

**AUSTRALIAN CONTAMINATED LAND CONSULTANTS ASSOCIATION (Qld)**

**RULES  
PART I PRELIMINARY**

**1. Interpretation**

(1) In these rules:

***affiliate member*** means a company/organisation admitted to membership of the association as an affiliate member in accordance with clause 7;

***associate member*** means a person admitted to membership of the association as an associate member in accordance with clause 7;

***member*** means a person admitted as a Member under clause 7;

***membership and ethics subcommittee*** means subcommittee of association to, under clause 7:

(a) *establish company and associate membership criteria.*

(b) *Understanding and managing the association's membership protocols*

***ordinary member*** means a company admitted to membership of the association as an ordinary member under clause 7;

***ordinary Northern Territory affiliate member*** means a person of a Queensland member company residing in the Northern Territory admitted to membership of the association as an ordinary member under clause 7;

***present*** means:

(a) *at a management committee meeting, see rule 23(6); or*

(b) *at a general meeting, see rule 37(2).*

***secretary*** means:

(a) *the person holding office under these rules as secretary of the association; or*

(b) *if no such person holds that office – the public officer of the association;*

***special general meeting*** means a general meeting of the association other than annual general meeting;

***the Act*** means the Associations Incorporation Act, 1981 (Qld);

***the Regulations*** means the Associations Incorporation Regulations, 1999 (Qld);

***voting member*** means an **ordinary** member that is entitled to vote at a general meeting.

(2) In these rules:

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of a duty.

- (3) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.
- (4) The provisions of the *Acts Interpretation Act 1954* (Qld) apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## **2. Name**

- (1) The name of the incorporated association is the Australian Contaminated Land Consultants Association (Qld) (*the association*).

## **3. Objects**

- (1) To provide a forum for collaboration between contaminated land consultants in Queensland and to act in the best interests of members and the community.

## **4. Powers**

- (1) The association has the powers of an individual.
- (2) The association may, for example:
- (a) enter into contracts; and
  - (b) acquire, hold, deal with and dispose of property; and
  - (c) make charges for services and facilities it supplies; and
  - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The association may take over the funds and other assets and liabilities of the present unincorporated association known as the Australian Contaminated Land Consultants Association (QLD) (the *unincorporated association*).
- (4) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

# **PART II MEMBERSHIP**

## **5. Classes of members**

- (1) The membership of the association consists of ordinary members, ordinary NT affiliate members, affiliate members and associate members; and
- (2) The number of ordinary members and affiliate members is unlimited.

## **6. Membership qualifications**

- (1) Ordinary Members. A company is qualified to be an ordinary member of the association if, and only if:
- (a) the company is a company referred to in section 15(1)(a), (b) or (c) of the *Corporations Act 2001* (Cth) and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
  - (b) the company is a registered company:
    - i. that has been nominated for membership of the association as provided by

Rule 3; and

- ii. that has been approved for membership of the association by the membership and ethics subcommittee of the association.
- (c) ordinary membership to the association is open to businesses which can demonstrate that their:
- i. primary business is consulting to external clients,
  - ii. and business activities include a substantial practice in land contamination management, with specialist environmental staff employed to perform full-time in the area of land contamination management,
  - iii. company has at least 1 staff member that is a Suitably Qualified Person in accordance with the Environmental Protection Act 1994 or
  - iv. acting in a regulatory function (Contaminated Land Company Auditor Certification Services).
- (2) Ordinary Northern Territory affiliate members must be an individual of an ACLCA Queensland member company which has a branch in the Northern Territory and is included for membership in the annual census under the Queensland member company.
- (3) Associate members must be an individual that has been approved for membership of the association by the membership and ethics subcommittee of the association.
- (4) Affiliate members must be a company or organisation that has been approved for membership of the association

#### **7. Nomination for membership**

- (1) A nomination of a person or company for membership of the association:
- (a) must be made by a member of the association in writing as set out in the Code of Practice (Appendix 2.I & Appendix 2.II & Appendix 3.II); and
  - (b) the company must submit in full a company membership application form (Appendix 1.I): or
  - (c) the person must submit in full an associate membership application form (Appendix 1.II): or
  - (d) the company or organisation must submit in full an affiliate membership application form (Appendix 3.I): and
  - (e) (a), (b) (c) (d) must be lodged with the secretary and/or the executive officer of the association.
- (2) As soon as practicable after receiving a nomination for membership and member application form in full, the secretary and/or the executive officer must refer the nomination to the membership and ethics subcommittee to determine whether to approve or to reject the nomination. *The membership and ethics subcommittee of the association considers the membership application in the first instance.*

- (3) The secretary and/or executive officer of the association must, as soon as practicable after the membership and ethics subcommittee of the association decides to accept or reject an application, give the applicant a written notice of the decision.
- (4) If the management committee determines to approve a nomination for membership, the secretary and/or executive officer must, as soon as practicable after that determination, give the applicant a written notice of approval, and request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as entrance fee and annual subscription.
- (5) The secretary and/or executive officer must, on payment by the nominee of the amounts referred to in clause (4) within the period referred to in that clause enter the nominee's name in the register of members and on the name being so entered, the nominee becomes a member of the association.

#### **8. Cessation of membership**

- (1) A member ceases to be a member of the association if the member:
  - (a) is an ordinary member and ceases to operate; or
  - (b) is an affiliate member and ceases to operate or ceases to meet the requirements for an affiliate member; or
  - (c) is an associate member and ceases to meet the requirements for an associate member; or
  - (d) resigns that membership; or
  - (e) is expelled from the association in accordance with these Rules (including Rule 15 - Disciplining of Members).
- (2) An ordinary Northern Territory affiliate member ceases to be a member of ACLCA Queensland once the Northern Territory established their own chapter under the banner of ACLCA Northern Territory.

#### **9. Resignation of membership**

- (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving the secretary written notice of at least one (1) month (or such other period as the committee may determine) of the member's intention to resign and upon the expiration of the period of notice, the member ceases to be a member.
- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

#### **10. Membership entitlements not transferable**

- (1) A right, privilege or obligation which a member has by reason of being a member of the association:
  - (a) is not capable of being transferred or transmitted to another company or individual; and
  - (b) terminates on cessation of the member's membership.

