

# **STATEMENT OF EXPECTATION**

## **ENVIRONMENT PROTECTION AUTHORITY**

### **2012**

The *Environmental Management and Pollution Control Act 1994* (the Act) requires that as the Minister administering the Act, I must provide the Board of the Environment Protection Authority with a statement of expectation, specifying my objectives on matters relating to the functions of the Board. The Board is required to respond to me within 3 months by providing a statement of intent.

This statement of expectation is provided to the Board and specifies my objectives on matters relating to functions of the Board for the period to 31 March 2014.

#### **Functions of the Board**

The functions of the Board are to administer and enforce the provisions of the Act, and in particular, to use its best endeavours –

- to further the objectives of the Act; and
- to ensure the prevention or control of any act or omission which causes or is capable of causing pollution; and
- to advise the Minister, on the request of the Minister or at the discretion of the Board, on any matter that may significantly affect the achievement of the objectives of the Act; and
- to ensure that valuation, pricing and incentive mechanisms are considered in policy making and programme implementation in environmental issues.

The Board must perform such other functions as are conferred on it by, or under the Act, or any other Act and may do all things necessary or convenient to be done for, or in connection with, or incidental to, the performance of its functions.

Specific functions are conferred on the Board in relation to the environmental assessment of development proposals, environmental agreements, mandatory environmental audits, financial assurances, environmental improvement programs and the Environment Protection Fund.

The Director, who is a member of the Board, has a range of functions, including a number that relate broadly to administering the enforcement provisions of the Act.

Section 8 of the Act provides that all decision-makers must seek to further the objectives of the Act. These objectives include the overarching objectives of Tasmania's Resource Management and Planning System and the objectives of the Environmental Management and Pollution Control System established by the Act.

#### **Relationship with Government**

The Environment Protection Authority is established as an independent statutory body, responsible for performing its functions and exercising its statutory powers at arms length from Government. However, the EPA remains an instrumentality of the Crown and must work within the established administrative framework of the State of Tasmania.

### Advice to Government

The Authority is the primary source of advice to the Tasmanian Government on the achievement of the objectives of the environmental management and pollution control system established by the Act.

### Communication with Minister

To meet my Ministerial obligations to Parliament and the public on the activities of the Authority, the Board should provide me with regular information on the Authority's operations and performance and bring to my attention in a timely manner, information on significant environmental incidents, or other matters of significant environmental consequence. This should include providing me with a copy of communiqués issued by the Board after its monthly meeting.

I expect the Board will inform me in a timely way, about issues affecting the Authority's capacity to achieve its objectives and fulfil its functions under the Act.

### Government Policies

In performing its functions, the Board should take into account published Tasmanian Government policies or those advised by me in writing, relevant to its functions.

### Legal Advice

Unless the Board perceives a potential conflict of interest, it must obtain any necessary legal advice from the Office of the Solicitor General. In any legal actions taken by or against the Authority, the Board must be represented by, or in consultation with, the Director of Public Prosecutions.

### Relationship with the EPA Division

I expect the Board will maintain clear lines of communication with the EPA Division, in collaboration with the General Manager of the Division and the Secretary of the agency and work collaboratively with the agency and through me.

## **Governance and Operations**

### Corporate Governance and Values

During this period I expect the Board to continue to focus on good governance and accountability.

### Strategic Planning

I expect the Board to finalise the review of its Strategic Plan and its Statement of Intent in response to this Statement of Expectation within 3 months of receipt of this Statement of Expectation.

### Reporting

The annual report should be delivered to me by 1 October each year and include appended copies of the Statement of Expectation and the Board's Statement of Intent that were in effect during the reporting period.

### Policies and Processes

The Board should continue to routinely review and develop its operational policies and processes to ensure it performs its functions proficiently, consistently, effectively and transparently. I expect the Board to take particular care to ensure that its processes provide for timely decisions and that the degree of regulatory burden imposed is the minimum necessary to achieve appropriate environmental outcomes.

### Assessment of Development Proposals

The Board's primary function is the assessment of development proposals against the RMPS and EMPCS objectives. This involves taking into account considerations relating to the facilitation of economic development alongside the attainment of quite specific environmental objectives on the other.

I expect that in the course of making its decisions of balance, the Board has due regard for the social and economic circumstances prevailing in Tasmania and the objectives of the Government with respect to those circumstances.

I expect that the Board will have regard for Tasmania's Economic Development Plan in that regard. In particular, I expect the Board to take account of the need to create a more prosperous and equitable society including through employment opportunities. The Government is particularly keen to see the development of the dairy, aquaculture, wine and mining industries to create those opportunities.

### Community and Stakeholder Engagement

I expect the Board to maintain a communications program to inform the Tasmanian public about the Authority's independent role within the Resource Management and Planning System of Tasmania and to advise of its decisions in a timely manner. I expect the Board to engage broadly with relevant stakeholders in the development of its policies and processes and in the course of the development of any policy advice.

## **Environmental Priorities**

### Water Quality

The Board should continue to oversee implementation of the State Policy on Water Quality Management. In particular, it should consider the data available to allow the setting of Tasmanian water quality guidelines and water quality objectives for priority areas and then develop and implement a process for setting those guidelines and objectives. That process should engage affected communities and key stakeholders, and the Board's decisions regarding guidelines and objectives should have due regard for the issues raised during that engagement.

### Mining –Legacy Sites

I expect the Board to actively oversee the Savage River Remediation Project to ensure that we get the best possible long term environmental benefit from the remediation resources available to us. I also expect the Board to take particular care to ensure that future mine operations do not create additional sites of ongoing environmental degradation through appropriate and robust conditioning upon any new mining proposals.

### Sustainability

In pursuing the Sustainability Agenda, I expect the Board to focus on The National Waste Policy: *Less Waste More Resources* sets a clear national direction towards producing less waste for disposal and managing waste as a resource. I am keen to ensure that Tasmania moves strongly in this direction and I expect the Board to take a leadership role

Through its oversight of the Waste Advisory Committee and in collaboration with major stakeholders, I expect the Board will strive to progress a framework that will deliver economic, environmental and social benefits from the diversion of waste to resources in Tasmania. This may involve the Board adopting a formal governance role in the implementation of that framework.



Brian Wightman MP  
Minister for Environment, Parks and Heritage

Date 08/10/12