

لمباڭ اركيتيڭ جوروترا قُروفيسيونل دان جورواوكور باهن نڭارا بروني دارالسلام Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

## **GUIDELINE NO. 1**

ARCHITECTS, PROFESSIONAL ENGINEERS AND QUANTITY SURVEYORS, ORDER 2011 AND ARCHITECTS, PROFESSIONAL ENGINEERS AND QUANTITY SURVEYORS, RULES 2016

## PART VII – SECTION 35-50

## DISCIPLINE AND ETHICS MANUAL

DISCIPLINE AND ETHICS COMMITTEE 09<sup>th</sup> April 2016

### First Edition Copyright Board of Architects, Professional Engineers and Quantity Surveyors (BAPEQS) Board Management Division (BMD) Ministry of Development Negara Brunei Darussalam

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## **DISCIPLINE AND ETHICS MANUAL 2016**

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Background

BOARD of ARCHITECTS, PROFESSIONAL ENGINEERS and QUANTITY SURVEYORS (APEQS) is the first Board members consented by His Majesty The Sultan And Yang Di-Pertuan on 13th September 2012. BAPEQS was established under the Ministry of Development (MOD) and was chaired by its Permanent Secretary. The Board has since then appointed ten (10) members to be a part of it.

Board of Architects, Professional Engineers and Quantity Surveyors (APEQS) Board Management Division (BMD) Ground Floor (East Wing), Ministry of Development Building, Jalan Pembangunan, BB3510 Brunei Darussalam.

### **SECTION 2**

Mission

To regulate the qualifications and practice of architects, professional engineers and quantity surveyors and the provision of services by bodies and sharing in various disciplines.

## **SECTION 3**

Objectives

- 1. Maintaining and developing standards of professional conducts and ethics of the Architects, Professional Engineers and Quantity Surveying professions.
- 2. Promote learning and education in connection with Architects, Professional Engineers and Quantity Surveying.

#### Functions

- 1. Keep and maintain register of APEQS.
- 2. Hold exams to enable person to qualify for registration.
- 3. Approve/reject application.
- 4. Cancel, remove or reinstate any registration.
- 5. Recommend scale of fees to be charged.
- 6. Establish, maintain and develop standards of professional conduct and ethics of APEQS professions.
- 7. Promote learning and education related to APEQS.
- 8. Hear and determine disputes relating to conduct or ethics of registered APEQS or to appoint a committee or arbitrator to hear and determine those disputes.
- 9. Appoint arbitrators for purpose of hearing and determining disputes between registered APEQS or licensed corporations or partnerships and other persons.
- 10. To license corporations or multi-discipline partnerships which intend to supply APEQS services in Brunei Darussalam.
- 11. Generally to do such acts, matters and things as are necessary to be carried out under the Order.

## SECTION 5

#### APEQS Order 2011

- 1. To provide registration of APEQS.
- 2. To regulate qualifications and practice of APEQS, and the supply of APEQS services in Brunei Darussalam by corporations and multidiscipline partnerships.

APEQS Composition of Investigation Panels

#### [A] Investigation Panels Part VII Section 35

		M				
Role	Minimum No. of Persons	Investigation of Architects	Investigation of Engineers	Investigation of Quantity Surveyors	Term of Service	Clause Ref.
Panel Member	7 (5 for QS)	Registered Architect with 10 years standing and not members of the Board	Registered Engineers with 10 years standing and not members of the Board	Registered Quantity Surveyors with 10 years standing and not members of the Board	2 years	§35
Allied Panel Member	5 (3 for QS)	Allied Professionals (Engineer or Quantity Surveyor) or Layman	Allied Professionals (Architect or Quantity Surveyor) or Layman	Allied Professionals (Engineer or Architect) or Layman	2 years	§35

