

Memorandum of Understanding

Introduction

Local Government and the Environment Protection Authority (EPA) co-regulate environmental activity under the *Environmental Management and Pollution Control Act 1994* (EMPCA) and other related legislation. Both parties are committed to working closely to improve environmental outcomes.

This Memorandum of Understanding (MoU) applies to any area that involves both the EPA and Local Government, acknowledging that sometimes the respective roles of each are unclear. This document establishes a process for resolving the areas that need clarification.

Purpose

The purpose of this MoU is to clarify the roles and responsibilities of the EPA and Local Government in Tasmania, and establish the principles and foundation on which the relationship between the parties is based.

Both parties acknowledge that environmental regulation in Tasmania is a large and complex area that requires ongoing attention and commitment from both parties.

The EPA and Local Government recognise the key roles of each other, and the strength of the existing relationship on which this MoU will build further upon.

Parties

This agreement is between the EPA and the Local Government Association of Tasmania (LGAT) on behalf of its member councils. LGAT is the representative body for Local Government in Tasmania.

The parties:

- Recognise the value of improving the ability of both parties to meet environmental regulatory obligations for better environmental outcomes.
- Recognise the value of effective communication and consultation between the two spheres of government to help streamline regulatory functions and processes.
- Acknowledge the importance of the differing roles of State and Local Governments for achieving optimal regulatory outcomes for the benefit of the environment and communities.
- Are committed to addressing barriers to compliance within the regulatory environment.
- Agree to investigate opportunities to reduce restrictions and/or duplication within the regulatory system.
- Recognise the need to work with the strengths and address capability gaps of all staff to facilitate a strong, effective and efficient environmental regulatory sector.
- Commit to facilitating greater consistency between councils in how they interpret, deliver and enforce regulatory functions.
- Agree to meet annually to review and develop a work program and priorities for the following financial year.

Principles

Both parties commit to consultation, transparency, accountability and collaboration. This includes:

- Consulting at least in accordance with the Statewide Partnership Agreement on Communication and Consultation, prior to regulatory changes being drafted.
- Providing sufficient time for the other party to provide comment on initiatives, programs, projects and changes.
- Recognising the proposed legislative and regulatory reform agenda of the respective parties in the work program.

Both parties will identify, prioritise and work to address roles and responsibilities as a rolling program, articulated through the annual work plan, throughout the life of the agreement.

Both parties will look for capacity building and skills development opportunities to assist both the EPA and local government staff to address areas of ambiguity in environmental regulation under EMPCA.

Priorities and actions

This MOU is supported by Annexe A – Strategic Priorities which identifies areas to be address over the five year life of this MoU. Annexe A may be updated from time to time with the agreement of the parties to reflect major changes in priorities of the parties.

Annual Action Plans will be developed as key deliverables of this MoU, against which success will be measured. The Action Plans will articulate annual focus areas, outputs sought, and the lead agency for delivery.

Process for prioritising work plan activities

To align with LGAT business planning processes, LGAT and EPA Tasmania will discuss priorities for the coming financial year in March, and finalise the priorities by early May. The final Annual Plan will then be tabled at the LGAT July General Meeting and incorporated into the EPA's Annual planning cycle.

Dispute resolution

The parties agree that the relevant officers will deal with any issues that arise, in the first instance.

Should issues remain unresolved, they will be referred to the relevant managers. The Director of the EPA and CEO of LGAT will convene meetings where appropriate or relevant.

Agreement

Signed on behalf of the
Local Government Association of Tasmania



Katrena Stephenson
Chief Executive Officer

20/12/17
Date

Signed on behalf of the
Environment Protection Authority



Wes Ford
Director

20/12/17
Date

Annexe A

Focus areas for the term of the agreement

- Incident response and emergency management
- Complaint handling eg. Smoke, asbestos
- Strategic Waste Management
- Identification of statutory and regulatory changes to improve environmental outcomes
- Capacity building and skills development
- Supporting the implementation of the Tasmanian Planning Scheme.