

**STATEMENT OF INTENT
FOR THE
BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY
(For the Period: October 2008 – March 2010)**

This statement communicates to the Minister for Environment, Parks, Heritage and the Arts, the intent of the Board of the Environment Protection Authority, with respect to the performance of its functions and powers in the achievement of its objectives under the *Environmental Management and Pollution Control Act 1994*.

1 Functions of the Board of the Environment Protection Authority

The Board of the Environment Protection Authority (EPA) is established under section 13 of the *Environmental Management and Pollution Control Act 1994* ("the Act").

The functions and powers of the Board are set out in section 15 and 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.

The Act sets out specific functions and powers for 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.

2 Context

Section 15 of the Act requires the Minister for Environment, Parks, Heritage and the Arts to provide the Board with a Statement of Expectation. The Board received its first Statement of Expectation from the Minister on 1 October 2008. The Statement of Expectation may be viewed on the EPA website (www.epa.tas.gov.au).

Section 15B of the Act requires the Board to provide the Minister with a Statement of Intent within 3 months of receiving the Ministerial Statement of Expectation. The Statement of Intent is to:

- (a) specify the objectives of the Board for the period covered by the statement of intent; and*
- (b) address matters raised in the ministerial statement of expectation; and*
- (c) state the nature and scope of the activities to be carried out by the Board during the period covered by the statement of intent; and*
- (d) specify the performance criteria and other measures by which the performance of the Board is to be assessed against the objectives of the Board for the period covered by the statement of intent;*

and may contain any other matter that the Board considers appropriate

In short, the Statement of Intent outlines how the Board will respond to the expectations outlined in the Minister's Statement of Expectation.

The structure of this Statement of Intent is to set out the Board's high level objectives as required in (a) together with the performance measures for each objective required by (d). The Statement of Intent then follows the Statement of Expectation by addressing each matter raised (requirement (b)), and the activities to be carried out by the Board in relation to that matter (c). It provides extracts from the Statement of Expectation (in italics), followed by corresponding expressions of intention by the Board of the EPA.

These activities will be further developed and refined in a Strategic Plan which the Board will develop by the end of May 2009

3 Statement of Intent

3.1 Objectives

The Board's objectives are to:

- (1) Ensure that the Board carries out its functions and activities in conformance with the requirements of the Act.**

Performance measures

- (a) Percentage of assessments completed within the time frames required by the Act
Target: 100%
- (b) Board decisions challenged and overturned because of incorrect procedures.
Target: Nil

(2) Establish the Board as having a reputation for being an independent, fair and objective decision-maker and for providing authoritative leadership on matters of environmental quality and sustainability.

Performance Measure:

Proportion of key stakeholder groups and representatives who identify the EPA as having these values.

Target: 80%

(3) Address the specific matters and priority issues identified in the Minister's first Statement of Expectation

Performance Measure:

Proportion of activities identified in the Statement of Expectation that are actioned within the life of this Statement of Intent.

Target: 90%

(4) Ensure that the Board's activities and priorities remain relevant to the community and are consistent with the objectives of the Act

Performance Measure:

Extent to which the Board's priorities and strategic plan reflect priority environmental issues for the community that are within the scope of the Act.

Target: Board's strategic plan addresses issues raised by stakeholders that are within its scope.

3.2 Matters Raised in the Statement of Expectation

3.2.1 Communication with Minister

Minister's Expectation:

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.*

The EPA Board will:

- develop its first strategic plan by May 2009 incorporating consultation with stakeholders;
- hold an annual roundtable of key stakeholders to discuss strategic and emerging environment management issues;
- develop a policy to facilitate receiving representations from the public on strategic environmental issues;
- provide the Minister with a briefing following the annual roundtable; and
- invite the Minister to attend one of its meetings once a year.

The Chair will meet with the Minister on a six monthly basis (or on an as-needs basis if required) to discuss any significant issues, performance and management of environmental risk and any significant issues;

The Director will meet with the Minister on a monthly basis to report on the Board's operations.

3.2.2 Government Policies

Minister's Expectation:

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.

The EPA Board will:

- identify published Tasmanian Government policies relevant to its powers and functions under the Act and maintain a register of these;
- add to that register any additional policies advised the Minister in writing;
- publish the register on its web site; and
- work within the established administrative framework of the State of Tasmania, whilst retaining its independence in performing its statutory duties at arm's length from the Government.

3.2.3 Reporting

Minister's Expectation:

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.*

The EPA Board will:

- produce an Annual Report for Parliament and deliver this to the Minister by 1 October each year, commencing 2009; and
- ensure that each Annual report contains an assessment of its performance against the objectives contained in this Statement of Intent, and includes copies of the Statement of Intent and Expectation.

