

## Policy Position

### Requirement for Mandatory Auditor's Reports – Transitional Provisions

#### Requirement for Mandatory Auditor's Reports

Regulation 31(1) of the *Contaminated Sites Regulations 2006* (CS Regulations) requires a Mandatory Auditor's Report (MAR) to be provided to the Department of Environment and Conservation (DEC) in the following circumstances:

- (a) when a certificate of contamination audit is requested
- (b) when technical/consultants' reports\* are provided to DEC for source sites
- (c) when technical/consultants' reports\* are provided to DEC in order to comply with another written law (e.g. the *Environmental Protection Act 1986*) or a requirement or condition imposed under another written law (e.g. Ministerial or planning conditions, or similar statutory requirements), or
- (d) when requested by DEC in writing (e.g. for sites with particularly complex technical issues, or where inadequate technical reports have been provided).

In addition to the above requirements under the CS Regulations, section 44 of the *Contaminated Sites Act 2003* (CS Act) requires that an auditor be engaged by the recipient of an investigation, clean up or hazard abatement notice, to report on compliance with the notice.

#### Transitional provisions for MARs

Regulation 31(2) of the CS Regulations provides for a transitional period of six months after commencement of the CS Act (i.e. until 31 May 2007), during which the requirement to provide a MAR may be waived by DEC (except when requesting a certificate of contamination audit) in respect of:

- a particular report
- reports of a particular class or type, or
- reports regarding sites of a particular class or type.

#### Circumstances in which the requirement for MARs is waived

During the first six months after commencement of the CS Act (i.e. until 31 May 2007), the requirement to provide a MAR to DEC is waived when technical/consultants' reports\* are provided to DEC for source sites, or in order to comply with another written law or a requirement or condition imposed under another written law where all of the following circumstances apply:

- in the case of a requirement or condition imposed under another written law, the requirement or condition was imposed before commencement of the CS Act (i.e. before 1 December 2006)
- the investigation, assessment, monitoring and/or remediation of the site commenced before 1 December 2006 and was well advanced<sup>#</sup> by 1 December 2006, and

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\* Includes technical reports on the investigation, assessment, monitoring or remediation of the site.

<sup>#</sup> In the case of a detailed site investigation, for example, "well advanced" would mean that the majority of the field work and sample collection had already been completed, and the samples submitted to the laboratory for analysis before 1 December 2006.

- all required investigation, assessment, monitoring and remediation of the site will be completed and the relevant technical/consultants' reports submitted to DEC before 31 May 2007.

If there is any doubt whether all of the above conditions can be met for a particular site or project, DEC recommends that an accredited contaminated sites auditor be appointed as soon as possible.

#### **Can the MAR waiver be withdrawn?**

Despite the general waiver of the MAR requirement outlined above, DEC may withdraw the waiver in respect of a specific site or technical/consultants' report by requesting in writing that a MAR be provided. In particular, the waiver may be withdrawn where the technical/consultants' reports\* provided to DEC are inadequate and do not meet the relevant *Contaminated Sites Management Series* guidelines.

#### **Need more information?**

DEC has published a series of fact sheets and administrative and technical guidelines to assist with the assessment, management and remediation of contaminated sites in Western Australia; these are available by going to [www.dec.wa.gov.au/contaminatedsites](http://www.dec.wa.gov.au/contaminatedsites).

Further information is available by mail from the address below or by calling the Contaminated Sites Section on 1300 762 982.

Contaminated Sites Section  
Department of Environment and Conservation  
Locked Bag 104  
Bentley Delivery Centre WA 6983

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\* Includes technical reports on the investigation, assessment, monitoring or remediation of the site.