MALAYSIAN TOURIST GUIDES COUNCIL
CODE OF ETHICS

ARTICLE I

1. INTRODUCTION

There has been a dramatic increase in the ethical expectations of businesses and professions over the past years. Increasingly, customers and clients are deliberately seeking out those who define the basic ground rules of their operations with specific statements of minimally acceptable professional behaviour and conduct or of prohibitions in their dealings.

The Malaysian Tourist Guides Council's Code of Ethics sets forth the principles and ethical standards that underline the tourist guiding professional responsibilities, behaviour and conduct. These principles and standards are used as guidelines when examining everyday professional activities of the guiding industry. They constitute normative statements for tourist guides and provide guidance on issues that licensed tourist guides encounter in their professional work. The Code of Ethics is meant to be a living, growing body of knowledge, precedent, and experience. It stimulates the licensed tourist guides thinking and encourages them to seek guidance and clarification when there are questions about principles, practices, and standards of behaviour and conduct.

The MTGC's Code of Ethics is also intended to complement the Tourism Industry Act 1992 of Malaysia and other relevant gazetted legislation in the country. The MTGC supports the Malaysian Government legislation and believes that by the Malaysian licensed tourist guides making a commitment to best industry practice, the confidence of both customers and the public generally, will be enhanced which will directly better the tourism image of Malaysia.

The Code of Ethics is a developed statement of principles dealing with the industry practices in tourist guiding which are designed to set a standard of best industry practices and fair dealings between customers and MTGC affiliated tourist guides associations and licensed tourist guides. The Code of Ethics exists to instill public confidence in the operations of licensed tourist guides. Although the Code of Ethics is not legislation like an Act of Parliament, it is binding on and between MTGC's tourist guides associations and the licensed tourist guides; and customers may make use of the procedures set out in the Code of Ethics dealing with complaints and disputes.

The MTGC's Code of Ethics consists of an Introduction, Preamble, General Principles and Responsibilities, specific Ethical Standards and Administrative Procedures. This Code of Ethics also comprises Rules and Procedures of the MTGC and the tourist guides association Hearing Committee which describe the procedures for filing, investigation, and hearing complaints of unethical behaviour and conduct and the process of Appeal for those imposed with a sanction.

The General Principles and Responsibilities of the Code of Ethics are moral guidelines and they should be considered by licensed tourist guides in arriving at an ethical course of action and may be considered by ethics bodies in interpreting the Ethical Standards.

The Ethical Standards set forth enforceable rules for behaviour and conduct by licensed tourist guides and the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. Any behaviour and conduct that is not specifically addressed by this Code of Ethics is not necessarily ethical or unethical.

Tourist guides associations affiliated to MTGC and licensed tourist guides commits to adhere to the Code of Ethics and to the Policies and Procedures of MTGC on Professional Ethics. Licensed tourist guides are advised of this obligation and that violations of the Code of Ethics may lead to the imposition of sanctions.

MALAYSIAN TOURIST GUIDES COUNCIL
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ARTICLE II

2. PREAMBLE

The Malaysian Tourist Guides Council is committed to ethical practices. The preservation of the highest standards of integrity and ethical principles is vital to the responsible discharge of obligations in the profession of tourist guiding.

This Code of Ethics expresses the ethical principles and values of the Malaysian Tourist Guides Council and serves as a guide to the professional behaviour and conduct of all licensed tourist guides and sets forth the fundamental principles and rules considered essential to this purpose. It also informs the tourism and the hospitality service industry which they serve of the standards of ethical behaviour and conduct for which licensed tourist guides are to be responsible and accountable. It has as its primary goal the welfare and protection of the customers with whom licensed tourist guides work. MTGC shall maintain a liaison with all entities, both public and private, which are interested or involved in tourism and hospitality ethics, particularly as they relate to the fields of tourist guiding.

The Code of Ethics articulates a common set of values upon which licensed tourist guides build their professional and guiding work. It is intended to provide both the general principles and the rules to cover professional situations encountered by licensed tourist guides as well as a useful guide for licensed tourist guides as they carry out their ethical responsibilities. The development of this set of ethical standards for a licensed tourist guide's work-related conduct essentially requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by those engaged in the industry as well as others working colleagues. It is the individual responsibility of each licensed tourist guide to aspire to the highest possible standards of behaviour and conduct in guiding, research, practice, presentation and service.

The Code of Ethics is designed to anticipate and accommodate, by precedent, ethical challenges that may arise. The scenarios outlined in the code provisions are actual examples of misconduct.

Principles of Ethics, aspirational or inspirational in nature, form the underlying moral basis for the Code of Ethics. Individuals shall observe these principles as affirmative obligations under all conditions of professional activity. The value of each tourist guides association and licensed tourist guide reputation depends upon the ethical conduct of each of the tourist guides association and licensed tourist guide setting an example for each other – as well as other professionals – by the pursuit of excellence with high standards of performance, professionalism, and ethical conduct.

Tourist guides associations and licensed tourist guides are accountable to customers, the public and their peers and are therefore subject to the complaints and disciplinary procedures of the Malaysian Tourist Guides Council. Any action that violates the spirit and purpose of this Code of Ethics shall be considered unethical. Failure to specify any particular responsibility or practice in this Code of Ethics shall not be construed as denial of the existence of such responsibilities or practices.

Violations of this Code of Ethics, however, do not automatically imply legal liability. Such a determination can only be made by due process and procedures sets out in the Code of Ethics. This peer review process is intended to enable MTGC to advise the tourist guides associations and discipline the licensed tourist guides in response to complaints either with peers or from the public and the customers.

This Code is not a static document but will need revisions over time because of the continuing development of ethical knowledge and the emergence of consensus on challenging ethical issues. MTGC and the tourist guides associations shall review and assess this Code of Ethics periodically and recommend any amendments thereto to the Ethics Committee.

MALAYSIAN TOURIST GUIDES COUNCIL
CODE OF ETHICS

ARTICLE III

3.1 PROVISION IN THE CONSTITUTION AND BY-LAWS OF THE MALAYSIAN TOURIST GUIDES COUNCIL

Under the Constitution and By-Laws of the Malaysian Tourist Guides Council, every tourist guides association and licensed tourist guide shall be bound by this Code of Ethics for the purpose of regulating the ethical behaviour, conduct and practices of licensed tourist guides. The Code of Ethics is promulgated by the Malaysian Tourist Guides Council and approved by the Ministry of Culture, Arts and Tourism, Malaysia for this purpose.

3.2 DEFINED WORDS

In this Code of Ethics, unless the context otherwise defines, the following words and phrases have the meanings and references set out below :-

" his " – throughout this Code of Ethics, pronouns of the masculine gender shall include the other gender;

" MTGC " or " Council " – the Malaysian Tourist Guides Council;

" tourist guides association " means a tourist guides association affiliated to the Malaysian Tourist Guides Council;

" licensed tourist guide " means a person who has successfully completed a tourist guide course, has passed all required examinations and has attained the age of eighteen (18) years at time of application, be certified physically and mentally fit by a registered medical practitioner or Government Medical Officer, is free from any infectious disease, has no criminal record and has the ability and competence to act as a tourist guide and any other matter deems necessary as prescribed in Regulation 4 (a-c) Tourism Industry (Licensing and Control of Tourist Guides) Regulations 1992 – Tourism Industry Act 1992 and is also issued a license by the licensing authority, the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) to render service to tourists or any other person by guiding them on tour for a remuneration and is a member of a tourist guides association affiliated to the Malaysian Tourist Guides Council;

" tourist guide " means a person who renders service to tourists or any other persons by guiding them on tours for remuneration;

" Code of Ethics " or " Code " – this Code of Ethics as promulgated by the Malaysian Tourist Guides Council and as revised and re-promulgated by MTGC from time to time;

" Ethics Committee " - comprises of members of the tourist guides associations or licensed tourist guides elected or appointed by the Malaysian Tourist Guides Council to deal with matters pertaining to the Code of Ethics;

" CTRE " – Continuing Tourism Related Education;

" inbound tour " means a tour to or of Malaysia or any place within Malaysia;

" license " means a license granted under the Tourism Industry (Licensing And Control of Tourist Guides) Regulations 1992;

“ licensed travel agent ” means a company which is licensed by the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) in accordance with Section 2, Act 482 under the Tourism Industry Act 1992 to carry on or operate a travel agency business;

“ company ” has the meaning assigned thereto by the Companies Act 1965;

“ person ” includes a body of persons, corporate or unincorporated;

“ tour ” includes sightseeing, excursions, shopping, visits to places of interest or entertainment, and other activities normally undertaken by a tourist or as defined under the Tourism Industry Act 1992;

“ tour operating business ” means any business of providing all or any of the following services: - arranging for sale or commission any transportation, accommodation, tour services or any other incidental services for tourists within or outside Malaysia; organizing or conducting for sale or commission tours; providing conveyances for hire to tourists or any other services incidental to any of the services enumerated above; or as defined under the Tourism Industry Act 1992;

“ tourist ” means any person, whether he is a Malaysian national or otherwise, visiting any place in Malaysia for any of the following purposes, namely pleasure, recreation or holiday; culture; religion; visiting friends or relatives; sports; business; meetings, conferences, seminars or conventions; studies or research; or any other purpose which is not related to an occupation that is remunerated from the place visited; or as defined under the Tourism Industry Act 1992;

“ customer ” means any person or body that engages, employ or requires the services of a licensed tourist guide;

“ authorisation card ” means an authorisation card issued by the Commissioner of Tourism to a licensed tourist guide under subsection 24 (2) of the Tourism Industry Act 1992 as further specified and defined under Form 3 in the First Schedule of the Tourism Industry (Licensing and Control of Tourist Guides) Regulations 1992;

“ submitter “ – a person or persons filing a submission (as herein defined).

“ set procedures ” – are procedures that are defined and outlined in the latest National Occupational Skills Standards (NOSS).

MALAYSIAN TOURIST GUIDES COUNCIL
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ARTICLE IV

4.1 GENERAL PRINCIPLES

4.1.1 The following General Principles are aspirational and serve as a guide for licensed tourist guides in determining ethical courses of action in various contexts. They exemplify the highest ideals of professional behaviour and conduct.

4.1.2 Professional Competence

Licensed tourist guides strive to maintain the highest levels of competence in their work; they recognize the limitations of their expertise; and they undertake only those assignments or tasks for which they are qualified by education, training, or experience and subsequently given the license. They recognize the need for ongoing Continuing Tourism Related Education (CTRE) in order to remain professionally competent; and they utilize the appropriate professional, technical, management and administrative resources needed to ensure competence in their professional activities. They consult with other industry or non-related industry professionals when necessary for the benefit of their customers, colleagues and the public.

A licensed tourist guide is the well-informed intermediary between up-to-date research in all fields and the many different levels of tourist demand and interest. The profession is necessitated by the breadth and depth of knowledge required together with the associated practical skills and itinerary planning. Developments in many fields are so rapid as to require frequent and considerable update study and ongoing professional training at a level that can encompass wide knowledge.

4.1.3 Integrity

Licensed tourist guides are honest, fair, and respectful of others in their professional activities – in research, training, practice and service. Licensed tourist guides do not knowingly act in ways that jeopardize either their own or others' professional welfare and safety. Licensed tourist guides conduct their affairs in ways that inspire trust and confidence; they do not knowingly make statements that are false, misleading, damaging, or deceptive.

4.1.4 Professional and Industry Responsibility

Licensed tourist guides adhere to the highest professional standards and accept responsibility for their work. Licensed tourist guides understand that they form a community and show respect for other licensed tourist guides as well as other industry-related professionals even when they disagree on theoretical, methodological, or personal approaches to professional activities. Licensed tourist guides value the public trust in the guiding and the handling of tourists and are concerned about their ethical behavior and conduct and that of other licensed tourist guides that might compromise that trust. While endeavoring always to be collegial, licensed tourist guides must never let the desire to be collegial out weight their shared responsibility for ethical behavior and conduct. When appropriate, they consult with colleagues in order to prevent or avoid unethical behaviour and conduct. When undertaking assignments, they strive to advance the image of both the country and the profession and to serve the public good.

