



## Annual Report 09



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# About us

## Chair's report

I am pleased to provide the Environment Protection Authority's second annual report. As the EPA has been established now for around 18 months, this is also our first full report.

The end of the 2008/09 financial year marked the conclusion of our primary establishment phase and the maturation of this small organisation with the release of some substantial work. This early period has been both challenging and exciting.

In the past year we have: set up a fully functioning office in Darwin; recruited a small team of five staff to support the Board; negotiated a number of items with the Minister; produced a three year strategic plan; and created a new logo and branding. As for any new organisation, our beginning has taken time. There is still much to do, but the EPA is now well on its way to being fully operational. We are both pleased and proud of the effort that has gone into establishing the Authority.

We have now produced two important public discussion papers – *Establishing Principles of Ecologically Sustainable Development for the Northern Territory* and a *Review of the Environmental Impact Assessment Process in the Northern Territory*. In addition we announced a new project – a *Review of Decision Making in the Darwin Harbour Region*.

We also held a number of public events and forums. In early 2008 over 100 people attended a workshop on community based social marketing which received excellent reviews. In June 2010 the EPA will partner with the Environment Centre of the Northern Territory and others to host a Sustainable Living Festival, which we hope will become an annual platform for sustainability.

This year have had the opportunity to spend time in regional centres of the Northern Territory, holding board meetings in Alice Springs and Nhulunbuy. In both towns we were fortunate to converse with people and organisations committed to a healthy environment and healthy communities. We drew inspiration from their work and have committed to explore some of the ideas discussed, including the potential of community based environmental management.

At time of writing, the Northern Territory Government is actively debating the EPA's future role and purpose. The associated resourcing discussions are critically important for the future development of the EPA.

The authority we have currently is part of a recent evolution towards "monitory democracy". This term describes the increasingly important role of public scrutiny and control over the exercise of power by decision makers. The present EPA model demonstrates that we are capable of being a brave Northern Territory, one that is prepared to be different and open to taking a lead in transparent decision making through the incorporation of independent advice.

The EPA remains committed to being a relevant and cost-effective watchdog for the Northern Territory. In our continued evolution, we will encourage innovation in thought and preserve our focus on big picture reform.

We hope that you can join us on our journey.



**Dr Andrew Tupper**  
Chair

# About us

## Vision

*A prosperous Northern Territory where the natural, cultural and social environments are cared for, valued and respected.*



### Our guiding principles

- Provide independent and transparent advice
- Demonstrate accountability
- Enable meaningful participation and engagement across cultures and regions
- Promote integration across government agencies
- Operate efficiently

### Our strategic objectives

- Protect environmental and community values to ensure the distinctiveness of the Northern Territory environment is maintained
- Promote best practice and continuous improvement with respect to the principles of ecologically sustainable development
- Promote innovative and adaptive sustainable development and triple bottom line accountability at all levels, including capacity building within government and industry
- Foster the principles of ecologically sustainable development e.g.:
  - application of the precautionary principle
  - inter and intra-generational equity
  - conservation of biological diversity and ecological integrity
  - improved valuation, pricing and incentive mechanisms and 'polluter pays'
- Promote policy and regulatory clarity to avoid duplication and uncertainty



# About us

## Who we are

### Our establishment

In October 2007, the Northern Territory Parliament passed the *Environment Protection Authority Act* to establish the new organisation.

When the EPA was created there was a strong intent that it would not replicate the existing regulatory and enforcement roles of government on a project by project basis. Rather, the new EPA was to be more of a legal, policy, and institutional sustainability ombudsman.

The EPA began operation in March 2008 with logistics such as hiring staff and setting up an office in Darwin.

The executive director, chair and members conducted an extensive round of meetings to introduce the new organisation to key government and non-government organisations.

By the end of the first year the EPA had commenced work on three major projects and began to plan ahead for the next three years by documenting its vision for the future in a formal strategic plan.

### Our purpose and role

The EPA was established as an independent body to lead the adoption of innovative and contemporary frameworks for sustainable development.

This is done primarily by addressing the systemic reform required to Northern Territory law and procedures. The EPA also responds to specific and immediate issues by accepting public referrals from the community, business, government and non-government organisations.

