



EPA Information Guide

August 2016

www.epa.nsw.gov.au

Environment Protection Authority

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Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au

See also www.epa.nsw.gov.au/pollution

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only - environment information and publication requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au

Website: www.epa.nsw.gov.au

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1. What is an agency information guide?

The Environment Protection Authority (EPA) is an independent statutory authority within the Planning and Environment cluster.

This EPA information guide is designed to make available to the public information which describes:

- the structure and functions of the agency
- how the agency's functions (in particular, its decision-making functions) affect members of the public
- how members of the public can participate in policy formulation and the exercise of the agency's functions
- the various kinds of government information held by the agency
- the various kinds of government information that the agency makes (or will make) publicly available and how this is done
- the information that is (or will be) made publicly available free of charge and the information for which there is a charge (or for which a charge will be) imposed.

Sections 20-21 of the Government Information (Public Access) Act 2009 (GIPA Act) require agencies to develop and adopt an information guide as part of their mandatory open access information.

This information guide will be reviewed every 12 months.

2. EPA structure and functions

The NSW Environment Protection Authority (EPA) is the primary environmental regulator for New South Wales, and a strong partner with the community.

Our purpose is to improve environmental performance, human health protection and waste management for NSW and we work hard to achieve this through a wide variety of programs, initiatives and partnerships.

We work with the community, business, industry and government to maintain a balance between protecting the environment, managing competing demands on the environment and supporting sustainable growth.

We provide information and guidance about a broad range of environmental issues and activities. We engage with the community and use social research to inform our priorities, policies and programs. We publish scientific research and monitor trends in the State of the Environment report. We offer advice and incentives to help business and industry improve their environmental performance.

The EPA supports the Government and the Minister for the Environment in performing their executive and statutory functions.

In carrying out its responsibilities, the EPA operates under the Government's 10-year plan – [NSW 2021: A plan to make NSW number one](#).

The EPA Board is a statutory body established under s.15 of the *Protection of the Environment Administration Act 1991* (POEA Act) and reflects the Government's reform initiative to modernise the EPA as an independent, strengthened authority, headed by a statutory position of the EPA Chair.

The EPA has over 490 staff in locations across NSW.

The EPA has the following [functional areas](#):

- Hazardous Incidents & Environmental Health
- Regulatory Services
- Waste & Resource Recovery
- Regulatory Reform & Advice
- Stakeholder Engagement & Communications
- Corporate Services

More information about the [EPA structure](#) can be found on the agency's website (www.epa.nsw.gov.au) and in its [annual reports](#).

3. Effect of functions on members of the public

The EPA performs the following functions which may affect the community:

- manages environmental issues alongside Federal, State and local governments to deliver environmental outcomes for the people of NSW
- works in collaboration with other government agencies to respond to and manage pollution incidents that involve hazardous materials
- issues [environment protection licences](#) to control activities that could have an impact on the environment or human health, and to encourage better environmental performance
- monitors emissions and [compliance](#), conducts [audits](#) and investigates [reports of pollution](#). If necessary we impose fines, require stricter operating conditions, impose pollution reduction programs and/or order people to clean up pollution
- [prosecute](#)s organisations and individuals who break NSW environmental laws. EPA prosecutions can result in heavy fines and gaol sentences.

4. Public participation in EPA policy formulation

The health and conservation of the environment depends on community commitment and its involvement at all levels from policy development to everyday business, recreational and domestic activities. This includes all sectors: business, industry, environment groups, Aboriginal communities, individuals, landholders and state, local and federal government bodies. The EPA works with all these groups to implement an integrated environment protection framework for NSW.

The EPA consults with the community, industry, business and government on a broad range of activities and issues that affect the NSW environment.

These include:

- air, water and noise pollution
- waste and resource recovery
- contaminated land
- dangerous goods
- chemicals and hazardous materials
- pesticides

- radiation and solarium (tanning units)
- native forestry
- coal seam gas projects
- wind farms.

