

**Tasmanian Salmonid Growers Association**  
**Response to the**  
***Marine Fisheries and Aquaculture Productivity***  
***Commission Draft Report, August 2016***





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## **TSGA Foreword**

### **Sustainable aquaculture growth is good for Tasmania**

#### ***National Aquaculture***

The aquaculture industry is diverse and each sector has different potential environmental impacts of varying degrees of significance. Aquaculture production is subject to an unnecessarily complex array of legislation and managing agencies — covering marine and coastal management, environmental management, land use planning, land tenure, food health and safety, quarantine and translocation.

State aquaculture and/or fisheries legislation have multiple objectives and these are not always clearly defined. The objectives may overlap or conflict, and there is often a lack of guidance as to the relative weights to be placed on each objective.

State government departments primarily responsible for aquaculture regulatory arrangements often have potentially conflicting functions of policy development, implementation of regulation, industry promotion and development, and research.

In most jurisdictions, there are complex approval processes. Obtaining required approvals can take significant time. There would appear to be scope to rationalise the number of approvals, coordinate approval processes, and incorporate statutory time frames for assessing approvals.

Increased efficiency and effectiveness of regulatory arrangements for aquaculture could be obtained from greater use of environmental risk assessment based on species, production system, management practices, site location and the condition of the environment. There is potential for greater use of innovative policy instruments to complement (or in some cases replace) existing regulatory and administrative controls.

#### ***Salmonid Aquaculture***

Tasmania's primary industries are the engine room of our economy. Of all the primary industries, salmonid (Atlantic salmon and Ocean trout) aquaculture has the potential to significantly power our state's economic growth. We need to enable primary industry growth underpinned by strong environmental performance and strong capacity for delivering research priorities.

Within an international market characterised by strong demand for safe and sustainable seafood products, the salmonid aquaculture sector has significant growth opportunities. This growth has to be industry-led and the industry's opportunities and aspirations are reflected in increasing annual sales to \$1 billion in value by 2030. The aquaculture industry has established a strategy to deliver that growth.

The foundations for growth are already in place. Our aquaculture production is free of many of the issues facing international producers and our environmental and food safety credentials are second to none. Australia has good trading conditions and trade agreements with key and emerging markets. Within these markets, we can leverage off our clean green reputation; world-leading environmental, food safety, animal health and welfare standards; and biosecurity management to secure premiums and market share.

While the foundations for growth are strong, the sector faces particular challenges and has unique characteristics that distinguish it from other primary producers and necessitate a specific Government strategy and action plan. The bulk of aquaculture production comes from the use of public water space, which can only occur in a planning and allocation framework that balances and respects other uses/users of that space. For this reason, the steps necessary to establish aquaculture operations differ from many other primary producers.

Our strategy is to establish a pathway to enable the aquaculture sector to grow, through the development of new farming space, better use of existing space or getting better value from existing production.

We require a Government that will:

- work with industry and the public to plan for sensible and sustainable future aquaculture growth;
- ensure the laws and frameworks governing the establishment and operation of marine and land-based aquaculture are effective and responsive, and enable industry investment;
- build our knowledge of environmental effects and ensure a healthy aquatic environment;
- maintain and build our world-leading animal health and welfare, food safety, and biosecurity standards;
- encourage investment and adoption of innovation; and
- facilitate continued discussion between industry, government, indigenous Australians and the public as to how salmonid aquaculture should grow and be managed in Tasmania.

The TSGA acknowledges the value of the content of the recently released Marine Fisheries Aquaculture Productivity Commission 2016 Draft Report, in particular the discussion around aquaculture detailed in Chapter 8. We have provided comment on the Draft Findings in Chapter 8 at the end of this submission.

As the CEO of the Tasmanian Salmonid Growers Association, I am excited about the pathway forward and the scope for working with those with an interest in aquaculture to sustainably grow the sector towards its \$1 billion goal and beyond. We seek a commitment from both major political parties that they will join in the journey with us, and in particular to formally adopt as future government policy the Key Initiatives contained within our original submission.

Yours sincerely

Dr Adam Main  
Chief Executive Officer  
**Tasmanian Salmonid Growers Association**

## Background

The Tasmanian Salmonid Growers Association (TSGA) is the peak body representing the Australian salmonid aquaculture industry. The TSGA is aware of several previous inquiries and reports relating to the framework and practice of regulations applied to Australian aquaculture.

