



# Site contamination policy – certification of practitioners

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## **Site contamination policy: certification of practitioners**

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# Contents

<b>Abbreviations</b> .....	<b>1</b>
<b>Summary</b> .....	<b>3</b>
<b>1 Introduction</b> .....	<b>4</b>
1.1 Certification of site contamination practitioners .....	4
1.2 Purpose .....	4
1.3 Factors contributing to poor quality reports and documentation.....	4
1.4 Establishment of EPA committee .....	5
1.5 Application of this policy .....	5
1.6 Commencement of this policy .....	6
1.7 Non-derogation.....	6
1.8 Acknowledgement .....	6
<b>2 EPA regulation of site contamination</b> .....	<b>7</b>
2.1 Overview.....	7
2.2 Site contamination consultant.....	7
2.3 Site contamination audit system .....	7
2.4 Preparation of reports and honesty in reporting .....	7
2.5 Section 83A – Notification of site contamination of underground water .....	8
<b>3 Certification bodies – minimum standards</b> .....	<b>9</b>
3.1 Overview.....	9
3.2 International standard.....	9
3.3 National Policy - Heads of EPA .....	9
3.4 Certification of natural persons .....	9
3.5 Governance .....	9
3.6 Essential elements .....	10
3.7 Testing of competency .....	10
<b>4 Registration and professional conduct of certified practitioners</b> .....	<b>12</b>
4.1 Registration of certified practitioners .....	12
4.2 Ethical and professional conduct.....	12
4.3 Issues with reports prepared or reviewed and approved by certified site contamination practitioners.....	12
4.4 Certification body committee - complaints .....	12
4.5 Appeals process .....	13
4.6 Recertification .....	13
<b>5 Process for recognition of certification bodies</b> .....	<b>14</b>
5.1 Ongoing monitoring and review .....	14
5.2 Complaint process .....	14
5.3 EPA assessment process.....	14
5.4 Withdrawal or suspension of recognition.....	15
5.5 Voluntary surrender of recognition .....	15
5.6 Appeals.....	15

5.7	Lodging an application.....	15
5.8	Publication of EPA recognition .....	16
<b>6</b>	<b>Use of certified professionals.....</b>	<b>17</b>
6.1	Overview.....	17
6.2	Mandatory use of certified site contamination practitioners.....	17
6.3	Recommended use of certified site contamination practitioners .....	19
<b>7</b>	<b>References.....</b>	<b>20</b>

# Abbreviations

<b>ASC NEPM</b>	<i>National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)</i>
<b>CEMP</b>	construction environment management plan
<b>CPD</b>	continuing professional development
<b>CSM</b>	conceptual site model
<b>CUO</b>	clean-up order
<b>EPA</b>	South Australian Environment Protection Authority
<b>EP Act</b>	<i>Environment Protection Act 1993</i>
<b>EPO</b>	environment protection order
<b>EPP</b>	environment protection policy
<b>ISO</b>	International Organisation of Standards (Switzerland)
<b>(the) Regulations</b>	<i>Environment Protection Regulations 2009</i>
<b>SRP</b>	site remediation plan
<b>SSRA</b>	site-specific risk assessment
<b>WQP</b>	<i>Environment Protection (Water Quality) Policy 2015</i>



## Summary

Prior to the publication of this policy, it has been possible for persons to identify themselves as a site contamination practitioner (or site contamination consultant) without having the necessary qualifications or experience to do so. In the past, this has been a regulatory issue for the Environment Protection Authority (EPA) resulting in the following outcomes:

- preparation of poor quality risk assessments resulting in potential significant risk to human health and the environment (from the inadequate assessment and remediation of site contamination)
- contribution to significant financial loss to property owners and future owners
- severe personal hardship to unaware property owners and future property owners
- confusion and the presentation of unreliable information for planning authorities
- inappropriate development of land affected by site contamination.

As a result, the community can lose confidence in the regulator, professional bodies, consultant organisations and the site contamination profession.

For many professions in South Australia it is an offence to practice without being appropriately qualified, and registered, certified or licenced. The EPA considers that decisions around site contamination are significant (both in cost and risk to human health and environment) and as such certification of persons who practice in the area of site contamination assessment and remediation is warranted.

