be of a fraudulent or dishonest nature.
- b. Shall not use association with other persons, corporations or partnerships to conceal unethical acts and relationships.
- c. Shall not knowingly continue in partnership with, nor act in professional matters with any person who has been removed from membership of The Society because of unprofessional conduct.
- d. Shall, whenever called upon to give professional advice, provide an opinion that is objective and reliable, to the best of his/her knowledge and ability. If, having given professional advice a member becomes aware that it will not be followed, he/she shall take all reasonable steps to ensure that the person(s) neglecting his/her advice is (are) aware of any danger or other serious consequence which may result.

CLAUSE 3:

MEMBERS SHALL NOT TAKE ON THE FUNCTIONS OF AN EXPERT IN FIELDS OTHER THAN THEIR OWN OR ACCEPT PROFESSIONAL OBLIGATIONS THAT THEY ARE NOT COMPETENT TO DISCHARGE.

To this end the society has determined that members:

- a. Shall inform their employer or client and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside of their field of competence.
- b. In the provision of professional services members shall not describe themselves, nor permit themselves to be described, nor act as a consultant or contractor unless they are a member or fellow of the Society, registered with SACNASP, occupy a position of professional independence, are prepared to design and supervise works or act as an unbiased and independent adviser, and conduct their practice in strict compliance with the conditions approved by the Council of The Society.
- c. Shall not give a professional opinion, make a report, or give legal testimony, without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion, report or testimony is required; and the degree of completeness of information upon which it is based should be made clear.

CLAUSE 4:

MEMBERS SHALL BUILD THEIR PROFESSIONAL REPUTATION ON MERIT AND SHALL NOT COMPETE UNFAIRLY. THE PRINCIPLE HERE IS THAT MEMBERS SHALL NOT ACT IMPROPERLY IN A PROFESSIONAL SENSE TO GAIN A BENEFIT.

It follows that a member:

- a. Shall only approach prospective clients or employers with due regard to their professional integrity and to this Code of Ethics.
- b. Shall promote the principle of engagement upon the basis of merit. They shall uphold the principle of adequate and appropriate remuneration for professional staff and shall give due consideration to terms of employment which have the approval of the profession's appropriate association.
- c. Shall not attempt to supplant another, employed or consulting, who has been appointed.
- d. In the practice of consulting, shall not undertake professional work on a basis that involves an undisclosed speculative fee or remuneration that is conditional on implementation of the work unless fully disclosed.
- e. Shall neither falsify nor misrepresent their own or their associate's qualifications, experience and prior responsibility.
- f. Shall neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of others.
- g. Shall not use the advantages of a privileged position to compete unfairly with others.
- h. Shall exercise due restraint in explaining their own work and shall refrain from unfair unjustified criticism of the work of another.
- i. Shall give proper credit for professional work to those to whom credit is due and acknowledge the contribution of subordinates and others.
- j. Shall refrain from plagiarism in both oral and written communications and not knowingly accept credit rightfully due to another and will not submit the same professional paper for publication in more than one peer review journal.
- k. May properly use circumspect advertising (which includes direct approaches to prospective clients by any means) to announce their practice and availability. The medium or other form of communication used and the content of the announcement shall be dignified, becoming to a professional person and free from any matter that could bring disrepute on the profession. Information given must be truthful, factual and free from ostentatious or laudatory expressions or implications.



CLAUSE 5

MEMBERS SHALL APPLY THEIR SKILL AND KNOWLEDGE IN THE INTERESTS OF THEIR EMPLOYER OR CLIENT FOR WHOM THEY SHALL ACT, IN PROFESSIONAL MATTERS, AS FAITHFUL AGENTS OR TRUSTEES.

It follows that a member:

- a. Shall at all times avoid all known or potential conflicts of interest. He should keep his employer or client fully informed on all matters, including financial interests, which could lead to such a conflict. In no circumstances should he participate in any decision that could involve him in conflict of interest.
- b. Shall, when acting as administrator of a contract, be impartial as between the parties in the interpretation of the contract. This requirement of impartiality shall not diminish his duty to apply his skill and knowledge in the interests of the employer or client.
- c. Shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by all interested parties.
- d. Shall neither solicit nor accept financial or other valuable considerations, from material or equipment suppliers for specifying their products unless fully disclosed.
- e. Shall neither solicit nor accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their client or employer in connection with work for which they are responsible;
- f. Shall advise their client or employer when as a result of their studies they believe that a project will not be viable;
- g. Shall neither disclose nor use confidential information gained in the course of their employment without express permission.
- h. Shall not, without a satisfactory reason, destroy calculations or documentary or other evidence required for verification of his/her work.

