

Guideline

Environmental Protection Act 1994

Assessing a suitably qualified person

This document is intended to provide guidance on assessing a suitably qualified person according to section 564 of the Environmental Protection Act 1994 (the Act).

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This guideline provides guidance for suitably qualified persons (SQPs) to identify if they have the relevant qualifications and experience to undertake certain contaminated land regulatory functions defined in Chapter 7, Part 8 of the *Environmental Protection Act 1994* (the EP Act), for particular sites. This document also provides guidance to persons who are SQPs, on making a declaration to the administering authority that satisfies sections 383(4) and 395(3) of the EP Act.

August 2016

Introduction

The Department of Environment and Science (the administering authority) has released its new regulatory strategy outlining the long-term vision for how it will regulate environmental and heritage matters in Queensland. It is committed to ensuring it is responsive to the needs of the government, industry and the community.

The regulatory strategy commits the department to:

- working collaboratively with industry and the community to develop standards to manage and protect the environment and heritage places
- reducing red tape by streamlining the process of applying for approvals from the department, and imposing approval conditions that focus on the outcomes the client must achieve
- increasing its monitoring of clients to check that they are complying with their obligations and
- taking strong enforcement action where necessary.

The administering authority recognises that contaminated land professionals play an important role in ensuring that land contamination matters are adequately assessed and appropriately managed to ensure the environment and the community are protected. As such, the administering authority has developed this guidance to inform contaminated land professionals about the qualifications and experience that is relevant to a suitably qualified person (SQP) performing a regulatory function¹. It contains information to assist contaminated land professionals in determining whether they are a SQP for a particular land contamination matter and how a person can make a declaration in support of a positive self-assessment as a SQP performing any regulatory function. Persons submitting declarations under s. 566 of the *Environmental Protection Act 1994* (EP Act), must ascertain that they are able to act as suitably qualified persons in accordance with this guidance before performing that regulatory function.

For more information on how contaminated land is managed in Queensland, and the processes by which land is investigated, assessed and remediated, please refer to the guideline for contaminated land professionals (DES, 2012).

What is a regulatory function?

The EP Act requires regulatory functions², to be carried out by a suitably qualified person (SQP). The following information only relates to SQPs performing the following regulatory functions in relation to contaminated land:

- conducting a site investigation of a site listed on either the Environmental Management Register or Contaminated Land Register³
- preparing a validation report⁴
- drafting a site management plan or amendment of a site management plan⁵.

These regulatory functions are critical for managing contaminated land in Queensland and as such must meet certain standards to ensure the safety of the community and the environment while supporting the sustainable development of land in Queensland.

¹ In accordance with s. 549(1)(c) the *Environmental Protection Act 1994* (the Act)

² Defined in s. 564 of the Act

³ According to Chapter 7, Part 8, Division 3 – Investigation of land on the environmental management register

⁴ According to Chapter 7, Part 8, Division 4 – Remediation of land

⁵ According to Chapter 7, Part 8, Division 5 – Site management plans

Submissions

All of the above listed regulatory functions result in the submission of a report or draft plan to the administering authority. That document, and supporting information provided with it, is then used by the administering authority to make its decision. These documents are referred to as 'submissions' in this guidance.

Any submission made is to be accompanied by a declaration by the suitably qualified person who performed that function that they, in addition to other matters, possess the qualifications and experience relevant to that function.

Auditors

To assist in the certainty of the regulatory function being performed or because of the complexity of the project, clients may wish to engage an auditor to evaluate submissions before they are made. Where an auditor has been engaged, SQPs need to ensure that enough information is provided for the auditor to evaluate the report or draft plan against the prescribed criteria⁶ in the Environmental Protection Regulation 2019 (EP Reg).

Part 1 – Suitably qualified persons (SQPs)

1. What is a suitably qualified person?

Suitably qualified persons are persons that have the necessary qualifications and experience to perform regulatory functions to ensure human health and environmental risks are managed appropriately, for the benefit of the community with regard to land that is contaminated.

A SQP must have⁷:

- current membership in a professional organisation prescribed under the EP Reg – Schedule 14
- qualifications and experience relevant to the regulatory function undertaken on a particular site.

