



ENVIRONMENTAL AUDITOR GUIDELINES FOR APPOINTMENT AND CONDUCT

Publication 865.7 October 2008

1. DEFINITIONS

Unless the context requires otherwise, an expression or phrase that is used in these guidelines and in the *Environment Protection Act 1970* (the Act) has, in these guidelines, the same meaning as in the Act (whether or not a particular meaning is assigned to it in the Act).

Unless otherwise stated the term 'environmental audit' used in these guidelines refers to an environmental audit undertaken in accordance with Part IXD of the Act.

2. BACKGROUND

The Environment Protection Authority (EPA Victoria, EPA or the Authority) appoints environmental auditors pursuant to section 53S of the Act.

Environmental auditors are appointed to carry out statutory duties pursuant to the Act or other Acts¹, which include:

- conducting environmental audits of segments of the environment
- issuing certificates or statements of environmental audit relating to segments of the environment
- conducting environmental audits of the risk to the beneficial uses of the environment associated with industrial processes or activities
- other activities related to the statutory duties and functions of the Authority and other government agencies.

In exercising functions and duties pursuant to the Act or other Acts, an environmental auditor is expected to act in a manner consistent with the intent of the Act or other Acts. Specifically, environmental auditors owe a primary duty of care to the environment and to the people of Victoria above all others (including their client). The expected conduct of an environmental auditor is described in detail in section 9 of these guidelines.

These guidelines also set out the processes followed by the Authority when making, suspending and revoking appointments as environmental auditors.

¹ 'Other Acts' means legislation other than the *Environment Protection Act 1970*, for example, the *Port Services Act 1995* and the *Mineral Resources (Sustainable Development) Act 1990*.

The Authority may appoint individuals to one or more categories of environmental auditor as described in the attached schedules. Each category of environmental auditor has been established in recognition of the need for specific expertise in the conduct of environmental audits of particular segments of the environment or of activities that may impact upon it. Such environmental audits may be required to address the needs of various industries or to contribute to the programs of natural resource managers.

The Authority's role is to ensure that an acceptable quality of environmental auditing is attained and maintained. The processes the Authority uses to do this are set out in these guidelines, including the attached schedules.

These guidelines should be read in conjunction with the Act (in particular Part IXD) and environmental auditor guidelines published by the Authority.

3. APPLICATIONS FOR INITIAL APPOINTMENT

3.1 Advertisements

At least once every two years, the Authority may seek to advertise its intention to appoint environmental auditors, and call for applications.

3.2 Applications

All applicants must complete the following form:

- Application Form 1 – General Criteria: This form applies to all categories.

Additionally, applicants must also complete the associated form(s) relevant to the category or categories for which appointment is sought, as described below:

- Application Form 2 – Schedule A: Applicants seeking appointment in the category of Contaminated Land
- Application Form 3 – Schedule B: Applicants seeking appointment in the category of Industrial Facilities
- Application Form 4 – Schedule C: Applicants seeking appointment in the category of Natural Resources.

This replaces publication 865.6, issued October 2007.

All forms are available from the forms section of EPA's website (www.epa.vic.gov.au/forms)

The forms require the applicant to provide detailed information addressing the following assessment criteria:

- (i) Clear indication of the category or categories for which appointment is sought (refer to the attached schedules).
- (ii) A degree (or equivalent qualification) in a relevant discipline awarded by a recognised tertiary institution. A current, detailed curriculum vitae must be attached, as outlined in Application Form 1-General Criteria.
- (iii) Demonstrated commitment to ongoing training and professional development. Applicants should provide details of training or other professional development undertaken, particularly relating to the applicant's skills required to become an environmental auditor. Applicants should detail how up-to-date knowledge is maintained of developments in the scientific, technical, regulatory and legal fields relevant to the category or categories for which appointment is sought. This may include membership of one or more relevant professional organisation(s).
- (iv) Understanding of relevant provisions of the Act plus associated statutory policies, regulations and guidelines relevant to the category or categories of appointment sought.
- (v) Understanding of the principles of, and methods for, conducting environmental audits.
- (vi) Experience in forming and managing multidisciplinary teams, which contain the appropriate balance of expertise for complex assessments.
- (vii) Environmental auditing experience relevant to the category or categories for which appointment is sought.
- (viii) Example of one or two audit-like environmental reports or studies prepared by the applicant:
 - (a) The role of the applicant in conducting the studies and in preparing the reports must be clearly indicated.
 - (b) The applicant must have substantially prepared the example report(s).
 - (c) The report(s) must clearly support the statements and the information provided in the application forms.
 - (d) Consent to release the report(s) to EPA must be obtained from the client(s) before the application is submitted.
- (ix) Summary information about additional reports and studies undertaken may be presented in tabular form, indicating the title of the project, the role of the applicant and the purpose of the project.
- (x) Demonstrated experience and expertise of the applicant (or his or her expert support team) in the areas listed in the attached schedules for the category or categories for which appointment is sought.
- (xi) Applicant's experience and expertise:
 - (a) The applicant is expected to have at least eight years experience relating to the category of appointment being sought. An applicant with less than eight years experience may be considered if his or her expertise and experience is particularly relevant to the category of appointment sought.
 - (b) The applicant is expected to have at least three years experience in environmental assessment and auditing.
 - (c) It is desirable that the applicant's experience includes at least two years of relevant work in Australia and two years in the role of project manager involving a multidisciplinary team approach in an area relevant to the category of appointment sought.
- (xii) The applicant must provide evidence of the arrangements, which the applicant has, or will have, in place to provide technical expertise in areas outlined in the attached schedule for the category of appointment sought in which the applicant is not an expert.

