Legislative Council

Hansard

Tuesday 13 August 2024

[excerpt…]

Finfish Farming Environmental Standards for Tasmanian Marine Fin Fish farming 2023 Disallowance Motion

[11.37 a.m.]

Ms WEBB (Nelson) - Mr President, I move –

> That environmental standards for Tasmanian Marine Finfish Farming 2023 made under Section 96Q of the Environmental Management and Pollution Control Act 1994, effective from 18 October 2023, and laid upon the table of the Council on 19 October 2023, be disallowed in accordance with the provisions of Section 96T of the Environmental Management and Pollution Control Act 1994.

I rise to speak in support of the motion today standing in my name: that is the environmental standards be disallowed, as just stated.

This motion is pretty straightforward. It seeks to disallow the Environmental Standards for Tasmanian Marine Finfish Farming 2023, which I will henceforth refer to as the environmental standards. I am moving this disallowance, in short, not because a set of robust world's best practice environmental standards for the finfish farming industry in Tasmania is not needed - it most certainly is - but because these tabled standards fall so far short of what is needed and deserved by our state.

Having chaired the finfish inquiry in this place in recent years, I became aware of and familiar with many of the issues raised in relation to the finfish industry. That inquiry made 68 recommendations and the government's response to the recommendations repeatedly pointed to the development of environmental standards as a mechanism by which numerous recommendations would be given effect. Naturally, due to the crucial role these standards were to play in improving the regulation and, ultimately, the environmental outcomes of this industry, I was interested to see them developed and implemented.

In assessing the quality of the standards once developed, in addition to noting the information and promotional material provided by the government, I sought the expert views of independent stakeholders who I know to be deeply committed to advocating for a best practice approach to aquaculture in Tasmania; the improvement of environmental outcomes in finfish farming; and the amelioration of the significant environmental harm already caused by the industry to our public waterways.

In the first instance I sought the views of the Tasmanian Independent Science Council (TISC) and the Environmental Defenders Office (EDO).

Members will no doubt be aware that TISC is a group dedicated to science-based policy reform to ensure the long-term health of Tasmania's environment. The independent science

council includes scientists and professionals who provide independent, non-government advice focusing on policy reforms of significant state interest. The independent science council seeks to inform public debate and influence legislative reform to improve outcomes for terrestrial, freshwater and marine ecosystems.

Similarly, the EDO is a community legal centre specialising in public interest environmental law. It helps people who want to protect the environment through law, and it is dedicated to protecting the environment. The EDO's reputation is built on successful positive environmental outcomes using the law, broad environmental expertise and independent accessible services as a non-government, not-for-profit legal centre.

I also note that both groups have contributed extensively in good faith to the available consultation opportunities during the development of the standards that we are discussing today. The straightforward message I received from both these credible, independent bodies was that these long-awaited environmental standards are substantially disappointing and fall far short of what is needed and deserved by our state. In a nutshell, these standards, as tabled, are a missed opportunity to deliver genuine world's best practice, and should be disallowed and remade so it can be genuinely done.

It is worth outlining the background to the development of the environmental standards. The standards were made by the honourable Roger Jaensch, the then minister for Environment and Climate Change, on 18 October 2023 under Division 1B of Part 7 of the Environmental Management and Pollution Control Act 1994 (EMPCA), and they were tabled on 19 October 2023. Under EMPCA, the purpose of environmental standards can be to assist in managing, mitigating, avoiding or reducing potential environmental harm or to give effect to best-practice environmental management in relation to an activity. I am not going to read out the section because it is unclear to me as to how I have written it. Excuse me, Mr President.

Standards can do a range of things, including provisions to which the EPA board or director is to have regard in issuing or varying an environmental licence or an environmental assessment. Standards can contain provisions which create environmental offences if breached, and can contain environmental standards conditions that may be imposed on environmental licences. They may also authorise or require the EPA Director to make a technical standard for the purpose of enabling the effective implementation of the environmental standards.

The stated objective of these environmental standards is to ensure a robust, contemporary and transparent framework for the environmental regulation of marine finfish farms by the EPA in Tasmania. The purpose of the environmental standards is:

> … to set out the environmental management conditions that will be imposed on environmental licences issued to marine finfish farmers, and set out the environmental offence provisions that all marine finfish farmers must follow to be compliant with the Act.

While the environmental standards aim to apply to holders of leases, environmental licences and permits for marine finfish farming, there will be transitional arrangements for existing lease and licence holders with the standards to be 'implemented over time'.

It is notable that this time frame has not been set within the standards or otherwise disclosed by the EPA. Rather, the EPA has stated its intention to roll the environmental

standard conditions into existing environmental licences through variations to those licences. We will talk more on that a little later.

The environmental standard that we are discussing today is the Tasmanian government's latest addition to the suite of aquaculture standards that have been several years in the making. The development of new aquaculture standards in Tasmania has been a protracted process initiated at least eight years ago under the Sustainable Industry Growth Plan for the Salmon Industry dated 2017. These aquaculture standards were later integrated into draft 10-year salmon plan, which evolved into the enduring Tasmanian salmon industry plan of 2023.

The Department of Natural Resources and Environment Tasmania (NRE) began the process of drafting the new standards in earnest in 2022. It is fair to say, despite flagging the intention to develop them, we have not been in a demonstrable rush to actually produce these standards. As I mentioned earlier, the new aquaculture standards were referred to by the government in its response to the Legislative Council inquiry on finfish farming in Tasmania recommendations; in some cases as a complete response to some recommendations. Given this positioning of the standards is essential to delivering on the intent of the recommendations from the inquiry, their quality is critical.

The suite of new aquaculture standards includes further components, such as the Biosecurity program: Tasmanian Salmonid Industry, which was released in January 2023, and the standardised marine farming management controls, administered under the Marine Farming Planning Act 1995 through individual marine farming development plans. The controls were finalised in July/August 2023 and the environmental standards are to be administered independently by the EPA Tasmania under the EMPCA as environmental licences, which came into effect in October 2023.

However, the realisation of the three components I just mentioned of the aquaculture standards does not mean we can have confidence the updated supervision of marine finfish farming is in place and delivering on intended environmental outcomes. Indeed, multiple technical standards that underpin the environmental standards are still yet to be made. The intention was that the majority will be completed by the end of 2024, but the timetable for individual standards already appears to have slipped, although we heard today in briefings they are underway in their development and there are a number of them coming.

Other relevant intersecting legislation and regulations are also still to be updated, for example the Animal Welfare Act 1993, the Marine Farming Planning Act 1995, and the Seal Management Framework 2018. There is still a very long way to go in developing a framework of appropriate regulation in relation to this industry, which exists in and profits from our public waterways.