2. How a person assesses if they are able to act as a SQP

A person wishing to determine if they are able to act as a SQP must assess whether they fulfil the legislative requirements of a SQP, in accordance with Part 2 of this guidance.

Persons who are approved as auditors in other Australian jurisdictions are considered to meet the legislative requirements of an SQP for the area which they are approved. Evidence of a valid approval will need to be produced if requested by the administering authority.

The assessment of whether a person is able to act as a SQP must be based on evidence that can be provided to the administering authority, upon request.

It is an offence under section 480A and 480 of the EP Act for a person to provide a declaration or report to the administering authority if it contains information or statements that are false, misleading or incomplete. The maximum penalty for doing so is 1665 penalty units or two years imprisonment.

⁶ Refer to s. 568 of the Act and s. 152 of the Environmental Protection Regulation 2019

⁷ Refer to s. 564 of the Act for requirements of a SQP

3. When an SQP assessment should be conducted

A person must assess whether they are a SQP for a project prior to undertaking a regulatory function as it is unlawful for a person who is not a SQP to undertake a regulatory function⁸. As the risks will be different for each project, an assessment should be conducted for each individual project.

4. Can more than one person contribute to a submission?

The multi-disciplinary nature of site contamination means that SQPs may need to obtain additional professional advice and services when assessing contamination on particular sites, with regard to the actual and potential outcomes that contamination may have for land use, human health and the environment.

Persons who provide technical professional services in support of a SQP are referred to by the administering authority as a '**professional support team**'. Members of a professional support team are considered as SQPs for their particular area of expertise. This is because the SQP who is providing the final recommendation in a submission has determined that they are not suitably qualified for that area and need someone who would be an SQP for that area to provide additional professional advice. As such, professional support team members are required to comply with the requirements of a SQP for their area of expertise. This includes any professional support team members that have contributed to the project because of staff leave or other operational arrangements.

The administering authority provides information in Part 2 of this guidance about how a SQP can confirm the status of potential members of a professional support team as suitably qualified to carry out particular work on particular sites. This guidance also sets out what needs to be provided with a submission that includes a contribution from professional support team members.

Persons working in support of the completion of the project, who are not suitably qualified in their own right, are not considered professional team members. The SQP takes full responsibility for any work completed by support staff not considered professional support team members.

5. What a SQP is responsible for in a submission

Suitably qualified persons have the following responsibilities leading up to and making a submission:

- Analysing the site in accordance with step two of Part 2 of this guidance to identify knowledge areas outside of their experience and qualifications, triggering the need to form a professional support team.
- Selecting appropriately qualified and experienced professionals to address the issues identified on the site.
- Assessing the completeness of the scope of the work done by professional support team members and the results their work provides. This includes ensuring that best-practice methodology and analysis are used by the professional support team member to deliver on their agreed scope of work.
- Providing recommendations and content in a submission. The SQP takes responsibility for the recommendations and contents of a submission by signing an accompanying statutory declaration. Recommendations made in a submission may be based on advice from a professional support team member.

⁸ Refer to s. 565 of the Act

- Ensuring professional support team members responsible for providing the submission, comply with the requirements of a SQP for that area in which they are an expert for. All professional team members must complete a declaration in support of all the work they did toward the assessment and/or remediation of a site.
- Where an auditor or the department have been engaged, ensuring that sufficient information has been provided for the auditor to evaluate the submission against the prescribed criteria⁹.

In some cases, there may be circumstances where it may be the responsibility of the principal SQP to be responsible for the final submission.

However, where a professional support team has been engaged because the principal SQP is not qualified in that area, the administering authority requires that the submission be accompanied by the final report from each professional support team member when they are a SQP for that component of the submission. Each final supporting report must be accompanied by a statutory declaration from the professional support team member who completed the works. This makes it clear in the submission which professional was responsible for what conclusions and recommendations that form the submission.

Part 2 – Assessment of a SQP

Part two of this guidance provides the criteria and process to be used by a person to ascertain if they meet the legislative requirements of being a SQP for a particular site. A positive self-assessment using this guidance will assist that person to demonstrate they are a SQP under the EP Act.

