



**edotasmania**

using the law to protect the natural and built environment

---

131 Macquarie Street  
Hobart TAS 7000

tel: (03) 6223 2770  
email: [edotas@edotas.org.au](mailto:edotas@edotas.org.au)

8 December 2017

Department of Treasury and Finance  
GPO Box 147  
Hobart TAS 7001

**By email:** [communityconsultation@treasury.tas.gov.au](mailto:communityconsultation@treasury.tas.gov.au)

Dear Madam / Sir,

**2018-19 BUDGET SUBMISSION: EDO TASMANIA**

Please find enclosed our budget priority submission for the 2018-19 budget period. A summary of suggested allocations is provided at the outset, with more detailed support for each suggestion outlined in the body of the submission.

Please do not hesitate to contact me on **6223 2770** if you would like to discuss any of our suggested allocations.

Kind regards,

**EDO Tasmania**

A handwritten signature in grey ink, appearing to read 'Jess Feehely'.

Jess Feehely  
Principal Lawyer

---

# BUDGET COMMUNITY CONSULTATION 2018-19

## DEPARTMENT OF JUSTICE

- **PLANNING ADVICE SERVICE**

Funding to establish a public legal advice and information service for Tasmanians seeking help to understand and navigate the new planning system.

- **STATE OF THE ENVIRONMENT REPORTING**

Funding for the overdue publication of the State of the Environment report

- **RIGHT TO INFORMATION**

Funding to ensure Right to Information reviews are undertaken in a timely manner, and reference / training materials are developed to support RTI officers within government agencies

- **REGIONAL LAND USE STRATEGIES**

Resources to assist local councils to implement heritage codes and to review Regional Land Use Strategies.

## DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER and ENVIRONMENT

- **ENVIRONMENTAL INFORMATION RESOURCES**

Funding for a comprehensive update and consolidation of the *Environmental Law Handbook*

- **PRIVATE LAND CONSERVATION**

Funding to support private land conservation programmes and partnerships

- **MANAGEMENT OF PARKS AND RESERVES**

Additional funding for pests, weeds and disease management, updating management plans, and reviewing the Reserve Activity Assessment process

- **WATER MANAGEMENT PLANS**

Resources to ensure all catchments have up to date water management plans, identifying Protected Environmental Values, and to implement the commitment to convert the *State Policy on Water Quality Management 1997* into an Environment Protection Policy providing clear water quality thresholds.

- **RECOVERY ACTIONS FOR THREATENED SPECIES**

Increased funding to the Threatened Species Unit to undertake planning, monitoring and assessment activities to redress species decline across the State.

Resources should also be allocated to reviewing the effectiveness of the *Threatened Species Protection Act 1995*, and to assisting in the finalisation of Sustainable Timber Tasmania's swift parrot management plan

- **ABORIGINAL HERITAGE**

Funding to immediately commence comprehensive consultation on Aboriginal Heritage legislation, and to progress the cultural values assessment within the TWWHA.

- **MARINE PROTECTED AREAS**

- **CONTAINER DEPOSIT LEGISLATION**

Funding to consult on / implement model framework legislation for a container deposit scheme.

## ENVIRONMENT PROTECTION AUTHORITY

- **REGULATION OF SALMON FARMING**

Funding to ensure the EPA can effectively carry out its new responsibilities for regulation of salmon farming, and to support the establishment of transparency measures, including the information portal committed to as part of the *Sustainable Industry Growth Plan for the Salmon Industry*.

## OTHER

- **TASWATER ENVIRONMENTAL COMPLIANCE**

Funding to address the broad range of environmental non-compliances revealed in the recent Audit report.

## DEPARTMENT OF JUSTICE

### Planning Advice Service

#### *Need for allocation*

In the most recent Annual Report of the Resource Management and Planning Appeal Tribunal, the then Chair of the Tribunal (now Supreme Court Justice Geason) made the following observations:

- “The task of interpreting planning schemes is a technical one... the complex nature of planning schemes, the convoluted and inconsistent use of language in some of them, and the uncertainty created thereby, adds a layer of complexity to the process.”
- “[T]hird party appeals have an important part to play. Third Party appeals are sometimes the only mechanism through which a development application supported by a Council, but perhaps contrary to the planning scheme, can be subjected to the Tribunal’s scrutiny. It is well recognised in this jurisdiction and beyond that third party appeal rights are a useful mechanism for avoiding inappropriate planning outcomes which are inconsistent with the applicable legislation and schemes.”

