



Environment Protection Authority

Information Guide 2022



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See also www.epa.nsw.gov.au

ISBN 978 1 922778 63 5

EPA 2022P4032

September 2022

Acknowledgement of Country

The NSW Environment Protection Authority (EPA) acknowledges the traditional custodians of the waters and land on which we live and work, and we pay our respects to Elders past, present and emerging.

We recognise the connection to their land, their waters and surrounding communities and acknowledge their history here on this land.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

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Purpose

This information guide describes the Environment Protection Authority's structure and functions and how those functions affect the public, as well as the types of information held by the EPA and how such information is made publicly available.

The *Government Information (Public Access) Act 2009* (GIPA Act) makes it mandatory for agencies to publish an information guide.

Structure and functions

Who we are

The Environment Protection Authority is a statutory corporation established by the *Protection of the Environment Administration Act 1991*.

The EPA is the primary environmental regulator for New South Wales, shaping positive environmental outcomes to ensure healthy environments, economies and communities.

We work alongside Federal, State and local governments, to deliver environmental outcomes for the people of NSW. The EPA is a statutory authority with an independent and expertise-based governing Board that oversees and monitors the EPA's achievement of environmental and health outcomes.

What we do

Our core objectives are to protect, restore and enhance the quality of the environment, having regard for the need to maintain ecologically sustainable development; and to reduce the risks to human health and prevent the degradation of the environment.

We are responsible for environmental regulation in NSW. Using a suite of legislation, our work establishes a strong basis for regulation that is outcomes-focused, proactive and contains appropriate compliance mechanisms.

We use innovative and effective tools that combine enforcement and education, business and community partnerships and economic mechanisms, to address challenging environmental issues.

As NSW Functional Area Coordinator for environmental services, we work alongside combat agencies to prepare for, respond to and recover from emergencies and natural hazards.

The EPA has a balanced regulatory approach with eight elements that we may use at the same time, in any combination or in any series (depending on the individual circumstances or the type of environmental issue). In everything we do we aim to assess the greatest risks and address the biggest impacts to human health and the environment. We focus our activities to achieve the best outcomes.

The eight elements of our regulatory approach are:

- **Influence:** We influence people, businesses, government, research and science to make changes towards better environmental and human health outcomes.
- **Listen:** We listen and actively engage with people to understand the issues affecting them and their ideas for addressing the issues.
- **Educate:** We educate community, industry and government about environmental and human health issues, and provide guidance about how people or industry can meet or exceed their legal obligations.

- **Enable:** Through our services, and in partnership with industry and government, we enable individuals, businesses and co-regulators to protect, restore and enhance the environment.
- **Act:** We act to investigate and solve problems with science and research underpinning our regulatory reform.
- **Enforce:** We use our legal powers to achieve compliance when needed.
- **Monitor:** We monitor the state of the environment and monitor compliance against legal obligations.
- **Require:** We require compliance of legislation, regulatory instruments, licences, duties, mandatory training and accreditation.

We are working towards developing our operating model in pursuit of our goal of being a world-class regulator. This includes developing our people and cultural initiatives and shaping our workforce strategy.

Our aspiration to become a world-class regulator

We have identified the five key characteristics of our agency that will drive our world-class regulation:

1. a learning mindset
2. outcomes-focused
3. responsive and adaptive
4. purpose- and people-centred
5. service-oriented.

These elements are a key area of exploration behind the workforce strategy and will be used to drive the capability and characteristics of our current and future workforce, the work we do and future considerations for being a contemporary and adaptive regulator.

Our vision, purpose and strategic priorities

The EPA has a vision of 'best living on the planet forever'. Our purpose is healthy environments, economies and communities. Our *Strategic Plan 2021–24* outlines how we will deliver on five strategic focus areas:

1. ecologically sustainable development
2. waste
3. water quality
4. legacy and emerging contaminants
5. climate change.

Our *Strategic Plan 2021–24*, together with our *Regulatory Strategy 2021–24*, outlines our clear ambition to be a world-class regulator. The plan describes how we will be the stewards of the environment and use all the regulatory tools to protect and enhance the environment we live in, today and in the future. It allows the EPA to be responsive and adaptive across the three-year horizon and to emerging environmental challenges.

Our organisational structure

The EPA is part of the NSW Government Planning and Environment Cluster and sits in the portfolio of the Minister for Environment and Heritage.

