

# Marine Life Network Inc.

Response to the proposed Draft Workplan - Tasmanian Salmon Industry Plan

## Who we are?

Marine Life Network is a not-for-profit community association with goals simply to “educate and advocate for the marine environment”. A major current activity is a campaign called “Tasmanians for Marine Parks” asking for a high quality (comprehensive, adequate, representative) network of marine parks along the Tasmanian coast.

We also want to have a new kind of conversation with Tasmanians about better protecting the marine environment. We are for strong protective measures for the marine environment and constructive dialogue about it.

## Where do we stand?

The Tasmanian population has diverse views about extractive, industrial and aquaculture developments in the ocean. Our own membership reflects this range of opinion, from those who are deeply opposed to aquaculture uses due to their potential environmental and amenity impacts, through to those working in the industry who would be satisfied with a scientifically validated contemporary system of safeguards.

In the centre are people from all walks of life who have a significant concerns about the pace and scope of aquaculture development, particularly whether expansion of such a potentially harmful activity is being put in place before adequate measures are organised to manage the impacts. This appears to be a widespread concern in the broader community <sup>1</sup>

Of particular interest to our group, as we have campaigns to protect areas with high natural values, is what effect a proposal or process may have on where the pens will be sited. The results so far, seem to indicate that inadequate consideration is given to the siting of the developments (although there is little publicly available information on this process). Issues around their ecological appropriateness appear to be addresses as secondary concerns after productive efficiency is examined. For example, recent Bass Strait development planning documents investigate possible use of an area adjacent to the western boundary of Rocky Cape National Park. That should have been immediately excluded on the grounds of its natural/environmental values.

A recognised difficulty is that we do not always know where these areas of high natural/environmental values are, because of our lack of baseline research into identifying those areas and mapping their locations. We do not seem to ask people where important ocean places are, whether they are recreational, environmental or of heritage/cultural value. Some of the actions in the plan attempt to address this by agreeing to support new research, consultation and databases, but a lot will depend

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<sup>1</sup>Australia Institute research has found that most Tasmanians (63%) want a pause on the expansion of salmon farms until industry standards are developed and current government inquiries and reviews into the industry have been completed. More than six in ten (63.5%) Tasmanians agreed they were concerned that the health of Tasmania’s coastal waters is declining. [Inquiry-into-Australian-aquaculture-Australia-Institute-submission.pdf \(australiainstitute.org.au\)](https://australiainstitute.org.au/inquiry-into-australian-aquaculture-australia-institute-submission.pdf)

on how well funded and used they are, and we need to constantly improve the quality of the data used, and adapt to new values and issues as they are discovered.

Activities that take a long time and are costly, or potentially adverse, like broadscale consultation and values mapping, or detailed modelling of the ecological system where the pens operate, seems to be pushed aside in order to prematurely announce more expansion plans in media releases.

Some of our concerns are based on past history. Issues around aquaculture rose to particular prominence after the failure of a rushed expansion plan in Macquarie Harbour, a particularly sensitive environmental system with unusually low flushing with the open ocean. There was some evidence that expansion plans were put in place ahead of proper environmental investigations, even being placed in an area that was an aggregation site for one of the world's most threatened and unique marine species. The announcement of potentially vast areas of expansion in Storm Bay and Bass Strait, many unlikely to even be economically practical and with apparently sparse assessment of their environmental values suitability, does not show that we have learned much, or taken these past concerns particularly seriously.

The Government's response to the Legislative Council enquiry was to suggest that things had changed since the enquiry started in 2019, and that the enquiry was responding to an out of date scenario, with "...community perceptions that the industry had (has) an unbridled and unsustainable growth agenda, which to date, has not materialised beyond approved marine farming areas or those areas subject to exploratory research permits". This is an unusual response. Having openly advocated for large scale increases in the production and scope of aquaculture (most which are yet to be taken up by industry because they were not commercially feasible anyway), the public is being told not to respond to the evidence before them and assume that vast expansion plans 'might not happen anyway'.

The Government's continual statements emphasising growth and the "success story", almost as an end in itself, will not alleviate public concerns about the expansion trajectory of the industry and its potential impacts.

