

## Environment Protection Authority (EPA)

### Criteria and Arrangements under Section 5(1) Environment Protection Authority Act

Section 5(1) of the *Environment Protection Authority Act 2007* states:

*(5) (1) The Authority's functions are to give advice and make recommendations to the Territory, businesses and community ecologically sustainable development:*

*(a) on a reference made by the Minister; or*

*(b) on a reference:*

*I. made by someone else in accordance with criteria and arrangements agreed with the Minister; and*

*II. accepted by the Authority; or*

*(c) on its own initiative in accordance with criteria and arrangements agreed with the Minister.*

For the purposes of section 5(1)(b)(i) and 5(1)(c), the following criteria and arrangements will apply from the date this agreement is signed by the parties (Minister and EPA) until such time as they are remade by agreement.

The criteria to be used to determine whether issues warrant consideration / investigation by the EPA under sections 5(1)(b)(i) and 5(1)(c) are:

- (a) Matters of high significance
  - i. Long term or wide/regional scale environmental issue
  - ii. Medium term or local scale issue with major environmental impact
  - iii. Significant cumulative impacts
  - iv. Significant matters of sustainability policy/principles or cross government policy integration
  - v. Significant matters affecting vulnerable communities
- (b) Actual or potential issues involving a high level of public interest or controversy eg medium to long term issues with major community, social, policy or media impact;
- (c) Matters establishing a significant precedent eg a new or revised guideline or position that will substantially affect compliance standards and/or costs or timeliness; and
- (d) Adequacy of existing government policies and/or legislation and/or management of the issue.

The EPA will not become directly involved in the approval process relating to any individual project, once that project has commenced, unless directed by the Minister. The EPA may consider issues arising from an approval process if it considers these meet the criteria set out above.