# 1 Introduction

## 1.1 Certification of site contamination practitioners

Site contamination<sup>1</sup> is an important environmental, health, economic and planning issue and can have implications for land-owners and occupiers, developers, councils, planning authorities, government and local communities.

The assessment and remediation of site contamination is complex and should be undertaken by professionals with specialist knowledge, experience, skills and competencies as described in the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013) or the ASC NEPM<sup>2</sup>.

Prior to 2014, a scheme or body for the certification of a person as a site contamination professional had not been established. The reason being that site contamination is complex and requires multi-disciplinary areas of expertise for assessment and remediation to be undertaken appropriately and effectively. Additionally, a single degree or tertiary qualification for a site contamination professional (practitioner) does not currently exist.

It is acknowledged that site contamination professionals typically hold a multitude of relevant tertiary qualifications and experience<sup>3</sup>. These include chemists, hydrogeologists, ecologists, toxicologists, engineers, physicists, soil scientists, microbiologists, geologists and environmental scientists. In most cases, small or large teams of professionals are formed to resolve the complexities associated with site contamination. This is unlikely to change with the recognition of certification bodies for the certification of site contamination practitioners (certified practitioners).

## 1.2 Purpose

The purpose of this publication is to outline the EPA policy on the establishment of certification bodies and schemes<sup>4</sup>, and the use of certified practitioners in South Australia. In doing so, this policy will facilitate an improvement in the quality, reliability and accountability of site contamination reports and documentation provided to government, planning authorities, land-owners and those who have liability for site contamination<sup>5</sup>.

The policy also provides an approach on how and when the EPA will recognise bodies that certify persons as certified practitioners. The circumstances of when the EPA will require the use of certified practitioners is outlined in section 6 of this policy.

## 1.3 Factors contributing to poor quality reports and documentation

Poor quality work can result in significant cost and stress for current and future land-owners, including persons who have liability for site contamination.

A number of factors contribute to real and perceived issues of poor quality work, such as lack of scientific rigour, detail provided in reports and documentation produced by persons holding themselves out as site contamination professionals or practitioners.

Poor quality work can potentially be attributed to one or more factors including:

- a lack of experience, knowledge and skills of the person undertaking the work
- persons working outside their area of technical speciality

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<sup>1</sup> Site contamination is defined in section 5B of the EP Act

<sup>2</sup> Refer to Schedule B9 of the ASC NEPM

<sup>3</sup> It is acknowledged that some tertiary institutions offer entry-level postgraduate qualifications or training for site contamination. Similarly, some organisations also offer short courses and training

<sup>4</sup> For the purpose of this policy, a certification body and a certification scheme have the same meaning

<sup>5</sup> Defined in section 3(1) of the *Environment Protection Act 1993*



- persons working outside their area of geographical experience
- persons working outside their area of jurisdictional experience (and hence knowledge of applicable laws, regulations and guidelines)
- persons not adhering to an acceptable code of ethical and professional conduct
- potential conflict of interest and insufficient resources allocated by proponents for persons to conduct adequate investigations and assessments
- persons not working in accordance with jurisdictional or national guidance
- a lack of clear guidance regarding expected scope of work and deliverables
- incompetence, low fees and client pressure
- inadequate review, capability or competency by the employer.

The implementation of a policy to recognise certification bodies and to require the use of certified practitioners will address most of the issues outlined above.

#### **1.4 Establishment of EPA committee**

A committee to assess, review and monitor recognition of certification bodies has been established by the EPA. The committee will make recommendations to the EPA Chief Executive who will approve (or not approve) recognition of a certification body. The process for recognition of certification bodies is further described in section 5 of this policy.

The EPA committee will:

- assess applications for recognition in accordance with the *AS/NZS ISO/IEC 17024:2013 Conformity assessment – general requirements for bodies operating certification of persons* (AS/NZS ISO/IEC 17024:2013).
- review certification bodies ongoing monitoring and compliance with AS/NZS ISO/IEC 17024:2013
- review complaints received for both certification bodies and/or certified practitioners
- make recommendations for the withdrawal or suspension of the EPA's recognition of a certification body.

In addition, the EPA will publicise the recognition of certification bodies as described in section 5.8 of this policy.