The capabilities of expert support personnel must be demonstrated. Expert support team members should have relevant qualifications and expertise in the areas nominated for support. The applicant must provide the following for each expert support team member:

 - a current, detailed curriculum vitae demonstrating expertise in the area(s) nominated (including demonstration of relevant project experience, professional organisation memberships and relevant publications)
 - a signed agreement to provide expert support from nominated team members who are not employed by the same company as the applicant. The area of expertise, in which support will be provided, must be clearly indicated.

Note: All reports will be treated as confidential and will be returned to the applicant.

In setting out details of the expert support team, the applicant should also indicate those areas in which he or she claims expertise.

- (xiii) An undertaking from the applicant that he or she will obtain, or that his or her employer will obtain on the applicant's behalf, professional indemnity insurance. The professional indemnity insurance should specifically cover the applicant for environmental auditor activities undertaken pursuant to the Act. Applicants should satisfy themselves as to the level and duration of insurance cover that will be adequate to cover their activities as an environmental auditor. Applicants should also satisfy themselves that expert support team members hold adequate professional indemnity insurance (Application Form 1 - General Criteria requires a signed declaration to this effect).
- (xiv) Full disclosure of any circumstances that may affect the applicant's independence or objectivity in acting as an environmental auditor appointed pursuant to the Act (Application Form 1 - General Criteria requires a signed declaration to this effect).
- (xv) Nomination of two referees who are not directly associated with the applicant or the company employing the applicant.

Applicants will also be requested to complete a National Police Records Check.

Each application must contain the documents as specified in the following table. Attachments to the application must be clearly labelled as indicated in the application forms.

Requirements	Number of copies required
Application forms - hard copy	One
Application forms - CD copy	One
Audit-like environmental report - hard copy *	One (of each report)

* The application must include one or two sample reports.

Forward applications to:

Manager Environmental Audit
EPA Victoria
GPO Box 4395QQ
MELBOURNE VIC 3001

4. INITIAL SELECTION AND APPOINTMENT

4.1 Panel

The Authority will appoint a panel from time to time, whose task will be to make recommendations regarding the appointment of environmental auditors. Each panel will assess applicants against the criteria set out in section 3 (including the relevant schedules) of these guidelines. Separate panels may be used for the different categories of environmental auditor detailed in the attached schedules.

Each panel will be chaired by the Manager Environmental Audit, a Principal Environmental Auditor or another person appointed by the Authority. All panels will comprise at least three panellists experienced and with expertise in the relevant category of environmental auditing. The Authority will seek panellists from a broad range of backgrounds.

4.2 Selection for interview

The Authority will select applicants for interview under the direction of the chair of the panel, using the assessment criteria set out in section 3 (including the relevant schedules) of these guidelines.

4.3 Interview

The panel will interview those applicants, selected in accordance with section 4.2 of these guidelines, using a case study as the basis for that interview. The applicant will be given time to review the case study and will then be asked to address a series of questions in relation to the case study. The applicant's response will be assessed for soundness of basic technical knowledge, ability to identify the key risks posed to the environment in the segment being audited and the logical basis of the decision-making process.

4.4 Appointment decisions

The panel will make a recommendation to the Authority regarding the appointment of each applicant.

The Authority will determine any application for appointment as an environmental auditor after considering the panel's recommendations.

Successful applicants will be required to provide a recent digital, passport-style photograph.

4.5 Notice of Appointment

An appointed environmental auditor will receive a Notice of Appointment and an identification card that bears a photograph of the environmental auditor.

4.6 Initial term of appointment

The initial term of appointment will ordinarily be 24 months.

4.7 Conditions of appointment

Appointment will be conditional upon the applicant:

- (i) making payment of the prescribed fee
- (ii) undertaking continuing professional development
- (iii) maintaining an expert support team acceptable to the Authority.

The Authority may limit the activities of the environmental auditor to one or more of the categories of environmental auditor.

The Authority may impose other condition(s) on the appointment it considers necessary.

4.8 Fees

The environmental auditor's appointment only takes effect upon payment of the appointment fee referred to in section 53T(1) of the Act.

4.9 Unsuccessful applicants

Each unsuccessful applicant will be advised of the reason(s) his or her application was not successful.

4.10 Induction

An induction session will be conducted for successful applicants.

4.11 Appeals process

Where an applicant is dissatisfied with a decision made by the Authority in relation to his or her application for initial appointment as an environmental auditor he or she may request reconsideration. This request should set out the grounds for reconsideration in terms of the assessment criteria contained in section 3 (including the relevant schedules) of these guidelines.

Within 28 days of receipt of that request the Authority will appoint an independent person, as described in section 12.6 of these guidelines, to reconsider the application and make a recommendation to the Authority. The Authority will determine the outcome of any appeal application, taking into account the independent person's recommendation.

5. APPLICATION FOR SUBSEQUENT APPOINTMENT

Subsequent appointment means any appointment of an environmental auditor other than an initial appointment referred to in sections 3 and 4 of these guidelines.

