

Queensland auditor handbook for contaminated land

Module 2: Auditor application requirements

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1 Introduction

This module of the auditor handbook explains how to apply to become an approved auditor in Queensland or renew an auditor's existing approval. In particular, it provides the following information:

- how a person becomes an auditor in Queensland
- the expected qualifications, accreditations and experience of an auditor
- when an application can be made
- how to make an application
- what information must be provided with an application
- how to renew an existing approval to be an auditor in Queensland.

A first-time applicant should carefully consider whether they have the qualifications, accreditations and experience that are expected of an approved auditor before they submit their application with the prescribed fee. Section 3 of this module outlines the expected level of qualifications, accreditations and experience.

This module of the Auditor Handbook is the guideline mentioned in s. 570(f) of the *Environmental Protection Act 1994* (EP Act) and prescribed in r. 115C of the Environmental Protection Regulation 2008.

All potential applicants should read Part 3A of Chapter 12 of the EP Act, which is legislation that regulates the approval and functions of auditors.

2 How a person becomes an auditor in Queensland

Approval to be an auditor in Queensland is a legal status that can only be granted by the chief executive of the department administering the EP Act, which currently is the Department of Environment and Science (DES). Without that approval, a person cannot act as an auditor. It is an offence to pretend to be an auditor.

In Queensland, there are two ways to become an auditor for contaminated land:

- A person who is not an auditor can apply for approval to become an auditor.
- A person who is already an auditor in another state can apply to have their status recognised in Queensland.

All applications to become an auditor in Queensland are made to DES. DES's website provides the address for applications.

Section 570 of the EP Act sets out the statutory requirements for the application, which include 'other information required to be included in the application under a guideline...prescribed under a regulation.' This module of the auditor handbook is the prescribed guideline, and sets out the information that must be provided with the application to become an approved auditor. New applicants should take particular note of sections 4 and 5 of this module, which address the timing of applications and their requirements.

A person who is already an auditor in another state may apply for *mutual recognition* as an auditor in Queensland. The process for assessing their application is different from that used to assess first-time applicants. Sections 3.3, 4.3 and 5.3 of this module provide further information about the mutual recognition process.

However, once a person becomes an auditor, their approval in Queensland is not indefinite—it must be periodically renewed. Sections 3.2, 4.2 and 5.2 of this module provide further information about the renewal process.

3 Who may apply to become an auditor

Approval as an auditor is only available to individuals, not to companies. This ensures that the government can be certain who is undertaking the auditor's functions for each project. This section outlines who may apply to become an auditor in Queensland.

3.1 New applicants

Anyone with the necessary qualifications and experience in contaminated land management may apply for approval to become an auditor. When deciding the application, the chief executive of DES must consider certain criteria that are specified in s. 572 of the EP Act. This section of the module outlines the expected levels of qualifications and experience that the chief executive would typically consider to be appropriate for someone who performs the functions of an auditor. The expectations are consistent with Schedule B9 of The National

Environment Protection (Assessment of Site Contamination) Measure 1999 (contaminated land NEPM), and other expectations that have been agreed between the various state jurisdictions that approve auditors and the industry bodies that represent auditors.

3.1.1 Qualifications

Applicants are expected to hold at least a bachelor's degree from a recognised institute in a science or engineering discipline that is relevant to contaminated land investigation and management.

Due to the highly specialised nature of the contaminated land field and the lack of specific examinations in the field offered by recognised institutes, applicants are also expected to have passed an examination and an associated interview that are periodically held by the various state jurisdictions that approve auditors (see section 5.1.1 of this module for more information about the examination and interview).

3.1.2 Experience

Applicants are expected to have at least eight (8) years recent, continuous experience in the assessment, management and remediation of contaminated land, and should be actively working in the field when they apply. It is desirable that applicants have recently gained at least two (2) years relevant experience in Australia.

Applicants should be able to demonstrate that their experience in contaminated site work is broadly based. The projects they have worked on should cover a range of contaminants and vary in complexity.

Applicants should have two (2) years relevant experience as the project manager of multidisciplinary teams involved in contaminated land assessments, management and remediation.