#### **11. Register of members**

- (1) The executive officer of the association must establish and maintain a register of members of the association specifying the principal contact and address of each company who is a member of the association together with the date on which the company became a member.
- (2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) A member must contact the secretary to arrange an inspection of the register.
- (4) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the member's full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

#### **12. Fee, subscriptions, etc.**

- (1) A member of the association must, upon admission to membership, pay to the association a fee amount as determined by the committee for ordinary members and for associate members.
- (2) In addition to any other amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee as determined by the committee for ordinary members and for associate members:
  - (a) except as provided by paragraph (b), before 1 July in each calendar year; or
  - (b) if the ordinary member or affiliate member becomes a member on or after 1 July in any calendar year, on becoming a member, membership fees will be determined by quarterly year increments then before 1 July in each succeeding calendar year; or
  - (c) associate members must pay a membership fee due on the date of confirmation of membership and due on this date each succeeding calendar year.

#### **13. Members' obligations and liabilities**

- (1) Each ordinary member, **each affiliate member** and each associate member must submit

an annual return to the association in such form as may be prescribed by the Association from time to time.

- (2) If an ordinary member fails to submit its annual return within the timeframe prescribed by the association, the management committee reserves the right to rescind that ordinary member's voting rights until such time as the annual return is received by the association.
- (3) If an affiliate member fails to submit its annual return within the timeframe prescribed by the association, the management committee reserves the right to rescind that affiliates member's attendance to the association's training and events until such time as the annual return is received by the association.
- (4) The liability of an ordinary member of the association to contribute toward the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association as required by rule 12.

#### **14. Resolution of internal disputes**

- (1) Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to the Australian Commercial Dispute Centre for mediation in accordance with the Rules for the Mediation of Commercial Disputes of the Australian Commercial Dispute Centre (in operation from time to time), except where they conflict with this Rule 14, in which case this Rule 14 will prevail. If the parties have not agreed upon the mediator and the mediator's remuneration within five Business Days after the dispute is referred to mediation in accordance with this Section 14, the mediator is the person appointed by (and the remuneration of the mediator is the amount or rate determined by) the Chairman of the Australian Commercial Dispute Resolution Centre or his or her nominee, acting on the request of any party.

#### **15. Disciplining of members**

- (1) A complaint may be made by a direct client of an ordinary member or any member of the association that some other member of the association:
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interest of the association.
- (2) On receiving such a complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submission to the committee in connection with the complaint;

and

- (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been provided.
- (4) If the committee expels or suspends a member, the secretary must, within seven days after the action is taken, cause written notice to be given to the member of the action taken and the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.
- (5) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
  - (b) if within the period the member exercises the right of appeal, unless and until the association confirm the resolution under rule 12 (4), whichever is the later.

#### **16. Right of appeal of disciplined member**

- (1) A member may appeal to the association in general meeting against a resolution of the committee under rule 11, within seven days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under clause (3):
- (a) no business other than the question of the appeal is to be transacted;
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the member present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

#### **17. Rights of members**

- (1) An ordinary member:
- (a) is entitled to attend any annual general meeting of the association or other meeting of members;

- (b) is entitled to vote at any annual general meeting of the association or other meeting of members unless such member's voting rights have been suspended in accordance with Rule 13(2); and
  - (c) is entitled to nominate a person to be appointed to the committee.
- (2) An affiliate member:
- (a) is entitled to attend any annual general meeting of the association or other meeting of members;
  - (b) is not entitled to vote at any annual general meeting of the association;
  - (c) is not entitled to nominate a person to be appointed to the committee;
  - (d) is not entitled to use the associations logo to promote affiliate membership; and
  - (e) is not entitled to be listed on the associations website to promote affiliate membership
- (3) An associate member:
- (a) is entitled to attend any annual general meeting or other meetings of members of the association;
  - (b) is not entitled to vote at any annual general meeting or other meeting of the association; and
  - (c) is not entitled to be appointed to the committee

### **PART III THE COMMITTEE**

#### **18. Functions and powers of the committee**

- (1) The committee is to be called the committee of management of the association and; subject to the Act, the Regulations, these rules and any resolution passed by the association in general meeting:
- (a) has the general control and management of the affairs, property and funds of the association; and
  - (b) has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act<sup>1</sup>; and
  - (c) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by a general meeting of members of the association; and
  - (d) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

<sup>1</sup>The Act prevails if the associations rules are inconsistent with the Act, see section 1B of the Act

- (2) The management committee may exercise the powers of the association:



- (a) to borrow, raise or secure the payment of amounts in a way the members of the association decide; and
  - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the associations property, both present and future; and
  - (c) to purchase, redeem or pay off any securities issued; and
  - (d) to borrow amounts from members and pay interest on the amounts borrowed; and
  - (e) to mortgage or charge the whole or part of its property; and
  - (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and
  - (g) to provide and pay off any securities issued; and
  - (h) to invest in a way the members of the association may from time to time decide.
- (3) For sub-rule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:
- (a) the financial institution for the association; or
  - (b) if there is more than one (1) financial institution for the association, the financial institution nominated by the management committee.

### **19. Constitution and membership**

- (1) Subject to section 61 of the Act, the committee is to consist of:
- (a) the office-bearers of the association; and
  - (b) up to 8 ordinary members, each of whom is to be elected at the annual general meeting of the association under rule 15.
- (2) The office-bearers of the association are to be:
- (a) the president;
  - (b) the vice-president;
  - (c) the treasurer; and
  - (d) the secretary.
- (3) Each member of the committee is subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of the casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the

members so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

## **20. Election of committee members**

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee (up to 8):
  - (a) must be made in writing, signed by two (2) members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) must be delivered to the secretary of the association no less than seven days before the date fixed for holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates' nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

## **21. Secretary**

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) The secretary's, or the association's nominated executive officer's, functions include, but are not limited to:
  - (a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and
  - (b) keeping minutes of all proceedings at both committee and general meetings, including the names of members of the committee present at a committee meeting or members present at a general meeting; and
  - (c) keeping minutes of appointment of office bearers and members of the committee; and

- (d) keeping copies of all correspondence and other documents relating to the association; and
- (e) maintaining the register of members of the association.

## **22. Treasurer**

- (1) It is the duty of the treasurer of the association to ensure:
  - (a) that all money due to the association is collected and received and that all payments authorised by the association are made; and
  - (b) that correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.

## **23. Casual vacancies**

- (1) For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member:
  - (a) ceases to be a member of the association; or
  - (b) becomes an insolvent under administration within the meaning of the Corporation Law; or
  - (c) resigns office by notice in writing given to the secretary; or
  - (d) is removed from office under rule 24; or
  - (e) is absent without consent of the committee from all meetings of the committee held during a period of six (6) months.

## **24. Removal of member**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **25. Meetings and quorum**

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary or

Executive Officer to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the general meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of the meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hours of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
  - (a) the president or, in the president's absence, the vice-president is to be preside; or
  - (b) if the president and the vice-president are absent or unwilling to act, such one (1) of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

## **26. Delegation by committee to sub-committee**

- (1) The committee may, by instrument in writing, delegate to one (1) or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
  - (a) this power of delegation; and
  - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had

beendone or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may adjourn the meeting as it thinks proper.