CLAUSE 6:

MEMBERS SHALL GIVE EVIDENCE, EXPRESS OPINIONS OR MAKE STATEMENTS IN AN OBJECTIVE AND TRUTHFUL MANNER AND ON THE BASIS OF ADEQUATE KNOWLEDGE. IT FOLLOWS THAT:

- a. Member's professional reports, statements or testimony before any tribunal shall be objective and accurate. They shall express an opinion only on the basis of adequate knowledge and technical competence in the area, but this shall not preclude a considered speculation based intuitively on experience and wide relevant knowledge.

- b. Members shall reveal the existence of any interest, pecuniary or otherwise, that could be taken to affect their judgement in a technical matter about which they are making a statement or giving evidence.

CLAUSE 7:

MEMBERS SHALL CONTINUE THEIR PROFESSIONAL DEVELOPMENT THROUGHOUT THEIR CAREERS AND SHALL ACTIVELY ASSIST AND ENCOURAGE THOSE UNDER THEIR DIRECTION TO ADVANCE THEIR KNOWLEDGE AND EXPERIENCE. THE PRINCIPLE HERE IS THAT MEMBERS SHALL STRIVE TO WIDEN THEIR KNOWLEDGE AND IMPROVE THEIR SKILL IN ORDER TO ACHIEVE A CONTINUING IMPROVEMENT OF THE PROFESSION. IT FOLLOWS THEREFORE THAT MEMBERS:

- a. Shall maintain personal competence by keeping abreast with developments in his/her field or speciality, by doing all or some of the following: - research, further studies, reading, attending conferences, courses and lectures etc.
- b. Shall encourage their professional employees and subordinates to further their education.
- c. Shall take a positive interest in, and encourage their fellows to actively support the Society and other professional organisations that further the general interests of the profession.

CLAUSE 8:

WHERE MEMBERS ARE INVOLVED IN PREPARING PUBLIC REPORTS, OR PORTIONS THEREOF, FOR MINING AND EXPLORATION COMPANIES THE MEMBER SHALL COMPLY WITH ALL LAWS AND GOVERNMENT REGULATIONS RELATING TO THE MINERAL INDUSTRIES, AND WITH THE RULES, REGULATIONS AND PRACTICES AS ESTABLISHED AND PROMULGATED BY THE STOCK EXCHANGES WITH RESPECT TO THE OFFICIAL LISTING REQUIREMENTS FOR MINING AND/OR OTHER COMPANIES, WITHIN THE COUNTRY IN WHICH ONE IS WORKING.

It follows that members:

- a. Shall inform themselves of the laws and regulations relating to the mineral industries in South Africa and in other countries where they may be engaged as an employee or consultant.
- b. Shall observe the requirements of stock exchanges in respect to reports on mineral exploration and assessment issued by listed companies. In the particular case of the Johannesburg Stock Exchange they shall meet the requirement of a "competent person".

CLAUSE 9:

MEMBERS SHALL COMPLY WITH ALL RELEVANT LAWS AND REGULATIONS OF ANY COUNTRY IN THAT THEY WORK, INCLUDING LAWS, REGULATIONS, POLICIES AND PRACTICES REGARDING INTELLECTUAL PROPERTY.

It follows that members:

- a. Shall inform themselves of the relevant laws, conventions and regulations in South Africa and in other countries where they may be engaged as an employee or consultant.

- b. Shall observe the relevant laws, conventions and regulations relating to Intellectual Property with respect to commercial, consulting and academic intellectual property. For example ownership of a report prepared for a company normally would remain with the company and not the author.



ANNEXURE 3 TO THE GSSA CONSTITUTION

COMPLAINTS AND DISCIPLINARY PROCEDURE

INTRODUCTION

- (1) The purpose of the Society's Code of Ethics is to maintain the professional esteem of the members throughout the wider community; it follows that anyone should be able to make a complaint against a member, in relation to an alleged breach of the Codes or Constitution of the Society. Complaints against members will be handled as follows:
- (2) The overriding principles here are firstly that the reputation of a member must be protected while an alleged breach is assessed and secondly, that the process itself conforms to the principles of natural justice.
- (3) The requirements are:
 - a. That confidentiality is paramount.
 - b. That the process must minimise the opportunity for false implications from accusations and complaints.
 - c. That a committee handling a complaint with serious implications is not both prosecutor and judge.
 - d. That appropriate cases are handled internally by the Society, but that when warranted, cases are passed onto the Statutory Body (SACNASP), or to the judicial system if there is perceived criminal intent.
 - e. That an independent appeals process be available.
- (4) To meet these requirements two independent committees, a Complaints Committee and an Ethics Committee, deal with complaints. The Complaints Committee receives and screens all complaints and if necessary gathers evidence, before either rejecting complaints as frivolous, redirecting them as commercial, or dealing with them as potential "non-compliance" against any Code or the Constitution of the Society, except for complaints relevant to the Code of Ethics. These can arise as primary complaints against the Code of Ethics or as cases of "non-compliance" established by the Complaints Committee, that also potentially exhibit dishonesty, intent, repetition or reckless incompetence.
- (5) The Complaints Committee will pass complaints relevant to the Code of Ethics to the Ethics Committee for assessment and determination. The Ethics Committee can obtain independent opinion but not gather evidence, or bring an ethics complaint of its own accord.
- (6) The separation of committees in this way is intended to enable the majority of complaints to be handled without an implication of unethical behaviour, and ethical complaints to be handled without a perception of bias.

