

ASBESTOS AND HAZARDOUS MATERIALS CONSULTANTS ASSOCIATION

CODE OF CONDUCT

1 Objective:

The responsible management of hazardous materials, the improvement to workplace and public health standards are greatly influenced by the work of the Asbestos and Hazardous-Materials Consultants Association (AHCA) members. Effective engagement of key stakeholders within the private, public and government sectors (community) requires our members to continuously strive to widen their knowledge, skills and to convey integrity. To influence all sectors of our community our members must have a conduit which is recognised and trusted in the wider community. For the AHCA to engage and influence the wider community we must be recognised for:

- Our skills in using technical expertise in hazardous materials management to better protect and enhance human health.
- Our relationships and loyalty with key stakeholders within regulatory, government, private / public industry and the wider community.
- Our determination to improve industry professionalism and accountability.
- Our determination to improve the standard industry practice and enhance health outcomes.
- Our honesty and impartiality in professional practice.

For the AHCA to be successful in our aspirations our members must conduct themselves in a manner befitting of quality professionals and as trusted entities. To this end, our members are required to comply with this Code of Conduct, to give active support to the proper regulation of qualifications, employment and practice of our occupation. Members acting in accordance with this Code will have the support of the AHCA.

2 Definitions:

Term:	Definition:
AHCA	Asbestos and Hazardous-Materials Consultants Association (NSW) Incorporated.
Hazardous Materials	Asbestos, Lead Paint, Lead Dust, Synthetic Mineral Fibres, Polychlorinated Biphenyls and Ozone Depleting Substances
Hazardous Materials Management	Includes the training, monitoring, analysis, assessment, supervision, management and remediation of hazardous materials.
Member	A consultant firm or individual professional which has been admitted as a member of the association.

3 Operating Principals

This section describes the standards of conduct expected of our members, both individuals and business. It provides a set of guiding principles to help us make the right decision every time. The principles that operate in the Code are:

- Act with honesty, integrity and due care, skill and diligence.
- Comply with laws.
- Respect confidentiality and do not misuse information.
- Value and maintain professionalism.
- Manage conflicts of interest.



At the heart of each of the principles is the imperative to do the right thing by our stakeholders (regulatory, government, private / public industry and the wider community) and to uphold the reputation of the AHCA. We all have a role to play in ensuring that the reputation of the AHCA is strengthened and not harmed by our conduct, whatever work we do and wherever we are located. This Code has the full support of the Executive Committee and we take compliance with the code very seriously. Additional information is detailed in the following sub-sections.

3.1 Honesty, Integrity and Due Care

Honesty, integrity and due care are the foundation of the AHCA and it requires all of its members to act with due care, skill and diligence to uphold these values. This requires an understanding of their responsibilities and limitations as an industry professional. As a member of the AHCA all members must accept responsibility for their actions and if required make rectifications as soon as they become apparent.

3.2 Compliance

Members are required to comply with legal obligations, regulatory requirements, voluntary codes of practice (policies, procedures etc.).

3.3 Misuse of Information

Members may come across confidential information and /or intellectual property concerning their competitors, clients, suppliers, AHCA and other third parties while conducting various work activities. It is vital that Members respect the confidentiality to third parties who put their trust in us and share information or intellectual property with us. No confidential information should be disclosed without prior authorisation.

3.4 Professionalism

As Members of the AHCA we should at all times act in a professional and ethical manner, striving for excellence in all areas. This may include, but not limited to the following:

- Work in line with previous sub-sections.
- Behaving appropriately at industry related events.
- Being accountable for our decisions and actions.
- Seeking to continually improve our skills and knowledge so that we achieve excellence in our roles.
- Provide advice only which you or your business are expressly authorised and / or qualified to provide.

3.5 Conflict of Interest

Potential conflicts of interest can arise and to enable us to recognise and deal with them appropriately, we must stay diligent. The simple rule of thumb, is that we should not participate in activities that involve a conflict of interest between our person or association and our duties and obligations or which a reasonable person would perceive as involving such a conflict of interest.

