

Site contamination auditors

Issued December 2015¹

EPA 664/15: This information sheet provides general guidance on the accreditation and the role and responsibilities of site contamination auditors in South Australia. It also identifies how to find an auditor on the EPA auditor register. It is designed to assist people using the audit system and is intended to be read in conjunction with the other information sheets in the series, [Overview of the site contamination audit system](#) and [Site contamination audit reports and audit statements](#). For detailed guidance on the audit system, refer to the [Guidelines for the site contamination audit system](#).

Introduction

In South Australia, the *Environment Protection Act 1993* (the Act) and *Environment Protection Regulations 2009* (the Regulations) establish the legislative framework for managing site contamination² and the site contamination audit system³ (audit system). The audit system and the accreditation and use of site contamination auditors (auditors) are key strategies in the management of site contamination in South Australia. The audit system is a critical link between the site contamination status of land, the suitability of land for its current or proposed use, and planning and development processes.

The Environment Protection Authority (EPA) is responsible for the administration of the audit system, the accreditation of site contamination auditors and ensuring that site contamination audits are carried out according to the legislation and relevant guidelines.

This information sheet provides general guidance on the accreditation and the role and responsibilities of site contamination auditors in South Australia.

Site contamination auditors

An auditor is defined in section 3(1) of the Act as meaning a person accredited under Division 4 of Part 10A of the Act. Only a natural person may be granted accreditation⁴ and only an individual accredited by the EPA can claim to be an auditor⁵. The Act provides significant penalties for false claims of being an auditor.

¹ This information sheet supersedes the EPA Information Sheet, *Using an environmental auditor (2007)*

² Site contamination is defined in section 5B of the Act. Refer to the EPA publication, [Guidelines for the assessment and remediation of site contamination](#).

³ The site contamination audit system came into operation on 1 July 2009. In South Australia, between October 1995 and the audit system coming into operation in 2009, the EPA endorsed the use of environmental auditors (contaminated land).

⁴ Section 103V(1) of the Act.

⁵ Section 103U of the Act.

Auditors are senior and experienced professionals accredited by the EPA, who undertake the independent review (site contamination audit⁶) of assessment and/or remediation work carried out by site contamination consultants⁷.

Auditors are entitled to use the title 'Site Contamination Auditor' (accredited under Division 4 of Part 10A of the Act) only when acting in the capacity of an auditor and carrying out a site contamination audit (audit) or performing the role of an auditor. In all other situations, for example when that person is involved in any other site assessment, remediation or validation, that person is considered to be acting as a consultant.

Auditors are provided with identification cards by the EPA confirming their accreditation details, which must be available for inspection when they are present at a site in their capacity as auditor⁸.

There is a clear distinction between the roles of the consultant and the auditor. A consultant is usually a company that employs a range of professional and technical staff or may be an individual person. Engagement of a consultant will be in accordance with the terms and conditions of that company or, in some cases, as mutually agreed to complete an agreed scope of works. Auditors must comply with relevant provisions of the Act and associated Regulations, and are required to comply with relevant guidelines issued by the EPA⁹. There are significant penalties for offences and breaches of specific requirements of the audit provisions including expiations, fines and/or imprisonment.

Auditor accreditation

Individuals must satisfy a range of requirements relating to the level of their knowledge and understanding, technical competency and demonstrated experience before they can be considered eligible for accreditation as a site contamination auditor under the Act. The eligibility requirements for auditor accreditation are identified in the Regulations and are consistent with the guidance provided in Schedule B9 of the [National Environment Protection \(Assessment of site contamination\) Measure 1999](#).

The EPA [calls for applications](#) from persons interested in becoming accredited by public advertisement and will place information on accreditation periods on the EPA website. Persons who are already registered as an auditor under equivalent schemes in other Australian jurisdictions may apply for accreditation in South Australia under the provisions of the Commonwealth *Mutual Recognition Act 1992*.

Refer to the EPA publication [Guidelines for the site contamination audit system](#) for information on auditor accreditation.

