

Marine Farming Planning Amendment Bill 2011

FACT SHEET

The Bill to amend the Act provides improvements to the processes and decision-making requirements for approval of amendments to marine farming development plans and allocation of marine farming leases.

The first objective is to improve consistency of provisions 9 and 42 of the Act, thereby establishing clearly that the Marine Farming Planning Review Panel makes recommendations to the Minister, while the Minister has responsibility for final decisions in relation to draft amendments to marine farming development plans. The second objective relates to the allocation provisions of section 52, and should encourage investment by increasing certainty of allocation for persons that prepare a draft Marine Farming Development Plan, or request an amendment to a Marine Farming Development Plan.

The Bill is drafted to be specific and prescriptive regarding the planning and allocation processes. This assists in providing certainty and efficiency by making the requirements of the planning process clear, but ensures discretionary functions of the Minister and Panel are clearly described. The key elements of the Amendment Bill provide for:

- the provision of Ministerial approval to the making of an amendment upon a recommendation from the Panel resulting from a request under section 33;
- the revision of sections 41 and 42 to provide for the Panel to make recommendation to the Minister with respect to draft amendments to a marine farming development plan, and for the Minister to have discretion in relation to each of the recommendations made. This will provide consistency with section 9 of the Act;
- the ability for the Minister to seek further advice, subsequent to receiving a recommendation from the Panel regarding a draft amendment, and the option that if a draft amendment has insubstantial modifications by the Panel or Planning Authority, for it to be exempt from certain provisions;
- the introduction of the concept of a privately prepared draft plan and privately requested draft amendment, to complement those that publicly initiated by either the Panel, Planning Authority or Minister, and the ability for the Minister to consider inviting a person to apply for a lease where the relevant person has prepared a draft plan, or requested the amendment to a plan leading to that allocation process;
- the requirement for the Minister to seek the advice of the Board of Advice and Reference in relation to the participating persons and method of allocation for any publicly initiated new plan, or amendment to a marine farming development plan; and
- the correction of several typographical errors in the existing legislation.