Both NRE and the salmonid finfish farming industry routinely claim that Tasmanian environmental regulations for the industry are world's best practice. However, I believe this is disingenuous and largely unsubstantiated commentary.

In fact, the EPA did an international review of environmental management frame works for salmon farming. I note in submissions made to processes to develop these standards from the Tasmanian Independent Science Council and the EDO comments about that international review that would see where we might sit in terms of world's best practice. I notice that a

reviewer of international regulations focusing on monitoring and compliance was released as a draft document in February 2020, and that draft was sent out for independent review by the Cawthron Institute in New Zealand - that was the EPA requesting that independent review from the Cawthron Institute. The EPA then released a final version of that international review two years later in July 2022.

The Cawthron Review itself, dated June 2020, was not made public at the time but was eventually obtained via a two-step freedom of information or RTI request made by the EDO.

> It is particularly concerning that a number of recommendations made in the unredacted independent review, including specific recommendations made by the Tasmanian EPA's own Environmental Standards Working Group, have not been included in the draft standards.'

That was a quote from the Tasmanian Independent Science Council's submission commenting on that international review. I note that the EDO in its submission also reflected on the effort to gain access to the independent review of the review done by the Cawthron Institute. They talked about having to put in RTI requests and finally gaining access to the peer review done by the Cawthron Institute, and said that draft document contained a set of 15 recommendations prepared by the Environmental Standards Working Group, which comprised a group of 12 marine scientists, environmental regulators, and policy staff:

> The intention appears to be that those recommendations made in that document would ensure that our environmental standards in development would meet international best practice, however, none of the 15 Environmental Standards Working Group recommendations in that document have been fully implemented, and at least a third have not been addressed at all in the standards.

It is questionable, I think, as to why there would not have been, in the final published version of that review, a full representation of what the peer review by the Cawthron Institute indicated.

It is concerning that we need to make RTI applications for that sort of information from the EPA as these iterative development steps were being undertaken for these standards. I distinctly remember - and it is quoted here in the EDO submission and the other members on the finfish inquiry subcommittee might also remember - we had evidence given by the EPA Director, Wes Ford, at that time giving us assurances.

That and I quote from the transcript:

> From a privacy and transparency point of view, we will ensure we keep documentation so that we can demonstrate how a first draft of the environmental standard might become a second draft and might become a third draft should people be interested.

The EPA director openly acknowledged there was a need for that transparency because it was intended that in the first instance the salmon industry would have the first opportunity to comment on the environmental standards and be involved in the development.

Moments before it was promised to be a sit-down consultation with a broader community group. Now I am not aware that a sit-down consultation with a broader community

group ever transpired on the environmental standard, but it is interesting to see the acknowledgement there would need to be openness and transparency about each step of the way. And yet at a key step, a peer review of an international review of standards did not automatically get released in full. It had to be RTI, and not just RTI directly from the EPA; it actually had to go to the Ombudsman's office under review to be then fully provided; which is really disappointing; lack of transparency.

The final document that was publicly released at the time on that international review provided a raft of examples where the Tasmanian standards, including monitoring, evaluating and reporting, could be improved upon to world's best practice. Rather than make improvements to the standards based on clearly identified opportunities for improvement, the document obtained through RTI goes further to reveal EPA Tasmania actually removed recommendations from its own environmental standards working group from that final document.

The development of these environmental standards has been questionable in some aspects from the start. That is not to undercut the huge amount of work being undertaken to develop; it is a huge piece of work.

And, many people in the community engaged with it at every opportunity in good faith. Many of those working on it would have been engaged in the same way. Absolutely. But we fell short here. That is part of the problem - why we find ourselves with contention over the finished product we have tabled before us. Because the standards fall short in achieving world's best practice management: a benchmark that leading salmon farming nations like Norway, Scotland, New Zealand and Canada strive for explicitly through a comprehensive and evidence-based regulations. Instead of a complete regulatory overhaul, here Tasmania has opted instead for an iterative approach, revising existing management conditions for marine finfish farming imposed under existing marine farming leases, marine farming licences, marine farming development plans and environmental licences - rather than creating a coherent, comprehensive frame work and applying it. This iterative approach to setting standards further contributes to the already complex web of regulation for salmon farming.

This means the new environmental standard needs to be read in the context of other relevant intersecting legislation and regulations, including for example the yet to be drafted technical standards, wildlife and threatened/endangered species legislation and the regulation of biosecurity and therapeutic use. Yet, despite this complexity and claims that the salmon industry is one of the most regulated in this state, which I think we all agree with, there is little evidence that these rules are achieving the desired environmental social and economic outcomes they purport to achieve, let alone world's best practice.

World's best practice, environmental management of marine finfish farming must be evidence-based with a solid foundation in ecological science. Fundamental tenets of world's best practice are ecosystem-based management within a frame work of marine spatial planning and where ecological information is insufficient for definitive decision-making, the precautionary principle is applied.

These tenants were reflected in submissions to the Legislative Council inquiry on finfish farming and in the inquiry's recommendations.

Long-established research both in Australia and internationally has proven the benefits of ecosystem-based management, which has been defined by some researchers as balancing human activities and environmental stewardship in a multiple-use context.

Ecosystem-based management has been endorsed by the Aquaculture Service of the United Nations Food and Agriculture Organisation, through its ecosystem approach to aquaculture. The FAO's ecosystem approach to aquaculture is this and I quote:

> A strategy for the integration of the activity within the wider ecosystem in such a way that it promotes sustainable development, equity and resilience of interlinked social and ecological systems.

Countries that lead the world in the salmon aquaculture environmental management, I am referring here to Norway, Scotland, New Zealand and Canada, have all embraced ecosystem-based management as the cornerstone of their environmental regulation of marine finfish farming.

Meanwhile, here in Tasmania, the regulation of aquaculture, including marine finfish, which could be regarded as performance-based management, remains industry compliance-focused, with little consideration of how the finfish farming industry interacts with and affects other values and uses of our environment.

A close examination of the diverse elements of Tasmanian aquaculture regulations and policies shows it is hollow and sector-based, with no comprehensive overarching framework. An approach of this kind to coastal and marine management has been noted as having the following deficiencies: first, management of activities that overlap or interact in the coastal marine environment is undertaken by different agencies using different approaches.

Second, management is generally focused on a subset of objectives and does not properly articulate or evaluate the full range of social, cultural, economic, ecological and institutional objectives that make up a comprehensive view of its role.

