

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

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 judgment 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.

Our Associate Members shall conduct their work so as to merit and protect this trust.

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

Associate 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 Associate Members of the Australian Contaminated Land Consultants' Association Incorporated (ACLCA) QLD in the field of contaminated land.

2. Definitions

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

"Associate Member" means individuals who have been admitted as an Associate Member of the Association and have demonstrated that they:

- a. have a contaminated land background; and
- b. undertake operations within their business that involves land contamination issues.

3. Professional Relevance

In respect to acceptable levels of professional and technical relevancy, Associate Members shall demonstrate:

- a. a background in contaminated land; and
- b. current business / employer involvement with contaminated land issues.

4. Ethical Standards

Associate Members of ACLCA operate within ethical standards including accordance with relevant legislation. They will

- 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 is known 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 themselves on relevant legislation, guidelines and codes and any changes made to such either directly or via consultation with Full Members, the Association or others as appropriate.

5. Annual Reporting to ACLCA

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

As part of the annual membership renewal process, each Associate Member shall submit a statement to the effect that it continues to follow this Code of Practice.

6. Membership fees and Payments

On confirmation of Membership to the ACLCA Qld, an Associate Member must pay a Membership fee as determined by the Membership and Ethics Sub-Committee of the ACLCA Queensland Branch, due on the date of confirmation of membership and due on this date each succeeding calendar year

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,

7. Non-conformance with Code of Practice

In the event that the ACLCA Qld receives a complaint from an identifiable third party (e.g. the DES, a client, or a member of the general public) that an Associate 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.

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.

- b. Where the President decides to take no action concerning a complaint, the President shall notify the complainant and give the reasons for the decision.
- c. Where the President decides to investigate a complaint, the President shall give notice to the Associate Member against whom the complaint has been made of the nature of the complaint, with sufficient information being given so as to enable the Associate Member to respond to it.
- d. The notice must indicate that the Associate Member may make representations to the President before a specified date being a date that is reasonable in the circumstances of the case.
- e. The Associate Member may, in accordance with any such notice, make representations to the President.
- f. The President is required to hear and to consider any representations made by the Associate Member and to make a decision, as expeditiously as possible, as to whether there is a reasonable likelihood that the Associate Member has contravened this Code of Practice.
- g. After hearing and considering any representations made by the Associate Member, the President, if satisfied that there is a reasonable likelihood that the Associate Member has contravened this Code of Practice, shall, by notice in writing served on the Associate Member, require the Associate Member to attend, at a time and place specified in the notice, before a Special Meeting of the ACLCA Qld's Executive.
- h. 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.

The Executive may, if it finds the complaint against the Associate Member is proved:

- i. counsel the Associate Member; or
 - ii. reprimand the Associate Member; or
 - iii. terminate the Associate Member's membership of the ACLCA Qld.
- i. The Executive must provide a written statement of the decision made in the proceedings before it to the Associate Member against whom the proceedings were taken.
 - j. 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.
 - k. Where an Associate Member's membership of the ACLCA Qld is terminated, the Associate 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.
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NOTE: The provisions set out above are designed to ensure that an Associate Member is accorded "natural justice" (or "procedural fairness") before any decision is made by the ACLCA Qld which might affect the Associate 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 Associate 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 Associate Member of all of the details of any complaint made against the Associate Member or of the investigations of its officers. However, the Associate 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.

10. Confidentiality

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

11. Acceptance of this Code of Practice

Associate Members are required to sign and date this Code of Practice and have this witnessed as appropriate, with the original provided to the ACLCA Qld Executive Officer.

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Signed and dated

.....
Witnessed and dated

.....
Please PRINT NAME and TITLE

.....
Please PRINT NAME

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

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Please PRINT NAME and TITLE

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Company Name and Date

