

EPA Guidelines

Protection for voluntary environmental audits

Re-issued September 2003

EPA 013/03: This guideline replaces EPA Technical Bulletin No. 22, 'Protection for voluntary environmental audits' (May 1996). It outlines the legal protection afforded by Section 58 of the Environment Protection Act 1993 for those undertaking a voluntary environmental audit program.

Introduction

There have been many definitions of 'environmental audit' published in recent years. The Australian Standard (AS/NZ ISO 14010/1995 (Int)) definition is as follows:

An environmental audit is a systematic, documented verification process of objectively obtaining and evaluating evidence to determine whether specified environmental activities, events, conditions, management systems, or information about these matters, conform with audit criteria, and communicating the results of this process to the client.

In short, an environmental audit is a comparison between the environmental performance/impact of a company and appropriate criteria in the same way as a financial audit compares the way a company has kept its financial records to an accepted standard.

The criteria used in environmental audits vary depending on the objectives of the audit process. Audit criteria may include but are not limited to:

- industry Codes of Practice
- specified organisational requirements (e.g. compliance with company environmental policy)
- Environment Protection Act
- Environment Protection Regulations
- Environment Protection Policies
- conditions of licences, works approvals and exemptions
- other applicable State/Federal environment legislation.

Why do an audit?

There are strong incentives for businesses to undertake environmental audits. They provide a means for managing pollution prevention and control pro-actively rather than reactively, and as such make good business sense.

An environmental audit provides the foundation for:

- development of an environment improvement program
- identification of options for waste minimisation, better waste management and cleaner production opportunities
- reduction in potential legal and financial liability with respect to environmental legislation.

An audit program is also a fundamental component of any environmental management system and contributes to best practice environmental management (BPEM).

Objectives of section 58

The Act in section 13(1) outlines the functions of the Environment Protection Authority (EPA), one of which is to encourage and assist the development and implementation of BPEM through the use of:

- environmental audits
- emergency planning
- environment improvement programs
- environment performance agreements
- other similar measures.

A major disincentive to voluntary environmental auditing is the potential for audit documents to be obtained by regulatory authorities and used in proceedings against companies. The objective of section 58 of the Act is to encourage the use of environmental auditing as a management tool by removing this disincentive.

How protection is obtained for a voluntary audit

To obtain the protection of section 58 of the Act a person/company (not the auditor) needs to apply in advance of the conduct of the audit and supply a detailed outline of the proposed action to evaluate their performance on:

- management practices
- production processes
- technical systems
- equipment.

The applicant will also need to comply with conditions set by the EPA.

Address written applications to the EPA to:

Mr P Dolan, Environmental Auditor
Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Applications should include details of:

- the site location
- the audit criteria
- the time frame in which the audit is to be conducted
- the audit methodology
- the auditor's terms of reference.

Fulfilment of conditions

Protection for the report of the voluntary audit is subject to the following conditions:

- There are limits on the type of information included in the report.
- The report must be compiled and kept in specified manner and form.
- Evidence must be lodged with the EPA as to the time of completion of the audit and the compilation and keeping of the report.

The evidence required as a condition includes:

- a statutory declaration from the site manager that the audit has been completed and that the material is being kept as agreed
- the cover and content pages submitted as evidence that the report was compiled as approved.

What does the protection mean?

- A protected report is not admissible in evidence against the person in any proceedings under the Act.
- A protected report may not be seized or obtained without the person's consent by anyone for any purpose connected with the administration or enforcement of the Act.
- Protection is not provided against use by other agencies under other Acts (e.g. health and safety).

Protection does not remove requirements to:

- comply with conditions of an authorisation requiring reporting of the results of tests or monitoring or reporting of the results of a mandatory environmental audit and compliance program
- notify the EPA of an incident causing or threatening serious or material environmental harm.

Currency of these guidelines

These guidelines offer advice to assist with compliance with the general environmental duty and specific environmental policies. They are subject to amendment and persons relying on the information should check with the EPA to ensure that it is current at any given time.

FURTHER INFORMATION

Legislation

Legislation may be viewed on the Internet at: www.parliament.sa.gov.au/dbsearch/legsearch.htm □

Copies of legislation are available for purchase from:

Government Information Centre
77 Grenfell Street
Adelaide SA 5000

Telephone: (08) 8204 1900
Facsimile: (08) 8204 1909
Freecall (country): 1800 182 234

For general information please contact:

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8204 9393
Freecall (country): 1800 623 445
Internet: www.epa.sa.gov.au