Third, no formal mechanism exists to evaluate or advise on trade-offs among objectives or between activities in relation to objectives.

Fourth and finally, no formal mechanism evaluates the cumulative effects of all managed activities, but that is the deficiencies of a sector-based, non-comprehensive approach to managing the marine environment. Marine spatial planning is specified as an essential component of ecosystem-based management by leading researchers.

A pilot frame work has been put forward for marine special planning in Tasmanian coastal waters. However, that pilot frame work has been misused or overlooked by state agencies to select marine farming zones. I have research references here to back that up: Ainsworth 2021. La Carita et al 2021.

Overlooked by state agencies to select marine farming zones by giving aquaculture precedence over other activities and values natural, social, cultural and heritage. Authentic marine spatial planning is sector agnostic and considers all values, potential uses, including conservation and future influences, for example, climate change in its layers as a resource for informed decision-making.

Excellent national examples are provided by marine spatial planning associated with the Great Barrier Reef Marine Park and in the management of the coastal environment in Victoria.

The UN's FAO is quite explicit concerning the pivotal role a precautionary approach plays in its recommended ecosystem approach to aquaculture. The code of conduct for responsible fisheries from the FAO in 1995 encourages states to, and I quote:

> Apply the precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures.

While the precautionary principle is embedded in some of the objects of Tasmania's Environmental Management and Pollution Control Act 1994, the regulation of aquaculture in Tasmania, particularly marine finfish farming, does not appear to be in accordance with this principle. Rather, the EPA takes an adaptive management approach, which is defined by the EPA as:

> A process for refining resource management by learning from management outcomes.

The consequences of an adaptive management approach have been best exemplified in Macquarie Harbour, where it was likened to the reverse precautionary principle by distinguished Professor Jamie Kirkpatrick and other researchers in 2017.

This is because instead of triggering precautionary action to conserve and protect the environment, the observed deterioration of the health and condition of the harbour environment simply promoted further research by regulators and industry to try to fully establish the causes of the changes. The culmination of this adaptive management was a series of fish kills and other environmental damage, including the death of over 1 million farmed fish in a single incident in October 2017. Knowing that we have got history and form in this space regarding deficiencies in our approach to regulation of this industry, how do these environmental standards live up to world's best practice principles?

Pat phrases get bandied about far too readily by this government on many issues and that approach seems to be that if you say it often enough, people will come to believe it is true, even when it cannot be demonstrated that this is the case and ample evidence is available to call it into question. That is certainly the case here, with claims that the Tasmanian salmon farming industry and these environmental standards are world's best practice. The spin from the government on this is highly concerning because let us face it, if we were honest about the rigour of our regulatory regime at least we could recognise that while we are choosing to fall short of best practice in some ways, now, for whatever reason, there is an opportunity to work for better practise in the future at a time that's determined to be right.

But that is not what the government is doing. Instead, we hear an insistence that we are at the pinnacle globally when such a claim is readily contested on available evidence which has been regularly presented to government by credible scientists, researchers and experts for many years. Let us delve into that a little more because concerning the environmental standards

failed to achieve world's best practice in a range of ways and I am going to detail nine. I will run through those now.

(1) Too much discretion is given to the EPA director.

(2) They are insufficiently transparent and do not provide accountability.

(3) Regulation of stocking and production is inadequate.

(4) Four baseline environmental assessments and broad scale environmental monitoring programmes are not fit for purpose.

(5) Therapeutic management is deficient.

(6) Light attenuation and noise management failed to consider wildlife and

(7) Public reporting of mortalities and escapes is not obligatory.

(8) Deferred technical standards mean uncertain ecological standards and environmental monitoring.

(9) Seabed clearance of net pens is not enough.

For the purposes of the public record and for the benefit of members here today, I am going to go into a little of a little more detail in each of those nine key areas.

First, we fall short of best practice in the fact that under these standards too much discretion is given to the EPA director. This perpetuates previous regulation of marine finfish farming in Tasmania and we see again, far too many aspects of the environmental standards are at the discretion of the EPA director to involve or involve determinations by the director. This pervasive influence has several negative consequences. Although a range of new or improved standards might aspire to the world's best practice, they will fall short because the EPA director has the discretion to not apply them rigorously or even at all.

These discretionary powers are not consistent with world's best practice, as there's no clear scientific basis or policy principles by which the Director is to undertake these tasks. While the unguided discretion of the EPA director is provided for throughout the environmental standards, see for example, part 2 of the Environmental Standard provides the Director with the powers to specify reference conditions, reference sites, environmental indicators, compliance sites, the design and operation of the broad scale environmental monitoring program and the setting of investigative trigger values for water quality.

The problems with this approach is best demonstrated by taking a few key examples. Let us look at water quality investigative trigger values. Take the power to set those water quality investigative trigger values, ITV's, in Part 2 Division five, for example. While the inclusion of ITV is an improvement on the previous draught of the environmental standards and something recommended by the EP as own experts, it seems the environmental standards have left how these values will be developed and operated at the EPA director's discretion through the development of subsequent technical standards. This is important because these 'values will play a key role in safeguarding identified protected environmental values within that regional area and protecting marine fin fish farming activities in that regional area from

adverse changes in water quality, arising from adjacent land based activities or other activities in the regional area'.

That's all quoted. However, despite being referenced in the environmental standards, currently there are no protected environmental values formally set for coastal and marine waters under the state policy on water quality management. There are only interim/default ones.

This is contrary to clause 10.6 of the State Policy on Water Quality Management. The EPA Board has also not formally set clear and enforceable water quality guidelines for coastal and marine waters from which water quality objectives for those waterways should be derived, - or for any waters, for that matter. Again, only so-called default guideline values have been published by the EPA. It is not clear whether these default guidelines have ever been formally reviewed or endorsed by the EPA board.

In the absence of these critical policy documents, what will be the basis for the director's decisions for setting the ITVs? How will the ITVs be consistent with the state policy? Disappointingly, the so-called response framework where the ITVs have been exceeded in clause 13.2 of the Environmental Standards, is left to as yet undrafted technical standards.

Finally, it is unclear how the water quality investigative trigger values will contribute to the setting of emissions limits, like total permissible dissolved nitrogen outputs. This is important, as the State Policy on Water Quality Management requires that water quality objectives are not compromised by the release of point-source or diffuse-source pollution.

A further example: many of the clauses of the Environmental Standards say that the EPA director is to do something. This phrase is discretionary and not mandatory. See Acts Interpretation Act 1931, section 10(1)(b), and EMPCA, section 96O(9), and it gives the EPA director far too much leeway.