Applicants should have gained some experience of auditing; for example, as a member of an auditor's expert support team or as an auditor's assistant.

3.1.3 Membership

The applicant is expected to be a member of one of the organisations listed in Schedule 8 of the Environmental Protection Regulation 2008 (EP Reg).

3.1.4 Certification

Applicants are expected to have certification or accreditation from at least one professional body relevant to the contaminated land industry. For continuing certification with a professional body to be acceptable, it should meet the following criteria (adapted from Schedule B9, contaminated land NEPM):

- the discipline or area of expertise or interest relates directly to the assessment and management of contaminated sites
- membership must require certain qualifications
- members must adhere to an appropriate code of ethics.

Acceptable examples of certification include:

- Certified Professional Soil Scientist—Contaminated Site Assessment and Management by Soil Science Australia (also known as Australian Society of Soil Science)
- Certified Environmental Practitioner (Site Contamination) by the Certified Environmental Practitioners Scheme.

Note: Certification as an Environmental Practitioner by the Environment Institute of Australia and New Zealand without the Site Contamination specialisation is not sufficient.

3.1.5 Core competencies

There are certain core competencies that an applicant is expected to have. Applicants should be able to demonstrate they have a high level of expertise in most, and preferably in all, of the following core competencies (Schedule B9, contaminated land NEPM):

- assessment of contaminant exposure pathways
- contaminated site assessment and management
- evaluation and interpretation of chemical and analytical data
- soil sampling design and methodology
- soil gas sampling design and methodology

- groundwater sampling design and methodology
- identification of potential human health and environmental risks
- quality control/quality assurance procedures
- risk communication

3.1.6 Proficiencies

Applicants should have proficiency in, and be able to demonstrate experience and expertise relating to, site contamination in the following areas (Schedule B9, contaminated land NEPM):

- air quality (volatile emissions and dust) assessment relating to contamination
- assessment of impacts on groundwater from contaminated sites
- contaminant fate and transport
- environmental chemistry
- environmental sampling
- environmental toxicology
- geology
- human health and ecological risk assessment relating to contamination
- human toxicology
- hydrogeology
- identification of contaminants of concern from past industrial land uses
- work health and safety relating to contamination
- remediation technologies and geo-technology
- soil science
- statutory and environmental planning.

3.1.7 Access to other experts

If an applicant gains approval to be an auditor, they must be able to call on other people to provide expert support and advice when they, the auditor, are not an expert in any of the competencies or proficiencies listed in sections 3.1.5 and 3.1.6 of this module. Each member of the expert support team must meet the requirements set out in section 6.4 of Schedule B9 of the contaminated land NEPM.

3.2 Renewal applications

Auditor's approvals in Queensland are not automatically renewed. An auditor with an existing approval may apply to have it renewed. The auditor's existing approval will state when it expires.

3.3 Auditor already approved in another state

An auditor who has already successfully completed the assessment process and gained approval in another state may apply to be recognised as an auditor in Queensland. This is known as *mutual recognition*. The *Mutual Recognition (Queensland) Act 1992* regulates the registration in Queensland of auditors from another state. An auditor's approval granted in Queensland under mutual recognition will typically expire after three years, and must then be renewed.

4 When an application can be made

4.1 New application

A person may apply at any time for approval as an auditor. Anyone who does not yet have the expected level of qualifications and experience described in section 3.1 of this module is advised to withhold their application until they do.

Section 5.1 of this module provides information about the assessment process for first-time applicants and how an application must be made.

4.2 Renewal application

Someone who is already an auditor in Queensland may apply at any time for their approval to be renewed, but should apply at least 30 business days before their existing approval expires. Renewal will typically be needed one year after the first-time approval, and at three year intervals after that. Section 5.2 of this module provides information about the assessment process and how an application must be made.

4.3 Application for mutual recognition

Someone who is already an auditor in another state may apply at any time for mutual recognition in Queensland of their status. Section 5.3 of this module provides information about the mutual recognition process and how an application must be made.

5 How to apply

5.1 New application

New applicants must submit their application in the approved form. The approved form is called *Application for approval as an auditor for contaminated land*, which is available from the Queensland government's website.

