

PUBLIC

THE LEGISLATIVE COUNCIL SESSIONAL COMMITTEE GOVERNMENT ADMINISTRATION A MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART ON WEDNESDAY 12 FEBRUARY 2020.

FINFISH FARMING IN TASMANIA

Ms MARJORIE (TRISH) BAILY, AND Mr TERENCE BRUMBY, TASMAN PENINSULA MARINE PROTECTION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Ms Webb) - Welcome to the committee. All evidence taken in this hearing is protected by parliamentary privilege but once you are outside the hearing, any comments you make will not be necessarily protected by that privilege. The evidence is being recorded. It will be available in the *Hansard* on the committee website once it is ready, and we are also broadcasting this hearing today. If there are any matters you believe need to be heard in camera, we can consider a request for that. Please flag that with me if you think that is appropriate. Once you have made your statutory declarations, you will have an opportunity for a brief opening statement, then the committee would like to ask you questions relating to your submission and your statement. That is how we will proceed. Would you like to make an opening statement?

Ms BAILY - Yes, I will make the opening statement on behalf of both of us. If I could hand this map down to you all, it is to enable you to understand which places we might be talking about. My name is Trish Baily and my colleague is Terry Brumby. We commend the initiative of this inquiry and thank you for enabling us to represent Tasman Peninsula Marine Protection. We are both residents of the Tasman Peninsula. Terry is a retired farmer and health professional and a permanent resident of Roaring Beach. Terry has been engaged in numerous environment and community initiatives in Tasmania since 1980 and, like me, considers himself a defender of the Tasmanian way of life.

I am also Tasmanian, raised on a farm near Bicheno. I have owned covenanted land near Roaring Beach for over 15 years. Six years ago, my husband and I retired and moved to live permanently on the Tasman Peninsula. I have spent 40 years living and working overseas. My life has been on and in the ocean. I cruised extensively in the north and south Atlantic and for 25 years ran a charter yacht in the Caribbean, the British Virgin Islands, which is basically considered the epicentre of charter yacht tourism. While there I started BVI's first environmental non-government organisation, the Association of Reef Keepers, which led to a deep involvement in coral reef protection and restoration, including work on erosion and sediment control. I also introduced and ran Reef Check, which is a citizen science global coral reef monitoring network, to the BVI and ran that for 13 years. I am a passionate defender of marine ecosystems. I am also a vice-president of TAMP - Tasmanian Alliance for Marine Protection - from which you will be hearing next.

TPMP is an unstructured association of residents and property owners of the Tasman Peninsula region, who share wide and varied concerns about the expansion of finfish aquaculture in our location. It is notable that at least 40 submissions refer to the peninsula. Eleven relate specifically to Port Arthur and a further 29 to the Tasman Peninsula. Terry has just drawn my attention to submission number 86, submitted by a Port Arthur resident who is in her late eighties, which I believe I hadn't picked up, and which is passionately written about the issues going on there.

PUBLIC

This confirms the depth of passion and love people have for a cohesive community and a precious environment. I am personally amazed at the cross-section of the community that voices its discontent about the expansion of the salmon farms - young and old, varying political allegiances, old timers and newbies. Evidence of the hunger the community has for answers is that TPMP info events have packed venues around the peninsula on several occasions, presenting a wide range of topics by passionate speakers. One poignant afternoon on a stifling hot summer's day at Stewarts Bay Lodge we attracted over 80 people with standing room only and many were reduced to tears by a White Bay shack owner who begged all present to act now to stop this assault on our environment and described how her shack life had altered with the visual, noise and light pollution coming from the pens that she looks out on by Nubeena.

These submissions express the anguish of issues such as loss of amenity, lack of social licence for the salmon companies to operate, the lack of transparency in the industry and poor public consultation. These issues include noise and light pollution, the endless debris problems along our shorelines, the algal blooms that have washed great roils of green filamentous algae up on our beaches, docks and shorelines, smothered healthy sea grass beds and seaweed colonies, compromising valuable habitats for marine life and destroying favourite recreational areas for swimming, fishing, kayaking et cetera. These algal blooms are documented with photos in several submissions and referred to on the 15 December in the ABC report, 'Tasman Peninsula residents fear fish pens to blame for slimy algae at a bay near Port Arthur'.