## **27. Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one (1) vote but, in the event of any equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, but the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## **PART IV GENERAL MEETINGS**

### **28. Annual General Meetings – Holding Of**

- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of six (6) months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association shall hold its first annual general meeting:
  - (a) within the period of 18 months after its incorporation under the Act; and
  - (b) within the period of six (6) months after the expiration of the first financial year of the association.

### **29. Annual General Meetings – Calling of and Business at**

- (1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
  - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
  - (b) to receive from the committee reports on the activities of the association during the last preceding financial year;
  - (c) to elect office-bearers of the association and ordinary members of the committee;

- (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

### **30. Special General Meeting – Calling Of**

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition in writing of at least five per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting;
  - (a) must state the purpose or purposes of the meeting; and
  - (b) must be signed by the members making the requisition; and
  - (c) must be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one (1) or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within one (1) month after the date on which a requisition of members for the meeting is lodged with the secretary, any one (1) or more of the members who made the requisition may convene a special general meeting to be held not later than three (3) months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expense is entitled to be reimbursed by the association for any expense so incurred.

### **31. Notice**

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the

resolution as a special resolution.

- (3) No business other than the specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **32. Procedure**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened upon the requisition of members, is to be dissolved; and
  - (b) in any other case, is to stand adjourned to the same in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least three (3)) is to constitute a quorum.

### **33. Presiding Members**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

### **34. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.



- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written oral notice of the adjournment meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at adjourned meeting is not required to be given.

### **35. Making of Decisions**

- (1) A question arising at a general meeting of the association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than three (3) members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll shall be taken –
- (a) immediately in the case of a poll which relates to the election of the chairperson at the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs.

And the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **36. Special Resolution**

- (1) A resolution of the association is a special resolution:
- (a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
  - (b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in manner specified by the Commissioner.

### **37. Voting**

- (1) On any question arising at a general meeting of the association a voting member has one (1) vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than five proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

### **38. Appointment of Proxies**

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

### **39. Minutes of general meetings**

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes:
  - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
  - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made:
  - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
  - (b) give the member copies of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.
- (5) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

## **PART V MISCELLANEOUS**

### **40. Insurance**

- (1) The association must effect the maintain insurance under section 70 and 70A of the Act.

The act states Particular incorporated associations must have publicliability insurance

- (1) *This section applies if an incorporated association is—*
  - (a) an owner of land; or
  - (b) a lessee of land; or
  - (c) a trustee of trust land under the Land Act 1994.
- (2) The members of the management committee of the incorporated association must ensure—
  - (a) the association takes out public liability insurance in relation to the land in an amount decided by the management committee; and
  - (b) the insurance cover is kept current at all times.

### **41. Funds – Sources**

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of member, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **42. Funds – Management**

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Financial records and accounts must be managed by the Treasurer or the association's nominated Executive Officer through the association electronic accounting program. showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) Payment by the association may be made by electronic funds transfer,

credit card, cheque or cash.

- (5) All payments must be authorised in writing (*email confirmation*) by the Treasurer and any one (1) of the following:
- (a) the president.
  - (b) the secretary.
  - (c) anyone (1) of three (3) other members of the association who have been authorised by the management committee to authorise Electronic Funds Transfer
- (6) All expenditure must be approved or ratified at a management committee meeting.
- (7) All payments due to the association by members, the National ACLCA or other State chapters of ACLCA, 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.
- (8) The management committee ratify the invitation of the Queensland Regulator, Department of Environment and Science, to attend association bi-monthly networking meetings at member cost rate.

### **43. General financial matters**

- (1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared. This financial report is to be submitted to the Queensland Office of Fair Trading as per requirement of the Act
- (2) the income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

#### **i) Documents**

- a. The management committee must ensure the safe custody of **electronic records**, books, documents, instruments of title and securities of the association.
- b. Electronic and manual financial records must be kept for a minimum period of 7 years then disposed of in a safe and secure manner (*shredded*)

#### **ii) Inspection of Books**

- a. The electronic records, electronic accounting program, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable

hour.

**iii) Financial year**

- a. The end date of the association's financial year is 30 June in each year.

**iv) Distribution of surplus assets to another entity**

- a. This rule applies if the association:
- i. is wound-up under part 10 of the Act; and
  - ii. has surplus assets.
- b. The surplus assets must not be distributed among the members of the association.
- c. The surplus assets must be given to another entity:
- i. having objects similar to the association's objects; and
  - ii. the rules of which prohibit the distribution of the entity's income and assets to its members.
- d. In this rule, *surplus assets* see section 92(3) of the Act

**v) Non Profit Association**

- a. The income and property of the Association whensoever derived shall be applied solely towards the promotion of the objectives of the Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the members of the Association provided that nothing herein shall prevent the payment in good faith of reasonable and proper rent for premises let by any member to the Association.

**vi) Alternation of Objects and Rules**

- a. The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

**vii) Common Seal**

- a. The management committee must ensure the association has a common seal.
- b. The common seal must be:
- i. kept securely by the management committee; and
  - ii. used only under the authority of the management committee.
- c. Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:
- i. the secretary; or
  - ii. another member of the management committee; or

iii. someone authorised by the management committee.

**viii) Service of Notices**

- a. For the purpose of these rules, a notice may be served by or on behalf of the association on any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- b. Where a document is sent to a person by properly addressing prepaying and posting to the person a letter containing the document is, unless the contrary is proved, taken for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

**APPENDIX 1**

**(Rule 7)**

- I. APPLICATION FOR ORDINARY MEMBERSHIP OF ASSOCIATION
- II. APPLICATION FOR ASSOCIATE MEMBERSHIP OF ASSOCIATION
- III. APPLICATION FOR AFFILIATE MEMBERSHIP OF ASSOCIATION

**APPENDIX 2**

**(Rule 7)**

- I. CODE OF PRACTICE QLD CHAPTER - ORDINARY MEMBER
- II. CODE OF PRACTICE QLD CHAPTER – ASSOCIATE MEMBER
- III. CODE OF PRACTICE QLD CHAPTER - AFFILIATE MEMBER

**APPENDIX 3**

**(Rule 37)**

- I. FORM OF APPOINTMENT OF PROXY ORDINARY MEMBERS



Australian  
Contaminated  
Land Consultants  
Association  
Queensland

**Australian Contaminated Land Consultants  
Association (Queensland Chapter)  
ABN 46 397 860 514**

**COMPANY MEMBERSHIP APPLICATION FORM**

**1. Eligibility**

ACLCA Queensland Chapter membership is open to businesses which can demonstrate that their:

- primary business is consulting to external clients;
- business activities include a substantial practice in land contamination management, with specialist environmental staff employed to perform full-time in the area of land contamination management in Queensland;
- company has at least 1 staff member that is a Suitably Qualified Person in accordance with the Environmental Protection Act 1994; or
- acting in a regulatory function (Contaminated Land Company Auditor Certification Services)

**Q** Is your primary business consulting to external clients?

- Yes  No

**Q** Does your business support a full-time practice in land contamination management in Queensland?

- Yes  No

If you answered Yes to both questions, please proceed to Q2.