APEQS Composition Investigation Committees

#### [B] Investigation Committees Part VII Section 38

		м	inimum Requiren	nents		
Role	Minimum No. of Persons	Investigation of Architects	Investigation of Engineers	Investigation of Quantity Surveyors	Term of Service	Clause Ref.
Chairman	1	Member of the Board and a Registered Architect	Member of the Board and a Registered Engineer	Member of the Board and a Registered Quantity Surveyor	As the board sees fit	§38
Member	2	Registered Architect drawn from Investigation Panel; has not previously assisted the Registrar to review the same complaint	Registered Engineer drawn from Investigation Panel; has not previously assisted the Registrar to review the same complaint	Registered Quantity Surveyors drawn from Investigation Panel; has not previously assisted the Registrar to review the same complaint	As the board sees fit	§38
Allied Member	1	Registered Allied Professional drawn from Investigation Panel (Engineer or QS); has not previously assisted the Registrar to review the same complaint	Registered Allied Professional drawn from Investigation Panel (Architect or QS); has not previously assisted the Registrar to review the same complaint	Registered Allied Professional drawn from Investigation Panel (Architect or Engineer); has not previously assisted the Registrar to review the same complaint	As the board sees fit	§38

**APEQS** Composition Disciplinary Committees

#### [C] Disciplinary Committees Part VII Section 42

		Μ	linimum Requirem	ents		
Role	Minimum No. of Persons	Investigation of Architects	Investigation of Engineers	Investigation of Quantity Surveyors	Term of Service	Clause Ref.
Chairman	1 (drawn from Committee Members)	Any member of the Disciplinary Committee as decided by the Board; not a member of an investigation committee inquiring into the same complaint	Any member of the Disciplinary Committee as decided by the Board; not a member of an investigation committee inquiring into the same complaint	Any member of the Disciplinary Committee as decided by the Board; not a member of an investigation committee inquiring into the same complaint	As the board sees fit	§42
Member 3 (2 shall be members of the Board)		Registered Architect with 10 years standing; not a member of an investigation committee into the same complaint	Registered Engineer with 10 years standing; not a member of an investigation committee into the same complaint	Registered Quantity Surveyor with 10 years standing; not a member of an investigation committee into the same complaint	As the board sees fit	§42

Appointment of Disciplinary Panel and Disciplinary Committee Process Flowchart

(as attached Appendix A)

## **SECTION 10**

Appointment of Investigation Panel and Investigation Committee Process Flowchart

(as attached Appendix B)

11.1 LIST OF FORMS

NO.	STANDARD ADMINISTRATIVE FORMS	REFERENCE CODE
1.	<b>Complaint Form</b> (as attached Appendix C)	FORM APEQS – CF1
2.	<b>Complaint Form – Checklist A</b> (as attached Appendix D)	FORM APEQS – CF1A
3.	<b>Complaint Form – Checklist B</b> (as attached Appendix E)	FORM APEQS – CF1B
4.	Investigation Assessment Sheet (as attached Appendix F)	APEQS - IDAS
5.	<b>Appeal Form</b> (as attached Appendix G)	APEQS – APF1

## 11.2 SCHEDULE OF FORMS

(as attached Appendix H)

## **SECTION 12**

Complaints Handling Process [CHP] & Board Decision and Appeal Process Flowchart

(as attached Appendix I)

## APPENDIX A

**SECTION 9** 

## APPOINTMENT OF DISCIPLINARY PANEL AND DISCIPLINARY COMMITTEE PROCESS FLOWCHART



### APPOINTMENT OF INVESTIGATION PANEL AND INVESTIGATION COMMITTEE PROCESS FLOWCHART



## **APPENDIX B**

**SECTION 10** 

## APPOINTMENT OF INVESTIGATION PANEL AND INVESTIGATION COMMITTEE PROCESS FLOWCHART



### APPOINTMENT OF DISCIPLINARY PANEL AND DISCIPLINARY COMMITTEE PROCESS FLOWCHART



## **APPENDIX C**

FORM APEQS – CF1

# **COMPLAINT FORM**

FORM APEQS-CF1



لمباڭ اركيتيك جوروترا قروفيسيونل دان جورواوكور باهن نڭارا بروني دارالسلام

Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

Attention To : **Head Secretariat Of Board Of APEQS** Ground Floor, Ministry of Development Building, Jalan Pembangunan, BB 3510, Negara Brunei Darussalam.