5.1 Application for subsequent appointment

A person appointed as an environmental auditor may apply for subsequent appointment. Such an application should be made in writing and submitted in electronic or hardcopy form to the address listed at the end of section 3 of these guidelines. An application for subsequent appointment must be received at least eight weeks prior to the expiry of the environmental auditor's appointment.

The environmental auditor must complete the subsequent appointment application form provided by EPA and supply the following information in support of the application for subsequent appointment:

- (i) details of relevant training or other professional development undertaken by the applicant since previous appointment
- (ii) details of the environmental auditor's expert support team. For any new expert support team members, the applicant must provide:
 - a current, detailed curriculum vitae demonstrating expertise in the area(s) nominated
 - a signed agreement to provide expert support from nominated team members who are not employed by the same company as the environmental auditor. The area of expertise, in which support will be provided, must be clearly indicated.
- (iii) where applicable, verification of the EPA-provided list of environmental audits completed or being conducted by the environmental auditor since previous appointment. Details must be provided for any inaccuracies found within the list.
- (iv) where applicable, summary details of any other environmental audits conducted in other jurisdictions
- (v) where applicable, summary details of any other statutory works (other than environmental audits) that have been conducted pursuant to the Act or other Acts, since previous appointment
- (vi) full disclosure of any circumstances that may affect the applicant's independence or objectivity in acting as an environmental auditor appointed pursuant to the Act (the

application form requires a signed declaration to this effect).

- (vii) an undertaking in relation to professional indemnity insurance (as set out in section 3.2(xiii) of these guidelines)
- (viii) applicants who have completed only one environmental audit report during their last period of appointment must submit a copy of an additional report that demonstrates the requirements of section 5.2(ii) below. Applicants who have not completed any environmental audit report during their last period of appointment must comply with section 5.2 of these guidelines.
- (ix) where applicable and upon request by the Manager Environmental Audit, two examples of the documents prepared as a result of the other statutory works conducted pursuant to the Act or other Acts (refer to section 5.1(v) of these guidelines) by the applicant during his or her last period of appointment.
- (x) a recent, digital passport-sized photograph.

Applicants will be requested to complete a National Police Records Check.

5.2 Environmental auditors who have not completed any environmental audit in Victoria

An environmental auditor who has not completed any environmental audit in Victoria in the preceding period of appointment will not be eligible for subsequent appointment unless the environmental auditor is able to demonstrate:

- (i) technical and environmental auditing competence through work of equivalent professional standing, including but not limited to environmental audits performed in another jurisdiction
- (ii) sufficient understanding of relevant Victorian environmental legislation, policy, regulations and guidelines.

To demonstrate the above the applicant must submit (in addition to the requirements of section 5.1 of these guidelines) at least two reports of equivalent professional standing and a written statement demonstrating understanding of requirements in (ii) above. In addition the Manager Environmental Audit may request applicants to attend an interview.

Where an environmental auditor has not conducted an environmental audit in Victoria (or other States reliant upon the Victorian environmental audit system) in the two preceding periods of appointment, and upon consideration of individual circumstances, the Authority may determine to not grant subsequent appointment.

Notwithstanding the above, any environmental auditor may apply for appointment under the procedures for initial appointment as outlined in sections 3 to 4 of these guidelines.

5.3 Assessment

In assessing an environmental auditor's application for subsequent appointment, the Authority will consider the information provided in accordance with sections 5.1 and 5.2 above. In addition, the Authority will review all information compiled as a result of any quality assurance review carried out in accordance with section 10 of these guidelines. Where applicable, the Manager Environmental Audit will seek comments on the environmental auditor's performance in other statutory works conducted pursuant to other Acts from the relevant government agencies.

In order to subsequently appoint an environmental auditor, the Authority must be satisfied that all works, including environmental audits and any other statutory works conducted pursuant to the Act or other Acts, completed by the environmental auditor are of a satisfactory standard.

If the assessment identifies outstanding issues regarding the environmental auditor's performance during his or her previous period of appointment, such as:

- (i) environmental audits not completed in accordance with published guidelines
- (ii) the environmental auditor not providing information to the Authority when requested to do so
- (iii) consistent submission of poor quality environmental audit reports
- (iv) consistently poor performance in other statutory works conducted pursuant to the Act or other Acts,

the Manager Environmental Audit will:

- (a) write to the environmental auditor to advise of the outstanding issues in relation to the application and invite written submission on those matters
- (b) consider any response by the environmental auditor and if satisfied in respect of the outstanding issues, recommend to the Authority the subsequent appointment of the environmental auditor.

If the Manager Environmental Audit is not satisfied in respect of one or more of the outstanding issues, the Manager Environmental Audit may recommend to the Authority that the appointment of the environmental auditor be reviewed in accordance with section 12 of these guidelines.

5.4 Timing

Applications for subsequent appointment must be received by the Manager Environmental Audit at least eight weeks prior to the expiry of the environmental auditor's appointment. Applications submitted later than this may result in the environmental auditor's appointment lapsing (see section 7 of these guidelines).

Applications received after an environmental auditor's appointment has expired will not be accepted unless prior agreement with the Manager Environmental Audit is confirmed in writing. Where an environmental auditor's appointment has expired, and there is no prior agreement in place, such a person may reapply through the initial appointment process.

5.5 Decision

The decision on subsequent appointment will be made by the Authority.