If you answered No to either question, unfortunately your business is not eligible for membership to ACLCA.

**2. Acceptance of ACLCA Code of Practice and Ethical Standards Policy**

Membership of ACLCA in Queensland is only open to businesses willing to accept and abide by our Code of Practice and Ethical Standards Policy.

**Q** Is your business willing to accept ACLCA's Code of Practice and attach signed copy (signed by a Company Officer or Company Director) with this application?

- Yes (copy attached)  No

**Q** Has your business implemented an Ethical Standards Policy consistent with the ACLCA Code of Practice (COP) and attached a signed copy (signed by a Company Officer or Company Director) of that policy with this application? (Applicant is referred to the ACLCA document "ACLCA\_EthicalStandardsPolicy.doc" as a guide)?

- Yes (copy attached)  No

If you answered Yes to both questions proceed to Q3.

If you answered No to either question, unfortunately your business is not eligible for company membership to ACLCA.



### 3. Applicant Details

Applicants must complete the following details for ACLCA's membership register:

Name of Business:	
ABN Number:	
Name and title of Appointed Contact:	
Company (Contact) Address:	
Phone number:	
Fax number:	
Email address:	
How many (full-time equivalent) staff members do you have working in contaminated land practice in Queensland?	

### 4. Membership Selection Criteria

Documentation (as listed below) is required to be provided with your application to support the following selection criteria:

- Professional Competency/Qualifications.
- Quality Management System (QMS); and
- Management of Contaminated Land Projects in Queensland.

Your membership application will be assessed on the merit of the documentation you provide with this application.

### 5. Professional Competency/Qualifications

**Q** Can your business demonstrate professional competency and appropriate qualifications in contaminated land management? This shall include:





- a) recognised and relevant engineering, scientific or technical qualifications;
- b) appropriate experience/competency for statement of duties;
- c) have staff who meet the requirements under sections 564 & 566 of the Environmental Protection Act 1994;
- d) in-house/external training in all relevant techniques for collection of samples/monitoring, occupational health and safety training; and
- e) familiarity with basic concepts, policy and legislation issues relating to contaminated land.

ACLCA is **NOT** a prescribed organisation (Appendix 1) under Schedule 8 of the Environmental Protection Regulation 2008 pursuant to section 564 and as such membership does not facilitate SQP status.

To support this application the applicant is required to provide the following documents.

- Business organisation chart;
- List of relevant personnel;
- Curriculum vitae for relevant personnel;
- Position descriptions for relevant personnel;
- Industry memberships / affiliations; and
- Documentation that an employee meets the requirements under sections 564 & 566 of the Environmental Act 1994

## 6. Quality Management System (QMS)

**Q** Can your business demonstrate implementation of an appropriate QMS for controlling quality/adequacy of consultancy services? It is expected that the QMS would:

- a) be appropriate for the size and structure of the organisation;
- b) be appropriate to the nature of the work undertaken;
- c) include internal audit procedure; and
- d) be an independently accredited QMS (not mandatory).

To support this application the applicant is required to provide the following documents:

- Quality policy;
- Quality manual; and
- Certificate of accreditation.

Business categories of 1-4 people involved in contaminated land are not expected to have a full QMS. However as a minimum requirement, these companies are requested to outline how their company ensures quality/adequacy of consulting services? The following are suggestions to assist:

- Company Policy statement (a statement on company goals, responsibilities and improvement of the management system);
- Company nomenclature for projects;
- Company filing structure;
- Company IT back system;
- Company archiving system, (electronic and paper); and
- A review process.



## 7. Management of Contaminated Land Projects

**Q** Can your business demonstrate appropriate work practices and standards on sample project(s) in Queensland?

To support this application the applicant is required to provide the following documents:

- A Site Investigation Report (Preliminary or Detailed) that is compliant with the NEMP requirements and for a Queensland site, or
- Remediation / Validation report compliant with the NEMP, or
- Human Health Risk Assessment compliant with NEMP.
- Health and Safety Plan .

The examples should be such that consideration of a comprehensive range of potential environmental issues (likely to include soil and groundwater) were required to be considered. If such a project cannot be provided, then comprehensive generic examples of the above should be provided. Client details and site details need not be provided, and all submissions will be treated as confidential. Consideration should be given to permission requirements for use of reports.

## 8. Annual Fees and Dues

Joining fees and annual Affiliate membership dues for ACLCA Queensland Chapter are calculated on the \*number of staff your business has involved in the area of contaminated land.

- Annual fee: \$200 per person.  
\*Full-time equivalent working in contaminated land practice in Queensland
- Joining fee: \$500 for new approved affiliate membership submitted after 1 July 2023.

If your application is approved, you will be asked to make payment of joining fees and annual membership dues by cheque or EFT.

## 9. Overview of the Application Review Process

Thank you for your interest in ACLCA. Assessment of applications is undertaken broadly as follows:

The ACLCA (Qld Chapter) Membership and Ethics Sub-committee (M&E Sub-committee) considers the membership application in the first instance.

A system of scoring is applied in considering the application with respect to membership criteria:

- (a) Conformance with Code of Practice;
- (b) Ethical Standards;
- (c) Professional Competency/Qualifications;
- (d) Quality Management System (QMS); and
- (e) Management of Contaminated Land Projects.



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Queensland

If the M&E Sub-committee identifies any issue with the application, or considers that further information is required, the applicant will be informed in writing, which may include a request to provide further information / examples and possibly a meeting with the M&E Sub-committee. The applicant will be invited by the M&E sub-committee to provide a timeline for addressing any application issues.

The application, including outcomes from addressing any application issues, are then provided by the M&E Sub-committee to the ACLCA Executive Committee, together with the M&E Sub-committee's recommendations. The Committee then votes on whether the application meets membership requirements.

If the application is successful, the Committee requests the applicant to provide full payment of joining fees and annual membership dues and confirms membership upon receipt of full payment.