The frustrations of voicing concerns and our marginalisation from the process is highlighted in a quote from Helen Stone's submission, which is submission number 133 -

It is difficult for ordinary community members to complain or comment about the changes by Government/fishfarm companies to their environment. The bureaucratic processes are not easy to negotiate. Community members are not contacted personally to advise of proposed changes to their environment and to ask for their input, let alone their permission !

The Marine Farming Planning Review Panel set up to assess the increase in salmon farming in May 2018 treated the community members making submissions with such disdain as to argue with presenters at the hearings, and to make those people feel very uncomfortable in utilising their right to comment or complain.

Other members who have made inquiries or sought information by contacting Tassal have received replies considered dismissive. We have had interactions with the council. We feel powerless and exhausted by the hoops we have to jump through to get answers. Formal questions were put to the Tasman Council by several members in an effort to understand where responsibility lies. These included the issues of conflict of interest with funding in the community by Tassal and responsibility for the cost of maintenance in municipal roads and bridges in areas where heavy traffic was salmon farm-related. The questions were put on notice on June 26. Many of our questions were referred to Tassal by the council and answers were not given until 23 October, almost four months of elapsed time and I believe in violation of council requirements to give more timely answers.

We seek answers and solutions to our concerns on the growing algae blooms and ask for independent monitoring and caps put on dissolved nitrogen levels and other pollutants emitted into our waterways from pens, hatcheries and other infrastructure, such as the reverse osmosis plant at

PUBLIC

Port Arthur. We asked why DPIPWE and the council did not require robust environmental impact assessments - EIAs - when planning permission was submitted for that reverse osmosis plant.

We seek answers on the quantities of fresh water Tassal is using each month and where it accesses that fresh water. We seek transparency and mandatory immediate reporting of fish escapes, outbreaks of disease and seal death. We seek an amendment to the Marine Farm Planning Act to require valuation and protection of social, recreation and visual amenity and consideration of noise and light pollution impacts on surrounding residents.

Most of all, we continue to ask for a moratorium on all finfish farming expansions across the state until there has been a timely and independent assessment of the industry. Thank you.

CHAIR - Thanks for that, Trish. Terry, will you be making an opening statement too or can we go to questions?

Mr BRUMBY - No, you can go to questions.

CHAIR - I am just going to start off by asking you, Trish, if you could tell us a little bit about your group - its membership and size and who comprises the membership, not specifically names but in the general descriptive sense.

Ms BAILY - I will leave that to Terry; he can probably fill that in.

Mr BRUMBY - We are not a structured group as such. We probably have a core of 12 people who turn up for the unexciting part of running a group administration and so on. They range from pretty much across the age demographic, probably slanted more towards the late to middle age. As a professional group we have some very competent people well versed in marine sciences; medical professionals who make comments on health issues of the product; some hard-core surfing demographic, but people who are constantly on the water.

CHAIR - Is the group individuals or do you have businesses or organisations that are members?

Ms BAILY - No, to the best of my knowledge we do not represent businesses, we are all individuals.

CHAIR - What is the approximate number of memberships?

Mr BRUMBY - I would say 25 to 30 active members.

CHAIR - Thank you. I am interested to hear a little more about your interactions with the actual approval and regulatory system as members of the community. You have touched on this briefly in your opening statement, and I would like to hear in more detail about your experience in terms of accessing the approval and the regulatory system and the responses you received. I would like to hear about in a fairly factual way about the way you have experienced that. Could you go into a bit more detail?

Ms BAILY - For me, personally a lot of my interaction with the finfish farming companies has been in trying to ask questions often related to the water access, which is one of my passions.

PUBLIC

CHAIR - I am just going to pull you up there, Trish; we can come back to that. My question was to do with the approval process, so the review panel that does that participates in the approval process and the process around it, giving environmental licenses through the EPA and others, and your interactions as community members with those processes. Can you talk to me a little bit about that?