5.6 Conditions of appointment and fees

Subsequent appointment will be subject to the same conditions as outlined in section 4.7 of these guidelines, and payment of fees as outlined in section 4.8 of these guidelines.

5.7 Appointment term

Subsequent appointment will usually be for a period of two years. There is no limit on the number of subsequent appointments an environmental auditor may be granted.

Where an environmental auditor has been subsequently appointed on a number of occasions, is actively participating in a significant number of environmental audits each year and no substantive issues have been identified in the conduct of the environmental auditors work, the Authority may consider a four-year period of appointment.

Where an environmental auditor has not conducted an environmental audit in Victoria (or other States reliant upon the Victorian Environmental Audit System) in the most recent period of appointment, and has met the assessment criteria described in sections 5.1 and 5.2 of these guidelines, subsequent appointment will usually be for a period of one year.

Where necessary, the Authority may grant an environmental auditor appointment for a short period (for example, three months) to allow consideration of issues outstanding from the most recent period of appointment.

6. MUTUAL RECOGNITION

Under section 17(1)(a) of the Commonwealth *Mutual Recognition Act 1992* (the MRA 1992), a person who is registered in one State² for an occupation is entitled to apply for registration in an equivalent occupation in another State. Under the MRA 1992, the Authority is required to consider applications from environmental auditors appointed under equivalent systems in other jurisdictions.

An application to the Authority for appointment as an environmental auditor under the MRA 1992 must be made in writing, in accordance with section 19 of that Act. The information required under section 19 of the MRA 1992 is outlined in Appendix One.

In addition, the application must:

- (i) include a written statement of the applicant's understanding of relevant Victorian environmental legislation, policy, regulations and guidelines
- (ii) be accompanied by an environmental audit or equivalent report prepared by the applicant that supports his or her statement of understanding of Victorian legislation
- (iii) include an undertaking in relation to professional indemnity insurance (as set out in section 3.2(xiii) of these guidelines).
- (iv) provide information relating to his or her expertise and the expertise of nominated support team members in the areas specified in the schedule of these guidelines relevant to the category of appointment sought. This information should be submitted in the form required for initial appointment as specified in section 3.2(x, xi, xii) of these guidelines.

The application should be submitted, with a completed application form (available from the forms section of EPA's website, www.epa.vic.gov.au/forms) and a recent digital passport-sized photograph, to the address listed at the end of section 3 of these guidelines.

EPA may permit the application to be amended after it is lodged.

In considering an application for appointment as an environmental auditor under the MRA 1992, the Manager Environmental Audit will conduct an interview to determine the applicant's knowledge of the matter set out in (i) above. The Manager Environmental Audit will then make a recommendation to the Authority based upon the application and the interview.

² All references to 'State' in this and related sections should be read as meaning 'State or Territory'.

The applicant will receive notification of the Authority's decision in accordance with these guidelines and section 24 of the MRA 1992.

An appointed environmental auditor will receive a Notice of Appointment as outlined in section 4.5 of these guidelines and the term of appointment will be as outlined in section 4.6 of these guidelines.

Conditions of appointment will be as outlined in section 4.7 of these guidelines, and payment of fees as outlined in section 4.8 of these guidelines.

7. LAPSE OF APPOINTMENT

If an environmental auditor's appointment lapses then he or she is no longer an environmental auditor appointed pursuant to the Act and he or she must not:

- (i) act in the capacity of an environmental auditor appointed pursuant to the Act
- (ii) undertake, or propose to undertake, any environmental audit work
- (iii) in any other way hold him or herself out to be an environmental auditor appointed pursuant to the Act.

Each of the above activities is an offence against the Act.

Enforcement action may be taken in accordance with EPA's published *Enforcement Policy* (EPA Publication 384) against any person found to be holding him or herself out to be an appointed environmental auditor when not so appointed.

An environmental auditor may request in writing to EPA to hold his or her appointment in abeyance for a specified period of time. EPA will assess the request on its individual merits (potentially suitable reasons for the request may include illness, a period of overseas employment or a secondment from normal duties). If EPA approves the request, EPA will inform the environmental auditor of the approved period of abeyance in writing, and the environmental auditor's appointment will lapse for that period of time.

The total period of abeyance that can be granted by EPA for either a single request or consecutive requests by the same environmental auditor must not be more than 24 months.

Where the approved abeyance period is beyond the environmental auditor's appointment period, the environmental auditor may apply for subsequent appointment after the abeyance period in accordance with the requirements as detailed in section 5 of these guidelines. In this case, the application must be made at least eight weeks prior to the agreed end date of the abeyance. If, however, the application is made after the agreed end date of abeyance, and there is no prior agreement on this delayed arrangement, the

application will not be accepted and the environmental auditor may reapply through the initial appointment process.

8. MAINTENANCE OF APPOINTMENT – ENVIRONMENTAL AUDITOR'S RESPONSIBILITIES

8.1 Change in circumstances

An environmental auditor must notify the Manager Environmental Audit, at least 14 days in advance, of any change in circumstances relevant to his or her appointment. Such changes include the environmental auditor's employment status and the make-up of the environmental auditor's expert support team (including a temporary change). The minimum advance notice of 14 days can be exempted if the change is due to unforeseeable situations. Upon receipt of the notification of changes, EPA will make an assessment to determine if the changes are acceptable and compliant with the conditions of the environmental auditor's appointment as set out in section 4.7 of these guidelines. The Manager Environmental Audit will then advise the environmental auditor of the assessment result.