THE COMPLAINTS COMMITTEE

- (7) The purpose of this committee is to protect the reputation of a member while an alleged breach is dealt with. This committee will handle all complaints; sort out frivolous complaints, complaints where there has been non-compliance and complaints where there have been serious breaches such as "unethical behaviour". It will handle the majority of complaints without an implication of unethical behaviour.

- (8) The Complaints Committee comprises three Fellows (excluding current members of Council and Fellows sitting on the Ethics Committee) and one current member of Council. Council selects committee members for a three-year term, following a general call for nominations. The Complaints Committee elects its own Chair (not a current Councillor) for a period agreed amongst its members.
- (9) All complaints, whatever their nature, are to be initially referred in writing, to the Chair of the Complaints Committee, and any individual or organisation can make a complaint.
- (10) The Complaints Committee can seek advice from independent experts (such as SAMREC competent persons, or legal practitioners), or it can seek additional evidence relating to the complaint if deemed necessary. It can also seek advice relating to GSSA policy from the President or the Council.
- (11) A member against whom a complaint is made shall be entitled to notice in writing of the grounds of the complaint and to a reasonable opportunity to be heard in respect of such complaint before the Complaints Committee, and the procedure to be adopted in respect of complaint shall be at the discretion of the Complaints Committee.
- (12) The Complaints Committee will address each complaint, then after deliberation and advice and within 90 days of receipt of the complaint will:
 - a. Dismiss the complaint as frivolous or vexatious.
 - b. Refer the complaint back to the parties or to an Alternative Disputes Resolution process if related to dysfunctional contractual arrangements.
 - c. Refer the case to the judicial system if there is perceived criminal intent.
 - d. Refer the complaint to the Ethics Committee (see below) if there is a perceived breach of the Code of Ethics (even for complaints not initially directed to the Code of Ethics).
 - e. Deal with the matter if it is deemed a technical breach of a Society Code or Statute (excluding the Code of Ethics). If a “non-compliance” is established, penalties available to the Complaints Committee to include personal admonition, mediation and counselling, but not suspension of membership.
- (13) All cases are to be dealt with confidentially; with the exceptions, - the person who laid the complaint should be notified of the Committees finding and action and the Stock Exchange must be notified in the case of a finding of non-compliance in relation to the reporting code.
- (14) If an established “non-compliance” of a Society or other Professional Code or Statute has characteristics of dishonesty, intent, repetition or reckless incompetence, then it has to be additionally forwarded to the Ethics Committee for judgement against the Code of Ethics.
- (15) The Chair of the Complaints Committee is to present, to the Ethics Committee, the evidence and process undertaken surrounding any complaint referred to the Ethics Committee.
- (16) The complainant has a right of appeal against any decision of the Complaints Committee, directly to the Ethics Committee of the Council.