#### **1.5 Application of this policy**

This policy has been prepared to outline the EPA's requirements for the establishment of certification bodies who endeavour to certify natural persons who undertake the assessment and remediation of site contamination. The EPA will use this policy in its regulation of persons with liability for site contamination, to engage professionals who are certified practitioners, to undertake the necessary assessment and/or remediation of site contamination at a site.

Furthermore, this policy outlines the circumstances when the EPA will require assessment and remediation of site contamination to be undertaken (and submission of reports) by certified practitioners.

This policy should be read in conjunction with other EPA publications (as updated from time to time), specifically:

- [Guidelines for the assessment and remediation of site contamination](#) (2018)
- [Guidelines for the site contamination audit system](#) (2019)
- [Site contamination: Regulatory framework](#) (2022)
- [Site contamination: Orphaned site contamination management framework](#) (2022)

## **1.6 Commencement of this policy**

The policy commenced on 1 July 2018.

Revisions to the policy are effective as of the date of publication.

## **1.7 Non-derogation**

Nothing in this document is intended to derogate from or fetter the powers of the EPA and authorised officers under the *Environment Protection Act 1993* (EP Act) and the *Environment Protection Regulations 2009* (Regulations).

## **1.8 Acknowledgement**

The EPA gratefully acknowledges the work undertaken by the Western Australia Department of Environmental Regulation<sup>6</sup> and has adopted many of the principles and text described in this document.

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<sup>6</sup> Refer to References of this policy

## 2 EPA regulation of site contamination

### 2.1 Overview

The EPA is South Australia's independent environment protection regulator.

The EPA<sup>7</sup> is responsible for administering and enforcing the EP Act and the Regulations. Through the risk-based regulation of pollution, site contamination, waste, noise and radiation, the EPA seeks to protect, restore and improve the environment<sup>8</sup> in South Australia. The EPA works closely with industry, the community and government to protect our unique natural environment while supporting economic growth and improving wellbeing.

### 2.2 Site contamination consultant

The EP Act defines consultant as:

a person other than a site contamination auditor who, for fee or reward, assesses the existence or nature or extent of site contamination.

The EP Act provides the EPA with circumstances in which it can require the use of professionals with specified qualifications (outlined in section 6 of this policy).

### 2.3 Site contamination audit system

Many Australian jurisdictions, including South Australia<sup>9</sup>, have legislative schemes that accredit site contamination auditors (auditors). The requirements for a person to be accredited as an auditor are set intentionally high.

An auditor is an expert professional accredited by the EPA to undertake an independent review of assessment and/or remediation work carried out by consultants. Only a natural person (ie an individual and not a corporation) may be granted accreditation<sup>10</sup>. Only a person, accredited by the EPA, can carry out a site contamination audit (audit). It is a criminal offence for a person to hold himself or herself out as a site contamination auditor unless that person is accredited by the EPA.

If also certified, it is acknowledged that auditors can practise as an auditor or as a site contamination practitioner (subject to legislative rules). The regulatory requirements of auditors and the site contamination audit system are available from the EPA publication *Guidelines for the site contamination audit system* (2019).

The EPA has adopted many of the principles and processes from the site contamination audit system to assist in the development of this policy.

### 2.4 Preparation of reports and honesty in reporting

The EP Act establishes the following offences for the provision of a false or misleading information and reports:

- **Section 119 – False or misleading information**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information furnished, or record kept, under this Act.

Penalty:

<sup>7</sup> Refer to section 11 of the EP Act for the establishment of the Authority (EPA) and section 13 for the broad functions of the Authority

<sup>8</sup> Environment is defined in section 3 of the EP Act

<sup>9</sup> Refer to Division 4 of Part 10A of the EP Act

<sup>10</sup> Refer to section 103V of the EP Act

- (a) If the offender is a body corporate – Division 1 fine<sup>11</sup>;
- (b) If the offender is a natural person – Division 3 fine<sup>12</sup>.

- **Section 120A – False or misleading reports**

A person who makes a false or misleading report to the Authority, another administering agency or a person engaged in the administration of this Act is guilty of an offence if –

- (a) the person knows the report is false or misleading; and
- (b) the report is of a kind that would reasonably call for investigation or action by the Authority or another administering agency.

Penalty – Division 4 fine<sup>13</sup>.