If a potential SQP has any doubt regarding the relevance of their experience and qualifications for a particular site, they may wish to contract an auditor¹⁰ to assist them to determine if they have the relevant experience and qualifications to investigate, validate or manage that site. Alternatively the administering authority may be able to provide some general guidance if the SQP is unable to complete a self-assessment. To provide assistance, the administering authority will need to be given details of the SQPs qualifications and experience, nature of the project being undertaken, specific aspects that the SQP is seeking assistance on. The final decision, however, will still rest with the SQP.

Any self-assessment performed using this guidance—and documents compiled by the person to support that assessment—should be retained by the person for at least five years following a submission or when the project has been completed. Supporting documentation for a positive self-assessment must be provided to the administering authority if the submission were to be the subject of an audit. The administering authority's compliance program includes audits of the qualifications and experience of persons who have obligations under the EP Act to be SQPs.

Criteria for assessment of a SQP

The criteria for a person to be a SQP have been developed in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM 1999), in particular Schedule B9, Guideline on competencies and acceptance of environmental auditors and related professionals.

⁹ Section 152 of the Environmental Protection Regulation 2019 (EP Reg)

¹⁰ For more information on auditors refer to the department's Draft Prescribed Guideline for Auditors under Chapter 12, Part 3A of the EP Act, available on the department's website at www.des.qld.gov.au

As stated above, the legislative criteria¹¹ for a person to be a SQP (including a professional support team member) to perform a regulatory function is:

- be a member of an organisation prescribed under a regulation¹²
- have the qualifications and experience relevant to carry out the regulatory function at a specific site.

The key in the latter criteria is relevance. Persons assessing their qualifications and experience need to demonstrate that their qualifications and experience are relevant to carrying out both the regulatory function generally, and that regulatory function on the particular site that is the subject of the submission.

Steps 1 to 5 below provide further information on the criteria, including what the administering authority considers constitutes relevant qualifications and experience, and sets out how that information can be stated on a statutory declaration to satisfy the administering authority when making a submission.

Step 1 – Preliminary analysis of contamination issues on a site

To be a SQP, a person must have the qualifications and experience relevant to the specific characteristics of the site and the complexity of any potential or known contamination issues. To establish the relevance of the qualifications and experience of a SQP to specific site investigation work, the SQP needs to conduct a preliminary site investigation to identify the site's particular characteristics.

Part 4, section 4.1 of administering authority's 'Guideline for contaminated land professionals' (DES, 2012) outlines what is required for a preliminary site investigation. The reporting requirements checklist in Appendix 2 of the guideline should form the basis of a preliminary site use history and analysis of possible contamination.

From this analysis, a person is able to identify the competencies that are relevant to completing the regulatory function on that particular site.

Step 2 – Identification of relevant contaminated land knowledge areas required of SQPs and professional support team members

2.1 Select relevant knowledge areas for the site from the preliminary analysis of contamination issues on the site

Schedule B9 of the ASC NEPM 1999 (as varied) lists the knowledge areas that contaminated land professionals draw from to investigate, assess and report on actual and potential contamination of identified sites. Based on the analysis of the particular site done in step 1, a SQP can identify which of the knowledge areas listed in the ASC NEPM 1999 (as varied) will cover all the expertise required to conduct the regulatory function and manage the potential contamination and remediation issues presented by the particular site. Once the list of knowledge areas required is complete, a person assessing if they can be the SQP for that site must consider if they have the relevant experience and qualifications in any or all of the required knowledge areas.

¹¹ As defined in s. 564 of the Act

¹² Namely the Environmental Protection Regulation 2019

2.2 Identify if a professional support team is required

If a person does not have the relevant experience and qualifications in one or more knowledge areas identified in step 2.1, they will be required to source the relevant professional advice beyond their expertise so that the professional support team holds all of the knowledge required by the site. The SQP must be experienced in selecting and evaluating members of a professional support team so the team represents all the qualifications and experience required to address the site contamination issues that are not held by the SQP.