Where the Manager Environmental Audit advises the environmental auditor that the notified changes are not acceptable and will result in non-compliance with the environmental auditor's appointment conditions, the environmental auditor should either withdraw the changes or make further changes for re-assessment by EPA. Otherwise, the environmental auditor's appointment will lapse (see section 7 of these guidelines).

8.2 Provision of information and assessment

Environmental auditors must provide appropriate supporting material (such as current curriculum vitae and written agreements for new expert support team members) when notifying the Manager Environmental Audit of a change in circumstances in accordance with section 8.1 of these guidelines.

The Manager Environmental Audit will assess the information supplied and, where the change in circumstances is considered to be significant, may recommend to the Authority that a review of appointment be undertaken in accordance with section 12 of these guidelines. Alternatively, the Manager Environmental Audit may recommend that the Authority note that the change does not affect the appointment of the environmental auditor.

9. CONDUCT OF AN ENVIRONMENTAL AUDITOR

Environmental auditors are appointed pursuant to and for the purposes of the Act. In exercising their functions and duties pursuant to the Act or other Acts, environmental auditors owe a primary duty of care to the environment and to the people of Victoria above all others (including their clients).

The responsibilities of an environmental auditor, as defined under Part IXD of the Act, reflect this primary duty of care.

In particular, an environmental auditor must:

- (i) not give false or misleading information to the Authority or to any other person in carrying out a function under the Act or any other Act³
- (ii) not issue a certificate or a statement of environmental audit that is false or misleading³
- (iii) not issue a certificate or any other document which is false or misleading in carrying out a function under any other Act³
- (iv) not conceal any relevant information or documentation from the Authority or from any other person in carrying out a function under the Act or any other Act³
- (v) not issue a certificate or statement of environmental audit without first preparing an environmental audit report⁴
- (vi) notify the Authority within seven days of receiving a request to issue a certificate of environmental audit⁵
- (vii) provide the Authority (via Manager Environmental Audit) and the relevant planning authority and responsible authority within the meaning of the Planning and Environment Act 1987 with a copy of the environmental audit report and certificate or statement of environmental audit within seven days of completion⁶
- (viii) notify the Authority of any imminent environmental hazard as soon as is practicable after becoming aware of the hazard in the course of conducting an environmental audit⁷.

If for any reason an environmental auditor's appointment is suspended, revoked or lapses he or she

must not purport to be an environmental auditor appointed pursuant to the Act⁸.

Failure to comply with the above statutory requirements may lead to enforcement action being taken in accordance with EPA's *Enforcement Policy (Publication 384)*. The penalties under the Act for environmental auditors who contravene those requirements range up to 2400 penalty units⁹ or imprisonment for two years, or both.

In addition, an environmental auditor is expected to:

- (ix) employ assessment methods and approaches consistent with good practice for environmental auditing
- (x) exercise due care, diligence and professional judgment, to the standard which may be reasonably expected of qualified and experienced environmental professionals who are performing duties conferred upon them by the Act or other Acts
- (xi) conduct environmental audits and other statutory works pursuant to the Act or other Acts in accordance with guidelines approved by the Authority or by other government agencies
- (xii) act at all times in a professional manner, upholding the independence and integrity of the environmental audit system
- (xiii) offer services only in areas of his or her competence and only perform environmental audits and exercise powers that are relevant to the category or categories of environmental audit to which his or her appointment relates
- (xiv) ensure that any reports, certificates, statements or documents which he or she provides pursuant to the Act or other Acts are an accurate record of soundly based observations and of logical deductions therefrom
- (xv) continue to develop relevant knowledge, skills and expertise and actively assist and encourage those under his or her direction to do likewise.

An environmental auditor may use the title of 'Environmental Auditor (appointed pursuant to the *Environment Protection Act 1970*)' to sign environmental audit reports, statements of environmental audit, certificates of environmental audit and documents prepared pursuant to the Act or other Acts and in marketing material or project

³ Section 53ZC of the Act.

⁴ Section 53W of the Act

⁵ Section 53ZB(1) of the Act

⁶ Section 53ZB(2) of the Act

⁷ Section 53ZB(3) of the Act

⁸ Section 59B(b) of the Act

⁹ Section 110 of the *Sentencing Act 1991* contains the meaning of 'penalty units'. The value of a penalty unit is index annually in line with CPI increases. At the time of publication, one penalty unit equalled \$110.12.

proposals. An environmental auditor must not use that title to sign other documents.

NOTE: An environmental auditor appointed pursuant to section 53S of the Act who undertakes an environmental audit in a jurisdiction other than Victoria should make himself or herself familiar with the relevant legislation, regulations and guidelines in that jurisdiction. The Authority may consider environmental audit work performed in another jurisdiction in determining whether to subsequently appoint an environmental auditor.

- an environmental audit report provided under sections 53V or 53X of the Act
- a certificate or statement of environmental audit provided under sections 53Y or 53Z of the Act
- a document prepared and signed by the environmental auditor pursuant to other sections of the Act

10. QUALITY ASSURANCE PROGRAM

The Manager Environmental Audit conducts a quality assurance program to ensure that environmental audits and other duties undertaken by appointed environmental auditors are completed in accordance with the relevant sections of the Act or other Acts and with guidelines published by the Authority or by other government agencies.

