



edotasmania

using the law to protect the natural and built environment

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Dear Madam / Sir,

Draft Salmon Growth Plan

Thank you for the opportunity to comment on the *Draft Sustainable Industry Growth Plan for the Salmon Industry (Draft Growth Plan)*. EDO Tasmania is committed to good environmental governance and has a long-standing interest in the regulation of marine farming. We commend the government for current efforts to provide longer term guidance regarding this industry, but have some concerns regarding implementation.

As the online questionnaire did not provide scope to expand on answers, we provide the following brief responses to the issues raised in the Draft Growth Plan.

The Draft Growth Plan states that industry has been “tracking well ahead of the growth required to achieve” the expansion target set by industry in 2009. As a general comment, it is important to recognise that this growth has not been without incident. The environmental issues currently under investigation in Macquarie Harbour highlight the importance of a precautionary approach to industry expansion. This is not to say that industry should not expand, but that the parameters of growth should be dictated by environmental capacity, rather than simple economic aspirations.

We acknowledge that the Draft Growth Plan is an initial step towards setting parameters for sustainable growth. That commitment must be supported by a robust assessment and enforcement framework.

Grow and no-grow zones

EDO Tasmania supported the introduction of powers under the new *Finfish Farming Environmental Regulation Bill 2017* allowing the Governor to proclaim finfish farming exclusion zones in State waters, and preventing the application of marine farming development plans in such zones. In line with previous Productivity Commission findings, we have consistently advocated for use of integrated spatial planning to identify suitable, potentially suitable, and inherently unsuitable locations for marine farming activities. Such an approach provides certainty to industry, regulators and the community.

However, it is critical that any such plan be developed having regard to a broad range of environmental, social, planning, infrastructure, regulatory, biosecurity, safety, and economic issues.

The Draft Growth Plan states that it was developed with regard to government and industry data and expansion plans, and to “concerns of the community”. The evidence of industry consultation is clear in the inclusion of exploration areas, yet there is no indication as to whether local governments, recreational fishers, tourism operators or other users in areas identified for exploration or future release have been consulted. There are no criteria set out for determining whether areas currently under exploration should be converted to priority areas.

There is no strong evidence of community consultation on the draft zones prior to release, although we commend the government for the opportunity for comment on the draft plan following its release.

To provide for an integrated, transparent and evidence-based allocation of zones, we recommend the government follow a robust process similar to that used by the Tasmanian Planning Commission for marine bioregional planning.

Any planning decisions should also review current Marine Farming Development Plans, particularly in relation to Inactive Finfish Zones, to determine whether they allow finfish farming in areas where it is unlikely to be sustainable in the future (taking into account such issues as climate, biosecurity, and land use changes). The Sustainable Growth Plan could identify “transition zones” where existing leases are likely to become unsuitable, and provide for finfish activities in those zones to be phased out (for example, by not renewing leases and licences, or allowing exchange for leases in identified grow zones).

Committing to future industry expansion being largely oceanic, rather than estuarine

EDO Tasmania is generally supportive of moving industry to more dynamic oceanic environments, but notes the current lack of definition regarding “offshore” and “inshore” operations. Transition to offshore sites should be actively facilitated and encouraged through legislative / policy timeframes, rather than relying on market forces alone.

As part of the bioregional planning process, a time limit could be imposed for transferring inshore leases within identified “transition zones” to leases in identified offshore grow zones.

In the interim, inshore leases in lower-flow environments must be managed to ensure nutrients are appropriately controlled through enforced nitrogen caps (TPDNO).

A competitive tender process for access to any new farming areas

The *Marine Farming Planning Act 1995* currently provides for a Board of Advice and Reference to advise the Minister on lease allocation issues. Board membership is limited, and the Board has not been active in recent years. We support the establishment of a broader-based Advisory Committee to advise on water available for tender, assessment criteria, lease and licence fees, and to make recommendations on applications.

The Draft Growth Plan notes that the government will develop criteria for tenderers, including commitments to “research; environmental performance; biosecurity improvements; employment; associated investments (such as transport hubs, hatcheries or processing capacity); and financial benefit to Tasmania.” The Draft also provides for consideration of “payments additional to standard lease rental / licence fees”. It is important that tenderers’ willingness to pay additional amounts does not trump considerations such as environmental performance or general suitability of the lease area.

The Draft Growth Plan does not specify the composition of the Committee. Given the broad criteria against which suitability of lease areas and applicants will be assessed, it will be critical for the Committee to include a range of independent experts and a community representative.

Adoption of a new “zero tolerance” approach to marine debris

We strongly support efforts to improve compliance regarding marine debris, and encourage working with research agencies to implement best practice tracking technologies.

Development of a “Tasmanian Salmon Industry Scorecard” that will benchmark the industry against international good practice

We support benchmarking, subject to rigorous independent analysis, and recommend that the government review the Global Aquaculture Performance Index findings in determining which benchmark to adopt. Although not updated since 2014, the GAPI findings highlight important considerations in selecting appropriate, meaningful benchmarks.

Finfish Farming (Compliance and Monitoring) Unit

We strongly support increasing monitoring and compliance capabilities within the regulator, and recognise the need for "user-pays" approaches to securing revenue. However, it is essential that any funding arrangements which rely on industry contributions are designed to ensure that the integrity and independence of compliance efforts are not compromised.

Increased range and improved transparency of environmental information

We strongly support increasing the range and timeliness of publicly available environmental information. Arrangements for the maintenance of data by IMAS will need to be reviewed to ensure that all data submitted remains subject to the *Right to Information Act 2009*.

In our experience, where monitoring data has been voluntarily submitted by industry, government and industry subsequently seek to rely on the "information provided in confidence" exemption under the *Right to Information Act 2009* to avoid disclosure of the material, even where the data could have been compelled under a licence condition. It is important that arrangements for the collection and release of environmental data be designed to ensure:

- the widest possible volume of data is available without the need for active or assessed disclosure (in a form that allows for independent analysis); and
- only data that is genuinely "commercial in confidence" requires assessed disclosure.

In addition to requiring ongoing monitoring data to be released, we encourage the government to upload historic monitoring data to the portal to allow the public to assess changes over time.

Leases, licences and information regarding enforcement actions should also be available on a publicly searchable register.

Representative industry body

We support the establishment of a broad-based reference group to advise the Minister on implementation of the Plan. Given the wide-ranging implications of the Plan, any assessment of its effectiveness must also be informed by community and local government experience. Therefore, we recommend that the reference body include community and council representatives from affected areas.

If you would like to discuss any of these comments, please contact me on 6223 2770.

Yours sincerely,

Environmental Defenders Office (Tas) Inc.



Jess Feehely
Principal Lawyer

Note: EDO Tasmania's suite of submissions in relation to marine farming regulations are available on our website at www.edotas.org.au/resources/submissions/