



# **Spatial Information & Cartography Commission Certification Panel**

**PROCEDURES  
FOR  
REVIEWING AND ADJUDICATING  
COMPLAINTS AGAINST GISP-AP CERTIFICANTS**

## **PREAMBLE**

The Surveying and Spatial Sciences Institute's (SSSI's) right to discipline its GISP-AP Certificants derives from the GISP-AP Certificants themselves. Each GISP-AP Certificant must formally agree to be bound by the SSSI's "GISP-AP Code of Ethics and Rules of Conduct" at the time of their GISP-AP certification. This reflects the SSSI's commitment to the trust which the public places in it, as a self-regulating body, to ensure that its GISP-AP Certificants maintain appropriate standards of GIS practice and conduct themselves in accordance with the values and principles of the SSSI's "GISP-AP Code of Ethics and Rules of Conduct".

These procedures are intended to guide and ensure proper and consistent review and adjudication of complaints related to alleged improper conduct by GISP-AP Certificants.

The procedures are divided into sixteen parts. The parts are:

Part 1	Definition of Terms
Part 2	Right of the Spatial Information & Cartography Commission Certification Panel to Discipline GISP-AP Certificants
Part 3	Establishment of a List of Potential Complaint and Appeal Tribunal Members
Part 4	Filing a Complaint
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## **PART 1 DEFINITION OF TERMS**

*Part 1 sets out the meanings of certain words that are used in these procedures.*

### **Definitions**

1.1 In these procedures the following words have these meanings, unless otherwise specified:

**"Appeal"** means the written request made by a Respondent, in accordance with Parts 9.1, 9.2, 9.3, 9.4 and 9.5 of these procedures, to the Chair of the Complaint Tribunal that made the finding against the Respondent

**"Appeal Tribunal"** means an Appeal Tribunal appointed in accordance with Part 10 of these procedures.

**"Appoint"** includes reappoint.

**“Chief Executive Officer” or “CEO”** means the person for the time being carrying out the duties of Chief Executive Officer of the Surveying and Spatial Sciences Institute.

**“Complainant”** means the person who, or body corporate which, has initiated a complaint.

**“Complaint”** means a complaint duly filed in accordance with Part 4 of these procedures.

**“Complaint Tribunal”** means a Complaint Tribunal established in accordance with Part 6 of these procedures.

**“Day”** includes weekdays, weekends and public holidays.

**“Document”/“Documentation”** includes:

- (i) any paper or other material, including maps plans and drawings, on which there is writing;
- (ii) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (iii) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any article or device.

**“Final Decision”** means:

- (i) The finding made in accordance with these procedures in relation to alleged improper conduct by a GISP-AP Certificant (the Respondent to a complaint) by a Complaint Tribunal acting on behalf of the Spatial Information Commission Certification Panel (SICCP) and the particular sanction, if any, imposed by the Complaint Tribunal on the GISP-AP Certificant (the Respondent to the complaint), on the condition that an appeal of that finding and/or sanction, if any, has not been made within the stipulated timeframe of twenty eight (28) days of the date on which the GISP-AP Certificant (the Respondent to the complaint) is notified of that finding and sanction, if any.

**or**

- (ii) The finding made in relation to alleged improper conduct by a GISP-AP Certificant (the Respondent to a complaint) by an Appeal Tribunal acting on behalf of the Spatial Information & Cartography Commission Certification Panel (SICCP) and the particular sanction, if any, imposed by the Appeal Tribunal on the GISP-AP certificant (the Respondent to the complaint).

**“GISP-AP Certificant”** means an individual who has been certified as a “Geographic Information Systems Professional–Asia Pacific” (GISP-AP) by the Spatial Information Commission Certification Panel acting on behalf of the Spatial Sciences Institute, and includes an individual who holds the “Emeritus” form of that Certification.

**“Initial Determination”** means the Initial Determination made by a Complaint Tribunal in accordance with Part 7 of these procedures

**“Investigation”** means an investigation of a complaint, in accordance with these procedures, by the Chair of the Spatial Information & Cartography Commission Certification Panel, a Complaint Tribunal or an Appeal Tribunal.

**“Notice of Complaint”** means a notice provided by the Chair of the Spatial Information Commission Certification Panel to a GISP-AP Certificant (the Respondent to a complaint) in accordance with Parts 5.2, 5.3 and 5.4 of these procedures, notifying the GISP-AP Certificant that a complaint against the GISP-AP Certificant has been lodged with the Chair of the Spatial Information & Cartography Commission Certification Panel.

**“Person”** includes a body corporate.

**“Proceeding”** means a proceeding commenced under these procedures and includes all activities undertaken by the Chair of the Spatial Information & Cartography Commission Certification Panel, the Spatial Information & Cartography Commission Certification Panel, a Complaint Tribunal, or an Appeal Tribunal, during the course of their review and adjudication of a complaint.

**“Respondent”** means the GISP-AP Certificant to whom the complaint refers.

**“Sanction(s)”** means the penalty imposed on a GISP-AP Certificant (the Respondent to a complaint) in accordance with these procedures by the Spatial Information Commission Certification Panel, or a Complaint Tribunal or an Appeal Tribunal, as the case may be, acting on behalf of the Spatial Information Commission Certification Panel

**“SICCP”** means the Spatial Information & Cartography Commission Certification Panel

**“SSSI”** means the Surveying and Spatial Sciences Institute

**“Statement of Reasons”** means a statement of reasons prepared in accordance with Parts 7.4, 8.8, 11.12 or 15.16 of these procedures

**“Tribunal”** includes both a Complaint Tribunal and an Appeal Tribunal.

1.2 In these procedures, unless the context otherwise requires:

- (a) expressions used to denote persons include a firm, a body corporate as well as an individual;
- (b) a reference to the singular includes the plural and words in the plural number include the singular;
- (c) words importing a gender include every other gender;
- (d) where any person occupying a particular office or position is referred to, the reference shall include all persons who, at the relevant time, are occupying and performing the duties of the said office or position;
- (e) where a provision of the procedures provides that a person or body may do a particular thing, the act or thing may be done at the discretion of the person or body;

- (f) where, in a list of options or alternatives, the last item is preceded by the word ‘or’, that word is also intended to convey its inclusive sense so that each individual item may be selected or any combination of items may be selected.

1.3 The preamble appearing at the beginning of a Part in these procedures is provided for the purpose of explanation only. If there is any inconsistency with the procedures, the provisions of the procedures shall prevail.

## **PART 2 RIGHT OF THE SPATIAL INFORMATION & CARTOGRAPHY COMMISSION CERTIFICATION PANEL TO DISCIPLINE GISP-AP CERTIFICANTS**

*Part 2 affirms the right of the Spatial Information & Cartography Commission Certification Panel (SICCP) to discipline GISP-AP Certificants and details the situations under which the SICCP may take disciplinary action.*

### **The right to discipline GISP-AP Certificants**

- 2.1 The right to reprimand or censure a GISP-AP certificant, or to suspend or revoke an individual’s GISP-AP certification, or otherwise discipline a GISP-AP certificant, is vested in the Spatial Information & Cartography Commission Certification Panel (SICCP) through powers delegated to it in terms of the “Rules” associated with the establishment of the SICCP, as amended from time to time and approved by the Board of the Surveying and Spatial Sciences Institute.
- 2.2 The Chair of the SICCP shall appoint Complaint Tribunals, as the need arises, to review and adjudicate, on behalf of the SICCP, complaints filed against GISP-AP Certificants for alleged improper conduct.
- 2.3 The Chair of the Spatial Information & Cartography Commission Committee shall appoint Appeal Tribunals, as the need arises, to consider, on behalf of the SICCP, appeals of Complaint Tribunal decisions.
- 2.4 All decisions of Complaint Tribunals and Appeal Tribunals shall be decisions of the SICCP, which, through the powers delegated to the SICCP in terms of the “Rules” associated with the establishment of the SICCP, as amended from time to time and approved by the Board of the Surveying and Spatial Sciences Institute (SSSI), shall also be decisions of the Spatial Sciences Institute (SSSI).

### **Situations under which a GISP-AP Certificant may be disciplined for improper conduct**

- 2.5 A GISP-AP Certificant may be reprimanded or censured, or have his or her GISP-AP certification suspended or revoked, or be otherwise disciplined by the Spatial Information Commission Certification Panel (SICCP) for any of the following reasons, all of which, as violations of the values and principles that underpin, or are embedded in, the “GISP-AP Code of Ethics and Rules of Conduct”, constitute improper conduct:
  - (a) If a Complaint Tribunal, or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, determines that the GISP-AP Certificant has violated one or more specific aspects of the GISP-AP Code of Ethics or Rules of Conduct.

- (b) If a Complaint Tribunal, or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, determines that the GISP-AP Certificant has failed to maintain appropriate standards of GIS practice in the matter in question, as determined by such Complaint Tribunal or Appeal Tribunal.
- (c) If a Complaint Tribunal, or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, determines that the GISP-AP Certificant has been convicted in a court of law of an offence for acts, which, in the opinion of such Complaint Tribunal or Appeal Tribunal, makes the GISP-AP Certificant unfit to remain a GISP-AP certificant.
- (d) If a Complaint Tribunal, or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, determines that the GISP-AP Certificant has engaged in conduct, whether consisting of an act or an omission, occurring otherwise than in connection with the practice of GIS, that would justify a finding that, in the opinion of such Complaint Tribunal or Appeal Tribunal, the GISP-AP Certificant is unfit to remain a GISP-AP certificant.
- (e) If a Complaint Tribunal, or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, determines that the GISP-AP Certificant has willfully misrepresented a fact or facts about himself/herself at the time of applying for GISP-AP certification or recertification.

