

FACT SHEET

Finfish Farming Environmental Regulation Bill 2017

This Bill provides for the transfer of powers relating to the environmental regulation of the finfish farming industry from the Minister for Primary Industries and Water, the Secretary of the Department of Primary Industries, Parks, Water and Environment and the Director of Inland Fisheries, to the Environment Protection Authority (EPA). The legislation covers the environmental regulation of both marine and freshwater finfish farming activities, including hatcheries.

The planning and development processes for finfish marine farming will remain substantially unchanged and will continue under existing legislation, however, the role of the Director of the EPA in the planning and development processes will be strengthened. The legislation also provides for the declaration of finfish marine farming exclusion zones.

The Bill will amend the *Environmental Management and Pollution Control Act 1994*, the *Inland Fisheries Act 1995*, the *Living Marine Resources Management Act 1995*, the *Marine Farming Planning Act 1995* and the *Resource Management and Planning Appeal Tribunal Act 1993*.

The main provisions of the Bill are as follows.

- Provision will be made in the Environmental Management and Pollution Control Act for a new regulatory instrument, the environmental licence (EL). In future, operators of finfish farming activities will be required to hold an EL in addition to a marine farming licence or an inland fish farm licence. The EL will specify environmental conditions for the operation of an activity and may be varied, suspended or cancelled.
- Finfish farming will become a level 2 activity under Schedule 2 of the Environmental Management and Pollution Control Act. This will apply to both existing finfish farming activities and proposed new activities. Thresholds will apply to inland activities.
- An application for an EL for a marine finfish farming activity will normally be processed, and the EL granted or refused, by the Director of the EPA. The Director may alternatively refer the application to the Board of the EPA for assessment and a decision.
- Most applications for freshwater finfish farming activities will be assessed by the Board of the EPA in a similar manner to assessment of other level 2 activities. The Board will grant or refuse to grant an EL after the assessment.
- It will be an offence to operate a finfish farming activity without an EL, to contravene a condition of an EL or to expand an activity without approval. Penalties include fines and a prison sentence for individuals. There is provision for special monetary penalties to be prescribed in regulations.

- Various existing environmental regulatory powers will apply in relation to finfish farming activities, for example the Resource Management and Planning Appeal Tribunal will in future be able to make civil enforcement orders in relation to compliance with an EL.
- The Director of the EPA will no longer be a member of the Marine Farming Planning Review Panel, but there will be provision for 2 new members with one with environmental management expertise and the other with fish health and biosecurity expertise. The Director will have new powers to require environmental management matters to be addressed in marine farming development plans and plan amendments.
- Provision is made for the declaration of finfish marine farming exclusion zones. A mechanism is prescribed for the declaration and revocation of zones, and there is a prohibition on the preparation of marine farming development plans for finfish farming in areas where there is an exclusion zone.