Individual projects that are referred to the EPA are investigated further where they:

- serve to address wider systemic issues relating to sustainable development;
- enhance decision-making to support environmental protection;
- or relate to the broad public interest.

While the operational delivery of environmental protection regulation is the responsibility of relevant government departments, the EPA maintains an on-going monitoring role to review how effectively Government is delivering these services.



# About us

## Who we are

### Our functions and powers

The role of the EPA is described in the *Environment Protection Authority Act*:

- The EPA is to give advice and make recommendations to the Territory, businesses and the community about matters to do with ecologically sustainable development (Section 5).
- The EPA “may do all things necessary or convenient to enable it to perform its functions” but must consult with agencies, businesses and the community (Sections 6 and 7).
- The EPA is not subject to the Minister’s direction, particularly in relation to the contents of its advice (Section 8).

### Our board members

The *Environment Protection Authority Act* provides for the appointment of between four and seven members based on their expertise. The members are appointed by the Administrator of the Northern Territory and the chair is then appointed by the minister. Members are appointed for a period of up to three years.

The authority members for the reporting period were:

- Dr Andrew Tupper (Chair)
- Professor Donna Craig
- Mrs Judith King
- Professor Gordon Duff

### Our minister

The EPA is an independent statutory authority. Our advice to Government is provided to the Minister for Natural Resources, Environment and Heritage.

During the 2008-09 reporting period there were two ministers who held this role: the Hon Len Kiely, MLA and the Hon Alison Anderson, MLA.



### Dr Andrew Tupper (Chair)

Andrew Tupper has resided in Darwin for 17 years and is the Northern Territory Regional Director of the Bureau of Meteorology.

Andrew is particularly interested in how humans live with natural hazards. He is currently a member of the Northern Territory Bushfires Council and co-chair of the World Organisation of Volcano Observatories. He also represents Australia on an operations group of the International Civil Aviation Organisation.

Andrew has a Bachelor of Science with Honours in meteorology from the University of Melbourne and a PhD in meteorology from Monash University.

# About us

## Who we are



### **Mrs Judith King**

Judith King has been a director of the Northern Territory Power and Water Corporation since 2000. She is now chair of the corporation and previously held the role of deputy chair. She has over twenty years experience as a member of both private and public sector boards.

Judith is deputy chair of the Victorian Commission for Gambling Regulation. She is also a director of the National Ageing Medical Research Institute, Swinburne Ventures Ltd. and chair of the Victorian State Services Authority Audit Committee. She was awarded an Australian Centenary Medal in 2003.

Judith was also a member of the Interim EPA Board that conducted widespread community consultation in the Northern Territory in 2006 on the form and function of an Environment Protection Authority.



### **Professor Gordon Duff**

Gordon Duff was Chief Executive Officer of the Tropical Savannas Management CRC from 2001 to 2006 and Professor of Environmental Science at Deakin University from 1996 to 2001. Prior to that Professor Duff conducted research in plant ecology and physiology at Charles Darwin University, where he also worked on natural and cultural resource management. He has a wealth of experience in environmental management in northern Australia.

Gordon is now Chief Executive Officer of the Cooperative Research Centre (CRC) for Forestry based in Hobart. He is also chairman of the Tasmanian Forest Practices Authority.

He has a Bachelor of Science (Honours) from the University of Tasmania, a PhD in plant ecology from James Cook University and he is a fellow of the Australian Institute of Company Directors.

Gordon was also chair of the Interim EPA Board in 2006.



# About us

## Who we are



### **Professor Donna Craig**

Donna Craig is a specialist in international, comparative and national environmental law and policy (LLM, York University, 1983). She was one of the founders of Macquarie University Centre for Environmental Law (1983) and a key member of the Centre until her current appointment as a Professor of Environmental Law, School of Law, at the University of Western Sydney. Donna also held a research chair as Professor of Desert Knowledge, Charles Darwin University from 2004-2007.

She has over 30 years experience in research, legal practice, teaching and working with communities, non-government organisations, indigenous peoples' organisations, governments and corporations.

Her research and publications emphasise the social, cultural and human rights dimensions of legislation, programs, impact assessment and sustainable development. Her water law research includes resource management, capacity building and Indigenous cultural value issues. She also works with Aboriginal organisations developing natural resource based livelihoods and advising on national and international legal regimes.