As noted in section 2 above, this module of the auditor's handbook is the prescribed guideline mentioned in s. 570(f) of the EP Act. Consequently, this module stipulates the information that the *Application for approval as an auditor for contaminated land* must include.

An *Application for approval as an auditor for contaminated land* must be accompanied by the fee prescribed in Schedule 10 of the EP Reg for s. 570(c) of the EP Act, and include the following information:

1. **Functions:** The applicant must state the functions proposed to be performed by the applicant (to help applicants, this requirement is already entered on the approved form for contaminated land auditor applications).
2. **Professional indemnity insurance:** The applicant must state whether they hold professional indemnity insurance, and if so, provide evidence of the cover.
3. **History:** The applicant must state whether they have been convicted of an offence under the *Environmental Protection Act 1994* or other legislation applicable or relevant in any state of Australia to an auditor's functions, or whether they have been charged with such an offence. Relevant offences include offences against environmental legislation when the person was not operating as an auditor, and offences under any Act involving misleading or fraudulent conduct.

Similarly, the applicant must state whether their approval to be an auditor in any state of Australia has ever been suspended, cancelled or revoked, or whether proceedings are underway that might result in suspension, cancellation or revocation of their approval in any state.

4. **Curriculum vitae:** The applicant must provide a current curriculum vitae that details all their employment in the contaminated land field and any associated fields, such as laboratory work analysing environmental samples, or field testing and sampling. The curriculum vitae should list the applicant's publications, if any.
5. **Qualifications:** The applicant must provide certified copies of their tertiary qualifications, and list them in their curriculum vitae. The applicant must also state whether they have undertaken the examination and interview process that is periodically held by the various state jurisdictions that approve auditors, and if so provide a copy of the correspondence stating their examination results and the outcome of the interview.
6. **Membership:** The applicant must state whether they are a member of one of the organisations prescribed in Schedule 8 of the EP Reg, list the organisations in which they are members, and provide evidence of their current membership.
7. **Certification:** The applicant must provide a copy of their certification by at least one of the professional bodies listed in section 3.1.4 of this module, or an equivalent accreditation by another relevant professional society in the contaminated land field.

8. **Statement of knowledge:** The applicant must provide a statement of their knowledge, experience and expertise in relation to the assessment of contaminated sites and environmental issues, and demonstrate their knowledge and understanding of the relevant NEPM, legislation, regulations, policies, guidelines and procedures that apply in Queensland. The statement must address the required technical competencies, and demonstrate a good knowledge and understanding of the respective roles of auditors and suitably qualified persons.
9. **Experience of project management:** The applicant must provide information that demonstrates they have at least two (2) years' experience and a sound ability in forming and managing multidisciplinary teams for complex projects involving the assessment, remediation and management of contaminated land. The information should describe the sites and nature of the contamination, the role of the applicant in the project, the size and expertise of the teams, and the outcomes of the projects.
10. **Project reports:** The applicant must provide two or more reports on projects involving site contamination assessment and management for which they were the principal coordinating author. The reports must be less than two years old. Section 5 of Schedule B9 of the contaminated land NEPM provides more advice about this requirement.
11. **Continuous professional development:** The applicant must demonstrate a commitment to continuous professional development in the field of contaminated land. For example, a log of development activities submitted to a professional body to maintain the applicant's accreditation in the contaminated land field would be sufficient.
12. **Access to expert advice:** The applicant must demonstrate they can call on other people to provide expert support and advice when the applicant is not an expert in any of the competencies and proficiencies listed in section 3.1 of this module. The information provided with the application must list the proposed support team, their qualifications and expertise, and provide a statement of their availability.
13. **Referees:** The applicant must provide at least three references from referees who have good knowledge of the applicant's experience, expertise and competence in the assessment, remediation and management of contaminated land, particularly with regard to their potential to function as an auditor. The referees should be able to comment on the applicant's ability to exercise independent professional judgement as an auditor. The referees must have recognised standing as competent professionals in the contaminated land field, preferably as auditors themselves. However, at least two of the referees should not be directly associated in business with the applicant or the company currently employing the applicant.

The application will be decided within 30 business days of being received, and the applicant will be notified within 10 business days of the decision.