## **2.5 Section 83A – Notification of site contamination of underground water**

Section 83A of the EP Act requires a specific person (owner, occupier, site contamination auditor and/or site contamination consultant) to notify the EPA in writing as soon as reasonably practicable, after becoming aware of the existence of site contamination at a site or in the vicinity of a site that affects or threatens water occurring naturally under the ground or introduced to an aquifer or other area under the ground. For further information on the requirements pursuant to section 83A of the EP Act, refer to the EPA publication [Guidelines for the assessment and remediation of site contamination \(2019\)](#).

Whether or not a person is a certified practitioner does not alter the definition and responsibilities of a site contamination consultant that are prescribed by the EP Act. The requirement for notification will apply regardless of whether or not a person, who is acting as a 'site contamination consultant', is certified.

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<sup>11</sup> Division 1 fine – \$60,000 at the time of publication

<sup>12</sup> Division 3 fine – \$30,000 at the time of publication

<sup>13</sup> Division 4 fine – \$15,000

## 3 Certification bodies – minimum standards

### 3.1 Overview

The EPA is aware that multiple organisations have established schemes for the purpose of certifying site contamination practitioners. The EPA does not certify site contamination practitioners. Certification is undertaken by independent private sector organisations.

The EPA will consider each scheme that seeks recognition for the purpose of certifying persons as site contamination professionals or practitioners, on its merits. Each scheme must demonstrate to the EPA, in writing, that it meets and will continue to meet the minimum standards for recognition, documented in this policy.

### 3.2 International standard

In 2013, a joint Australian/New Zealand Standard for conformity assessment was approved on behalf of the Council of Australian Standards and Council of Standards New Zealand. Principles and requirements for bodies certifying persons against specific requirements, including the development and maintenance of certification schemes for persons are covered in *AS/NZS ISO/IEC 17024:2013 Conformity assessment – general requirements for bodies operating certification of persons*<sup>14</sup>. All schemes should demonstrate conformance with this standard.

### 3.3 National Policy – Heads of EPA

In 2015, the Heads of EPA<sup>15</sup> National Certification of Environmental Practitioners Working Group (HEPA Working Group) was established. The HEPA Working Group developed a framework to improve confidence in the quality, reliability and accountability of environmental reports and documentation provided to government agencies by environmental practitioners.

A key component of the work undertaken by the HEPA Working Group, involved the development of a set of principles as a guide for environmental practitioner certification bodies. The HEPA Working Group investigated existing certification schemes and standards in Australia and New Zealand, as well as international certification schemes, to identify the most effective criteria and process for certification of environmental practitioners in Australia and New Zealand.

In April 2017, a publication on the principles endorsed by the HEPA Working Group were published as a guide for certification schemes. This policy has been prepared to align consistently with the HEPA Working Group endorsed principles.

### 3.4 Certification of natural persons

The EPA will only recognise schemes that certify natural persons (individuals), and will not recognise schemes that only provide corporate or company certification.

### 3.5 Governance

For the governance of any site contamination certification body, the following is considered essential:

- an independent competency based board/governing council that is established for the purpose of certification
- the board/governing council should consist of an independent chair and relevant senior representatives from the site contamination profession

<sup>14</sup> AS/ANZ ISO/IEC 17024:2013

<sup>15</sup> Heads of EPAs (HEAP) is a high level forum for the heads of environment protection regulators and authorities in Australia and New Zealand, of which the EPA is a participant

- a specialist committee that examines, tests and makes recommendations in relation to certification (initial and ongoing) to the board/governing council
- an independent specialist committee to assess, investigate and make recommendations in relation to any complaint made against a person or the scheme.

### 3.6 Essential elements

The following elements are considered essential for site contamination certification body to be recognised by the EPA:

- established as a national scheme (minimum requirement)
- independent scheme that does not limit certification based on a requirement to be a member of another organisation
- transparent and clearly documented procedures (application, assessment, certification, appeal and governance)
- ability, willingness, documented and clear requirements and methods to suspend or withdraw certification
- ability, willingness, documented and clear methods to hear, resolve and act on complaints
- requirement for continuing professional development (>50 hours per annum or pro rata equivalent)
- will seek written regulator feedback for applicants in relation to ethical and professional practice
- the certification body uses suitably qualified persons to undertake assessment of applicants that meet the EPA's requirements
- has relevant ethical and professional conduct requirements.