Donna served for eight years as regional vice-chair for Oceania of the World Conservation Union, Commission of Environmental Law. She is the regional governor of the International Council on Environmental Law and a member of Advisory Board of Greenland-based International Training Centre of Indigenous Peoples.

Donna was also a member of the Interim EPA Board.

# Operating framework

## Establishment activities

### Our staff

In the past 12 months two of the EPA's positions have been filled permanently – the roles of executive director and office manager.

As the budget allows for a total of five secretariat staff, three additional temporary positions will be filled permanently in the next financial year to support communications management and policy development.



The position of executive director was won by Ms Juanita Croft. Juanita's background is in environmental planning, policy and regulation. When appointed Juanita had been living for about five years in the Northern Territory. At this time she was employed as director of Environmental Assessment and Policy for the Department of Natural Resources, Environment, the Arts and Sport. Prior to moving to Darwin, Juanita was based in Sydney where she spent seven years working for the then NSW Environment Protection Authority and before this, six years with the Planning Department. Her work experience has focussed on land use planning, regulatory reform and policy, and the regulation of petro-chemical and metallurgical industries in Sydney.



### Our office, our systems and our image

In April 2009 the Environment Protection Authority moved from a temporary location within a branch office of the Department of Natural Resources, Environment and the Arts and Sport. The EPA is now co-located with the Natural Resource Management Board on level 5 Harbour View Plaza, 8 McMinn Street, Darwin.

The establishment of the new office included painting and refurbishment, setting up computers and networks, and the purchase of office equipment, furnishings and signage.

The EPA also finalised a new logo in June 2009. During the next reporting period, the refreshed brand will be applied across all publications and communications including a new EPA website ([www.epa.nt.gov.au](http://www.epa.nt.gov.au)).



# Our operating framework

## Strategic planning

The EPA recognises that establishing guidelines and plans will provide clarity and consistency to our operations, both internally and in our interactions with stakeholders and the community.

### Strategic plan

In addition to progressing work on a number of 'agenda setting' projects, the EPA has invested substantial energy into its establishment over the past 12 months. An important step in this early phase was the development of the EPA's first strategic plan.

The Northern Territory established a contemporary model of EPA to oversee how effectively government laws and decision making are protecting the environment and guided by the principles of ecologically sustainable development. There is, however, still a degree of public confusion about the role and focus of the EPA. Accordingly, the EPA commenced the development of a strategic plan by speaking to a sample of its key stakeholders. A number commented that it was important that the work of the EPA was seen to be relevant to on-the-ground issues of public concern.

Following this feedback the EPA began developing a memorandum of understanding with the Department of Natural Resources, Environment, the Arts and Sport to enable the scrutiny of pollution incidents as well as access to public complaints on pollution management. The EPA also began drafting procedures for the receipt of public referrals.

During two strategic planning sessions held in March 2009, the EPA identified that its strategic direction for the next 1-3 years would build upon its review of the *Environmental Impact Assessment Act* with a continued focus on the regulatory reform required in the Northern Territory,

The Strategic Plan sets out the EPA's overall approach to work delivery as:

- delivery of agenda setting projects
- contributing to the broader Northern Territory debate
- informing and engaging

This strategic planning framework will continue to inform how the EPA prioritises its work.

The strategic plan will be available on the EPA website ([www.epa.nt.gov.au](http://www.epa.nt.gov.au)) from August 2009.



# Agenda setting projects

## Principles of ecologically sustainable development

In 2008 the Environment Protection Authority agreed that its first task would be to develop principles of ecologically sustainable development (ESD) for the Northern Territory. This important project will help to shape a common understanding of this frequently cited concept.

These principles of ecologically sustainable development will publicly articulate the Northern Territory's desired position and encourage actions that are consistent with the agreed approach.

The six specific principles proposed by the EPA integrate agreed national and international principles and also reflect values based on the Northern Territory's environment, social and economic circumstances.

To assist public understanding and foster community input, the EPA held public meetings in Alice Springs and Darwin in 2008. Members of the public, community groups, non-government organisations and industry were invited to speak on ESD and related

issues. Participants also provided their views on opportunities and constraints in the Northern Territory for such principles to be put into practice. Some community members contributed to the debate by on-line forum.