4.1.5 Respect for Individual's Rights, Dignity and Diversity

Licensed tourist guides respect the rights, dignity, and worth of all people. They strive to eliminate bias in their professional activities, and they do not tolerate any forms of discrimination based on age; gender; race; ethnicity; national origin; religion; disability; health conditions; or marital, domestic, or parental status. In all of their work-related activities,

licensed tourist guides acknowledge the rights of others to hold values, attitudes, and opinions that differ from their own.

4.1.6 Social and Civil Responsibility

Licensed tourist guides are aware of their professional, social and civil responsibilities to the communities and societies in which they live and work. They apply and make public their knowledge in order to contribute to the public good and uphold the rule of law.

4.2 RESPONSIBILITIES TO THE PROFESSION

Tourist guiding is an important and learned profession. Every licensed tourist guide is responsible in the involvement of essential preserving and enhancing ethical standards to building and maintaining the respect and credibility of the profession. Using the values, principles, standards of behaviour and conduct, with commitment as foundation, and continuing to work together on ethical issues, Malaysian Tourist Guides Council ensure that the licensed tourist guide fulfill his obligation to build and maintain the framework to professional performances, behavior, conduct and responsibilities that deserves the public's trust and support.

Every licensed tourist guide is expected to exhibit the highest standards of integrity, hospitality, courtesy, and honesty and to ensure that the guiding services are appropriate to, and in accordance with, professional norms and standards associated with international guiding practice for which tourist guiding has a direct and vital impact on the tourists.

The licensed tourist guide acknowledges ethics and morality as inseparable elements of performing his duty and will test every decision against the highest standards of honesty, fairness, impunity, legality and conscience conducted personally or collectively at all times such as to bring credit to the profession and the tourism industry at large. As such, the MTGC's Code of Ethics articulates core values and reminds the licensed tourist guide some of his more obvious responsibilities and fundamentally to discharge his duty ethically. The profession acknowledges that ethics and morality as inseparable elements of a licensed tourist guide in carrying out his duty and will test every decision against the highest standards of honesty, legality, fairness, impunity, and conscience. It means having a standard upon which acts are judged thus improving the profile of the profession and together they enhance the sense of community among licensed tourist guides, of belonging to a group with common values and a common mission.

Licensed tourist guides performing under a standard of professional behavior and conduct shall adhere to the highest principles of ethical behaviour and conduct of the Code of Ethics. Adherence to the Principles of the Code of Ethics signifies competence, fair dealing and high integrity. It also clearly defines accepted and acceptable behavior and conduct, promote high standards of practice, provide a benchmark for the licensed tourist guide to use for self evaluation, establish a framework for professional behavior, conduct and responsibilities, promotes goodwill and harmony amongst licensed tourist guides, promotes commitment by the licensed tourist guide to compliance with laws and regulations and promotes the maintenance of the high public standing to the profession.

Most importantly, MTGC's mission is to enhance the professionalism of the guiding industry in Malaysia through the practice of the Code of Ethics amongst the tourist guides associations and the licensed tourist guides to exemplify high standards of occupational identity and as a mark of responsibility and maturity.

4.3 RESPONSIBILITIES TO THE INDUSTRY AND COUNTRY

Tourism has emerged as an industry that will play a vital role in Malaysia's future economic and social development. It is an industry that impacts on a diverse range of economy activity and contributes significantly to job growth, revenue earnings and regional development. Tourism spending for example shopping represents a major injection of revenue into the Malaysian economy, also creating growth and jobs.

A key feature of the tourism industry is people and service. The "tourist experience" is largely determined by these two factors. It is therefore important to ensure that a strategic approach to planning and development is undertaken to ensure that the industry has the human resource skills to function effectively servicing and delivering the tourist's expectations.

A licensed tourist guide importantly as he is – is one of the very first person the tourists meet upon arrival in Malaysia and also the very last person to see them off. The "tourist experience" created therefore directly depends on how the licensed tourist guide keep the customers happy and satisfied by playing his role as a successful Malaysian " host " to these visitors.

In today's tourism marketplace, the licensed tourist guide roles as spelt out in the Code of Ethics is to complement and support the effort undertaken by the government in its tourism plans and policies, and by delivering the desired satisfaction to every tourist handled. In this aspect, the most important element that the licensed tourist guide need is *'competency'* and in the tourist guiding industry, such level of competency is crucial in the profession in order for the Malaysia tourism industry to stay a winner in the trade. The fast developing tourism industry of Malaysia will bring about new demands and new rules to the tourism business with customers' expectations faceted. Therefore a licensed tourist guide needs to prepare himself to stand before unexpected future ferocious challenges in delivering his services. These moves will mean profound changes to the manner and methods the licensed tourist guide service the tourists and his responsibilities to the industry by understanding and applying customization and personalization in his job. Hence, the goal to make every tourist enjoy their stay with us should be the focus of the licensed tourist guide in carrying out his job to achieve our government's tourism objectives.

4.4 RESPONSIBILITIES TO CUSTOMERS

Tourism plays a pivotal role in the economy of Malaysia. Delivering quality service will be one of the major challenges facing the licensed tourist guide in the tourism industry. It will be an essential condition for success in the emerging, keenly competitive global hospitality market. As this service industry continues to grow in importance, it is therefore imperative that customers have confidence in their dealings with licensed tourist guides.

Dealing with customers in today's business and commercial world is not just part of the job but something that by large is " where, you get service and greater demands on quality ". Outstanding customer service is a crucial element in achieving competitive advantage in an increasingly competitive world. In the interest of fostering consumer protection, through the Code of Ethics the licensed tourist guide should provide services in respond to the needs and requirements of the tourists. The services provided by the licensed tourist guide require honesty, impartiality, fairness and equity, and must be also dedicated to the protection of the consumer safety and welfare.

We all know the saying that the customer is always right and this well known phrase is still applicable, though plans need to be set in place to ensure that both the licensed tourist guide and the tourists benefit from the outcome and to assure that the right decisions are made by the licensed tourist guide.

MTGC in this Code of Ethics provides guidelines for dealing with customers. It is important, for instance that when the licensed tourist guide is dealing with disgruntled and angry customers to remain calm and listen carefully to what the customers are saying thus providing an opportunity to prevent the situation from turning sour. By such actions the licensed tourist guide can understand what the problems the customers are experiencing and also what he intend to do to resolve the problems. Listening to the customers' problems also enables the licensed tourist guide to be sympathetic and understanding, which will make the tourists feel that the licensed tourist guide cares and empathizes with them.

Customers today not only require but also expect good quality customer service. Good quality customer service means planning and giving personalize attention. Traditionally, customization in the tourism industry means giving the tourists what they want, while personalization is anticipating beyond their expectations of what they ask for. Attention to detail should be the hallmark of a better service through this Code of Ethics. Service that can seamlessly integrate our operations give priority to create national pride and provide top-notch tourist service. Sharpening our competitiveness shall allow us to evolve to be poised to accelerate service *par excellence*. The Code of Ethics therefore exerts a *de facto* regulatory

effect, protecting both customers and the licensed tourist guide to establishing professional standards of their dealings and relationships.

4.5 RESPONSIBILITIES TO THE ENVIRONMENT AND WORLD

Tourism and the environment are natural partners, particularly in Malaysia. Tourism depends on the natural environment as one of its major attractions and tourism can often be an economic justification for environmental conservation and preservation.

It is therefore important that tourism developments are compatible with the conservation and preservation of the environment and that development takes into account the bio-diversity of the environment.

The licensed tourist guide can promote and assist in the adoption of best environmental conservation and preservation practices in the tourism industry by encouraging and enhancing community awareness of the values of conservation and preservation. His knowledge background in the various habitats to be visited will provide proper supervision of the tourists he handles, thus preventing disturbances and/or damages to the area, and enables him to answer questions of floral and fauna interest. Every nature trip with an experienced, well-trained and responsible licensed tourist guide who has a respect and understanding of nature and conservation and preservation issues relevant to the area will prevent any damage caused by uncontrolled access by tourists.

The Code of Ethics incorporated with its strong elements which reflect the respects frailty of mother nature remind the licensed tourist guide that there is always an urgent need to actively and consciously work to protect and preserve our natural environment and natural resources in all that we does. The Code of Ethics creates awareness and realization that unless the licensed tourist guide is willing to help in its conservation and preservation of the environment, unique and beautiful destinations may not be here for future generations to enjoy.

The licensed tourist guide involved in nature tours should be fully aware that the conservation and preservation of local species of floral and fauna which are fragile, rare or close to extinction should be the subject of conservation and preservation to save the population and habitat as much as possible. The licensed tourist guide should attempt to inhibit damages and to support or allow the regeneration of species damaged due to unsupervised encroachment by tourism development. These precautions should be applied to animal life of all kinds and all ecosystems. For animals in all waters and also for animals dwelling in caves within forests and coastlines such precautions should be observed with special diligence.

Through the participation of CTRE, the licensed tourist guide in the industry can assist and encourage input into research directed towards enhancing environmental conservation and preservation within the tourism industry.

By practising high ethical standards of their conduct while carrying out their duties, the licensed tourist guide involved should consider that in all circumstances, all factors of the human, cultural and natural environment contribute to an equilibrium where damage to one factor inevitably affects the whole complex. Planning and developing tourist activities within the area by the licensed tourist guide must take into consideration the interrelations of all factors of the environment : physical, biological, human, animal, flora, fauna, cultural and spiritual in order to avoid negative effects.

MALAYSIAN TOURIST GUIDES COUNCIL
CODE OF ETHICS

ARTICLE V

5.1 ETHICAL STANDARDS

5.1.1 ADHERENCE AND FAMILIARITY WITH THE CODE OF ETHICS

i. The licensed tourist guide has an obligation and responsibility to be familiar with this Code of Ethics, understands its application to his professional behaviour and conduct, strives to adheres and adopts to its principles and values, attempts to resolve ethical issues according to this Code of Ethics including other applicable ethics codes, and its application to his work.

ii. Lack of awareness or misunderstanding of an ethical standard is not, in itself, a defense to a charge of unethical conduct.

iii. The licensed tourist guide should be familiar with other sources of information which shall assist them in making informed professional decisions. These include: the laws, regulations, and policies that are professionally relevant to his working environment.

iv. No tourist guides association or licensed tourist guide shall in any way attempt to persuade, induce or coerce another tourist guides association or licensed tourist guide to breach this Code of Ethics. The tourist guides association or licensed tourist guide hereto agree that inducing the breach of this Code of Ethics is considered a violation of the Code of Ethics.

5.2 GENERAL RESPONSIBILITIES

5.3 THE RESPONSIBILITIES OF MTGC

5.3.1 MTGC is fully committed to the pursuit of excellence in the travel and tourism industry. The MTGC together with the tourist guides associations and the licensed tourist guides are dedicated to maintain the highest degree of professionalism and ethical conduct in the industry.

5.3.2 MTGC shall assist and facilitate the tourist guides association and the licensed tourist guide to obtain the knowledge, training and motivation required to perform professionally.

5.3.3 MTGC shall assist and facilitate the tourist guides association and the licensed tourist guide with the same opportunity to perform, advance, and be evaluated against the same standards as all licensed tourist guides engaged in the same or similar tasks.

5.3.4 MTGC shall assist, facilitate and encourage industry input into research, studies and surveys directed towards enhancing the betterment of the tourism industry and the environment.

5.4 GENERAL CODE OF ETHICS

5.4.1 The licensed tourist guide in the fulfillment of his professional duties, shall pledge to conduct his activities in accordance with the Constitution and By-Laws of MTGC and the tourist guides associations, the Code of Ethics and other existing laws of the Government, which are promulgated and

amended from time to time, where necessary, to safeguard the interests of the tourist guides associations, the licensed tourist guides and the industry.