Excepting in the case of (e) above, this must be conduct that occurs while the Respondent is a GISP-AP Certificant.

## **Sanctions**

- 2.6 The sanctions that may be imposed on a GISP-AP Certificant who has been found by a Complaint Tribunal or an Appeal Tribunal, as the case may be, appointed under these procedures to act on behalf of the SICCP, to have engaged in improper conduct as defined in Part 2.5 of these procedures, shall consist of one or more of the following:
- (a) Reprimand of the Respondent
  - (a) Censure of the Respondent
  - (c) Suspension of the Respondent's GISP-AP Certification
  - (d) Revocation the Respondent's GISP-AP Certification
  - (e) Any other measures determined by the Complaint Tribunal at its discretion

## **Publication and disclosure**

- 2.7 If the sanction that is imposed is Censure of the Respondent, or Suspension or Revocation the Respondent's GISP-AP Certification, the name of the Respondent and the Complaint Tribunal's Final Decision, or, if applicable, the Appeal Tribunal's Final Decision, which, in either case is also the SICCP's and the SSSI's Final Decision, shall be published on the SSSI's website and in an appropriate SSSI publication and provided to any person or entity requesting a copy of the Final Decision; and, together with any other relevant information, shall also be provided to any other professional organisation or certification body that

enforces a Code of Ethics and/or Code of Conduct, of which the Respondent is a member or is an applicant for membership, or is a certificant or applicant for certification.

### **No assumption of responsibility for loss or disadvantage to GISP-AP certificant**

- 2.8 The Surveying and Spatial Sciences Institute (SSSI) and its Board, as well as Spatial Information Commission and its Committee members, the Spatial Information & Cartography Commission Certification Panel (SICCP) and its members, any Complaint Tribunal and its members, and any Appeal Tribunal and its members, including their Chairs, appointed under these procedures, assume no responsibility for any loss or disadvantage, real or imagined, that may be alleged to have resulted from reprimanding or censuring a GISP-AP Certificant or from suspending or revoking an individual's GISP-AP Certification, or from otherwise disciplining a GISP-AP Certificant.

### **Confidentiality and conflict of interest requirements**

- 2.9 At the time of their appointment, members of Complaint Tribunals and Appeal Tribunals, including their Chairs, shall each sign the "Confidentiality and Conflict of Interest Declaration" given in Appendix B of these procedures

## **PART 3 ESTABLISHMENT AND MAINTENANCE OF A LIST OF POTENTIAL MEMBERS OF COMPLAINT TRIBUNALS AND APPEAL TRIBUNALS**

*Part 3 is concerned with the establishment and maintenance of a list of the names of GISP-AP Certificants from which members of Complaint Tribunals and Appeal Tribunals shall be selected and appointed.*

### **Establishment and maintenance of a List of Potential Complaint Tribunal and Appeal Tribunal Members**

- 3.1 The Chair of the Spatial Information & Cartography Commission Certification Panel (SICCP) shall establish and maintain a List of Potential Complaint Tribunal and Appeal Tribunal Members.
- 3.2 The List of Potential Complaint Tribunal and Appeal Tribunal Members shall be made up of the names of GISP-AP Certificants who are regarded by the Chair of the SICCP as sufficiently well respected to act from time to time, as the need arises, as members of Complaint Tribunals or Appeal Tribunals, and who have agreed to have their names placed on the SICCP's List of Potential Complaint and Appeal Tribunal Members.
- 3.3 The number of GISP-AP Certificants on the List of Potential Complaint and Appeal Tribunal members at any one time shall be at the discretion of the Chair of the SICCP, but such number shall not be less than nine (9).
- 3.4 The Chair of the SICCP shall review and modify the SICCP's List of Potential Complaint Tribunal and Appeal Tribunal Members on an annual basis, as appropriate, but may add or remove names from that List at any time, as the Chair of the SICCP sees fit.

## **PART 4 FILING A COMPLAINT**

*Part 4 details how a complaint against a GISP-AP Certificant shall be filed*

### **Filing a complaint**

- 4.1 Any person may make a complaint against a GISP-AP Certificant.
- 4.2 A complaint
- (a) must be in writing, using the Complaint Submission Form given in Appendix A of these procedures;
  - (b) must be filed by one person, within one year of the date the alleged improper conduct by the GISP-AP Certificant occurred.
    - (i) If there are multiple individuals who wish to participate in one particular complaint, the Complainant must provide the names, postal addresses and contact telephone numbers of all such multiple individuals wishing to participate in the complaint.
    - (ii) If numerous complaints regarding the same alleged improper conduct are filed independently by multiple parties, all parties will be asked to consolidate their complaints into a single proceeding.
    - (iii) Separate reviews and corresponding adjudications of a complaint will be conducted if a Complainant refuses to act in concert with other Complainants.
  - (c) must contain all of the facts and circumstances within the personal knowledge of the Complainant, together with copies of any supporting documentation and evidence from any relevant sources; and
  - (d) must be mailed to the attention of the Chair of the Spatial Information & Cartography Commission Certification Panel (SICCP) at the currently published address of the Spatial Sciences Institute (SSI).
- 4.3 The burden is on the person filing a complaint to provide sufficient corroborating information or evidence for each allegation of improper conduct to be properly reviewed and adjudicated.

### **Complainant(s) to sign a waiver**

- 4.4 Except when the Complainant is the Spatial Information & Cartography Commission Certification Panel (SICCP), the Complainant shall submit a signed waiver to the SICCP consenting to allow the SICCP to send a copy of the complaint to the Respondent for the Respondent's response.
- 4.5 The waiver shall also consent to allow the SICCP to send any relevant information provided by the Complainant about the complaint to any other professional organisation that enforces a Code of Ethics and/or Rules of Conduct of which the Respondent is a member or is an applicant for membership, or is a certificant or applicant for certification, if the SICCP finds that the Respondent has engaged in improper conduct and it imposes a sanction of censure

on the Respondent, or a sanction suspending or revoking the Respondent's GISP-AP Certification.

## **PART 5 – NOTIFYING THE RESPONDENT OF THE COMPLAINT**

*Part 5 details what the Chair of the SICCP must do on receiving the complaint. It also details how the Respondent to a complaint shall be notified and the manner in which the Respondent shall respond to such notification of the complaint.*

### **Chair of the SICCP to study the complaint**

- 5.1 The Chair of the Spatial Information Certification Panel (SICCP) shall study the complaint and determine:
- (a) whether the SICCP has jurisdiction over the Respondent named in the complaint and the subject matter of the allegation(s) made against the Respondent; and
  - (b) whether the information or evidence about the complaint provided by the Complainant is sufficient to warrant the SICCP proceeding further with the complaint.

### **Notifying the Respondent of the complaint**

- 5.2 If the Chair of the SICCP is satisfied that the SICCP has jurisdiction over the Respondent named in the complaint and the subject matter of the allegation(s) made against the Respondent, and is also satisfied that the information or evidence provided by the Complainant is sufficient to warrant the SICCP proceeding further with the complaint, the Chair of the SICCP, by written notice, shall immediately:
- (a) inform the Respondent of the details of the complaint;
  - (b) inform the Respondent that a Complaint Tribunal will be appointed to review and adjudicate the complaint on behalf of the SICCP; and
  - (c) invite the Respondent to make, within a time limit of twenty eight (28) days, such written submission in response to the complaint as the respondent thinks fit.
- 5.3 The Chair of the SICCP shall also advise the Respondent that in cases where a Complaint Tribunal finds that a Respondent has engaged in improper conduct and imposes a sanction of either censure of the Respondent, or the suspension, or revocation of the Respondent's GISP-AP certification, any Final Decision of the Complaint Tribunal and any relevant information provided by the Complainant(s) and the Respondent about the complaint, may be sent to any other professional organisation that enforces a Code of Ethics and/or Rules or Code of Conduct of which the Respondent is a member or is an applicant for membership, or is a certificant or applicant for certification.
- 5.4 The Respondent shall be sent a copy of these procedures.
- 5.5 If the Chair of the SICCP determines that the SICCP does not have jurisdiction over the Respondent and the subject matter of the allegation(s) made against the Respondent, the Complainant shall be so advised by the Chair of the SICCP and the complaint shall be closed.

- 5.6 If the Chair of the SICCP determines that insufficient information or evidence about the complaint has been provided by the Complainant to warrant the SICCP proceeding further with the complaint, the Chair of the SICCP shall so advise the Complainant and shall give the Complainant a further twenty one (21) days from the date of such notice within which to provide information which is sufficient to warrant the SICCP proceeding further with the complaint.
- 5.7 If within this twenty one (21) day period the Complainant has not provided sufficient information or evidence about the complaint to warrant the SICCP proceeding further with the complaint, the complaint shall be closed.

