

Statement of Expectation

Environment Protection Authority

August 2023

Introduction

The Environment Protection Authority (EPA) is an independent statutory authority established under section 12 of the *Environmental Management and Pollution Control Act 1994* (the Act) as an integral component of Tasmania's Resource Management and Planning System.

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 are laid out in Schedule 1 of the Act.

The Act requires that, as the Minister administering the Act, I must provide the EPA Board with a Statement of Expectation specifying my objectives on matters relating to the functions of the Board and specific objectives in Schedule 1, and the manner in which they are to be furthered.

The Statement of Expectation should be read in the context of Schedule 1 of the Act.

General

It is my expectation that the EPA will deliver environmental protection through its environmental assessment and approval functions in ways that meet community expectations and support sustainable development in Tasmania, defined in Schedule 1 of the Act as

...the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while -

- a) Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying or mitigating any adverse effects of activities on the environment.*

Expectations relating to the functions of the Board

I expect that the Board will continue to build on the strong foundations already in place to ensure the independence, transparency and efficiency of its operations, ensuring industry confidence in, and community support for, Tasmania's environmental management system.

Independence

The EPA is to operate independently from the Government but within Tasmania's legal framework, and the Resource Management and Planning System. The Board conducts environmental

assessments and approvals separate from the Government. Importantly, the Board is not to take direction from any party in the performance of its functions under the Act.

While the EPA is an independent Statutory Authority under the *State Service Act 2000*, that does not exclude it from providing advice to me as Minister, or to the Government, acting in accordance with section 14(1)(d) of the Act. The Government may also seek the Board's views on matters relevant to the discharge of its functions, including the development or amendment of Environment Protection Policies and Environmental Standards.

Transparency

A modern and transparent environmental management system is central to Tasmania's economy and provides certainty for businesses and the community. Fostering public confidence and trust in Tasmania's environmental management system is crucial, including through the ability to scrutinise important relevant information.

The community has a right to information regarding the environment and environmental management regulation and decisions. Within the scope of its statutory functions, I expect the Board to provide, facilitate and promote public access to regulatory information to the greatest extent possible, having regard to commercial sensitivity and data integrity.

Efficiency

All economic development intersects with a complex range of environmental and other regulation, often across portfolios and levels of government. For this reason, it is incumbent on governments and regulators to be cognisant of the broader operating environment in which they work.

In particular, governments and regulators must ensure they are aware of the legislative and policy context in which proponents operate and take steps to manage conflicting requirements and duplication of process that can add unnecessary cost and complexity to the regulatory process.

On this basis, I expect that the Board will, at all times, seek to maintain an efficient, effective and consistent approach to environmental assessments, including by

- carrying out its duties in a manner that is consistent with the requirements and principles of administrative law and supporting case law;
- having regard to relevant key legislation, including but not limited to: the *Land Use Planning and Approvals Act 1993*, the *Threatened Species Protection Act 1995*;
- having due regard for Matters of National Environmental Significance, Tasmania's threatened species policies, recovery plans and listing statements, Tasmania's environmental biosecurity obligations, Environment Protection Policies, Environmental Standards and State Policies and Tasmanian Planning Policies and Codes;
- participating in ongoing efforts to reduce duplication in environmental assessment and approvals, including State-Commonwealth bilateral arrangements;
- where appropriate, seek advice from the Department of Natural Resources and Environment on matters impacting on natural environmental values;
- have an open approach to communication and access to information, including publishing policies and procedures developed by the Board on the EPA website;
- bring to my attention, in a timely manner, information on emerging environmental issues, risks or other matters of significant environmental consequence for Tasmania.

Expectations relating to objectives of the Environmental Management and Pollution Control System (Schedule 1 - Part 2)

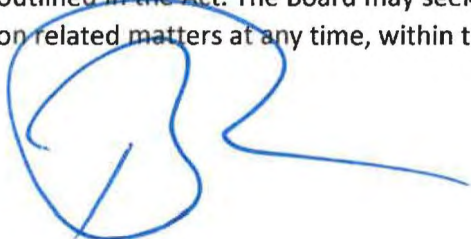
From time to time the Tasmanian Government establishes targets, policies and programs, and enters national and international agreements, to support sustainable development objectives and preserve our strong environmental values and brand. Current examples include initiatives to modernise our land use planning system, support renewable energy generation, grow Tasmania's circular economy and improve productivity while reducing emissions in major industries.

Because economic development and environmental management responses are constantly changing, approaches to application of the objectives of the Act must also evolve to stay relevant.

In respect of the objectives listed under Schedule 1 - Part 2 of the Act, I expect the Board to

- have regard to best practice environmental management. In doing so, the Board should establish mechanisms to keep itself informed of contemporary environmental practices;
- keep informed of economic development policy changes and consider their interaction with related objectives of the Act, to ensure regulatory responses remain fit for purpose;
- provide appropriate and relevant weighting to each of objectives (a) to (k), noting that the objectives are not listed in a priority order and are not necessarily of equal weighting;
- in relation to objectives (c), (g), (i), have regard to the relevant National Environmental Protection Measures, and any National obligations entered into through international agreements to manage pollutants of concern;
- in relation to objectives (a), (b) and (h), act in a manner that is consistent with the Tasmanian Government's Climate Change Action Plan;
- in relation to objectives (b) and (g), have regard to the Tasmanian Waste and Resource Recovery Strategy, as released by the Waste and Resources Recovery Board; and
- in relation to objective (k), maintain oversight over the Savage River Rehabilitation Program, and where appropriate to develop appropriate rehabilitation programs under the Environmental Agreements Division of the Act.

This Statement of Expectations should be read in the context of the objectives and functions outlined in the Act. The Board may seek clarification regarding these expectations or seek direction on related matters at any time, within the scope of the Act.



The Hon Roger Jaensch MP
Minister for Environment and Climate Change

24 August 2023