

**INQUIRY INTO PERFORMANCE OF THE NSW  
ENVIRONMENT PROTECTION AUTHORITY**

**Name:** Mr Adrian Boss

**Date received:** 28/08/2014

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Dear Sir/Madam,

Our State, its community and the natural environment, needs an effective and independent Environment Protection Authority.

This does not seem to be the case, presently, in the operation of the Office of Environment and Heritage (NSW), under the Department of Planning and Environment.

With new urban expansion and infrastructure and mining developments, the 'free' goods derived and offered by our natural systems are put under continuous pressure and even stress. Past neglect needs to be put right. Human and natural communities are suffering, needlessly.

To be effective, the Authority or unit responsible for environmental protection, must have an independent board with the authority and sufficient resources to make judgments and take necessary actions. This covers policy development, enforcement to gain compliance with conditions of licences or approvals, defend regulatory policies and actions and to pursue and prosecute offenders.

There is no reason why a unit within the OEH, under the DoPE, cannot have sufficient separation to act independently. This is while being supported under the larger departmental structure and systems. This needs to be looked into and developed.

Moreover, my view is that the role of such an Authority is not simply regulatory protection, but also to foster and aid restoration and enhancement of the environment in our State as part of any new development. This includes action to stop further loss of threatened species as well as preventing the continued degradation of natural environmental systems and communities.

As noted by the NSW conservation movement (quote Nature Conservation Council):

"... a number of recent incidents highlight the EPA's [OEH's] failure to regulate or prosecute polluters and stop environmental breaches. Following these incidents there is strong public perception that the EPA [OEH] has been captured by industry, and does not act in the public interest."

That is a concern I share.

I expect and hope that the Inquiry will address my specific concerns and all those raised through other more detailed submissions that will help lead to sustain and enhance our environment and the health of communities and be effective in following the principle that makes polluters pay.

Yours sincerely,  
Adrian Boss