Both the objective of Tasmania’s Resource Management and Planning System (RMPS) “to encourage public involvement in resource management and planning” and the observations of the Chair underscore the value of public participation. However, the planning system is extremely complex and self-represented litigants generally have a limited understanding of the legal and technical aspects of planning, and of Tribunal procedures. This inexperience can prevent them from dispassionately assessing the prospects of their appeal, and place an additional burden on the Tribunal and other parties. Even with strong grounds, self-represented litigants are at a disadvantage when faced with an opposing party who has engaged experienced counsel or experts.

A service to ensure that third parties have access to clear, expert, objective advice in relation to both development proposals and appeal prospects will redress this imbalance and greatly improve the efficiency and effectiveness of the RMPS.

The service would provide free initial legal advice (at both the application and appeal stage), coordinate pro-bono services for expert advice (including planners, environmental consultants, engineers, and lawyers), and provide limited pro bono representation in matters judged to be in the public interest.

A proposed annual allocation is set out below:

Item	Description	Amount
<b>Lawyer</b> (1 FTE) – <i>Level 6.3 SCHADS Award</i>	Provision of advice and representation, liaising with experts, planning authorities and the Tribunal, authorising publications and supervising students	\$79,000
<b>Administration / communications officer</b> (0.6FTE) <i>Level 4.3 SCHADS</i>	Reception, data management and conflict checking, coordinating and supervising student volunteers, drafting resources, maintaining expert registers and accountability reporting.	\$40,000
<b>On-costs (20%)</b>	Superannuation, workers’ compensation, insurance, office overheads (utilities, stationery etc)	\$23,800
<b>Rent</b>	City office (co-location preferred)	\$9,000
<b>Equipment</b>	Computer and telephony set up, photocopier	\$5,000
<b>Printing</b>	Production of resources	\$3,200
<b>TOTAL:</b>		<b>\$160,000</b>

### ***Operating environment***

Several thousand development applications are made across Tasmania each year. Each year, approximately 140 planning appeals are initiated in the Tribunal. While records are not maintained, an estimated 50% of these are commenced, or joined, by third parties (the balance being developer appeals against refusals or conditions). A significant proportion of these third parties are self-represented for all or part of the proceedings.

Community legal centres currently have very limited capacity to provide advice and representation. EDO Tasmania, the only service with expertise in this area, receives only \$8,750 annually and relies on public donations to supplement our capacity.

The Tribunal is not in a position to provide advice and support to litigants, as staff need to remain objective adjudicators.

### ***Government priorities***

The government's planning reform process should be complemented by services to assist the community to understand, navigate, and have confidence in the planning system.

### ***Efficiency benefits***

An expert advice service can:

- reduce the burden on planning authorities and the Tribunal in dealing with poorly drafted representations, appeals with limited prospects, or litigants unable to present their case effectively
- assist stakeholders to draft representations in response to development applications – well drafted representations raising relevant issues can result in better permit conditions, and reduce the need for appeal
- increase the efficiency of planning appeals through better assessment of prospects to reduce unmeritorious appeals, increased compliance with Tribunal timeframes, more effective participation in mediation conferences, and better representation in limited matters proceeding to hearing.
- coordinate existing services (the Tribunal's 15 minute referral service and Planning Institute of Australia's Planning Aid program) to maximise the effectiveness of pro bono contributions (for example, collating relevant material and preparing referral briefs to assist experts to deal with matters more efficiently).
- provide opportunities for law students to gain experience

## **State of the Environment Reporting**

### ***Need for allocation***

The Planning Commission plays a critical role in the assessment of planning schemes (including the State Planning Provisions and impending Local Provisions Schedules), rezoning and other amendment applications, and Projects of State Significance. The Commission will be particularly important over the coming years as planning reforms continue and applications are made to amend management plans for parks and reserves to accommodate EOI projects.