This has important implications for such issues as the setting of total permissible dissolved nitrogen output (TPDNO), which is the pollution limit for finfish farms, which the director sets under clause 25(1). Without using the term 'must', there is no obligation for the EPA director to impose limits on total nitrogen pollution, which is plainly unsatisfactory and not in keeping with world's best practice.

The application of Environmental Standards to existing marine finfish farms is another area to discuss here. As I mentioned at the outset, the Environmental Standards aim to apply to holders of leases, environmental licences and permits for marine finfish farming. There will be transitional arrangements for existing lease and licence holders, with standards to be implemented over time. The timeframe for this transition has not been set within the standards or otherwise disclosed by the EPA, rather the EPA has stated its intention to roll the Environmental Standard conditions into existing environmental licences through variations.

Again, this leaves it to the EPA's director's discretion as to the timing of when and how existing marine finfish farms will be brought up to the standards in this document. This has huge implications when considering that some marine farms are currently located in shallow, poorly flushing bays unsuitable for the industry, and given many farms now use very outdated practices, such as cages only one metre above the sea bed.

World's best practice dictates that the setting of qualitative and quantitative environmental management measures for salmon farms should be the responsibility of an

independent panel of scientific experts, as must be the interpretation of the monitoring results. Only then can the Tasmanian community be confident that finfish farming in coastal waters is under independent and credible scrutiny by objective experts with the necessary professional diversity and competence.

If the scientific advisory panel referred to in Part 2, Division 6 of the Environmental Standard is to fulfil this task, there would have to be substantial improvements in its current form and how and when the EPA director is required to have reference to the panel.

Mr President, I was speaking about the scientific advisory panel referred to in part 2, division 6 of the environmental standards and about ways that it would need to differ in order to provide what we would accept to be independent, credible scrutiny in the way that is accepted to be best practice.

First, individual members should have expertise and experience in at least one or more of: marine ecology, water and sediment quality, and environmental monitoring, and with additional capacity in environmental modelling and biosecurity. Second, panel membership should not be open to scientists already in the employ of the Tasmanian government or the industry.

Third, the EPA director would be required to seek and consider any panel advice on critical matters, like the setting of water quality investigative trigger values, [TPDNO] et cetera. In the absence of these elements, Tasmanians are unable to have full confidence in the independence and credibility of the scientific advisory panel as laid out in the standards.

The second on that list of areas in which the standards fail to achieve world's best practice that I am going to outline today is around insufficiency in relation to transparency and accountability. The government 2022 position paper stated, and I quote:

> The objectives of the environmental standard will be to increase transparency of environmental management and industry accountability for environmental health through publicly accessible monitoring results.

The stated main objective of these environmental standards is to ensure a robust, contemporary and transparent framework for the environmental regulation of marine finfish farms by the Environment Protection Authority [EPA] in Tasmania.

Yet, despite references to the importance of transparency, this goal has not been realised in the finalised environmental standards. There are many instances of industry reporting that are referred to or provided for in the environmental standards, but, without exception, the recipient of this information is the EPA director, with there being no requirements for this information to be made available to the public.

By way of example, part 3, division 2, clause 21 of the environmental standard requires that the results of environmental modelling, including depositional, nutritional and biogeochemical aspects, need to be provided to the EPA director by the lease or permit holder. However, there is no provision in the environmental standards for this information to be publicly released. As the environmental standard also does not require the data or underlying assumptions to even be provided to the EPA director, there would be no means for anyone, the EPA or the community, to properly interrogate this modelling.

This information is critically important to understanding whether and how pollution limits are effective and the extent of the influence of marine farm pollution on the broader environment and other uses. Furthermore, the provision in part 3, division 2, clause 21 does not specify how and in what circumstances the environmental modelling outputs will be considered or used by the EPA in discharging its regulatory functions.

For example, while the modelling outputs may be used in BEAs and BEMPs in setting compliance sites and as a resource by the director or lease or permit holders to facilitate and manage environmental monitoring, it is not clear whether they may be used in determining the suitability of a site for salmon farming or are required to be considered in the setting of the TPDNO limits, or even if the salmon farm is able to comply with those limits.

Under the environmental standards, the director does not need to provide reasons for key decisions in areas of responsibility, such as: the setting of the TPDNO for a regional area and omitting to do so at a lease level; the setting of water quality investigative trigger values; those ITVs; or for the management responses to the exceedances of specified caps on production.

This is a key point. When we talk about the problem of discretion, part of that is around transparency, too. The power to make decisions is absolutely appropriate if it can be transparently understood on what basis those decisions have been made and what has been taken into consideration. We need to have an understanding of that decision. That is where the discretion needs to be. It needs to have checks and balances around it and why a lack of transparency is problematic when we do not have clear checks and balances sitting around discretionary decision-making by the EPA director.

Since many key aspects of the environmental standards rely on future non-statutory technical standards, for example, the implementation and efficacy of the total permissible dissolved nitrogen output and the investigative trigger value's in presaging the cumulative effects of nutrient and particular loadings for individual coastal water bodies, the consequences are neither clear lines of accountability, nor transparency in decision-making.

While amendments of EMCA explicitly authorised the EPA director to have the power to release monitoring information to third parties, the act provided a large range of exemptions, for example, business affairs of a third party, trade secrets and information obtained in confidence. Those exemptions can be relied upon by the EPA director to prevent public dissemination of this kind of material. And we certainly know the EPA does not have a good track record on readily releasing information, even if it is empowered to do so.

Indeed, many individuals and groups could attest to significant difficulty in obtaining such information from the EPA. We have had one discussed already in my contribution today where an RTI process had to be utilised and pushed to its full limit to review by the Ombudsman, where the Ombudsman upheld the right to have that information released.

This is not in the spirit of our Right to Information Act, which is supposed to be a push model where the assumption information is released, unless very clearly circumscribed exemptions can apply.

The environmental standards should make it clear the default is that all monitoring information provided by the industry to the EPA should be publicly accessible, including

through such means as the Salmon Portal. Given that they do not do this, it is clear the environmental standards fail to meet world's best practise. Accountability for the director's actions in the regulation of marine finfish farming under the aquaculture standards needs to be provided for in the environmental standard.

The director's determinations, decisions and enforcement actions, including penalties applied and the basis for them, must be published in the public domain. An example of a more transparent and accountable regulatory framework in Tasmania is provided by the Tasmanian Economic Regulator where, and I quote:

> … the primary emphasis is on transparency and disclosure, with compliance action used when and if appropriate.

