

# **ETHICS & DISCIPLINE**

**(Extract from AFP<sup>CM</sup> and  
CFP<sup>®</sup> Certification Manual)**

**COE  
Section (2)**

## **DISCIPLINARY REGULATIONS**

### **Discipline and Professional Conduct**

#### **1 Disciplinary action**

- 1.1 A Member shall be liable to disciplinary action in any of the following cases:
- 1.1.1 if it is alleged that he is guilty of misconduct. For the purpose of this paragraph, misconduct includes, but is not confined to, any of the following:
    - 1.1.1.1 if the Member is represented to be guilty of any act likely to bring discredit to himself, the FPAS or the profession;
    - 1.1.1.2 if he has been found guilty by a court in Singapore or in any country whose judgements are registrable in Singapore of an offence which would bring discredit to himself or the FPAS;
    - 1.1.1.3 if he has been found guilty in any civil proceedings to have acted fraudulently or dishonestly;
  - 1.1.2 if it is alleged that he has performed his professional work or the duties of his employment or conducted his practice inefficiently or incompetently in such a manner as to bring discredit to himself, the FPAS or the profession;
  - 1.1.3 if he has been found guilty in any disciplinary proceedings instituted against him by the FPAS
  - 1.1.4 if it is alleged that he has contravened or failed to comply with any of the Professional Standards of the FPAS;
  - 1.1.5 if he has failed to satisfy a judgment debt or has, individually made an assignment for the benefit of creditors or has, under any resolution of creditors or order of the court or any deed or document, had his estate placed in liquidation for the benefit of creditors or has made any arrangement for the payment of a composition to creditors.
- 1.2 The FPAS may take disciplinary action against any person who has whilst he was a Member been guilty of misconduct or neglect of duty which would have rendered him liable for such action if he had remained as a Member and in such a case, all provisions relating to investigation and discipline shall apply to him as if he were still a Member.

## **Investigation Committee**

### **2 Appointment**

- 2.1 The FPAS may from time to time appoint one or more committees comprising:
- 2.1.1 4 Members; and
- 2.1.2 a lay person (in relation to an Investigation Committee, means an accountant, architect, banker, advocate and solicitor, company director, insurer, professional engineer, medical practitioner or a person who possesses such other qualifications as may be approved by the FPAS);
- to be known as Investigation Committees to hear and determine any complaint of professional misconduct made against any Member.
- 2.2 Three Members of the Investigation Committee of whom one shall be the lay person shall constitute a quorum.
- 2.3 An Investigation Committee shall be appointed in connection with one or more matters or for a fixed period of time as the FPAS may think fit.
- 2.4 The FPAS may at any time revoke the appointment of any Investigation Committee or may remove any Member of an Investigation Committee or fill any vacancy in an Investigation Committee.
- 2.5 An Investigation Committee shall have powers to co-opt other Members.
- 2.6 Co-opted Members shall be competent to exercise any of the functions conferred upon Members of the Investigation Committee.
- 2.7 An Investigation Committee may act notwithstanding any vacancy in its Membership provided that there is a quorum; and no act done by or under the authority of the Investigation Committee shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the Members or any of them.
- 2.8 The FPAS shall appoint a Member of an Investigation Committee to be the Chairman of the Committee.
- 2.9 An Investigation Committee shall meet from time to time for the despatch of business and, subject to the provisions of these regulations, may determine its own procedure and the mode of deciding questions before it.
- 2.10 An Investigation Committee shall not be bound to act in a formal manner and shall not be bound by any law relating to evidence but may inform itself on any other matter in such manner as it thinks fit.
- 2.11 An Investigation Committee may appoint a legal adviser who may be present at any inquiry into any matter to advise the Investigation Committee on all matters of law.

### **3 Complaints against Member**

- 3.1 Any Member or any person may in writing bring to the attention of the President/Executive Director any complaint which indicates that a Member may be liable to disciplinary action.
- 3.2 The President/Executive Director may if he thinks fit require that the complaint be supported by one or more statutory declarations.

- 3.3 Where the President/Executive Director has received any complaint or where facts are brought to his knowledge which satisfy him that there may be grounds for such a complaint, he shall lay the complaint or facts, as the case may be, before an Investigation Committee.
- 3.4 The Investigation Committee shall investigate the matter and determine whether or not it is to be referred to the Disciplinary Committee.

#### **4 Notice of hearing**

- 4.1 Before any investigation begins in respect of any matter:
- 4.1.1 the President/Executive Director shall post or deliver to the Member concerned:
- 4.1.1.1 copies of the written complaint (if any) and of any statutory declaration that may have been made in support of the complaint; and
- 4.1.1.2 a notice setting out any further particulars that may be necessary to disclose the reason for the investigation and inviting the Member concerned within such period as may be specified in the notice (which shall not be less than 14 days) to give to the President/Executive Director any written explanation he may wish to offer and to advise the Executive Director if he wishes to be heard by the Investigation Committee.
- 4.2 The Investigation Committee shall allow the time specified in the notice to lapse and shall give the Member concerned reasonable opportunity to be heard if he so desires and shall give due consideration to any explanation he may make.
- 4.3 The Investigation Committee shall give the Member concerned not less than 14 days' notice of the time, date and place of the hearing of the case.