Ms BAILEY - I am not sure I fully understand the question, but we have tried to interact with politicians and our members have on many occasions called people at EPA and DPIPW and asked for clarification of issues. That is really the size of the protest. Many of us went in front of the Marine Farm Planning Review Panel.

CHAIR - That is what I am interested in hearing about - your participation in the official processes of approving the plans and then the delivery of the licences. Can you talk to me about your participation in that?

Ms BAILEY - In the Marine Farm Planning Review Panel - yes, several members of the community submitted in front of the Marine Farm Planning Review Panel. It dealt with a wide range of subjects. On health issues, two members of TPMP actually work in the health profession gave interesting presentations on the issues relating to possible health problems coming from eating salmon.

Other people spoke about the debris issue. While a long time ago now, a lot of what came out in those presentations was the assault on people's social amenity and the lack of social licence for the expansion of the finfish farms. That process of the Marine Farm Planning Review Panel was referring specifically to the expansions out into Storm Bay and, in our case, to the west of Wedge Island, so that is what we were objecting to. Of the issues raised, there was also questioning in the EIA of Tassal that there would be no visual threat from Roaring Beach, a popular surfing beach on the peninsular.

We were assured time and time again that the studies had been done and you would not be able to see the pens from Roaring Beach on the beach. We had already assessed that you would probably see them from the sand dunes as you came down into Roaring Beach so it was quite a shock when, in October, when the first pen went up to the west of Wedge Island, I walked down to Roaring Beach and I had my feet in the water and could see the buoys out on the water and the pen.

CHAIR - I am going to dig down into a bit more detail, not so much the detail in what you are putting in your submissions, but I want to know about the processes and how you found it as community members and how well that might have worked as an involvement for community members? You presented in a hearing process: What then was your understanding about the consideration of that information? What did you hear back? How did the process play out?

Ms BAILEY - To the best of my knowledge, none of us heard back from the Marine Farm Planning Review Panel. There was no letter of acceptance we had presented. I, for one, and I know other members, certainly another one of my colleagues who will be presenting with TAM, felt we were almost threatened and abused. I certainly felt that when I was giving my presentation. The way we were treated by the panel members was not appropriate when I gave my submission.

MS FOREST - By the panel members?

PUBLIC

Ms BAILEY - Yes, by the panel members. I did consult with another friend who felt the same way. I was okay because I was on the first day and there were a lot of people there, but the next person I am referring to was submitting basically on her own except for one other person who had gone in to listen to what was going on. If he had not been there, he would not have witnessed it - he felt she was very bullied. It was inappropriate and as Helen Stone said in her quote -

I believe we were not the only two people who felt that they were kind of bullied and it was very dismissive.

CHAIR - You mentioned being given assurances about certain visual matters relating to it. Are they in writing? In what context were assurances given in the process?

Ms BAILEY - It is in Tassal's EIA that we were reviewing for West of Wedge; there were assurances, and we questioned that many times, or tried to question it many times with Tassal, one of the many issues we have tried to.

CHAIR - Thank you. Apart from the panel process, have there been other parts of the regulatory process that you are involved in? You have asked questions of EPA, you mentioned; how has that process played out?

Ms BAILY - I find, as a community member, when you are looking for the answers, it is very, very difficult to get answers. You feel, as I said in my presentation just now, that you are jumping through the hoops. In one instance I called DPIPWE to report there had been a fish escape at Port Arthur, and the fishermen were all catching great big fish, apparently. Someone called me and let me know that. I called DPIPWE and they said Tassal had told them that there were fewer than 500 fish. Apparently, you don't have to report a fish escape if it is fewer than 500 fish. They said basically Tassal had indicated there were fewer than 500 fish and asked why was I reporting this. I said, 'Well, why don't you come down to the peninsula and have a look? Fishermen are catching massive fish and these are the reports that are coming out.' They said, 'We don't have the time.' They basically dismissed me for creating a drama and making up the report.

They did follow through later by insisting that Tassal had said that when they harvested the pen, they would know how many fish had escaped, which is kind of a strange answer. Tassal had later reported that they had not lost more than 499-and-a-half fish, so it was all within legal bounds.