The Manager Environmental Audit will conduct a quality assurance program in accordance with the following guidelines.

10.1 Compliance with the Act

- (i) All environmental audit reports provided under sections 53V or 53X of the Act, and certificates or statements of environmental audit issued under sections 53Y or 53Z of the Act, and statements in writing provided under section 53ZB of the Act will be examined to ensure administrative compliance with those sections of the Act.
- (ii) The Manager Environmental Audit will seek an explanation from the environmental auditor when:
 - a statement in writing does not comply with section 53ZB of the Act
 - an environmental audit report does not comply with section 53V or 53X of the Act as appropriate
 - a certificate or statement of environmental audit does not comply with sections 53W, 53Y or 53Z of the Act

or

 - there is an error or inconsistency in the information contained in any of the following:
 - a statement in writing provided under section 53ZB of the Act

10.2 Compliance with guidelines

- (i) The quality assurance program will include an assessment of a sample (at least 10 per cent) of all environmental audit reports received by EPA's Environmental Audit Unit for compliance with the most recent version of¹⁰:
 - EPA Publication 1147 - *Provision of Environmental Audit Reports, Certificates and Statements*
 - *Environmental Auditor Guidelines for Conducting Environmental Audits* (EPA Publication 953)
 - for section 53V environmental audits - *Environmental Auditor Guidelines for the Preparation of Environmental Audit Reports on Risk to the Environment* (EPA Publication 952)
 - where relevant - *Guidelines for Environmental Management System Certification* (EPA Publication 619)
 - for section 53X environmental audits - *Environmental Auditor (Contaminated Land) Guidelines for Issue of Certificates and Statements of Environmental Audit* (EPA Publication 759)
 - other relevant guidelines that may be published by the Authority from time to time.
- (ii) Any environmental audit may be assessed for compliance with relevant guidelines. Environmental audit reports may be selected for assessment:
 - at random
 - following identification of a potential issue during the initial processing of the environmental audit report
 - where complaints have been received about the environmental auditor's work, in

¹⁰ The quality assurance program will include an assessment of the first two environmental audit reports completed by an environmental auditor.

accordance with section 11 of these guidelines.

- (iii) This assessment may include a desktop review of an environmental audit report, a review of the procedures used in preparing the environmental audit report or verification of the conclusions of the assessment on which the environmental audit report is based.
- (iv) The Manager Environmental Audit may conduct a verification of the environmental status of a site subject to environmental audit as part of the quality assurance program.

If the Manager Environmental Audit considers that an environmental audit does not comply with relevant guidelines, he or she will contact the environmental auditor to seek an explanation.

If, during the quality assurance program, explanation or further information sought from the environmental auditor is unsatisfactory, the Authority may commence a review of appointment in accordance with section 12 of these guidelines.

10.3 Information about an environmental audit

The Manager Environmental Audit may require an environmental auditor to provide further information about an environmental audit. Such information must be provided within a prescribed timeframe.

10.4 Performance in statutory works under other Acts

The Manager Environmental Audit maintains channels of communication with the relevant government agencies whereby the Authority (via the Environmental Audit Unit) will be notified of any issues regarding an environmental auditor's conduct and performance in carrying out his or her statutory functions under other Acts.

The Environmental Audit Unit will investigate any notified issues. The Manager Environmental Audit may require the environmental auditor to clarify or explain the issue or to provide copies of the relevant documents for assessment. If the environmental auditor's response fails to address the issue to the satisfaction of the Manager Environmental Audit, the Authority may commence a review of appointment in accordance with section 12 of these guidelines.

11. COMPLAINTS

Where the Authority receives a complaint about the conduct of an appointed environmental auditor, the Manager Environmental Audit will:

- (i) provide details of the complaint to the environmental auditor
- (ii) review the complaint and discuss it with the environmental auditor
- (iii) where the Manager Environmental Audit believes that there are insufficient grounds to warrant an investigation, inform the complainant and the environmental auditor that no further action will be taken and the reasons for that decision
- (iv) where the Manager Environmental Audit believes that there are sufficient grounds to warrant an investigation, invite a submission from the environmental auditor as well as from other relevant parties
- (v) prepare an assessment of the complaint taking into consideration any submissions received in relation to the complaint
- (vi) make a recommendation to the Authority regarding the complaint, including any recommended further action
- (vii) a decision in relation to the complaint will be made by the Authority.

The Authority will seek to resolve complaints within three months of initially receiving them. The Authority's decision in relation to the complaint will be communicated to both the environmental auditor and the complainant.

In the event of a significant complaint, the Authority may institute a formal review of the appointment of the environmental auditor in accordance with section 12 of these guidelines.

Where the Authority receives or otherwise becomes aware of a serious complaint, such as an allegation of criminal action, the Authority may instigate a criminal investigation without undertaking the complaint or review process in accordance with sections 11 and 12 of these guidelines respectively.

12. REVIEW OF APPOINTMENT AS ENVIRONMENTAL AUDITOR

12.1 Power of the Authority

Section 53S of the Act gives the Authority the power to suspend or revoke the appointment of an appointed environmental auditor.

12.2 Review of appointment

The Authority may conduct a review of an environmental auditor's appointment with a view to determining whether:

- (i) the appointment should be suspended or revoked

- (ii) an environmental auditor who has applied for subsequent appointment should be appointed.