The EPA website (www.epa.nsw.gov.au) features calls for public comment on consultation papers and describes how to make submissions. The EPA is also making greater use of community consultation groups, [social media](#) networking, mobile phone apps, e-newsletters and online [consultation portals](#) to increase public engagement. If unsure whether public comment is being sought on a particular issue or where to send your comments, contact the [Information Centre](#) for help or call 9995 5000.

5. Information held by the EPA

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 are:

- documents such as [policies](#) (e.g. [corporate policy documents](#)); scientific, technical and research reports; environmental guidelines, procedures and manuals; [publications, reports and brochures](#); maps and 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 electronic, digital, visual and audio form on our websites, in emails and databases, and as CDs, DVDs and audio recordings.

Much of the information is publicly available free of charge on the [EPA website](#), through our [Information Centre](#), [EPA offices](#) and [public registers](#). Information is available for inspection or purchase at the lowest reasonable cost.

6. Accessing information

If the information you seek is not already publicly available, you can:

- ask the EPA to proactively release more information
- ask the EPA to informally release information
- formally ask the EPA for information if you cannot access it any other way.

6.1 Open access information

The EPA provides open access information free of charge. This includes:

- a [register of government contracts](#)
- [EPA policy documents](#)
- [media releases](#)
- [annual reports](#)
- [disclosure log](#) (information formally released under the GIPA Act)
- documents [tabled in Parliament](#)

- information concerning [major assets and the disposal of properties](#)
- EPA [Code of Ethics and Conduct](#)
- [Ministerial media releases](#)
- [Ministerial overseas travel](#)
- [Public Registers, including:](#)
 - POEO (Protection of the Environment and Operations Act),
 - Dangerous Goods,
 - Contaminated Land,
 - Native Forestry - approved private native forestry property vegetation plans,
 - Hunter River Salinity Trading Scheme
 - Radiation Control Public Register.

6.2 Proactively released information

Information that the EPA has proactively made available may be accessed on the EPA website. This includes:

- [What's new in law](#) lists recent changes to the environmental laws administered by the EPA and legislative review processes and resulting amendments.
- [Statement of Business Ethics](#) (which provides guidance for the business sector, other government agencies and non-government organisations when doing business or having other dealings with the EPA).
- The [EPA Prosecution Guidelines](#) set out the factors that the EPA takes into account when deciding whether, how, and in what court, to prosecute those who offend against NSW environment protection legislation, and whether to seek certain sentencing options.
- The [EPA Compliance Policy](#) summarises the agency's approach to compliance and enforcement. It explains how the EPA undertakes activities that achieve compliance and drives improved environmental performance.
- The EPA Sponsorship Policy that outlines the EPA's policy on providing and receiving sponsorship.
- The [Anti-Bullying Policy](#), which has been developed covering all EPA staff, including staff in ongoing, temporary or casual employment.
- [Environmental notices and other regulatory documents](#), including guidelines and approved methods.
- Air quality hourly updates.
- Community group webpages covering:
 - Botany Bay
 - Upper Hunter Air Quality Monitoring Network Advisory Committee
 - Newcastle Community Consultative Committee on the Environment
 - Rutherford Air Quality Liaison Committee
 - Williamtown RAAF Base contamination

These pages provides a single reference point of information for those groups, including information about the group, reports and presentations from meetings, access to documents and contact details.

Access to information such as public submissions on proposals may be made available at EPA offices or through a request to the EPA to proactively release more information.

6.3 Informal release of information

If the information you seek is not already available you can contact an [EPA office](#) to make an [informal request](#). If you don't know which office may hold the information you seek, see Section 7: [Help in accessing information](#).

The EPA will try to meet your request whenever possible, but sometimes a [formal application](#) under the Government Information (Public Access) Act (GIPA Act) will be required, such as where the information relates to someone else's personal or business information or the information is confidential in nature. The EPA follows the requirements of the GIPA Act with release of this information potentially being restricted.