As a result of the significance of this role, the Planning Commission's resources are currently, and likely to continue to be, directed at planning assessments. With limited funding, this comes at the expense of the Commission's other statutory functions, including preparation of the State of the Environment report under the *State Policies and Projects Act 1993*.

The State of the Environment reports provide an invaluable summary of scientific, social, economic and legal perspectives and an important resource for tracking progress against a range of indicators, identifying priority actions and informing future decision-making. Despite this, a State of the Environment report has not been prepared since 2009.

### ***Operating environment***

The 2017-2018 Budget reduced funding to the Commission on the basis that funding arrangements relating to the State Planning Provisions have ceased. Overall funding for the Commission across the forward estimates remains lower than in recent years.

Given the already stretched capacity of the Commission, and the unavoidable emphasis on its planning assessment role, dedicated additional funds will be required to ensure that State of the Environment reporting is undertaken.

### ***Government priorities***

The Planning Commission has a statutory obligation under s.29 of the *State Policies and Projects Act 1993* to prepare State of the Environment reports every 5 years.

Further, the consolidation and presentation of data on a range of environmental indicators is consistent with the Government's [Open Government policy](#).

### ***Efficiency benefits***

Many government departments conduct monitoring and collect and collate environmental data. This information is presented in various ways, across various websites and reports, often making it difficult to find and difficult to analyse.

Dedicating funding for a specific SOE officer / team would allow the compilation of this data to be centralised, and for it to be presented in a way that allows easy access and easy assessment against benchmarks in previous SOE reports. This will improve transparency of the data, and its usefulness in guiding policy decisions and tracking environmental performance.

## **Right to Information**

### ***Need for allocation***

The recently published [National Dashboard on the Utilisation of Information Access Rights](#), revealed that Tasmania has among the highest rates of refusals and appeals, and that government agencies (and the Ombudsman, on review) exceed statutory timeframes more often than in other States. This is consistent with our experience of Right to Information requests being subjected to repeated delays and excessive reliance on exemptions.

The Office of the Ombudsman plays an essential role in overseeing the efficiency and veracity of RTI decisions. The 2017-2018 Budget Papers indicated that the Office has the following objectives in relation to its RTI functions:

- dealing with new Right to Information (RTI) Act review matters in a timely fashion
- finalising the backlog of such matters
- updating the RTI Training Manual for the benefit of agencies and the public; and
- coordinating RTI training, particularly in smaller public authorities

We strongly support these objectives, but question whether they can be achieved with current resources and staffing levels.

### ***Operating environment***

In 2017-2018 (and across the forward estimates), the Office of the Ombudsman is allocated approximately \$2,300,000 per annum – this is a slight increase on the previous year, but the increase reflects additional funding for the Prison Inspectorate and is unlikely to relieve any of the current difficulties in reviewing RTI applications.

In contrast, the NSW Ombudsman is funded to \$31,000,000 and the Queensland office has an annual allocation of \$8,000,000. While the volume of complaints made to the Tasmanian office is likely to be much smaller than in those states, the national statistics highlight that more funds are needed to efficiently deal with the review requests that are received.

### ***Government priorities***

The efficient operation of the Right to Information system is consistent with the Government's [Open Government policy](#), and the national Open Government Plan.

### ***Efficiency benefits***

The national statistics confirm Tasmania's high rate of appeals from agency decisions (or failures to decide). Funding to allow the Office of the Ombudsman to develop clearer guidance and deliver training would go a long way towards achieving the objectives of the *Right to Information Act 2009* by encouraging more active disclosure and broader release of information through assessed disclosures. This would ultimately reduce the review burden on the Ombudsman.

## **Regional Land Use Strategies**

### ***Need for allocation***

The current planning reform process imposes a significant burden on local councils to deliver sustainable planning outcomes. In particular, local councils will be expected to develop Local Provisions Schedules which address local needs while still implementing the State Planning Provisions and any Tasmanian Planning Policies (if these instruments are introduced).

