APPENDIX 1:

Future of Land Contamination Practitioner/Professional Certification in Australia and New Zealand

Principles and Issues Paper

Prepared for consideration by the Boards of

CRC CARE, EIANZ and CEnvP

Background

CRC CARE, in response to sector demands and as part of it commitment to the Commonwealth Government, has developed, with broad consultation, a certification scheme for land contamination practitioners (Site Contamination Practitioners Australia—SCPA). This scheme has now been in operation for 2 years and there are currently 61 certified practitioners.

EIANZ as a body representing practitioners in the environmental sector established a certification scheme encompassing a range of environmental practice areas about twelve years ago. That scheme, known as the Certified Environmental Practitioner (CEnvP) program, has now certified some 650 practitioners. The CEnvP program is open to all practitioners – both members and non-members of EIANZ - with no compulsion to join EIANZ as part of certification.

In addition to its general certification category, the CEnvP has four specialist certifications. These cover impact assessment, ecology, climate change and contaminated lands. The last of these, the CEnvP (Contam Lands) was established around 3 years ago, significantly, but not only, out of a need to certify suitably qualified practitioners in New Zealand. Currently there are 35 professionals certified under this CEnvP contaminated lands specialist certification in Australia and New Zealand.

There is a recognition between EIANZ/CEnvP and SCPA/CRC CARE that the certification market for contaminated lands practitioners might be more efficiently covered through one scheme. Such a scheme could address the needs and interests of all stakeholders involved, including consultant practitioners, researchers and other specialist professionals, end users, and regulators.

CRC CARE is looking to transition the SCPA scheme to another body(s) or arrangement to ensure its long term viability and responsiveness to sectoral needs.

The purpose of this paper is to explore, in good faith and without prejudice, the option to transition certified practitioners from the SCPA scheme across to EIANZ’s CEnvP scheme, so as to address SCPA’s transition objective, and to facilitate the recognition of a single scheme within Australia, and New Zealand.

The paper, developed jointly by the chairs of CRC CARE, SCPA, EIANZ and CEnvP, identifies a number of principles that might form the basis for a single
transitioned scheme, and that can facilitate discussions around this proposal between CRC CARE/SPCA and EIANZ/CEnvP.

**Principles**

1. Any transitioned contaminated lands certification scheme should be based on a demonstration by candidates that they hold agreed relevant competencies and meet other requirements as may be required for certification under the scheme.
2. Practitioners certified under either the CRC CARE or EIANZ scheme at the date of transition should be accepted as certified practitioners under the transitioned scheme.
3. The governance of the transitioned contaminated lands specialist scheme should make provision for the involvement of representatives from land contamination organisations and sub sectors beyond EIANZ membership.
4. Senior professionals who have given their time and commitment to the contaminated lands assessment process for both schemes to date should continue to be utilised by the transitioned team.
5. A transitioned contaminated lands certification scheme should be open to members of professional bodies other than EIANZ/CEnvP and CRC CARE.
6. Any transitioned scheme should be financially viable and economically sustainable. New applications for contaminated land certification who are not EIANZ members will require discussion to ensure that the scheme remains equitable and accessible, as well as financially self-sustaining.
7. Any transitioned scheme should give make provision for the scheme’s future development and recognise the contributions made by CRC CARE and SCPA to the transitioned scheme.

**Discussion**

1. **Single set of competencies/requirements**

While there are differences between the two schemes (eg experience requirements) the overall aims, including adherence to a code of ethics, are similar, albeit with different wording and emphasis.

Those differences could be reconciled through a small working party consisting of representatives from each organisation. This would be achieved prior to a transition being implemented.

2. **Acceptance of certification to date**

It is possible that in establishing a transitioned scheme certain certified individuals (from either current scheme) may not strictly meet the full set of criteria for renewal under a transitioned scheme. We anticipate that these would be rare cases and we also anticipate that it is unlikely that the gap would present a risk to the transitioned scheme.

Consequently, we propose that in the first year, applications for renewals of certified practitioners from either scheme within the transitioned scheme be approved without further technical review.
Should gaps be identified in relation to requirements for certification under the transitioned scheme, these would be discussed with candidates with a view to having the gap addressed during the renewal year.

The expectation would be that where the gap is ‘technical’ in nature, this would be addressed in the course of the renewal year. Should the gap be one of ‘experience’, then provided all other ‘technical’ criteria are met, this would not provide grounds for non-recertification.

3. Governance

The CRC CARE scheme has been operated under a National Executive Committee which has included representatives from organisations active in contaminated sites (ACLCA, ALGA), end users (AIP, mining), and regulators. This arrangement was in response to the consultation undertaken in developing the scheme.

The nature and consequences of practice in the sector has strong day to day interaction with the regulatory sector and significant implications for end users.

The EIANZ/CEnvP program is a practitioner driven initiative, established prior to any regulator driver for certification of environmental practitioners. The scheme provides both recognition of a practitioner’s skills and experience, and accountability of those practitioners against a code of ethics and professional conduct.

The CEnvP program is governed by the CEnvP Board, the membership of which can be drawn from EIANZ members and non-members, is confirmed by the EIANZ Board on a two year cycle. The CEnvP Board manages both the CEnvP program and finances, and it certifies practitioners, based on the documentation provided by the candidate and the recommendations of an peer based interview panel.