6.4 Formally released information

The EPA [disclosure log](#), which sets out details of information that is formally released under the GIPA Act, may be accessed by members of the public.

If you want information that is not already available or access has been refused to an informal request, you can lodge a [formal application](#) under the GIPA Act. Try to use this as a last resort as costs are involved. The EPA will give you as much information as possible, but there may be times when there is an [overriding public interest against disclosure](#) of some information. This can apply to information that:

- is confidential
- would breach a person's privacy
- would prejudice someone's business, commercial, professional or financial interests
- would affect law enforcement
- endanger, or prejudice any system or procedure for protecting the environment
- if disclosed, would prejudice the conservation of any place or object of natural, cultural or heritage value, or reveal any information relating to Aboriginal or Torres Strait Islander traditional knowledge.

There is a conclusive [overriding public interest against disclosure](#) of:

- Cabinet information
- information that is subject to legal professional privilege

If you are not happy with a decision made formally under the GIPA Act, you will have [rights of review](#), both internally and externally. You will be advised of these in the notice of decision provided in response to your formal application under the GIPA Act.

6.5 Your personal information

Personal information that may be held by the EPA can be requested either [informally](#) or by way of [formal application](#) under the GIPA Act, [Privacy and Personal Information Protection Act 1998](#) or [Health Records and Information Privacy Act 2002](#). Refer to the website page "[Your privacy](#)".

6.6 Information required by legislation to be made publicly available

Almost all information that is required by legislation to be made publicly available is on the EPA website, for example:

- information about specific companies and specific circumstances or events, such as environmental protection measures and regulatory actions held in our various public registers
- reports from the direction of the Minister including the State of the Environment Report.

7. Help in accessing information

EPA Information Centre

Contact details for the [EPA Information Centre](#)

Phone:

- 131 555 (environment information and publications requests) for the cost of a local call within NSW (mobiles excluded), or
- (02) 9995 5000

Fax: (02) 9995 5999

Email: info@epa.nsw.gov.au

Street address:

Level 14, 59 Goulburn Street
Sydney

Publications may be obtained over the counter between 8:30 am and 5:00 pm Monday to Friday.

Postal address: PO Box A290, Sydney South NSW 1232

EPA offices

Contact details for EPA offices are available on the [EPA website](#) or through the Information Centre on 131 555 or (02) 9995 5000. You can contact an EPA office directly to make an informal request for information.

Right to Information/Privacy Officer

For help with making a formal request for personal or non-personal information held by EPA, contact a [Right to Information/Privacy Officer](#) by calling (02) 9995 6080 or 9995 6497.

8. Charges for accessing information

The EPA provides information free of charge whenever possible where it is requested informally. Otherwise, a charge will be at the lowest reasonable cost. The cost of publications is available from the [Information Centre](#) or [Government Online Shop](#).

There are charges for lodging a [formal application](#) for information under the GIPA Act – a \$30 application fee and \$30-per-hour processing charge after the first hour.

A 50% reduction may be given in cases of proven financial hardship, for full-time students or non-profit organisations, or where there is a proven public benefit in the information.

Requests for personal information are free if sought under the [Privacy and Personal Information Protection Act 1998](#) or [Health Records and Information Privacy Act 2002](#). However, requests for [personal information](#) under the GIPA Act involve a \$30 application fee and a \$30-per-hour processing charge after the first 20 hours.

9. More information about the GIPA Act and privacy legislation

- Contact a [Right to Information/Privacy Officer](#) by calling (02) 9995 6080 or 9995 6497.
- Refer to the [GIPA Act webpage](#) and the [privacy webpage](#) on the EPA website.
- Contact the Information and Privacy Commission:
Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Postal address: GPO Box 7011, Sydney NSW 2001
Street address: Level 17, 201 Elizabeth Street, Sydney 2000
Website: www.ipc.nsw.gov.au