



Australian Government

AUSTRALIAN GOVERNMENT RESPONSE TO THE ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE REPORT:

REGULATION OF THE FIN-FISH AQUACULTURE INDUSTRY IN TASMANIA

FEBRUARY 2022

Preamble

The Australian Government welcomes the opportunity to provide a response to the Senate Standing Committee on Environment and Communications' Report on the Regulation of the fin-fish aquaculture industry in Tasmania. The Government made two submissions to the Inquiry from the Department of Agriculture and Water Resources and the Department of the Environment and Energy.

The Australian Government recognises that fin-fish aquaculture is a significant part of the Tasmanian economy, requiring effective and efficient regulation to prevent adverse environmental impacts. The industry is diverse and each project has different potential environmental impacts with varying degrees of significance. Aquaculture developments are primarily regulated under relevant state and territory legislation.

The report primary focuses on issues which are the responsibility of the Tasmanian Government. The Australian Government Department of Agriculture, Water and the Environment may undertake regulatory activities, where there is impact on nationally protected matters under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Recommendation 1

The committee recommends that the Tasmanian Government support the greater provision of environmental information and data relating to the fin-fish industry by the Department of Primary Industries, Parks, Water and Environment.

This is a matter for the Tasmanian Government.

Recommendation 2

The committee recommends that the Tasmanian Government give consideration to amending the Marine Farming Planning Act 1995 to provide a statutory obligation for the Marine Farming Planning Review Panel to hold public hearings.

This is a matter for the Tasmanian Government.

Recommendation 3

The committee recommends that the Tasmania Government ensure that the Department of Primary Industries, Parks, Water and Environment is provided with sufficient resources to undertake planning, monitoring and compliance of the primary industry sector.

This is a matter for the Tasmanian Government.

Government Senators' Additional Recommendations

Government Senators Anne Ruston and James McGrath made the following additional recommendation:

Government Senators' Recommendation 1

The Committee acknowledges the more-than-adequate management systems, and effective industry proactivity, in the sustainable management and continuous improvement of the Tasmanian fin-fish aquaculture industry.

Noted.

Australian Greens' Dissenting Report Recommendations

Senator Peter Whish-Wilson made the following additional recommendations:

Additional recommendation 1

Fin-fish farming licensees work together to use a single, independent third-party certification scheme to enable better comparison of the performance of different operators.

This is a matter for Industry.

Additional recommendation 2

Comprehensive baseline data in respect of waterway health be gathered and analysed before any fin-fish farming licenses are granted in new areas.

The Tasmanian Government is solely responsible for making decisions on granting fin-fish farming licences.

Additional recommendation 3

Fin-fish farming licenses require water quality sampling to be conducted weekly at a minimum.

The Tasmanian Government is solely responsible for making decisions in relation to the monitoring requirements of fin-fish farming licences.

Additional recommendation 4

Fin-fish farming licenses require water quality sampling to include turbidity.

The Tasmanian Government is solely responsible for making decisions in relation to the monitoring requirements of fin-fish farming licences.

Additional recommendation 5

Fin-fish farming licenses require video monitoring to be conducted quarterly at a minimum.

The Tasmanian Government is solely responsible for making decisions in relation to the monitoring requirements of fin-fish farming licences.

Additional recommendation 6

That consistent waterway health monitoring requirements be applied to all fin-fish farming licenses.

The Tasmanian Government is solely responsible for making decisions in relation to the monitoring requirements of fin-fish farming licences.

Additional recommendation 7

Fin-fish farming licenses require all waterway health monitoring data in respect of public waterways to be publicly released as soon as is practicable.

The Tasmanian Government is solely responsible for making decisions in relation to the requirements of fin-fish farming licences.

Additional recommendation 8

That a Macquarie Harbour Taskforce be jointly established by the state and federal government.

Australian Government response: Not agreed

Fin-fish farming in Macquarie Harbour is primarily regulated by the Tasmanian Government under the *Macquarie Harbour Marine Farming Development Plan October 2005* (as amended). The Tasmanian Government licences operators under this plan and in accordance with State legislation.

The Australian Government has a limited regulatory role in relation to the fin-fish farming operations in Macquarie Harbour. Pursuant to the EPBC Act, the Australian Government regulates operations in respect of potential impacts on matters of national environmental significance.

The Australian Government will continue to work closely with the Tasmanian Government on environmental matters relevant to the EPBC Act.

Additional recommendation 9

Fin-fish farming licensees have identifiable rope so that sources of waste can be clearly identified and monitored.

The Tasmanian Government is solely responsible for making decisions in relation to the monitoring requirements of fin-fish farming licences.

Additional recommendation 10

Fin-fish farming licensees are required to report on the amount of marine debris collected, including that which is attributable to their operations.

The Tasmanian Government is solely responsible for making decisions in relation to the requirements of fin-fish farming licences.

Additional recommendation 11

The federal government's threat abatement plan for the impacts of marine debris on vertebrate marine life should be updated to include the impacts from fin-fish aquaculture.

Australian Government response: Agreed

The Australian Government revised the *Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans* in 2018¹. The plan now considers various sources of plastic pollution including from aquaculture industries.

Additional recommendation 12

That Environment Protection Authority (EPA) Tasmania is given responsibility for the regulation of fin-fish aquaculture in Tasmania as prescribed by the Marine Farming Planning Act and the Living Marine Resources Management Act.

This is a matter for the Tasmanian Government.

Additional recommendation 13

The Marine Farming Planning Review Panel (MFPRP) is empowered to issue marine aquaculture licenses and is required to conduct a public decision-making process regarding the consideration of marine aquaculture licenses in accordance with the Resource Management and Planning System.