The EPA is divided into seven functional areas:

- **Regulatory Operations Metro.** This includes incident management and environmental health, and three operational branches.

- **Regulatory Operations Regional.** This includes major compliance and investigations, and three operational branches.
- **Regulatory Practice and Environmental Solutions.** This includes regulatory practice; data, intelligence and insights; digital transformation; and two 'environmental solutions' branches that provide technical and subject matter expertise.
- **Regulatory Policy, Initiatives and Advice.** This includes regulatory policy, major projects, Aboriginal initiatives and environment protection planning.
- **Engagement, Education and Programs.** This includes engagement, public affairs, education and programs, the container deposit scheme, circular economy programs and customer service.
- **Legal and Corporate.** This includes litigation, legislation, legal advice, finance, capability and talent, audit and assurance.
- **Governance, Risk and Planning.** This includes ministerial and parliamentary coordination, strategic and business planning, governance, privacy, performance, risk management, statutory reporting and information access.

Stakeholder engagement

Stakeholder engagement ensures that the people of NSW can contribute to our decisions and help us develop and implement good policy. It can also help us identify opportunities to improve service delivery and customer satisfaction.

Listening to the community and stakeholders

The EPA actively engages with and listens to communities and stakeholders to understand and respond to emerging, current or legacy environmental threats, to achieve better human health and environmental outcomes. We promptly respond to feedback provided to us.

We are contactable via EPA Environment Line, a one-stop pollution and environmental incident reporting service.

Through our [Have Your Say](#) website, we invite the views of communities and business about specific environmental projects or proposed changes or additions to our environmental legislation.

We help communities engage with their industrial neighbours, key stakeholders and with us on these issues, by coordinating community groups.

We recognise the importance of listening to and working with Aboriginal communities and organisations, and facilitate direct pathways for influencing decision-making on environmental issues.

We regularly seek the views of the community, industry and government through different engagement opportunities, including EPA roadshows and EPA stakeholder surveys.

We partner with fellow government agencies, academic institutions and interested parties to increase our knowledge, strengthen our insights, expand our reach and create environmental solutions needed for today and the future.

We listen to our youth and are interested in their views on environmental protection.

Accessing information

Information the EPA holds

The EPA holds a wide variety of information about its operations, procedures and policies, along with data and other information relating to its functions. Major categories of information include:

- documents such as policies, scientific, technical, research and other reports, environmental guidelines, procedures, manuals, publications, brochures, maps, plans and documents on internal administration of the agency (briefing papers, submissions, correspondence, delegations, memoranda and minutes)
- documents provided to the EPA by members of the public, agencies, businesses, community organisations and other third parties
- information held in hardcopy, electronic, digital, visual and audio form on our website and in our records management system, databases, computer drives, email boxes, intranet, archive storage and in physical forms such as notebooks.

Proactive release of information

Much of the information EPA holds is publicly available and proactively released via the EPA website, free of charge. It includes information in public registers, documents tabled in the NSW Parliament, corporate policies and guidelines, and regulatory policies and guidelines.

Public registers

- Environment protection licences
- Dangerous goods licences
- Pesticide licences
- Radiation licences
- Contaminated land public register
- Contaminated land management orders
- Penalty infringement notices
- Clean-up notices
- Prevention notices
- Native forestry public register – approved private native forestry property vegetation plans
- Hunter River Salinity Trading Scheme information, such as HRSTS participants, river registers and an online credit exchange facility
- Compliance audits
- Disclosure log, which lists requests for access to information held by the EPA
- Civil proceedings
- Enforceable undertakings

Documents tabled in Parliament

- *EPA Annual Report*
- EPA Board's annual statement to the Minister (*Regulatory Assurance Statement*)
- *NSW State of the Environment* reports
- *NSW Forestry Snapshot Report*
- *Statutory Review: Radiation Control Act 1990*

Corporate policies and guidelines

- *EPA Code of Ethics and Conduct*
- *Gifts, Benefits and Hospitality Policy*
- *Sponsorship Policy*
- *EPA Grants Management Policy*
- *Privacy Management Plan*
- *EPA Compliance Management Framework*
- *Fraud and Corruption Control Policy*