### 3.7 Testing of competency

The EPA considers the testing of competency is a core factor for EPA recognition of a certification body.

The need for competency testing was agreed through national and regulator consultation in 2013–14. The consultation process is described in *Certification of Site Contamination Practitioners Scheme* (CRC CARE 2014). Similarly, Schedule B9 of the ASC NEPM sets out details of qualifications and experience for site contamination consultants which are applicable for testing competencies of applicants seeking certification.

The certification body must clearly define the specialist area for which a practitioner is certified, and align required competencies, and knowledge, experience and abilities with the tasks that a practitioner would reasonably be expected to undertake working within that specialty area to a proficient level<sup>16</sup>.

Methods employed to recognise competent and qualified persons to carry out specific tasks or activities may include the following:

- prescribing detailed criteria that the practitioner must meet (such as education and years of experience)
- specifying the completion of a particular training course and/or passing an examination
- requiring certification by, or membership of, a particular professional organisation
- specifying particular qualifications with associated specialties
- requiring approval by a government official or the EPA.

In addition, the following are essential elements of a site contamination practitioner seeking certification from an EPA recognised certification body:

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<sup>16</sup> The aim of this certification body is to identify practitioners with a high level of competence within their speciality field. Therefore, the requirement for aligning competencies with knowledge, experience and abilities requires testing to a 'proficient' level. This should not preclude certification bodies from certifying practitioners at other levels, such as 'developing' or 'advanced'

- minimum education requirements ( $\geq 3$  year relevant degree in science or engineering)
- minimum professional practice requirements ( $> 5$  years or pro rata equivalent)
- proven competency standards (in accordance with the ASC NEPM):
  - determining the nature, causes and significance of site contamination
  - preliminary assessment of site contamination
  - detailed assessment of site contamination
  - risk assessment of site contamination
  - remediation and management of site contamination
  - professional practice in relation to site contamination (through the presentation of relevant reports/work)
- rigorous testing of all applicants who request certification (written application, case study assessment and interview)
  - except in special circumstances when the applicant is an accredited auditor
- appropriate and documented referee testing.

## **4 Registration and professional conduct of certified practitioners**

### **4.1 Registration of certified practitioners**

A certification body must be able to provide and maintain a register and provide clear identification of certification. It is important that certification is uncomplicated and readily understood by those who rely on the use of certified practitioners.

A certification body that provides multiple levels of certification may result in confusion on the part of persons engaging the services of certified practitioners. The EPA will recognise certification bodies that set a single level of certification, promoting the certification of higher-level professionals tested against the core competencies and requirements documented in this policy.

### **4.2 Ethical and professional conduct**

The certification body must hold applicants and certified practitioners accountable to a code of conduct committing to ethical and professional conduct. Certified practitioners must sign and agree to abide by the code of conduct. The EPA considers the following elements (as a minimum) to form the basis of the code for ethical and professional conduct for certified practitioners:

- acting with integrity, honesty and good faith
- providing advice based on sound, evidence-based scientific information
- avoiding and/or disclosing and managing conflicts of interest
- maintaining and improving professional skills and knowledge
- undertaking services within acquired level of competence and capability and seeking peer review where necessary
- undertaking services in accordance with laws, regulations, policies and guidelines relevant to the service being provided
- presenting reports in a transparent manner and avoiding any misrepresentation or obfuscation of information
- respecting confidentiality of information.

### **4.3 Issues with reports prepared or reviewed and approved by certified site contamination practitioners**

Where a report has been prepared or reviewed and approved by a certified site contamination practitioner and material or substantive issues are identified during the EPA's review, prior to referral to the relevant certification body the EPA will:

- provide written correspondence to the certified practitioner outlining the identified issues and
- provide an opportunity for the certified practitioner to respond.

The EPA will take into consideration the response from the certified practitioner when determining if a referral to the certification body is necessary.

If a referral is made to the certification body, the certified practitioner will be copied into this correspondence.

### **4.4 Certification body committee - complaints**

The certification body must establish a committee to address complaints received against its certified practitioners. The EPA recognises this as a very important function of any certification body. The certification body is not merely professional membership for people with a common interest in site contamination. Rather, it is a body that actively encourages best practice and requires adherence to professional standards and, in the event of non-compliance, may withdraw a person's certification.



The certification body must have:

- Written and clear procedures to show how it will investigate, manage and respond to complaints in relation to persons that it certifies
- Written and clear procedures to show how it will, where necessary, implement disciplinary action including the suspension and withdrawal of certification.

#### **4.5 Appeals process**

The certification body must have written, clear and fair procedures to show how it will investigate, manage and respond to any appeals that it may receive in relation to a decision that it makes. This process should be reviewed and documented via the committee established by the certification body.

#### **4.6 Recertification**

The certification body must reassess certified practitioners at a period of no more than every three years to ensure that the practitioner continues to meet the requirements of the certification body. Continuing professional development of the practitioner must form a key element of this recertification assessment.

## **5 Process for recognition of certification bodies**

### **5.1 Ongoing monitoring and review**

Certification bodies recognised through this process must provide documentation to the EPA detailing the method and results of an internal audit (accompanied by a statutory declaration) conducted at an interval of no longer than every three years, to verify that the body generally conforms to AS/ANZ ISO/EIC 17024:2013 and the principles listed in section 3.1.

After reviewing the internal audit, if the EPA is unsatisfied with the evidence provided, it may request further detail to support the outcome of the audit. The EPA may also decide, at its discretion based on the information provided, to suspend recognition of a certification body pending the outcome of a duplicated full application process.

### **5.2 Complaint process**

The EPA may, from time to time, request details from the certification body regarding complaints that have been received and how these complaints have been evaluated and addressed. The EPA has the discretion to suspend or cancel recognition of a certification body if complaints received about the conduct of practitioners certified under the scheme are not, in the view of the EPA, adequately addressed.

In addition to this, any person may lodge a complaint against a certification body or a certified practitioner to the EPA and it will advise the certification body of the complaint and provide it with the opportunity to respond in relation to that complaint. The EPA committee will, where appropriate, investigate all complaints and document its decision.

### **5.3 EPA assessment process**

Certification bodies seeking to be recognised must provide a detailed statement (accompanied by a statutory declaration) to the EPA demonstrating how it generally conforms to AS/ANZ ISO/EIC 17024:2013.

The required statement will provide evidence that supports the claims in the application, including details of:

- the structure of the organisation, policies and procedures to ensure that the certification activities are undertaken competently and impartially
- the scope of certification and how this is determined for each specialist area
- the tasks defined for specialist areas and the associated competencies required by candidates to undertake those tasks to a proficient level
- the process of how prerequisites including education/training, years of experience and skills are identified and aligned with competence requirements
- the application form used by practitioners applying for certification
- the format of interviews or examinations used to rigorously assess the competencies of candidates
- an example list of interview/examination questions to assess candidates in specialist areas and criteria against which the answers are assessed
- names, qualifications and experience of assessors, including specialist area experts
- the documented process for receiving, evaluating and making decisions on complaints regarding a practitioner's conduct or performance
- evidence of how complaints have been addressed in the past, including details of instances where a practitioner's certification has been suspended or withdrawn as a result of an investigation into a complaint
- documented evidence of how past appeals have been assessed and resolved.

## 5.4 Withdrawal or suspension of recognition

The EPA may suspend or withdraw its recognition of a certification body.

There is cause for suspension or withdrawal if the EPA is satisfied that the certification body:

- obtained its recognition improperly
- has contravened the EP Act or any other relevant Act (eg provision of false or misleading information)
- has ceased to undertake the activities or meet the minimum standards expected of the certification body
- is trading while financially insolvent
- is not eligible for recognition due to events that would disqualify the certification body's application
- failed to effectively manage a complaint or series of complaints.

A suspension may be for a specified period, or until the fulfilment of specified conditions, and may be expressed to have effect at a specified future time, or to have effect at a specified future time unless a specified condition is fulfilled.

Withdrawal may be permanent or for a specified period or until the fulfilment of specified conditions.

The EPA will, before suspending or withdrawing its recognition:

- give written notice to the certification body of the proposed action specifying the reasons for the proposed action
- allow the certification body at least 14 days to make submissions to the EPA in relation to the proposed action.