Liability for the work of a CEnvP is covered by the practitioner’s professional liability insurances, not EIANZ/CEnvP. This principal should continue in any transitioned scheme.

The CEnvP program has four specialist areas of certification – contaminated lands, impact assessment, ecology and climate change. To date there has been no technically focused entity beyond the CEnvP Board that supports the certification process for those specialisations.

EIANZ/CEnvP is open to examining development of a “sub CEnvP Board” structure that can both support and facilitate the engagement of non-EIANZ stakeholders in the certification of specialist areas of practice, including contaminated lands, as has been a function of the CRC CARE scheme.

We note that by way of process, CRC CARE’s SCPA scheme also refers application for certification to regulatory agencies for comment only. This gives such agencies an assurance that any significant concerns are considered in the certification process.

The CRC CARE certification scheme benefits from this by up front knowledge of any one engaging in unethical or illegal practice. The nature and widespread
need for services on contaminated sites means there is significant opportunity for malpractice.

To date there has only been one adverse comment made by an EPA in respect to one applicant and this application is yet to be resolved. To assist in understanding this element of process the standard referral letter to EPAs is attached. EIANZ shares the view of CRC CARE that our certification processes should guard against certification of practitioners with questionable professional history or practices.

EIANZ/CEnvP address this through seeking a declaration from candidates to confirm that they are not, and have not been, subject to adverse findings in respect of their professional activities. Additionally, the CEnvP by-law governing operation of the program supports the CEnvP Board seeking the views of regulatory agencies with respect to individual candidates for certification.

EIANZ/CEnvP and CRC CARE acknowledge that agreement on an approach to maintain this level of integrity in any transitioned scheme would be required as part of any agreement between the organisations. Development of a sub CEnvP Board governance structure for specialist certification, including for contaminated lands, could be one contributor to meeting this need.

4. Embrace of assessment professionals

Both EIANZ/CEnvP and CRC CARE rely on the goodwill and time of senior professionals committed to the profession for support of the certification assessment process.

For any successful transition, continuation of this will need to be actively fostered in any governance arrangement. In particular there will be a need to ensure that professionals from both schemes remain valued and that processes are established to ensure a common method of assessment. Similar to the issue regarding a single set of competencies/requirements, this could be addressed through a working party convened to facilitate development of the final transitioned scheme.

5. Open to all members of professional/industry bodies without additional burden

The CEnvP program is open to both members and non-members of EIANZ. This is in line with the international standard for certification.

There is a cost differential between the certification costs for EIANZ members and non-members, reflecting the fact that EIANZ, through its membership, is the ultimate underwriter of the CEnvP program, and funded the development of CEnvP program.

While discussion on a transitioned scheme are taking place between CRC CARE and EIANZ/CEnvP, we note that the Soil Science Society (and potentially other bodies) may also be interested in joining a single scheme and no doubt this element would also be important in any discussions with that body.
We note that the discussions in relation to the contaminated lands program will need to be set in the context of CEnvP’s three other specialist certifications, and the broader CEnvP certification program.

6. *Economically sustainable scheme*

CRC CARE has funded the development and operation of the SCPA scheme to date and economic sustainability would require more practitioners to be certified. The CEnvP program, having as it does a wider certification function and more than 600 certified practitioners, has achieved the required economies of scale to be financially self-sufficient. This provides both the personnel and balance sheet capacity to manage the potential transition of CRC CARE practitioners into the CEnvP program with confidence. Notwithstanding this, the CEnvP sits within the broader financial umbrella of the EIANZ, underpinned by its practitioner membership.

Both EIANZ/CEnvP and CRC CARE recognise that discussions will need to be held to ensure that any transitioned scheme reflects the above points, remains equitable and accessible, as well as financially self-sustaining.

It is envisaged that the number of certified contaminated lands practitioners is very likely to grow in response to regulatory requirements, as well as by the move to a single scheme.

CRC CARE remains open to discussing its economic position in relation to the scheme operation to date. One aspect of developing the transitioned scheme would be discussions to confirm the forward financial model of that scheme and arrangements for covering the servicing of CRC CARE practitioners who have are only part way through their subscribed certification year.

7. *Recognition of scheme development/history*

To maintain appeal to those organisations and individuals who have committed to the SCPA scheme development and to acknowledge the effort and resources devoted, CRC CARE believes there should be some recognition in the naming and promotion of any transitioned certification scheme.

This is not to detract from EIANZ/CEnvP responsibility and branding it would require, but facilitate assimilation of different backgrounds and maintain support for the transitioned scheme.

EIANZ is open to acknowledging this background within the communications of transitioned scheme.
Next steps

1. The Boards of EIANZ, SCPA, CEnvP and CRC CARE will consider the principles and issues identified in this paper, and provide any specific responses to one another (nominally by end April 2017).

2. Subject to agreement in principle on these issues, the Chairs of the Boards, agree a program and structure through transition arrangements discussions could be put in place.

3. Should agreement in principle be reached between the Boards, those certified in each scheme be advised as soon as practicable of the intent to transition the scheme and the arrangements to be put into place in the transitioned scheme, and confirming the intent of transitioning the SCPA scheme to the CEnvP program.

4. Both parties note that a transition from the beginning of the coming financial year on 1 July 2017 has merit.

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