5.4.2 The licensed tourist guide shall adhere to the Code of Ethics by observing all regulations so that discipline of the licensed tourist guide is maintained at all times.

5.4.3 Adherence to the Code of Ethics signifies competence, fair dealing and high integrity. Failure to adhere to the Code of Ethics may subject the member or the licensed tourist guide to be imposed with a sanction in accordance with the provisions of the MTGC Constitution and Code of Ethics.

5.4.4 The tourist guides association and the licensed tourist guide projecting and upholding the good image of Malaysia shall at all times adhere to the principles of the Rukunegara by applying the prescribed government ideologies so that discipline of the profession be maintained. (Belief in God, Loyalty to the King and Country, Upholding of the Constitution, Rule for the Law, and Good behavior and morality – *Attached hereto as Appendix 2*)

5.4.5 The tourist guides association and the licensed tourist guide shall not be involved in any conduct or act which is prejudicial to the image of Malaysia, the tourism industry or to the image of a licensed tourist guide.

5.4.6 To maintain national pride, self respect and the image of the profession the licensed tourist guide shall adhere to the standard dress form by following authorized regulations identifying the dress code specified under the Fourth Schedule of the Tourism Industry (Licensing and Control of Tourist Guides) Regulations 1992 (*Attached hereto as Appendix 3*).

5.4.7 The licensed tourist guide shall wear to display the authorization card issued by the licensing authority, the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) conspicuously whenever he is on duty or conducting any tour.

5.5 SPECIFIC DUTIES AND RESPONSIBILITIES

5.6 IMPROVEMENT TO PROFESSION

5.6.1 The licensed tourist guide shall maintain, pursue and improve his professional competence by continually reading appropriate professional literature, participating in research, educational seminars and programs in their field and pursuing other continuing professional educational activities.

5.6.2 The licensed tourist guide shall attend the compulsory CTRE programs as defined by MTGC and / or the tourist guides association. *(Attached hereto as Appendix 5)*

5.6.3 The licensed tourist guide shall attend further courses of training and participate in any tourism related programs or professional educational activities specified by the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title), MTGC or any other tourist guides association.

5.6.4 The licensed tourist guide shall strive to continually improve professional competence and ability through professional information exchanges, and encourage the professional development of associates and colleagues.

5.6.5 The licensed tourist guide shall use every resource, including referral when appropriate, to ensure that high-quality service is provided.

5.6.6 The licensed tourist guide shall attend seminars, courses and programs to upgrade his communication skills by applying various relevant techniques using knowledge gained so that they can communicate effectively in accordance to the industry's requirements.

5.6.7 The licensed tourist guide shall adopt a proactive role in all tourist guides associations' activities and MTGC sponsored projects.

5.6.8 The licensed tourist guide shall acknowledge that there is an obligation to protect and enhance the profession.

5.7 CODE OF CONDUCT TOWARDS THE ENVIRONMENT

5.7.1 The tourist guides association and the licensed tourist guide shall support and learn conservation and preservation oriented programs with organizations working to conserve and preserve the environment and the heritage.

5.7.2 The tourist guides association and the licensed tourist guide shall encourage relevant authorities to identify areas worthy of conservation and preservation if any, which would ensure those areas are conserved and preserved.

5.7.3 The tourist guides association and the licensed tourist guide shall ensure that community attitudes, cultural values and concerns, including local customs and beliefs, are taken into account in the planning of all tourism-related activities or projects.

5.7.4 The tourist guides association and the licensed tourist guide shall encourage regular environmental audits of practices throughout the tourism industry and to encourage necessary changes to those practices.

5.7.5 The tourist guides association and the licensed tourist guide shall enhance the appreciation and understanding by tourists of the environment through the provision of accurate information and appropriate interpretation.

5.7.6 The tourist guides association and the licensed tourist guide shall respect and support the conservation and preservation of historic and religious objects and sites.

5.8 CO-OPERATION AMONGST THE TOURIST GUIDES ASSOCIATION AND THE LICENSED TOURIST GUIDE

5.8.1 The tourist guides association and the licensed tourist guide shall endeavor to assist those who enter the tourist guiding profession to acquire a full understanding of the ethics, processes, responsibilities and competencies of the profession and by keeping them informed of significant advances in their areas of practice.

5.8.2 The tourist guides association and the licensed tourist guide shall honor their responsibility to the profession and their relationships with colleagues and other tourist guides associations or licensed tourist guides. They shall uphold the dignity and autonomy of the profession, maintain harmonious inter-professional and intra-professional relationships.

5.8.3 The tourist guides association and the licensed tourist guide shall adhere to the Code of Ethics by observing all regulations to promote goodwill and harmony amongst tourist guides associations and other licensed tourist guides within the tourism industry.

5.8.4 The licensed tourist guide shall refrain from practices of undercutting his colleagues' tour assignments and / or his professional fees and shall report all such malpractices to his tourist guides association and / or MTGC.

5.8.5 The tourist guides association and the licensed tourist guide shall avoid actions and circumstances that may appear to create a conflict between personal and professional interests.

5.8.6 The licensed tourist guide must not accept any assignment involving a conflict of interest and must withdraw from an assignment when an unavoidable conflict of interest arises after the assignment has been accepted unless all parties agree in writing that the assignment may be accepted or continued.

5.8.7 The tourist guides association and the licensed tourist guide shall not denigrate other tourist guides association or licensed tourist guide in the pursuit of his own success.

5.8.8 The licensed tourist guide shall not intentionally damage the professional reputation or practices of another licensed tourist guide.

5.9 CODE RESPONSIBILITIES OF THE TOURIST GUIDES ASSOCIATION AND THE LICENSED TOURIST GUIDE

5.9.1 The tourist guides association and the licensed tourist guide shall adhere to the Code of Ethics by observing all rules and regulations to promote high standards of practice and to establish a framework for professional behavior, conduct and responsibilities.

5.9.2 The licensed tourist guide shall support this Code of Ethics by reporting code violations to a tourist guides association and / or MTGC in accordance with the established procedures for handling the alleged violations of the Code of Ethics.

5.9.3 The tourist guides association and the licensed tourist guide shall uphold the good image of Malaysia and MTGC and shall not bring the country and MTGC into disrepute by unprofessional behaviour, conduct or undesirable act and / or omission.

5.9.4 The tourist guides association and the licensed tourist guide shall not misrepresent the views of MTGC nor claim that the views or opinion (by means of issuing a statement, by criticisms or any other form) of a segment or a group of tourist guides associations or licensed tourist

guides which hold the views and opinion of MTGC or the guiding profession.

5.9.5 The tourist guides association and the licensed tourist guide shall refer all grievances pertaining to the tourist guiding profession to MTGC and refrain from making public statements about such grievances without prior written approval of MTGC.

5.9.6 The tourist guides association and the licensed tourist guide shall recognize that elected and / or appointed officials are responsible for the establishment of tourist guiding policies in the country and that policy execution is the responsibility of the individual tourist guides association and the licensed tourist guide.

5.9.7 To improve and uphold the professional image of a licensed tourist guide, the tourism industry, and Malaysia, tourist guides associations and the licensed tourist guides should report all irregularities by identifying the time, area and / or personnel involved so that necessary action or actions can be taken in accordance with rules and regulations of MTGC and the relevant authorities concerned.

5.9.8 The licensed tourist guide must not accept any assignment or engage in any practice involving a violation of the law and / or the Code of Ethics. The licensed tourist guide must immediately withdraw from any assignment if such a violation is identified.

5.9.9 The licensed tourist guide shall acknowledge ethics and morality as inseparable elements of performing his duties as a licensed tourist guide and shall be guided by every decision following the standards of honesty, legality, fairness, impunity, and conscience.

5.9.10 The licensed tourist guide shall conduct himself personally and collectively at all times such as to bring credit to the profession and the tourism industry at large.

5.9.11 The tourist guides association and the licensed tourist guide shall disassociate themselves from any fraudulent and unethical practices in the tourism industry and attempt to terminate all malpractices which could bring damage and disrepute to the tourism industry of Malaysia.

5.9.12 The licensed tourist guide shall perform his professional duties honestly and fairly with customers and other licensed tourist guides to avoid the misrepresentation of skills, expertise, or product.

5.9.13 The tourist guides association and the licensed tourist guide shall avoid participation in any outside activity which could result in a conflict of interest at the expense of the tourist guides association, the licensed tourist guide and MTGC.

5.9.14 The tourist guides association and the licensed tourist guide is forbidden the use of confidential information obtained while serving as an elected and / or appointed officer of the tourist guides associations or MTGC for personal or professional gain.

5.9.15 The licensed tourist guide shall not conduct any tour or act as a tourist guide to a tourist or any other person in any language other than the language or languages he is proficient in as indicated by the language code or codes in his authorization card.

5.9.16 The tourist guides association and the licensed tourist guide shall not in any form work with / for an unlicensed tour or travel agency or confide with any travel trade body or licensed tour company suspected of conducting illegal business that can be considered detrimental to the tourism industry. The tourist guides association and the licensed tourist guide shall undertake to report such illegal activities or malpractices to the relevant authorities.

5.9.17 The licensed tourist guide shall not in any way falsify his guiding assignment statement (Form KKKP/PL 4 - Appendix A) to his advantage or in collaboration with any licensed tour agency in order to obtain or renew his license.

5.10 CODE OF CONDUCT ON ACCEPTING ASSIGNMENT / COMPETENCY PROVISION

5.10.1 The licensed tourist guide shall, before accepting an engagement, confer with the prospective customer in sufficient detail and gather sufficient facts to gain an understanding of the tour program, the scope of service needed and the possible benefits that may accrue to the customer.

5.10.2 The licensed tourist guide may not accept any assignment which is beyond the scope and ability of his competency, knowledge and expertise.

5.10.3 The licensed tourist guide will hold as strictly confidential all information concerning the affairs of the customer that is gathered during the course of engagement and assignment.

5.10.4 Upon confirmation to accept an assignment from the customer, the licensed tourist guide shall utilize the MTGC's official *"Tourist Guide Assignment Confirmation Order"* (*Attached hereto as Appendix 4*) to endorse the confirmation in writing by furnishing the relevant information of the licensed tourist guide to the customer and the particulars of the tour from the customer to the licensed tourist guide. The order document shall be endorsed by the customer and signed by the licensed tourist guide respectively for retention.

5.10.5 Upon acceptance to undertake an assignment from the customer, the licensed tourist guide shall obtain, collect and confirm the name list of the tourists, arrival time, entry or pickup point, meet and greet materials and / or any other items needed for the purpose.

5.10.6 Upon receipt of the materials and information of the tourist or the group from the customer, the licensed tourist guide shall ensure, be familiar with information on transportation arrangement, arrival flight schedule or schedule of other modes of transport, layout of entry or pickup point, relevant documents, itinerary and taking into consideration the distance and time taken to reach pickup point as well as the traffic conditions accessing the destination.

5.10.7 The licensed tourist guide must accept each tour assignment as a serious commitment and avoide unnecessary cancellation.

5.11 CODE OF CONDUCT ON PROFESSIONAL SERVICES AND BEHAVIOR

5.11.1 To project Malaysia as a united and harmonious state, the licensed tourist guide shall deliver information on Malaysian unity and harmony by disseminating knowledge gained using relevant materials on policies and activities adopted by the government to promote national integrity so that customers are given an insight knowledge of a harmonious nation.

5.11.2 The licensed tourist guide shall conduct and behave honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, integrity and usefulness of the profession.

5.11.3 The licensed tourist guide shall demonstrate a commitment to the quality of their advice, assistance and resulting services through sufficient planning, knowledge and information.

5.11.4 The tourist guides association and the licensed tourist guide shall not promise any service, benefit or facility that is not within their control to deliver.

5.11.5 The licensed tourist guide should promptly respond to his customer and / or tourist complaints.

5.11.6 The licensed tourist guide should exercise his duty with reasonable care to ensure that the customers are not placed under any untoward danger or unnecessary risks due to his actions or omissions.

