

STATEMENT OF EXPECTATION ENVIRONMENT PROTECTION AUTHORITY

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 2018.

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 (EPA) 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.

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 issues, or other matters of significant environmental consequence. This should include providing me with a copy of communiqués issued by the Board after its monthly meetings.

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. The Tasmanian Government is committed to a target of 50 per cent representation of women across government boards and committees by July 2020. To that end, I expect that if the Board establishes any sub-committees, it will set out to achieve the Government's gender equity target.

The Government has a policy of regulatory reform, seeking to reduce the burden of unnecessary regulation on business and the community; I expect the Board will take account of this policy in the management of its legislative responsibilities.

The Board should take into account the Government's policy on climate change and consider greenhouse gas emissions in undertaking its assessment and decision-making on development proposals put before it.

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, or Office of the Solicitor General – Civil Litigation.

Relationship with the EPA Tasmania

I expect the Board will maintain clear lines of communication with the EPA Tasmania, being the supporting Division within the Department of Primary Industries, Parks, Water and Environment. Working in collaboration with the General Manager of the Division, the Secretary of the agency and to 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, transparency and accountability.

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 Resource Management and Planning System and Environmental Management and Pollution Control System objectives. This involves the very difficult task of balancing the sometimes competing objectives which require the facilitation of economic development on the one hand and the attainment of quite specific environmental objectives on the other. The Board should note the current planning reform processes to introduce a single State-wide Planning Scheme, and ensure its processes support the new planning regime.

I expect that in the course of making such 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.

In particular, I expect the Board to take account of the need to create a more prosperous and equitable society and this relies in large part upon providing employment opportunities where they are most needed. The Government's policy position is that an affluent and productive community is better able to manage society's long term environmental challenges and I expect the Board to facilitate that outcome wherever it can.

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.

Within the scope of its statutory functions, I expect the Board to facilitate and promote the provision of regulatory information to the public as much as possible, having regard to commercial sensitivity, data integrity and analysis. The community has a right to information regarding the environment, and environmental management regulation and decisions. Environmental monitoring data, including that collected by regulatory requirement, should be provided in a form easily accessible and understandable to the general public. I recognise that achieving this objective will require a joint approach by the Board and the Director.

Fee Remissions

During the next two years, I expect the Board to review the effectiveness of the annual fee remission scheme, in encouraging better management of environmental risks, and improved environmental performance from regulated activities. The review should identify any necessary changes to the scheme, which should be included in revised Annual Fee Remission Guidelines and implemented during this period.

Environmental Priorities

Water quality

The Board should continue to have due regard for its obligations under the State Policy on Water Quality Management. Noting that the Policy is to be reviewed and converted to an Environment Protection Policy however, it may not be reasonable to invest Board resources further until such time as that work has been completed. The Board may be requested to have input into the development of the Environment Protection Policy

Air quality

The Board should continue to have due regard for the Environment Protection Policy (Air Quality) in its assessment of development proposals.

Mining – legacy sites

I expect the Board to actively oversee the Savage River Rehabilitation Project to ensure that the best possible long term environmental benefit is realised from the remediation resources available to us. I also expect the Board to take particular care to ensure that the risk of future mine operations creating additional sites of ongoing environmental degradation is minimised through appropriate and robust conditioning upon any new mining proposals.

Waste

The Board should continue to have regard for the need to minimise waste generation and maximise the efficient utilisation of wastes as a resource in its assessment of development proposals. This should include consideration of the strategic significance of waste management facility proposals put before it.



Matthew Groom MP
Minister for Environment, Parks and Heritage

Date ... 12 OCT 2016