While the adequacy of consultation is always a contentious subject, it is noteworthy that after decades of large scale development activity, the only major independent public process to gauge community attitude has been an enquiry by the Legislative Council. This had to be initiated outside of Government's planning or review processes. Participation was high because of the process' perceived independence. I understand that some groups have boycotted this current consultation process because of a sense that it is not independent and that the effort is futile. That this consultation was conducted again over the Christmas New Year holiday, despite that approach being previously and relatively recently criticised, just supports this perception that community consultation is merely an irksome step that is not taken seriously.

While measures such as support for the independence of the EPA are long overdue, a lot will depend on their ability and willingness to 'call out' industry and government lapses. While we can comment on the plan, what we really want to see is action on the ground, that indicates a changed culture. The public interest needs to be protected by an arms length and impartial process of independent scrutiny, rather than a series of publicity announcements.

## **Specifics of the Plan**

Like all advance plans of this kind, the 10 Year Action Plan is an aspirational document not intended to be particularly detailed. It is full of broad statements of intent.

Where the relevant actions are stated they, for the most part seem sensible and indicate an intention to implement better standards and at least partly address some of the concerns raised in the Legislative Council Review. As is often the case 'the devil' will be in the detail of implementation and whether there will be a genuine and well-resourced commitment to the actions.

For this group, a major focus is the environmental and governance structures, the latter supporting the former.

Many of the actions recognise issues raised previously by ML and are positive, at least in their intent.

*Select comments on the actions*

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| PO2: 2.3.1 ... provide for clarity on the independent role of the EPA.   | Issues with independence are likely more to do with funding, security of tenure, and conventions around arms length operations. We need something more than a government agency, more like an Ombudsman.        |
| PO2: 2.3.2 Develop an Environmental Standard for Marine Finfish Farming. NRE Tas Near term   | Inadequate detail to provide informed comment.  |
| PO2: 2.3.3 Develop Technical Standards to support implementation of Environmental Standard for Marine Finfish Farming.   | Inadequate detail to provide informed comment. We need trigger values that stretch the industry to achieve best practice.   |
| PO2: 2.3.4 Finalise the Standardised Marine Farming Management Controls.   | Inadequate detail to provide informed comment.  |
| PO2: 2.3.5 Update the Seal Management Framework and Minimum Requirements.  | Inadequate detail to provide informed comment. Mandatory reporting of interactions that are open to the public is required.   |
| 2.3.6 Develop a Wildlife Interaction Standard. NRE Tas Near term PO2   | Inadequate detail to provide informed comment.  |
| 2.3.7 Develop a Freshwater Finfish Farming Standard and establish a framework to support the transition of existing flow through systems to recirculating aquaculture systems. | Inadequate detail to provide informed comment. The initiative in this direction is long overdue.  |
| PO2: 2.3.8 Develop Technical Standards to support implementation of Environmental Standard for Freshwater Finfish Farming.   | Inadequate detail to provide informed comment.  |
| PO2: 2.5.1 Provide advice and guidance to address wildlife interactions in line with the Seal Management Framework and Minimum Requirements.                                   | This is non-specific and does not appear to be a change to what would hope was a normal EPA practice. It requires an obligation to disclose adverse interactions before they are likely to want to seek advice. |

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| <p>PO4: 4.1.1 Finalise EMPCA amendment to allow Director, EPA to release monitoring information.</p>   | <p>As not doing this is contrary to Right to Information Act objects we are dismayed that this is not already in place.</p>   |
| <p>PO4: 4.1.2 Review the Salmon Farming Data Portal to:</p> <ul style="list-style-type: none"> <li>• Expand the information available, including public reporting aligned to implementing the new aquaculture Standards as they are enacted.</li> <li>• Determine the most appropriate arrangement for managing the Portal going forward including platform costs and hosting organisation(s).</li> <li>• Undertake relevant international comparison of publicly available marine farming information in other jurisdictions.</li> <li>• Progress recommendations from the international review. NRE Tas Near term</li> </ul> | <p>As this requires resourcing to keep the information up to date, the experience previously that self-managed systems are incomplete, not updated regularly and missing adverse findings. This needs to be State controlled based on mandatory reporting with a wide scope, and paid for by the industry.</p>  |
| <p>PO4: 4:1.5 Establish and support the Salmon Industry Engagement Group and the Community Engagement Forum and their associated communications. NRE Tas</p>   | <p>Community forums appear to be a slight way of achieving consultation. The industry forums are deeply embedded in government and appear to have narrowly-focussed memberships. We note earlier comments by the Australia Institute about the current Panel arrangements, “There is no legislated requirement for the Panel to include someone with expertise in marine ecology, hydrology, marine sediments, or biodiversity conservation, nor is there a requirement for a community representative or legal expert”. The proposals for advisory panels do not appear to encompass these broad sources of input.</p> |
| <p>PO4: 4.2.1 Provide secure funding to IMAS under the SMRCA.</p>  | <p>Raises obvious concerns about adequacy and the scope and nature of the programs to be funded. We previously suggested a levy to provide for funding into areas where the results might give adverse findings , that the industry might be reticent to investigate themselves.</p>  |
| <p>4.3.1 Finalise the review of EPA compliance and enforcement policy and procedures.</p>  | <p>Enforcement is more dependant on the resources given to litigate (money and skilled people) when its likely to be defended by a person with significant resources, and the cultural willingness to take action which is unpopular with industry.</p>   |
| <p>4.3.3 Finalise the EPA audit framework for finfish farming.</p>   | <p>Inadequate detail to provide informed comment.</p>   |
| <p>4.3.4 Commence a review of penalties and compliance frameworks under the Environmental Management and Pollution Control Act 1994, Marine Farming Planning Act 1995 and Living Marine Resources Management Act 1995.</p>   | <p>See comments in 4.3.1</p>  |

