

Fact Sheet: An EPA with Teeth

The Greens' *Environmental Management and Pollution Control Amendment (Environment Protection) Bill 2024* will:

Refocus the Act on the protection of the environment.

The Greens' bill renames the Act from the Environmental Management and Pollution Control Act to the Environmental Protection Act and realigns the law to deal with environmental harm, rather than simply focusing on pollution.

The Bill reinstates "to protect the environment of Tasmania" as a function of the EPA board, which was removed by Labor in 2008.

Make the Environment Protection Authority truly independent.

By removing the minister's ability to issue the EPA with a Statement of Expectations, and the requirement for the EPA to abide by that.

Introduce new tools to protect the environment.

The bill gives the tribunal (TasCAT) the power to make a monetary benefit order – an additional fine to ensure the penalty for breaking the law is at least as much as the benefit gained from doing so.

TasCAT could also make an adverse publicity order – a public admission that an individual or company had breached the Act.

We would also give TasCAT the power to require an environmental audit to be undertaken.

The bill also introduces offences for multiple contraventions and aggravated breaches of environmental duty.

Introduce principles to be observed when applying the Act.

The principles are: precautionary and proportionality principles; preferring the prevention of environmental harm to mitigating harm; decisions based on best available evidence; and requiring those who cause or benefit from environmental harm to bear the costs of fixing it.

Strengthen existing mechanisms under the Act.

The bill will redefine "best practice environmental management" to genuinely reflect best practice; require financial bonds for a person or company if there is a history of Act breaches or there's significant risk of environmental harm; widen the scope for permits to be referred for assessment; and strengthen the general environmental duty.

The bill also adds additional members to the EPA board, including a person nominated by the Aboriginal Heritage Council and increased penalties to reflect community expectations.

Strengthen Transparency and Consultation requirements.

The bill will make public consultation a requirement before granting an environmental licence, remove fees to search a register of environmental management and enforcement instruments, and make registers public.

It also introduces a standard legislative 'good faith' defence provision for a regulator disclosing trade secrets - to avoid a chilling effect on transparency.