If the application is not successful, the Committee provides the applicant with a list of non-conformance items and invites the applicant to resubmit the application. If that application is also unsuccessful, no further application can be submitted by the applicant until the next membership year.

The Committee will inform you of its decision as soon as possible.

**NOTE:: Application Review Process timeline up to 8 weeks.**

If you have any queries please contact:

**ACLCA QLD Executive Officer:**

Jennifer Ingham  
PO Box 3166– TARRAGINDI Qld 4121  
T: 0421 714 449  
E: [gld@aclca.com.au](mailto:gld@aclca.com.au)

## **Appendix 1.**

### **Prescribed organisation under Schedule 8 of the QLD Environmental Protection Regulation 2008**

Australasian Radiation Protection Society  
Australian Institute of Agricultural Science and Technology



Australian  
Contaminated  
Land Consultants  
Association  
Queensland

Australian Institute of Geoscientists  
Australian Society of Soil Science  
Engineers Australia  
Environmental Health Australia  
Environment Institute of Australia and New Zealand  
Institute of Explosives Engineers  
Institution of Chemical Engineers Australia  
Institution of Engineering and Mining Surveyors Australia  
Planning Institute of Australia  
South Pacific Environmental Radioactivity Association  
The Australasian Institute of Mining and Metallurgy  
The Institution of Surveyors Australia



**Australian Contaminated Land Consultants  
Association (Queensland Chapter)  
ABN 46 397 860 514**

**ASSOCIATE MEMBERSHIP APPLICATION FORM**

ACLCA Associate membership is open to those individuals who are involved in the contaminated land industry who are not directly, currently consulting. The associate membership allows these people access to the network of ACLCA.

Associate Membership has been determined as a potential option for individuals associated with contaminated land and former consultants to:

- be connected with contaminated land consultants;
- keep up to date with changes in the contaminated land industry;
- attend ACLCA training and other functions to improve the general industry knowledge base; and
- allow for ACLCA Associate Members to keep up to date with the needs of the industries that the Members operate in.

Associate Membership also allows for an increase in the pool of ACLCA Members and Associated Members, which:

- creates opportunities for an increased number of functions and training events at a discounted rate to be offered to Core and Associate Members alike; and
- allows the transfer of knowledge between ACLCA and other specialists within the broader contaminated land industry.

Associate Membership Model: **Open to individuals that have a contaminated land background and still operate within the contaminated land industry (but are not actively consulting on contaminated land matters).**

The Associate Member is ineligible for voting rights and nomination to the Executive Committee.

Associate Membership of ACLCA in Queensland is only open to individuals willing to accept and abide by our **Code of Practice and Ethical Standards Policy**.

## **1 Eligibility**

ACLCA Queensland Branch Associate Membership is open to individuals that can demonstrate that they

- have a contaminated land background/understanding; and
- undertake operations within the business they work for that includes land contamination assessment and/or management.

**Q.1 i)** Do you have a background in / understanding of contaminated land management?

Yes  No

**ii)** Does the business you work for involve land contamination issues?

Yes  No



If you answered **Yes** to both questions, please proceed to Q2.

If you answered **No** to either question, unfortunately you are not eligible for Associate Membership to ACLCA Qld.

**Q.2** Does the company you work for undertake consulting in land contamination management i.e. is contaminated land consulting a core part of your company's business with greater than 0.5 Full Time Equivalent (FTEs) working in this area?

- Yes  No

If you answered **Yes** to this question, unfortunately you are not eligible for Associate Membership to ACLCA, however your business may be eligible for Full Membership (please contact the ACLCA Executive Officer)  
If you answered **No** to this question, please proceed to Section 2.

## 2 Acceptance of ACLCA Code of Practice and Ethical Standards Policy

Associate Membership of ACLCA in Queensland is only open to individuals willing to accept and abide by our Code of Practice and Ethical Standards Policy.

**Q.3** Are you willing to accept ACLCA's Code of Practice with this application?

- Yes  No

If you answered **Yes** to this question proceed to Section 3.

If you answered **No**, unfortunately you are not eligible for membership to ACLCA.

## 3 Applicant Details

Applicants must complete the following details for ACLCA's Associate Membership register:

Name and title of Applicant:	
Contact Address:	
Phone & Fax number:	
Email Address:	
Name of the Company you work for– <i>(if applicable)</i> :	
ABN Number:	

## 4 Membership Selection Criteria

Documentation (as listed below) is required to be provided with your application to support the following selection criteria:

- Evidence of current or former work within the contaminated land industry

Your Associate Membership application will be assessed on the merit of the documentation you provide with this application.

**Q.4** Can you demonstrate your current or former involvement in the contaminated land industry and/or appropriate qualifications in contaminated land assessment or management?

- Yes  No

**To support this application, the applicant is required to provide the following documents:**

- Q1 Signed statement demonstrating your familiarity with basic concepts, policy and legislation and issue relating to contaminated land.
- Q2 Signed statement with your application that your company's core business is NOT contaminated land consulting and that it has less than 0.5 FTEs working in this area.
- Q3 Signed copy (by the applicant) of ACLCA Code of Practice and Ethical Standards Policy.
- Q4 Curriculum vitae (including copies of qualification documents and experience in contamination issues).
- Q4 Position description of applicant.
- Q4 Industry memberships / affiliations (if any).

ACLCA is NOT a prescribed organisation (Appendix 1) under Schedule 8 of the Environmental Protection Regulation 2008 pursuant to section 564 and as such membership does not facilitate SQP status.

## 5 Annual Fees and Dues

The annual individual membership fee for Associate Membership of the ACLCA Queensland Branch is \$200 (inclusive of GST)

If your application is approved, you will be asked to make payment of joining fees and annual membership dues by cheque or EFT.

## 6 Overview of the Application Review Process



Thank you for your interest in ACLCA.

Assessment of applications is undertaken broadly as follows:

The ACLCA (Qld Chapter) Membership and Ethics Subcommittee (M&E Subcommittee) considers the Associate Membership application in the first instance.

A system is applied in considering the application with respect to associate membership criteria:

- (a) Conformance with Code of Practice;
- (b) Professional Qualifications (including evidence of contaminated land knowledge and experience); and
- (c) Confirmation that the applicant is not actively consulting on contaminated land matters.

If the M&E Subcommittee identifies any issue with the application, or considers that further information is required, the applicant will be informed in writing, which may include a request to provide further information / examples and possibly a meeting with the M&E Subcommittee. The applicant will be invited by the M&E subcommittee to provide a timeline for addressing any application issues.

The application, including outcomes from addressing any application issues, are then provided by the M&E Subcommittee to the ACLCA Executive Committee, together with the M&E Subcommittee's recommendations. The Committee then votes on whether the application meets associate membership requirements.

