

**BOARD OF THE
ENVIRONMENT PROTECTION AUTHORITY**

TO: THE CHAIR AND MEMBERS

Minutes of Meeting No 163
14 June 2005 - 1.00 pm
Boardroom, 7/77 Grenfell Street
Adelaide

1.1 MEETING OPENED

The meeting was opened at 1.00 pm by the Chair.

1.2 PRESENT

Dr Paul Vogel (Chair)
Ms Linda Bowes (Member)
Ms Megan Dyson (Member)
Mr Mike Elliott (Member)
Mr Andrew Fletcher (Member)
Mr Stephen Hains (Member)
Mr Allan Holmes (Member)
Ms Ann Shaw Rungie (Member)

Ms Nada Popovic (A/Executive Officer to the Board)
Ms Corinne Kelly (Secretary to the Board)

Observer

Ms Monica Stasiak (Senior Project Officer)

1.3 APOLOGIES

Mr Vic Farrington (Member)
Mr Mike Elliott (late arrival)

1.4 DECLARATIONS OF INTEREST

None.

2. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING AND DRAFT COMMUNIQUE

Following discussion the Board resolved that:

the Minutes of the meeting held on 10 May 2005, subject to the following amendments, be taken as read and confirmed:

- *page 6, agenda item 4(i)(a), delete the words following “attendees”, and replace with “reinforced the issues raised at other consultation meetings”;*
- *page 6, agenda item 4(i)(a), add the paragraph: “Key themes discussed included: EPA and industry collaboration, benchmarking and timeframes for meeting environmental standards, separation distances and implications of the recent amendments to the Environment Protection Act”;*
- *page 6, agenda item 4(ii), first paragraph, replace the words “have applied” with “will be applying” and “45” with the words “a number of”;*
- *page 9, agenda item 5(ii)(vi), add the words “and the EPA will seek to redress this issue”.*

Carried

Minutes to be signed by Dr Vogel.

A copy of the Minutes of Meeting No 162 to be sent to the Minister for Environment and Conservation.

Action: Ms C Kelly

Mr Elliott entered the meeting at 1.25 pm.

3. ACTIONS ARISING FROM PREVIOUS MINUTES, EMERGING/STRATEGIC ISSUES AND FORWARD AGENDA

The Chair provided an update on outstanding matters, the forward agenda and emerging and strategic issues.

Outstanding Board Action Items

He advised that in future, the Outstanding Board Action Items document will have new headings that indicate current status and date of completion for each Board action.

He also advised that an agenda paper on moving towards longer term licences (refer item 2) has been deferred to the 12 July 2005 meeting.

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The Chair will clarify this situation before progressing the matter.

Action: Dr P Vogel

State of the Environment Report

The Chair requested that State of the Environment Report be placed on the forward agenda for an options paper to be provided to the Board in September 2005, which includes next steps and estimated costs.

Action: Mr T Circelli

Ms Bowes advised that an issue raised by the Mitsubishi representative at the Heavy Industry Round-table discussions on 10 May 2005, regarding the need to roof bunded areas, is a common area of confusion and that a number of people had expressed uncertainty with regard to definitions and Australian standards.

The Chair advised that this matter will be referred to the cross-divisional team responsible for reviewing the Water Quality EPP.

Action: Ms N Popovic

EPA Emerging and Strategic Issues

The Chair advised that in next month's version of 'EPA Emerging and Strategic Issues' there will be a new heading, 'Current Status' which will replace the current heading 'Detail'. The responsible EPA officer will be contacted each month and asked to provide updates when the status changes.

With regard to the issue of 'Greenhouse', the Chair asked that the 'Current Status' be updated with the points raised by Professor Tim Flannery in the meeting held prior to this Board meeting.

The Chair suggested that a briefing, from an officer of the Office of Sustainability, regarding the preparation of the Greenhouse/Climate Change Strategy, be placed on the forward agenda.

Action: Ms C Kelly

4. REPORTS

4(i) Chair

(a) Debrief - Meeting with Professor Tim Flannery, Chair, Premier's Round-table on Sustainability

Following a discussion regarding the meeting held with Professor Tim Flannery, members agreed that the subject of greenhouse and climate change should be the main topic for discussion at the 2006 Round-table.

Action: Ms C Watkins

(b) OneSteel update

Dr Vogel advised that he and Mr Fletcher expect to meet with Mr Geoff Plummer, Managing Director and CEO, OneSteel, and Mr Jim White, General Manager, Whyalla Steelworks, early next week.

