

**BOARD OF THE  
ENVIRONMENT PROTECTION AUTHORITY**

**TO: THE CHAIR AND MEMBERS**

Minutes of Meeting No 169  
13 December 2005 - 2.00 pm  
Boardroom, 7/77 Grenfell Street, Adelaide

**1.1 MEETING OPENED**

The meeting was opened at 2.00 pm by the Chair.

**1.2 PRESENT**

Dr Paul Vogel (Chair)  
Mr Stephen Hains (Deputy Chair)  
Ms Megan Dyson (Member)  
Mr Vic Farrington (Member)  
Mr Allan Holmes (Member)  
Mr Michael Nagel (Member)  
Ms Ann Shaw Rungie (Member)

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

**1.3 APOLOGIES**

Mr Mike Elliott (Member)  
Mr Andrew Fletcher (Member)

**1.4 DECLARATION OF INTEREST**

Due to his employment, Mr Hains declared an interest in agenda item 12(i), EPA matters before the Court.

Due to his employment, Mr Farrington declared an interest in agenda item 6(vi) "Uranium In-Situ Operations - Licensing under the *Environment Protection Act 1993*".

Due to his employment, Mr Holmes declared an interest in agenda item 6(i), "2008 State of the Environment Report for South Australia - Update Report".

**1.5 TABLED ITEMS**

Agenda Item 2	Draft Communiques - 18 October and 24 November 2005
Agenda Item 5(i)	EPA Board Governance Statement
Agenda Item 6(viii)	Greenhouse - SA Industry Information (amended)
Agenda Item 10(iv)	Speech by the Rt Hon Gordon Brown MP, Chancellor of the Exchequer at the Energy and Environment Ministerial Roundtable, 15 March 2005

## 2.1 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

Following discussion the Board resolved that:

*the Minutes of the meeting held on 24 November 2005, subject to the following amendments, be taken as read and confirmed:*

- *page 6, agenda item 6(i), note in the Minutes that Mr Hains left the meeting while the item was being discussed;*
- *page 10, agenda item 13(i), remove the words "following discussion" before "the Board resolved to".*

Carried

Minutes to be signed by Dr Vogel.

## 2.2 DRAFT COMMUNIQUES - 18 OCTOBER AND 24 NOVEMBER 2005

Following discussion the Board resolved to:

*approve the communiques for placement on the web, subject to minor amendments.*

Carried

**Action: Ms N Popovic**

Copies of the Minutes of Meeting No 168 and the communique, to be sent to the Minister for Environment and Conservation.

**Action: Ms C Kelly**

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

The Chair provided a report on action items arising from the previous Minutes.

## 4. REPORTS

### 4(i) Chair

#### (a) *Proposed format for the Board agenda*

An EPA Board revised agenda structure was tabled at the meeting.

Dr Vogel advised that Mr Nagel recently met with the Director, Policy Coordination and Strategic Services, to discuss an improved format for the Board agenda. Mr Nagel has suggested that the agenda clearly identify 'Strategic' and 'Operational' items.

The revised agenda will require each Director to provide a brief report on their Division's responsibilities which would include Key Performance Indicators and reports on Strategic Plan priorities (by exception), outstanding Board action items and emerging issues. Board papers emanating from that Division will also be dealt with during the Director's report.

The responsible Director will also provide a report on any projects under 'Strategic Items'.

The Board agreed to trial the new agenda format for its next meeting.

**Action: Dr P Vogel**

*(b) EPA Logo*

Dr Vogel reported that the Cabinet Communications Committee has decided the EPA will retain its logo (with discretion to use the Piping Shrike), further demonstrating the independence of the organisation.

**4(ii) Members**

*CE Performance Reporting - Working Group report*

Mr Hains reported that, following receipt of information from Dr Vogel, Mr Dennis Mutton (consultant) will be able to provide his report to the Working Group.

The Working Group will finalise the document out of session, via email, during January, and will report to the Board at its February 2006 meeting.

**Action: Mr S Hains**

**4(iii) A/Executive Officer**

No report.

**5. DECISION ITEM**

**5(i) EPA Board Governance Statement**

Following the tabling of a late paper the Board resolved to:

- (i) note that the members of the EPA Board Governance Working Group have provided comments to the draft Statement; these have been incorporated;*
- (ii) note the proposed communication strategy;*

- (iii) *provide comment on the draft Statement to Ms Popovic by 16 January 2006, for its endorsement at the 21 February 2006 meeting.*

Carried

Action: Ms N Popovic

Mr T Circelli, Director, Policy Coordination and Strategic Services Division entered the meeting at 2.50 pm.