### **Anonymous complaints**

- 5.8 The Spatial Information & Cartography Commission Certification Panel (SICCP) will generally not accept anonymous complaints.

5.9 If the SICCP receives information from an anonymous source that includes evidence from a public record which suggests that improper conduct by a GISP-AP Certificant might have occurred, the SICCP shall act on that information as if a complaint against the GISP-AP Certificant concerned had been filed, in which case the SICCP shall be the Complainant.

### **Respondent's response to the Complaint**

- 5.10 If the Respondent does not respond to the notice of complaint within the specified time limit of twenty eight (28) days, the Complaint Tribunal that will be appointed to review and adjudicate the complaint shall do so on the basis of the information evidence available.

## **PART 6 – APPOINTMENT OF A COMPLAINT TRIBUNAL**

*Part 6 details how a Complaint Tribunal is to be appointed*

### **Appointment of a Complaint Tribunal**

- 6.1 Upon being satisfied that the Spatial Information & Cartography Commission Certification Panel (SICCP) has jurisdiction over the Respondent and subject matter of the allegation(s) made against the Respondent, and that sufficient information or evidence has been provided by the Complainant to warrant the SICCP proceeding further with the complaint, the Chair of the SICCP shall appoint a Complaint Tribunal to review and adjudicate the complaint on behalf of the SICCP.
- 6.2 The Complaint Tribunal shall be made up of the Chair of the SICCP and at least four (4) GISP-AP Certificants appointed to the Complaint Tribunal by the Chair of the SICCP from the SICCP's List of Potential Complaint Tribunal and Appeal Tribunal Members.
- 6.3 Normally the Chair of the SICCP shall chair the Complaint Tribunal, but if for one or other reason the Chair of the SICCP is unavailable to do so, then the Vice-Chair of the SICCP shall chair the Complaint Tribunal.
- 6.4 The Chair of the SICCP may at any time withdraw the appointment of a member of the Complaint Tribunal and replace him/her with another GISP-AP Certificant from the SICCP's List of Potential Complaint Tribunal and Appeal Tribunal Members.

- 6.5 If the Chair of the SICCP is the Complainant in a particular complaint, he/she shall stand down from his/her roles of appointing members of the Complaint Tribunal and of chairing the Complaint Tribunal, in which case the Vice-Chair of the SICCP shall take on and fulfill these roles.

### **Decisions of the Complaint Tribunal**

- 6.6 All decisions of the Complaint Tribunal shall be decisions of the Spatial Information Commission Certification Panel (SICCP), which shall also be decisions of the Spatial Sciences Institute (SSSI).
- 6.7 The Chair of the Complaint Tribunal, together with all the other members of the Complaint Tribunal, must be present at a Complaint Hearing or any other meeting of the Complaint Tribunal to constitute a quorum of the Complaint Tribunal and validate the Complaint Hearing or other meeting of the Complaint Tribunal.
- 6.8 All decisions of the Complaint Tribunal shall be by majority vote among the Chair and all members of the Complaint Tribunal, with no abstentions from voting allowed.
- 6.9 In situations where the Complaint Tribunal is made up of an even number of GISP-AP Certificants, inclusive of the Chair of the Complaint Tribunal, the Chair of the Complaint Tribunal shall have a casting vote, as well as a deliberative vote, if such a casting vote is necessary in order to obtain a majority decision.
- 6.10 The Final Decision of a Complaint Tribunal shall include the finding of the Complaint Tribunal and the sanction, if any, imposed on the Respondent by the Complaint Tribunal.

### **PART 7 – INITIAL DETERMINATION**

*Part 7 details how a Complaint Tribunal is to make an Initial Determination about a complaint and how the Respondent is to be advised of its Initial Determination.*

- 7.1 For the purposes of making an Initial Determination in relation to a complaint, the Complaint Tribunal shall meet via the use of teleconference facilities.
- 7.2 In making its Initial Determination, the Complaint Tribunal shall decide whether there are reasonable grounds for taking the complaint forward to a Complaint Hearing for determination.
- 7.3 The Complaint Tribunal shall consider all the information or evidence provided by the Complainant(s), the Respondent and any other relevant sources in making its Initial Determination, and
- (a) shall dismiss the complaint if it finds that the complaint is vexatious, frivolous, misconceived or lacking in substance; or
  - (b) shall take the complaint forward to a Complaint Hearing, if it is satisfied that it has grounds to suspect that the Respondent has engaged in improper conduct.

- 7.4 If the Complaint Tribunal decides that the complaint is to be taken forward to a Complaint Hearing for determination, the Chair of the Complaint Tribunal shall prepare a written report on its Initial Determination, which report must include:
- (a) the details of the complaint that was submitted by the Complainant;
  - (b) the responses, if any, provided by the Respondent;
  - (c) any other relevant material that the Complaint Tribunal has become aware of in the course of the investigation; and
  - (d) a statement of its reasons for suspecting that the Respondent has engaged in improper conduct
- 7.5 An Initial Determination shall be completed within twenty one (21) days of the Chair of the Complaint Tribunal receiving Respondent's response to the complaint.
- 7.6 If in its Initial Determination the Complaint Tribunal decides that the complaint is to be taken forward to a Complaint Hearing for determination, the Chair of the Complaint Tribunal shall determine a date and time for such Complaint Hearing, which date shall be no later than twenty eight (28) days after the date of the Complaint Tribunal's Initial Determination.

#### **Notifying the Respondent of the Complaint Tribunal's Initial Determination**

- 7.7 The Chair of the Complaint Tribunal shall give the Respondent notice in writing of Complaint Tribunal's Initial Determination within 7 days of completing its Initial Determination.
- 7.8 If the complaint is dismissed, this notice shall merely advise the Respondent that the complaint has been dismissed.
- 7.9 If the complaint is to be taken forward to a Complaint Hearing for determination, this notice shall:
- (a) advise the Respondent, that the complaint is to be taken forward to a Complaint Hearing for determination, and state the date and time of the Complaint Hearing.
  - (b) advise the Respondent that the Complaint Hearing will be conducted via the use of teleconference facilities, with only one telephone number, of the Respondent's choice, being used for participating in the Complaint Hearing by the Respondent and his/her representative, and by any witnesses that the Respondent may call to give evidence at the Complaint Hearing.
  - (c) include a copy of the report on the Complaint Tribunal's Initial Determination;
  - (d) advise the Respondent that he/she may be represented at the Complaint Hearing;

- (e) advise the Respondent that he/she may call witnesses and produce any information or evidence relevant to the Complaint Tribunal's adjudication of the complaint;
- (f) inform the Respondent of his/her right of appeal of the decision of the Complaint Tribunal and the grounds on which such an appeal may be made;
- (g) request a written response from the Respondent to the notice; and
- (h) advise the Respondent that, in absence of such written response, which must be received by the Chair of the Complaint Tribunal within twenty eight (28) days of the date of the notice, there will be no Complaint Hearing as such and the complaint will be reviewed and adjudicated in a closed meeting of the Complaint Tribunal on the basis of the information or evidence already before the Complaint Tribunal.

### **Action by Respondent in relation to the notice of the Complaint Hearing**

- 7.10 The Respondent shall notify the Chair of the Complaint Tribunal at least fourteen (14) days prior to the Complaint Hearing
- (a) of the telephone number that will be used for participating in the Complaint Hearing by the Respondent and his/her representative and by any witnesses that the Respondent may call to give evidence at the Complaint Hearing;
  - (b) whether he/she will attend the Appeal Hearing;
  - (c) whether he/she will call witnesses and how many; and
  - (d) whether he/she will be represented at the Appeal Hearing and by whom.

## **PART 8 – COMPLAINT HEARING**

*Part 8 details the procedure for a Complain Hearing.*

### **Complaint Hearing**

- 8.1 The Complaint Hearing:
- (a) shall take place in private via the use of teleconference facilities, with the public excluded from the hearing and shall be tape recorded or digitally recorded;
  - (b) shall be informal and strict adherence to the rules of evidence shall not be observed;
  - (c) shall accord the Respondent natural justice, including the right to question any party referred to in the report on the Complaint Tribunal's Initial Determination and the right to call witnesses and produce any additional information or evidence relevant to the complaint.
  - (d) shall be conducted with as much speed as proper consideration of the matters before the Complaint Tribunal permit.
- 8.2 All information or evidence shall be accorded such weight as it deserves.

- 8.3 If at any time during a Complaint Hearing the Complaint Tribunal or the Respondent believes that the Complaint Tribunal's consideration of the complaint could benefit from doing so, the Complaint Tribunal may:
- (a) ask questions or seek clarification from any party
  - (b) call and question witnesses;
  - (c) request that physical evidence be presented, if it exists;
  - (d) ask questions or seek clarification from any witnesses called by the Respondent; or
  - (e) ask questions or seek clarification about any additional information or evidence relevant to the complaint provided by the Respondent.

#### **Alternative to a Complaint Hearing via the use of teleconference facilities**

- 8.4 With the concurrence of the Chief Executive Officer (CEO) of the Surveying and Spatial Sciences Institute (SSSI), a Complaint Tribunal may make use of appropriate video links in the holding of a Complaint Hearing.