Step 3 – Membership of a prescribed organisation

3.1 A SQP to be a member of a prescribed organisation

To be a SQP, a person must be a current member of an organisation prescribed under Schedule 8 of the EP Reg. This information is not required to be included in the statutory declaration(s) that accompany the submission. However, the following membership details can be stated on the statutory declaration (as it is in the sample declaration in Attachment 1):

- name of prescribed organisation the SQP is a member of
- type of membership they hold
- date that membership is due for renewal.

If this detail is not included in the statutory declaration then a copy of the SQP's membership certificate can be annexed to the report as part of a submission. If a submission is selected for audit, proof of membership will need to be produced to the administering authority.

3.2 Professional support team members to be members of a prescribed organisation

The SQP must be satisfied that each team member is a member of a prescribed organisation under Schedule 14 of the EP Reg, before engaging their services. Members of a professional support team are also required to be members of a prescribed organisation, as they act as a SQP for their area of expertise. This can be done by the professional team member providing details in the statutory declaration required to accompany their final report, as shown in the sample declaration in Attachment 2.

Step 4 – Assessing qualifications and experience relevant to the regulatory function being carried out on the site

4.1 Required experience to form a professional support team

Based on step 2.1, if a person identifies that there are areas of knowledge in which they do not hold the required qualifications and/or experience, they must form a professional support team to cover any knowledge area gaps in order to be a SQP.

For a SQP to use a professional support team they must have the professional experience to:

- select other professionals with relevant qualifications and experience
- assess how that person's qualifications and experience can be effectively applied in the context of the site
- assess the completeness of the scope of the work done by professional team members and the results of their work.

This ensures all the required qualifications and experience are available to a SQP to manage and investigate the specific issues raised by the site.

4.2 Establishing relevant qualifications and experience

The relevance of qualifications and experience for SQPs and professional support members is established in two ways. Firstly, by linking the knowledge areas required for the contaminated land work to be undertaken as identified in step 2.1, to the demonstrated qualifications and experience held by a person. Secondly, the relevance of those identified qualifications and experience is established through evidence of how recently it was obtained and practiced.

Broadly, the administering authority considers at least three years' experience¹³ in contaminated land assessment and management, and demonstrated professionally competent application of that experience, to be the minimum requirement for a person to be able to be a SQP. However, the key to the assessment of the experience is the relevance of previous successfully completed work to the individual site characteristics that have been determined through step 2. Relevant experience will show how a person has previously successfully applied their demonstrated knowledge about an area of contaminated land management, either as a SQP or in another capacity, to a site with similar characteristics and potential contamination issues.

4.2.1 Establishing recency of experience and qualifications

How recent the SQP and professional support team member's experience is can be asserted where the body of work, for sites with common contaminated site characteristics, has been done in the last five years. Where a site has identified contamination and land characteristics that are rarely seen, the five-year timeframe may not apply as work of this nature is so infrequently done. Where a SQP or professional support team member can apply recent experience to ensure best practice approaches are taken, previous work experience on similar sites outside the five-year limit will be accepted. Current best practice must have been applied in the body of work being asserted as relevant to undertaking a regulatory function on a specific site.

The body of professional understandings and practices attached to the assessment, management and remediation of land is dynamic. A SQP or professional support team member can assert how recent their qualifications are if they have undertaken relevant professional development in the past two years.

4.2.2 Establishing understanding of the relevant legislative framework for contaminated land in Queensland

A person assessing if they have the experience to be a SQP for a particular site to fulfil a particular regulatory function must have a demonstrated understanding, or the ability to rapidly acquire the understanding, of the relevant legislative framework in Queensland relating to contaminated land investigation and/or management.

These include, but are not limited to:

¹³ Three years' experience means that the activity (e.g. data collection and interpretation) must have been undertaken competently by the person for a minimum period of three years. Any period of time performing this activity at a level less than competently, (e.g. as a junior learning the job), before achieving the level of competency in a particular activity cannot be included within this three year minimum period. A 'competency' is defined as the demonstrated ability to perform an activity competently and is, therefore, a qualitative measure of performance. For the purposes of assessing whether a person is a SQP, 'competently' is defined as being sufficiently capable of performing the activity in order to fulfil the functions of a SQP.

