

**Senate Standing Committee on Environment and Communications  
Legislation Committee**

Answers to questions on notice  
**Environment and Energy portfolio**

**Question No:** 53  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 1  
**Program:** Environment Standards Division (ESD)  
**Topic:** Macquarie Harbour - EPBC  
**Hansard Page:** 90  
**Question Date:** 27 February 2017  
**Question Type:** Spoken

**Senator Whish-Wilson asked:**

Senator WHISH-WILSON: I would like to ask some specific questions—and I will be as quick as I can, because I understand a number of my colleagues also have questions to ask—in relation to Macquarie Harbour in Tasmania and the Tasmanian salmon industry—specifically the EPBC 2012/6406, which was the federal government's decision on EPBC. Has the department reassessed the decision that the expansion of salmon farming in Macquarie Harbour is not a controlled action?

Ms Collins: No, it has not, so that decision remains in place.

Senator WHISH-WILSON: So what would trigger review of that decision?

Ms Collins: I would have to take that question on notice. I am not sure whether there is a review provision for that decision.

**Answer:**

Expansion of marine farming operations in Macquarie Harbour is subject to a 'not a controlled action particular manner' decision under the EPBC Act. Section 78 of the EPBC Act provides power to the Minister to revoke these types of decisions, under limited circumstances, and to replace them with a new decision under the EPBC Act.

The Minister may reconsider a 'not a controlled action particular manner' decision under the following circumstances:

- The Minister is satisfied that the reconsideration is warranted by the availability of substantial new information about the impacts the action has, will have or is likely to have, on a matter protected under Part 3 of the EPBC Act; or
- The Minister is satisfied that the reconsideration is warranted by a substantial change in circumstances that was not foreseen at the time of the original decision and relates to the impacts that the action has, will have, or is likely to have, on a matter protected under Part 3 of the EPBC Act; or
- The Minister is satisfied that the action is not being, or will not be, taken in the particular manner identified in the decision.
- If the appropriate State or Territory Minister requests, under section 79 of the Act, that the Minister reconsider the decision.

A 'not a controlled action particular manner' decision that is reconsidered by the Minister would be replaced with a referral new decision under the EPBC Act. This new decision could be a new 'not a controlled action particular manner' decision, a 'not a controlled action' decision, or a 'controlled action decision'.