12.3 Suspension

In circumstances where, in the opinion of the Authority, continued appointment presents an unacceptable risk to the environment or the community, the Authority may immediately suspend an environmental auditor's appointment pending the outcome of the review. The Authority will advise the environmental auditor if he or she is suspended.

12.4 Grounds for review

A review may be conducted if any matter or circumstance comes to the attention of the Authority that casts doubt on the fitness of an environmental auditor to be appointed as such or on the capacity of the environmental auditor to carry out the functions of the appointment.

Without limiting the grounds for review, the Authority will ordinarily institute a review of the environmental auditor's appointment where:

- (i) the environmental auditor has issued an incorrect certificate or statement of environmental audit
- (ii) a review of an environmental audit report raises concerns about the environmental auditor's expertise or methods
- (iii) the Manager Environmental Audit, in consultation with the Principal Environmental Auditor, is of the opinion that an environmental audit report provided is unsatisfactory
- (iv) the Manager Environmental Audit, in consultation with the Principal Environmental Auditor, is of the opinion that the environmental auditor's performance in carrying out his or her statutory works under the Act or other Acts is unsatisfactory
- (v) a complaint is received, and is appropriately verified, about unprofessional conduct of an environmental auditor
- (vi) an environmental auditor behaves fraudulently or deceptively
- (vii) an environmental auditor is declared bankrupt
- (viii) an environmental auditor is found guilty of an indictable offence
- (ix) an environmental auditor is removed from appointment as an environmental auditor, or has been the subject of disciplinary action, under any environmental audit scheme other than the one to which these guidelines refer (for example, the environmental audit systems in other States)

- (x) there is a significant change in circumstances relevant to the appointment, as outlined in section 8 of these guidelines
 - (xi) outstanding issues regarding the performance of the environmental auditor remain unresolved following the process set out in section 5.3 of these guidelines
- or
- (xii) an environmental auditor is found to have been conducting work beyond his or her areas of expertise or that of his or her expert support team.

12.5 Notice of Review

Before initiating a review of an environmental auditor's appointment, the Authority (via the Manager Environmental Audit) may invite the environmental auditor to show cause why a review of his or her appointment should not be conducted. Any response from the environmental auditor will be considered by the Authority for deciding whether or not to proceed with the review.

If the Authority decides to review an appointment, a Notice of Review of Appointment will be served on the environmental auditor setting out the grounds of review.

12.6 Independent person

The Authority will appoint an 'independent person' (which may be an individual person or a panel of persons) to conduct the review, and will specify the terms of reference for the review.

The independent person must:

- (i) be able to balance opposing views and reach a soundly reasoned conclusion
- (ii) appreciate the role of an appointed environmental auditor and the importance of the environmental audit system
- (iii) address the specific issues which are the subject of the review
- (iv) not be a person involved in the day-to-day administration of the environmental audit system or the process of appointing environmental auditors pursuant to the Act, but may be an EPA officer
- (v) not have a conflict of interest in conducting a review of an environmental auditor.

The Authority may appoint a suitably qualified person to assist the independent person in conduct of the review. The independent person may seek further information as required.

12.7 Conduct of the review

The environmental auditor under review and the Manager Environmental Audit will each be invited to make a submission to the independent person, orally and/or in writing.

Any written submission should be supplied at least seven days prior to the date set for the review hearing.

The independent person will conduct a hearing at which the Manager Environmental Audit and the environmental auditor present their submissions.

After conducting the review, the independent person will make a recommendation to the Authority.

12.8 The Authority decision

After considering the recommendation of the independent person and all submissions made by the environmental auditor, the Authority will decide either:

- (i) to continue the environmental auditor's current term of appointment or subsequently appoint the environmental auditor

or

- (ii) to invite the environmental auditor to show cause why the Authority should :
 - not suspend or revoke the environmental auditor's appointmentor
 - determine to appoint him/her as an environmental auditor.

Should the Authority invite an environmental auditor to show cause why he or she should continue to be appointed as an environmental auditor, the Authority will consider any such response provided by the environmental auditor in making a final decision. The Authority will notify the environmental auditor in writing of its decision within seven days of the completion of the review of appointment.

Where the review identifies that an offence may have been committed by an environmental auditor, enforcement action may be taken in accordance with EPA's *Enforcement Policy* (Publication 384).

Further information

EPA website: www.epa.vic.gov.au

SCHEDULE A – CONTAMINATED LAND

A.1 Specific assessment criteria

This section details the specific criteria that will be used to assess applicants for appointment to the contaminated land category of environmental auditor. These criteria are additional to the general criteria detailed in section 3 of these guidelines.

A.1.1 The applicant must be able to demonstrate extensive experience and a high level of expertise in the following core competencies:

- i) contaminated site assessment and management;
- ii) soil sampling design and methodology;
- iii) interpretation of chemical data; and
- iv) assessment of contaminant exposure pathways and risk.

A.1.2 In addition, the applicant must demonstrate a high level of expertise in at least one of the following areas and reasonable proficiency in the remaining areas:

- i) groundwater sampling design and methodology;
- ii) assessment of impacts on groundwater from contaminated sites;
- iii) quality control/assurance procedures; and
- iv) statutory and environmental planning.