And regular performance reports on the specified industries are communicated publicly. Performance reporting in case of the Environment Standards for Marine Finfish Farming would provide insight on the much-trumpeted ecological sustainability of the industry. This sort of transparency and require disclosure, rather than discretionary disclosure is even more important in relation to the industry in this state now we no longer have ASIC annual reports, because of the foreign ownership status of the companies that are farming in our public waterways.

Certainly, any reporting is even more important now that it be required, rather than just discretionary on the part of the EPA. Reporting should absolutely be regular, timely and transparent and automatically undertaken.

I move on now to third in the list of failures to meet what might be claimed to world's best practice, which centres on the specific area an inadequate regulation of stock in production.

Tasmania had initially regulated stocking at fish farms by standing biomass, that following industry manipulation of that control to increase production in Macquarie Harbour and the devastating results there, EPA Tasmania switched in September 2022 to regulation of total permissible dissolved nitrogen output.

Other salmon farming countries, for example Norway, Scotland and Chile continue to regulate through biomass limits, although they have refined such over time. TPDNO is, in effect, management by limiting feed input. Its mode of application has been detailed but information on its calculation is scant and its relation to the latest science is opaque. For instance, dissolved nitrogen is ascribed to dissolved inorganic nitrogen. The latter would be an underestimate in not including bioavailable organic nitrogen.

TPDNO is a blunt regulatory tool, according to many in the field. Its rationale might be that nitrogen is a limiting nutrient in coastal marine waters and could function as a predictor of eutrophic production. However, it does not represent the full spectrum of environmental pollution that results from the open cage farming of salmon, or how it will impinge on the ecological functioning of a particular water body. For example, in an ecosystem susceptible to the drawdown of dissolved oxygen, respiration of carbon originating in fish feed by the farm fish themselves and of organic matter from either fish excretion or eutrophic production by microbes in the water column and sediments, becomes important as a sink for dissolved oxygen. TPDNO does not factor in pollution from sources not directly associated with farmed

fish and their feeding, such as fuel oils, net cleaning detritus, antifoulants and plastic flotsam and jetsam.

The imprecision of TPDNO caps is further compounded by determining the rolling 12-month limit for a region from industry operator estimates of feed and production levels.

One aspect of Tasmanian salmon farming operations that has evolved over recent years is the growth in dimensions of net pens. Originally, the circular pens were 40 and 80 metres in circumference before industry standardised on 120 metres. This has now doubled to 240-metre circumference, increasing the net pen volume fourfold for the same net depth, meaning much greater salmon biomass in each enclosure and much greater pollution footprint. The Environmental Standards are blind to the size of net pens and the biomass of farmed salmon. For these reasons, there is a strong case that both a TPDNO determination and a biomass cap should be used in regulating marine finfish farms, where the latter potentially reflects non-fish production pollution and reinforces controls against harmful stocking densities.

Recent research has demonstrated that a much more sophisticated methodology must be deployed to quantify the full dispersal of finfish farm waste in the marine environment, and there I am pointing to research by Elvines et al 2023.

Fourth on the list of reasons why the environmental standards cannot be claimed to be world's best practice focuses on defective baseline environmental assessments and broadscale environmental monitoring programs.

BEAs and BEMPs in current Tasmanian regulation of marine fish farming are not fit for purpose and certainly not up to world's best practice. This is a clear opportunity for improvement and yet scarcely anything in the environmental standards to date will alter this current situation.

BEAs where they have been implemented for new leases or lease expansions seem to be more targeted to fish farm operations and monitoring for compliance than they are for effectively assessing ecological health and ecosystem function as a holistic exercise. It is only with the latter approach that subtle near field, far field and cumulative effects of finfish farming might be discerned.

Two items in the environmental standards applying equally to BEAs and BEMPs - reef habitat and seagrass habitat monitoring - do promise some progress, but their effectiveness will only be fully revealed by the attendant technical standards which are still in development.

Two critical aspects with BEAs as part of the environmental standards are not clearly defined. The first is how they are to be used by the EPA director and board in decision-making for the granting or varying of licences or conditioning.

Second, whether they will be made fully publicly available and should be incorporated in larger-scale environmental assessments, for example, in Tasmania's State of the Environment reporting processes.

As to the first of those, an earlier draft of the environmental standards provided that BEAs must be considered in EPA board and director decisions for granting and varying environmental licences, see part 3, division 1 of that earlier draft.

However, in the environmental standards as made, this requirement is not replicated and there is a question as to why. Additionally, if BEAs are not required to be undertaken for variations to environmental licences arising from proposed expansions of marine finfish farms. It potentially allows existing marine farms without any existing baseline studies to expand with no further detailed assessment or analysis, which is clearly unsatisfactory given these decisions are usually made by the director alone with no third-party comment or appeals.

Aquaculture operations require ongoing environmental monitoring for both the wellbeing of the farmed species and also the protection of the surrounding natural habitats and ecosystems. Some measurements contribute to both requirements, for example, dissolved oxygen and ammonia concentrations in waters. However, monitoring off-farm, broadly demarcated as beyond the 35 metres of fish farm lease boundaries in Tasmanian marine farming legislation, needs to be more diverse and extensive to discern harm to either or both of the ambient environment and aquatic biodiversity.

BEMPs are the provisions implemented in Tasmania for long-term monitoring of marine farming zones around the state and we can [see Aquenal 2022 for operational details of that]. Despite their good intent and original pioneering position, BEMPs now fall short in safeguarding the coastal environment. They fail to deliver in the following ways:

- inadequate baseline surveys, BEAs or alternatives
- the lack of comprehensiveness or unsuitability in parameters measured
- insufficient frequency of measurement
- poor aerial coverage • ineffective integration of data
- incomplete transparency for results.

International expert reviews of BEMPs undertaken in Tasmania have made a series of recommendations to overcome the shortcomings. They are yet to be fully implemented. Some pivotal BEMP deficiencies were revealed in a recent project by Ross et al 2021 to improve understanding of the complexities of environmental interactions of salmon farming.

Greater specificity and robustness are required with terminology used with BEMPs, their assessment and their application. For example, the use of the term 'unacceptable' in conditions at 35 metre compliance boundaries. Sparse, discrete measurements of water quality parameters are often useful only for spot compliance at a point in time for ammonia determined as a total ammonia nitrogen [TAN]. Ephemeral water quality measurements need to be incorporated into dispersal models, that is biogeochemical or ecological models, to effectively interpolate in time and space over a finfish farming zone and its environments, and to extrapolate in scenario testing.

