

STATEMENT OF EXPECTATION
ENVIRONMENT PROTECTION AUTHORITY
January 2011 – 31 March 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 January 2011 to 31 March 2012.

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 as a member of the Board, has 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

I expect the Board to 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 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, to develop agreed priority strategic actions and programs that can be incorporated in the Division's business plans.

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

The Authority's Strategic Plan 2009-12 remains relevant. However, I expect the Board to review the plan within 3 months of the Board providing me with its Statement of Intent in response to this Statement of Expectation.

Performance Measurement and Reporting

I expect the Board to establish performance measures in respect of its governance arrangements and to report against these measures in its annual report.

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 review and develop its operational policies and processes to ensure it performs its functions proficiently, consistently, effectively and transparently. I expect the Board to set the high level policy for the EPA on compliance and enforcement and the Director to make decisions on a day to day basis in accordance with this policy, at arms length from Executive Government. Therefore, I expect the Board to review the Authority's compliance and enforcement policies during the term of this Statement of Expectation, to ensure they remain relevant and effective.

Community and Stakeholder Engagement

I expect the Board to implement a communications strategy to inform the Tasmanian public about the Authority's roles, programs and achievements and to engage stakeholders in the development of its policy recommendations.

Environmental Goals

Air quality

The Board should continue to promote the implementation of the Environment Protection Policy on Air Quality and monitor Tasmania's performance against national air quality standards.

Smoke generated by vegetation clearance and regeneration burning remains an issue of community concern and the Board should continue to promote measures to monitor and manage the impact of these activities on the community.

Water quality

The Board should continue to oversee implementation of the State Policy on Water Quality Management. In particular, it should ensure the commencement of the development of Tasmanian water quality guidelines and water quality objectives for priority areas.

Land contamination

The Board should oversee implementation of the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010* and consider the development of guidelines to support their implementation. The Board should also establish groundwater protection zones for the purposes of the regulations, if it considers such zoning necessary or desirable.

Noise environment

The Board should promote and monitor implementation of the Environment Protection Policy on Noise.

Sustainability

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 that within two years, the Board will provide me with recommendations for structural and regulatory reforms to deliver a framework that will deliver economic, environmental and social benefits from the diversion of waste to resources in Tasmania.

In the broader context of sustainability, I expect the Board to promote environmentally sustainable practices across the community, including the business and government sectors. It should also provide direction and leadership in addressing climate change and sustainability through the Authority's environmental assessment, permitting and other regulatory functions.

Monitoring Environmental Performance

The Board has set a number of goals in respect of Tasmania's environmental performance, which are set out in its Strategic Plan 2009-12. I expect the Board to establish relevant performance measures and to regularly and publicly report on Tasmania's performance against each of these goals.



Brian Wightman MP
Minister for Environment, Parks and Heritage

Date 11/01/11