#### **Decision of the Complaint Tribunal following a Complaint Hearing**

- 8.5 The Complaint Tribunal, together with its legal representative, if applicable, and the SSSI CEO and SSSI staff person assigned to record the review and adjudication of the complaint, shall meet in closed session, immediately after the Complaint Hearing has been completed, in order to make its decision.
- 8.6 The Complaint Tribunal must consider all relevant evidence and material and then decide
- (a) whether the complaint should be dismissed; or
  - (b) whether the Respondent has engaged in improper conduct as defined in Part 2.5 of these procedures.
- 8.7 If the Complaint Tribunal determines that the Respondent has engaged in improper conduct as defined in Part 2.5 of these procedures, the Complaint Tribunal shall then impose a sanction on the Respondent in accordance with Part 2.6 of these procedures.

#### **Notifying the Respondent of the Complaint Tribunal's decision**

- 8.8 After the Complaint Tribunal has made its decision,
- (a) the Chair of the Complaint Tribunal shall notify the Respondent in writing of the Complaint Tribunal's decision and the reasons for it; within seven (7) days of it making its decision,; and,
  - (b) where the Complaint Tribunal finds that the Respondent has engaged in improper conduct as defined in Part 2.5 of these procedures, the Chair of the Complaint Tribunal shall also notify the Respondent in writing of the right of appeal, of the grounds on which an appeal may be made, and of the deadline for the lodging of an appeal.

## **Final Decision of the Complaint Tribunal**

- 8.9 The decision of the Complaint Tribunal shall become its Final Decision twenty eight (28) days after the date on which the Respondent is notified of the Complaint Tribunal's decision, unless in the meantime the Respondent lodges an appeal against the Complaint Tribunal's decision.

## **Publication and disclosure of a Complaint Tribunal's Final Decision**

- 8.10 Publication and disclosure of a Complaint Tribunal's decision, in accordance with Part 2.7 of these procedures, shall only take place after the Complaint Tribunal's decision has become its Final Decision.

## **Transcript of proceeding to be made available to the Respondent on request**

- 8.11 At the Respondent's request and expense, a full audio transcript of the proceedings of the Complaint Hearing shall be made available to the Respondent within fourteen (14) days of the receipt of such a request, provided such a request is made within twenty eight (28) days of the date of the notice advising the Respondent of the Complaint Tribunal's decision.

## **Respondent responsible for certain costs**

- 8.12 All of the Respondent's costs in connection with the Complaint Hearing process, including any travel and lodging costs incurred by the Respondent, the Respondent's representative and any witnesses that the Respondent calls, as well as any other expenses that the respondent might have, shall be Respondent's sole responsibility.

## **Procedure if neither the Respondent nor the Respondent's representative appears at the Complaint Hearing**

- 8.13 If neither the Respondent nor the Respondent's representative appears at the Complaint Hearing, the Complaint Tribunal shall proceed with the Complaint Hearing in their absence.

## **Adjournment of a Complaint Hearing**

- 8.14 Once convened, a Complaint Hearing may be adjourned at any time at the discretion of the Chair of the Complaint Tribunal.

## **PART 9 – LODGING OF AN APPEAL**

*Where a Complaint Tribunal finds that a Respondent has engaged in improper conduct as defined in Part 2.5 of these procedures, the Respondent may, on certain grounds, appeal that finding and/or the sanction(s) imposed.*

*Part 9 details the grounds on which an appeal may be made; outlines how an appeal shall be lodged, and details the actions that must be undertaken by the Chair of the Complaint Tribunal on the receipt of an appeal.*

## **Scope and grounds for an Appeal**

- 9.1 A Respondent may not appeal on questions of fact ascertained by a Complaint Tribunal or on questions of fact in the decision of the Complaint Tribunal.
- 9.2 The Respondent may only appeal a decision made by a Complaint Tribunal, if the grounds for the appeal are based on showing that:
- (a) the Complaint Tribunal did not adhere to procedural requirements; or that
  - (b) the decision of the Complaint Tribunal was arbitrary and capricious and without any evidentiary basis; or that
  - (c) a significant fact of a decisive character, which was not known to the Respondent until after the Complaint Hearing, and which might have affected the Complaint Tribunal's decision, has come to light.

### **Lodging of written notice of appeal by the Respondent**

- 9.3 If a Respondent wishes to lodge an appeal against the decision of a Complaint Tribunal, the Respondent shall lodge a written notice of appeal with the Chair of the Complaint Tribunal within twenty eight (28) days of the date of the letter from the Chair of the Complaint Tribunal notifying the Respondent of the Complaint Tribunal's decision.
- 9.4 The notice of the Respondent's appeal shall include a full written explanation of his/her grounds for the appeal and detail why the finding of the Complaint Tribunal, or the sanction(s) imposed, should be quashed or varied.
- 9.5 The Respondent's explanation of his/her grounds for the appeal must not introduce evidentiary matters not included in the record before the Complaint Tribunal at the time of it making its decision, unless such evidentiary matters are based on a significant fact of a decisive character which was not known to the Respondent until after the complaint hearing process had been completed. (All written and verbal information or evidence that the Complaint Tribunal considered in reaching its decision constitutes the record before the Complaint Tribunal).

### **Actions by the Chair of the Complaint Tribunal on receipt of an appeal**

- 9.6 On receipt of an appeal, the Chair of the Complaint Tribunal shall immediately:
- (a) forward the Respondent's notice of appeal to the Chair of the Spatial Information Commission Committee;
  - (b) give written notice to the Respondent that the appeal has been received; and
  - (c) inform the Respondent that the Chair of the Spatial Information & Cartography Commission Committee will be appointing an Appeal Tribunal to consider the appeal and that the Chair of the Appeal Tribunal so appointed will then contact the Respondent about his/her appeal.

## **PART 10 – APPOINTMENT OF AN APPEAL TRIBUNAL**

*Part 10 details how an Appeal Tribunal is to be appointed to consider the appeal and the procedures that are to be followed before an Appeal Hearing can take place.*

- 10.1 After the Chair of the Spatial Information & Cartography Commission Committee has received the Respondent's notice of appeal from the Chair of the Complaint Tribunal, he/she shall immediately appoint an Appeal Tribunal of five (5) GISP-AP Certificants from the SICCP's List of Potential Complaint Tribunal and Appeal Tribunal Members to consider the appeal
- 10.2 The Chair of the Spatial Information & Cartography Commission Committee shall appoint one (1) of these five (5) members of the Appeal Tribunal to serve as the Chair of the Appeal Tribunal.
- 10.3 A GISP-AP Certificant shall not serve as a member of a Complaint Tribunal and also as a member of an Appeal Tribunal for the same complaint.

### **Decision of an Appeal Tribunal following an Appeal Hearing**

- 10.4 The Decision of an Appeal Tribunal following an Appeal Hearing shall be by majority vote among all the members of the Appeal Tribunal, including the vote of the Chair of the Appeal Tribunal, with no abstentions allowed.
- 10.5 All five (5) members of the Appeal Tribunal must be present at any Appeal Hearing or other meeting of the Appeal Tribunal to constitute a quorum of the Appeal Tribunal and to validate the Appeal Hearing or other meeting of the Appeal Tribunal.

### **Action by the Chair of Spatial Information & Cartography Commission Committee**

- 10.6 After the Chair of the Spatial Information & Cartography Commission Committee has appointed an Appeal Tribunal, he/she shall immediately notify the Chair of the Complaint Tribunal that he/she has appointed an Appeal Tribunal to consider the appeal.

### **Action by the Chair of the Complaint Tribunal**

- 10.7 On receipt of the notice referred to in Part 10.6 of these procedures, the Chair of the Complaint Tribunal shall immediately provide a complete copy of the record of the Complaint Tribunal to the Chair of the Appeal Tribunal that will be hearing the Respondent's appeal.

### **Action by Chair of the Appeal Tribunal**

- 10.8 On his/her receipt of the record of the Complaint Tribunal, the Chair of the Appeal Tribunal shall determine a date and time for the Appeal Hearing and notify the Respondent accordingly.
- 10.9 An Appeal Hearing shall take place within forty two (42) days of the receipt of the appeal by the Chair of the Complaint Tribunal.
- 10.10 In notifying the Respondent of the date and time of the Appeal Hearing, the Chair of the Appeal Tribunal shall also notify the Respondent of his/her right to be represented at the Appeal Hearing and shall provide the Respondent with a copy of the record of the Complaint Tribunal.

- 10.11 The Chair of the Appeal Tribunal shall also advise the Respondent that the Appeal Hearing will be conducted via the use of teleconference facilities, with only one telephone number, of the Respondent's choice, being used for participating in the Appeal Hearing by the Respondent and his/her representative and, if the grounds for the appeal are in terms of Part 9.2 (c) of these procedures, such one telephone number also being used by any witnesses that he/she may call to give evidence at the Appeal Hearing.
- 10.11 An Appeal Hearing shall take place within forty two (42) days of the receipt of the appeal by the Chair of the Complaint Tribunal.