5.11.7 The tourist guides association and the licensed tourist guide are strongly advise to respect the privacy and confidentiality of others by obtaining permission before photographing.

5.11.8 The tourist guides association and the licensed tourist guide shall at all time respect the sensitivities of all customs and cultures.

5.11.9 The tourist guides association and the licensed tourist guide shall act promptly to correct erroneous communications for which the tourist guide association or the licensed tourist guide is responsible.

5.11.10 The tourist guides association and the licensed tourist guide shall not disclose privileged, confidential, or inside information obtained from the present, former or prospective customer.

5.11.11 The tourist guides association or the licensed tourist guide shall not use abusive, discourteous, uncultured, improper, unmannerly or injurious language of any from either oral or written with the intention to hurt or cause insult to the customers or with any other party or parties at any time in the exercise of his duty. (The words : abusive, discourteous, uncultured, improper, unmannerly or injurious imply to word or language used in coarse or bad term causing to hurt, to insult or amounting to an ill-treatment vicious conduct, action or practice to slander or liable or to the use of bad or curse language).

5.11.12 The tourist guides association or the licensed tourist guide shall not be involved, participate or engage in any fights with customers or with any other party or parties at any time in the exercise of his duties. (To be involve, participate or engage in any fights implies to any physical action

or actions with the intention of hurting or causing injury to other party or parties either by oneself or with others).

5.11.13 The tourist guides association or the licensed tourist guide shall refrain from or be involved, participate or engage in any squabbles or argument with the customers or with any other party or parties at any time in the exercise of his duties. (To be involved, participate or engage in any squabbles or argument imply to any action or actions, sarcastically or not sarcastically insulting in language of any form either verbal, written or body language that causes either a petty or noisy quarrel with intention to cause or stir a dispute).

5.11.14 The tourist guides association and the licensed tourist guide shall uphold his status and reputation with the view to fostering closer co-operation among his counterparts in Malaysia.

5.11.15 The licensed tourist guide shall provide skilled presentation of knowledge, interpret and highlight surrounding to inform and maintain objectivity and enthusiasm in an engaging manner.

5.11.16 The licensed tourist guide shall have a wide range of knowledge of the place he is guiding including its history and architecture, cultural and political life, and local folklore. He shall keeps current on new exhibits, seasonal events and other chances throughout the place he is guiding.

5.11.17 The tourist guides association and the licensed tourist guide shall not knowingly give out misinformation.

5.11.18 The licensed tourist guide shall in the course of his duties bring out the best of his public relations qualities to create diplomacy, build rapport and allow easy and better communications.

5.11.19 The licensed tourist guide should always attempt to help to calm dissidents, promote good relations, diffuse arguments, reward and praise the helpful, and to suppress or silence rumours.

5.11.20 The licensed tourist guide shall at all times be reliable with the entrusted duties and refrain from shady dispositions involving monetary and other gains which may be corruptly offered by any individual or organization.

5.11.21 The tourist guides association and the licensed tourist guide shall strive constantly, in words, actions and deeds, to develop and maintain the highest level of trust, honesty, and understanding among all customers and the public at large.

5.11.22 The tourist guides association and the licensed tourist guide shall promote the use of locally produced goods or income generated activities that benefit the local community, but not to promote the buying of goods made from threatened or endangered species.

5.11.23 The licensed tourist guide shall conduct his professional services in accordance with the public interest.

5.11.24 The tourist guides association and the licensed tourist guide shall not engage in any practice which has the purpose of corrupting the integrity of channels of communication or the processes of government.

5.11.25 The tourist guides association and the licensed tourist guide shall not demand commissions, gifts or any other consideration.

5.11.26 The tourist guides association and the licensed tourist guide shall not receive or solicit for or from any person any remuneration, payment or commission for the purpose of bringing any tourist for shopping in any establishment of that person or any other person.

5.11.27 The tourist guides association and the licensed tourist guides shall not discriminate in the delivery of professional services on the basis of race or ethnicity, gender, age, religion, creed, national origin, sexual orientation or disability.

5.11.28 The licensed tourist guide shall be sensitive to the interest and values of the tour group and does not share his personal views on controversial subjects such as sex, religion and politics.

5.11.29 The licensed tourist guide shall refrain from discriminating against and / or discrediting any public or private sector establishments or organizations, the government or its policies and campaigns, or other licensed tourist guide, or any other person in the exercise of his duty.

5.11.30 The tourist guides association and the licensed tourist guide shall not reveal, without authorization, any professional or personal information about the person served professionally, unless required by law to do so, or unless doing so is necessary to protect the welfare of the person or the community.

5.11.31 The tourist guides association and the licensed tourist guide shall not charge for services not rendered, nor shall he misrepresent in any services rendered.

5.11.32 The licensed tourist guide shall not initiate patronization of places not listed in the tour itinerary.

5.11.33 The tourist guides association and the licensed tourist guide shall refrain from any private business or professional activity that would create a conflict between personal interests and the interests of the customers.

5.11.34 The licensed tourist guide shall follow the policies of the customer for whom he is engage at the time. He shall not accept or solicit an assignment from a tourist of that customer without the consent of the customer, nor should he attempt to divert business to another person or customer. Personal business cards should not be distributed for these purposes, and all business-related communication with the tourist should be made through the customer only.

5.11.35 The licensed tourist guide shall be knowledgeable about the best routes for all tours. This includes familiarity with the traffic laws and conditions.

5.12 CONDUCT EXPECTATION AT HISTORICAL SITES AND NATURAL AREAS

5.12.1 The tourist guides association and the licensed tourist guide shall respect the frailty of the earth and realize that unless he is willing to help in its conservation and preservation, unique and beautiful destinations may not be there for future generations to enjoy.

5.12.2 The licensed tourist guide conducting tours at historical sites and natural areas should ensure that there shall be no form of graffiti, littering and taking away items as souvenirs from these sites. They should promote an attitude of keeping every specific site natural and as clean as possible.

5.12.3 The licensed tourist guide conducting tours at historical sites and natural areas shall encourage and support local conservation and preservation efforts and enhance the natural integrity of the places visited.

5.12.4 The licensed tourist guide shall be knowledgeable and sensitive to the caring capacity of such historical sites and natural areas.

5.12.5 The tourist guides association and the licensed tourist guide shall not encourage or promote and should not buy products made from endangered plants or animals, such as turtle eggs and shell, ivory, animal or reptile skins, and feathers.

5.12.6 The licensed tourist guide shall always follow designated roads or trails at historical sites and natural areas, and not disturb animals, plants or their natural habitats.

5.12.7 The licensed tourist guide whenever possible, shall walk or use environmentally-sound methods of transportation encouraging drivers to stop engines when parked.

5.12.8 The licensed tourist guide conducting tours to natural areas shall ensure waste disposal has minimal environmental and aesthetic impacts.

5.12.9 The licensed tourist guide shall not encourage the following or harassing of birds or animals for the sake of photographing, lingering obtrusively in close proximity to a nesting site, preventing the animal from returning to the site or intentionally disturb or encourage the disturbance of wildlife or wildlife habitats.

5.12.10 The licensed tourist guide shall not encourage the touching of animals, making every effort to minimize a visit's impact.

5.12.11 The licensed tourist guide conducting tours to indigenous community areas must realize that they are the guests of their cultures and their visits are to create opportunities to learn and enrich their own understanding of their culture, human nature and not to intrude or criticize.

5.12.12 The licensed tourist guide shall conserve and preserve natural and cultural heritage by not disturbing or damaging any floral and fauna.

5.12.13 The licensed tourist guide shall leave all visited sites and trails clean by separating and properly disposing of litter, bury biodegradable, and carry out all other non-biodegradable materials for deposit at designated trash site or for recycling.

5.12.14 The licensed tourist guide shall properly brief his tourists before leaving on a tour addressing cultural "do's" and "don'ts", environmentally friendly behavior, safety precautions, proper dress code and respect for local beliefs, peoples and religious sites.

5.12.15 The licensed tourist guide shall properly brief his tourists before leaving on a tour, on information pertaining to altitude acclimatization when

ascending, knowledge on how to identify and treat high altitude illness and how to provide first aid.

5.12.16 The tourist guides association and the licensed tourist guide should promote the awareness on the conservation and preservation of the forest and the consequences of deforestation to those on nature tours.

5.12.17 The licensed tourist guide shall provide a totally safe and sanitary environment at all times for every tourist under his care.

5.13 CODE OF CONDUCT ON SUSTAINING JOB INTEREST

5.13.1 To promote potential places of interest and improve tour programmes and packages, the licensed tourist guide shall identify, survey on new or potential places of interest or products by gathering information so that they can develop personal knowledge and sustain job interest on the local customs or taboos on the areas.

5.13.2 To improve and promote new itineraries and sustain job interest, the tourist guides association and the licensed tourist guide shall recommend new itineraries so that customers and relevant authorities can introduce new packages or tours to better the tourism industry.

5.13.3 To improve the execution of tour programmes and to sustain job interest, the licensed tourist guide shall compile post tour reports so that they can develop personal knowledge in accordance to the industry requirements identifying irregular practices, consumer prices and safety procedures.

5.13.4 To sustain job interest and competency in executing tour itinerary, the licensed tourist guide shall make field studies and evaluations so that they can develop personal knowledge in accordance to industry requirements.

5.13.5 The licensed tourist guide shall sustain job interest and upgrade job professionalism by participating in CTRE, seminars, courses or familiarization tours assimilating and using the knowledge gained so that the personal and professional image is enhanced in accordance to industry requirement.

5.14 CODE OF CONDUCT ON RE-CONFIRMING TOUR ARRANGEMENTS

5.14.1 Upon obtaining tour itinerary from the customer, the licensed tourist guide shall verify tour itinerary by evaluating and studying its contents using set procedures noting its routing, numbers and duration of stops, dress code at appropriate places and duration of tour so that the itinerary can be confirmed for execution.

5.14.2 The licensed tourist guide after evaluating and studying tour itinerary with responsibility and a sense of good judgment upon identifying any doubtful content or contents shall immediately notify the customer for clarification or changes so that the itinerary can be confirmed for execution.

5.14.3 The licensed tourist guide shall check ‘Meet and Greet’ details obtained from the customer by studying its contents using set procedures noting the arrival formalities, customer requirements, transportation and porterage needs and arrangement so that details can be carried out in accordance with customer’s arrangement.

5.14.4 To ensure that the transportation is at the place and time of picking up the tourists, the licensed tourist guide shall check booking of transportation by studying details using set procedures.

5.14.5 The licensed tourist guide shall check reservation for accommodation and meal arrangements of the tourists by studying details using set procedures.

5.14.6 The licensed tourist guide shall upon instruction from the customer check for vouchers or payment due from tour leader or tourists by acquiring the information of the amount or the types of vouchers to be collected using set procedures so that the tour itinerary can be honoured.

5.15 CODE OF CONDUCT ON EXECUTING TOUR ITINERARY

5.15.1 In executing the tour itinerary, the licensed tourist guide shall meet and greet tourists by following the norms using pre-set procedures so that the tourists will receive a warm and friendly welcome in accordance to the industry's requirements.

5.15.2 The licensed tourist guide shall introduce one self as a tourist guide and also identifying one self by name and welcome the tourists to Malaysia using pre-set procedures in accordance to the industry's requirements.

5.15.3 Upon meeting the tourists, the licensed tourist guide shall handle luggage and arrange porters ensuring that all arrangements made are properly handled using set procedures by identifying transport handling luggage, determining the correct number of the luggage, checking and informing the tourists of any damaged luggage, identification tagging of luggages, calling for porter services to load and unload luggages and paying porterage charges on behalf of the customer so that the transfer of luggage to the destination is properly handled.

5.15.4 In ensuring that the tourists are fully and accurately informed of their tour programmes, the licensed tourist guide shall orientate tourists on the tour itinerary by briefing the tour itinerary and / or other materials supplied by the customer to the tourists.

5.15.5 To ensure that the tourist's activities stipulated in the tour itinerary can be carried out smoothly, the licensed tourist guide shall communicate effectively to clarify and confirm itinerary with tourists or tour leader on the arrangements, agreed time schedules and the various places to be visited or patronized.