In February 2009 the EPA released a public paper discussing the definition of ESD and proposing a number of principles relevant to the Northern Territory circumstance. The paper was available for public comment until the end of May 2009. 15 formal submissions were received.

The EPA is already drawing upon the draft principles when providing comment on various government initiatives (as outlined below on page 14).

It is our expectation that the values of ecologically sustainable development will be increasingly incorporated into legislation, policy and planning to more strongly inform how the Northern Territory goes about its business.

The principles will be finalised in late 2009.

### Draft principles of ecologically sustainable development

1. Ecologically sustainable development is necessary to support a strong, diversified and healthy Northern Territory society.
2. The nature dependent Northern Territory identity is to be protected and promoted.
3. Equity and social cohesion are intrinsic to how the Northern Territory operates.
4. The public sector must lead in the advocacy and enactment of ecologically sustainable development in the Northern Territory.
5. The Northern Territory community and business are key partners in ecologically sustainable development.
6. Acknowledging and addressing regional circumstances is required to achieve ecologically sustainable development in the Northern Territory.

# Agenda setting projects

## Review of the Northern Territory's environmental impact assessment procedures

In March 2008 the Minister for Natural Resources, Environment and Heritage requested that the EPA investigate the environmental assessment and approval processes outlined in the *Environmental Assessment Act* for major development proposals.

Using its legislated powers, the EPA extended the terms of reference to consider:

- the *Environmental Assessment Act* in full;
- principles, objectives and procedures of environmental assessment;
- best practice environmental assessment examples from other jurisdictions; and
- possibilities for a future Northern Territory environmental assessment model.



In February 2009 the EPA released the final terms of reference for the review and began work on a discussion paper to: promote a greater understanding of issues pertaining to environmental impact assessment procedures, encourage public debate and elicit comment from the wider community.

The discussion paper was released for public exhibition in May 2009 for a four month period, ending in September 2009.

The paper details the current Northern Territory legislation and administrative procedures and looks at contemporary best practice examples of environmental impact assessment. The EPA has identified key issues and made preliminary recommendations about how the environmental assessment process might be more efficient, transparent and accountable in the future. The paper can be found on the EPA website, [www.epa.nt.gov.au](http://www.epa.nt.gov.au).

The EPA will also consult across the Northern Territory. A series of public forums will be held in Darwin and Alice Springs as well as meetings in regional and remote areas conducted throughout August and September 2009.

Within the next reporting period, the EPA will report back to the Minister for Natural Resources, Environment and Heritage with final recommendations on the improvements needed to the Northern Territory's environmental impact assessment procedures.



# Agenda setting projects

## Darwin Harbour review

The Darwin Harbour region is a key location where ecologically sustainable development in the Northern Territory is heavily debated. Destined to be the focus of future growth and development for the Northern Territory, the area is subject to demands from a range of different sources.

In April 2009 the EPA initiated an investigation into whether the growth and development of Darwin Harbour can be guided by the principles of ecologically sustainable development, with specific reference to the Regional Plan of Management developed by the Darwin Harbour Advisory Committee.

There are numerous pieces of legislation which determine how land and resources are allocated, developed and managed for a specific use in Darwin Harbour; the EPA is therefore asking the following questions:



- Is decision-making under these pieces of legislation being guided by common principles (such as community consultation)?
- How does decision-making identify and take into account the competing values of the region? and,
- Is decision-making occurring in an integrated manner?

The intent of this project is to recommend to the Northern Territory Government how an agreed vision for Darwin Harbour can be supported and implemented in line with the principles of ecologically sustainable development.

Work has commenced with a desktop review of legislation relevant to the Darwin Harbour region being prepared by the Environmental Defender's Office.

## Contributing to the broader debate

### Our submissions

In addition to conducting its own reviews, the EPA recognises that its submission to other government reviews are an important means of encouraging the wider adoption of the principles of sustainability.

These principles can provide direction for government in areas of governance and policy development.

