

**AUSTRALIAN CONTAMINATED LAND CONSULTANTS' ASSOCIATION INC
(ACLCA)
QUEENSLAND CODE OF PRACTICE**

1. Preamble

The responsible management of contaminated land, conservation and management of resources, and the improvement of the standards of living including public health are greatly affected by the work of our Members. For our work to be fully effective, it is necessary not only that our Members strive constantly to widen their knowledge and improve their skills, but also that the wider community be willing to recognise the integrity and trust the judgement of our Members. For this to happen, our Association must be recognised in the wider community for:

- our skills in using technical expertise in contaminated land management for the enhancement and protection of human and environmental health;
- our loyalty to the community, to employees and Clients and to our employees; and
- our honesty and impartiality in professional practice.
- Our Members shall so organize their work so as to merit and protect this trust.

To this end, our Members are required to comply with this Code of Practice, to give active support to the proper regulation of qualifications, employment and practice of our profession, and to promote the development and application of appropriate technology in the interest of our industry and the wide community.

Members acting in accordance with this Code will have the support of the Association.

This Code of Practice applies to all work carried out by Members of the Australian Contaminated Land Consultants' Association Incorporated (ACLCA) in the field of contaminated land consultancy services.

2. Definitions

"ACLCA" and "Association" means the Australian Contaminated Land Consultants' Association Queensland Chapter.

"Contaminated land consulting services" include assessment and remediation of soil and/or groundwater contamination and hydrogeological studies undertaken in areas where groundwater contamination is an actual or potential issue of concern.

"Member" means a consultancy firm or similar organisation which has been admitted as a member of the Association.

"Site" means any location where a Member proposes to or has actually carried out contaminated land consultancy services.

3. Professional Competency

In respect to acceptable levels of professional and technical competency Members shall:

- a. assess all its staff to be employed on contaminated land consultancy services in relation to the Association's list of professional and technical competencies (a list is available from ACLCA Executive Officer);

- b. have staff who have qualifications and experience acceptable by the Qld Department of Environment and Heritage Protection (EHP) for the submission of site investigation reports i.e. 'suitably qualified person'.
- c. ensure that the staff to be employed as part of the project team possess relevant levels of competency, appropriate to their statement of duties; and
- d. develop and implement training plans for their staff to develop and maintain the required competencies.

4. Ethical Standards

Members of ACLCA shall set out their ethical standards in a policy statement that is made available to all staff and is provided to clients on their request. A copy of the ethical standard policy of each new member shall be provided to ACLCA prior to their application for membership of the Association being considered.

The Ethical Standards Policy statement shall include the following provisions that Members shall:

- a. contract to carry out any services only for which they have appropriate levels of competency and experience;
- b. not include in a report a statement that it knows to be untrue;
- c. not knowingly omit from any finalised report any information that would materially alter the conclusions that could be drawn from the report;
- d. not endorse information supplied by their client or any other organisation without taking reasonable steps to determine the validity of the information or where this is not possible, note that such independent verification has not been possible;
- e. inform the client in writing should any member become aware of an issue that results material or serious environmental harm [as defined in the Environmental protection Act 1994 (EP Act)].

5. Qualifications

Members shall undertake provision of contaminated land consultancy services only when staff employed in tasks such as sampling, monitoring and recording and contributing to reporting have:

- a. recognised and relevant engineering scientific or technical qualifications and/or appropriate experience for the duties they perform or have received appropriate in-house training to enable them to perform these duties;
- b. are a member of a 'prescribed organisation' under Qld Environmental Protection Act;
- c. received in-house or external training in all relevant techniques to be used for collection of samples or monitoring and are familiar with and experienced in operating procedures or practices as documented in the Member's quality system;
- d. acquired experience in previous similar work, or are supervised by a member of staff having such experience; and

- e. acquired familiarity with basic concepts, policy and legislation issues relating to contaminated land.

In addition, for companies to be eligible for membership to the ACLCA, they must satisfy the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch that the company or part of the company has clients which are individuals or bodies other than the owners of the company, as determined by the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch. Specifically, corporatised public authority firms or divisions of firms must:

- win a major part of their business through competition with other firms;
- meet the other ACLCA membership requirements; and
- agree to abide with the ACLCA Code of Ethics.

To allow the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch to assess the membership eligibility, corporatised public authority firms or divisions of firms may be requested to provide statements of the financial objectives and management arrangements for the firm. In considering such information, the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch shall be satisfied that the firm is a commercially independent entity financially and that it is separately managed.

6. Quality Management System (QMS)

Members shall provide evidence to the Association of their firm having implemented an acceptable Quality Management System (QMS) for controlling the quality and adequacy of their consultancy services. This QMS shall be appropriate for the size and structure of the Member organisation, and the nature of the work routinely undertaken.

The Association shall maintain a list of the standard of quality management systems of each member which shall be updated periodically.

In accordance with the requirements of their quality management system each Member shall set up an internal audit procedure that will verify that the above requirements have been complied with on a sufficient number of randomly selected sample projects.

7. Management of Contaminated Land Projects

The responsible management of contaminated land projects by our Members will be demonstrated by the implementation by our Members of a number of essential procedures that are outlined below. As for all environmental projects, the actual scale and extent of these procedures will be based on the nature and agreed scope of the works that are to be performed.