It will be essential that councils are adequately supported in this task. For example, recent amendments to the *Land Use Planning and Approvals Act 1993* have allowed local heritage properties to be included in Local Heritage Schedules without a full heritage statement. This was important to ensure that protection of those properties continued while heritage statements are developed, but ongoing regulation of developments affecting listed properties will require statements to be finalised as soon as possible. Support will be required to assist councils to adequately protect heritage values in their municipal area.

Resources should also be allocated to support councils to participate in a review of the Regional Land Use Strategies. Reviewing the three RLUS will be essential to ensure that they reflect the State Planning Provisions and any Planning Policies that are developed and take account of updated ecological and demographic information. The one-off allocation of \$300,000 to the regions in the 2017-18 budget was welcome, though more will be required to allow councils to provide for sustainable land use and development across Tasmania.

### ***Operating environment***

Local councils are already stretched, and their strategic planning officers have been diverted to the interim and Tasmanian Planning Scheme projects for several years now. Further resources will be essential to support their ongoing engagement in planning reforms and the review of Regional Land Use Strategies.

### ***Government priorities***

The government is committed to delivering a "simpler, cheaper, faster, fairer planning scheme." This commitment will not be achieved unless local government is supported to implement it.

Further, the government remains committed to growing the Tasmanian population to 650,000 by 2050. Such growth cannot be sustainably managed without resources for comprehensive settlement strategies and regional implementation plans to ensure adequate social and transport infrastructure is available to service higher populations.

### ***Efficiency benefits***

Providing support for Councils to implement heritage codes, biodiversity codes, and to participate in regional efforts to develop coordinated planning strategies will be the most efficient way to ensure that planning reforms satisfy the objectives of the Resource Management and Planning System.

## DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER & ENVIRONMENT

### Environmental information resources

#### *Need for allocation*

The Productivity Commission has consistently recognised the vital role of community legal education in equipping the community to resolve disputes privately, and avoid progressing such disputes through the court system.<sup>1</sup> This has inevitable benefits for the operation of the legal system.

In Tasmania, the *Environmental Law Handbook* is the only comprehensive guide to Tasmania's complex suite of resource management and planning laws. The Handbook is regularly used by government and council officers, consultants, practitioners, lecturers, Landcare groups, students and members of the public to gain a basic understanding of applicable laws.

The Handbook is currently available as an online wiki – the current format is difficult to update, and the layout does not allow for easy [conversion to PDF](#) for printing.

Due to limited resources, the Handbook has not been updated since March 2014. Since that time, a number of significant changes have been made, including:

- Repeal of the Tasmanian Forests Agreement Act, and introduction of the *Forestry (Rebuilding the Forest Industry) Act 2014*
- Changes to the *Land Use Planning and Approvals Act 1993* to introduce a Statewide Planning Scheme
- Changes to Council's enforcement powers in relation to planning offences
- Changes to the regulation of salmon farming operations
- Introduction of the *Workplace (Protection from Protestors) Act 2014*
- Changes to the *Aboriginal Heritage Act 1975*
- Changes to the *Historic Cultural Heritage Act 1995*, and the way in which development proposals affecting properties on the Tasmanian Heritage Register are assessed
- Extension of the Tasmanian Regional Forest Agreement
- Changes to the procedural requirements for Tribunal hearings

#### *Operating environment*

EDO Tasmania is the only community legal service with expertise in planning and environmental law, and is the author of the Environmental Law Handbook (developed in consultation with a range of government officers and stakeholders).

Since the termination of Commonwealth funding for the service in 2014, EDO Tasmania has relied on project-specific grants to produce community legal education resources. Such grants are neither substantial nor recurrent, and do not allow a comprehensive or strategic education program to be maintained. As a result, a review of the Environmental Law Handbook has not been possible.

The allocation set out below would allow the material to be updated (both comprehensively, and then more regularly) and presented in a format that improves its accessibility.

#### *Government priorities*

Encouraging public participation is a core objective of Tasmania's Resource Management and Planning System. Without targeted, practical resources to assist the community to understand and engage with environmental and planning laws, the quality and consistency of this participation is compromised.

---

<sup>1</sup> Productivity Commission. 2014. *Access to Justice Arrangements – Final Report*.