#### **5 Powers of Investigation Committee**

- 5.1 For the purposes of its investigations, the Investigation Committee may:
- 5.1.1 call upon or employ any person to make whatever preliminary inquiries it thinks necessary;
- 5.1.2 require the production for inspection by the Investigation Committee or any person so employed of any books, documents or papers which may relate to or be connected with the subject-matter of the investigation; and
- 5.1.3 require any Member to give all information in relation to any such books, documents or papers which may be reasonably required by the Investigation Committee or by the person so employed.
- 5.2 Any Member who without lawful excuse refuses or fails to produce to the Investigation Committee or to any person whom the Investigation Committee may employ for the purpose of investigation, any books, documents or papers required for him under rule 5.1.3 or fails to give any such information relating thereto shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000

**6 Matters which Investigation Committee may take into consideration**

- 6.1 The Investigation Committee may take into account any fact or matter which has been considered by an Investigation Committee on any previous occasion in relation to the Member concerned (in respect of which, although a prima facie case has been made out, no case was referred to the Disciplinary Committee) and if it is decided to refer the case to the Disciplinary Committee then the reference may include all or any of the facts and matters which were on each occasion so considered by the Investigation Committee.
- 6.2 Without prejudice to any other action it may take, if the Investigation Committee is of the opinion that the facts and matters laid before it indicate that the Member may be or may have been managing his practice inefficiently or in whatever occupation of a professional nature has been acting inefficiently or incompetently, the Investigation Committee may, in its absolute discretion, advise the Member to obtain advice from such source as the Investigation Committee may determine. If the Member fails to seek such assistance when advised to do so, that fact shall be recorded.

**7 Hearing before Investigation Committee**

- 7.1 The Member concerned shall be entitled:
- 7.1.1 to be heard before the Investigation Committee;
  - 7.1.2 to be represented by an advocate and solicitor or a Member as he may wish; and
  - 7.1.3 to call witnesses.
- 7.2 If the Member concerned does not attend the hearing as fixed, the Investigation Committee may proceed to hear the case in his absence provided it is satisfied that notice of the hearing has been given in accordance with rule 4.3.
- 7.3 All evidence given at the hearing of any matter by the Investigation Committee shall be given orally except that the Investigation Committee shall also be entitled to obtain sworn affidavits from any person if it considers them necessary for the better investigation of the matter.
- 7.4 Where a case of a Member who is liable to disciplinary action under rule 1.1.1.2, 1.1.1.3 or 1.1.3 has been referred to the Investigation Committee, the Investigation Committee shall have discretion to treat as proved any fact accepted by the FPAS or by the court, as the case may be, and the Investigation Committee may report to the Disciplinary Committee in such manner as it thinks fit.
- 7.5 The Investigation Committee shall report its findings to the Disciplinary Committee within 3 months from the date of the commencement of investigation. If the Investigation Committee is unable to do so within such period, it may apply to the President for an extension of time of up to 3 months. Any further extension of time thereafter may be granted by the President on such terms and conditions as it thinks fit.

## **Disciplinary Committee**

### **8 Appointment**

- 8.1 The FPAS shall appoint annually a Disciplinary Committee which shall consist of not less than 4 Members of the FPAS.
- 8.2 Three Members of the Disciplinary Committee shall constitute a quorum.
- 8.3 The Disciplinary Committee may, subject to these rules, regulate its own procedures in such manner as it thinks fit.

### **9 Decision of Disciplinary Committee**

- 9.1 Upon consideration of the report of the Investigation Committee, the Disciplinary Committee may order:
  - 9.1.1 in the case of a Member:
    - 9.1.1.1 that his name be removed from the register and that he shall cease to be a Member;
    - 9.1.1.2 that his registration as a Member be suspended for such period as the Investigation Committee may recommend;
    - 9.1.1.3 that he be fined a sum not exceeding \$25,000;
    - 9.1.1.4 that he be censured;
    - 9.1.1.5 that notwithstanding the Investigation Committee's findings, no further action be taken on the case; or
    - 9.1.1.6 that he obtains advice or professional assistance from such source as the Disciplinary Committee thinks appropriate;
- 9.2 The Disciplinary Committee may order the Member concerned to pay to the FPAS such sums as it thinks fit in respect of costs and expenses of and incidental to any investigation and inquiry.
- 9.3 Any penalty imposed or costs and expenses incurred by the FPAS under this section shall be recoverable as a debt due to the FPAS.
- 9.4 The Disciplinary Committee may, where it thinks fit, require an Investigation Committee to consider further evidence and meet for that purpose except that the Member concerned shall be given not less than 14 days' notice of such further meeting of the Investigation Committee.

### **10 Effective date of decision**

- 10.1 The decision of the Disciplinary Committee shall, unless it is otherwise specified, take effect from the date of the decision.

**11 Surrender of Membership certificate**

- 11.1 In the event of the name of a person being removed from the register or of a person being suspended from Membership, the certificate of Membership shall be delivered up by him to the Chief Executive Officer to be cancelled or retained during the suspension, as the case may be.

**12 Publication of decision**

- 12.1 The Disciplinary Committee's decision taken under these rules may be published in any official publication of the FPAS. Every Member shall be deemed to have agreed, as part of the conditions to join FPAS, that no civil action in defamation may be brought against the FPAS, its officers or any person employed by it for making such official publication. In addition, the FPAS, its officers or any person employed by it shall have qualified privilege in making such publication.
- 12.2 The Disciplinary Committee's decision taken under these rules may also be referred to the relevant authorities.

For the purpose of this rule, "official publication" includes all local newspapers

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