



Code of Practice (28 October 2021)

Australian Contaminated Land Consultants Association (Victoria) Inc.

ABN 32 603 120 925

Document control

Revision	Date	Status
Rev0	22 May 2007	Superceded
Rev1	18 June 2012	Superceded
Rev2	15 May 2014	Superceded
Rev3	14 October 2021	Final Draft adopted as Final at 2021 AGM

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 employers; and
- our honesty and impartiality in professional practice.

The environmental practice of our Members is governed by national standards and measures, government policy and legislation. Compliance by our Members with these legal requirements represents the minimum standard of environmental practice. We expect our Members to undertake their environmental practice in a manner that goes above the legal requirements so that our Members are trusted by their clients and the community.

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 (Victoria) Inc. (ACLCA, Association) in the field of contaminated land consulting services.

2 Definitions

"ACLCA" and "Association" means the Australian Contaminated Land Consultants Association (Victoria) Incorporated.

"Contaminated land consulting services" includes 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 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:

- assess all their staff to be employed on contaminated land consulting services in relation to the Association's list of professional and technical competencies (a list is available from ACLCA Executive Officer);
- 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 perform contaminated land consultancy services that are within their field of expertise and engineering, scientific or technical qualifications;
- engage additional expertise if the Member identifies that its staff do not possess the relevant expertise for the Services; and
- 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 Association expects that the staff of all its Members will practice with integrity and honesty, including that Members shall:

- contract to carry out any services only for which they have appropriate levels of competency and experience;
- conduct contaminated land consulting services diligently and objectively;
- ensure that all communications, including reports and assessments, are truthful and free of misleading, deceptive or untrue statements;
- treat all information disclosed to Members in the course of the contaminated land consulting services as confidential and not disclose information to any third party without authority (subject to any legal requirements to disclose);
- not knowingly omit from any finalised report any information that would materially alter the conclusions that could be drawn from the report;
- 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;
- inform the client in writing should any member become aware of an issue that results in a significant risk of harm to human health or the environment that has not previously been reported to the client, or to any relevant regulatory authority; and
- hold and maintain an appropriate level of insurance for their business activities.

5 Qualifications

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

- 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;
- 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;
- acquired experience in previous similar work, or are supervised by a member of staff having such experience; and
- acquired familiarity with basic concepts, policy and legislation issues relating to contaminated land.

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 up-dated 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 Site Management Plan (SMP),

7.2 Health & Safety Plan (HSP), and

7.3 Sampling, Analysis and Quality Plan (SAQP)

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 SMPs, HSPs and SAQPs have been prepared in accordance with applicable regulations and guidelines.

8 Practice with independence

Avoiding and managing conflicts of interest is essential to ensure that clients and the community continue to trust our Members. To this end, the Association expects that its Members will:

- avoid or otherwise manage conflicts of interest or undue influences in making professional judgements in the performance of the Services; and
- if a conflict or perceived conflict arises, clearly disclose the conflict to the relevant parties and work diligently to resolve the conflict.

9 Annual Reporting to ACLCA

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.

10 Non-conformance with Code of Practice

In the event that the Association receives a complaint from an identifiable third party (e.g. the EPA, 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 ("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 Association'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 Association.
- 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 Association 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 Association 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 Association 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 Association 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.

11 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 to the ACLCA executive Officer.

.....
Signed and dated

.....
Witnessed and dated

.....
Please PRINT NAME and TITLE

.....
Please PRINT NAME

for

.....
PRINT Company Name

.....
ABN No. (if applicable)