If the application is successful, the Committee requests the applicant to provide full payment of annual membership dues and confirms membership upon receipt of full payment.

If the application is not successful, the Committee provides the applicant with a list of non-conformance items and invites the applicant to resubmit the application. If that application is also unsuccessful, no further application can be submitted by the applicant until the next membership year.

The Committee will inform you of its decision as soon as possible.

**NOTE:: Application Review Process timeline up to 8 weeks.**

If you have any queries, please contact:

**ACLCA QLD Executive Officer:**

Jennifer Ingham

PO Box 3166– TARRAGINDI Qld 4121

T: 0421 714 449

E: [qld@aclca.com.au](mailto:qld@aclca.com.au)





## Appendix 1

### **Prescribed organisation under Schedule 8 of the QLD Environmental Protection Regulation 2008**

Australasian Radiation Protection Society  
Australian Institute of Agricultural Science and Technology  
Australian Institute of Geoscientists  
Australian Society of Soil Science  
Engineers Australia  
Environmental Health Australia  
Environment Institute of Australia and New Zealand  
Institute of Explosives Engineers  
Institution of Chemical Engineers Australia  
Institution of Engineering and Mining Surveyors Australia  
Planning Institute of Australia  
South Pacific Environmental Radioactivity Association  
The Australasian Institute of Mining and Metallurgy  
The Institution of Surveyors Australia  
The Royal Australian Chemical Institute



Australian  
Contaminated  
Land Consultants  
Association  
Queensland

**Australian Contaminated Land Consultants Association  
(Queensland Chapter)  
ABN 46 397 860 514**

**AFFILIATE MEMBERSHIP APPLICATION FORM**

ACLCA QLD Affiliate membership is open to companies / organisations who are involved in the contaminated land industry but who are not in the business of consulting or who do not meet the criteria for company membership. The affiliate membership provides such companies / organisations access to the network of ACLCA.

Affiliate Membership has been determined as a potential option for companies / organisations associated with contaminated land to:

- be connected with contaminated land consultants.
- keep up to date with changes in the contaminated land industry;
- attend ACLCA training and other functions to improve the general industry knowledge base; and
- allow for ACLCA Affiliate Members to keep up to date with the needs of the industries that the Members operate in.

Affiliate Membership also allows for an increase in the pool of ACLCA Members and Associated Members, which:

- creates opportunities for an increased number of functions and training events at a discounted rate to be offered to Core and Associate Members alike; and
- allows the transfer of knowledge between ACLCA and other specialists within the broader contaminated land industry.

Affiliate Membership to ACLCA Queensland is open to companies / organisations that are involved within the contaminated land industry but who are not directly consulting or are not currently consulting on contaminated land matters. Such companies / organisations include:

- a) Specialist support areas (eg. risk assessment, air quality, geochemistry, hydrogeology, numerical modelling)
- b) Evolving companies
- c) Services (eg. laboratories / remediation contractors)
- d) Academia / research Institutes (eg. Universities, CRCCare, CSIRO)
- e) Local Government or State Regulator
- f) Landfill and Hazardous Ground Gas

The Affiliate Member is ineligible for

- voting rights and nomination to the Executive Committee;
- membership listing on ACLCA Queensland website page and
- use of ACLCA Queensland logo to use and display to promote their membership of ACLCA Queensland.

Affiliate Membership of ACLCA Queensland is only open to companies / organisations willing to accept and abide by our **Code of Practice and Ethical Standards Policy**.



## 1 Eligibility

ACLCA Queensland Chapter Affiliate Membership is open to companies / organisations that can demonstrate involvement within the contaminated land industry in Queensland but who are not directly consulting or are not currently consulting on contaminated land matters and can demonstrate that their:

- Business activity is not consulting to external clients; or
- The business cannot demonstrate sufficient information to satisfy a full membership status (evolving consultancy); and
- Business / research operations include a practice associated with land contamination activities, with specialist staff employed to perform support functions to contaminated land consultancy activities in Queensland. It is anticipated that this function will involve a minimum of 50% of the workload of the specified specialist area (FTE).

**Q.1** Does the company / organisation undertake consulting in land contamination management i.e. is contaminated land consulting a core part of your company's business?

- Yes  No

If you answered **Yes** to this question, your company / organisation should submit for Full Member status of ACLCA. Please contact ACLCA Executive Officer.

**Q.1a** Has the company / organisation applied for full member status and has been advised that insufficient supporting evidence is currently available?

- Yes  No

If you answered yes to the above then your company may be eligible for Affiliate member status, please proceed to **Section 2**.

**If you answer no to Q1a proceed to Q2.**

**Q.2** Does the company / organisations business operations include a practice in / supporting land contamination activities, with specialist staff employed to perform activities in the area of land contamination activities in Queensland (min 50% FTE).

- Yes  No

## 2 Acceptance of ACLCA Code of Practice and Ethical Standards Policy

Affiliate Membership of ACLCA in Queensland is only open to companies willing to accept and abide by our Code of Practice and Ethical Standards Policy.

**Q.3** Is your business / organisation willing to accept ACLCA's Code of Practice and attach signed copy (signed by a Company Officer or Company Director) with this application?

- Yes (copy attached)  No

**Q.4** Has your business implemented an Ethical Standards Policy consistent with the ACLCA Code of Practice (COP) and attached a signed copy (signed by a Company Officer or Company Director) of that policy with this application? (applicant is referred to



the ACLCA document "ACLCA\_EthicalStandardsPolicy.doc" as a guide)?

- Yes (copy attached)       No

If you answered **Yes** to these questions proceed to Section 3.  
If you answered **No**, unfortunately your company is not eligible for Affiliate Membership to ACLCA

### 3 Applicant Details

Applicants must complete details for ACLCA's Affiliate Membership register:

Name of the Company / Organisation:	
Name and Position of Contact:	
Contact Address:	
Phone & Fax number:	
Email Address:	
ABN Number:	
Number of full time equivalent CLM staff	
Number of full-time equivalent working in contaminated land practice in Queensland:	

### 4 Membership Selection Criteria

Documentation (as listed below) is required to be provided with your application to support the following selection criteria:

- Evidence of company's involvement within the contaminated land industry in Queensland;
- Professional Competency/Qualifications of specialist environmental staff employed to perform FTE support in the area of land contamination activities in Queensland;
- Quality Management System (QMS).

Your Affiliate Membership application will be assessed on the merit of the documentation you provide with this application.

**Q.5** Can your business demonstrate the company / organisations involvement in the contaminated land industry and/or appropriate qualifications in contaminated land assessment consultancy support, management or research?