- Productivity Commission, 2004: *Assessing Environmental Regulatory Arrangements for Aquaculture*.
- Aquaculture Committee Report to PIMC, 2005: *Best practice frameworks of regulatory arrangements for aquaculture in Australia*.
- Productivity Commission, 2007: *Annual review of regulatory burdens on business: primary sector, draft research report*.
- Seafood Services Australia, 2009: *The costs of regulatory compliance in the Australian seafood industry*.
- Peters, E. ANI Program, 2015: *Barriers to aquaculture expansion in northern Australia - A case study into prawn farming in Queensland*.
- Joint Select Committee on Northern Australia, 2015: *Opportunities for expanding the aquaculture industry in Northern Australia*.

Various aquaculture industry associations, including the TSGA, have provided input into most of these studies.

Of these studies, the Productivity Commission's 2004 Research Paper on regulatory arrangements for aquaculture is the most comprehensive, worthy of study in the context of this inquiry in 2016. The key points from this report are reproduced below. Whilst the status of progress with aquaculture planning in the three states mentioned in point 5 below may have changed, each of the eight points remain largely valid today.

## Key points

1. The aquaculture industry is diverse and each sector has different potential environmental impacts of varying degrees of significance.
2. Aquaculture production is subject to an unnecessarily complex array of legislation and agencies - covering marine and coastal management, environmental management, land use planning, land tenure, and quarantine and translocation.
3. State aquaculture and/or fisheries legislation have multiple objectives and these are not always clearly defined. The objectives may overlap or conflict, and there is often a lack of guidance as to the relative weights to be placed on each objective.
4. State government departments primarily responsible for aquaculture regulatory arrangements often have potentially conflicting functions of policy development, implementation of regulation, industry promotion and development, and research.

5. New South Wales, Queensland and Western Australia have made limited progress with marine aquaculture planning. This may constrain marine aquaculture, or result in ad hoc approvals for individual sites, and conflicts over resource use.
6. In most jurisdictions, there are complex approval processes. Obtaining required approvals can take significant time. There would appear to be scope to rationalise the number of approvals, coordinate approval processes, and incorporate statutory time frames for assessing approvals. This complexity is compounded when there are other statutory authorities that can override other regulatory agencies (e.g. Great Barrier Reef Marine Park Authority)
7. Increased efficiency and effectiveness of regulatory arrangements for aquaculture could be obtained from greater use of environmental risk assessment based on species, production system, management practices, site location and the condition of the environment.
8. There is potential for greater use of innovative policy instruments to complement (or in some cases replace) existing regulatory and administrative controls. For example, auctions could be used to allocate leases of public land or water, and tradeable permits could be used to manage pollution discharges.

The TSGA contends that the regulatory constraints to aquaculture development flagged in 2004, and frequently since, have not been adequately addressed. An underlying factor is that aquaculture falls somewhere in the regulatory gap between “fishing”, which is essentially hunting a natural resource for commercial production or recreational or cultural purposes in public waters; and “farming”, which involves rearing of animals which are the property of a commercial entity.

Further, the plethora of various regulations controlling aquaculture are applied under a combination of Commonwealth, State/Territory, and Local Government legislation. As an example, the following is a list of the legislated Acts & Regulations which the Tasmanian salmonid farming industry must demonstrate compliance with (reproduced by permission of the Tasmanian Salmonid Growers Association). This burden is typical of most aquaculture industries in Australia and can also be overlaid with controls implemented by various authorities.

### **Statutory Compliance List**

#### ***Commonwealth Legislation***

Aboriginal and Torres Strait Islander Heritage Protection Act, 1984  
Aboriginal Lands Act, 1995  
Australian Heritage Council Act, 2003  
Coastal Waters (State Powers) Act, 1980  
Competition and Consumer Act, 2010  
Environmental Protection and Biodiversity Conservation Act, 1999  
Environmental Protection (Sea Dumping) Act 1981  
Export Control Act, 1982  
Export Control (Fish and Fish Products) Orders, 2005  
Greenhouse Gas Emissions Act, 2005  
Heritage Commission Act, 1975  
Maritime Safety Authority Act, 1990

National Environment Protection Council Act, 1994  
Navigation Act, 2012  
Quarantine Act, 1908  
Resource Assessment Commission Act, 1989  
Sea Installations Act, 1987  
Seas and Submerged Lands Act, 1973

#### ***Tasmanian Legislation***

Aboriginal Relics Act, 1975  
Agricultural and Veterinary Chemicals (Tasmania), 1994  
Agricultural and Veterinary Chemicals (Control of Use), 1995  
Animal Health Act, 1995  
Animal Welfare Act, 1993  
Crown Lands Act, 1976  
Dangerous Goods Act, 1998