Ross and colleagues in 2021 found that sediment/benthic evaluation do still provide a reasonable understanding of the local scale and environmental conditions, impact and recovery, but identified there was still scope for improvements. Stand-out recommendations from that work were:

> Environmental standards should focus on change relative to baseline and reference conditions rather than rely on fixed parameter ranges and

I just quote again:

> It is important to note that determining causality will ultimately rely on a weighted-evidence approach based on detailed understanding of the local environment, the broader regional and global pressures.

They also reiterate the importance of an ecosystem approach to agriculture. It is crucial, too, for integrity that the specified five-yearly reviews of BEMPs are carried out by a recognised scientific research institution that is fully and certifiably independent of industry and agency regulators and their review report is presented in its entirety in the public domain.

The sustainable marine research collaborative agreement that the Institute of Marine and Antarctic Studies [IMAS] and the University of Tasmania has with the Tasmanian Government precludes IMAS from undertaking these reviews according to that criteria. Indeed, it could be argued for greater integrity and consistency that BEAs and BEMPs modelling, monitoring and reporting should all be in the hands of an independent entity, which would most appropriately be paid for by a levy on the fish farming industry.

For all of these reasons, the environmental standards requirements for BEAs and BEMPs fail to meet the world's best practice. While technical standards for BEAs and BEMPs may address some of these problems, there is no guarantee that they will at this point in time. As technical standards are not required to be tabled in this place, we will have no further opportunities to scrutinise and require higher standards should that be necessary.

The fifth item on the list of why the environmental standards do not meet world's best practice relates to ill-considered therapeutant management. Therapeutants are the vaccines, medicines, antibiotics that are used for fish health. The key criticism is that without an ecosystem approach, the environmental standards regulation of therapeutant use is focused myopically on fish farm operations.

For this reason, Part 3, Division 5 of the Environmental Standards falls well short of world's best practice. The FAO has cautioned prudent use of therapeutants in aquaculture for almost three decades, saying this:

> States should promote effective farm and fish health management practices, favouring hygienic measures and vaccines. Safe, effective and minimal use of therapeutants, hormones and drugs, antibiotics and other disease control chemicals should be ensured.

A subsequent FAO technical paper detailed the responsible use of antibiotics in aquaculture. It includes directives against prophylactic and growth promotion use while encouraging immunisation programs and hygienic conditions, and specifies strict licensing of antibiotics and surveillance in farmed fish and off farm to evaluate microbial resistance.

International attention is on minimising therapeutant administration, only using them in direct circumstances and keeping meticulous, open records of their use while being attuned to their potential effects in the receiving environment.

The practice in Tasmania does not appear to match these aims, with the use of antibiotics on fish farms spilling over into neighbouring environments, including native fish, as shown by AQUANAL in 2023. Reports on antibiotic use were attempted to be withheld from the public on the grounds of commercial-in-confidence.

We are up to number six on the list of reasons why these Environmental Standards are not world's best practice and cannot claim to be so. Here we are talking about substandard light attenuation and noise management. Those members who undertook the finfish inquiry heard in detail about the problems with light and noise disturbance caused by fish farms. Some of the most heartbreaking evidence we heard was from people who were suffering intensive physical and psychological harm as a result of noise and lights generated by fish farms in proximity to their homes.

The finfish inquiry had specific recommendations relating to addressing these issues. It is true that these environmental standards adopt new and improved elements of light attenuation and noise management. It is a positive inclusion in these standards. However, it is regrettable that these have not included protections for wildlife in the vicinity of fish farms.

Recent research has amply catalogued the harmful effects of artificial light at night and management procedures to ameliorate those effects - there was even a local research example on that by Eastern et al published this year. A wealth of scientific information is also available on the sources and effects of marine noise pollution, along with the means to characterise and manage it effectively. There is extensive research on those with numerous references here in my notes.

The government of Canada is signposting world's best practice in developing a national ocean noise strategy. The emphasis is on marine life. More than a decade ago, a seminal work on the effects of noise associated with aquaculture on natural marine ecosystems by Fisheries and Oceans Canada made a series of recommendations, one of which was that noise-emitting acoustic harassment devices be prohibited at fish farms.

It is unacceptable that NRE is suggesting that, as near-term priority actions, it will take up to two years to develop standards for light attenuation and noise management to consider harmful effects on wildlife. Using the rich scientific information on the topics, EPA Tasmania should adopt precautionary interim standards to require management plans for light attenuation and noise to prescribe active steps to minimise the impacts of both. These could then be updated once the NRE technical standards are finally developed.

The seventh area in which these standards fall short of claiming world's best practice is on the reporting of finfish mortalities and escapes. Practicalities dictated briefly in the environmental standards around finfish mortalities might be reasonable, but what is not reasonable is the complete lack of stipulation that reports to the EPA director must also be communicated publicly - each and every one.

In the haphazard Tasmanian regulation of marine finfish farming, the fish escapes are covered by the standardised management controls, despite being an environmental issue. They should be included in the environmental standards. In other salmonid farming countries, an obligation exists to capture escapees. For example, in Canada, commercial fishers and tribal communities are contracted to do this. Although Tasmania does not have the environmental risk of farmed fish interacting with wild populations of the same species, mass mortalities as well as escapes of feral fish pose several risks. Farmed fish can carry disease, antibiotics and other therapeutants, and even contaminants from fish feed such as metals and hormones. The Tasmanian community is entitled to know the scale of these attendant risks and the wastage,

and that safe means of disposal were used in the case of mortalities. These environmental standards are certainly not good enough on this front. What is the justification for falling short?

I will touch briefly on the eighth area identified as not measuring up to a claim of best practice, and that is the uncertainty that remains in relation to ecological standards and environmental monitoring. This section of the environmental standards, Part 4, Division 2 provides the frame work for the application of the standards as well as some relevant definitions. However, without the underpinning technical standards that await development, it is not possible to make rigorous evaluation of ecological standards and environmental monitoring. It is clear, though, that if the technical standards are to perpetuate the de facto predecessors, they cannot result in world's best practice.

That brings me to ninth on the list of reasons that we cannot claim world's best practice with these standards, which is the insufficient water depth beneath finfish pens. There are specified exemptions in Part 4, Division 1 that allow existing leases in the D'Entrecasteaux Channel, Macquarie Harbour and elsewhere that have licences issued prior to 18 October 2023 to continue to produce fish with only a one metre separation of their cages from the seabed.