(c) Round-table debrief

Members said they had received positive feedback both during and following the Round-table, with a number of attendees commenting that it had been the best Round-table they had attended.

Members agreed that the case study was a good opportunity to engage participants, however, Ms Dyson said that two groups had expressed disappointment to her that time had not been allocated to discuss their particular issues and concerns.

(d) ION update

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Following further discussion the Board agreed that clear public communications strategies must be developed and implemented in relation to the 'difficult' decisions of the Board.

4(ii) Members

Mt Lofty Ranges Water Resources Coordinating Committee

Ms Shaw Rungie raised the attendance by Board members at the Mount Lofty Ranges Water Resources Coordinating Committee (MLRWRCC) meeting held at Stirling on 2 June 2005. She advised that one outcome was that the group would consider how it could respond to the Metropolitan Planning Strategy.

Ms Dyson reported that the group was intending to do this through the NRM CEOs Group.

The Chair said he thought it was a very productive session and suggested that the Board receive a briefing on the role and progress of the MLRWRCC.

Action: Dr J Cugley

Performance Agreement with the Chief Executive

Mr Hains reported on the Board working group's decision, regarding the development of a performance agreement with the Chief Executive, to seek assistance from Mr Jeff Walsh, Commissioner for Public Employment, with regard to any public sector standards that need to be applied in the process.

Environment Protection Miscellaneous (Amendment) Act 2005

Ms Dyson noted that the *Environment Protection Miscellaneous (Amendment) Act 2005* commences operation on 1 July 2005, including the civil penalties amendment.

Dr Vogel advised that the amendments relating to civil penalties and the offence of environmental nuisance will be delayed for one year from the date of proclamation to allow for discussions with industry on how these amendments are to be implemented.

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4(iii) A/Executive Officer

(a) Heavy Industry Round-table Meeting - write up

Following discussion the Board resolved:

- (i) *to note the issues and actions arising from the consultation meeting with representatives of heavy industry on 10 May 2005;*
- (ii) *that subject to suggested amendments, provide a copy of proceedings to representatives at that meeting, with a covering letter from the EPA CE thanking them for their attendance.*

Carried

Mr Elliott suggested that Environment Groups be invited to the next Round-table network lunch and recommended that when the Board travels into regional areas, local environment groups be invited to the meetings.

Action: Ms N Popovic

(b) Progress with the Annual Report

Ms Popovic reported that the Annual Report is currently being prepared in the same structure as last year and a draft will be presented at the Board's August meeting with a final version being tabled at the September meeting, in time for presentation to the Minister by 30 September 2005.

Mr T Circelli, Director Policy Coordination and Strategic Services Division and Ms C Watkins, Manager Strategic Services entered the meeting at 2.43 pm.

5. DECISION ITEMS

Strategic and Risk Management

5(i) EPA Strategic Plan 2005-2008 - final version

Following discussion the Board resolved to:

- (i) provide comments to Ms Popovic by close of business, 17 June 2005;*
- (ii) ensure that the revised document:*
 - *reflects a more balanced approach to sustainability in accordance with the objects of the Environment Protection Act 1993;*
 - *reduces the number of values from 7 to 5; and*
 - *refers to all key stakeholder groups when such references are made;*
- (iii) request that following collation of Board members' comments and review of the document in light of those comments, a final draft, showing the changes made, is to be sent out of session for further consideration.*

Action: Ms C Watkins

Carried

Mr Circelli and Ms Watkins left the meeting at 3.03 pm.

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Dr J Cugley, Director Monitoring and Evaluation Division, entered the meeting at 3.04 pm.

Performance Monitoring and Accountability

5(iii) Adelaide Coastal Waters Study

Following discussion the Board resolved:

- (i) to note the progress of the Adelaide Coastal Waters Study;*
- (ii) that the EPA will undertake a more proactive role in promoting and marketing the goals and outcomes of the Study;*

- (iii) *to link the work of promotion and marketing with the communication strategy, which is to be forwarded, as an out of session item, for members information.*

Carried

Action: Dr J Cugley

Dr Cugley left the meeting at 3.30 pm.

Mr P Torr, Manager Planning and Local Government Support Unit (PLGSU) and Mr Colin Howard, Senior Environment Protection Officer, PLGSU, entered the meeting at 3.32 pm.