For	<u>r Office Use</u>	
CF Ref	:	
Received By	:	
Date Receive	ed :	

## **COMPLAINT FORM**

#### SECTION A : PARTY CONCERNED

(The person against whom the complaint is being made) :

Name	License Number (if known)
Company	
Address	
Phone	Fax
Email	Other Information
	<b>SECTION B : COMPLAINANT</b> (The person making the complaint) :
Name	Identity Card Number
Address	
Phone	Fax
Email	



Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

[NOTE: Details of Complainant must be provided in order to pursue the Complaint]

**SECTION C : DESCRIBE THE COMPLAINT.** Be brief and concise. What actually happened? Who else are involved? Give times, dates, locations and details. Include copies of **All RELEVANT DOCUMENTATIONS**, including plans, maps, letters, contracts, etc. If there is no written contract, explain and provide references and details of the agreement, including dates.

[NOTE: Attach extra pages as needed and be as complete as possible]

#### DECLARATION

By signing the below I declare that the information contained above in this complaint, including any attached pages, is true and correct to the best of my knowledge and belief

Signature

Date

Received By :	Acknowledged By :
<b>Head Secretariate Of Board Of APEQS</b> Date:	<b>Chairman Of Board Of APEQS</b> Date:

REGISTRAR; For Further Action

Completed COMPLAINT FORM APEQS-CF1 must be submitted with CHECKLIST A FORM APEQS-CF1A



#### SECTION D : LIST OF RELEVANT DOCUMENTATIONS

[As stated in SECTION C]

No.	Document Title	Ref No.	Pages
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

## **APPENDIX D**

FORM APEQS – CF1A

# COMPLAINT FORM -Checklist A

FORM APEQS-CF1A



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Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

## **COMPLAINT FORM (APEQS CF-1) CHECKLIST A**

#### TO BE COMPLETED BY HEAD SECRETARIATE, BAPEQS

CF REF : \_\_\_\_\_

RECEIVED ON :\_\_\_\_\_

#### KINDLY TICK THE BELOW ACCORDINGLY

Of the APEQS ORDER, 2011 :

ILLEGAL PRACTICE

-SECTION 10 (1,3,4,6,8) 11 (1,3,4,6,8) 12 (1,3,4,6,8) (Registrar to review and if provided sufficient merits to warrant, as stated in section 10(9),11(9) and 12(9), person is guilty of an offence and liable in respect to his first offence \$10,000 and in respect of his second and subsequent offence, \$20,000 and imprisonment for a term not exceeding one year)

Architect	Professional Engineer	Quantity Surveyor

The complaint concerns a person has **practiced** or; **sign or submitted documents** or; **verbally or otherwise used the a derivative, abbreviation or any word, name or designation** or; **advertised, held, conducted himself as a person authorized to supply** architecture, professional engineering or Quantity Surveying, without being a registered professional with in force practicing certificate, under the supervision of a registered professional with in force practicing certificate or approved by board to work in collaboration with a registered professional with in force practicing certificate.

#### EMPLOYMENT OF UNREGISTERED ARCHITECT, UNREGISTERED PROFESSIONAL ENGINEER OR UNREGISTERED QUANTITY SURVEYOR PROHIBITED

-SECTION 14 (1) (Registrar to review and if provided sufficient merits to warrant, as stated in section 14 (2), person is guilty of an offence and liable in respect to his first offence \$2,000 and in respect of his second and subsequent offence, \$5,000

The complaint concerns a person employed as architect, a professional engineer or a quantity surveyor, who is neither registered nor who has a valid practicing certificate.



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Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

#### **REMOVAL FROM REGISTER**

-SECTION 22 (2) (as stated in section 37 (3), need not be refer complaint or information to the Registrar, and as stated in section 22(2) may orders name and other registered particulars removed from the register)

- (a) The complaint concerns the knowledge that he (concerned) has obtained his registration by fraud or misrepresentation.
- (b) The complaint concerns the knowledge that he (concerned) has his qualifications for registration under section 17 has been withdrawn cancelled by the authority through which he was acquired or by which it was awarded.
- (c) The complaint concerns knowledge that he has refused or failed to comply with any order made by the board under section 47(2)(c) or (e) which is an order impose by the board of a penalty not exceeding \$10,000 or any order to which the board thought fit.