A.1.3 The applicant must be able to demonstrate his or her expertise in, or access to relevant expertise in:

- i) environmental chemistry (both analytical chemistry and the fate and behaviour of chemicals in the environment);
- ii) soil science;
- iii) hydrogeology;
- iv) human toxicology;
- v) environmental toxicology;
- vi) contaminant transport and assessment of exposure pathways and risk; and
- vii) remedial technologies and geotechnology.

Note: Nominated experts will make up the environmental auditor's expert support team

A.1.4 The applicant must be able to demonstrate an understanding of:

- i) the *Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC/ NHMRC 1992)*; and
- ii) the *National Environment Protection (Assessment of Site Contamination) Measure 1999*.

A.1.5 An applicant's experience in contaminated sites work must be broadly based, in terms of:

- i) the scale of work undertaken,
- ii) the range of contaminants encountered; and
- iii) the scope of work performed.

A.1.6 The following will be regarded highly:

- i) experience in assessment and management of major environmental issues involving complex sampling design; and
- ii) experience in chemical or hydrogeological data collection and interpretation.

SCHEDULE B – INDUSTRIAL FACILITIES

B.1 Specific assessment criteria

This section details the specific criteria that will be used to assess applicants for appointment to the industrial facilities category of environmental auditor. These criteria are additional to the general criteria detailed in section 3 of these guidelines.

- B.1.1 The applicant must be able to demonstrate extensive experience and a high level of expertise in the following core competencies:
- i) industrial processes;
 - ii) industrial waste management and waste minimisation strategies; and
 - iii) environmental management systems.
- B.1.2 In addition, the applicant must demonstrate experience and expertise in at least two of the following areas and demonstrate access to expertise in all other areas:
- i) environmental impact assessment for each of air, fresh waters, marine waters, groundwater, land and noise;
 - ii) environmental risk assessment and management;
 - iii) sampling and interpretation of analytical data for a variety of media;
 - iv) pollution control equipment and strategies;
 - v) corporate/government environmental performance reporting; and
 - vi) energy auditing.

Note: Nominated experts will make up the environmental auditor's expert support team

- B.1.3 The applicant must be able to demonstrate an understanding of:
- i) *Environmental Management Systems - Requirements with Guidance for Use (AS/NZS ISO 14001: 2004); and*
 - ii) *Guidelines for Quality and/or Environmental Management Systems Auditing (AS/NZS ISO 19011: 2003).*

SCHEDULE C – NATURAL RESOURCES

C.1 Specific assessment criteria

This section details the specific criteria that will be used to assess applicants for appointment to the natural resources category of environmental auditor. These criteria are additional to the general criteria detailed in section 3 of these guidelines.

- C.1.1 The applicant must be able to demonstrate extensive experience and a broad level of knowledge in the following core areas:
- i) legal and institutional frameworks, including codes of practice, used in the management of Victoria's natural resources (for example water, land and ecosystems);
 - ii) environmental management; practices, processes, planning and systems;
 - iii) composition, maintenance and protection of Victoria's biodiversity;
 - iv) sampling and interpretation of analytical data for relevant environmental applications; and
 - v) natural events and land and water uses and their potential impacts on natural resource and ecosystem condition and processes.
- C.1.2 The applicant must demonstrate his or her expertise in, or access to expertise in:
- i) earth science, including soil sciences and soil degradation process and fluvial geomorphology
 - ii) water sciences, including freshwater, marine and groundwater
 - iii) aquatic ecology, including physical, chemical and biological assessments of aquatic ecosystems
 - iv) terrestrial ecology, including assessments of flora and fauna and terrestrial ecosystems
 - v) environmental modelling, including ecological and hydrological modelling
 - vi) environmental chemistry, including the fate and behaviour of chemicals in the environment.

Note: Nominated experts will make up the environmental auditor's expert support team

APPENDIX ONE – APPLICATIONS FOR MUTUAL RECOGNITION

An application to the Authority for appointment as an environmental auditor under the MRA 1992 must be made in writing, in accordance with section 19 of that Act. That is, the application must:

- i) state the State(s) in which the applicant is appointed as an environmental auditor
- ii) state that appointment as an environmental auditor in the State of Victoria is being sought in accordance with the mutual recognition principle
- iii) specify all the States in which the applicant's appointment as an environmental auditor is recognised
- iv) state that the applicant is not and has not been subject to any disciplinary action (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to his or her appointment as an environmental auditor (or equivalent occupation) in any other jurisdiction, and provide evidence thereof in the form of written confirmation from all relevant agencies
- v) state that the applicant's appointment in any State is not cancelled or currently suspended as a result of disciplinary action
- vi) state that the applicant is not otherwise personally prohibited from acting as an environmental auditor in any State, and is not subject to any special conditions in acting as an environmental auditor, as a result of criminal, civil or disciplinary proceedings in any State
- vii) specify any special conditions to which the applicant is subject in acting as an environmental auditor in any State
- viii) give consent to the making of inquiries of, and the exchange of information with, the authorities of any State regarding the applicant's activities as an environmental auditor or otherwise regarding matters relevant to the application
- ix) be accompanied by a document that is either the original or a copy of the instrument evidencing the applicant's existing appointment as an environmental auditor
- x) include certification by the applicant that the accompanying instrument of appointment is the original or a complete and accurate copy of the original
- xi) be accompanied by a properly signed and witnessed statutory declaration by the

applicant verifying the statements and other information in the application.

The application must also address all additional requirements outlined in section 6 of these guidelines.