This is a matter for the Tasmanian Government.

Additional recommendation 14

¹ Department of the Environment and Energy (2018). *Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans*. Canberra: Australian Government. Available from: <http://www.environment.gov.au/biodiversity/threatened/publications/tap/marine-debris-2018>

Decisions of the MFPRP are appealable to the Resource Management and Planning Appeal Tribunal.

This is a matter for the Tasmanian Government.

Additional recommendation 15

The Tasmanian Planning Commission is empowered to make regional plans and provide state-wide guidance for marine aquaculture activities.

This is a matter for the Tasmanian Government.

Additional recommendation 16

The Tasmanian EPA be adequately resourced to carry out all of its regulatory responsibilities in respect of fin-fish farming.

This is a matter for the Tasmanian Government.

Additional recommendation 17

The Waterwatch community program is reinstated with specific focus on aquaculture hotspots; and funded through the federal government's National Landcare Program.

Australian Government response: Noted

The strategic objectives and outcomes of the National Landcare Program provide the basis for the Australian Government's investment.

The Australian Government undertook a review of delivery arrangements for the National Landcare Program in 2016-17. A report which details the findings of the review was published by the Australian Government in 2017.

The Australian Government invested a further \$1.1 billion to deliver the National Landcare Program Phase Two (2018-19 to 2022-23), creating opportunities for greater efficiencies across the natural resource management sector by working in partnership with governments, industry, Indigenous and local communities and individuals to protect and conserve Australia's water, soil, plants, animals and ecosystems, as well as support the productive and sustainable use of these valuable resources.

Additional recommendation 18

That a review be undertaken into funding opportunities for fin-fish farming provided by the Fisheries Research and Development Corporation and other federal research partnerships to ensure that adequate environment protection requirements are included.

Australian Government response: Noted

The Australian Government is committed to working in partnership with the fishing and aquaculture industries to invest in research that supports these sectors to ensure the ongoing health of marine ecosystems.

The Fisheries Research and Development Corporation (FRDC) R&D Plan 2020-25 (<http://rdplan.frdc.com.au/>) has identified the requirement to support RD&E required for production growth as well as adapt to a dynamic and at times uncertain and unpredictable future. As the Australian aquaculture industry has grown the FRDC has provided increased funding to address research and development priorities.

These investments are executed with a suite of public and private providers including CSIRO, AIMS, Universities such as the University of Tasmania, state based research agencies such as SARDI and independent consultants. The total value (i.e., FRDC funds, cash and in kind contributions) of aquaculture related research and development projects managed by FRDC over the past five years is \$108.7 million

Additional recommendation 19

That a review be undertaken into the potential for the development of National Environment Protection Measures specifically related to fin-fish farming impacts on ambient marine, estuarine and fresh water quality.

This is a matter for consideration by the National Environment Protection Council.

Additional recommendation 20

That a review be undertaken into the development of Water Quality Improvement Plans through the National Water Quality Management Strategy.

Australian Government response: Noted

Between 2000 and 2008, the Australian Government provided funding for the Coastal Catchments Initiative (CCI), a national program designed to improve and protect coastal water quality by promoting competent water quality planning. An outcome of this funding was the development of Water Quality Improvement Plans (WQIPs) and associated projects under the National Water Quality Management System.

The program of work under the CCI is now complete. Therefore, a review into the development of existing WQIPs, and consideration of whether to include Tasmanian aquaculture zones as water quality hotspots as suggested by recommendation 20, are matters for the Tasmanian Government.

Additional recommendation 21

That an independent investigation be undertaken into whether the conduct of government and industry has been consistent with the referral decision Marine Farming Expansion, Macquarie Harbour, Tasmania (EPBC 2012/6406) as specified by the Environment Minister under section 77A of the EPBC Act.

Australian Government response: Noted

The Australian Government takes the importance of the protection of matters of national environmental significance seriously, ensuring that persons taking actions under an EPBC Act decision comply with the particular manner requirements specified for that action.

The Department of Agriculture, Water and the Environment has a compliance monitoring program in place to ensure that actions are taken in accordance with approvals and decisions made under the EPBC Act.

Additional recommendation 22

*That the referral decision Marine Farming Expansion, Macquarie Harbour, Tasmania (EPBC 2012/6406) is reconsidered in accordance with section 78 of the EPBC Act on the basis of emerging evidence regarding dissolved oxygen and nitrate limit levels over the range of depths for which the Maugean Skate (*Zearaja maugeana*) is known to inhabit.*

Australian Government response: Noted

The not a controlled action if undertaken in a particular manner (NCA-PM) referral decision for EPBC 2012/6406 sets out particular manner controls to ensure that there are no significant impacts on the Maugean Skate. A NCA-PM decision can only be reconsidered in limited circumstances, including where there is substantial new information that the action has, will have, or is likely to have a significant impact on a matter protected by the EPBC Act.

Additional recommendation 23

The registration and identification of critical habitat for the Maugean Skate be made pursuant to section 207A of the EPBC Act.

Australian Government response: Not agreed

This recommendation is not supported, as offences relating to significantly damaging registered critical habitat for a listed threatened species only apply if the habitat is in or on a Commonwealth area (EPBC Act 207B(1)(c)).

Additional recommendation 24

The national listing of the environmental impacts of fin-fish farming operations is listed as a key threatening process in the next assessment cycle.

Australian Government response: Noted

The proposal to assess the environmental impacts of fin-fish farming operations for listing as a key threatening process was referred to the Threatened Species Scientific Committee for consideration. The Scientific Committee did not recommend that the threatening process be prioritised in the 2018 assessment period.