- Yes       No

**To support this application, the company / organisation is required to provide the following documents listed at Q.6.**



## 5 Professional Competency/Qualifications

**Q.6** Can your business demonstrate professional competency and appropriate qualifications in the support of contaminated land activities?

This shall include:

- a) recognised and relevant engineering, scientific or technical qualifications;
- b) Have staff who are undertaking specialist support or research functions who are a current member of a prescribed organisation under Schedule 8 of the QLD Environmental Protection Regulation 2008 pursuant to section 564 (*Appendix 1*)
- c) appropriate experience/competency for statement of support or research duties;
- d) in-house/external training program to support the development of skills to support development as contaminated land specialist support or in research; and
- e) familiarity with basic concepts, policy and legislation issues relating to contaminated land.

ACLCA is **NOT** a prescribed organisation (*Appendix 1*) under Schedule 8 of the Environmental Protection Regulation 2008 pursuant to section 564 and as such membership does not facilitate SQP status.

To support this application the applicant is required to provide the following documents.

- Business organisation chart;
- List of relevant personnel undertaking contaminated land support / research;
- Curriculum vitae for relevant personnel;
- Position descriptions for relevant personnel;
- Evidence of current prescribed institution memberships as per Q5 b above.

## 6 Quality Management System (QMS)

**Q.7** Can your business / organization demonstrate implementation of an appropriate QMS for controlling quality/adequacy of support and research services? It is expected that the QMS would:

- a) be appropriate for the size and structure of the organisation;
- b) be appropriate to the nature of the work undertaken;
- c) include internal audit procedure; and
- d) be an independently accredited QMS (not mandatory).

Yes  No

To support this application the applicant is required to provide the following documents:

- Quality policy;
- Quality manual; and
- Certificate of accreditation.

Business categories of 1-4 people involved in supporting contaminated land are not expected to have a full QMS. However as a minimum requirement, these companies / organisations are requested to outline how their company ensures quality/adequacy of consulting services? The following are suggestions to assist:

- Company Policy statement (a statement on company goals, responsibilities and improvement of the management system);
- Company nomenclature for projects;
- Company filing structure;



- Company IT back system;
- Company archiving system, (electronic and paper); and
- A review process.

## 7 Involvement in Contaminated Land Project

**Q.8** Can your business / organisation demonstrate appropriate work practices and standards on sample project(s) in Queensland?

- Yes  No

To support this application the applicant is required to provide the following documents:

- a.  The company/organisation's sample project final report including an overview of their contributions to contaminated projects. It is noted that specialist support may include deliverables that would be used by the consultant SQP to develop documentation. An Affiliate Member should provide a statement from the engaging consultant confirming the contribution made by the company/organisation's involvement in the project;
- b.  For research establishments an outline of research and publications is required along with a statement of how the former benefits the contaminated land industry. A program of research should also be provided to ensure a plan for continued involvement with the industry.
- c.  Local government and regulators shall provide a statement of their duties and involvement with contaminated land consultancies signed by the unit director.

**Client details and site details need not be provided, and all submissions will be treated as confidential. Consideration should be given to permission requirements for use of reports.**

## 8 Annual Fees and Dues

Joining fees and annual Affiliate membership dues for ACLCA Queensland Chapter are calculated on the \*number of staff your business has involved in the area of contaminated land.

- Annual fee: \$200 per person.  
\*Full-time equivalent working in contaminated land practice in Queensland
- Joining fee: \$500 for new approved affiliate membership submitted after 1 July 2023.

## 9 Overview of the Application Review Process

Thank you for your interest in ACLCA. Assessment of applications is undertaken broadly as follows:

The ACLCA (Qld Chapter) Membership and Ethics Sub-committee (M&E Sub-committee) considers the membership application in the first instance.

A system of scoring is applied in considering the application with respect to membership criteria:

- (a) Conformance with Code of Practice;
- (b) Ethical Standards;
- (c) Professional Competency/Qualifications;
- (d) Quality Management System (QMS); and
- (e) Involvement in Contaminated Land Projects.

If the M&E Sub-committee identifies any issue with the application, or considers that



Australian  
Contaminated  
Land Consultants  
Association  
Queensland

further information is required, the applicant will be informed in writing, which may include a request to provide further information / examples and possibly a meeting with the M&E Sub-committee. The applicant will be invited by the M&E sub-committee to provide a timeline for addressing any application issues.

The application, including outcomes from addressing any application issues, are then provided by the M&E Sub-committee to the ACLCA Executive Committee, together with the M&E Sub-committee's recommendations. The Committee then votes on whether the application meets membership requirements.

If the application is successful, the Committee requests the applicant to provide full payment of joining fees and annual membership dues and confirms membership upon receipt of full payment.

If the application is not successful, the Committee provides the applicant with a list of non-conformance items and invites the applicant to resubmit the application. If that application is also unsuccessful, no further application can be submitted by the applicant until the next membership year.

The Committee will inform you of its decision as soon as possible.

**NOTE::** Application Review Process timeline up to 8 weeks.

If you have any queries please contact:

**ACLCA QLD Executive Officer:**

Jennifer Ingham  
PO Box 3166– TARRAGINDI Qld 4121  
T: 0421 714 449

[qld@aclca.com.au](mailto:qld@aclca.com.au)  
[www.aclca.org.au](http://www.aclca.org.au)



Australian  
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Land Consultants  
Association  
Queensland

Appendix 1.

## **Prescribed organization under Schedule 8 of the QLD Environmental Protection Regulation 2008**

Australasian Radiation Protection Society  
Australian Institute of Agricultural Science and Technology  
Australian Institute of Geoscientists  
Australian Society of Soil Science  
Engineers Australia  
Environmental Health Australia  
Environment Institute of Australia and New Zealand  
Institute of Explosives Engineers  
Institution of Chemical Engineers Australia  
Institution of Engineering and Mining Surveyors Australia  
Planning Institute of Australia  
South Pacific Environmental Radioactivity Association  
The Australasian Institute of Mining and Metallurgy  
The Institution of Surveyors Australia



**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 Science (DES) 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

## **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 DES, 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.

.....  
Signed and dated

.....  
Witnessed and dated

.....  
Please PRINT NAME and TITLE  
For

.....  
Please PRINT NAME

.....  
PRINT Company Name

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

**Endorsement not required for Annual Membership Renewal**  
**Endorsement for New Members: (A Member Company must sign)**

.....  
Please PRINT NAME and TITLE

.....  
Company Name and Date

**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.
  - l. 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.
  - m. 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.
- n. 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.
- o. 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.
- p. 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.

