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Warren Jones  
General Manager  
Environment Division  
DTAE  
GPO Box 1751  
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14 December 2006

Dear Warren

### **Establishing an Environment Protection Authority for Tasmania**

The LEC and the TCT are pleased to make the following submission on this important issue. We have opted to categorize our recommendations as requiring attention in either the short, medium or long term, with short term issues expected to be dealt with as a matter of priority, medium term issues within 5 years and long term issues dealt with within the next 5 to 10 years. We will deal with these recommendations in order.

#### **1. Short term recommendations**

- Restructuring of the EMPC Board

We are very supportive of the proposal to appoint an independent chair for the EMPC Board. Whilst it is probably appropriate in the short term for this position to be a part-time one, ultimately it should be a fulltime position. The independent chair should not hold positions on other statutory authorities, GBEs or corporations. As difficult as this might be in Tasmania, it is critical that this person not be seen to have any conflicts of interest.

We also believe that there should be a review of the existing positions on the board. The inclusion of two government staff for example, one third of the people on the proposed expanded board, is not appropriate for a body that is claiming to be independent of government. The General Manager of the Environment Division in DTAE should be removed and an additional two independent members appointed. This would both broaden community representation on the board and remove the possibility of split votes. We would also recommend that the Government seek nominations for positions on the board from peak bodies to forward to the Governor for his determination. The decision making mechanisms of the board must be clarified and enshrined in legislation if the broader community is to have faith in the manner in which the board makes decisions.

- Establishing the existing Environment Division of DTAE as the EPA

We are supportive of this concept in the short term. Obviously in the longer term major structural changes will have to occur, but in the interim it is entirely appropriate for the Environment Division to function as the EPA.

- Amending the existing legislation

We are very supportive of the proposal to remove Ministerial intervention powers, and we are also supportive of implementing those recommendations from the 10 year statutory review of EMPCA completed last year that have yet to be implemented.

- EPA to be part of the RMPS

We are very supportive of the endorsement of the objectives of the RMPS, as currently expressed in Schedule 1 of EMPCA and attached to this submission.

- Remove duplication of services

Currently, there is a significant amount of duplication of assessment responsibilities across government. The most obvious of these is the Conservation Assessment Section of DPIW, which undertakes some work based on EMPCA activities. An immediate review needs to be conducted and duplication of services identified and where possible eliminated.

## **2. Medium term recommendations**

- Establishing a framework for change

One of the key duties of the new independent chair of the EPA should be to investigate existing EPAs in other states and establish a framework to progress the evolution of a fully independent EPA in Tasmania. This should be completed within the first 12 months, and will give the community confidence that the government is taking this issue seriously. This investigation should involve further community consultation as a matter of course, and will require long-term financial commitment from government.

- Distinction of responsibilities of EPA and RPDC

An important task will be to distinguish between the differing responsibilities of the EPA and the RPDC.

- Assessment of marine farming activities by the EPA

This is a long standing issue and one that needs addressing if the new EPA is to maintain credibility. The reality is that this would create no real problems, and in fact progressive elements of the aquaculture industry would in all likelihood welcome this move.

### 3. Long term recommendations

- Assessment of forestry activities by EPA

As with marine farming, the credibility of both the EPA and the forestry industry will benefit from absorbing the Forest Practices Authority into the new EPA.

- Assessment of Project of State Significance by EPA

Provisions should ultimately be developed for the environmental assessment of Projects of State Significance to be assessed by the EPA.

Please do not hesitate to contact us if you would like further comment upon this issue.

Yours sincerely,



Craig Woodfield  
Director  
Tasmanian Conservation Trust

Rob Palmer  
Coordinator  
Launceston Environment Centre

## Attachment 1

### Objectives of the resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1(a), "**sustainable development**" means managing 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 well-being 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.