- provisions of the Act and its regulations relating to site contamination, remediation, and regulatory functions
- general environmental duty as well as provisions of the Act relating to environmental harm
- prohibition on providing false or misleading information under the Act
- forms, guidelines and information provided by the administering authority for the Act; and the
- standards and ASC NEPM 1999 (as varied) referenced by the administering authority in its guidance material.

An understanding of the contaminated land regulatory framework in Queensland can be demonstrated where a potential SQP can provide examples of work conducted on similar Queensland sites.

In determining the SQP's experience, the administering authority will take into account previous site reports submitted and accepted in other Australian jurisdictions as evidence of their understanding of the national legislative framework, which can be considered the ability to acquire demonstrated knowledge of the Queensland legislative framework. This will assist if a potential SQP has not performed work in Queensland, but can show their demonstrated knowledge and application of the national contaminated land assessment and management framework based on work from other relevant Australian jurisdictions.

Step 5 – Professional indemnity insurance

The administering authority requires a person acting as a SQP to be covered by professional liability insurance. SQPs and members of professional support teams must ensure they have adequate coverage, appropriate to the site and commensurate with the risk posed by contamination issues on that site.

A SQP is not required to provide details of this insurance to the administering authority with each submission. However, should a submission by a SQP be the subject of an audit, the SQP will be required to provide proof that they and their professional support team members held appropriate insurance at the time the work was done for that submission.

Part 3 – Statutory declarations

The EP Act requires that site investigation reports, validation reports and site management plans submitted to the administering authority be accompanied by a declaration made by the SQP¹⁴. This declaration is to be a statutory declaration made under the *Oaths Act 1867*¹⁵.

The required statutory declarations must include:

- the relevant **qualifications** and **experience** of the person making the declaration
- the statement that the person has not included any false, misleading or incomplete information
- the statement that the person has not knowingly failed to reveal any relevant information or document.

The statutory declaration must also state that the person certifies:

¹⁴ If a SQP requires a professional support team, these persons must also complete a statutory declaration to assert that they are a person who is suitably qualified to carry out the scope of works requested by the SQP. Refer to Part 1, section 4 of this guidance

¹⁵ Refer to s. 566 of the Act

- the work done and report submitted addresses the relevant matters
- the submission is factually correct
- the opinions expressed in the report are honestly and reasonably held by the investigator or report preparer (the SQP).

A declaration including these statements is relied upon by the administering authority so that reports can be considered on the basis that they are appropriately thorough, correct and reflect the professional conclusions drawn by a person who has the qualifications and experience to do so.

Sample statutory declarations can be found in Attachment 1 – Sample statutory declaration by a SQP and Attachment 2 – Sample declaration by a professional support team member.

1. Audit of submissions

In support of the department's regulatory strategy¹⁶, audits of the submissions made by SQPs (including professional support team members) will be conducted to determine compliance with the requirement of the EP Act for only SQPs to perform regulatory functions¹⁷. In conducting an audit, the administering authority may request supporting documentation (e.g. evidence of qualifications). Supporting documentation is specific to each element of the submitted declaration and includes the person's membership in a prescribed organisation and their relevant qualifications and experience.

It is an offence under sections 480 and 480A of the EP Act for a person to provide a declaration or report to the administering authority if it contains information or statements that are false, misleading or incomplete. The maximum penalty for doing so is 4500 penalty units¹⁸ or two years' imprisonment.

2. Making a declaration of relevant qualifications

A statutory declaration made to satisfy s. 566 of the EP Act requires a SQP (including a professional support team member) to state their qualifications **relevant** to the regulatory function and the site it is being carried out on.

To fulfil this requirement the declaration must state:

- a list of the relevant knowledge areas required to carry out the regulatory function at the specific site
- the details of course(s) of study successfully completed to an undergraduate and/or postgraduate level including the course title and the subject areas covered
- the name(s) of the institution(s) that awarded the attainment(s) upon successful completion of the course requirements
- the year of course completion
- details of relevant professional development activity undertaken in the past two years to show you are maintaining the currency of your qualifications.