### **Action by Respondent in relation to the Appeal Hearing**

- 10.12 The Respondent shall notify the Chair of the Appeal Tribunal at least fourteen (14) days prior to the Appeal Hearing
- (a) of the one telephone number that will be used by the Respondent and his/her representative for participating in the Appeal Hearing and, if the grounds for the appeal are in terms of Part 9.2 (c) of these procedures, that will also be used by any witnesses that he/she may call to give evidence at the Appeal Hearing;
  - (b) whether he/she will attend the Appeal Hearing;
  - (c) whether, if the grounds for the appeal are in terms of Part 9.2 (c) of these procedures, he/she will call witnesses and how many; and
  - (d) whether he/she will be represented at the Appeal Hearing and by whom.
- 10.13 Failure to comply with these requirements may result in the deferral of the appeal, in which case the appeal will be held as soon as practicable thereafter and all costs associated with the deferral of the appeal will be charged to the Respondent's account.

### **Submission by the Chair of the Complaint Tribunal**

- 10.14 The Chair of the Complaint Tribunal may make a written submission to the Appeal Tribunal examining the grounds of the Respondent's appeal and the Respondent's reasons as to why the finding of the Complaint Tribunal or the sanction it has imposed should be quashed or varied.

## **PART 11 – APPEAL HEARING**

*Part 11 details how the Appeal Hearing is to be conducted and a determination made.*

### **Appeal Hearing**

- 11.1 An Appeal Hearing:
- (a) shall take place in private via the use of teleconference facilities, with the public excluded from the hearing and shall be tape recorded or digitally recorded;

- (b) shall be informal and strict adherence to the rules of evidence shall not be observed;
- (c) shall accord the Respondent natural justice, including, if the grounds for the appeal have been made in terms of Part 9.2 (c) of these procedures, the right to produce such additional information or evidence relevant to the complaint as is allowed in term of Part 9.2 (c), and the right to call witnesses in support of that additional information or evidence; and
- (d) shall be conducted with as much speed as proper consideration of the matters before the Appeal Tribunal permit.

### **Alternative to an Appeal Hearing via the use of teleconference facilities**

11.2 With the concurrence of the Chief Executive Officer (CEO) of the Surveying and Spatial Sciences Institute (SSSI), an Appeal Tribunal may make use of appropriate video links in the holding of an Appeal Hearing.

### **Procedure if neither the Respondent nor the Respondent's representative appears at the Appeal Hearing**

- 11.3 If neither the Respondent nor the Respondent's representative appears at an Appeal Hearing, and if the grounds for the appeal are not based on the grounds allowed in terms of Part 9.2 (c) of these procedures, the Appeal Hearing shall be abandoned and the decision which the Complaint Tribunal made following the Complaint Hearing shall become the Final Decision of the Spatial Information & Cartography Commission Certification Panel (SICCP)
- 11.4 If neither the Respondent nor the Respondent's representative appears at an Appeal Hearing, and if the grounds for the appeal are based on the grounds for appeal allowed in terms of Part 9.2 (c) of these procedures, the Appeal Hearing shall continue in their absence, and any witnesses that might appear to give their support to such additional information or evidence relevant to the complaint as is allowed in term of Part 9.2 (c) shall be open to questioning by the Appeal Tribunal.

### **Respondent may choose to have his/her appeal considered without an Appeal Hearing**

11.5 The Respondent may inform the Chair of the Appeal Tribunal in writing at the time of lodging his/her appeal that he/she chooses to have the appeal considered only on the basis of the record already before the Appeal Tribunal, together, if the grounds for the appeal are based on the grounds for appeal allowed in terms of Part 9.2 (c) of these procedures, with such additional information or evidence relevant to the complaint as is allowed in term of Part 9.2 (c), without an Appeal Hearing.

### **Adjournment of an Appeal Hearing**

11.6 An Appeal Hearing may be adjourned to a specified date at the discretion of the Chair of the Appeal Tribunal considering the appeal, or with the agreement of the parties.

### **Appeal Tribunal to meet in closed session following an Appeal Hearing**

11.7 The Appeal Tribunal, together with its legal representative and the SSSI Chief Executive Officer (CEO) and SSSI staff member(s) assigned to record proceedings of an Appeal Hearing shall meet in closed session, immediately after the Appeal Hearing has been completed, in order to make its determination.

## **Matters to be considered by the Appeal Tribunal**

- 11.8 In making its decision, the Appeal Tribunal shall take into consideration:
- (a) the Chair of the Complaint Tribunal's report on its Initial Determination;
  - (b) the response of the Respondent to that report;
  - (c) any matters raised at the Complaint Hearing;
  - (d) the Complaint Tribunal's decision following the Complaint Hearing, as well as its reasons for that decision;
  - (e) the grounds of the Respondent's appeal, including, if applicable, such additional information or evidence relevant to the complaint as is allowed in term of Part 9.2 (c); and
  - (f) any submission made by the Chair of the Complaint Tribunal in terms of Part 10.14 of these procedures

## **Decision of the Appeal Tribunal**

- 11.9 When deciding on an appeal, an Appeal Tribunal may:
- (a) uphold, quash or vary the finding of the Complaint Tribunal, and the sanction imposed by the Complaint Tribunal; or
  - (b) impose such other sanctions in terms of Part 2.6 of these procedures as it thinks fit; or
  - (c) if it determines that a major procedural error or errors have occurred that would throw doubt on the validity of the decision of the Complaint Tribunal, the Appeal Tribunal shall refer the complaint back to the Complaint Tribunal for re-adjudication.
- 11.10 In cases such as that referred to in Part 11.9 (c), the Appeal Tribunal may make a determination, in its absolute discretion, that the Respondent pay none or only a portion of the costs that he/she would otherwise normally be responsible for paying in accordance with these procedures
- 11.11 Excepting for a decision made in terms of Part 11.9 (c) of these procedures, all decisions of an Appeal Tribunal are Final Decisions of the Appeal Tribunal and also Final Decisions of the Spatial Information & Cartography Commission Certification Panel (SICCP) and Final Decisions of the Surveying and Spatial Sciences Institute (SSSI) and no further appeal shall be allowed.

## **The Chair of the Appeal Tribunal to prepare a statement on its decision and the reasons for it.**

- 11.12 The Chair of the Appeal Tribunal shall prepare a written statement of its decision and the reasons for it within seven (7) days of the Appeal Tribunal making its decision. (This statement of the Appeal Tribunal's decision shall include its finding, and the sanction imposed or upheld).

## **Notification of the decision of an Appeal Tribunal**

- 11.13 The Chair of an Appeal Tribunal shall provide the Chairs of both the Spatial Information Commission Certification Panel (SICCP) and the Spatial Information & Cartography Commission Committee with a copy of the written statement on the Appeal Tribunal's decision and the reasons for it, doing this immediately after his/her completion of that written statement.
- 11.14 The Chair of the SICCP, by written notice, shall provide the Respondent with a copy of the written statement of the decision of the Appeal Tribunal and the reasons for it, and written notice of any publication or disclosure that will take place in accordance with Part 2.7 of these procedures, doing this immediately after his/her receipt of the Chair of the Appeal Tribunal's written statement.
- 11.15 The Chair of the SICCP shall take reasonable steps to notify the Complainant in writing of the outcome of the appeal and to provide the Complainant with a copy of the Appeal Tribunal's written statement.

## **Publication and Disclosure of the Appeal Tribunal's Decision**

- 11.16 If the sanction that is confirmed or imposed by the Appeal Tribunal is Censure of the Respondent, or Suspension or Revocation the Respondent's GISP-AP Certification, the publication and disclosure requirements of Part 2.7 of these procedures shall also apply in the case of the Appeal Tribunal's decision.

## **PART 12 – CONFIDENTIALITY**

*Part 12 details confidentiality requirements.*

- 12.1 Unless as otherwise provided for in these procedures, and in the "Confidentiality and Conflict of Interest Declaration" that must be signed by all Chairs and members of the SICCP, Complaint Tribunals and Appeal Tribunals, or unless the Spatial Information Commission Certification Panel (SICCP) is required otherwise by compulsion of law or a court order in respect of any complaint, confidentiality is to be maintained
- (a) that a complaint has been lodged;
  - (b) that proceedings are or have been instituted to deal with such complaint; and
  - (c) as to the outcome of such complaint.

## **PART 13 - CONFLICT OF INTEREST**

*Part 13 details the procedures that must be followed when a member of a Complaint Tribunal or Appeal Tribunal, including their Chairs, has a conflict of interest.*

- 13.1 Where a member of a Complaint Tribunal, or a member of an Appeal Tribunal, has a significant, direct or indirect, pecuniary or other interest that would lead to a reasonable apprehension that the member may be biased in the conduct of his/her role, he/she

- (a) must disclose the facts and circumstances to the Chair of the Complaint or Appeal Tribunal, as the case may be, as soon as possible; and
- (b) must not participate in the consideration or investigation of the complaint unless the Chair of the Tribunal concerned is satisfied that in the circumstances it is appropriate that the member should continue in the role.

13.2 If the Chair of a Complaint Tribunal, or the Chair of an Appeal Tribunal, has a significant, direct or indirect, pecuniary or other interest that could conflict, or could be seen as conflicting, with his/her functions in relation to a particular complaint, the Chair of the Tribunal concerned

- (a) must disclose the facts and circumstances to the Chair of the Spatial Information Commission Committee, as soon as possible; and
- (b) must not participate in the consideration or investigation of the complaint unless the Chair of the Spatial Information & Cartography Commission Committee is satisfied that in the circumstances it is appropriate that the Chair of the Tribunal concerned should continue in the role.