## COMPLAINTS AGAINST REGISTERED ARCHITECTS, REGISTERED PROFESSIONAL ENGINEERS OR REGISTERED QUANTITY SURVEYORS

-SECTION 36 (to be referred to Registrar for review)

- (a) The complaint concerns conviction of a registered architect, a registered professional engineer or a registered quantity surveyor of any offence involving fraud, dishonesty or moral turpitude, or implying a defect in character which makes him unfit for his profession;
- (b) The complaint concerns any improper act or conduct of a registered architect, a registered professional engineer or a registered quantity surveyor in his professional capacity which brings disrepute to his profession;
- (c) The complaint concerns any contravention by a registered architect, a registered professional, engineer or a registered quantity surveyor of any provision of the prescribed code of professional conduct and ethics;
- (d) The complaint concerns the ability of a registered architect, a registered professional engineer or a registered quantity surveyor to carry out the duties of an architect, a professional engineer or a quantity surveyor effectively in Brunei Darussalam; or
- (e) The complaint concerns the any failure on the part of a registered architect, a registered professional engineer or a registered quantity surveyor while being a director, a manager or an employee of a licensed body corporate, or a partner, a manager or an employee of a licensed partnership, to take reasonable steps to prevent that body corporate or partnership from acting in a manner (other than as described in section 33(1)(d)



## لمباڭ اركيتيك جوروترا قُروفيسيونل دان جورواوكور باهن نڭارا بروني دارالسلام 🦰

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Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

Head Secretariate, BAPEQS recommendation :				
	<b>Refer to Registrar for review under SECTION 10, 11, 12</b>			
	<b>Refer to Registrar for review under SECTION 14</b>			
	Complaint to be reviewed by the Board in accordance to SECTION 22 (2)			
	<b>Refer to Registrar for review under SECTION 36</b>			
Remarks:				

Acknowledged by:

**Chairman of the Board of APEQS** Date:

**APPENDIX E** 

FORM APEQS – CF1B

# COMPLAINT FORM -Checklist B



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## **COMPLAINT FORM (APEQS CF-1) CHECKLIST B**

#### TO BE COMPLETED BY REGISTRAR, BAPEQS

CF REF : \_\_\_\_\_

RECEIVED ON : \_\_\_\_\_

#### KINDLY TICK THE BELOW ACCORDINGLY

1.0 Employme Unregister	
YES NO	Has the person employed as an architect, professional engineer, or quantity surveyor who is neither a registered professional who has in force a practicing certificate
1.1 Registration	- If yes to the below, kindly proceed to "1.4 Complaint Review A", if not, proceed to next checklist (Illegal Practice)
VES	Is concerned a registered professional, Under the direct supervision by a registered professional, or authorized by the board to work in collaboration with a registered professional (all who which have in force a practicing certificate)?
1.2 Illegal praction	<b>ce :-</b> If no to the below, Registrar may recommend that complaint or information be dismissed, if yes, proceed to "1.3 Offence" and review count of offences as stated in 10(9) 11(9) & 12(9)
U YES	Does evidence provided show the concerned a person has <b>practiced</b> or; <b>sign or submitted documents</b> or; <b>verbally or otherwise used the a derivative, abbreviation or any word, name or designation</b> or; <b>advertised, held, conducted himself as a person authorized to supply</b> architecture, professional engineering or Quantity Surveying, without being registered architect, a registered professional engineer or a registered quantity surveyor with in force practicing certificate?
1.3 Offence:-	If yes to the below, concern is liable for a conviction to a fine not exceeding \$10,000 as stated in section 10(9)(a), 11(9)(a) or 12(9)(a); and if not, concern is liable on conviction to a fine not exceeding \$20,000, and imprisonment for a term not exceeding one year or both as stated in section 10(9)(b), 11(9)(b) or 12(9)(b);
YES NO	Is this the concerned first offence?