With regard to the application fee, applicants should check Schedule 10 of the EP Reg to find out the current fee, which is adjusted every year.

With regard to professional indemnity insurance, auditors need at least \$5 million of cover that does not have any exclusion that may limit the cover for work carried out on an auditor's functions. It will be a condition of approval for any successful applicant who does not already hold that level of cover that they obtain it and provide a copy of the insurance certificate to DES before they start operating as an auditor.

5.1.1 Examination and interview

The various state jurisdictions that run contaminated land auditor schemes periodically hold examinations and interviews that test the applicant's knowledge of: contaminated land assessment, management and remediation; the contaminated land NEPM; legislation; and guidelines related to the industry.

The applicant for approval as an auditor is expected to have a pass grade in the examination and a favourable report from the interview panel before they seek approval as an auditor. A favourable report is one that recommends that an applicant is a suitable person to be approved as a contaminated land auditor. The interview report may also recommend that a person's approval have limitations or conditions relating to how they may perform an auditor's functions. DES will consider such recommendations when deciding what conditions should attach to an auditor's approval if it is granted.

A person who intends to apply in Queensland for their first-time approval as an auditor should take the examination and interview in Queensland rather than another state as it will help to demonstrate their knowledge of Queensland law and policies. If the applicant has taken the examination and interview in another state, they will need to demonstrate their knowledge of Queensland's relevant laws and policies in the formal statement of knowledge that

forms part of their application. The Queensland government's website will provide information about when the next examination and interviews will be held in Queensland, and how to apply to undertake them.

More information about the assessment process to help first-time applicants prepare for the examination and interview is provided in *Module 3: Assessment of auditor applications* of the *Queensland Auditor Handbook for Contaminated Land*.

5.2 Renewal application

Auditor's approvals are not automatically renewed. The auditor's existing approval will state when it expires. Renewal will typically be needed one year after the first-time approval, and at three year intervals after that.

Auditors who wish to continue operating in Queensland must renew their approval before it expires. Applications for renewal must be submitted at least 30 business days before the expiry date of the existing approval.

Auditors should submit the approved form (*Application for approval as an auditor for contaminated land*) that is available from DES's website.

The application must be accompanied by the prescribed fee, which is that prescribed in Schedule 10 of the Environmental Protection Regulation 2008 for section 570(c) of the EP Act.

The information requirements for a renewal application are as follows:

1. **Functions:** The applicant must state the functions proposed to be performed by the applicant (to help applicants, this requirement is already entered on the approved form for contaminated land auditor applications).
2. **Existing approval:** The applicant must provide a copy of their existing approval as an auditor in Queensland.
3. **Professional indemnity insurance:** The applicant must state whether they hold professional indemnity insurance, and if so, provide evidence of the cover.
4. **History:** The applicant must state whether they have been convicted of an offence under the *Environmental Protection Act 1994* or other legislation applicable or relevant in any state of Australia to an auditor's functions, or whether they have been charged with such an offence. Relevant offences include offences against environmental legislation when the person was not operating as an auditor, and offences under any Act involving misleading or fraudulent conduct.

Similarly, the applicant must state whether their approval to be an auditor in any state of Australia has ever been suspended, cancelled or revoked, or whether proceedings are underway that might result in suspension, cancellation or revocation of their approval in any state.

5. **Annual returns:** Applicants must provide copies of their annual returns for the period of their existing approval. The annual returns are those required by section 3 of *Module 4: Code of professional conduct*.
6. **Continuous professional development:** Applicants must demonstrate a commitment to continuous professional development in the field of contaminated land. For example, a log of development activities submitted to a professional body to maintain the applicant's accreditation in the contaminated land field over the period of their recent approval as an auditor would be sufficient.
7. **Access to expert advice:** Applicants must demonstrate that during the coming period of their renewed approval they could call on other people to provide expert support and advice when the applicant is not an expert in any of the competencies listed in section 3.1 of this module. The information provided with the application must list the proposed expert support team, their qualifications and expertise, and provide a statement of their availability.

Information about the assessment process for renewal applications is provided in *Module 3: Assessment of auditor applications* of the *Queensland Auditor Handbook for Contaminated Land*.