Access to clear, practical information about environmental laws, the obligations that they impose and the opportunities they facilitate, is critical to improving compliance with the government's suite of legislation.

### ***Efficiency benefits***

EDO Tasmania has a strong track record of delivering high-quality information resources at low cost, as demonstrated by wide use of the *Environmental Law Handbook*. Our lawyers have the necessary expertise and experience to deliver the project efficiently, accurately, and with appropriate consultation with government and stakeholders.

Facilitating an update of the *Environmental Law Handbook* would be far more efficient than creating a completely new suite of resources, and will relieve a significant burden on government agencies such as councils, MRT and the EPA to produce this information.

<b>Item</b>	<b>Description</b>	<b>Amount</b>
<b>Lawyer</b> (0.2FTE for 6 months) <i>Level 6.3 SCHADS Award</i>	Supervision and authorisation of content	\$7,900
<b>Project officer</b> (1 FTE for 6 months) <i>Level 4.3 SCHADS</i>	Reviewing content and drafting updates	\$33,200
<b>On-costs (15%)</b>	Superannuation, workers' compensation, office overheads (utilities, stationery etc)	\$6,165
<b>Web design</b>	Customised WordPress template + PDF formatting	\$2,500
<b>TOTAL:</b>		<b>\$49,765</b>

## **Private land conservation**

### ***Need for allocation***

Many of Tasmania's threatened vegetation communities (and dependent species) occur primarily on private land, particularly in central and eastern areas of Tasmania. Such vegetation is often important for the maintenance of landscape-scale habitat connectivity.

Financial incentives are essential to encourage greater uptake of conservation covenants and improve the conservation outcomes on covenanted land. If conservation covenants are to be used as a mechanism to secure greater protection of biodiversity on private land, the Tasmanian and Commonwealth Governments must allocate additional resources to support covenanting programmes.

### ***Operating environment***

Private land conservation is counted towards Tasmania's overall conservation estate, including in the budget papers' performance objectives.

The Tasmanian Government currently allocates very few resources to conservation covenants. In 2017-2018, the budget for the agency administering conservation covenants was reduced by \$70,000. While the output performance indicators project a 4,000ha increase in the area of private land covered by a conservation agreement for 2017-2018, this relates to covenants progressed by the Tasmanian Land Conservancy, rather than any government aspiration to increase support for covenanted areas.

### ***Government priorities***

Supporting voluntary private land conservation measures will improve connectivity, while reducing the pressure on the government reserve estate.

### ***Efficiency benefits***

Programmes like Land for Wildlife and Protected Areas on Private Land deliver significant conservation benefits for a limited investment, by leveraging the good will of those already willing to protect the natural values of their land.

The Tasmanian government should continue to progress formal partnerships with conservation funding bodies to support conservation covenants, such as the TLC Stewardship and Monitoring Program. Partnerships could allow conservation funding bodies to provide financial assistance in return for being made a party to the conservation covenant and able to enforce its terms.<sup>2</sup>

## **Management of Parks and Reserves**

### ***Need for allocation***

The [2016 Auditor-General's report on Parks Management](#) concluded that pest, weed and disease management in national parks was under-resourced and presented a significant risk to the natural values of reserve areas. The review also observed that the management plans for many parks and reserves were out of date. Although some management plans have been subject to ad hoc reviews in response to development proposals, many are overdue for a comprehensive review to determine whether they remain consistent with the objectives of the *National Parks and Reserves Management Act 2002*.

It is critical that management plans are regularly reviewed to ensure that they provide adequate guidance on the reserves' natural and cultural values, management objectives, carrying capacity, and risks to the identified values.

The Government has committed to reviewing the current Reserve Activity Assessment process (for example, see the [Parks and Reserves Planning fact sheet](#)). Sufficient resources must be available to complete a comprehensive review to ensure that developments in reserves are subject to rigorous and transparent assessment.

### ***Operating environment***

The Auditor-General report noted that the \$/km<sup>2</sup> appropriation in Tasmania was low compared with other states, and recommended that DPIPW review the adequacy of Parks and Wildlife funding. Other than the Australian Government funding for management of the TWWHA (which expires in 2018), there has not been a significant increase in resources in response to those recommendations.