Submissions to the following government reviews are published on our website:

- Draft Territory 2030 Strategy
- Review of the *Public Sector Employment and Management Act (PSEMA)*
- Draft Management Program for the Saltwater Crocodile
- Draft Darwin Harbour Regional Management Strategic Framework 2009-2013
- Towards a Sport and Active Recreation Policy
- Discussion paper for Framing a Living Rivers Strategy

# Informing and engaging

## Workshops and public events

In order to make the most effective use of limited resources the Environment Protection Authority aims to provide a small but targeted education and awareness raising program. This will be directed at key stakeholder groups to address their identified priorities as well as providing an opportunity to communicate the EPA's major project findings. The EPA will work to initiate, foster or partner with other organisations to support education activities that advance best practice sustainable behaviour in the Northern Territory.



### Fostering sustainable behaviour workshops

In February 2009 the Environment Protection Authority hosted Canadian author and environmental psychologist Dr Doug McKenzie-Mohr to deliver an introductory and advanced workshop on designing environmental behavioural change programs using Community Based Social Marketing ([www.cbsm.com](http://www.cbsm.com))

Just over 100 people attended the introductory 'Fostering Sustainable Behaviour' workshop and 75 attended the advanced workshop on the following day. The EPA sponsored the cost of workshop attendance for 16 community participants and subsidised the cost of participants travelling from outside the greater Darwin area.

The presenter received excellent evaluation scores rating 4 out of 5 or higher from all participants.

The overwhelming comment about the workshops was the high calibre of the presenter and the empowering topic. A number of the people commented that it was a great professional development opportunity, and the EPA was widely commended for hosting the function.

Approximately 40 people also attended a free industry breakfast to hear Dr McKenzie-Mohr speak about the community based social marketing approach. Verbal feedback provided to EPA staff and board members about this event was also consistently positive.

An outcome for the EPA was the creation of considerable network of interested stakeholders.

# Future priorities

## Projects and frameworks



The EPA has determined that its focus will remain on regulatory reform within the Northern Territory; however the priority is to ensure the relevance of this work to emerging environmental or regulatory issues within the Northern Territory. Key future projects will therefore focus on emerging issues.

For example, at the conclusion of the current work on the procedures for environmental impact assessment, the EPA intends to examine the industry specific procedures relevant to uranium and rare earth mining proposals, recognising the increasing demand expected from this resource sector in future years.

The EPA will also examine how community based natural resource management can be initiated and encouraged through the environmental impact assessment process as an option for environmental management and compliance within more remote areas.

Another priority for the EPA is the continued adoption of the principles of ecologically sustainable development by government, business and the community. The current work of the EPA has focussed on understanding, within the Northern Territory context, the application and relevance of these principles. Future work will drive the establishment of the statutory and strategic frameworks needed to support their integration into day-to-day business.

### **Establishing clear operating frameworks to guide our relationships**

The success of the EPA and its work is highly dependent upon its relationships with government, business and community.

The EPA's function in respect to government and government departments is complex. For example, the EPA has legislative powers to require government departments to provide it with information, and the community expect the EPA to act as a "watchdog" on government business related to environmental protection and sustainability. However of equal importance is the mutual sharing of information and active input into each other's work.

### **Memorandums of understanding**

During the reporting period the EPA began to develop memorandums of understanding with key government agencies to help manage these complex relationships.

During the next reporting period the memorandums of understanding will be finalised, and the EPA will work to develop additional protocols to guide our future partnerships and alliances.

# Future priorities

## Communications and relationships

### Community and stakeholder engagement

Effective introduction by the Environment Protection Authority of best practice sustainable development principles and environmental protection regulations within the Northern Territory requires a comprehensive and innovative communication and engagement focus.

While the Environment Protection Authority would like to develop broadly inclusive and highly participatory processes over time, during the early years at minimum the authority will ensure it provides quality information on the organisation's website and opportunities for dialogue with agencies, businesses and the community will be actively pursued.

During the next reporting period the EPA will undertake research and comprehensive stakeholder analysis in order to broaden our stakeholder networks and continue to develop appropriately targeted communications.

The Environment Protection Authority will also work with other organisations to develop a platform for broader debate about significant issues related to sustainable development in the Northern Territory, through projects such as the Top End Sustainable Living Festival.

### Developing our communications

The EPA will develop an overarching communication strategy to guide key communications activities such as media, corporate style and publications, and community engagement planning for specific projects.