7.1 Environmental and Health & Safety Plan (EHSP) and Sampling & Analysis Plan (SAP)

Prior to commencing any work on a site where it could reasonably be expected that a concern for the environment might arise, Members shall ensure that appropriate EHSPs and SAPs have been prepared.

8. Annual Reporting to ACLCA

Each Member is required to submit an annual return and make payment of annual membership renewal fees as determined by the Association by the 1st of July of each calendar year.

Where a Member fails to submit its annual return within the timeframe prescribed by the Association, the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch may suspend the member's voting rights until such time as the annual return is received by the association.

As part of the annual membership renewal process, each Member shall submit a statement to the effect that

- it continues to follow this Code of Practice;
- confirm that they have the appropriate insurance coverage in place for the work that they are undertaking.

9. Membership fees

On admission to ACLCA Qld Membership, a Member must pay a Membership fee as determined by the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch.

- i. If a Member becomes a Member on or after 1st July in any calendar year, on becoming a Member, membership fees will be determined by quarterly year increments;
- ii. Renewal of annual membership fees are due before 1st July in each succeeding calendar year.

10. Payments due to the ACLCA Qld

All payments due to ACLCA Qld by Members, are to be made within 28 days of the invoice date. The Association reserves the right to charge an additional 10% of the invoice amount per month (or part thereof) for any late payments. **# please note update required on this comment**

11. Non-conformance with Code of Practice

In the event that the ACLCA Qld receives a complaint from an identifiable third party (e.g. the EHP, a client, or a member of the general public) that a Member has or may have contravened this Code of Practice, the following provisions will apply:

- a. Except as otherwise provided by this clause, the President of ACLCA Qld ("the President") will investigate the complaint.
- b. The President may, however, decide to take no action concerning a complaint if the President considers that the complaint falls into any of the following categories:
 - i. the complaint is frivolous, vexatious, or not made in good faith;
 - ii. the subject-matter of the complaint is trivial or does not warrant investigation;
 - iii. the subject-matter of the complaint has been or is under investigation by some other competent person or body or has been or is the subject of legal proceedings;
 - iv. the subject raises issues that require investigation by another person or body;
 - v. there is or was, in relation to the matter complained of, a satisfactory alternative means of dealing with the matter by the complainant.
- c. Where the President decides to take no action concerning a complaint, the President shall notify the complainant and give the reasons for the decision.
- d. Where the President decides to investigate a complaint, the President shall give notice to the Member against whom the complaint has been made of the nature of the complaint, with sufficient information being given so as to enable the Member to respond to it.
- e. The notice must indicate that the Member may make representations to the President before a specified date being a date that is reasonable in the circumstances of the case.
- f. The Member may, in accordance with any such notice, make representations to the President.

- g. The President is required to hear and to consider any representations made by the Member and to make a decision, as expeditiously as possible, as to whether there is a reasonable likelihood that the Member has contravened this Code of Practice.
- h. After hearing and considering any representations made by the Member, the President, if satisfied that there is a reasonable likelihood that the Member has contravened this Code of Practice, shall, by notice in writing served on the Member, require the Member to attend, at a time and place specified in the notice, before a Special Meeting of the ACLCA Qld's Executive.
- i. The Executive shall conduct a hearing into the matter as expeditiously as possible and may inform itself of any matter in such manner as it thinks fit. A finding of the Executive is to be made on the balance of probabilities.
- j. The Executive may, if it finds the complaint against the Member is proved:
 - i. counsel the Member; or
 - ii. reprimand the Member; or
 - iii. terminate the Member's membership of the ACLCA Qld.
- k. The Executive must provide a written statement of the decision made in the proceedings before it to the Member against whom the proceedings were taken.
- l. The statement of a decision must:
 - i. set out the findings on material questions of fact;
 - ii. refer to any evidence or other material on which the findings were based; and
 - iii. give the reasons for the decision.
- m. Where a Member's membership of the ACLCA Qld is terminated, the Member shall not be entitled to any repayment of any remaining membership fees and will not be permitted to reapply to the ACLCA Qld for readmission for at least 12 months from the date of termination.

NOTE: The provisions set out above are designed to ensure that a Member is accorded "natural justice" (or "procedural fairness") before any decision is made by the ACLCA Qld which might affect the Member's rights, interests or legitimate expectations. Adequate notice of the time and venue of any hearing, and the issues to be considered, must be given so that a reasonable opportunity is provided for the Member to prepare for and attend the hearing. There would not appear to be any general entitlement to legal representation or cross-examination. Any hearing must accord with all accepted notions of fairness. The ACLCA Qld is not obliged to inform the Member of all of the details of any complaint made against the Member or of the investigations of its officers. However, the Member must be given "sufficient information" so as to know the substance of any complaints and investigations. Sources of confidential information and the identity of complainants may be preserved. It should be noted that the investigation and disciplinary process set out above is not intended, and must not be allowed, to develop into a series of minor trials. The actual requirements will depend upon the facts of each particular case.

12. Confidentiality

All Member information will be treated in a professional and confidential manner

13. Acceptance of this Code of Practice

Members are required to have this Code of Practice signed and dated by a company representative and witnessed as appropriate, with the original provided to the ACLCA Qld Executive Officer.

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Signed and dated

.....
Witnessed and dated

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Please PRINT NAME and TITLE
For

.....
Please PRINT NAME

.....
PRINT Company Name

.....
Company A.C.N. No.

Endorsement for New Members: (A Member Company must sign)

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Please PRINT NAME and TITLE

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Company Name and Date