The number of Parks and Wildlife and Forest Practices Authority compliance officers for the entire State remains worryingly low. More resources must be allocated to ensure that compliance is adequately monitored, breaches identified and dealt with early, and appropriate enforcement action taken to secure conservation goals.

### ***Government priorities***

The government remains committed to growing visitor numbers in Tasmanian parks. To ensure that the natural values that visitors are travelling to see are protected, it is essential to manage risks from pests, weeds and diseases, to support rigorous assessment processes, and to ensure that management plans provide clear guidance as to the criteria against which any proposed use of parks and reserves will be assessed.

### ***Efficiency benefits***

Proactive management of weeds and pests is a more efficient use of funding than remediating infested areas when risks have not been managed.

Introducing a rigorous and transparent process for the assessment of activities in reserves will improve community support for developments and increase certainty for proponents.

---

<sup>2</sup> See s.77, *Reserves Act 1977* (NZ) for an example of provisions allowing conservation groups to be authorised parties to a covenant. This could further reduce government's financial responsibility, while improving compliance.

## Water management

### *Need for allocation*

Water management plans remain outstanding for a number of catchments across Tasmania, and many of the catchments with plans have not had the Protected Environmental Values of their water resources assessed or updated.

Poor water quality is a serious and growing issue, reflected in the concerns raised regarding boil water alerts in many Council areas, and in the increased regularity of outbreaks of aquatic disease. Resources must be allocated to monitoring water quality, and identifying and managing risks to water quality, and ensuring water quality issues are considered in planning and land use decisions.

In 2010, the government [response](#) to the review of the *State Policy on Water Quality Management 1997 (SPWQM)* outlined a commitment to converting the policy into an Environment Protection Policy, to improve its effectiveness as an environmental protection and management tool. Resourcing this outcome would deliver better water quality management across the State.

### *Operating environment*

Some funds have been allocated to specific water quality improvement programs (such as the \$185,000 allocated to NRM North to support the Tamar Estuary and Esk Rivers Program), but many catchments remain un-reviewed.

### *Government priorities*

Ensuring the quality of Tasmania's water supplies, and water resources on which agricultural and aquaculture industries rely, must be a high order priority for government.

### *Efficiency benefits*

The 2010 report noted that converting the SPWQM into an Environment Protection Policy, with clear performance thresholds, would bring Tasmania into alignment with other States, and with the National Water Quality Management Strategy. An Environment Protection Policy brings "all technical and strategic environmental management principles under the one instrument", improving the efficiency of implementation.

## Other allocations

### *Aboriginal heritage*

Section 23 of the revised *Aboriginal Heritage Act 1975* requires the Minister to review the Act by August 2020.

Previous efforts at updating the legislation have demonstrated the complexity and time-consuming nature of consultation, however those efforts are essential. Resources must be allocated to immediately develop, and implement, an appropriate procedure to ensure that effective, contemporary and respectful legislation can be introduced within the statutory timeframe.

Funding must also be secured to ensure Aboriginal values within the TWWHA are comprehensively surveyed and appropriately protected through respectful management arrangements. Given the Premier's commitment to "resetting the relationship" with Tasmania's Aboriginal community, if funding cannot be secured from the Australian Government, the Tasmanian government must allocate the funding itself.

Funds allocated in previous budgets to facilitate the opening of off-road vehicle tracks within the Western Tasmania Aboriginal Cultural Landscape should be redirected to improving monitoring and enforcement activities in relation to unlawful use of the area.

### ***Threatened species – recovery actions***

Further resources must be allocated to redress species decline across the State.

The Threatened Species Unit remains woefully under-resourced to undertake the essential tasks of monitoring populations, commenting on land use proposals likely to impact on threatened species and developing recovery plans to guide decision making. For example, the Swift Parrot protection plan, announced as part of the moratorium on harvesting on Bruny Island, has yet to be finalised (despite the species' uplisting to 'Critically Endangered').