An example of qualifications and information about professional development is shown below.

¹⁶ Department of Environment and Science (2013), *Regulatory Strategy*, www.des.qld.gov.au

¹⁷ Refer to s. 565 of the Act

¹⁸ The value of a penalty unit is stated in the Penalties and Sentences Regulation 2005 (Qld)

| Identified knowledge area required for the site subject of the assessment ¹⁹ | Name of degree or post graduate qualifications (and major discipline if relevant) | Institution conferring the degree | Year of completion |
|---|---|------------------------------------|--------------------|
| Soil sampling | Bachelor of Science (Major Geology, Minor Environmental Chemistry) | University of Queensland | 2000 |
| Professional development in the past two years | | | |
| Ground water | Soil and groundwater contamination, understanding remediation and policy | Australian Groundwater Association | 2010 |

It is not a requirement that a certified copy of educational attainments or professional development be provided with each declaration, however the administering authority will require copies should any of the declarant's submissions be the subject of an audit.

3. Making a declaration of relevant experience

The statutory declaration to satisfy s. 566 of the Act requires that a SQP (including a professional support team member) state their experience relevant to the regulatory function and the site it is being carried out over.

To fulfil this requirement the declaration must list:

- the relevant knowledge areas required to carry out the regulatory function at the specific site
- the details of the site(s) that previous experience in the relevant knowledge areas was gained on
- the role the SQP took in the previous work undertaken on the site(s)
- the date the person's role in that previous project was complete
- the regulatory function in which the previous work was undertaken to complete.

An example method for stating your relevant experience is shown below.

| Identified knowledge area required for the site subject of the assessment ²⁰ | DETAILS OF PAST PROJECTS DEMONSTRATING EXPERIENCE IN THE IDENTIFIED KNOWLEDGE AREA | | | | | |
|---|--|------------------------|-------|-------------------|----------------|--|
| | Nature of contamination / notifiable activity | Site details | | Role in project | Date finalised | Regulatory function under the Act Ch 7 Pt 8. (if applicable) |
| | | Lot and Plan reference | State | | | |
| Soil sampling | NA – 29 Petroleum product or oil storage | Lot XX SPXXXXX | QLD | Sampling designer | 2010 | Site investigation |
| Risk assessment | Asbestos | Lot XX SPXXXXX | QLD | Risk assessor | 2011 | Site investigation validation report |

A copy of the declarant's curriculum vitae including contact details of referees to verify the experience declared, must be available to the administering authority should a submission be selected for audit.

¹⁹ Schedule B9 of the ASC NEPM 1999 (as varied)

²⁰ Schedule B9 of the ASC NEPM 1999 (as varied)

Attachment 1 – Sample statutory declaration by a SQP

Word versions of declarations to accompany site investigations and validation reports are available on the administering authority's website www.des.qld.gov.au. If you wish to make a statutory declaration in electronic form please use the statutory declaration form available at [Statutory Declaration Forms - Datasets | Publications | Queensland Government](#). The information below should be used as a guide about the matters that are to be included when using the electronic form.

Sample declaration by a SQP to accompany submission of a site investigation report

A statutory declaration is a written statement that is sworn under the *Oaths Act 1867*. This statutory declaration should be completed and forwarded to the administering authority by a person who satisfies section 564 of the *Environmental Protection Act 1994* (EP Act). In accordance with section 566 of the EP Act, a site investigation report submitted to the administering authority must be accompanied by a declaration by the investigator of that site (a SQP), containing the information stated in section 566(2) of the EP Act.

The information provided in this declaration must be true and correct to the best of the declarant's knowledge. It is an offence under sections 480A and 480 of the EP Act to give the administering authority, or an authorised person, a document containing information that the declarant knows is false, misleading or incomplete in a material particular.

I _____ make this declaration as a person who

(Name of person who will make the declaration)

may conduct a site investigation pursuant to section 565 of the Act, as I am a person who:

- is a current member of a prescribed organisation under Schedule 14 of the Environmental Protection Regulation 2019 pursuant to section 564; and
- has qualifications and experience relevant to the regulatory function pursuant to section 564.