This cannot claim to be anything near world's best practice - indeed, it is likely the worst example. In fact, even the five-metre clearance from the sea bed for farms regulated after 18 October 2023 is far from ideal. The UN FAO, in a pertinent technical bulletin, states this:

> Cage Net Depth - As a rule of thumb, and depending on the current velocity, it should be no deeper than one-third of the site's depth, and at least 15 metres should be left between the net base and the sea bed at low tide to permit a wider and better dispersion of cage waste particulate.

These standards are the opposite of world's best practice. They grandfather in world's worst practice in some of our most sensitive inshore areas, where we know significant harm has already occurred from this industry.

In summary, broadly the environmental standards, as part of the Aquaculture Standards for Tasmania, fail to achieve world's best practice at multiple levels, principally because they do not contribute to ecosystem-based management. The standards rely on flawed allocation of fish farming zones in Tasmanian coastal waters without the prerequisite application of authentic marine spatial planning to ensure equity and impartiality in evaluation of uses and conservation in state waters.

The precautionary principle has been substituted in practice by the substandard version of adaptive management. More specifically, the effectiveness of the environmental standards is diluted by excessive discretions and determinations embedded for the EPA director and exacerbated further by a plethora of imprecise and ill-defined terms.

Sufficient transparency and accountability are not provided for environmental monitoring or reporting on evaluations, decisions and other actions of the EPA director.

Regulation of stocking and production of farmed fish is inadequately comprehensive and verifiable. Total permissible dissolved nitrogen output is a blunt instrument that fails to cover the full sweep of impact on the environment. Baseline environmental assessments and broad-scale environmental monitoring programs are not fit for purpose because they are overly

reliant on compliance instead of a holistic evaluation of the ecosystems in which aquaculture is situated.

It is essential that existing operations, some of which have expanded vastly over recent years, are subject under the Environmental Standards to the same level of scrutiny and regulation as new leases, not quietly grandfathered in. At all stages of environmental assessment and reporting, the standards fail to stipulate that demonstrably independent experts must fulfil these roles. Therapeutant management needs to be raised from administrative compliance to international best practice with licensing of all therapeutants, and close monitoring of antibiotic resistance and other environmental effects. Light attenuation and noise management fail to consider effects on wildlife, and measures to resolve these emissions are required forthwith.

In conclusion, I point out that while we live in a state that has the highest number of scientists per capita, unlike other states and federally, we have no chief scientist role here. Such a role is a crucial source of independent, evidence-based advice and scientific leadership, and informs the development and implementation of science policy in the state. In a small jurisdiction like Tasmania where there will always be risks posed by close relationships between dominant, politically powerful industries and government and regulators. it is even more important there be sources of independent scientific leadership to provide public confidence. Our small size here can make it more challenging for our scientists to stand up and speak out as independent scientific experts on matters of public policy and in the service of public interest. With a single tertiary institution, a small government sector and a handful of large industries pursuing corporate commercial interests, it would be daunting for scientists to be seen to stand up and speak inconvenient truths.

On that, I commend the Tasmanian Independent Science Council for the role it plays in providing genuinely independent scientific expertise, advice and information in this state.

The salmon industry has been given a virtual free ride in this state for a long time. We have seen example after example of industry profit put before environmental values, including what may be the imminent first example of an industry-caused extinction of a Tasmanian species with the Maugean skate in Macquarie Harbour.

We have seen what appears to be far too cosy relationships between regulators and industry over many years. Indeed, we could be a textbook case for policy and regulatory capture by the salmon industry in Tasmania, and this environmental standards risk being yet another demonstration of that capture.

I am moving this disallowance motion in the passionate hope that for once we might put public interest first when it comes to regulating the salmon industry in this state, that we might put the protection and preservation of our precious public waterways first, instead of bowing to multinational foreign-owned industry demands in the pursuit of ever greater profits leaving our shores.

This motion is a heartfelt effort to actually be genuine and accurate when we describe the regulatory frame work for the salmon industry here as world's best practice, instead of wielding that label erroneously to gaslight the Tasmanian community and sell out our public waterways and the Tasmanian way of life supported by those waterways.

This disallowance motion is a simple message to the Tasmanian government, do better. You can do better. You should do better and the Tasmanian people and the Tasmanian environment deserve nothing less than that.

I commend this motion to the House.

Resumed from above.

[5.31 p.m.]

Ms WEBB (Nelson) - Mr President, I thank members who have made contributions on the motion today. I appreciate the effort that has gone into to each of those. It is useful to add to the debate on the motion in this place. As some others have touched on, because of the way subordinate legislation arrangements occur, these standards, although we would regard them in some sense as like a bylaw and subordinate legislation in that sense, do not go through our subordinate legislation arrangements for scrutiny.

The only opportunity for this parliament to do its job on this subordinate legislation - these standards - is to do it in this place through this sort of motion as the member for McIntyre rightly pointed out. In times past, before we had subordinate legislation and a subordinate legislation committee, that is the way all subordinate legislation happened. It just got tabled in this place and maybe haphazardly scrutinised if a member was interested to bring it on for debate.

Ms Forrest - Eventually it did not have that 10-year period and that was put in after that process; they used to go on forever.

Ms WEBB - Indeed.

Ms Forrest - That is for those who are really old to reflect on.

Ms WEBB - We did in creating our Subordinate Legislation Act and our Subordinate Legislation Committee, create at least a distinct and robust way that all subordinate legislation instruments that came through this place and was tabled would be scrutinised by the parliament. That committee does it effectively on our behalf. The Chamber can still do it also through disallowance motions and the like, but that is how we did it - except for this sort of thing, these standards which does not get captured by the system. This is the only opportunity.

It is on that basis I was keen to consider these environmental standards as a parliament. It was legislated that they be laid on the table of parliament. That puts a responsibility on this place to consider them and scrutinise them. That was my intention and certainly, in interacting with stakeholders in the community, as I described it was put to me that scrutiny would be appreciated on this and if this was the only opportunity to do that, then that would be the vehicle in which to do that. I think that is appropriate. We can appreciate we are all here as representatives of our community and when people and groups approach us to undertake our role as their representative here, we are all keen to do that; which is why I was a little disappointed in in some ways with some of the commentary today, which seems to sort of cast aspersions about motivations on people's contributions or the way things are being framed.

I know that I went to a great deal of trouble to put together the contribution I made. It is a shame to have it put that it might be people's intention to somehow, in a smarty-pants way, be right rather than get it right. It is an assertion to put out there to not attach to anyone and

leave it hanging in this Chamber. It does cast an aspersion on all of us and I think that is unfortunate.