## **PART 14 - VACANCIES ON TRIBUNALS**

14.1 The office of Chair or of a member of a Complaint Tribunal or an Appeal Tribunal becomes vacant if the person holding such office:

- (a) dies or becomes incapacitated; or
- (b) resigns the office in writing, addressed to the Chair of the SICCP for Complaint Tribunal resignations, and addressed to the Chair of the Spatial Information Commission Committee for Appeal Tribunal resignations; or
- (c) is removed from office.

14.2 Vacancies on a Complaint Tribunal or an Appeal Tribunal shall be filled in the same manner as appointments are made to Complaint Tribunals and Appeal Tribunals.

## **PART 15 - MISCELLANEOUS**

### **Respondent may admit improper conduct**

15.1 A Respondent may admit the improper conduct alleged in the complaint at any stage in the processing of the complaint, by providing a signed and dated written statement admitting the improper conduct to the Chair of either the Spatial Information & Cartography Commission Certification Panel (SICCP), or the Complaint Tribunal, or the Appeal Tribunal, as the case may be, depending on whether the Chair of the SICCP, or a Complaint Tribunal, or an Appeal Tribunal, is processing the complaint at the time that the Respondent admits the improper conduct alleged in the complaint.

15.2 If it is the Chair of the SICCP who is processing the complaint at the time that the Respondent admits the improper conduct alleged in the complaint, then the SICCP shall meet in closed session within fourteen (14) days of receiving the Respondent's admission of

improper conduct and impose a sanction on the Respondent in accordance with Part 2.6 of these procedures.

- (a) After the SICCP has met and imposed a sanction on the Respondent in accordance with Part 15.2 of these procedures:
  - (i) the Chair of the SICCP shall notify the Respondent in writing of the sanction it has imposed and the reasons for imposing that particular sanction, within seven (7) days of it imposing a sanction of the Respondent; and at the same time
  - (ii) the Chair of the SICCP shall also notify the Respondent in writing of the right of appeal, of the grounds on which an appeal may be made, and of the deadline for the lodging of an appeal; but noting that any such appeal shall only relate to appealing the sanction that the SICCP has imposed.
- (b) The sanction imposed by the SICCP in accordance with Part 15.2 of these procedures shall become final twenty eight (28) days after the date on which the Respondent is notified of the sanction that the SICCP has imposed, unless in the meantime the Respondent lodges an appeal with the Chair of the SICCP appealing the sanction that the SICCP has imposed.
- (c) Publication and disclosure of the improper conduct that the Respondent has admitted to and the sanction that the SICCP has imposed in accordance with Part 15.2 of these procedures, shall be in accordance with Part 2.7 of these procedures, in the same sense as the publication and disclosure of a Final Decision of a Complaint Tribunal, and shall only take place after the sanction imposed by the SICCP in accordance with this Part 15.2 of these procedures has become final.
- (d) If an appeal is lodged with the Chair of the SICCP, the Chair of the SICCP shall immediately
  - (i) forward the Respondent's notice of appeal to the Chair of the Spatial Information Commission Committee;
  - (ii) give written notice to the Respondent that the appeal has been received; and
  - (iii) inform the Respondent that the Chair of the Spatial Information & Cartography Commission Committee will be appointing an Appeal Tribunal to consider the appeal and that the Chair of the Appeal Tribunal so appointed will then contact the Respondent about his/her appeal.
- (e) After Part 15.2 (d) of these procedures has been complied with, if Part 15.2 (d) is applicable, any appeal lodged with the Chair of the SICCP shall then be processed in accordance with Part 10 and Part 11 of these procedures as if it were an appeal lodged with the Chair of a Complaint Tribunal.

15.3 If it is a Complaint Tribunal that is processing the complaint at the time that the Respondent admits the improper conduct alleged in the complaint, then the Complaint Tribunal shall meet in closed session within fourteen (14) days of receiving the Respondent's admission of improper conduct and impose a sanction on the Respondent in accordance with Part 2.6 of these procedures.

- (a) After the Complaint Tribunal has met and imposed a sanction on the Respondent in accordance with Part 15.3 of these procedures:
  - (i) the Chair of the Complaint Tribunal shall notify the Respondent in writing of the sanction it has imposed and the reasons for imposing that particular sanction, within seven (7) days of it imposing the sanction of the Respondent; and at the same time
  - (ii) the Chair of the Complaint Tribunal shall also notify the Respondent in writing of the right of appeal, of the grounds on which an appeal may be made, and of the deadline for the lodging of an appeal; but noting that any such appeal shall only relate to appealing the sanction that the Complaint Tribunal has imposed
- (b) The sanction imposed by the Complaint Tribunal in accordance with Part 15.3 of these procedures shall become final twenty eight (28) days after the date on which the Respondent is notified of the sanction that the Complaint Tribunal has imposed, unless in the meantime the Respondent lodges an appeal with Chair of the Complaint Tribunal appealing the sanction that the Complaint Tribunal has imposed.
- (c) Publication and disclosure of the improper conduct that the Respondent has admitted to and the sanction that the Complaint Tribunal has imposed in accordance with this Part 15.3 of these procedures, shall be in accordance with Part 2.7 of these procedures, in the same sense as the publication and disclosure of a Final Decision of a Complaint Tribunal, and shall only take place after the sanction imposed by the Complaint Tribunal in accordance with Part 15.3 of these procedures has become final.
- (d) If an appeal is lodged with the Chair of a Complaint Tribunal, the Chair of the Complaint Tribunal shall immediately
  - (i) forward the Respondent's notice of appeal to the Chair of the Spatial Information Commission Committee;
  - (ii) give written notice to the Respondent that the appeal has been received; and
  - (iii) inform the Respondent that the Chair of the Spatial Information & Cartography Commission Committee will be appointing an Appeal Tribunal to consider the appeal and that the Chair of the Appeal Tribunal so appointed will then contact the Respondent about his/her appeal.
- (e) After Part 15.3 (d) has been complied with, if Part 15.3 (d) is applicable, any appeal lodged with the Chair of a Complaint Tribunal shall then be processed in accordance with Part 10 and Part 11 of these procedures, in the usual way.

15.4 If it is an Appeal Tribunal that is processing the complaint at the time that the Respondent admits the improper conduct alleged in the complaint, then the Appeal Tribunal shall meet in closed session within fourteen (days) of receiving the Respondent's admission of improper conduct and either uphold, quash or vary the sanction that was earlier imposed on the Respondent by a Complaint Tribunal.

- (a) After the Appeal Tribunal has met and upheld, quashed or varied the sanction that was earlier imposed on the Respondent by a Complaint Tribunal, in accordance with

this Part 15.4 of these procedures, the Chair of the Appeal Tribunal shall notify the Respondent in writing of its decision in relation to the sanction that was earlier imposed on the Respondent by a Complaint Tribunal, within seven (7) days of it making that decision, together with its reasons for that decision; and the processing of the complaint shall be resumed at Part 11.13 of these procedures.

## **Notices**

- 15.5 Any notice given to a Respondent under these procedures shall be deemed to have been properly served if sent by certified post to the last address advised to the SSSI by the Respondent.
- 15.6 If the Respondent, either before or after the complaint has been disposed of, satisfies the Chair of the SICCP that any notice to the Respondent was not in fact delivered; or was delivered later than delivery might have been expected in the ordinary course of certified post and that in consequence they were unaware of the proceeding being taken against him/her, then, at the Respondent's request, the Chair of the SICCP must re-initiate the proceeding, notwithstanding that the proceeding may have been concluded.

## **Liability**

- 15.7 The Surveying and Spatial Sciences Institute (SSSI) shall not be liable to a Respondent or any other person for damage arising from any finding(s) made or sanction(s) imposed in accordance with these procedures.
- 15.8 The Surveying and Spatial Sciences Institute (SSSI) shall not be liable to a Respondent or any other person for damage arising from the publication and disclosure of a Respondent's name, the finding made and the sanction(s) imposed on a Respondent in cases where such publication and disclosure is done in accordance with Part 2.7 of these procedures.

## **Chief Executive Officer of the SSSI**

- 15.9 The Chief Executive Officer (CEO) of the SSSI is responsible for ensuring the performance of administrative actions required by the SICCP and its Chair, Complaint Tribunals and their Chairs, the Chair of the Spatial Information & Cartography Commission Committee and Appeals Tribunals and their Chairs, as the case may be, as specified in these procedures.
- 15.10 The Chief Executive Officer (CEO) of the SSSI shall keep a register of all complaints made under these procedures.
- (a) The register shall contain such particulars as the Spatial Information & Cartography Commission Certification Panel (SICCP) considers necessary.
  - (b) Access to the register by GISP-AP Certificants and the public shall be at the discretion of the Chair of the SICCP, on a case by case basis.

## **Representation**

- 15.11 A legal representative may be engaged by the SSSI for the purpose of advising the SICCP, a Complaint Tribunal, the Spatial Information Commission Committee, or an Appeal Tribunal, or their Chairs, as the case may be, on the manner in which their functions may be exercised.

- 15.12 In any proceeding, the Respondent may appear in person or may be represented by some other person at his or her own cost.
- 15.13 Where the Respondent intends to be represented in any Complaint Hearing, or Appeal Hearing, the Respondent must notify the Chair of the Tribunal concerned of this at least fourteen (14) days prior to the Complaint Hearing, or Appeal Hearing concerned.