5.15.6 The licensed tourist guide shall provide guidance and assistance on check-in and check-out arrangements at lodging places and others using set procedures by identifying check-in and check-out location, leading the tourists to the location, assisting in registration, obtaining and distributing keys, obtaining rooming list for luggage distribution or collection, orientating tourists on area layout and facilities and ensuring all personal bills are settled before checking-out so that the exercise can be carried out efficiently.

5.15.7 The licensed tourist guide executing departure assignments shall perform boarding arrangements by ushering tourists using set procedures by identifying mode of transportation or departure, purchasing tickets or making available the tickets, communicating effectively by briefing tourists

on safety precautions and boarding instructions and directing tourists to board transportation accordingly so that tourists are safely boarded.

5.16 CODE OF CONDUCT ON DELIVERING INFORMATION

5.16.1 The licensed tourist guide shall deliver information on geography of Malaysia to the tourists by disseminating knowledge gained on the population, flora and fauna, climatic conditions, information of country's land mass, physical location of country and its dress code corresponding to the climate and environment so that the tourist are fully and accurately informed.

5.16.2 The licensed tourist guide shall deliver information on hill resort or resorts found in Malaysia to the tourists by disseminating knowledge gained on its location, altitude, climatic conditions, accessibility, regulations, flora and fauna, accommodation and recreational facilities, food and entertainment outlets, places of interest, prominent landmarks and its safety procedures and dress code corresponding to the climate and the environment of the resort so that the tourist are fully and accurately informed.

5.16.3 The licensed tourist guide shall deliver information on beach resort or resorts found in Malaysia to the tourists by disseminating knowledge gained on its location, climatic conditions, accessibility, admission fees, regulations, flora and fauna, accommodation and recreational facilities, food and entertainment outlets, places of interest, prominent landmarks and its safety procedures and dress code corresponding to the climate and the environment of the resort so that the tourists are fully and accurately informed.

5.16.4 The licensed tourist guide shall deliver information on island resort or resorts found in Malaysia to the tourists by disseminating knowledge gained on its location, climatic conditions, accessibility, admission fees, regulations, flora and fauna, accommodation and recreational facilities, food and entertainment outlets, places of interest, prominent landmarks and its safety procedures and dress code corresponding to the climate and the environment of the island resort so that the tourists are fully and accurately informed.

5.16.5 The licensed tourist guide shall deliver information on nature resorts and parks found in Malaysia to the tourists by disseminating knowledge gained on its location, climatic conditions, accessibility, admission fees, regulations, flora and fauna, local taboo, accommodation and recreational facilities, food and entertainment outlets, places of interest, prominent landmarks and its safety procedures and dress code corresponding to the climate and the environment of the nature resort or park so that the tourists are fully and accurately informed.

5.16.6 The licensed tourist guide shall deliver information on theme parks found in Malaysia to the tourists by disseminating knowledge gained on its location, admission fees, regulations, climatic conditions, accessibility, flora and fauna, accommodation and recreational facilities, food and entertainment outlets, places of interest, prominent landmarks and its safety procedures and dress code corresponding to the climate and the environment of the theme park so that the tourists are fully and accurately informed.

5.16.7 The licensed tourist guide shall deliver information on the historical sites and prominent landmarks found in Malaysia to the tourists by disseminating knowledge gained on its location, climatic conditions, accessibility, admission fees, regulations, food outlets, and its safety procedures and dress code corresponding to the climate and the environment of the place so that the tourists are fully and accurately informed.

5.16.8 The licensed tourist guide shall deliver information on the government policies of Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the various government policies on immigration, tourism, economic, foreign relationship etc. so that correct and accurate information can be presented.

5.16.9 The licensed tourist guide shall deliver information on parliamentary democracy in Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the differences among democracy systems available in the world, the parliamentary democracy system of Malaysia and the system of the separation of powers practice in Malaysia so that correct and accurate information can be presented.

5.16.10 The licensed tourist guide shall deliver information on the judiciary system of Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the judiciary systems of Malaysia and the local laws and customs so that correct and accurate information can be presented.

5.16.11 The licensed tourist guide shall deliver information on the education system of Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the education system of Malaysia, the primary, secondary, tertiary, vocational, colleges and universities, national and private schools, and the standard and system of education in Malaysia so that correct and accurate information can be presented.

5.16.12 The licensed tourist guide shall deliver information on housing development in Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the housing development policies, progress and growth, government housing policies, types of housing projects, costs of owning, renting and housing facilities so that correct and accurate information can be presented.

5.16.13 The licensed tourist guide shall deliver information on civil services in Malaysia to the tourists by disseminating information gained from published and approved government or recognized publications or documents on the various components of civil services, dress code, origin, development and roles function of civil services so that correct and accurate information can be presented.

5.16.14 The licensed tourist guide shall deliver socio-cultural information on the Malay community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Malay community so that the tourists are well informed.

5.16.15 The licensed tourist guide shall deliver socio-cultural information on the Chinese community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Chinese community so that the tourists are well informed.

5.16.16 The licensed tourist guide shall deliver socio-cultural information on the Indian community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Indian community so that the tourists are well informed.

5.16.17 The licensed tourist guide shall deliver socio-cultural information on the Baba and Nyonya community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Baba and Nyonya community so that the tourists are well informed.

5.16.18 The licensed tourist guide shall deliver socio-cultural information on the Indigenous Community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Indigenous Community so that the tourists are well informed.

5.16.19 The licensed tourist guide shall deliver socio-cultural information on the Eurasian community in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, culture, custom, tradition, religion, festivals, beliefs, taboos, dress code and food of the Eurasian community so that the tourists are well informed.

5.16.20 The licensed tourist guide shall deliver information on the history of Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history of Malaysia on events, dates, historical sites, admission fees, regulations and information on the various museums so that the tourists are well informed.

5.16.21 The licensed tourist guide shall deliver agro-based products information on the local fruit industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the different varieties of Malaysian fruits, fruiting seasons, nutritional qualities, values and usage, price range, choosing and selecting choice fruits so that the tourists are fully and accurately informed.

5.16.22 The licensed tourist guide shall deliver agro-based products information on the spices industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the various types and the cultivation of spices, different uses and medicinal values, economic values, price range and location availability on the spices industry so that the tourists are fully and accurately informed.

5.16.23 The licensed tourist guide shall deliver agro-based products information on the coffee and tea industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the varieties, location of cultivation, processing, progress and development and price range of coffee and tea so that the tourists are well informed.

5.16.24 The licensed tourist guide shall deliver agro-based products information on the cocoa industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, varieties, location of cultivation, processing and techniques, progress and development and price range of cocoa so that the tourists are well informed.

5.16.25 The licensed tourist guide shall deliver agro-based products information on the palm oil industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, varieties, location of cultivation, processing and techniques, progress and development, availability of end products and price range of palm oil so that the tourists are well informed.

5.16.26 The licensed tourist guide shall deliver agro-based products information on the rubber industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the history, varieties, location of cultivation, processing and techniques, progress and development, availability of end products and price range of rubber so that the tourists are well informed.

5.16.27 The licensed tourist guide shall deliver agro-based products information on the floral industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the varieties, cultivation, location of flower nurseries, processing, progress and development and price range of flowers so that the tourists are well informed.

5.16.28 The licensed tourist guide shall deliver information on the fishing industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the fishing breeding grounds, varieties, climatic conditions, processing, progress and development and price range of fishes so that the tourists are well informed.

5.16.29 The licensed tourist guide shall deliver communication information on road transport in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the various types of road transport, local authorities requirements, locality of the various local authorities, terminals, progress and development and road network so that the tourists are well informed.

5.16.30 The licensed tourist guide shall deliver communication information on air transport in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the national carrier, types of air transport, schedules, airfares, in-flight and airport facilities, airline ticketing offices, progress and development and the safety precaution regulations on air transport so that the tourists are well informed.

5.16.31 The licensed tourist guide shall deliver communication information on maritime transport in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on types of maritime transport, fares, schedules, terminal and on board facilities, check-in / out procedures, locality of ports, ticketing office, baggage allowance, progress and development and the safety precaution regulations on maritime transport so that the tourists are well informed.

5.16.32 The licensed tourist guide shall deliver communication information on rail transport in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the various types of services available, schedules, fares, routes, facilities on board, progress and development and the safety precaution regulations on rail transport so that the tourists are well informed.

5.16.33 The licensed tourist guide shall deliver communication information on telecommunication in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the various types of telecommunication facilities, local authorities requirements, locality of the Kedai Telekom, and telecommunication related outlets, progress and development, rates and tariff on telecommunication facilities so that the tourists are well informed.

5.16.34 The licensed tourist guide shall deliver communication information on mass media in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the various types of mass media, local authorities requirements, locality of newsstands in acquiring publication, location of local / foreign information outlets e.g. foreign mission or tourist information centre, progress and development on mass media so that the tourists are well informed.

5.16.35 The licensed tourist guide shall deliver information on the cottage industries in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the location and accessibility of the cottage industries, raw materials use for production, production process and techniques, availability of end products, prices, progress and development on cottage industries so that the tourists are fully and accurately informed.

5.16.36 The licensed tourist guide shall deliver information on the manufacturing industries in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the accessibility and location of industrial areas, raw materials used, production, process and techniques, availability of end products, progress and development on the manufacturing industries so that the tourists are fully and accurately informed.

5.16.37 The licensed tourist guide shall deliver information on the petroleum industry in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the accessibility and location of petroleum field and sites, materials used, production, process and

techniques, availability of end products, progress and development on the petroleum industry so that the tourists are fully and accurately informed.

5.16.38 The licensed tourist guide shall deliver information on the mining industries in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the types of mining, accessibility and location of industry and mines, materials used, production, process and techniques, availability of end products, progress and development on the mining industries so that the tourists are fully and accurately informed.

5.16.39 The licensed tourist guide shall deliver information on the financial sector in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on ancillary facilities and services, the accessibility and location of financial institutions, currency used (local or foreign), financial procedures and regulations, national economy, business hours, progress and development on the financial sector so that the tourists are fully and accurately informed.

5.16.40 The licensed tourist guide shall deliver information on the construction sector in Malaysia to the tourists by disseminating information gained from relevant resources and approved or recognized publications or documents on the updated information on the types of construction industry, accessibility and location of construction development areas, manpower, infrastructure and facilities available, techniques, progress and development on the construction sector so that the tourists are fully and accurately informed.

ARTICLE VI

6.1 ADMINISTRATIVE PROCEDURES

(a) Administrative procedures form the Sixth Article of the Code of Ethics. These procedures provide for the structure and operation of a Hearing Committee established by MTGC or a tourist guides association in accordance with the regulations as provided herein, and they set forth procedures to be followed by the Hearing Committee, and by the MTGC Ethics Committee *(Composition Structure of MTGC Ethics Committee provided herein attached hereto as Appendix 1)*, in handling inquiries, complaints or challenges, raised under the rules of the Code.

(b) The Hearing Committee shall hear and determine all charges against licensed tourist guides subscribing hereto, affording such licensed tourist guides an opportunity to be heard fully. The Executive Committee of MTGC *(Composition Structure of MTGC Executive Committee provided herein attached hereto as Appendix 1)* and the tourist guides association shall have the power to originate any proceedings, and shall at all times have the full cooperation of all tourist guides associations and licensed tourist guides.

(c) All tourist guides associations and licensed tourist guides are required to comply with these procedures. Failure to cooperate with the Hearing Committee in a proceeding on a complaint or challenge, may be considered by the Hearing Committee and the MTGC Ethics Committee according to the same procedures and with the same sanctions as failure to observe the rules of the Code of Ethics.

(d) In the event a licensed tourist guide refuses to cooperate with the Hearing Committee and refuses to supply necessary information, documentation and explanatory comment, the Hearing Committee shall serve upon the licensed tourist guide, at the licensed tourist guide's last known address by registered mail, to show cause why his membership with a tourist guides association should not be terminated.