CHAIR - Was that reported back to you in response to your -?

Ms BAILY - It was reported back to me; I forget if that was reported back to me by Tassal or by DPIPWE, yes.

Mr FINCH - It sounds like quite a lengthy campaign that you have been on. Can you give me the history, please, of when these things started to occur around the Tasman Peninsula? My memory of it is that these issues weren't there and weren't part of your lifestyle, or the things you had to worry about. It seems as though they have been magnified and they have become of concern to you. Can you tell me how long this has been going on?

Mr BRUMBY - The farm at Badgers Creek was, I believe, the initial aquaculture project in this state.

Ms BAILY - That's off Nubeena.

PUBLIC

Mr BRUMBY - Just at Nubeena, which must go back 30 years, at my best guess. There has been extensive expansion there up until the present - Creeses Mistake, which is the one further out. There were fish previously in Long Bay at Port Arthur and then that lease was left vacant for some time until 18 months ago or so.

The one recognition of how things were in past was that apt submission by the elderly lady with land adjacent to Long Bay. In her submission she says that when the fish farm originally was there, algal problems occurred. The lease was eventually emptied again and the bay came back more to its original state. Since those fish were put in again, it -

Ms BAILY - I think it was in November 2017 that they reactivated the lease at Long Bay, Port Arthur.

Mr BRUMBY - The bay has gone back to being filled with algae and no flushing of it. Someone with a long perspective of that locality has very nicely noted this duration of events.

Mr FINCH - Thank you.

Ms FORREST - In your submission, you talk about the light and noise from farms and the associated infrastructure - the boats and that sort of thing. Have you or members of your group made representations to the companies involved in the area to try to perhaps reduce the impact at night particularly? We know that sound travels pretty well across the water and particularly at night. Can you tell us about what actions you might have taken to try to engage with the industry to mitigate some of those impacts?

Ms BAILY - Tassal has had community meetings but they are more one-sided. It is Tassal advising us of what is going to happen. The first meeting when we first really mobilised ourselves as an organisation was in, I think, December 2017 when we first heard about the West of Wedge expansion and that is when we mobilised ourselves. However, when we have gone to these public meetings, it is really hard. The public is quite well represented because we as a group have made sure that a lot of the community go to these meetings even though they are not well advertised by Tassal itself. We asked those questions and we have put forward those problems, but there doesn't ever seem to be any reaction to them.

There is also an issue of who has jurisdiction over what is going out in the water, which is where we get confused. If you take this issue to the council, the council sort of buffs it off and says, 'It's nothing to do with us because it's happening on the water'. Those leases are given permission through being on public/state waters so it is difficult to know who to complain to. The complaints have been made to the EPA regarding this.

Ms FORREST - Regarding the light and the noise?

Ms BAILY - I believe so and if you read the submissions there is a submission by a guy called David Nelson, who lives at the ecovillage there. He is actually a sound engineer. He works with David Walsh at the art place. He talks about the problems of the noise and how invasive it is on the community. There have been mentions of how that is also a public health issue. Tassal is remaining under the decibel levels that by law you cannot go above, but those are not the levels of sound that are invasive in people's life. It is a lower level. It is just a hum so legally Tassel is not doing something illegal.

PUBLIC

There has also been the sound issue. I believe when they put the reverse osmosis plant in at Port Arthur the council required that there was some muffling of the sound from that plant, but that has not been sufficient either to mitigate the noise that people complain about from that RO plant.

Ms FORREST - In terms of the engagement with Tassal, you talked to the EPA and you have not really said that they are able to take action because Tassal is operating within the legislative requirements. That is it; that is a fact.

Ms BAILY - That is my understanding. My understanding is also that the problem of noise and light pollution has been very much on the increase the last few months as they appear to be mobilising to go out to West of Wedge and also with the use of the new well boat, the aqua spa that Tassal has now commissioned. The noise coming from the well boat is very recent, which is also increasing this problem.