### **Legal or other proceedings**

- 15.14 The Respondent and Complainant(s) are required to advise the Chair of the SICCP of any known court proceedings relevant to the complaint.

### **Deferral or suspension of proceedings**

- 15.15 The Chair of the SICCP must defer or suspend the review and adjudication of a complaint, for such period as the Chair of the SICCP considers necessary, if
- (a) the Chair of the SICCP considers that commencing or continuing the proceedings may be, or give rise to, conduct that is in contempt of a court or other body having power to punish for contempt; or
  - (b) the Chair of the SICCP considers that commencing or continuing the proceedings may prejudice the fairness of any proceedings relating to the matters giving rise to the complaint then before, or likely to come before, a court or other body having power to determine rights or liabilities in relation to those matters; or
  - (c) the Chair of the SICCP considers that, due to any other circumstances, such action is warranted.

### **Statement of reasons for decisions**

- 15.16 Where a provision of the procedures requires a person or body making a decision to give written reasons for the decision, the reasons shall include the findings on significant questions of fact and refer to the evidence or other material on which those findings were based.

### **Indemnity of office bearers and others**

- 15.17 Persons undertaking duties on behalf of the Surveying and Spatial Sciences Institute, including the Chair and members of the Spatial Information & Cartography Commission Certification Panel (SICCP), the Chairs and members of Complaint Tribunals, the Chair and members of the Spatial Information Commission Committee and the Chairs and members of Appeal Tribunals, pursuant to these procedures, are indemnified in the discharge of their duties under these procedures by the Surveying and Spatial Sciences Institute.

### **Reporting**

- 15.18 The Chair of the Spatial Information & Cartography Commission Certification Panel (SICCP) shall report to the Spatial Information & Cartography Commission Committee and the SSSI Board at least once annually on any activities undertaken under these procedures and make such recommendations as are considered necessary for the efficient and effective operation of these procedures.

### **Termination of proceedings by the Chair of the SICCP**

15.19 The Chair of the Spatial Information Certification Panel (SICCP) may, with the concurrence of the Chair of the Spatial Information & Cartography Commission Committee and the President of the Surveying and Spatial Sciences Institute (SSSI), terminate a proceeding. Termination of a proceeding must be supported by a brief statement of the reasons for the termination.

### **Persons to step aside in particular circumstances**

15.20 If it is considered in particular circumstances that it would be inappropriate for a person appointed under these procedures to exercise powers under such appointments, then that person or person shall step aside for another appropriate person or persons.

### **Inability to meet a deadline**

15.21 A Respondent is expected to meet all deadlines imposed in accordance with these procedures.

15.22 If a Respondent is unable to meet a deadline imposed in accordance with these procedures, and the Respondent considers that this is due to circumstances which are absolutely beyond his/her control, or because of other absolutely extraordinary conditions, the Respondent may request a reasonable extension of such deadline.

15.23 To make a request for an extension of a deadline because of circumstances which are considered by the Respondent to be absolutely beyond his/her control, or because of other extraordinary conditions, the Respondent shall transmit, together with his/her request, a written explanation of why he/she is unable to meet the particular deadline to either the Chair of the SICCP or the Chair of the Complaint Tribunal or the Chair of the Appeal Tribunal, as the case may be, depending on whether the Chair of the SICCP, or a Complaint Tribunal, or an Appeal Tribunal, is processing the complaint at the time, before the occurrence of the deadline, together with full relevant supporting documentation.

15.24 If the Chair of the SICCP or the Chair of the Complaint Tribunal or the Chair of the Appeal Tribunal, as the case may be, is satisfied, in his/her sole discretion, that the Respondent's reasons for requesting a reasonable extension of the deadline are indeed because of circumstances which are absolutely beyond the control of the Respondent, or because of other extraordinary conditions, the Chair concerned shall set a new deadline and advise the Respondent accordingly, after which the review and adjudication of the complaint shall be resumed in accordance with the new deadline.

15.25 If the Chair of the SICCP or the Chair of the Complaint Tribunal or the Chair of the Appeal Tribunal, as the case may be, is not satisfied in his/her sole discretion, that the Respondent's reasons for requesting a reasonable extension of the deadline are because of circumstances which are absolutely beyond his/her control, or because of other extraordinary conditions, the original deadline shall stand and the review and adjudication of the complaint shall continue in accordance with the original deadline, with or without the Respondent.

## **PART 16 - COSTS**

16.1 Normally, all costs incurred in connection with a complaint by a Respondent, including, but not limited to, his/her own travel, lodging and sustenance costs as well as those of his/her representative and of witnesses that the Respondent might call, shall be Respondent's sole responsibility.

16.2 All costs incurred in connection with a complaint by the Spatial Information & Cartography Commission Certification Panel (SICCP) and its Chair, the Spatial Information & Cartography Commission Committee and its Chair, a Complaint Tribunal and its Chair, an Appeal Tribunal and its Chair, the Chief Executive Officer (CEO) of the Surveying and Spatial Sciences Institute (SSSI), and the SSSI staff member(s) assigned to maintain a record of proceedings, as well as the cost of any legal representative or other representative employed by them, shall be the responsibility of the Surveying and Spatial Sciences Institute (SSSI).

## **APPENDIX A**

### **Complaint Submission Form (Allegation of Improper Conduct)**



## **Spatial Information & Cartography Commission Certification Panel**

### **Complaint Submission Form**

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The Spatial Information & Cartography Commission Certification Panel (SICCP) supplies this form for individuals (complainants) who wish to submit a complaint against a GISP-AP Certificant (a person who has been certified as a Geographic Information Systems Professional – Asia Pacific by the Spatial Information & Cartography Commission Certification Panel (SICCP) of the Surveying and Spatial Sciences Institute (SSSI)).

This complaint form is an official form and must be completed in its entirety, signed and submitted to the Chair of the Spatial Information & Cartography Commission Certification Panel (SICCP), along with suitable documentation in support of the complaint. The Submission must be marked “Confidential” and mailed to: The Chair of the SICCP, Surveying and Spatial Sciences Institute, P.O. Box 307, Deakin West, ACT 2600, Australia.

Because the complaint form will be copied, do not highlight information within the complaint form, do not staple pages, and do not mark pages with tabs of any sort.

The Spatial Information & Cartography Commission Certification Panel (SICCP) requires that you review the [GISP-AP Code of Ethics and Rules of Conduct](#) and the [Spatial Information & Cartography Commission Certification Panel \(SICCP\) Procedures for Reviewing and Adjudicating Complaints against GISP-AP Certificants](#) before completing this complaint submission form. These documents are available on the Spatial Information & Cartography Commission Certification Panel’s (SICCP’s) website at <http://www.spatialsciences.org.au/professional-certification/Level-2-spatial-information.asp>. This review will assist you in understanding the SICCP’s complaint procedures, and the ethical standards and nature of professional conduct that the Surveying and Spatial Sciences Institute requires of its GISP-AP Certificants. You may also telephone the Surveying and Spatial Sciences Institute’s administrative offices at (02) 6282-2282 (within Australia) or +61-2-6282-2282 (International), weekdays, with questions concerning the complaint process, to obtain the aforementioned materials, or to request information in alternative format.

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(Please Type or Print Legibly)

**SECTION I**

**THE COMPLAINANT (the person making the complaint)**

Name of Complainant: \_\_\_\_\_

Home Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Job Position/Title: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Are/were you a client of the Respondent (the GISP-AP certificant against whom the complaint is being made)?

Yes                       No      (Tick one)

Are you a GISP-AP certificant?

Yes                       No      (Tick one)

Have you filed this complaint with other organisations?

Yes                       No      (Tick one)

If your answer to the above question is yes, please indicate below where else this complaint has been filed. If you tick one or more items below, please attach existing documents and a description of the status of the complaint.

Professional organisation  
Organisation: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Court of law  
Organisation/Jurisdiction: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Other  
Organisation: \_\_\_\_\_ Date Filed: \_\_\_\_\_

**SECTION II**

**THE RESPONDENT (the GISP-AP certificant against whom the complaint is being made)**

Name of Respondent: \_\_\_\_\_

Home Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Job Position/Title: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**SECTION III**

**DETAILS OF THE COMPLAINT**

Event #1

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Cite the specific section(s) of the "GISP-AP Code of Ethics and Rules of Conduct" alleged to have been violated by the Respondent, if applicable:

\_\_\_\_\_  
\_\_\_\_\_

Cite the nature of the improper conduct alleged to have been engaged in by the Respondent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the names, addresses, phone numbers and email addresses of all persons who have definite knowledge of the alleged violation(s) of the "GISP-AP Code of Ethics and Rules of Conduct" or alleged improper conduct.

(a) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(b) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(c) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Event #2

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Cite the specific section(s) of the "GISP-AP Code of Ethics and Rules of Conduct" alleged to have been violated by the Respondent, if applicable:

\_\_\_\_\_  
\_\_\_\_\_

Cite the nature of the improper conduct alleged to have been engaged in by the Respondent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the names, addresses, phone numbers and email addresses of all persons who have definite knowledge of the alleged violation(s) of the "GISP-AP Code of Ethics and Rules of Conduct" or alleged improper conduct.