On the basis of my compliance with section 564 of the EP Act, I am a SQP for the purposes of section 565 of the Act for the report titled: _____ and dated _____

I make this declaration with the understanding that this site investigation has been performed in accordance with the 'Guideline for contaminated land professionals' (DES, 2012) and that the conclusions and recommendations made in this report may be relied upon by the administering authority in making its decisions under the Act.

Oaths Act 1867
QUEENSLAND

Re: Submission of a site investigation report on the land described as Lot ...and Plan..... dated.....

I,

_____ (Name of person making this declaration)

of,

_____ (Street address of the person making this declaration)

do solemnly and sincerely declare that:

as the investigator who conducted the site investigation the subject of this declaration:
or (please select the appropriate statement)

as the investigator who led a professional support team to carry out the work associated with the submission and I have the professional competence to:

- select and evaluate appropriate members of a professional support team
- assess the completeness of the scope of the work done by professional team members and their results; and

I state that I have the following qualification(s) relevant to the site investigation or the sections of the site investigation specified above²¹:

| Identified knowledge area required for the site subject of the assessment | Name of degree or post graduate qualifications (and major discipline if relevant) | Institution conferring the degree | Year of completion |
|---|---|------------------------------------|--------------------|
| Soil sampling | Bachelor of Science (Major Geology, Minor Environmental Chemistry) | University of Queensland | 2000 |
| Professional development in the past two years | | | |
| Ground water | Soil and groundwater contamination, understanding remediation and policy | Australian Groundwater Association | 2011 |

- I state that I have the following experience relevant to the site investigation specified above²²:

²¹ The format for providing information to the administering authority for this section is outlined in Part 3, Section 2 of this guidance.

²² The format for providing information to the administering authority for this section is outlined in Part 3, Section 3 of this guidance.

| Identified knowledge area required for the site subject of the assessment | DETAILS OF PAST PROJECTS DEMONSTRATING EXPERIENCE IN THE IDENTIFIED KNOWLEDGE AREA | | | | | |
|---|--|------------------------|-------|-------------------|----------------|--|
| | Nature of contamination / notifiable activity | Site details | | Role in project | Date finalised | Regulatory function under the Act Ch 7 Pt 8. (if applicable) |
| | | Lot and Plan reference | State | | | |
| Soil sampling | NA – 29 Petroleum product or oil storage | Lot XX SPXXXXX | QLD | Sampling designer | 2010 | Site investigation |
| Risk assessment | Asbestos | Lot XX SPXXXXX | QLD | Risk assessor | 2011 | Site investigation validation report |

- I have not knowingly included any false, misleading or incomplete information in the site investigation report.
- I have not knowingly failed to reveal any relevant information or document to the administering authority.

I also certify that:

- the site investigation and subsequent report addresses the relevant matters and is factually correct
- the opinions expressed in the report are honestly and reasonably held.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

Taken and declared before me, at _____

Insert location

this _____

day of _____

in the year _____

Guideline
Assessing a suitably qualified person

Insert day (e.g. 18th)

Insert month

Insert year

Signed

(Person making this declaration)

Signed

(Cross out whichever is not applicable) Justice of the
Peace/Commissioner for Declarations/Notary
Public/Solicitor/Barrister/Conveyancer

Print name and registration number (if applicable)

Attachment 2 – Sample declaration by a professional support team member

Word versions of declarations to accompany site investigations and validation reports are available on the administering authority's website www.des.qld.gov.au. If you wish to make a statutory declaration in electronic form please use the statutory declaration form available at [Statutory Declaration Forms - Datasets | Publications | Queensland Government](#). The information below should be used as a guide about the matters that are to be included when using the electronic form.

Sample declaration by a professional support team member to accompany submission of a site investigation report

A statutory declaration is a written statement that is sworn under the Oaths Act 1867. This statutory declaration should be completed and forwarded to the administering authority by a person who satisfies section 564 of the *Environmental Protection Act 1994* (the Act). It addresses the matters relevant for the professional support team member's component of the investigation. In accordance with section 566 of the Act a site investigation report submitted to the administering authority must be accompanied by a statutory declaration by the investigator of each element of that site, containing the information stated in section 566(2) of the Act.