5.3 Application for mutual recognition

DES is the local registration authority in Queensland for mutual recognition of auditors for contaminated land. The process for mutual recognition is different from that for first-time or renewal applications. This module of the auditor's handbook is only prescribed for first-time and renewal applications under the EP Act. The process for

mutual recognition in Queensland of an auditor's approval from another state is legislated under the *Mutual Recognition (Queensland) Act 1992* rather than the EP Act.

Section 19 of the Mutual Recognition Act sets out the information that must be provided when seeking mutual recognition. The box on the next page provides the text of section 19 of the Mutual Recognition Act as at May 2018.

There is no approved form that must be used when seeking mutual recognition. A written notice in the form of a letter to DES is sufficient provided it includes all the information required by section 19 of the Mutual Recognition Act. Nevertheless, DES's website provides a form (*Written notice to apply for mutual recognition as an auditor for contaminated land*) that may be used as the basis for the written notice and incorporates a checklist for the information requirements. The form also provides the current address to which the written notice should be sent.

An auditor who applies for mutual recognition must already have professional indemnity insurance for at least \$5 million of cover for each project they undertake in Queensland. The insurance must not have any exclusion that may limit the cover for work carried out on an auditor's functions.

Applicants must demonstrate that when they receive recognition, they can call on other people to provide expert support and advice when the applicant is not an expert in any of the competencies listed in section 3.1 of this module. The auditor's approval will have a condition requiring that they can call on such support. The information provided with the written notice must list the proposed expert support team, their qualifications and expertise, and provide a statement of their availability).

Applicants for mutual recognition must pay the fee, which is the same as prescribed in Schedule 10 of the EP Reg for section 570(c) of the EP Act. Applicants should check Schedule 10 of the EP Reg to find out the current fee, which is adjusted every year.

Information about the assessment process for mutual recognition applications is provided in *Module 3: Assessment of auditor applications* of the *Queensland Auditor Handbook for Contaminated Land*. Mutual recognition for suitable applicants is usually granted within one month of receipt of the written notice. However, the grant may be postponed for up to six months if, for example, the written notice is missing any necessary information or supporting documentation.

As previously noted in section 3.3, an auditor's approval granted in Queensland under mutual recognition will typically expire after three years, and must then be renewed. An auditor who wishes to continue working in Queensland under the mutual recognition framework (rather than directly applying for an auditor approval under the EP Act) must reapply for recognition using the process described in this section of the module.

The application requirements for mutual recognition as an auditor in Queensland (section 19 of the *Mutual Recognition (Queensland) Act 1992*)

19 Notification to local registration authority

- (1) A person who is registered in the first State for an occupation may lodge a written notice with the local registration authority of the second State for the equivalent occupation, seeking registration for the equivalent occupation in accordance with the mutual recognition principle.
- (2) The notice must—
 - (a) state that the person is registered for the occupation in the first State and specify that State; and
 - (b) state the occupation for which registration is sought and that it is being sought in accordance with the mutual recognition principle; and
 - (c) specify all the States in which the person has substantive registration for equivalent occupations; and
 - (d) state that the person is not the subject of disciplinary proceedings in any State (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to those occupations; and
 - (e) state that the person's registration in any State is not cancelled or currently suspended as a result of disciplinary action; and
 - (f) state that the person is not otherwise personally prohibited from carrying on any such occupation in any State, and is not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State; and
 - (g) specify any special conditions to which the person is subject in carrying on any such occupation in any State; and
 - (h) give consent to the making of inquiries of, and the exchange of information with, the authorities of any State regarding the person's activities in the relevant occupation or occupations or otherwise regarding matters relevant to the notice.
- (3) The notice must be accompanied by a document that is either the original or a copy of the instrument evidencing the person's existing registration (or, if there is no such instrument, by sufficient information to identify the person and the person's registration).
- (4) As regards the instrument evidencing the person's existing registration, the person must certify in the notice that the accompanying document is the original or a complete and accurate copy of the original.
- (5) The statements and other information in the notice must be verified by statutory declaration.
- (6) The local registration authority may permit the notice to be amended after it is lodged.