



AUSTRALIAN CONTAMINATED LAND CONSULTANTS ASSOCIATION (NSW) INC.

CODE OF PRACTICE

1. PREAMBLE

The work of the Australian Contaminated Land Consultants Association (NSW) Inc (“the Association” or “ACLCA NSW”) and its members (“Members”) fosters the responsible management of contaminated land and the protection of the environment, which contributes to the improvement of living standards and public health in communities where services are provided.

For our work to be effective, it is necessary not only that our Members strive constantly to advance their knowledge and improve their skills, but also that the wider community recognises Members’ integrity and trusts their judgement in relation to appropriately dealing with land contamination. Community-wide recognition for Members is achieved as the Association is recognised for:

- our skills in applying technical expertise in the way we manage risks attributed to site contamination;
- our guidance and leadership in advocating for the protection of human and environmental health from the adverse effects of contamination;
- our respect for the community, our staff and clients;
- our honesty and impartiality in professional practice; and
- our aspiration to the highest standards of ethical and professional conduct.

Our Members’ environmental practices are governed by national standards and measures, government policy and legislation. Member compliance with legal requirements represents the minimum standard of environmental practice. The Association expects that each Member will exceed the minimum standard by proactively maintaining professional competency, technical excellence and ethical conduct.

To this end, our Members must comply with this Code of Practice and in so doing, will have the support of the Association. This Code of Practice applies to professional services provided by Members in relation to the assessment of land for the presence of contamination, and the remediation of land that has been found to be adversely impacted by contamination (“Services”).

2. ENVIRONMENTAL PRINCIPLES

In providing the Services, the Association expects that its Members will:

- advocate the protection of the natural environment and the prevention and mitigation of environmental harm;
- advocate the protection and preservation of public and human health, including the safety and welfare of communities and future generations from the adverse effects of site contamination; and
- advocate and undertake the Services in accordance with principles of ecologically sustainable development as described in Section 9 of the NSW *Contaminated Land Management Act, 1997*.

3. PROFESSIONAL COMPETENCY

In respect to acceptable levels of professional and technical competency, the Association expects that its Members will:

- ensure that staff provide Services consistent with current good practice so as to achieve the appropriate environmental and human health outcomes;
- manage contaminated land projects in accordance with NSW Environment Protection Authority (NSW EPA) made or endorsed guidance or requirements of appropriate regulatory bodies, and an overall commitment to the protection of human health and the environment;
- assess and ensure that any staff who perform Services meet the technical competencies prescribed by applicable standards and legislation (as varied from time to time), including qualifications in one or more of the competencies listed in Section 6 of Schedule B9 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, as amended 16 May 2013 and perform Services that are within their field of expertise and engineering, scientific or technical qualifications;
- select and provide opportunities for all practitioners on the basis of merit;
- seek additional expertise if the Member identifies that its staff do not possess the relevant expertise for the Services;
- collaborate with other Members, respect the contribution and approach of other Members and acknowledge if data and information is sourced from others; and
- pursue the continued professional development and training of staff, so as to develop and maintain the required competencies for the Services.

4. PRACTICE WITH INTEGRITY

The Association expects that the staff of Members will practice with integrity and honesty, including:

- conducting the Services diligently and objectively;
- ensuring that all communications, including reports and assessments, are truthful and free of misleading, deceptive or false statements;
- treating all information disclosed to Members in the course of the Services as confidential and not to be disclosed to any third party without authority of the disclosing party (subject to any legal requirements to disclose);
- not knowingly omit from any report any information that would materially alter the conclusions stated in that report;
- not endorsing information supplied by its 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; and
- informing the client as soon as practical if any Member becomes aware of contamination of the client's property that triggers a duty to report contamination under Section 60 of the *NSW Contaminated Land Management Act, 1997* that has not previously been reported to the client; or to the NSW EPA; or similar obligation to notify an environmental regulator in another jurisdiction.

5. PRACTICE WITH INDEPENDENCE

Avoiding and managing conflicts of interest (potential or actual) 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 overtly manage conflicts of interest or undue influences in making professional judgements in the performance of the Services; and
- clearly disclose a conflict to the relevant parties and work diligently to resolve the conflict, where one is identified.

6. QUALIFICATIONS

Members shall provide Services only when staff employed in tasks, 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 to an acceptable standard;
- received in-house or external training in 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 basic knowledge of relevant concepts, policy and legislation issues relating to contaminated land.

7. QUALITY MANAGEMENT SYSTEM

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.

The QMS shall have an internal audit procedure that will verify that the above requirements have been complied with, and the Member (when required) shall provide ACLCA NSW with evidence that these audits are conducted.

8. REPORTING TO THE ASSOCIATION

As part of the annual membership renewal process, each Member will re-sign the final Section of this Code of Practice to acknowledge that it will:

- continue to follow this Code of Practice; and
- continue to comply with all rules of the ACLCA NSW Rules of Association (our 'Constitution').

In addition, by signing this Code of Practice, each Member confirms that it will:

- notify the ACLCA NSW Executive Officer if a Member or one of its employees is subject to an investigation by a regulatory authority (such as the NSW EPA, SafeWork NSW, or any other relevant state or national regulatory authority) triggered by a complaint of unacceptable ethical or professional practice;

- inform the ACLCA NSW Executive Officer within 10 business days if they become aware of something which would alter their qualifying as a Member of the Association; and
- make available evidence of the above when requested by the Audit Committee when the Member is subject to an audit.

9. NON-CONFORMANCE WITH THIS CODE OF PRACTICE

In the event that the Association receives a complaint from an identifiable third party or another Member, or non-compliance with the Code of Practice is identified during a Member Audit, the matter will be dealt with in accordance with Rule 15 of the Constitution.

10. CONFIDENTIALITY

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

11. ACCEPTANCE OF THIS CODE OF PRACTICE

To confirm acceptance of the Code of Practice and to acknowledge that employees of the signing Member have been made aware of the requirements contained herein on an annual basis, Members are required to have this Code of Practice signed and dated by a company representative and witnessed as appropriate, with the original to be returned to the NSW Executive Officer of the Association.

Signed and dated for Member
*(person must be duly authorised to sign
on behalf of the Member)*

Witnessed Signed and dated

PRINT Name and Title
for

PRINT Witness Name

PRINT Member Company Name

Member Company ABN

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