- Not soliciting, accepting or offering money, gifts, favours, entertainment or bribes which might influence or be seen to influence your business judgement.
- Not accepting gifts except in very limited circumstances.

4 Individual Professional Competency / Qualifications

Individual members are required to meet an acceptable level of professional and technical competency dependant on the membership level submitted:



- Relevant scientific or technical qualifications and/or appropriate experience for the duties they perform or have received appropriate training to enable them to perform these duties.
- In-house or external training in all relevant techniques to be used for collection of samples or monitoring and are familiar with and experienced in operating procedures or practices as documented in the Member's quality system.
- Acquired experience through work experience.
- Acquired familiarity with basic concepts, policy and legislation issues relating to Hazardous Materials Management.

Refer: www.ahca.org.au for further requirements.

5 Business Memberships (only)

5.1 Professional Competency / Qualifications

Business can become members of the AHCA only after they can demonstrate acceptable levels of professional and technical competency as listed:

- Ensure that all staff to be employed for hazardous materials management have adequate training and qualifications;
- Ensure that the staff possess relevant levels of competency appropriate to their statement of duties;
- Develop and implement training plans for their staff to develop and maintain the required competencies; and
- Fulfil the requirements of the business membership application form.

5.2 Ethical Standards

Business members shall set out their ethical standards in a policy statement that is made available to all staff and is provided to the AHCA upon request. The ethical standards policy statement shall include the following provisions that Members shall:

- Contract to carry out any services only for which they have appropriate levels of competency and experience.
- Include in a report no statement that it knows to be untrue.
- Not knowingly omit from any finalised report any information that would materially alter the conclusions that could be drawn from the report.
- Not endorse information supplied by their client or any other organisation without taking reasonable steps to determine the validity of the information or where this is not possible, note that such independent verification has not been possible.
- Inform their clients in writing should they become aware of an issue that results in a significant risk of harm.

5.3 Quality Management System (QMS)

Business member must have in place a QMS, that is appropriate for the size and structure of the Member organisation, and the nature of the work routinely undertaken.

The AHCA shall maintain a list of the standard of QMS of each Member which shall be up-dated periodically.

5.4 Annual Reporting to AHCA

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 Conduct.



6 Non-conformance with Code of Conduct

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

- a) The President of the AHCA will oversee an investigation into the complaint.
- b) If the President considers that the complaint falls into any of the listed categories, the President may decide that no investigations or actions concerning the complaint are required.
 - 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 complaint is being investigated by some other competent person or body or has been the subject of legal proceedings.
 - iv) The complaint 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.
 - vi) The President has a conflict of interest in investigating the complaint, in this case a member of the executive committee would oversee the investigation.
- 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 Conduct.
- 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 Conduct, 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 AHCA Executive Committee.
- i) The Executive Committee 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 Committee is to be made on the balance of probabilities.
- j) The Executive Committee may, if it finds the complaint against the Member is proved:
 - i) Counsel the Member.
 - ii) Reprimand the Member.
 - iii) Terminate the Member's membership of the AHCA.
- k) The Executive Committee must provide a written statement of the decision made in the proceedings 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.
 - iii) Give reasons for the decision.
- m) Where a Member's membership of the AHCA is terminated, the Member shall not be entitled to any repayment of any remaining membership fees and will not be permitted to reapply for re-admission to the AHCA for at least 12 months from the date of termination.



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 AHCA 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 AHCA 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.

7 Confidentiality

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

8 Acceptance of this Code of Conduct

Members are required to have this Code of Conduct signed and dated by an authorised Company representative and witnessed as appropriate, with the original sent to the AHCA Executive Officer.

Company Name:

Company Director / Authorised Signatory:	Date:
---	--------------

Signature:

Witness Name:	Date:
----------------------	--------------

Signature:

