

## Information about site contamination audit reports and audit statements

Updated October 2010<sup>1</sup>

*EPA 868/10: This information sheet provides general information to those using and relying on site contamination audit reports and site contamination audit statements. This is the third in a series of four information sheets for people who need to use the audit system, engage auditors, and read and implement audit reports. It is designed to be read in conjunction with the other EPA site contamination information sheets in the series, Overview of the site contamination audit system, Using a site contamination auditor and Implementing conditions of a site contamination audit report.*

### Introduction

The *Environment Protection Act 1993* (the EP Act) and associated Regulations establish the regulatory framework for a statutory site contamination audit system (audit system) in South Australia. The audit system is a key strategy to assist in managing site contamination<sup>2</sup> in South Australia.

The Environment Protection Authority (EPA) administers the audit system, accredits site contamination auditors and ensures site contamination audits are carried out according to the legislation and relevant guidelines issued by the EPA.

General information about the audit system is available in the EPA Information Sheet *Site Contamination: Overview of the site contamination audit system* (2010). For detailed guidance on the audit system, refer to the EPA publication *Guidelines for the site contamination audit system* (2009).

### What is a site contamination audit report?

As defined in the Act<sup>3</sup>, a site contamination audit report (audit report):

- a sets out the findings of the audit and complies with the guidelines from time to time issued by the Authority; and
- b includes a summary of the findings of the audit certified, in the prescribed form, by the site contamination auditor who personally carried out or directly supervised the audit (the site contamination audit statement).

The audit report is a detailed report that sets out the findings, determinations and outcomes of the audit, and is prepared and provided by an auditor according to legislative requirements and guidelines issued by the EPA<sup>4</sup>. In some cases, in order to support the audit outcome, the auditor may need to specify conditions in the audit report, which require

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<sup>1</sup> Issued September 2009.

<sup>2</sup> Site contamination is defined in section 5B of the Act. For further information, refer to the EPA Information Sheet *Site contamination: What is site contamination?* (2009).

<sup>3</sup> Section 3(1) of the Act.

<sup>4</sup> Refer to the EPA publication *Guidelines for the site contamination audit system*.

implementation to adequately protect human health and the environment taking into the account current or proposed land use(s). For further information, refer to the EPA Information Sheet *Implementing conditions of a site contamination audit report* (2010).

As far as practicable, audit reports are self-contained documents and may have several appendices which contain reports and drawings that have been relied upon by the auditor.

On completion, the auditor must provide the audit report to the person who commissioned the audit, and the EPA at the same time. In addition, a copy of the site contamination audit statement must be provided to the relevant local council and any prescribed body<sup>5</sup>.

## **What is a site contamination audit statement?**

As defined in the Act<sup>6</sup>, a site contamination audit statement (audit statement) 'means a copy (that must comply with the regulations) of the summary of the findings of the audit certified, in the prescribed form<sup>7</sup>, by the site contamination auditor who personally carried out or directly supervised the audit'.

The certified audit statement must be included in the audit report.

The audit statement can be relied upon and used separately from the audit report. The audit statement is particularly intended to be relied upon by relevant planning authorities in addition to current and future owners/occupiers of the site, and any other interested persons.

## **Notation of site contamination audit reports on certificates of title**

The EPA may apply to the Registrar General to include a notation that an audit report has been prepared in respect to land<sup>8</sup>. This is intended to ensure that, where the EPA deems it necessary based on the site contamination status of the audit site and the nature of audit conditions, future owners are made fully aware of their responsibilities relating to the conditional use of the land.

This will be considered necessary for example in circumstances where:

- the audit has identified the existence of significant site contamination issues
- on-site retention or containment of chemical substances has been implemented as part of site remediation
- audit conditions require ongoing environmental monitoring
- audit conditions require the implementation of site environmental management plans.

## **Currency of audit reports and audit statements**

Audit reports and audit statements are based on the condition of the site and the information reviewed in completing the audit report by the auditor. They do not represent any changes that may have occurred to the condition of the audit site since the date of completion of the audit.

All persons who rely on audit reports and audit statements are advised to check the currency and details of the documents. If a person is unsure of the currency they should contact the EPA for advice. If necessary a person should also contact the EPA to determine if the audit report and audit statements have been superseded by an amended and/or subsequent audit report.

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<sup>5</sup> Refer section 103Z(4) of the Act and Regulation 25 of the *Environment Protection Regulations 2009*.

<sup>6</sup> Section 3(1) of the EP Act.

<sup>7</sup> The audit statement must be in the form prescribed in Schedule 5 of the *Environment Protection Regulations 2009*.

<sup>8</sup> Under section 103P of the EP Act.

## Requesting and obtaining audit information from the EPA

Certain information submitted to the EPA in relation to site contamination audits is required to be recorded on the Public Register under section 109(3) of the Act.

This information includes:

- details of each notification relating to the commencement or termination before completion of an audit under section 103Z of the Act
- each audit report, including the audit statement, submitted to the EPA under section 103Z of the Act.

Documents recorded on the Public Register are public documents and are available on request to the EPA. Audit reports (and audit statements) can be copied or inspected from the Public Register by paying a fee. For further information on viewing or obtaining information, contact the EPA Public Register Administrator.

It is also possible to find out if an audit report has been completed for a site of interest through:

- the Form 1 statement of the Land and Business (Sale and Conveyancing) Regulations 2010
- Section 7 enquiries to the EPA.

When it is identified that an audit report has been completed for a site of interest, the EPA recommends the audit statement be viewed initially to identify the audit determinations and outcomes, and whether there are any audit conditions; and if so, the nature and requirements of the conditions.

For further information on obtaining information about audits, refer to the EPA Information Sheet *Site contamination: Overview of the site contamination audit system (2010)*.

## Disclaimer

This publication is a guide only and does not necessarily provide adequate information in relation to every situation. This publication seeks to explain your possible obligations in a helpful and accessible way. In doing so, however, some detail may not be captured. It is important, therefore, that you seek information from the EPA itself regarding your possible obligations and, where appropriate, that you seek your own legal advice.

## Further information

### **Legislation**

Legislation may be viewed at <[www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)>

Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Fax: (08) 8204 1909  
Website: <[service.sa.gov.au](http://service.sa.gov.au)>

### **For general information please contact:**

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The EPA welcomes written comments on and suggestions for improvements to any of its site contamination publications. These should be addressed to the Manager, Site Contamination Branch at the above address.