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Senate Standing Committees on Environment and Communications
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Inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Reconsideration of Decisions) Bill 2024*

Dear Committee Members,

Thank you for the opportunity to make a submission on the above Bill, which The Australia Institute does not support.

This Bill contends to address a “potentially dangerous precedent”,¹ relating to the reconsideration of decision EPBC 2012/6406 Marine Farming Expansion, Macquarie Harbour, Tasmania. This reconsideration was initiated by The Australia Institute, and was followed by requests from the Bob Brown Foundation and the Australian Marine Conservation Society.

The request to reconsider salmon and trout farming in Macquarie Harbour is not a dangerous action requiring legislative change, but an example of civil society organisations using national environmental law in precisely the way it was intended. The Maugean skate is being driven to extinction by fish farming operations that have not met expected water quality outcomes. This is the view not just of The Australia Institute, but of the Australian Government’s Threatened Species Scientific Committee, which has stated that the highest “urgent priority” conservation action is to “eliminate or significantly reduce the impacts of salmonid aquaculture on dissolved oxygen concentrations” and that “the fastest and simplest way to achieve this is by significantly reducing fish biomass and feeding rates”. This has not been actioned, despite the recommendation for this to be implemented before the 2023/24 Summer.²

Despite one-third of Macquarie Harbour being World Heritage and Maugean skate being recognised as a natural value of the Tasmanian Wilderness World Heritage Area,³ open sea cage fish farming has never been assessed for its impacts under the EPBC Act.

The request to reconsider salmon farming approvals represents a clear example of why reconsideration provisions are necessary. Reconsideration provisions in the EPBC Act provide a limited but important mechanism to review decisions in relation to approvals under the Act. Reconsiderations are only triggered when substantial new information becomes available, or where there is a substantial change in circumstances in relation to impacts of an

¹ See Senator Colbeck’s second reading speech introducing the Bill, [ParlInfo - BILLS : Environment Protection and Biodiversity Conservation Amendment \(Reconsideration of Decisions\) Bill 2024 : Second Reading \(aph.gov.au\)](#)

² Australian Government (2023) *Conservation Advice for Zearajan maugeana (Maugean skate)*, [environment.gov.au/biodiversity/threatened/species/pubs/83504-conservation-advice-06092023.pdf](#), p. 29

³ DPIIWE (2016), *Tasmanian Wilderness World Heritage Area Management Plan 2016*, p.47

action on Matters of National Environmental Significance, as we see in the case of Maugean skate.

The Bill proposes changes which would limit this kind of community participation in environmental decision-making. The right of third parties to initiate reconsiderations under the Act, recognises that governments can and do fail to act to prevent environmental harm, even when that harm is sufficient to lead to the extinction of an entire species. Opportunities to hold government administrators to account should be maintained or expanded, not reduced, to keep democracies healthy.

This Bill appears largely in response to one reconsideration request and proposes a small reform to weaken environmental protection under one area of the Act. This comes at a time when it is widely recognised that national environmental laws need to be strengthened and a major overhaul is in process.

This gives the impression that the Bill is an attempt to appease the salmon industry, which is politically powerful in Tasmania despite the minimal economic benefit that it provides. Salmon farming accounts for less than 1% of Tasmanian jobs, the three major companies are entirely foreign-owned and appear to have paid zero company tax in the last three years for which data is available.⁴

In conclusion, this Bill is unnecessary and regressive and will substantially reduce the ability to properly assess actions that are likely to have significant environmental impacts. It stands to benefit foreign-owned companies in one industry, in one part of Australia, while the entire nation's people, plants and animals wait for stronger environmental laws.

We urge the Committee to recommend that the Bill is not passed.

Yours sincerely,



Eloise Carr
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The Australia Institute Tasmania

⁴ Grudnoff, Campbell and Carr (2023) *Small Fish, Big Pond: Tasmanian salmon industry job numbers & tax payments*, <https://australiainstitute.org.au/report/small-fish-big-pond/>