5(iv) Formation of a Local Government Board Sub Committee

Following discussion the Board resolved to:

- (i) *establish a subcommittee to provide a forum for the formal discussion and resolution of issues with local government;*
- (ii) *endorse the draft terms of reference as detailed in attachment 2, subject to the following amendments:*
- *no sitting fees will be allocated to members of the subcommittee, however out of pocket expenses will be reimbursed;*
 - *the subcommittee to report quarterly to the Board on its operations;*
 - *the subcommittee to have a sunset clause two years from the date of its establishment;*

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- (iv) *request an assessment of costs (number of staff and estimated hours) associated with the administrative support for the subcommittee;*
- (v) *request that the subcommittee is made aware of other Government decisions and initiatives in relation to local government (eg determinations of the Economic Development Board);*

- (vi) *note the exclusion of issues relating to the regulation of local government activities from the terms of reference of the committee;*
- (vii) *appoint Mr Stephen Hains to Chair the subcommittee;*
- (viii) *note that the subcommittee will not replace existing temporary consultation mechanisms that have been established to work through issues such as regional landfill guidelines.*

Carried

Action: Mr P Dolan

7. NOTING ITEMS

Performance Monitoring and Accountability

7(i) Performance analysis of Local Government Support Program

Following discussion the Board resolved to:

- (i) *note the analysis of the performance of local government with regard to council officers authorised under the Environment Protection Act 1993;*
- (ii) *note that once formed, the proposed subcommittee of the Board will develop Key Performance Indicators for the Local Government Support Program.*

Carried

Mr Torr and Mr Howard left the meeting at 3.49 pm.

5. DECISION ITEMS (continued)

Performance Monitoring and Accountability (continued)

5(v) Financial Performance Report as at April 2005

Following discussion the Board resolved to:

- (i) *note the comments outlined in relation to the financial performance of the EPA as at the end of April 2005;*

- (ii) *endorse an annual review of the report format to ensure it meets members' requirements;*
- (iii) *consider and approve the revised report format as attached and endorsed by Executive, subject to:*
 - *clarification as to why the end of year budget is described as 'revised';*
 - *adequate detail provided for all expenditure and revenue variance explanations.*

Carried

Action: Ms N Nelli

6. DISCUSSION ITEMS (None)

8. MATTERS DEALT WITH OUT OF SESSION

8(i) Uranium Mining and the *Environment Protection Act 1993*

The Board formally resolved to:

note the report.

Carried

8(ii) Proposed Changes to Legislation relating to Honesty and Accountability Duties

The Board formally resolved to:

note the proposed amendments to the Public Sector Management Act 1995 relating to duties of corporate agency members.

Carried

8(iii) Update of Changes to Legislation

The Board formally resolved to:

- (i) *note the maximum 3 year Board term and ability of the Board to appoint a Board member as a deputy presiding member to come into operation on 1 July 2005;*
- (ii) *note the new object to the Environment Protection Act 1993 (EP Act) as stated in the Adelaide Dolphin Sanctuary Act 2005 to come into operation on 1 July 2005;*

- (iii) *note new conflict of interest provisions in section 6H of the Public Sector Management Act 1995 to come into operation on 31 July 2005 and the proposed amendment to the conflicts of interest provisions in the Environment Protection Act 1993 as contained in the Statutes Amendment (Honesty and Accountability in Government - Consequential Amendments) Bill 2005.*

Carried

9. CORRESPONDENCE

- (i) Outgoing - Hon Patrick Conlon MP concerning allegations of excessive noise from the Dairy Farmers factory at Clarence Park
- (ii) Incoming - Office of the Premier declining the Chair's request to meet with the Premier

The Board resolved to:

note the correspondence.

Carried

10. OTHER BUSINESS

Mobile Phones

The Chair asked that the Board's Operating Procedures and Protocols document be distributed to members to remind them that mobile phones are to be inaudible during meetings of the Board.

Australian Compliance Institute Conference

The Chair reported that he recently attended the Australian Compliance Institute Conference with a view to learning more about how corporate regulators are undertaking their business.

Presentations were made by organisations such as ACCC, ASIC, and Consumer Affairs and Protection and a most informative session was presented by Mr Malcolm Sparrow from the United States who worked for the John F Kennedy's School of Management (and had worked with the US EPA and various corporate regulators and companies etc). His important messages included:

1. pick important problems and fix them;
2. use a risk based problem solving approach; and
3. get your performance metrics right.

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13. CLOSE

The Chair closed the meeting at 4.05 pm.

11. DATE OF THE NEXT MEETING

The next Board meeting will be held from 3.00 pm to 6.00 pm on Tuesday, 12 July 2005 in the Baudin Room, Whalers Inn Resort, 121 Franklin Parade, Victor Harbor.

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Dr P Vogel
CHAIR
/ /2005

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Ms C Kelly
SECRETARY TO THE BOARD