Independence and conflict of interest

The independence of the auditor is a fundamental aspect of the audit system. The integrity of the system is based on auditors providing an independent and expert evaluation of the condition of a site.

The obligations of auditors with regard to conflict of interest and honesty are detailed in section 103X of the Act. In order to ensure compliance with section 103X of the Act, auditors must not act in a manner contrary to those provisions. The EPA considers that auditors acting in the following ways would constitute examples of non-compliance:

- in a manner which is self serving (for example, over-servicing or requiring that any site assessment work that may be necessary is to be undertaken by the auditor)
- as an advocate for the proponent of any development.

⁶ Defined in section 3(1) of the Act. Refer to the EPA information sheet, [Overview of the site contamination audit system](#) (2014) for further information.

⁷ A definition of a site contamination consultant is provided in section 3(1) of the Act. Refer to the EPA Information Sheet, *Site contamination consultants*.

⁸ Regulation 56(2)(e) of the Regulations.

⁹ Mandatory guideline requirements are identified in the [Guidelines for the site contamination audit system](#).

Auditors are required to be able to demonstrate that in carrying out an audit they have exercised their own professional judgment and the opinions they express in the audit report have been reached independently and have not been unduly influenced by the views or actions of others, particularly those who may have an interest in the outcome of the audit.

Role and responsibilities of a site contamination auditor

The role of an auditor is to independently and objectively examine and review the accuracy and completeness of the assessment and/or remediation work carried out by others and to complete an audit, in accordance with the requirements of the Act, the Regulations and relevant guidelines issued or approved by the EPA.

The opinion of the auditor is not limited to an evaluation of the adequacy or quality of any assessment work undertaken by others. Rather, the auditor expresses their independent opinions regarding the actual condition of the site at the time the audit is completed, based on the available information.

In carrying out audits, auditors must consider the Objects of the Act and apply the principles of risk-based decision making in accordance with the guidance provided in the ASC NEPM.

While auditors are engaged by their client and are subject to contractual obligations, auditors must demonstrate a primary duty¹⁰ of care to the health and safety of the people of South Australia above all others (including any duty to the person who has commissioned them to conduct the audit). Auditors must also demonstrate a duty of care to ensure the protection of the environment of South Australia.

An auditor may choose to directly supervise other staff to support the auditor in the carrying out the audit. Support staff are distinct to the specialist team that an auditor is required to have through conditions of accreditation. Staff supporting the auditor are individuals, usually from within the same company employing the auditor, whose role is to assist the auditor in carrying out the audit and who are directly supervised by the auditor.

An auditor may rely heavily on their support staff, but remains personally responsible for the audit and is expected to retain an ongoing and direct involvement in the audit process. The EPA expects that any opinions prepared or provided by support staff on assessment and/or remediation work, as well as requirements for further work provided during the course of an audit, are reviewed and clearly endorsed by the responsible auditor. The EPA expects that where an auditor is providing feedback on a consultant's work or requesting further work, this correspondence should be signed and/or issued by the auditor.

Auditors are expected to provide informed guidance to their client in relation to auditing, assessment and remediation processes. Auditors are also expected to demonstrate leadership during the course of an audit, while maintaining their independence.

Auditor register

A list of site contamination auditors currently accredited by the EPA is available in the [auditor register](#). All auditors listed are accredited by the EPA to carry out audits in South Australia, regardless of where they reside.

¹⁰ In exercising their function and duties pursuant to the Act and the Regulations, auditors have to take into account the Objects of the Act and the aims of the audit system. This duty of care is distinct from the general environmental duty established under section 25 of the Act, which applies to a person undertaking an activity.

Further information

Legislation

[Online legislation](#) is freely available. 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
Facsimile: (08) 8204 1909
Website: <shop.service.sa.gov.au>
Email: <ServiceSAcustomerservice@sa.gov.au>

General information

Environment Protection Authority
GPO Box 2607
Adelaide SA 5001

Telephone: (08) 8204 2004
Facsimile: (08) 8124 4670
Freecall: 1800 623 445 (country)
Website: <www.epa.sa.gov.au>
Email: <epainfo@epa.sa.gov.au>