Regulatory policies and guidelines

- *Strategic Plan 2021–24*
- *Regulatory Strategy 2021–24*
- *Regulatory Policy 2021–24*
- *Prosecution guidelines*
- *Waste and Sustainable Materials Strategy 2041 Stage 1: 2021–2027*
- *Powers and Notices guideline*
- *Waste Delivery Plan*
- *NSW Energy from Waste Policy Statement*
- *Energy from Waste Infrastructure Plan*
- *Guide to the NSW Energy from Waste framework*
- *Waste classification guidelines [several documents]*
- *Waste Levy Guidelines*
- *Guideline: Pollution Incident Response Management Plans*
- *Guidelines for seeking environmental court orders* (webpage)¹
- *Guidelines on Enforceable Undertakings*
- *Guidelines on EPA use of unmanned aircraft*
- *Guidelines on recovering monetary benefits from environmental offenders*
- *Financial Assurance Policy*
- *Estimating financial assurances: Guideline on Independent Assessment of Costs*
- *Target Shooting Ranges: Application Note for Assessing Noise Compliance* (2015)
- *Approved Methods for Testing Noise Emissions* (2017)
- *Approved methods for the measurement and analysis of environmental noise in NSW* (2022)
- *Approved methods for the sampling and analysis of water pollutants in NSW* (2022)
- *Approved methods for the modelling and assessment of air pollutants in NSW* (2017)
- *Coastal IFOA Guidance: Guidance for the identification of hollow-bearing trees* (2021)
- *Coastal IFOA Guidance: Road drainage spacing guidance* (2020)
- *Coastal IFOA Guidance: Track drainage spacing guidance* (2020)
- *Chemical control orders* (webpage)²
- *Contaminated Land Consultant Certification Policy*

¹ <https://www.epa.nsw.gov.au/licensing-and-regulation/legislation-and-compliance/policies-and-guidelines/guidelines-seeking-enviro-court-orders>

² <https://www.epa.nsw.gov.au/your-environment/chemicals/chemical-control-orders>

Requests for information

The EPA can only refuse access to information if the public interests against disclosure outweigh the interests in favour of disclosure. There is no limit to the matters considered in favour of releasing information.

Government Information (Public Access) Act 2009 (GIPA Act)

The GIPA Act facilitates the right to access government information unless there is an overriding public interest against its release. This can apply to information such as:

- Cabinet information
- information that would breach another person's privacy
- information that would prejudice someone's business, commercial, professional or financial interests
- information that would affect law enforcement and security
- information relating to sensitive threatened species and Aboriginal cultural heritage issues.

Formal application to access information held by the EPA

The process for making a formal application is on the EPA's website.³

If you need help in filling out the application form, please email a Governance Officer at gipa.privacy@epa.nsw.gov.au.

Service fees

In addition to the \$30 application fee, EPA may charge \$30 per hour after the first hour to search for the information, consult third parties and decide about access. (The exception is if the request is for personal information, in which case the first 20 processing hours are free.)

A 50% reduction is available for an applicant who is:

- suffering financial hardship

or

- a full-time student

or

- a not-for-profit organisation

or

- can show that the information is of special benefit to the public generally.

Other government information sources

More than 14,000 datasets throughout the NSW Government sector can be accessed through an open portal, data.nsw.gov.au.

³ <https://www.epa.nsw.gov.au/about-us/access-to-information/obtaining-information>

Contact information

For further information, you can contact the EPA using the details below:

Post: Environment Protection Authority, Locked Bag 5022, Parramatta NSW 2124

Email: info@epa.nsw.gov.au

Website: www.epa.nsw.gov.au

Phone: 02 9995 5000 (switchboard)
131 555 (NSW only – publications requests and environment information)

Head office: 6&8 Parramatta Square, 10 Darcy Street, Parramatta NSW 2150

Role of the Information Commissioner

Under the Government Information (Public Access) Act, anyone may complain to the Information Commissioner about the conduct of the EPA in its exercise of functions, including about conduct that is alleged to constitute a contravention of the GIPA Act.

A complaint to the Information Commissioner may be made in one of the following ways:

Post: GPO Box 7011, SYDNEY NSW 2001

Email: info@ipc.nsw.gov.au

Phone: 1800 472 679

In person: Level 15, McKell Building 2–24 Rawson Place, Haymarket NSW 2000

Review

The EPA Director, Governance, Risk and Planning will review this information guide annually. The next review is due in July 2023.