

QUESTION WITHOUT NOTICE

Legislative Council

ASKED BY: Hon Meg Webb MLC

ANSWERED BY: Hon Jo Palmer, Minister for Primary Industries and Water; and

Hon Leonie Hiscutt, Leader of the Government in the Legislative Council

QUESTION:

1. Provide details of the process, including timelines and opportunities for public input and/or appeal, for assessing and determining the renewal of the Marine Farming License for the current marine farming operations in Long Bay, due to expire in November 2023?
2. Provide details of the process, including timelines and opportunities for public input and/or appeal, for assessing and determining the renewal of the Environmental License for the current marine farming operations in Long Bay, due to expire in November 2023?
3. Provide details of the current stage of development and expected timelines for completed implementation of the following standards relating to marine farming:
 - (a) Environmental Standards
 - (b) EPA Technical Standards
 - (c) Biosecurity Standards
 - (d) Operational Standards

ANSWER:

Answered by the Minister for Primary Industries and Water:

I note that Questions 2, 3(a) and 3(b) relate to environmental regulation of finfish and fall within Minister Roger Jaensch's portfolio responsibilities as Minister for Environment and Climate Change. The Leader of the Government will respond to those questions on behalf of Minister Jaensch.

1. Marine farming licences are issued in accordance with the provisions of the *Living Marine Resources Management Act 1995* (the Act). All finfish licences are granted for a 12 month duration and expire on 30 November each year. Finfish licence holders receive licence renewal application forms prior to expiry of the licence.

The licence holder may apply to the Secretary of the Department of Natural Resources and Environment Tasmania (NRE Tas) to renew their licence in accordance with Section 81 of the Act.

Section 81 requires the Secretary or the Secretary's delegate to consider relevant information when approving the renewal of a marine farming licence.

The potential grounds for refusal to renew a licence are set out under Section 81, are at the discretion of the Secretary and relate to:

- Compliance with licence conditions
- If the licence holder is disqualified from holding the licence
- If there are environmental or resource constraints on renewing the licence; and
- If the applicant has not paid fees, levies, charges of royalties due and payable.

The Act does not provide for public input and/or appeal in relation to the renewal of a marine farming licence. The Act requires that the Director of the Environment Protection Authority be notified in relation to finfish marine farming licence applications and decisions in relation to licence renewal.

2. Answered by the Leader of the Government, on behalf of Minister Jaensch as the Minister for Environment and Climate Change:

Environmental licence renewal is a matter for the independent Environment Protection Authority (EPA). The EPA has advised that:

- Sections 42S, 42T and 42U of the *Environmental Management and Pollution Control Act 1994* set out the process for renewal of environmental licences.
- Regulation 6 of the EMPCA (EL) Regs prescribes that an application for renewal is to be made 60 days before the licence expires; however, section 42S(3) grants the Director discretion to accept a renewal application up to the date on which the licence expires. Environmental Licence No. 9959/3 (Long Bay) was granted for a period of three years and will expire on 30 November 2023.
- Potential grounds for refusal provided in section 42T are at the discretion of the Director and relate to:
 - Breaches against the conditions of an environmental licence;

- convictions under Tasmanian, Australian or interstate laws that relate to environment protection; and
 - whether the licence holder is a fit and proper person.
- Environmental Licence No. 9959/3 does not include any restrictions on renewal of the licence and there are no associated licence fees.
 - The legislation does not specify any requirements for public input to the licence renewal process.
 - Upon renewal the environmental licence holder would have a right of appeal only in relation to any conditions imposed on the licence that differ from the conditions that were in place prior to renewal.

3. (a) Answered by the Leader of the Government, on behalf of Minister Jaensch as the Minister for Environment and Climate Change:

Draft Environmental Standards for Marine Finfish Farming were released by the Tasmanian Government in February 2023 for a six-week statutory public consultation period. All submissions received have been carefully considered in the finalisation of the Standards. Tabling of the Standards before both Houses of Parliament is anticipated this year. The Environmental Standards, once made by the Minister for Environment and Climate Change, will be implemented by the independent EPA.

Planning is underway for development of new inland finfish farming environmental standards and wildlife interactions standards. This work will be informed through development of policy, and it is expected that draft discussion papers will be open for public consultation in due course.

- (b) Answered by the Leader of the Government, on behalf of Minister Jaensch as the Minister for Environment and Climate Change.

The EPA has advised that:

The EPA is currently working on several Technical Standards that will support the forthcoming Environmental Standards for Marine Finfish Farming. These Technical Standards will set out detailed environmental monitoring methods and other processes to ensure the environmental standards are applied in a consistent manner based on contemporary scientific methods and best practice environmental management.

The EPA anticipates that the first Technical Standards will be made available for consultation by the end of September 2023. The most advanced Technical Standard at this point sets out a scoring approach for sea-bed video surveys under finfish farm pens and at compliance points 35 metres outside the marine farming lease boundary based on research by the Institute of Marine and Antarctic Studies.

Other Technical Standards will continue to be developed by the EPA on a priority basis and will include appropriate consultation with technical experts and/or the public as deemed appropriate by the EPA Director.

- (c) Answered by the Minister for Primary Industries and Water:

Biosecurity (Salmonid Biosecurity Zones) Regulations 2022 establish Biosecurity Zones around Tasmania which identify and separate salmonid production activities into freshwater hatchery operations, farming in the marine environment, and processing of harvested fish.

The regulations provide a suite of Biosecurity Zone Measures specifically designed for each Biosecurity Zone. The Biosecurity Zone Measures collectively form the basis for the Biosecurity Program for the Salmonid Industry, which was approved by the Secretary NRE Tas on 9 January 2023.

Development of the *Biosecurity (Salmonid Biosecurity Zones) Regulations 2022* and the Biosecurity Program for the Salmonid Industry included public consultation and a copy of the Program, consultation report and submissions received through the consultation process is available on the NRE Tas website.

- (d) Answered by the Minister for Primary Industries and Water:

Operational Standards, referred to as Standardised Marine Farming Management Controls have been finalised following a consultation process however they are yet to be incorporated into Marine Farming Development Plans.

A consultation report and associated submissions are available on the NRE Tas website.

The process of incorporating these Controls into Marine Farming Development Plans will commence shortly and involve the progression of statutory amendments to 14 Marine Farming Development Plans in accordance with the provisions of the *Marine Farming Planning Act, 1995*.

APPROVED/NOT APPROVED



Hon Jo Palmer MLC
Minister for Primary Industries and Water

Date: 15 August 2023

A handwritten signature in blue ink, consisting of a large, stylized initial 'R' followed by a long horizontal line extending to the right.

Hon Roger Jaensch MP
Minister for Environment and Climate Change

Date: 15 August 2023