Ms FORREST - If they are operating within the legislative decibel level - I appreciate what you are saying - the EPA has basically said that is the case, according to your information. As far as your engagement with Tassal directly on the time of use of the vessels, the direction of lights, we have had some evidence from other witnesses yesterday saying they have had some positive discussions with Tassal and Huon Aquaculture on the time of operation and the direction of the lights and things like that so that they are not shining at people's homes. Have any of you group members had direct communication with Tassal? I think it's only Tassal in this area, is that correct?

Ms BAILY - Huon has a lease in Norfolk Bay, which it was in last year or the year before, off Green Head with that hospital pen issue, but that's in Norfolk Bay. Basically, it's Tassal that is in Port Arthur -

Ms FORREST - Let's just deal with your communications with Tassal.

Ms BAILY - Yes. It is Tassal that is affecting us. I am not fully aware of what interaction members have had directly with the EPA or Tassal regarding the noise and light issues but I do know there are complaints coming from around the Nubeena and the Port Arthur area and those were expressed in other submissions.

Ms FORREST - We can ask them about that.

Mr BRUMBY - Several of those submissions from the area were about the light and sound.

Ms FORREST - I was wondering whether there has been any proactive approach with the industry.

Mr BRUMBY - Yes. We have no formal record.

Ms FORREST - There is another comment toward the end of your submission. There are rumours of local jobs being under threat and transfers happening with the arrival of the new well boat in Nubeena. I assume this is Tassal's boat.

Ms BAILY - Yes.

PUBLIC

Ms FORREST - In terms of Tassal's submission, there wasn't a lot of comment about the employment from my recollection. One of the other companies talked about this and it was saying that employment wasn't diminishing because jobs change. Has anyone talked to Tassal about the employment of people on the boat and in their business generally?

Mr BRUMBY - I have spoken both to employees there and to representatives of the Australian Workers' Union, the AWU. Not so long ago, its staffing complement at those sites at Nubeena and Port Arthur was 55 employees. That has now been reduced to 39. About four or five of those people were relocated to a team that supports the activities of the well boat, so they work between Dover and Oakhampton.

Ms FORREST - Are they still employed by Tassal?

Mr BRUMBY - Yes. That boat will come to the Nubeena area for several days work and the crew who support it will be some staff from as far south as Dover and some staff from as far north as Oakhampton and then those staff move to a shore-based operation from each of those locations.

Ms BAILY - There has been a reduction in the number of people living on the Peninsula who are directly employed by Tassal. That's my understanding.

Mr BRUMBY - There has been a reduction in staffing on the Peninsula and for those 39, working on previous figures, probably only half those people are residents of the Peninsula.

Mr VALENTINE - Thanks for your submission. It gives us questions to ask of other parties. We have to make sure we look at things in as even a manner as possible, so we need to test the evidence that comes before us. What I am going to ask is outside of the processes the Chair was dealing with in relation your submission regarding marine farming development plans and consultation. Has any other consultation process been orchestrated by the Government that you've participated in, in its attempts to communicate with the community?

Ms BAILY - No, outside the Tassal meetings that they have, to the best of my knowledge, no. However, the Aquaculture Stewardship Council - ASC- which issues the stamp of approval that some of the salmon companies use, ran a review panel when they had to reassess ASC certification for Creeses Mistake, which is off Nubeena, and the Port Arthur pens. That was in early 2018. The ASC global review panel came and had a meeting on the Peninsula, where people could give their input into the ASC certification process, but that is not a government-run process, that is a global accreditation process. Since then, Port Arthur is no longer under ASC certification because it is grow-out of smolt and that certification has a big gap in it because you do not have to certified in the smolt grow-out period. It is a bit of a glitch in there but, again, that wasn't a state government consultation process -

Mr VALENTINE - When Tassel had those community meetings, were they held as a result of pressure applied by the community to meet with them or was it something Tassal did of their own volition to inform the community?

Ms BAILY - My understanding is that part of the process of ASC certification, the global certification, was that you were required to show that you had community consultation. I am not sure if that was also a requirement of the Government but Tassal was trying to have community engagement every four months. That just sort of fizzled and last year they moved away from the community meetings and then formed what they called a community advisory group. They said

PUBLIC

there were members of the community in that group and that the community advisory group was what they are using to say that they are having community consultation. However, we have no idea who those people are, despite asking who is on this community advisory group.