(a) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(b) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(c) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Event #3

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Cite the specific section(s) of the "GISP-AP Code of Ethics and Rules of Conduct" alleged to have been violated by the Respondent, if applicable:

\_\_\_\_\_  
\_\_\_\_\_

Cite the nature of the improper conduct alleged to have been engaged in by the Respondent.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the names, addresses, phone numbers and email addresses of all persons who have definite knowledge of the alleged violation(s) of the "GISP-AP Code of Ethics and Rules of Conduct" or alleged improper conduct.

(a) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(b) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

(c) Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**SECTION IV**

**SUPPORTING DOCUMENTATION**

**Supporting documentation/evidence is REQUIRED and must be supplied.** Include supporting documentation/evidence to substantiate the allegation(s). The supporting documentation/evidence may be submitted in either hardcopy or digital (i.e. CD-ROM) format. Failure to do so will result in a determination that the complaint has not been completed in its entirety. **List the supporting documentation/evidence that is included:**

Event #1

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Event #2

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Event #3

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**STATEMENT OF UNDERSTANDING/WAIVERS:**

1. By signing this form, I affirm that the allegations set forth in this complaint and any accompanying materials are based on my own personal knowledge and are true and correct to the best of my knowledge and belief. I further affirm that I have submitted any and all information and materials currently available to me that I believe relate to the allegations set forth in the complaint. I understand and agree that all information and materials provided by me in connection with this complaint may be used as evidence by the Spatial Information & Cartography Commission Certification Panel (SICCP), or by a Complaint Tribunal or Appeal Tribunal acting on its behalf.
2. Further, by signing this form, I acknowledge that all information, including a copy of this complaint form, any accompanying letters of complaint and supporting documentation will be submitted to the Respondent (in the event that the complaint is accepted for adjudication).
3. Further, by signing this form, I acknowledge that I must treat all information as confidential and that the Spatial Information & Cartography Commission Certification Panel (SICCP), or a Complaint Tribunal or an Appeal Tribunal acting on its behalf, will keep all information it receives strictly confidential, except if it discloses the information to its legal representative, the Respondent, or me, or is required by law, court order, or in compliance with the “Spatial Information & Cartography Commission Certification Panel Procedures for Reviewing and Adjudicating Complaints Against CISP-AP Certificants”, to disclose the information.
4. Further, by signing this form, I acknowledge that I have read the “GISP-AP Code of Ethics and Rules of Conduct” and the “Spatial Information & Cartography Commission Certification Panel Procedures for Reviewing and Adjudicating Complaints Against GISP-AP Certificants” and understand the procedures that will be followed to process this complaint.
5. Further, by signing this form, I allow the Spatial Information & Cartography Commission Certification Panel (SICCP) to submit any information provided about the complaint by me to any other professional organisation that enforces a Code of Ethics and/or Rules of Conduct of which the GISP-AP Certificant (Respondent) is a member or is an applicant for membership, or is a certificant or applicant for certification, if the SICCP finds that the GISP-AP Certificant (Respondent) has engaged in improper conduct and it imposes a sanction of censure on the Respondent, or a sanction suspending or revoking the GISP-AP Certificant’s (Respondent’s) GISP-AP Certification.
6. *(Applicable only where this complaint is being filed by a current or former client of the GISP-AP Certificant and the complaint relates to the services provided to such client.)* Further, by signing this form, I hereby grant permission to the GISP-AP Certificant (Respondent) to release all records of interactions between me and the GISP-AP Certificant (Respondent) to the Spatial Information & Cartography Commission Certification Panel (SICCP) and to answer all questions the SICCP, or a Complaint Tribunal or an Appeal Tribunal, or their respective Chairs, may ask concerning those interactions. Thus, the entire contents of my file, including documents from other service providers, may become part of the evidence.
7. Further, by signing this form, I acknowledge that I have retained a copy of this Complaint Form and all accompanying documentation/evidence in the package of documents/materials being submitted in relation to this complaint to the Chair of the Spatial Information & Cartography Commission Certification Panel (SICCP).

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Signature of Complainant

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Date

## **APPENDIX B**

### **CONFIDENTIALITY AND CONFLICT OF INTERSET DECLARATION**

**CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION  
BY THE CHAIR OR A MEMBER  
OF  
THE SICCP, A COMPLAINT TRIBUNAL, AN APPEAL TRIBUNAL**

I .....declare that I have read and understand the attached policies on “Confidentiality” and “Conflicts of Interest” and agree to comply with them.

Date:	Full Name:  Signature:
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**\*Please also initial each page**

# **POLICY ON CONFIDENTIALITY**

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## **Part A**

Confidentiality is the cornerstone of the Spatial Information & Cartography Commission Certification Panel's activities.

All information or evidence provided or obtained for the purpose of reviewing and adjudicating complaints made against a GISP-AP certificant are subject to the conditions of the Australian Privacy Act 1998 (Cth).

Information or evidence that is expected to be maintained as confidential by the Chair and members of the SICCP, a Complaint Tribunal or an Appeal Tribunal, and the Surveying and Spatial Sciences Institute Executive Office, shall be designated (highlighted) as "confidential".

All information or evidence provided or obtained for the purpose of reviewing and adjudicating complaints made against a GISP-AP certificant including any reports of the Chair of the SICCP, a Complaint Tribunal or an Appeal Tribunal, shall be stored in a secure manner at the Spatial Science Institute (SSSI) Executive Office, or wherever else the processing of a complaint is being conducted, to prevent unauthorised access. Furthermore, any transmittal of such information or evidence shall be via secure carriers and technologies and when any documented or digital information or evidence is no longer required it shall be destroyed using a secure method such as burning or shredding.

Chairs and members of the SICCP, Complaint Tribunals or Appeal Tribunals should seek guidance from the Chief Executive Officer (CEO) of the Surveying and Spatial Sciences Institute if they have any questions about the confidentiality of information or evidence.

## **Part B**

Unless as otherwise provided for in the "Spatial Information & Cartography Commission Certification Panel Procedures for Reviewing and Adjudicating Complaints Against GISP-AP Certificants", or unless the Spatial Information & Cartography Commission Certification Panel is required otherwise by compulsion of law or a court order, in respect of any complaint, confidentiality is to be maintained

- (a) that a complaint has been lodged;
- (b) that proceedings are or have been instituted to deal with such complaint; and
- (c) as to the outcome of such complaint.

Unless as otherwise provided for in the Spatial Information & Cartography Commission Certification Panel Procedures for Reviewing and Adjudicating Complaints Against GISP-AP Certificants, or unless the Spatial Information & Cartography Commission Certification Panel is required by compulsion of law or a court order, in respect of any complaint,

- (a) information or evidence provided or obtained for the purpose of reviewing and adjudicating a complaint made against a GISP-AP certificant shall not be disclosed to anyone who does not need to have the information or evidence.
- (b) information or evidence provided or obtained for the purpose of reviewing and adjudicating a complaint made against a GISP-AP certificant shall not be used for any purpose other than that for which they were originally intended, i.e. for reviewing and adjudicating a complaint made against a GISP-AP Certificant.

# **POLICY ON CONFLICTS OF INTEREST**

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## **Part A**

It is the policy of the Spatial Information & Cartography Commission Certification Panel (SICCP) to prohibit the Chair and members of the SICCP, a Complaint Tribunal or an Appeal Tribunal, from participating in the review and adjudication of a complaint when he or she has an unresolved, existing or potential conflict of interest of either a personal, professional, business or financial nature such as, for example:

- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal is or was employed by the same organisation as the Respondent.
- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal is, or has been, under consideration for a position at the Respondent's organisation.
- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal and the Respondent have collaborated professionally or have had a business or professional partnership relationship in the past.
- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal is serving, or has served, on a committee, board, or similar body as the Respondent's.
- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal and the Respondent has a family relationship.
- The Chair or member of the SICCP, Complaint Tribunal or Appeal Tribunal and the Respondent are known to be either close friends or open antagonists.

## **Part B**

Where a member of the SICCP, a Complaint Tribunal, or a member of an Appeal Tribunal, has a significant, direct or indirect, pecuniary or other interest that would lead to a reasonable apprehension that the member may be biased in the conduct of his/her role in relation to the review and adjudication of a complaint against a GISP-AP certificant, he/she

- (a) shall disclose the facts and circumstances to the Chair of the SICCP, a Complaint Tribunal or an Appeal Tribunal, as the case may be, as soon as possible; and
- (b) shall not participate in the consideration or investigation of the complaint unless the Chair of the SICCP or the Tribunal concerned is satisfied that in the circumstances it is appropriate that the member should continue in the role.

If the Chair of the SICCP, the Chair of a Complaint Tribunal, or the Chair of an Appeal Tribunal, has a significant, direct or indirect, pecuniary or other interest that could conflict, or could be seen as conflicting, with his/her functions in relation to a particular complaint, the Chair of the SICCP, or the Chair of the Tribunal concerned,

- (a) shall disclose the facts and circumstances to the Chair of the Spatial Information Commission Committee, as soon as possible; and
- (b) shall not participate in the consideration or investigation of the complaint unless the Chair of the Spatial Information & Cartography Commission Committee is satisfied that in the circumstances it is appropriate that the Chair of the Tribunal concerned should continue in the role.