<b>1.4 Complaint Review A:-</b> If yes to the below, complaint or information can be recommended to be dismissed as stated in section 37(6)(a), if not, proceed to "1.5 Complaint Review B"					
YES NO	Is complaint frivolous, vexatious, misconceived or without merits, or that the information is not substantial?				
1.5 Complaint Review B:-	If yes to the below recommend that board refer matter to a Disciplinary committee for a formal inquiry as stated in section $37(6)(b)$ , if not refer recommend to the board that matter be referred to an Investigation committee as stated in section $37(6)(c)$				
YESNO	Does complaint or information relates to the conviction (whether in Brunei Darussalam or elsewhere) of the registered professional of an offence that involves fraud or dishonesty; or implies a defect in character which makes the registered professional unfit for his profession?				
REGISTRAR recommenda	ation:		pard that concerned has illegally employed and is liable for to eeding \$2,000 & \$5000 for the second an subsiquent offence.		
		Recommend of nor is practice	lismissal on the grounds that the concerned is not registered ed illegally.		
			coard that concerned has illegally practiced and is liable for respect to his first offence to a fine not exceeding \$10,000.		
		conviction in	Board that concerned has illegally practicing and is liable for n respect to his second or subsequent offence to a fine not 20,000, imprisonment for one year or both.		
			dismissal on the grounds that complaint frivolous, vexatious, ceived or without merits, or that the information is not		
		Recommend that board refer matter to a Disciplinary committee for a forma inquiry Recommend to the board that matter be referred to a Investigation committe for an inquiry [Tick where applicable]			
Remarks:					
Reviewed and Reco	mmended By:		Acknowledged By:		
<b>Registrar of the Bo</b> Date:	ard of APEQS	5	<b>Chairman of Board of APEQS</b> Date:		

**APPENDIX F** 

**APEQS - IDAS** 

# Investigation Assessment Sheet



### INVESTIGATION AND DISCIPLINARY ASSESSMENT SHEET

[This form is to be used for guidance only]

#### TO BE COMPLETED BY HEAD SECRETARIATE OF BOARD, BAPEQS

COMPLAINT REF :						
CASE NO. :		DATE:				
NAMES OF COMMITTEE MEMBERS: 1						
	2					
	3					
	4					
TYPE OF ASSESSMENT:						
Interview	Interviewee:					
	Position:					
Audit of Document	Document Title:					
	<b>D</b>					
Site Investigation						
INDINGS: NOTE: Attach extra pages as need	led and be complete as poss	ible]				



INVESTIGATION COMMITTEE	
Recommendation: Section 40	(a) Order that the complaint or information be dismissed;
	(b) Order that the registered architect, the registered professional engineer or the registered Quantity Surveyor be issued with a letter of advice or a letter of warning;
	(c) Order that a formal inquiry be held by a Disciplinary Committee;
	(d) Make such other order as the Board thinks fit.
DISCIPLINARY COMMITTEE Recommendation: Section 46	(a) That the registered architect, the registered professional engineer or the registered quantity surveyor concerned has been convicted of any offence involving fraud, dishonesty or moral turpitude, or such defect in character which makes him unfit for his profession;
	(b) That the registered architect, the registered professional engineer or the registered quantity surveyor concerned has been guilty of such improper act or conduct which, in the opinion of the Disciplinary Committee, bringd disresoute to his profession;
	(c) That the registered architect, the registered professional engineer or the registered quantity surveyor concerned has contravened any provision of the prescribed code of professional conduct and ethics;
	(d) That the registered architect, the registered professional engineer or the registered quantity surveyor concerned is no longer in a position to carry out the duties of a registered architect, a registered professional engineer or a registered quantity surveyor effectively in Brunei Darussalam; or
	(e) That the registered architect, the registered professional engineer or the registered quantity surveyor concerned while being a director, a manager or an employee of a license body corporate, or a partner or an employee of a license partnership or limited liability partnership from acting in a manner (other than as described in section $33(1)(e)$ ) which would warrant the Board revoking any license granted to the body corporate, partnership or limited liability partnership and partnership or limited liability partnership (2).
Remarks:	



Prepared By :	Seconded By :		
[ ] Investigation Committee	[ ] Chairman Of Investigation Committee		
[ ] Disciplinary Committee [Tick where applicable] Date:	[ ] Chairman Of Disciplinary Committee [Tick where applicable] Date:		

## APPENDIX G

APEQS – APF1

# **Appeal Form**



لمباڭ اركيتيك جوروترا قُروفيسيونل دان جورواوكور باهن نڭارا بروني دارالسلام

Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

To: Honourable Minister of Development, Level 6, Ministry Of Development Building, Development Road, BB 3510, Negara Brunei Darussalam.