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| PO4: PO4: 4.3.5 Finalise incorporation of biomass and/or dissolved nitrogen output limits into all Environmental Licences for marine and inland finfish farms. Freshwater fish farms will have effluent quality limits (including nutrients) imposed via their Environmental Licence. A decommissioning requirement will be included in all Environmental Licences for marine farming. EPA Near term | Inadequate detail to provide informed comment. We need trigger values that stretch the industry to achieve best practice |
| PO4: 4.5.8 Establish a Director Aquaculture position in NRE Tas.   | Same comments re independence 2.3.1  |

### What is missing?

The hardest element for non-expert commentators to review is not what is in the plan, but what is missing.

#### *Precautionary planning*

We note that the Government provided sparse commentary on Recommendation 58 of the Legislative Council report in its response. It stated that the precautionary principle was part of the legislation, but did not state how it was being applied.

Although there are many broad statements of principle in the plan that are capable of covering this concern, we did not see explicit discussion about the need for systems not to rely solely on adapting after the event, but to have a precautionary element to their approach, with science driving the placement and timing of sea pen stocking and not the other way around. The science that is relied upon has to have a broad scope and also investigate, understand and manage the impacts on the broader ecosystem where pens are placed. A predominant focus on aquaculture science as a fisheries management system to obtain an economic product, is not likely to raise public confidence. There needs to be space for, and tolerance of, biodiversity specialists and they need to have the independence and resources to ask hard questions that might lead to adverse commentary.

#### *Missing links*

The consultation process attachments are relatively sparse, which may be all that some people are interested in reading. There could have been better opportunities to read ‘mid-high level’ detail in links to the documents referenced in the paper, e.g. EPA audit framework, is this even placed in the public domain as a routine disclosure? If it is too preliminary to disclose, what is it about and what are its terms of reference? Another example, is there some more information on the content and progress of the Storm Bay BEMP?

Management of threatened Species – ML has previously raised the issue with lack of early monitoring for unique natural values like the presence of threatened species over broadscale areas earmarked for future development. When a lease grant is imminent, localised monitoring of pens sites occurs. They appear to look for features that include threatened species, but it isn’t clear what is then done when they are found. There does not appear to be interim protocols where Federal Response/Recovery plans are lacking. Perhaps there is scope to address this, if the Wildlife interactions planning proves to be sufficiently broad in scope and detail.

### *Legislative refresh*

We note with approval the Australia Institute's comments around the need for legislative updates, the latter being acknowledge in a narrower way in the Plan.<sup>2</sup>

### *Protection of unique values and more integrated planning*

We also note with approval the Australia Institute's comments on looking at marine planning in a more integrated fashion. We remain particularly concerned that well-advanced plans are being made largely out of public view about where future growth in the industry could occur, without reference to the environmental sensitivity of the grow areas, or the competing community uses for that area at an early stage. The result is plans announcing area suitability almost as a settled fact based largely on the commercial advantages of an area. There is a high risk of unintended environmental damage and overlap with the interests of other users.

Thanks you for your time,

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<sup>2</sup> [Inquiry-into-Australian-aquaculture-Australia-Institute-submission.pdf \(australiainstitute.org.au\)](#)