3.2.4 Legal Advice

Minister's Expectation:

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.

The EPA Board will:

- obtain any legal advice it requires from the Office of the Solicitor-General as the default;
- consult the Solicitor-General regarding the need for external advice if the Board considers that for any reason seeking advice from the Solicitor General may be inappropriate or may be seen to be inappropriate; and
- seek representation by the Director of Public Prosecutions in relation to any legal action the Board may be involved with.

3.2.5 Relationship with the Environment Division

Minister's Expectation:

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.

The EPA Board will:

- communicate with the Environment Division officers on a day-to-day basis by channelling requests for support and providing feedback through the General Manager of the Division;
- resolve any issues regarding the level or quality of support provided by the Division by raising these with the General Manager in the first instance,
- through the Chair, meet the Secretary of the agency on a six-monthly basis to review support and communications arrangements and discuss any other matters of mutual interest; and
- involve key Division officers in the development of its strategic plan and work with the General Manager and Secretary to ensure that the Board's priority actions and programs are supported through the Division's Business Plans.

Priorities to 31 March 2010

3.2.6 Corporate Governance and Values

Minister's Expectation:

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.

The EPA Board will:

- ensure that all members are aware of their responsibilities to disclose interests that may cause a conflict with their role on the Board (in accordance with section 5 of Schedule 3 of the Act), and include a specific item on the agenda of each meeting relating to the disclosure of interests;
- maintain register of member's interests;
- adopt contemporary corporate governance practices; and
- act impartially, fairly, ethically and professionally in carrying out its roles and functions

3.2.7 Strategic Planning

Minister's Expectation:

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.

The EPA Board will:

- As a matter of priority, developing its Strategic Plan and organisational values for the Authority through a process of consultation with stakeholders. The Plan will take into account the matters specified in the Statement of Expectation. Following consultation with the Minister, it is intended to publish the Authority's Strategic Plan, including its Organisational Values by the end of May 2009.
- Adopt organisational values that are consistent with good corporate governance and other relevant requirements of the Statement of Expectation.

3.2.8 Policies and Processes

Minister's Expectation:

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.

The EPA Board will:

- progressively review the policies and processes adopted by the previous EMPCA Board; and.
- identify the need for and develop new policies and processes required to cover gaps or meet new requirements of the Act or Statement of Expectation.

3.2.9 Community and Stakeholder Engagement

Minister's Expectation:

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.

The EPA Board will:

- develop and maintain a web site to provide information on its activities, programs and decisions;
- hold an annual roundtable with key stakeholders to discuss strategic and emerging environmental issues and consult key stakeholders on an as needs basis;
- develop a policy to facilitate receiving representations from the public on strategic environmental issues;
- ensure that relevant stakeholders are consulted as appropriate in the development of policy recommendations;
- promote awareness of the Board and its roles through the production of a newsletter and strategic sponsorship of events; and
- produce a publicly available annual report.

3.2.10 Environmental Issues and Policy Development

Minister's Expectation:

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.*

The EPA Board will:

- identify current national and international best practice in addressing climate change and sustainability through environmental assessment, permitting and other regulatory processes and implement as relevant and possible through the Tasmanian legislative and policy framework;
- identify opportunities for promoting sustainability more broadly through its strategic planning process;
- develop a section of the EPA web site and use its newsletter to promote sustainable business and community practices;
- include the promotion of sustainability as a specific topic in its annual roundtable with stakeholders;
- include sustainability events in its strategic sponsorship program; and
- meet with the Tasmanian Climate Change Office as a matter of priority to clearly define the role of the EPA in relation to climate change issues and develop a cooperative partnership with the CCO.

Minister's Expectation:

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.

The EPA Board will in relation to:

- planned burning:
 - develop an MOU with the Forest Practices Authority (FPA) to clarify roles and responsibilities;
 - work with the FPA and other stakeholders to develop an improved system for the management of smoke from planned burning activities; and
 - follow through with work commenced by the former Board of Environmental Management and Pollution Control on the monitoring of smoke.
- the State Policy on Water Quality Management:
 - provide appropriate input to the review of the State Policy on Water Quality Management 1997; and
 - develop an implementation plan for the responsibilities that the Board has under the revised Policy when this has been finalised.
- the State Waste and Resource Management Strategy
 - establish a Waste Advisory Committee as a committee of the Board, as envisaged in the Draft State Waste and Resource Management Strategy, should this model be adopted; and
 - include in the Board's annual report a review of Tasmania's performance in waste management.
- permit conditions:
 - review, in consultation with stakeholders, the strengths and weaknesses of the current system for managing and administering environmental conditions contained in permits, identify other options and provide a report to the Minister on the way forward.

J A Ramsay
CHAIR