## 6. DISCUSSION ITEMS

### Corporate Policy and Strategy

#### 6(i) 2008 State of the Environment Report for South Australia - Update Report

Following discussion the Board resolved to:

- (i) *support the revised governance arrangements for the 2008 State of the Environment (SoE) Report for South Australia, with a local government representative and an appropriate academic also being represented on the Executive Steering Committee;*
- (ii) *subject to clarification of funding arrangements, endorse the use of appropriate individuals to act as expert reviewers to undertake the independent review process;*
- (iii) *note that a more detailed timeframe and milestones for the project will be provided once a Project Manager is appointed in mid 2006;*
- (iv) *note that the source of funding for the SoE 2008 Report is an outstanding issue and subject to further discussion between the CE's of the EPA and DEH in the first instance; and*
- (v) *related to (iv) above, seek that key primary agencies take responsibility for the preparation and coordination of key chapters - noting that chapters are allocated on the basis of their relationship to the agency's programs and mandate.*

Carried

Action: Mr T Circelli

#### 6(ii) Round-table 2006

Following discussion the Board resolved to:

- (i) *endorse the suggested themes for the Roundtable 2006: the role of the EPA in Climate Change and how to engage business in broader resource efficiency;*

- (ii) *request that the attendees also be provided with the opportunity for broader discussion on EPA performance;*
- (iii) *endorse the revised participant list with the inclusion of:*
- *Holden Ltd;*
  - *Coles Myer Logistics;*
  - *Linfox Australia;*
  - *Santos Ltd;*
  - *BHP Billiton;*
  - *Intercast and Forge;*
  - *SA Road Transport Association;*
  - *Engineering Employers' Association;*
  - *Office of Sustainability;*
  - *Department of Trade and Economic Development;*
- (iv) *invite Mr Stephen Schneider, the 'thinker-in-residence' at the time of the Roundtable 2006, to attend as a key note speaker and participant;*
- (v) *request that Dr Vogel, in his introduction at the 2006 Roundtable, makes the following statement:*
- "The EPA Annual Roundtable, as part of the EPA Board's comprehensive consultation program, fulfills the Board's requirements under Section 19 of the Environment Protection Act 1993 (EP Act). The Board's consultation program aims to assess the views of interested bodies and persons on matters related to the operation of the EP Act or the protection, restoration or enhancement of the environment within the scope of the Act. In this context, it is the Board's intention to provide participants at all events with opportunities to comment on the performance of the EPA";*
- (vi) *request that the above statement, in (iv), be made by Dr Vogel at all future regional consultations and Roundtables as well as prefacing any written reference to Board consultation, eg Annual Report, Strategic Plan, EPA web site;*
- (vi) *endorse that the proposed responsibility for initial arrangements be delegated to the Chief Executive;*
- (vii) *note that a paper with final details will be provided closer to the Roundtable meeting.*

Carried

Action: Ms C Watkins

## Performance Monitoring and Accountability

### 6(ix) Delegations under the *Environment Protection Act 1993*

Following discussion the Board resolved to:

- (i) *revoke the previous delegation instrument dated 13 September 2005;*
- (ii) *delegate its powers and functions in accordance with section 115 of the Environment Protection Act 1993 as provided through the new instrument tabled at this meeting of the Board;*
- (iii) *note that the review of the methodology and administrative arrangements for delegations is progressing and that a report will be provided to the Board in early 2006.*

Carried

Action: Mr P Watters

## Corporate Policy and Strategy (continued)

### 6(iii) EPF Funding of Environmental Project on Kangaroo Island

Following discussion the Board resolved to:

- (i) *note the criteria agreed at its meeting of 13 September 2005 with regard to allocation of funds arising from prosecutions;*
- (ii) *inform Kangaroo Island Council:*
  - *that the Board has determined that it will not fund an environmental project on Kangaroo Island (KI) from the Environment Protection Fund;*
  - *that the EPA will continue to consider environmental issues that are significant on KI;*
  - *of all environmental projects that the EPA and Zero Waste have and are currently funding on KI, as well as any plans for future projects.*

Carried

Action: Ms N Popovic

Mr Circelli left the meeting at 4.15 pm.

Mr Farrington left the meeting at 4.15 pm.

## Strategic Risk Management

### 6(vi) Uranium In-Situ Operations - Licensing under the *Environment Protection Act 1993*

Following discussion the Board resolved to:

- (i) *note the outcomes from the meeting held on 23 November 2005;*
- (ii) *note that a further paper will be provided to the next meeting making recommendations based on a factual assessment as to whether the following parts of the uranium in-situ operations at Beverley are chemical works:*
  - *underground;*
  - *wellfields;*
  - *pipeline infrastructure;*
- (iii) *note that in a letter on 22 June 2005 the Australian Conservation Foundation was advised that "the EPA considers the licence at Beverley does not apply to the below ground aspects of ISL operations".*

Carried

Action: Mr K Baldry

### 6(v) Mount Lofty Ranges Watershed Protection Office - update

Following discussion the Board resolved to:

- (i) *note the overview paper on progress of issues in the Mount Lofty Ranges Watershed;*
- (ii) *note the briefing from the CE on the implications of the EPA restructure for the work of the Watershed Protection Office and its integration with the broader NRM institutional arrangements in the region;*
- (iii) *express concern at the unknown reporting and accountability arrangements of the Mount Lofty Ranges Water Resources Coordinating Committee;*
- (iv) *request that Dr Vogel raise the issue of reporting and accountability arrangements of the MLRWRCC with the CE NRM Group.*

Carried

Action: Dr P Vogel

## 6(vii) OneSteel

Following discussion the Board resolved to:

(i) *note the briefing on developments related to OneSteel;*

*This section has been removed pursuant to Board policy and/or legal requirements in relation to confidentiality. Criteria used for determining confidentiality can be viewed at [www.epa.sa.gov.au/boardminutes](http://www.epa.sa.gov.au/boardminutes)*

Carried

Action: Ms K Montgomerie

Mr Farrington re-entered the meeting at 4.45 pm.

## Corporate Policy and Strategy (continued)

### 6(iv) Culture Change and Performance Improvement Program

Following discussion the Board resolved to:

(i) *note the progress achieved during November/December;*

(ii) *note the proposed new structure and intended benefits;*

(iii) *note the preliminary findings of the CE - Branch meetings;*

(iv) *note the major activities programmed for the following six month period.*

Carried

Mr P Dolan, Director, Pollution Avoidance Division and Mr T Whitworth, Manager, Industry and Sustainability Branch entered the meeting at 5.05 pm.

## Strategic Risk Management (continued)

### 6(viii) Greenhouse - South Australian Industry Information

Following discussion the Board resolved to:

(i) *note that a Policy Working Group and a Technical Working Group have been established by EPHC to address and report to the Ministerial Council by April 2006 on issues relating to establishment of a nationally consistent reporting system for greenhouse gas emissions and energy use;*

(ii) *note that the information on annual energy use (hence energy-related CO<sub>2</sub>-equivalent emission) by industries licensed pursuant to the Environment Protection Act 1993 (the Act), is not*

*currently reported, thus the number and names of those captured by the reporting thresholds in the Victorian EPA is not available with confidence. Information provided is based on EPA staff estimation and knowledge of industry;*

- (iii) investigate the use of Section 48(2)(a) of the Act (relating to information included in annual returns by licence holders) as a means of obtaining appropriate information on annual fuel and energy use to ascertain environmental impact, greenhouse gas emissions and for benchmarking progress toward sustainability;*
- (iv) request that any negotiations are to consider possible legal and practical implications;*
- (v) provide a report to the Board regarding the outcomes of (iii) prior to the EPA Annual Roundtable in 2006.*

Carried

Action: Mr T Whitworth

Mr Dolan and Mr Whitworth left the meeting at 5.15 pm.

## 7. NOTING ITEMS

### Performance Monitoring and Accountability

#### 7(i) Financial Performance Reports for period ending October 2005

The Board resolved to:

*note the financial performance of the EPA as at the end of October 2005.*

Carried

#### 7(ii) Criteria for amending the Development Application Referral Schedules

The Board resolved to:

*note the findings of the investigation, to the effect that the deletion of four activities from Schedule 21 of the SA Development Regulations 1993 are consistent with the approaches taken by other states.*

Carried

## 8. MATTERS DEALT WITH OUT OF SESSION

9. CORRESPONDENCE

- (i) Incoming - Mr SC Davies, Joint and Several Deed Administrator, McGrath Nicol and Partners with an update on the progress made in addressing the requirements of the new Castalloy Manufacturing Pty Ltd and the initiatives that have been developed or are developing on-site to continue building the culture of improved environmental behaviour
- (ii) Outgoing - Mr SC Davies, Joint and Several Deed Administrator, McGrath Nicol and Partners, in response to the above correspondence

10. PAPERS TABLED FOR INFORMATION

- (i) The Contribution of Good Environmental Regulation to Competitiveness - Paper by the Network of Heads of European Environment Protection Agencies, November 2005
- (ii) Presentation by Dr Paul Vogel - "Attaining Sustainability: The Role of Environmental Regulation" - to the Business of Sustainability Conference and Trade Fair, 1/12/05
- (iii) Civil Penalties Communications Plan (and copy of resolution from the Board's 24 November 2005 meeting)

12. NOTING ITEMS (confidential agenda)

Performance Monitoring and Accountability

12(i) EPA Matters before the Court

The Board resolved to:

*note the report.*

Carried

13. CLOSE

The Chair closed the meeting at 5.20 pm.

11. DATE OF THE NEXT MEETING

The next Board meeting will be held at 3.00 pm on Tuesday, 21 February 2006 in the EPA Boardroom, 7<sup>th</sup> floor, 77 Grenfell Street, Adelaide.

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Dr Paul Vogel  
CHAIR

/ /2006

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Ms Corinne Kelly  
SECRETARY TO THE BOARD