SECTION A - HEARING COMMITTEE

1. THE COMMITTEE

1.1 The Executive Committee of MTGC or a tourist guides association shall appoint a Hearing Committee consisting of not less than five (5), but not more than seven (7) persons to serve for a specific term or cause to be set by the Executive Committee of MTGC or a tourist guides association prior to appointment.

1.2 In making such appointments, the Executive Committee of MTGC or a tourist guides association shall, to the extent practicable, use its best efforts to ensure that the Hearing Committee's composition is balanced. *(Composition Structure of Hearing Committee provided herein attached hereto as Appendix 1)*

1.3 Appointed Hearing Committee members shall be a person of recognized integrity, knowledgeable in the tourism industry or on consumer matters, and of a stature that will command respect by the industry within and from the public.

1.4 Members of the Hearing Committee shall disclose all relationships (if any) in any form or level, with the licensed tourist guide (or licensed tourist guides) who is (are) the subject of the complaint or challenge. Any member of the Hearing Committee having any financial or other personal interests in any matter before the committee shall disqualify himself as a member of the Hearing Committee.

1.5 MTGC or a tourist guides association appointing a Hearing Committee shall reimbursed their Hearing Committee members respectively for reasonable and necessary expenses incurred in the fulfillment of their duties.

1.6 The Executive Committee of MTGC or a tourist guides association shall have the authority to discharge any appointed Hearing Committee member for good cause only. Vacancies on the Hearing Committee shall be filled by the Executive Committee of MTGC or a tourist guides association respectively.

1.7 The Executive Committee of MTGC or a tourist guides association will establish all regulations necessary to administer the provisions of this Code and shall provide sufficient authority to enable the Hearing Committee to properly discharge the responsibilities entrusted to the Hearing Committee members under the Code.

1.8 The Hearing Committee may be assisted by any staff appointed by the Executive Committee of MTGC or a tourist guides association, adequate and competent to assist the Hearing Committee in the discharge of their duties.

1.9 The Hearing Committee will be responsible directly and solely to the Executive Committee of MTGC or a tourist guides association and at no time during proceedings under this Code regulation or under the Code shall the Hearing Committee or its member either unilaterally or through any entity issue a press release or statement concerning allegations or findings of a violation of the Code.

1.10 In the event that a submission (as hereinafter defined) containing sufficient information alleging or believing a violation of the Code of Ethics has occurred is filed with a tourist guides association, a Hearing Committee is not appointed (within fourteen (14) days from the date of its filing) by the tourist guides association, the Executive Committee of MTGC shall appoint a Hearing Committee to hear and determine all charges as provided for under *Article 6, Sub-section 6.1 (b).*

1.11 The Hearing Committee shall be responsible for :

(a) responding to each inquiry (as hereinafter defined) regarding a matter arising under the Code and, if appropriate, recommending that the Executive Committee of MTGC issue an advisory opinion interpreting the Code of Ethics with respect to such matter; and

(b) investigating each complaint or challenge (as hereinafter defined) arising under this Code of Ethics and recommending whether the Executive Committee of MTGC or a tourist guides association should make a determination with respect thereto, and recommending an appropriate sanction.

2. THE CHAIRPERSON OF THE COMMITTEE

2.1 Upon formation of the Hearing Committee as provided under *Article 6, Section A, Sub-Section 1.1*, the Executive Committee of MTGC or a tourist guides association shall appoint one (1) member of the Hearing Committee as the Hearing Committee's Chairperson (hereinafter known as the "Chairperson") to serve, at the will of the Executive Committee of MTGC or a tourist guides association. The Chairperson may be provided, upon the approval of the Executive Committee of MTGC or a tourist guides association, with staff, legal counsel and other resources necessary to fulfill the responsibilities of fulfilling his duties hereunder. The Chairperson shall preside at any hearing or other meetings held by the Hearing Committee under this *Article VI, Section 1.*

3. THE VICE CHAIRPERSON OF THE COMMITTEE

3.1 The Executive Committee of MTGC or a tourist guides association may appoint one (1) member of the Hearing Committee to serve as the Hearing Committee's Vice Chairperson. The Vice Chairperson shall serve at the will of the Executive Committee of MTGC or a tourist guides association and act in the place and capacity of the Chairman when the Chairman is unable to serve.

4. MEETINGS OF THE COMMITTEE

4.1 Meetings of the Hearing Committee shall be called upon with at least seven (7) days' written notice to the members of the Hearing Committee by the Honorary Secretary-General of the Council or the Honorary Secretary of a tourist guides association. Such notice shall include a copy of the agenda for the meeting. A majority of all the appointed Hearing Committee members shall constitute a quorum for the purpose of conducting business at the Hearing Committee meeting. Voting shall be by majority of those present at the meeting.

4.2 Members of the Hearing Committee shall not be permitted to vote by proxy.

5. INDEMNIFICATION

5.1 MTGC or a tourist guides association shall indemnify and hold harmless and defend the Executive Committee of the Council or the tourist guides association, the Hearing Committee and the MTGC Ethics Committee members, staff appointed by the Executive Committee of MTGC or a tourist guides association and agents against liability arising from the Hearing Committee-related activities to the extent provided by the Constitution and the Bylaws of MTGC and the tourist guides association.

SECTION B - INQUIRIES, COMPLAINTS AND CHALLENGES

1. PRELIMINARY REVIEW AND DISPOSITION

1.1 A submission involving this Code of Ethics (hereinafter known as a "submission") may consist of :

(a) a request for issuance by the Executive Committee of MTGC of an advisory opinion interpreting any provision of this Code of Ethics (an "inquiry"); or

(b) a request for a finding by the Executive Committee of MTGC or a tourist guides association that a licensed tourist guide has failed to observe any provisions of the rules under this Code of Ethics (a "complaint");

(c) a request for a finding by the Executive Committee of MTGC or a tourist guides association in their discretion for the interest of the profession, industry, consumers and the public in general, that an alleged Code violation through informal, oral or written communication that a licensed tourist guide (or licensed tourist guides) has failed to observe any provisions of the rules under this Code of Ethics (a "challenge").

1.2 Submissions may be considered without regard to their means or form of submission and may be made by any person or entity without limitation, tourist guides associations, tourism related organizations, customers or organizations representing any of the above.

1.3 Submissions relating to information not in the public domain are not considered unless they are submitted in writing and signed by the submitters.

1.4 A tourist guides association upon receipt of a submission shall make available within seven (7) days a copy of such submission to the Honorary Secretary-General of MTGC.

1.5 Upon preliminary review of a submission, the Executive Committee of MTGC or a tourist guides association may conclude, in their discretion, that the submission :

(i) contains insufficient information upon which to base an investigation;

(ii) if, in the judgment of the Executive Committee of MTGC or a tourist guides association, the submission (complaint or challenge) is beyond the Hearing Committee scope of expertise or resources, the Executive Committee of MTGC or a tourist guides association may decline to exercise jurisdiction in the matter and may, in their discretion, recommend to the submitter or the complainant another forum in which the submission can be addressed or be better suited for consideration by

another body (i.e. a governing body or committee thereof, a governmental or quasi-governmental administrative body, a board of investigators or comparable body, or another self-regulatory organization) which conducts peer review activities and has jurisdiction over such matter;

(iii) contains sufficient information alleging or believing a violation of the Code has occurred and that a full hearing is warranted in accordance with the regulations promulgated herein; or

(iv) is patently frivolous or inconsequential.

1.5 If the Executive Committee of MTGC or a tourist guides association determines, after an informal investigation, that there is no need for further action or that the Code violation allegation lacks merit, further investigation and administrative action on the matter shall terminate and the submitter shall be so notified.

1.6 In the event of any such conclusion by the Executive Committee of MTGC or a tourist guides association, the submission shall be disposed of by notice from the Honorary Secretary-General of MTGC or the Honorary Secretary of the tourist guides association to its submitter within seven (7) days upon such decision. Each such preliminary disposition by the Executive Committee of a tourist guides association involving this Code of Ethics shall be reported within seven (7) days to the Honorary Secretary-General of MTGC and recorded.

1.7 If the specific action of the accused is (imminently) the subject of legal proceedings, no further action will be taken until those proceedings are concluded.

2. INVESTIGATION

2.1 For each submission involving this Code of Ethics that the Executive Committee of MTGC or a tourist guides association concludes is valid and actionable, the Hearing Committee shall conduct an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand or corroborate the information provided by the submitter.

2.2 A licensed tourist guide who is the subject of a complaint or challenge shall be informed in writing forwarding together a copy of the complaint (if any) at his last known address with his tourist guides association by registered mail at the beginning of the Hearing Committee's investigation as to :

(i) the nature of the complaint or challenge,

(ii) the obligation to cooperate fully in the Hearing Committee's investigation of the complaint or challenge,

(iii) the obligation to supply necessary information, documentation and explanatory comment, and

(iv) the opportunity to a hearing on the complaint or challenge before the Hearing Committee.

2.3 Investigations involving complaints or challenges shall be conducted in confidence, with all written communications sealed and marked " Private and Confidential ", and they shall be conducted objectively, without any indication of prejudgment.

2.4 An investigation may be directed toward any aspect of an inquiry, complaint or challenge which is relevant or potentially relevant. The investigation may include

one or more site visits and informal interviews with the licensed tourist guide who is the subject of the complaint or challenge.

2.5 If a written complaint is not the basis of the Executive Committee's investigation, then the Honorary Secretary-General of MTGC or the Honorary Secretary of the tourist guides association shall provide written notice as to a basis of the Executive Committee of MTGC or a tourist guides association's reason (or reasons) to believe that a violation has occurred.

3. PROCEEDINGS ON INQUIRIES

3.1 The Executive Committee of MTGC shall answer as promptly as possible all queries posed by a tourist guides association or a licensed tourist guide relating to this Code of Ethics and its application, and, when appropriate, may suggest, for consideration by the Executive Committee of MTGC, new regulations, definitions, or other implementations to make the Code of Ethics more effective.

(a) Hearing on an Inquiry

(i) In the course of an investigation involving an inquiry, the Hearing Committee may conduct a hearing (which may be public or private in the Executive Committee's discretion of MTGC or a tourist guides association) to receive the views of those who are interested in, or may be affected by, the issuance by the Executive Committee of MTGC of any advisory opinion interpreting any provision of this Code of Ethics.

(ii) Thirty (30) days' prior written notice of the hearing shall be given to a tourist guides association and / or a licensed tourist guide and to others who, in the opinion of the Hearing Committee, may be interested in, or affected by, issuance of such advisory opinion. The notice may include a tentative proposed advisory opinion.

(iii) The hearing shall be conducted by the Hearing Committee with any five (5) or more of the Hearing Committee members participating. The Chairperson of the Hearing Committee serves as the Hearing Officer to preside at the Hearing and assure that these procedures set forth herein are followed. The Hearing Officer in the course of the Hearing may be assisted by legal counsel as provided for under *Article 6, Section A, Sub-section 2.1.*

(iv) The Hearing Officer shall present at the Hearing the issues raised by the inquiry, the results of the investigation up to the time of the Hearing, and any tentative proposed Hearing Committee recommendation (or recommendations) to the Executive Committee of MTGC for an advisory opinion.

(v) Information shall, if available, be offered through witnesses and shall be subject to questioning by the Hearing Committee. Any information may be considered which is relevant or potentially relevant. A transcript or audio recording and an official record of such hearing shall be made. Such official record of such hearing shall become part of the investigation of the inquiry.

(b) Recommendation on an Inquiry

(i) Upon completion of an investigation involving an inquiry, the Hearing Committee may develop an advisory opinion which shall be submitted to the Executive Committee of MTGC for approval.

(c) Advisory Opinion

(i) The Executive Committee of MTGC may issue an advisory opinion interpreting the Code of Ethics :

(a) upon the recommendation of the Hearing Committee appointed by a tourist guides association arising from an inquiry and following an investigation; or

(b) upon its own initiative.

(ii) A representative of the Hearing Committee shall present to the Executive Committee of MTGC, for its review, the recommendations of the Hearing Committee and its record of the investigation.

(iii) Once issued by the Executive Committee of MTGC, the advisory opinion shall be promulgated by publication to the tourist guides association and the licensed tourist guides. Advisory opinions shall be compiled by the Executive Committee of MTGC and such compilation shall be periodically made available to the tourist guides associations and the licensed tourist guides.

4. PROCEEDINGS ON COMPLAINTS OR CHALLENGES

(a) Hearing on Complaints or Challenges

(i) In the course of an investigation involving a complaint or challenge, the Hearing Committee shall conduct a private hearing (hereinafter as defined under *Article 6, Section B, Sub-section 4, Clause (a) iii*.) with the licensed tourist guide who is the subject of the complaint or challenge.

(ii) A licensed tourist guide who is the subject of the complaint or challenge shall be given at least fourteen (14) days' prior written notice of his hearing.

(iii) Such a hearing shall be conducted with the assistance and presence, if relevant or necessary from the following categories of person, which may include:-

(a) any other person or persons who assisted substantially in the investigation of the complaint or challenge;
(b) any other person or persons whose professional activities are conducted at a location in the approximate area of that of the licensed tourist guide who is the subject of the complaint or challenge;
(c) any licensed tourist guide (or licensed tourist guides) who is (are) working or engaged by the same company, travel agency or establishment with the licensed tourist guide involved;
(d) the Chairperson or representative of the MTGC Ethics Committee;
(e) the officers or representatives of law enforcement agency and the licensing authority such as the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) or of similar entity;
(f) the licensed tourist guide who is the subject of the complaint or challenge;
(g) their respective witnesses (when testifying and at other times as determined by the Chairperson of the Hearing Committee) and
(h) in the case of the licensed tourist guide affected, an official language translator if require.

The official record of the hearing shall become a part of the record of investigation of the complaint or challenge.

(iv) The Chairperson of the Hearing Committee may be one of the five (5) or more Hearing Committee members conducting the hearing unless the individual is disqualified by reason of circumstances.

(v) The Chairperson of the Hearing Committee participating in the hearing shall preside at the hearing and assure that the procedures set forth herein are followed.

(vi) The Chairperson of the Hearing Committee may issue any appropriate procedural or evidentiary ruling in the course of the hearing only with the consent of the majority of the members of the Hearing Committee and may be assisted by legal counsel as provided for under *Article 6, Section A, Sub-section 2.1.*

(vii) The Chairperson of the Hearing Committee, or a person (or persons) designated by him, shall summarize for the Hearing Committee the results of the investigation up to the date of the hearing and make such other introductory factual remarks as the Chairperson of the Hearing Committee deems appropriate.

(viii) A person designated by the Hearing Committee shall present the facts of the investigation, including documentary evidence and the testimony of witnesses. Those witnesses may be available in person or by telephone for questioning by the members of the Hearing Committee.

(ix) A licensed tourist guide subject to the complaint or challenge may present documentary evidence and the testimony of witnesses in his defense. Those witnesses may be made available in person for questioning by the members of the Hearing Committee. Any information may be considered which is relevant or potentially relevant. The licensed tourist guide may submit a written statement at the close of the hearing. A transcript or audio recording of the hearing shall be made.

(x) The Hearing Committee will prepare an opinion on the case, that will cover the facts of the case, the action or recommendation be taken, and the reason (or reasons) for such action or recommendation.

(xi) The Hearing Committee, after full and complete deliberation, will rule in writing as to the case. Upon approval by the Executive Committee of MTGC or a tourist guides association, additional rules and procedures shall be established by the Hearing Committee as required in their judgment.

(b) <u>Recommendation on a Complaint or Challenge</u>

(i) Upon completion of an investigation involving a complaint or challenge, the Hearing Committee should make a determination and shall recommend to the Executive Committee of MTGC or a tourist guides association whether the licensed tourist guide who is the subject of the complaint or challenge has failed to observe the rules of the Code of Ethics.

(ii) When the Hearing Committee recommends a determination of non-observance of the rules of the Code of Ethics, the Hearing Committee shall also recommend an imposition by the Executive Committee of MTGC or a tourist guides association of an appropriate sanction.

(iii) If the Hearing Committee so recommends, a proposed determination of non-observance of the rules of the Code of Ethics with a proposed sanction shall be prepared and presented by a representative of the Hearing Committee to the

Executive Committee of MTGC or a tourist guides association along with the records of the investigation.

(iv) If the Hearing Committee recommends against a determination of non-observance, the complaint or challenge shall be dismissed, with notice from the Honorary Secretary-General of MTGC or the Honorary Secretary of the tourist guides association to the licensed tourist guide who is the subject of the complaint or challenge a clearing of charges and to the submitter of the complaint or challenge within seven (7) days upon such decision, and a summary report shall be made to the Honorary Secretary-General of MTGC within seven (7) days upon such decision if such dismissal is from the Executive Committee of a tourist guides association.

(v) In the sole discretion of the Hearing Committee and with the written consent of the licensed tourist guide who was the subject of the complaint or challenge, the Hearing Committee may recommend to the Executive Committee of MTGC or a tourist guides association that the fact of the dismissal of the complaint or challenge (and, in appropriate cases, the reasons for the dismissal) be publicized, and the Executive Committee of MTGC or a tourist guides association may, in its sole discretion, determine the nature, extent and manner of such publicity.

(c) <u>Determination of Non-Observance</u>

(i) The Hearing Committee shall make the determination whether a licensed tourist guide has failed to observe the rules of the Code of Ethics and shall impose an appropriate sanction upon the recommendation of the Hearing Committee to the Executive Committee of MTGC or a tourist guides association arising from a complaint or challenge and following an investigation.

(ii) The Executive Committee of MTGC or a tourist guides association shall not review the determination recommended by the Hearing Committee based upon the record of the investigation. The Executive Committee of MTGC or a tourist guides association however may accept, reject or modify the Hearing Committee's recommendation with respect to the sanction.

(iii) If the Hearing Committee shall make a determination of non-observance, such determination and the imposition of a sanction to be promulgated by written notice from the Honorary Secretary-General of MTGC or the Honorary Secretary of the tourist guides association to the affected licensed tourist guide who may consider exercising the Appeal Process.

(d) <u>Sanctions</u>

(i) Any of the following sanctions may be recommended by the Hearing Committee and imposed by the Executive Committee of MTGC or a tourist guides association upon a licensed tourist guide who the Hearing Committee has determined has failed to observe the rules of the Code of Ethics, although the sanction applied must reasonably relate to the nature and severity of the non-observance, focusing upon reformation of the conduct of the licensed tourist guide and deterrence of similar conduct by others :

(a) reprimand the licensed tourist guide, with a written warning statement to the accused; and / or

(b) imposition of a fine in accordance with the Tourism Industry Act 1992; or

(c) suspension of the current licensed tourist guide's membership with the

tourist guides association for a designated period of time not exceeding ten (10) months; or

(d) termination or revocation of the current licensed tourist guide's membership
with the tourist guides association; or

(e) such other ruling as the Executive Committee of MTGC or a tourist guides association in its discretion see as deem fit.

(ii) If a licensed tourist guide is suspended or terminated of his membership with a tourist guide association, and the appeal (if any) sustains the determination on which the sanction is based, the Executive Committee of MTGC or a tourist guides association may communicate the determination and transfer a summary or the entire record of the proceeding on the complaint or challenge to an entity engaged in the administration of law or a governmental regulator on the conduct of the subject licensed tourist guide, such as the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) or of similar entity.

(iii) Except in the instance of communication of the determination and transferal of the record, the entire record shall be sealed by the Hearing Committee and the Executive Committee of MTGC or a tourist guides association and no part of it shall be communicated by the members of the Executive Committee of MTGC and / or a tourist guides association, the MTGC Ethics Committee, the members of the Hearing Committee, the staff or any others who assisted in the proceedings on the complaint or challenge, to any third parties, except to the extent compelled by applicable law or legal process.

(iv) A licensed tourist guide who is revoked or terminated shall not reapply for membership with any tourist guides association.

SECTION C – APPEAL PROCESS

(a) Appeal Review Panel & Procedures

(i) Within fourteen (14) days of receipt of notice of a determination by the Executive Committee of MTGC or a tourist guides association that a licensed tourist guide has failed to observe the rules of the Code of Ethics and of imposition of a sanction, the affected licensed tourist guide may submit to the President of MTGC in writing a request for an appeal.

(ii) In such event, the Executive Committee of MTGC, at its next scheduled meeting, or at a special session shall establish an Appeal Review Committee consisting of at least five (5), but not more than seven (7) persons *(Composition Structure of Appeal Review Committee provided herein attached hereto as Appendix 1)* who shall not be members of the Hearing Committee or person (or persons) involved in the investigation of the case.

(iii) If for any reason, a member of the panel cannot fulfill his duties, the President of MTGC can replace that person with a new appointment for the remainder of the unfilled term with the concurrence of the member of the Executive Committee of MTGC.

(iv) Within 14 days of the appointment, the Executive Committee of MTGC shall send a copy of the complaint or challenge and all relevant documents, including an explanation of the basis of the decision to impose action, to the panelists of the Appeal Review Committee.

(v) The Appeal Review Committee shall be free to contact the Hearing Committee and the accused and any other persons who may be relevant witnesses to the submitter, formally or informally as deemed appropriate.

(vi) The Appeal Review Committee shall conduct and complete the appeal within thirty (30) days after receipt of the request for an appeal.

(vii) The purpose of the appeal shall be to provide an objective review of the original complaint or challenge, the investigation and recommendation of the Hearing Committee, and the determination of the Hearing Committee, but not, however the sanction imposed.

(viii) The Appeal Review Committee shall be limited to a review of the Hearing Committee and the MTGC Ethics Committee's application of the rules of the Code of Ethics to the facts established in the investigation of the complaint or challenge and to review of the procedures followed to ascertain whether they were consistent with those detailed in the procedures set forth herein.

(ix) An appeal may not take into consideration any matters not included as part of the record of the Hearing Committee's investigation and its determination.

(x) The appeal shall consist of a review by the Appeal Review Committee of the entire record of the proceedings on the complaint or challenge and written appellate submission of the licensed tourist guide who was the subject of the complaint or challenge and of the Hearing Committee.

(xi) The decision of the Appeal Review Committee shall either affirm or overrule the determination of the Hearing Committee on non-observance of the rules of Code of Ethics by the licensed tourist guide.

(xii) The decision shall not address the sanction imposed by the Executive Committee of MTGC or a tourist guides association. The decision of the Appeal Review Committee, including a statement of the reasons for the decision, shall be reported to the Executive Committee of MTGC.

(xiii) The decision of the Appeal Committee in its absolute discretion shall be final and shall be binding upon the Executive Committee of MTGC, the tourist guides association and the licensed tourist guide who is the subject of the complaint or challenge, the Hearing Committee and all other persons. There shall be no further appeal.

SECTION D – NON-RENEWAL TERMINATION AND RESIGNATION

(i) If a licensed tourist guide who is the subject of a complaint or challenge, terminated by reasons of either non-renewal of his membership with a tourist guides association or resigns from his tourist guides association at any time, prior to completion or during the pendency of the proceeding of the complaint or challenge, the complaint or challenge shall be dismissed without any further action by the Hearing Committee, the Executive Committee of MTGC or a tourist guides association or the Appeal Review Committee established after an appeal; the entire record shall be sealed; and the licensed tourist guide shall not reapply for membership with any tourist guides association.

(ii) The Executive Committee of MTGC or a tourist guides association may communicate the fact and date of such termination or resignation, the name and address of the licensed tourist guide who was terminated or resigned, and the fact that a complaint or challenge pursuant to the Code of Ethics was pending at the time of the termination or resignation. Such communications shall not reveal the nature of the complaint or challenge.

