



Environment Institute of Australia and New Zealand Inc.

Local Government and Environment Committee

Environment Protection Authority (Protection of Environment) Amendment Bill

18 September 2015



Executive Summary

On all issues and all projects the Environment Institute of Australia and New Zealand Inc. (EIANZ) advocates ethical good practice and environmental management delivered by competent and well credentialed environmental practitioners.

The EIANZ supports the inclusion of the proposed additional objective to the role of the Environmental Protection Authority to make the Agency's responsibilities in relation to the protection of the environment clearer.

The EIANZ is concerned that the current wording of the Act creates ambiguities for the Authority's staff and the public about the organisation's role in environmental management and the relationship of the EPA Act to other environmental and planning regulations.

The omission of such an objective from the original legislation can only be seen as an oversight which the proposed amendment will address.

1. Environmental Association of Australia and New Zealand (EIANZ)

The EIANZ champions good science as the foundation of good practice environmental management. It also champions the rule of law.

The EIANZ is the leading professional body for environmental practitioners in Australia and New Zealand, promoting independent and interdisciplinary discourse on good practice environmental management, and holding its members accountable to the EIANZ Code of Ethics and Professional Conduct.

Clarifying the role of the EPA by the proposed additional objective will assist the EIANZ and other similar organisations to better understand and work with the EPA.

2. The importance of avoiding ambiguity for professional accountability

For environmental practitioners to be accountable for their professional decision-making they need to have clear guidance on their roles and responsibilities and the objectives their activities should achieve.

The objectives as set out in the current EPA Act - especially when placed against the title of the organisation - has led to uncertainty and ambiguity about the purpose of the EPA in the minds of the staff and the public as the recent reviews of the Agency have disclosed.

The title of the agency implies that its principle function is to protect the environment. Yet the objectives set out in the current Act do not make reference to environmental protection. The current objectives are:

- To undertake its functions in a way that—
- (a) contributes to the efficient, effective, and transparent management of New Zealand's environment and natural and physical resources; and
 - (b) enables New Zealand to meet its international obligations.

The proposal to add a 3rd objective

"(c) promotes, maintains and enhances New Zealand's environment"

will remove the current ambiguity for staff and decision-makers as to what factors need to be taken into account in their decision-making.

Legislative consistency

The addition of this third objective will also provide greater consistency across New Zealand's environmental legislation including, the Purpose and Principles of the Resource Management Act 1991 (particularly Sections 5 and 6), and the legislation governing New Zealand's marine environment and the Climate Change Response Act 2002 which provides for the implementation of a greenhouse emissions trading scheme *"that supports and encourages global efforts to reduce the emission of greenhouse gases ..."*

While the current objective (b) can be seen to support this objective of the Climate Change Response Act, the addition of the proposed clause will serve to make this explicit.

3. Conclusion

As the leading professional body for environmental practitioners in Australia and New Zealand, EIANZ supports the addition of the proposed third objective (c) to the EPA Act.

The EIANZ considers that the proposal to amend the EPA Act to make this Agency's responsibility for protecting our environment more explicit is consistent with good practice in environmental management and assessment and to provide the necessary independent environmental advice to Parliament and the Government. It increases transparency, rigour and accountability which in turn strengthens governance in relation to environmental decision making.

A handwritten signature in black ink, appearing to read "I. K. Boothroyd".

Dr Ian Boothroyd FRSB, CBiol, MEnvNZ, CEnvP, MRSNZ

President, NZ Chapter EIANZ