The information provided in this declaration must be true and correct to the best of the declarant's knowledge. It is an offence under sections 480A and 480 to give the administering authority, or an authorised person, a document containing information that the declarant knows is false, misleading or incomplete in a material particular.

I _____ make this declaration as a person who
(Name of person who will make the declaration)

may conduct a site investigation pursuant to section 565 of the Act, as I am a person who:

- is a current member of a prescribed organisation under Schedule 14 of the Environmental Protection Regulation 2019 pursuant to section 564; and
- has qualifications and experience relevant to the component of the regulatory function I conducted, pursuant to section 564.

On the basis of my compliance with section 564 of the Act, I am a SQP for the purposes of section 565 of the Act for the components of the investigation submitted to the lead investigator in the report

titled: _____ and dated _____

I make this declaration with the understanding that this site investigation has been performed in accordance with the 'Guideline for contaminated land professionals' (DES, 2012) and that the conclusions and recommendations made in this report may be relied upon by the administering authority in making its decisions under the Act.

Oaths Act 1867
QUEENSLAND

Re: Submission of a site investigation report on the land described as Lot ...and Plan..... dated.....

I,

_____ (Name of person making this declaration)

of,

_____ (Street address of the person making this declaration)

do solemnly and sincerely declare that:

as the professional support team member who completed the components of the investigation submitted to the lead investigator in the attached report:

- I state that I have the following qualification(s) relevant²³ to the investigation that lead to that report.

| Identified knowledge area required for the site subject of the assessment | Name of degree or post graduate qualifications (and major discipline if relevant) | Institution conferring the degree | Year of completion |
|---|---|------------------------------------|--------------------|
| Soil sampling | Bachelor of Science (Major Geology, Minor Environmental Chemistry) | University of Queensland | 2000 |
| Professional development in the past two years | | | |
| Ground water | Soil and groundwater contamination, understanding remediation and policy | Australian Groundwater Association | 2011 |

- I state that I have the following experience²⁴: relevant to the site investigation that led to that report:

| Identified knowledge area required for the site subject of the assessment | DETAILS OF PAST PROJECTS DEMONSTRATING EXPERIENCE IN THE IDENTIFIED KNOWLEDGE AREA | | | | | |
|---|--|------------------------|-------|-------------------|----------------|--|
| | Nature of contamination / notifiable activity | Site details | | Role in project | Date finalised | Regulatory function under the Act Ch 7 Pt 8. (if applicable) |
| | | Lot and Plan reference | State | | | |
| Soil sampling | NA – 29 Petroleum product or oil storage | Lot XX SPXXXXX | QLD | Sampling designer | 2010 | Site investigation |

²³ The format for providing information to the administering authority for this section is outlined in Part 3, Section 2 of this guidance.

²⁴ The format for providing information to the administering authority for this section is outlined in Part 3, Section 3 of this guidance.

Guideline
Assessing a suitably qualified person

| | | | | | | |
|-----------------|----------|-------------------|-----|---------------|------|---|
| Risk assessment | Asbestos | Lot XX SPXXXXX | QLD | Risk assessor | 2011 | Site investigation validation report |
|-----------------|----------|-------------------|-----|---------------|------|---|

- I have not knowingly included any false, misleading or incomplete information in the site investigation report
- I have not knowingly failed to reveal any relevant information or document to the administering authority

And I certify that:

- the site investigation and subsequent report addresses the relevant matters and is factually correct
- the opinions expressed in the report are honestly and reasonably held.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

Taken and declared before me, at _____

Insert location

this _____

day of _____

in the year _____

Insert day (e.g. 18th)

Insert month

Insert year

Signed

(Person making this declaration)

Signed

(Cross out whichever is not applicable) Justice of the
Peace/Commissioner for Declarations/Notary
Public/Solicitor/Barrister/Conveyancer

Print name and registration number (if applicable)