The performance benchmarks for Threatened Species management in the 2017-18 budget papers reveal no change is expected in the percentage of species covered by listing statement (remaining at only 48%). This is inadequate, and resources need to be allocated to improve coverage, and ensure that recovery actions are being implemented.

Suggested allocations include:

- Funding to support the installation of additional virtual fences in road-kill hot spots around the State
- Funding a comprehensive survey of potential Giant Freshwater Crayfish habitat, and reservation of appropriate areas within catchments to protect such habitat, consistent with commitments under the recently released Recovery Plan for the species.

### ***Marine Protected Areas Strategy***

Tasmania's Marine Protected Areas Strategy has languished for over a decade without the achievement of the comprehensive, adequate and representative system of marine reserves it envisaged. Resources should be dedicated to a review of the Strategy and identification of

For both efficiency and consideration of bioregional issues, consultation, mapping and planning in relation to marine reserves should be integrated with marine spatial planning for offshore finfish farming.

### ***Container Deposit Legislation***

Consistent with the government's commitments to halve littering, and funding in the 2017-18 budget to developing model container deposit legislation, resources should be allocated to consult on the model framework and move rapidly to introduce a scheme complementing those in place in South Australia, NT and NSW, and planned for Queensland and Western Australia.

## **ENVIRONMENT PROTECTION AUTHORITY**

### **Regulation of salmon farming**

#### ***Need for allocation***

With the commencement of the *Finfish Farming Environmental Regulation Act 2017*, it is essential to ensure that the Environment Protection Authority is adequately funded to carry out its compliance responsibilities without compromising its ongoing capacity to monitor and enforce activities in other industries. Resources will also be required to develop the criteria against which applications for new leases will be assessed, and for when applications for Environmental Licences will be referred to the EPA Board.

Resources must also be allocated to undertaking a multi-sectorial, bioregional spatial planning process prior to any offshore expansion, and to the development of an accessible, comprehensive portal of environmental and licensing information regarding finfish farming.

### ***Operating environment***

The Budget Papers, and the Sustainable Industry Growth Plan, refer to the intention for a Compliance and Monitoring unit to be "industry funded". It will be essential to review the adequacy of the funds available through levies, and to supplement that funding to ensure the EPA can fulfil its new roles.

### ***Government priorities***

The government is committed to "*improved regulatory processes in the salmonid industry*" and supporting a world-class salmon industry. The Sustainable Industry Growth Plan for the Salmon Industry also commits to collating and publishing a wider range of environmental information.

### ***Efficiency benefits***

Undertaking a comprehensive, open and transparent consultation to deliver proposed spatial plans would deliver security for industry and support from the community.

The real-time release of data will also reduce government resources currently dedicated to assessing Right to Information requests, and will improve community awareness of the impacts of salmon farming, and the management actions adopted to address those impacts.

## **OTHER**

### **Improving TasWater compliance**

#### ***Need for allocation***

The recent *Report of the Auditor-General No. 2 of 2017-18 Water and sewerage in Tasmania: Assessing the outcomes of industry reform* found that State-wide compliance with environmental standards for wastewater remains low, with a significant number of sewage treatment plants not complying with licence conditions and under-performing sewerage infrastructure in many locations.

The report recommended that "*TasWater improves its efforts in wastewater management compliance to meet community and regulatory expectations.*"

#### ***Operating environment***

The Auditor-General's report noted that TasWater's revenue flows have increased and recommended that the GBE accelerate infrastructure investment through debt funding.

#### ***Government priorities***

It is essential that Tasmanian communities are well serviced by water and sewerage infrastructure – both to ensure the health of resident populations and to support tourist visitation in regional areas.

While the TasWater takeover remains government policy, the recent Infrastructure Australia report, [\*Reforming Urban Water\*](#), supports current regulatory arrangements, and notes "*Proposed legislative changes in Tasmania would also see that state shift further from best practice, with increased powers for political interference in decision-making.*"

#### ***Efficiency benefits***

Given the declining standards of infrastructure and the scale of non-compliance, an immediate injection of funding to the existing entity, contingent upon its use to upgrade infrastructure to achieve higher environmental and health standards, offers an efficient mechanism for quick remedial action (rather than another complex re-structure of the GBE).