

STATEMENT OF EXPECTATION
ENVIRONMENT PROTECTION AUTHORITY
1 October 2008 – 31 March 2010

The *Environmental Management and Pollution Control Act 1994* requires the Minister responsible for administering the Act to provide the Board of the Environment Protection Authority with a statement of expectation. The Board is required to respond by providing the Minister with a statement of intent.

As Minister for Environment, Parks, Heritage and the Arts, I am responsible for administering the *Environmental Management and Pollution Control Act 1994*. I provide this statement of expectation to the Board of the Environment Protection Authority (the Authority), setting out my objectives on matters relating to the functions of the Authority. The statement takes effect on 1 October 2008 and has effect during the period 1 October 2008 to 31 March 2010.

Functions of the Board and Director

The Authority comprises the Board and the Director, as set out in the *Environmental Management and Pollution Control Act 1994*.

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 environmental assessment of development proposals, environmental agreements, mandatory environmental audits, financial assurances, environmental improvement programs and the Environment Protection Fund.

The Director has a range of functions, including a number that relate to administering the enforcement provisions of the Act.

Section 8 of the *Environmental Management and Pollution Control Act 1994* 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. All functions performed by the Authority are therefore directed at achieving the objectives of the Act.

Relationship with Government

The Environment Protection Authority has been established as an independent statutory body, responsible for performing its functions and exercising its statutory powers at arm's length from Government. The provisions of the *Environmental Management and Pollution Control Act 1994* that provided for the Minister to call-in a decision of the former Environmental Management and Pollution Control Board have been removed, to reinforce the independence of the decision-making functions of the new Authority. 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 *Environmental Management and Pollution Control Act 1994*.

Communication with Minister

In its advisory role, I expect the Board will –

- consult broadly on strategic and emerging environmental management issues; and
- provide me with advice and policy recommendations for consideration by the Government.

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 its operations, performance and the management of environmental risk;
- raise significant issues with me in a timely manner;
- regularly communicate with me through discussions with the Chair and the Director; and
- meet with me from time to time, as desirable or necessary.

Government Policies

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

Reporting

The Board is responsible for preparing an annual report for Parliament, which will be a critical means by which the Authority's performance will be evaluated. The annual report should –

- include an assessment of the Authority's performance against the objectives specified in its Statement of Intent, which is developed in response to this Statement of Expectation;
- include appended copies of the Statement of Expectation and the Board's Statement of Intent that were in effect during the reporting period; and
- deliver its annual report to me by 1 October each year, noting that a report is not required for the year 2007/08.

Legal advice

In accordance with Treasurer's Instruction 1118, the Board must obtain any necessary legal advice from the Office of the Solicitor General. Similarly, in any legal actions taken by or against the Authority, the Board must be represented by the Director of Public Prosecutions. If Crown Law determines that external advice is required, the matter will be referred to a suitable legal consultant after consultation with the Board.

The legal services will be sourced through an appropriate quotation or selective tender process conducted by Crown Law.

Relationship with the Environment Division

Officers employed within the Environment Division of the Department of Environment, Parks, Heritage and the Arts support the Authority to enable it to perform its functions and implement key programs. However, the Board does not have a direct role in the prioritisation of Divisional work programs or the allocation of Divisional resources. Line management responsibility for these officers rests with the General Manager of the Environment Division, acting in accordance with agency policies and priorities and State Service principles and legislation.

I expect the Board will –

- establish clear lines of communication with the 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, to develop agreed priority strategic actions and programs that can be incorporated in the Division's business plans.

If the Division fails to meet the Board's expectations of support to enable the Authority to effectively fulfil its statutory functions, I expect there will be an attempt to resolve the matter through negotiation with the General Manager of the Division. Where such negotiation fails to satisfactorily resolve the matter, the Board should bring the matter to my attention after raising the matter with the Secretary of the agency.

Priorities to 31 March 2010

Corporate Governance and Values

I expect the Board to effectively implement and maintain high standards of corporate governance and leadership. The Board is accountable to Parliament and the community for its actions and performance. I expect the Board to be apolitical and for each of its members to act impartially, fairly, ethically and professionally in carrying out their roles and functions as members of the Board.

Strategic Planning

As the Authority has recently been established, the Board should as a matter of priority, develop a strategic plan for the Authority. I expect the plan will take into account the objectives of the *Environmental Management and Pollution Control Act 1994*, relevant State and Environment Protection Policies, the state of Tasmania's environment, feedback from stakeholder consultation and the Government's policies and priorities, including the Tasmania *Together* goals. I also expect the plan will outline the Authority's organisational values.

Policies and Processes

The Board should establish operational policies and processes as required to enable the Authority to effectively perform its statutory roles and functions. I recognise that the functions of the Authority encompass those of the former Environmental Management and Pollution Control Board, and it is reasonable that the Board should consider adopting many of the operational policies and processes of the former Board. However, the Board should review and if necessary revise those policies and processes to ensure they remain relevant, that they reflect the strategic priorities of the Authority and are consistent with its approach to carrying out its functions and exercising its powers. New requirements such as the provision of a statement of intent and preparation of an annual report will require the development of appropriate policies and processes. These should be developed in a timely manner to ensure that statutory timeframes are met.

Community and Stakeholder Engagement

I expect the Board to actively promote the Authority's roles, functions and programs. It should consult with stakeholders on emerging and strategic environmental management issues and seek comment from the community, industry and local and state government agencies on the approach and activities of the Authority.

The Board should meet with stakeholders representing a wide range of interests and expertise in relation to matters to be considered. Stakeholders with an interest in matters being dealt with by the Authority should be given every reasonable opportunity to present their views and those views should be given due consideration in the Authority's decision-making processes and the development of its policy recommendations.

Environmental Issues and Policy Development

During the term of this Statement of Expectation, I expect the Board to –

- consider the role of the Authority in promoting environmentally sustainable practices across the community, including the business and government sectors;
- examine the potential for further promoting environmentally sustainable practices through regulatory, assessment and community engagement programs; and
- liaise with the Tasmanian Climate Change Office so that the Authority can take a leadership role in relation to climate change issues within its ambit.

Other priority issues requiring the Board's attention during this period include ambient air quality, ambient water quality, management of general and controlled wastes in Tasmania and the management of environmental conditions on land use permits. In relation to these issues, my expectations are that the Board will –

- engage stakeholders to investigate options for reducing impacts on the community from smoke generated by vegetation clearance and regeneration burning;
- contribute to the review of the *State Policy on Water Quality Management 1997* and develop an implementation plan in respect of the Authority's responsibilities under the Policy;
- contribute to the implementation and monitoring of the State Waste and Resource Management Strategy, as appropriate;
- provide me with advice on options for improving the process for managing and administering environmental conditions contained in permits issued under the *Land Use Planning and Approvals Act 1993* for activities assessed under the Environmental Management and Pollution Control Act 1994.

...I acknowledge that priorities may change as a result of stakeholder consultation.---

A handwritten signature in black ink, appearing to read "Michelle O'Byrne". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michelle O'Byrne MP
Minister for Environment, Parks, Heritage and the Arts

Date: 1 October 2008