THE ETHICS COMMITTEE

- (17) The purpose of the Ethics Committee is to deal with all complaints directed to it by the Complaints Committee, and any appeals against Complaints Committee decisions, brought before it.
- (18) It must always be independent.
- (19) An "Ethics complaint" means a complaint that a member of the Society has breached any obligation of the Code of Ethics or any other Code of The Society, or any rule published by the Council prevailing at the relevant time or any alleged unprofessional conduct by a member.
- (20) An Ethics Committee constitutes four Fellows (excluding current members of Council and fellows sitting on the Complaints Committee), selected by the Council for a three-year term, following a general call for nominations. One current GSSA member of Council, nominated annually by the Council constitutes the fifth member of the Ethics Committee. A representative from SACNASP may be invited as a sixth member for specific complaints that may go onto SACNASP. The Ethics Committee elects its own Chair for a period agreed amongst its members. The current Councillor cannot chair the committee. Three members constitute a quorum for a meeting of the Ethics Committee.
- (21) The Councillor serving on the Ethics Committee has the responsibility to advise the Council, on a "need to know basis", of any fiduciary or other matters related to Committee business, which could potentially affect Council members.
- (22) Notwithstanding the membership conditions outlined in (8) and (20) above, Complaints and Ethics Committee members must declare any Conflict of Interest to the Council, who are then to nominate a replacement for the period of the Conflict of Interest.
- (23) In relation to complaints brought before it, the normal "Rules of Evidence" are not to bind the Ethics Committee. It can obtain independent or legal advice on evidence before it but because this committee is set up to judge (not prosecute) it cannot seek additional evidence, nor bring an ethics complaint against any member of its own accord.
- (24) In relation to an ethic's complaint brought before it, the Ethics Committee will:
 - a. Find that a breach of the Code of Ethics has not been established.
 - b. Find that a breach of the Code of Ethics has been established, either as "non-compliance" or in more serious cases as "unethical behaviour", and impose an appropriate penalty, which can include suspension or expulsion from the Society and publication of the case.
 - c. Forward serious cases of unethical behaviour onto the Statutory Body (SACNASP).
- (25) Notwithstanding (b) above, a second finding of technical "non-compliance" with the Code of Ethics is not to be directed against a member for the same offence, purely as a result of commonality of code principles.
- (26) In relation to an appeal against a Complaints Committee decision, the Ethics Committee can
 - a. Uphold the decision of the Complaints Committee.

- b. Reclassify the Complaint and the manner in which it is to be handled, as appropriate.
- (27) An appeal against a ruling by the Ethics Committee, on any alleged breach of the Code of Ethics, is to be made to an independent arbitrator.
- (28) An ethics complaint shall be referred to the Ethics Committee for hearing and determination as expeditiously as is reasonable.
- (29) A member against whom an ethics complaint is made shall be entitled to notice in writing of the grounds of the complaint and to a reasonable opportunity to be heard in respect of such complaint before the Ethics Committee, and the procedure to be adopted in respect of an ethics complaint shall be at the discretion of the Ethics Committee.
- (30) At the conclusion of the hearing of an ethics complaint, the Ethics Committee may find that the complaint has not been established, or may find that the complaint has been established, in which case the Ethics Committee may decide to take no further action, or it may warn or reprimand the member concerned or suspend the membership of the member concerned for a period not exceeding 12 months, require that the member undergo further training, resolve that the member be suspended or expelled from the Society or refer the matter to the Statutory Body (SACNASP).
- (31) A resolution of the Ethics Committee that a member be expelled shall not take effect until such resolution is confirmed by an ordinary resolution of the Council of The Society, and the member concerned shall be given the opportunity to be heard by the Council before it decides whether or not to adopt any such resolution of the Ethics Committee.
- (32) A member who is dissatisfied with a decision on an ethics complaint by the Ethics Committee adverse to that member may by notice in writing delivered to the Chief Executive Officer of the Society within sixty days of the giving of such a decision (or within such later time as the Council may by ordinary resolution allow) appeal against such decision.
- (33) The Council shall proceed to hear and determine an appeal from a decision of the Ethics Committee as expeditiously as is reasonable. The member appealing shall be given a reasonable opportunity to be heard on the appeal, but otherwise the procedure to be adopted shall be at the discretion of the Council. The Council shall decide the appeal by ordinary resolution, and shall in reaching a decision as to what should be the outcome of the ethics complaint giving rise to the appeal have all of the powers of the Ethics Committee, and may, within those powers, decide to vary the penalty that was imposed by the Ethics Committee.
- (34) On the hearing of an appeal by the Council, and in considering whether or not to confirm a resolution of the Ethics Committee that a member be expelled, the Council shall be provided with a record of the proceedings before the Ethics Committee, including the evidence, and shall be bound by any findings of fact made by the Ethics Committee, unless it is persuaded that it would be manifestly unjust for it to do so, and it shall not be necessary for the evidence before the Ethics Committee to be recalled before the Council.
- (35) In any proceeding under this By-Law neither the Ethics Committee nor the Council shall be bound by the rules of evidence and each shall proceed with as little formality and technicality and as much expedition as a fair consideration permits.
- (36) The Ethics Committee or the Council may direct that any finding made by the Ethics Committee or the Council (as the case may be) made against a member as a result of an ethics complaint be reported to members in a publication of The Society, or be reported to appropriate regulatory authorities.

- (37) A member about whom an ethics complaint has been made and which is subsequently dismissed may publicise that dismissal to the same extent as any publicity given the lodging of the ethics complaint.
- (38) The Council may from time to time make or amend Guidelines to assist members in the implementation of this Bye-law. Such Guidelines must not be inconsistent with this By-Law.
- (39) All members are bound by a determination of the Ethics Committee or the Council made pursuant to this Bye-law.

*Ref Code of Ethics for SA
23 Oct 2003*