Perhaps, when I put my speech up on my website, I might put up the full footnoting and the three and a half pages of references that relate to the material in it. Certainly, it was my intention in engaging in this debate today to do the best job I could to get it right.

Ms O'Connor - That's right.

Ms WEBB - That is the whole basis of the argument I am making on arguing for this disallowance is that we should all be aiming to get it right. My suggestion is that we could have done better here, which is why I am moving the disallowance.

We have to be careful about casting aspersions like that on the people in this place but also on the people that they might be representing here in undertaking actions because that flows back through to them as well.

I do not need to belabour points too much in terms of matters that came up. I appreciate that people took time to pick up on certain things to provide what they understand to be a correction of the record on matters that were raised. I understand that there are different views on some of those things and different assertions made on them. We do not have to go too far down that science-at-20 paces approach to it.

It was always going to be a very large hill to climb to expect that this disallowance would get up. Disallowances are pretty difficult to get up in this place. The clear intention is on my part and expectation is on my part that this was our opportunity for scrutiny. It does not provide for what might have occurred through the Subordinate Legislation Committee, which could have held briefings, even held public hearings in scrutinising this sort of thing. It is a shame that we do not have the chance to do that here on the floor in terms of public hearings and the like - hearing directly from people on the record, but it is it is the best we could offer, given the limitations of the scrutiny of the instrument.

To be clear on a couple of assertions about the purpose of this disallowance was to send a message: I think that was picking up on some wording used in a briefing today, but not fully picking up on that wording. Certainly the disallowance was an opportunity to send a message and that message, quite explicitly, expressed in the briefing but also by me in my contribution, was to say that we can do better than what we have here in these standards and to say that it is our expectation - mine and that of others who agreed with this disallowance - that Tasmanians deserve and our environment deserves us to do better than what we have offered in these standards. If the industry was confident that it operates at world's best practice and is sustainable in its operations, it would be demanding regulatory standards that were uncontestably at that level.

I am just looking through my notes to check if there are any other points I wanted to pick up on. I will not go down rabbit holes in tick-tacking between points made.

I thank the members who have indicated support of the motion. I appreciate that. I understand that other members will not support the motion, and that was to be expected also.

I believe we will now be in a position - because I think this disallowance is not going to get up - where these standards will continue and the following-on technical standards and other things that are coming in train behind them will be in place.

It will be interesting to see what impact that has. It is not about, on paper, all the different bits of regulation and how many there are in number. It is actually how well are they working to protect environmental outcomes in this state, how well are they doing to balance competing interests, because that is what regulation is about.

It is about balancing competing interests. It is about balancing commercial interests, public interests, environmental interests, and whether we get that right is actually always an open question for us to be asking.

We, as a starting point, have to decide what those outcomes are that we are after. What is the balance of those competing interests that we are aiming for? Does the framework we put in place deliver on those outcomes identified as what we want? We will all be keeping a close eye on this, I suspect. Various members in this chamber will be keeping a very close eye on how these things play out over time.

If we see a species, a unique Tasmanian species, go extinct, for example, in Macquarie Harbour over the next short while, that is going to be an utterly compelling indication that the frame work we have is tragically insufficient, and it would be sad to think that is what we are prepared to risk in terms of how we are going forward.

People from all aspects of that question probably feel they are doing the right thing.

Ms O'Connor - I am not sure about that.

Ms WEBB - I am trying to be optimistic about that. It is really difficult to weigh up the value of a unique species and its extinction. I do not know that we have got the weighing up of that value correct in the urgency of the approach that we are undertaking at the moment. It will be a damning indictment on our state, certainly on this government and on the industry, if that is where we land in the probably not too distant future.

We will talk more on that. We will talk a great deal more on that if that is the way things turn out in this state with this industry. I appreciate people's indulgence. This has been a long debate - longer than I expected it to be. I appreciate the effort that went in from folk from the department in assisting with the preparation for the debate and assisting with providing information. That is genuine effort that is put in and I appreciate the effort put in by the stakeholders who I was working with from the community.

I do not think we should be casting aspersions on their claim to care about the outcomes here - their claim to be concerned as it was put by the minister. I do not think we should be casting a suspicion on that. These are groups of people who are - I am talking about the Tasmania Independent Science Council - highly credentialed people who have invested a great deal of time over years and the folk in the department would know this too, because they have interacted with them over that time as well.

These are people who at every single opportunity for consultation - and the Deputy Leader of Government Business, the other minister who spoke on behalf of the government - outlined all those opportunities on all different things: the plans that have come through, the

standards that have come through. There has been time and again opportunity for consultation. Groups like the Independent Science Council and the individuals within it have put in effort and their expertise time and again.

To point to the consultations of the apparent recent consultations on the technical standards and apparently a lack of submissions made and question a commitment in terms of their concern is really unfortunate and unwarranted. I saw in the Independent Science Council submission made on 21 March last year to the standards that they felt the need to highlight the toll it takes to continue to be involved in these conversations and to feel like you are actually not being genuinely listened to.

It says here on the first page of their submission:

> The Tasmania Independent Science Council has participated in multiple reviews of the environmental and other salmon related standards, including a submission on the Environmental Standards position paper, June 2022, as well as submissions on the draft Operational and Bio Security Standard.

And they then go on to say:

> It appears that few of the concerns raised or recommendations we have made have been adopted.

And then say just slightly later:

> Quite frankly, we are wondering if there is any point in providing further input.

Consultation is important, but it is also important that there is a genuine willingness to listen. That is not to say that you should adopt everything that people bring to you in those places, but for these particular stakeholders with their particular expertise and credibility, it is incredibly sad to hear the dismay in the tone from their submission about what they perceive as fruitlessness when participating in consultation.

This is not just Joe Blow out in the community who wants to have a bit of a say on something and has an opinion on everything and expertise in nothing. These are people who are deeply invested, who have expertise that isrelevant and valuable and are expressing dismay, so I think if we are going to talk about whether we are wanting to be right or get it right, we also have to have that sort of awareness when we are engaging in consultation too, that doing consultation is important, but also the purpose of consultation is genuine listening and a willingness to take on board.

I will bring my summing up to a conclusion and thank members again and encourage them to support this disallowance motion.

Mr PRESIDENT (Mr Farrell) - The question is that the motion to disallow be agreed to.

The Council - AYES 3

Mr Gaffney, Ms O'Connor, Ms Webb

NOES 10

Ms Armitage, Mr Duigan, Mr Edmunds, Ms Forrest, Mr Harriss, Mrs Hiscutt, Ms Palmer, Ms Rattray, Ms Thomas, Mr Vincent.

Motion negatived.