The EPA recognises that electronic communications are a highly effective method for informing our various audiences about the role of the EPA and its key projects. By the end of 2009 the EPA will establish a new web content management system; refresh the website content, structure and appearance; and improve the quality and quantity of our email newsletters.

### Evaluating our communications

Feedback from stakeholders and members of the public who attend our workshops, forums and other events is highly valued by the new organisation.

The EPA will conduct formal evaluation surveys following each of our activities in order to continuously improve the way we deliver our services in the future.





# Reporting

## Our activities

### Board meetings

The board held a total of 5 meetings during this reporting period. Meetings were held in various locations, but each was attended by the full board and the executive director. Board meetings were accompanied by consultations with community members and major stakeholders.

The first meeting during this financial year was held on 28 August 2008 at the Araluen Centre in Alice Springs. This was the fourth meeting of the permanent EPA Board since its establishment. The next meeting was held in Darwin on 11 December 2008.

Two meetings in March 2009 focussed on strategic planning. One session was held in Nhulunbuy along with a normal board meeting. This was followed by a second strategic planning meeting in Sydney.

The final meeting during this period was held on the 13 March 2009 at the EPA's new office in Darwin's Harbour View Plaza.

### Other activities

The chair and two secretariat staff attended the annual conference of the Planning Institute of Australia, held in Darwin. The chair also attended the NT Chamber of Commerce forum also in Darwin.

The executive director attended a course run by the Australian Institute of Company Directors in New South Wales and a two-day workshop on sustainability assessment held in Perth, Western Australia.

The senior policy officer attended a one day Australian Bureau of Statistics course 'Valuing Australia's Environment' and Charles Darwin University's School of Environmental Research two day course 'Natural Resources and Livelihoods.'

The communications manager attended the Sustainable Living Festival in Melbourne in February 2009 and a two day community engagement workshop in Sydney in March.

Three EPA secretariat staff and two board members also attended the Fostering Sustainable Behaviour workshops hosted by the EPA in February 2009.





# Reporting

## Performance reporting

The Northern Territory Government's Budget Paper No. 3 2008-09 outlines the performance measures for all Agencies. The Environment Protection Authority is an output group of the Department of Natural Resources, Environment and The Arts.

### Environment Protection Authority Profile

An independent statutory body, the Environment Protection Authority provides advice on best practice environmental management through its reports and encourages greater transparency of decision making. The Environment Protection Authority engages with community and industry.

### Functional responsibilities

Advise government, industry and the community regarding ecologically sustainable development.

The Environment Protection Authority's advice to government focuses on:

- policy and legislative settings needed to ensure high standards of environmental protection;
- suitability of processes adopted by government and industry to deliver on policy goals and statutory obligations; and
- performance in environmental management, including standards of monitoring natural and cultural assets.

The outcome is to establish frameworks (through legislation, policy and practices) for environment protection and the sustainable development of the Northern Territory.

### Performance Measures

<b>Output</b>		08-09 estimate	08-09 actual	09-10 estimate
<b>Environment Protection Authority</b>				
<b>Quantity</b>	Reports to government on outcome of strategic reviews	2	0	2
	Referrals received and assessed	2	0 (1)	3
<b>Quality</b>	Stakeholder satisfaction with advice and processes	60%	n.a. (2)	80%
<b>Timeliness</b>	Timeliness - Reports delivered within identified delivery dates	100%	67% (3)	100%

(1) As well as referrals from the public and the Minister, the EPA also has the power to self initiate projects, which are not included.

(2) As it is still a new agency with evolving processes, the EPA did not conduct formal evaluations of stakeholder satisfaction during this reporting period. Verbal feedback from stakeholders and formal evaluations of the workshops hosted were both positive.

(3) The EPA was unable to forward the final recommendations on the Principles of Ecologically Sustainable Development to the Minister during this reporting period. This advice will be completed in late 2009.

# Reporting

## Financial reporting

2008-09 approved budget for the Environment Protection Authority in 2008-09 was \$895,000 which included \$139,000 of one off funding and budget variation carryover.

2009-10 estimated total budget is \$864,000 which includes an approved budget allocation of \$795,000 plus an allocation of corporate costs of \$69,000. Corporate costs are allocated to each output group that is reported on in Budget Papers 3 to give a true figure for each output.