SECTION E – REFERRAL TO LICENSING AUTHORITY

(i) In the event a licensed tourist guide is suspended or terminated of his membership with a tourist guides association, due to the imposition of sanction as provided under *Article VI, Section B Sub-section 4 (d),* and after the exhaustion of the Appeal Process, the Honorary Secretary-General of MTGC shall in writing within 14 days shall communicate and notify the licensing authority, the Ministry of Culture, Arts and Tourism Malaysia (or its successor-in-title) or of similar entity submitting the relevant violation data concerning the licensed tourist guide.

SECTION F –PUBLICATION AND RECORD RETENTION

(i) After the Appeal Process and any further proceedings have been exhausted, or after completion of the time allowed to initiate an Appeal Process, the sanction imposed on the licensed tourist guide will be published in the appropriate publications, if the ruling was a suspension or revocation of membership, and will be published only at the request of the accused, if the ruling was a clearing of charges or issue of warning statement. The statement released shall consist of the following words that such a person stating his name and license number (or reference) is no longer a member of a tourist guides association.

(ii) The record of the Hearing Committee and all appropriate supporting documentation will be retained by MTGC for six (6) years. Response to queries may include statistical information that does not reveal detail about a specific complaint or challenge, such as the number of complaints or challenges processed, provided the approval of the Executive Committee of MTGC is obtained, or responses may include copies of information previously published.

SECTION G – AMENDMENTS

(i) Amendments to this Code of Ethics may be proposed by any tourist guides association or licensed tourist guides in writing to the MTGC Ethics Committee with such proposed amendments to be made available for discussion at its next scheduled meeting of the Executive Committee of MTGC.

(ii) The MTGC Ethics Committee may recommend to MTGC its view to consider any amendments to the Code of Ethics by the Executive Committee of MTGC.

(iii) Any part of this Code of Ethics may be amended at any Executive Committee meeting of MTGC, a quorum being present, by a two-thirds vote of all tourist guides association present, provided that notice of such proposed amendments shall have been notified by the Honorary Secretary-General of MTGC to each tourist guides association at least fourteen (14) days before such meeting.

(iv) No amendment or addition to the clauses of the Code of Ethics can be made which is not in harmony with the Constitution and By-Laws of MTGC and the Tourism industry Act 1992.

Appendix 1

MALAYSIAN TOURIST GUIDES COUNCIL
COMPOSITION STRUCTURE OF COMMITTEES

Composition Structure of MTGC Executive Committee
Elected at the Triennial General Meeting of MTGC

1. President
2. 1st. Vice President
3. 2nd. Vice President
4. Honorary Secretary-General
5. Honorary Treasurer
6. Honorary public Relations Officer
7. Project Co odinator
8. Four (4) Committee Members

Composition Structure of MTGC Ethics Committee

1.	President	MTGC
2.	1st. Vice President	MTGC
3.	2nd. Vice President	MTGC
4.	Honorary Secretary-General	MTGC
5.	Honorary Treasurer	MTGC
6.	Project Co odinator	MTGC
7.	Any licensed tourist guides appointed by MTGC	

Composition Structure of Hearing Committee

1. Malaysian Tourist Guides Council — One (1) Member
2. Tourist Guides Association — Two (2) Members
3. Malaysian Association of Tour and Travel Agents (MATTA) — One (1) Member
4. Others — One (1) or Three (3) Member(s)

(to be appointed by MTGC or the Tourist Guides Association establishing the Hearing Committee)

Composition Structure of Appeal Review Committee

1. Malaysian Tourist Guides Council — One (1) Member
2. Tourist Guides Association — One (1) Member
3. Malaysian Association of Tour and Travel Agents (MATTA) — One (1) Member
4. Or Two (2) others who are not a licensed tourist guide — Two (2) Members

Appendix 2

RUKUNEGARA

PRINCIPLES

1. **BELIEF IN GOD**

This Nation has been founded upon a firm belief in God. It was in the name of God that this Nation was established as a sovereign state.

Islam is the official religion of the Federation. Other religions and beliefs may be practiced in peace and harmony and there shall be no discrimination against any citizen on the ground of religion.

2. **LOYALTY TO KING AND COUNTRY**

Malaysia is a constitutional monarchy and the Yang di-Pertuan Agong is the sovereign Head of State. Parallel with this institution of the Yang di-Pertuan Agong as a constitutional monarch is the continued existence of the institution of the State Rulers who are heads of their respective states.

The Yang di-Pertuan Agong, the Rulers and the Governors are symbols of unity and therefore stand above politics.

The loyalty that is expected of every citizen is that he must be faithful and bear allegiance to His Majesty the Yang di-Pertuan Agong and be a true, loyal and faithful citizen of the Federation. In addition, and without derogating from such loyalty, citizens who are subjects of the Rulers must bear true allegiance and loyalty to their respective Rulers.

3. **UPHOLDING THE CONSTITUTION**

Citizenship confers on a person membership of a state. The Constitution confers on a citizen certain rights and privileges; it also imposes on him certain duties and obligations towards the Nation.

It is the duty of a citizen to respect and appreciate the letter, the spirit and the historical background of the Constitution. This historical background led to such provisions as those regarding the position of His Majesty the Yang di-Pertuan Agong and Their Royal Highnesses the Rulers, the position of Islam as the official religion, the position of Malay as the national and official language, the special position of the Malay and other Natives, the legitimate interests of the other communities, and the conferment of citizenship. It is the sacred duty of a citizen to defend and uphold the Constitution.

4. **RULE OF LAW**

Justice is founded upon the rule of law. Every citizen is equal before the law. Fundamental liberties are guaranteed to all citizens. These include liberty of the person, equal protection of the law, freedom of religion, rights of property and protection against banishment.

The Constitution confers on a citizen the right of free speech, assembly and association and this right may be enjoyed freely subject only to limitations imposed by law. The rights and freedoms guaranteed by the constitution do no include the right to overthrow the Government either by force or by other unconstitutional means.

The Rule of Law is ensured by the existence of an independent judiciary with powers to pronounce on the constitutionality and legality or otherwise of executive acts.

5. **GOOD BEHAVIOR AND MORALITY**

Individuals and groups shall conduct their affairs in such a manner as not to violate any of the accepted canons of behavior, which include the abhorrence and rejection of any conduct or behavior which is arrogant or offensive to the sensitivities of any group. No citizen should question the loyalty of another citizen on the ground that he belongs to a particular community. Good behavior also includes a high standard of morality in both our personal and public life.

Appendix 3

TOURISM INDUSTRY ACT 1992

TOURISM INDUSTRY
(LICENSING AND CONTROL OF TOURIST GUIDES)
REGULATIONS 1992

FOURTH SCHEDULE
(Regulation 10)

STANDARD DRESS FORM FOR LICENSED TOURIST GUIDES

DRESS FOR MALE TOURIST GUIDES

(a) Long or short-sleeved made-in-Malaysia Batik shirt worn with plain long pants;
(b) Long or short-sleeved shirt worn with a tie and plain long pants;
(c) Collared T-shirt worn with plain long pants for adventure-type tours only; or
(d) Uniforms that meet with the above guideline supplied by any tour companies.

DRESS FOR FEMALE TOURIST GUIDES

(a) Made-in-Malaysia Batik Dress (covering knee) / Baju Kebaya;
(b) Blouse and skirt (covering knee);
(c) Collared T-shirt and plain long pants for adventure-type tours only; or
(d) Uniforms that meet with the above guideline supplied by any tour companies.

Appendix 4

TOUR ASSIGNMENT CONFIRMATION ORDER

We, the undersigned tour operator wish to certify that the following assignment (as mentioned below) is assigned to the undersigned licensed tourist guide.

NAME OF TOUR OPERATOR:	
KKKP No. *(if any)*	**TEL NO :**
GROUP'S NAME *(if any)* **:**	
DURATION OF ASSIGNMENT:	**DAY/S** **NIGHT/S**
NATIONALITY:	**NO. OF PAXS :**
TOURIST GUIDE: **KKKP TG No.** ☐☐☐☐	
DATE : ARRIVAL :	**DEPARTURE:**
PICKUP POINT:	**TIME:**
FLIGHT NO.	**VEHICLE / COACH NO.**

We also fully agreed that cancellation for all assignments must be given twenty-four (24) hours notice in advance otherwise a full cancellation fee must be paid. In the case of overland assignments three (3) days notice in advance be given or cancellation for one (1) day fee is applicable.

Itinerary Attached : ☐ Yes ☐ No

This Assignment Order is issued by :

Name: Company's Seal/Chop
Position: Dated:

Confirmed and Acknowledged by licensed tourist guide :

Signature

Handset No :
Date :

Appendix 5

MALAYSIAN TOURIST GUIDES COUNCIL
Continuing Tourism Related Education (CTRE)

Licensed tourist guides have to strive to maintain the highest levels of competence in their work. They recognize the limitations of their expertise and they recognize the need for ongoing ***Continuing Tourism Related Education (CTRE)*** in order to remain professionally competent. They utilize the appropriate professional, technical, management and administrative resources needed to ensure competence in their professional activities and will consult with other industry or non-related industry professionals when necessary for the benefit of their customers, colleagues and the public.

A licensed tourist guide is the well-informed intermediary between up-to-date research in all fields and the many different levels of tourist demand and interest. The profession is necessitated by the breadth and depth of knowledge required together with the associated practical skills and itinerary planning. Developments in many fields are so rapid as to require frequent and considerable update study and ongoing professional training at a level that can encompass wide knowledge.

The Malaysian Tourist Guides' Council (MTGC), in its efforts to define the appropriate skills and subjects of learning is adopting the following guidelines to identify programs, events, training, familiarization trips, talks, seminars, and any other activities organized by MTGC, their respective Associations, and the Ministry of Culture, Arts & Tourism and its related tourism departments as well as non-governmental departments.

These perimeters are guidelines, and may be varied from time to time, and by circumstances to suite the growing demands of the profession.

1. All licensed tourist guides shall attend at least three (3) CTRE programs annually.
2. Lecture sessions should be minimum three (3) hours with two hours of lecture, one half hour break and another half hour for discussions (Questions and Answers).
3. Outdoor trips should be at least half a day and should be tourism-related educational tours.
4. Lecture fees per session should be minimum RM300.00 for three hours, and subsequent hours or part thereof will be at RM100.00 each.
5. A c.v. of the lecturer together with detailed information on the topic to be presented or discussed should also be provided to MTGC for records.
6. All CTRE programs/activities are to be endorsed by the respective tourist guides association and lodged with MTGC for a *'CTRE Code No'*.
7. The respective tourist guides associations, training providers or organizers will issue serialized certificates of Attendance/Participation signed by an executive committee member of the tourist guides association, and/or the official training provider, organizer, to the participants.
8. Other governmental, non-governmental or tourism industry related bodies may also organize programs or activities for the licensed tourist guides, and these must also be endorsed by MTGC.
9. An annual list of all these programs or activities endorsed and approved by MTGC for the licensed tourist guide will be submitted to the Ministry of Culture, Arts and Tourism Malaysia by MTGC. A copy will also be circulated to all the tourist guides associations.

10. Programs and activities related to the tasks and duties of tourist guides outlined in the training unit of the National Occupational Skills Standards (NOSS) for the licensed tourist guides will serve as a guide line for such programs and activities organized.

A Training & Education Sub-Committee (TESC) will be set up under MTGC comprising of licensed tourist guides nominated by the respective tourist guides association to monitor the programs and activities of both MTGC and the tourist guides associations.

The TESC will also look into the formation of a pool of experienced and professional individuals to assist and to contribute to the training of new and practicing licensed tourist guides. This pool of trainers and model guides will ensure that the standards of tourist guiding and the role of tourist guides be fully understood and respected.

New initiatives launched by the industry and by the Ministry of Culture, Arts and Tourism Malaysia in terms of human resource training, development and enhancement will then have the input and contribution of the TESC for it to be practical, acceptable and understood.

The benefits of having such support from the tourist guiding fraternity will ensure its successful implementation and practice including most importantly, for it to accomplish its desired objectives.