**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.

.....  
Signed and dated

.....  
Witnessed and dated

.....  
Please PRINT NAME and TITLE

.....  
Please PRINT NAME

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

.....  
Please PRINT NAME and TITLE

.....  
Company Name and Date

/

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

## **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 Affiliate 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.

Affiliate Members acting in accordance with this Code will have the support of the Association. This Code of Practice applies to all work associated with contaminated land by Affiliate Members of the Australian Contaminated Land Consultants' Association Incorporated (ACLCA).

ACLCA is NOT a prescribed organisation (Appendix 1) under Schedule 8 of the Environmental Protection Regulation 2008 pursuant to section 564 and as such membership does not facilitate SQP status.

## **2. Definitions**

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

"Affiliate Members" means companies/organisations that are involved within the contaminated land industry but who are not directly consulting or are not currently consulting on contaminated land matters which have been admitted as a member of the association. The Affiliate Member is ineligible for voting rights and nomination to the Executive Committee.

"Companies/organisations that are involved within the contaminated land industry" means

- a) Specialist support areas (eg. risk assessment, air quality, geochemistry, hydrogeology, numerical modelling)
- b) Evolving companies (companies who do not currently have an SQP or do not have sufficient evidence to support a full company membership),
- c) Services (eg. laboratories / remediation contractors),
- d) Landfill and Hazardous Ground Gas
- e) Academia / research Institutes (eg. Universities, CRC Care, CSIRO),
- f) Local Government or State Regulator

"Site" means any location where an Affiliate Member proposes to or has actually carried out contaminated land support services.

“SQP” means Suitably Qualified Person. An SQP must have:

- current membership in a professional organisation prescribed under the EP Regulation – Schedule 8 (Appendix 1)
- qualifications and experience relevant to the regulatory function undertaken on a particular site.

### **3. Professional Competency**

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

- a. employ specialist environmental staff with recognised and relevant engineering, scientific or technical qualifications to perform Full Time Equivalent (FTE) support in the area of land contamination activities in Queensland;
- b. have staff who are undertaking specialist support or research functions who are a current member of a prescribed organization under Schedule 8 of the QLD Environmental Protection Regulation 2008 pursuant to section 564 (list appendix 1);
- c. have staff who have appropriate experience/competency for statement of support or research duties;
- d. develop and implement training plans for their staff to support the development of skills as contaminated land specialist support or in research; and
- e. ensure staff have familiarity with basic concepts, policy and legislation issues relating to contaminated land.

### **4. Ethical Standards**

Affiliate 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 support services only when staff employed in tasks have:

- a. recognised and relevant engineering scientific or technical qualifications and/or appropriate experience for the duties they perform to 50% support in the area of land contamination activities in Queensland or have received appropriate in-house training to enable them to perform these duties;

- b. staff who are undertaking specialist support or research functions who are a current member of a prescribed organization under Schedule 8 of the QLD Environmental Protection Regulation 2008 pursuant to section 564 (*Appendix 1*):
- c. received in-house or external training in all relevant techniques to be used for tasks related to support or research duties and are familiar with and experienced in operating procedures or practices as documented in the Affiliate 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/organisations to be eligible for Affiliate membership to the ACLCA, they must satisfy the Membership and Ethics Sub-Committee of the ACLCA Queensland Chapter 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 Chapter.

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 Chapter 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 Chapter shall be satisfied that the firm is a commercially independent entity financially and that it is separately managed.

## **6. Quality Management System (QMS)**

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

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

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

## **7. Involvement Contaminated Land Projects**

**Affiliate Members shall provide documented evidence to the Association of the following:**

- a. The company/organisation's sample project final report including an overview of their contributions to contaminated projects. It is noted that specialist support may include deliverables that would be used by the consultant SQP to develop documentation. An Affiliate Member should provide a statement from the engaging consultant confirming the contribution made by the company/organisation's involvement in the project;
- b. For research establishments an outline of research and publications is required along with a statement of how the former benefits the contaminated land industry. A program of research

should also be provided to ensure a plan for continued involvement with the industry.

- c. Local government and regulators shall provide a statement of their duties and involvement with contaminated land consultancies signed by the unit director.

### **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 Affiliate 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 an Affiliate Member fails to submit its annual return within the timeframe prescribed by the Association, the Membership and Ethics Sub-Committee of the ACLCA Queensland Chapter may suspend the member's benefits 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, an Affiliate Member must pay a Membership fee as determined by the Membership and Ethics Sub-Committee of the ACLCA Queensland Chapter.

- i. If an Affiliate Member becomes a Member on or after 1<sup>st</sup> 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 1<sup>st</sup> 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.

## **11. Non-conformance with Code of Practice**

In the event that the ACLCA Qld receives a complaint from an identifiable third party (e.g. DES, a client, or a member of the general public) that an Affiliate 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 Affiliate 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 Affiliate 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 Affiliate Member has contravened this Code of Practice.
  - h. After hearing and considering any representations made by the Affiliate 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 Affiliate 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 Affiliate 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 an Affiliate Member's membership of the ACLCA Qld is terminated, the Affiliate 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 the Affiliate 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 Affiliate Member information will be treated in a professional and confidential manner

## 13. Acceptance of this Code of Practice

Affiliate 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.

.....  
Signed and dated

.....  
Witnessed and dated

.....  
Please PRINT NAME and TITLE

.....  
Please PRINT NAME

.....  
PRINT Company Name

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

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

.....  
Please PRINT NAME and TITLE

.....  
Company Name

## **Appendix 1.**

### **Prescribed organization under Schedule 8 of the QLD Environmental Protection Regulation 2008**

Australasian Radiation Protection Society  
Australian Institute of Agricultural Science and Technology  
Australian Institute of Geoscientists  
Australian Society of Soil Science  
Engineers Australia Environmental  
Health Australia  
Environment Institute of Australia and New Zealand  
Institute of Explosives Engineers  
Institution of Chemical Engineers Australia  
Institution of Engineering and Mining Surveyors Australia  
Planning Institute of Australia  
South Pacific Environmental Radioactivity Association  
The Australasian Institute of Mining and Metallurgy  
The Institution of Surveyors Australia  
The Royal Australian Chemical Institute



**APPENDIX 3**

**(ACLCA QLD CHAPTER  
CONSTITUTION Rule 37)**

**FORM OF APPOINTMENT OF  
PROXY**

.....  
...

(full name of company)

of .....  
(address)

being a member of .....  
(name of incorporated association)

hereby appoint .....  
(full name of proxy)

of .....  
(address)

being a representative of a member company of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the

..... day of .....  
20..... and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

To be inserted if desired.

.....  
..... Signature of representative  
from member  
company appointing proxy

Date  
.....

NOTE : A proxy vote may not be given to a person who is not a member of the association.