<u>For (</u>	<u>Office Use</u>	
Appeal Ref	:	
Received By	÷	
Date Receive	d :	

## **APPEAL FORM**

Name	License Number (if known)
Company	
Address	
Phone	Fax
Email	Other Information
2. REASON FOR BOARD'S DECISION	
Case No. :	
Board's Decision	

1. APPELLANT

Date Of Letter Of Notice [DD/MM/YYY]



لمباڭ اركيتيك جوروترا قُروفيسيونل دان جورواوكور باهن نڭارا بروني دارالسلام

Brunei Darussalam Board of Architects Professional Engineers and Quantity Surveyors

**Reason For Appeal** [For disagreement with the decision]

[IMPORTANT: The request to have the Board of APEQS decision appealed must be submitted within 30 days after the service of the Notice of the Order (Section 48).]

I hereby give notice that I am dissatisfied with Board of APEQS decision regarding my request and wish to exercise my right to request a reconsideration of this decision. I attached herewith all relevant supporting documents for your perusal.

Signature

Date

#### FOR USE OF THE MINISTER OF DEVELOPMENT

Received By :

Honourable Minister of Development

Date:

## **APPENDIX H**

# **Schedule of Forms**

#### SCHEDULE OF FORMS USED WHEN HANDLING COMPLAINTS

Refer to Flowchart for Complaints Handling Process [CHP] & Board Decision and Appeal Process

ITEM	FORM	USE	PREPARATION		WHO SIGN	REMARK	
NO.			WHO	WHEN			
1.0	COMPLAINT FORM (FORM APEQS – CF1)	To record complaint received from complainant, client and/or public	Complainant, client and/or public	When making a complaint	Complainant	<ol> <li>Form received by Head BAPEQS Secretariate</li> <li>Acknowledged by Chairman BAPEQS</li> </ol>	
2.0	COMPLAINT FORM – CHECKLIST A (FORM APEQS – CF1A)	To identify source and review of complaint	Head Secretariate BAPEQS	After receiving a complaint	Chairman BAPEQS	Recommendation(s) is to be made to the Registrar and/or Board	
3.0	COMPLAINT FORM – CHECKLIST B (FORM APEQS – CF1B)	To review and give recommendation(s) to a complaint	Registrar BAPEQS	When any recommendation(s) from FORM APEQS – CF1A is made to Registrar	Registrar BAPEQS	Recommend matter to the Board and matter to be referred to Investigation Committee or Disciplinary Committee	
4.0	INVESTIGATION AND DISCIPLINARY ASSESSMENT SHEET (APEQS – IDAS)	To make further assessment and give recommendation(s) to a complaint	Head Secretariate BAPEQS	When the Board refer the matter to Investigation Committee or Disciplinary Committee	<ol> <li>Investigation Committee</li> <li>Chairman of Investigation Committee</li> <li>Disciplinary Committee</li> <li>Chairman of Disciplinary Committee</li> </ol>	Assessment Sheet can be used for Investigation Committee Assessment and Disciplinary Committee Assessment	
5.0	APPEAL FORM (APEQS – APF1)	To record appeal received from appellant	Appellant	Within 30 Days upon receiving BAPEQS Letter Of Notice Of Warning	Appellant	Form to be submitted to the Minister of Development	

## **APPENDIX I**

## Complaints Handling Process [CHP] & Board Decision and Appeal Process Flowchart



COMPLAINTS HANDLING PROCESS [CHP] AND BOARD DECISION AND APPEAL PROCESS FLOWCHART