It is the certification body's responsibility to, as soon as reasonably practicable, inform those it has certified, that the body is not recognised by the EPA and, as a result, those certified may no longer be recognised as certified by the EPA. In such circumstances, the EPA will work quickly to resolve any necessary arrangements with certified practitioners to avoid any disruption to their practice.

## 5.5 Voluntary surrender of recognition

A certification body may request that the EPA suspend or withdraw its recognition. In such circumstances, and in the case of non-voluntary suspension or withdrawal of recognition, the EPA will allow certified practitioners sufficient time to transition to an alternate scheme. The EPA will endeavour to work closely with certified practitioners to reach a satisfactory outcome.

## 5.6 Appeals

An appeal of any EPA decision to not recognise a certification body may be made to the EPA Chief Executive. The grounds for the appeal must be described in detail.

The EPA will, if so requested by the certification body to whom an appealable decision relates, state in writing the reasons for its decision.

## 5.7 Lodging an application

Certification bodies seeking recognition by the EPA must lodge an application, along with all supporting material to:

Manager Site Contamination  
Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001  
[epasitecontam@sa.gov.au](mailto:epasitecontam@sa.gov.au)

## **5.8 Publication of EPA recognition**

The names of certification bodies that have been successfully recognised through this process are listed on the [EPA website](#). The recognised certification bodies will also be able to publicise the recognition of its scheme(s) in its own promotional material. Certification bodies must ensure that they maintain an up-to-date, publicly available register of practitioners who are currently certified under its recognised certification bodies. Consideration should be given to measures that enable recognition and certification status to be easily identified by consumers and misrepresentation to be minimised.

## 6 Use of certified professionals

### 6.1 Overview

The purpose of this section is to outline where the EPA will:

- Require a certified site contamination practitioner prepare or review and approve a report, and
- Recommend that a certified site contamination practitioner prepare or review and approve a report.

Table 1 provides a summary of the instances where the use of a certified site contamination practitioner is required or recommended.

**Table 1 Summary of instances where use of certified site contamination practitioner is mandatory or recommended**

	<b>A certified site contamination practitioner <u>must</u> prepare or review and approve reports</b>	<b>A certified site contamination practitioner is <u>recommended</u> to prepare or review and approve reports</b>
As required by a site contamination assessment order.	✓ (Section 6.2.1)	
As required by a site contamination remediation order.	✓ (Section 6.2.1)	
As required by a voluntary site contamination assessment proposal.	✓ (Section 6.2.1)	
As required by a voluntary site contamination remediation proposal.	✓ (Section 6.2.1)	
As required by a non-statutory agreement.		✓ (Section 6.2.1)
As considered appropriate by the EPA and required by other statutory instruments under the EP Act.	✓ (Section 6.2.2)	
As required by a licence condition.	✓ (Section 6.2.3)	
EPA managed site contamination assessment or remediation projects.	✓ (Section 6.2.4)	
As part of the site contamination development assessment scheme.		✓ (Section 6.3.1)
Any other assessment of the existence of or the nature and extent of site contamination.		✓ (Section 6.3.2)

### 6.2 Mandatory use of certified site contamination practitioners

#### 6.2.1 EPA regulated sites

The EPA may regulate persons with liability for site contamination using the statutory instruments that are available under the EP Act. These instruments include (but are not limited to):

- site contamination assessment orders (SCAO)

- site remediation orders (SRO)
- voluntary site contamination assessment proposals (VSCAP)
- voluntary site remediation proposals (VSRP)

Where appropriate the EPA may also regulate persons with liability for site contamination using non-statutory methods.

The [Site contamination: Regulatory framework](#) (2022) sets out how EPA regulates persons with liability for site contamination and the use of statutory and non-statutory regulatory methods.

From the date of commencement of this policy, all site contamination reports presented to the EPA for its review as a result of regulation of the site by the EPA must be prepared or reviewed and approved by a certified site contamination practitioner.

### **6.2.2 As required by other statutory instruments under the EP Act**

The EPA may regulate persons using statutory instruments under the EP Act that are not strictly related to site contamination. This includes environment protection orders (EPO) and clean up orders (CUO).

If the EPA considers the works required under such a statutory instrument would benefit from reports being prepared or reviewed and approved by a certified site contamination practitioner the use of a certified site contamination practitioner will be required.