Energy Coordination and Planning Act, 1995  
Environmental Management and Pollution Control Act, 1994  
Farm Water Development Act, 1985  
Fire Service Act, 1979  
Food Act, 1998  
Forest Practices Act, 1985  
Gene Technology (Tasmania) Act, 2012  
Genetically Modified Organisms Control Act, 2004  
Groundwater Act, 1985  
Historical Cultural Heritage Act, 1995  
Hobart Regional Water (Arrangements) Act, 1996  
Hydro-Electric Corporation Act, 1995  
Inland Fisheries Act, 1995  
Land Titles Act, 1980  
Land Use Planning and Approvals Act, 1993  
Litter Act, 2007  
Living Marine Resources Management Act, 1995  
Local Government Act, 1993  
Marine Farming Planning Act, 1995  
Marine and Safety Authority Act, 1997  
Mineral Resources Development Act, 1995  
National Parks and Reserves Management Act, 2002  
Natural Resource Management Act, 2002  
Nature Conservation Act, 2002  
Poisons Act, 1971  
Pollution of Waters by Oil and Noxious Substances Act, 1987  
Primary Produce Safety Act, 2011  
Public Health Act, 1997  
Rivers and Water Supply Commission Act, 1999  
Roads and Jetties Act, 1935  
Sewer and Drains Act, 1954  
State Coastal Policy Validation Act, 2003  
State Policies and Projects Act, 1993  
Tasmanian Building Act, 2002  
Tasmanian Planning Commission Act, 1997  
Threatened Species Protection Act, 1995  
Water Management Act, 1999  
Water Quality Act, 1999  
Weed Management Act, 1999  
Whales Protection Act, 1988  
Wildlife Regulations, 1999  
Work Health and Safety Act, 2012

***Other Guidelines – policies, codes of practice, strategies, management plans***

Aquatic Animal Welfare Guidelines, National Aquaculture Council, 2004  
Broadscale Environmental Monitoring Program (BEMP)  
Convention Concerning the Protection of World Cultural and Heritage Areas  
Global Reporting Initiative (GRI) Sustainability Reporting

Marine Farming Development Plans and Licences  
Marine and Safety (Mooring) By-laws, 1998  
Seal and Fishery Interaction Management Strategy, 2002  
State Coastal Policy, 1996  
State Policy on Water Quality Management, 1997  
State-wide Baseline Water Quality Monitoring Program  
Tasmanian Marine Protected Areas Strategy, 2001  
Tasmanian Salmonid Farming Industry Code of Practice, 2004  
The Environment Protection Policy (Noise) 2009

## **Responses to Draft Recommendations, Chapter 8 – Aquaculture**

The TSGA notes that in the Draft Report there are no formal recommendations that impact the salmon industry – our support for/ view on the draft findings of the report is detailed below.

### ***DRAFT FINDING 8.1***

“The development of aquaculture requires access to suitable sites. Spatial planning assists in the efficient identification of these locations. Spatial planning may also provide greater certainty, regulatory predictability and a more streamlined approval process for investors.”

- The TSGA agrees with and supports this statement.

### ***DRAFT FINDING 8.2***

“The regulatory arrangements for aquaculture have not significantly changed since the Commission’s 2004 study. This has not been a significant impediment to the growth of the aquaculture industry in Australia as the major aquaculture-producing states already had many best-practice regulatory features and other states have faced challenges that are predominantly non-regulatory in nature.”

- The TSGA agrees with and supports this statement.

### ***DRAFT FINDING 8.3***

“Concerns about the environmental and amenity impacts of aquaculture developments are prominent in some states, highlighting tensions for governments in both regulating and promoting industry growth. These concerns could be minimised by having separate agencies responsible for regulatory and industry development functions.”

- The TSGA acknowledges that this has been an issue for some time when management of the Tasmanian salmonid farming industry is discussed. The issue was raised and addressed during the recent senate inquiry into finfish farming in Tasmania. In response to this the Tasmanian government recently announced changes to the management and administration of marine farming in Tasmania summarised below (<http://dpiwwe.tas.gov.au/sea-fishing-aquaculture/marine-farming-aquaculture/changes-to-salmon-industry-regulation> ).
  - The responsibility for environmental control and management of the salmonid industry will be transferred from the Department of Primary Industries, Parks, Water and Environment to the Environment Protection Authority (EPA). This move brings together the environmental management and regulation of all salmon farms and hatcheries, both in inland and marine waters, under a single independent authority. Marine farm planning and development functions will remain with DPIWWE.
  - Enforcement mechanisms will be strengthened to better reflect the scale of the industry. The amendments will enable fines to be imposed for environmental pollution that are of a true deterrent value.
  - Consultation with industry will commence on the introduction of a new levy to enable to the Government to better support the industry's plans for sustainable growth.



- The TSGA agrees with and supports this recent decision of the Tasmanian government and is on the public record as endorsing these changes.