

## Introduction

The information in this fact sheet reflects the changes made to marine farming and environmental legislation through the *Finfish Farming Environmental Regulation Act 2017*.

## Licences

To conduct a marine finfish farming activity in Tasmanian State waters, a person must in most cases hold a **Marine Farming Licence** granted under the *Living Marine Resources Management Act 1995* (LMRMA). Under some circumstances a person may be granted a special permit under the LMRMA instead.

It is now also necessary to hold an **Environmental Licence** granted under the *Environmental Management and Pollution Control Act 1994* (EMPCA).

## Leases

In order for either a marine farming licence or an environmental licence to be granted, a person must first hold a lease for the relevant area of water under the *Marine Farming Planning Act 1995* (MFPA). An exception to this is where the person has been granted a special permit under the LMRMA, in which case a marine farming licence is not required but an environmental licence is still required. Information on obtaining leases on the DPIPWE website is available from [www.dpipwe.tas.gov.au/sea-fishing-aquaculture](http://www.dpipwe.tas.gov.au/sea-fishing-aquaculture).

Where a person sub-leases a marine farming lease or a portion of a lease, it may not be necessary to hold a separate marine farming licence for the activity conducted on the sub-lease. The operator of the activity on the sub-lease must however hold an environmental licence, even if the main leaseholder already holds such a licence.

## Applications – LMRMA

Applications for marine farming licences must be submitted on the approved form to the Secretary of the Department of Primary Industries, Parks, Water and Environment (DPIPWE), through the Marine Farming Branch.

Applications for exemption permits must be submitted to the Minister for Primary Industries and Water, also through the Marine Farming Branch, DPIPWE. Application forms for Marine Farming Development Plans, Marine Farming Leases, Water-Based Marine Farming Licences and Land-Based Marine Farming Licences are available on the DPIPWE website at [www.dpipwe.tas.gov.au/sea-fishing-aquaculture/marine-farming-aquaculture/marine-farming-application-forms](http://www.dpipwe.tas.gov.au/sea-fishing-aquaculture/marine-farming-aquaculture/marine-farming-application-forms).

## Applications – EMPCA

Applications for environmental licences must be made to the Director, EPA through EPA Tasmania.

It should be noted that the Director, EPA has a responsibility under EMPCA to decide whether or not to refer an application for an environmental licence to the EPA Board. If an application is referred, the Board will conduct a full assessment of the application including public consultation. Otherwise, the Director will consider and determine the application.

Persons operating existing marine fish farming activities are deemed to have applied for an environmental licence, and will be issued with one in due course. It is unnecessary to submit an application. The activity may continue under its existing authorisation until the environmental licence is issued.

## Regulation – responsible agencies

The EPA is responsible, on behalf of the Director, EPA for regulating the environmental aspects of marine farming, and ensuring compliance with the conditions of environmental licences. During the transitional phase before environmental licences are issued, the Director, EPA is responsible by delegation under the LMRMA and MFPA for the environmental regulation of existing marine farming

activities and ensuring compliance with the environmental conditions of marine farming licences and special permits.

The Marine Farming Branch is responsible, on behalf of the Secretary and Minister, for regulating the non-environmental aspects of marine farming in Tasmania, and ensuring compliance with the conditions of marine farming licences and special permits.

The respective agency should be contacted regarding renewal, transfer, variation or surrender of a licence.

## Offences and penalties

Penalties are prescribed under both the LMRMA and EMPCA for offences such as operating without a licence or contravening a licence condition. There are monetary penalties, of very considerable magnitude for certain offences to be specified in regulations. Individuals may be sentenced to imprisonment. A demerit points system also applies under the LMRMA.

## Further information

Salmon Environmental Management Section, EPA Tasmania, DPIPWE  
GPO Box 1550, Hobart, TAS 7001  
134 Macquarie Street, Hobart, TAS 7000  
Phone: 03 6165 4599  
Email: [enquiries@epa.tas.gov.au](mailto:enquiries@epa.tas.gov.au)  
Website: [www.epa.tas.gov.au](http://www.epa.tas.gov.au)

Marine Farming Branch, Water and Marine Resources Division, DPIPWE  
GPO Box 44, Hobart TAS 7001  
Phone: 03 6165 3110, 1300 368 550  
Email: [marinefarming.enquiries@dPIPWE.tas.gov.au](mailto:marinefarming.enquiries@dPIPWE.tas.gov.au)