### **6.2.3 EPA licence conditions**

The EPA, where appropriate, grants environmental authorisations (licences) in accordance with Part 6 of the EP Act. Section 45 states that 'the Authority may impose conditions of an environmental authorisation with respect to such matters as are contemplated by this Act or as the Authority considers necessary or expedient for the purposes of this Act'.

Section 52 states

the Authority may, by conditions of an environmental authorisation, require the holder of the authorisation to carry out specified tests and environmental monitoring relating to the activity undertaken pursuant to the authorisation, or activities previously undertaken at the place to which the authorisation relates, and to make specified reports to the Authority on the results of such tests and monitoring

Section 52 also states that the condition may include 'requirements as to the qualifications of the person undertaking the evaluation process'.

From the date of commencement of this policy, licence conditions may be established that include a requirement that reports must be prepared or reviewed and approved by a certified site contamination practitioner.

### **6.2.4 EPA managed assessment or remediation projects**

In 2016, the South Australian Government committed funding to the EPA to manage orphaned site contamination. This funding commitment recognises the importance the government places on dealing with the issue of historical contamination.

Orphaned site contamination describes a situation where the original polluter no longer exists, cannot be found/identified, or is unable to carry out or pay the costs of the required assessment or remediation. This funding commitment means that the EPA can now undertake assessment where it can demonstrate there is a significant public health risk. The [Orphaned site contamination management framework](#) (OSCM Framework 2022) outlines how the EPA prioritises assessment or remediation of orphaned site contamination.

From the date of commencement of this policy, all reports commissioned by the EPA in relation to the assessment or remediation of site contamination must be prepared or reviewed and approved by a certified site contamination practitioner.

### **6.3 Recommended use of certified site contamination practitioners**

#### **6.3.1 Use in site contamination development assessment scheme**

Following commencement of the site contamination development assessment reforms through the *Planning Development and Infrastructure Act 2016* on 19 March 2021, the EPA will recommend to relevant planning authorities that the following are prepared or reviewed and approved by certified site contamination practitioners:

- 'Site contamination declaration' forms that accompany development applications for a change in the use of land to a 'more sensitive use'<sup>17</sup> or land division for a 'sensitive use'
- any detailed site investigations that may be considered necessary and
- associated 'Statement of site suitability' forms.

#### **6.3.2 Assessment of the existence or nature and extent of site contamination**

The EPA acknowledges that in some instances a person may commission site contamination assessment outside of regulatory direction (e.g. due diligence to facilitate sale or purchase of a property). In these instances the use of a certified site contamination practitioner to prepare or review and approve a report is not required.

The EPA however recommends that whenever assessment of the existence or nature of site contamination is being undertaken that associated reports are prepared or reviewed and approved by a certified site contamination practitioner.

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<sup>17</sup> As defined in the Practice Direction 14: Site Contamination Assessment approved by the State Planning Commission in accordance with section 109 of the Planning Development and Infrastructure Act 2016.

## 7 References

CRC CARE 2014, *Certification of Site Contamination Practitioners Scheme – consultation document*, Cooperative Research Centre for Contamination Assessment and Remediation of the Environment.

EPA 2018, *Guidelines for the assessment and remediation of site contamination*, SA Environment Protection Authority, viewed 23 December 2022, [https://www.epa.sa.gov.au/files/4771799\\_sc\\_groundwater\\_assessment.pdf](https://www.epa.sa.gov.au/files/4771799_sc_groundwater_assessment.pdf)

EPA 2015, *EPA Guidelines for the site contamination audit system*, SA Environment Protection Authority, viewed 23 December 2022, [https://www.epa.sa.gov.au/files/4771800\\_guidelines\\_sc\\_audit.pdf](https://www.epa.sa.gov.au/files/4771800_guidelines_sc_audit.pdf)

EPA 2022, *Site contamination – Regulatory framework*, viewed 23 December 2022, [https://www.epa.sa.gov.au/files/15469\\_sc\\_regulatory\\_framework.pdf](https://www.epa.sa.gov.au/files/15469_sc_regulatory_framework.pdf)

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WA DER 2016, *Certification of Environmental Practitioners in Australia and New Zealand – A Framework for the Recognition of Non-government Environmental Practitioner Certification Bodies*, WA Department of Environmental Regulation, 2016