One of our members was told by the Tassal community representative that she could be part of that community advisory group and she was then told she couldn't be. This was all verbal; it's not written - Tassal didn't approve of TPMP's and our actions on Facebook and everything. That was then taken to the press and there was a press release about that. We labelled it, 'TPMP snubbed by Tassal', or something. Anyway, it was taken to the press. We have heard no more about it. A couple of us applied to be part of their community advisory group. I applied to Tassal in writing and was told that I might be able to be part of that community advisory group and they would tell me in November. That would have been November last year. I have heard nothing from them and neither have a couple of other people I know who applied to be on that community advisory group. They did have a community meeting in December but it was a different strategy. You had to apply to go to the meeting with Tassal representatives and you talked to a Tassal representative. People did not get together to hear what everyone else had talked about.

CHAIR - It was one on one.

Ms BAILY - Yes, it was one on one. I was not in the country at that time. I didn't go to it and many people boycotted it because they felt that it wasn't the proper process.

Mr VALENTINE - Have you ever approached Tassal to be kept informed of its operations and any changes happening? Have they ever offered or have you ever approached them to be put on their mailing list to receive information?

Mr BRUMBY - Those community meetings are the initiative of the company.

Mr VALENTINE - That is a meeting but that is not necessarily information dissemination. I am interested to know whether there is anything in place.

Ms BAILY - Myself and other members of TPMP have had constant communications through email on issues relating to social licence over the last two and a half years. I have a huge record of consultation with Tassal relating to their freshwater usage on the Peninsula. My interaction with them asking them to relate to me is not just with Tassal. I've actually put those questions out to all the companies for all of their bases across the state, but specifically to Tassal regarding the Peninsula, to find out where they are getting their fresh water from and how much fresh water they are using. They have replied but the questions are not answered.

Mr VALENTINE - With respect to your point that the industry is in receipt of \$9 million in subsidies from the Government each year and unrealistically low rates are charged for leases. That is in one of the attachments to your submission. I don't know how much research you have done into this, but are you aware of what other countries are charging per tonne of product, pen or whatever have? Do you have some sort of benchmark you are suggesting it ought to be?

Mr BRUMBY - Those figures, I presume, would have come from the Australia Institute report and that report examines some of the practices in Norway, where the licences are effectively auctioned. Companies compete and it is a market-driven process, if you like.

Mr VALENTINE - It was rate per tonne of product is what I was interested in, but that's okay.

PUBLIC

Ms BAILY - My understanding is that the rate of the leases is far lower than what would be charged to a mining or quarrying company. I think that comment is also in that Australian Institute report.

Mr FINCH - Trish and Terry, this might be putting you on the spot to a certain extent but your concerns in you 127-page submission, which was quite fulsome, were many and varied and there were as many as a dozen main points. Maybe you could crystallise those concerns. If you were to suggest to me three initiatives you would like to see occur immediately that might ameliorate the concerns that the residents have about what is happening now and what might occur in the future, that would be helpful to the committee. What are the major actions that might change things?

Ms BAILY - Given the awful algal bloom problems around the state, and if you read the reports by Christine Coughanowr, who will also be giving evidence to you, there is an urgent need for really independent and varied water quality studies to be done to really assess what is causing these algal blooms and to make sure that the cap on nitrogen levels and other pollutants stays at a sustainable level. There is a serious problem of water quality on the Peninsula, so there has to be better monitoring of the water quality.

The other issue that might help is if there were better reviews of the opening up of the leases. The lease area in Port Arthur in Long Bay was an existing lease. My understanding is that if a lease has been in fallow and you reopen it in less than 10 years and three months, it is not required to have another stringent EIA or environmental management plan. The lease at Long Bay was reopened by Tassal in late 2017 and there are now 14 pens there. There have been no proper studies of the bay and we now have a bay full of algae. This need for proper water quality management and proper assessment of pollution coming from their land-based structures as well are critically important, especially in Port Arthur where no benchmarks have been put in place. Port Arthur, many people are saying, will be the next. It is a long, deep, non-flushing bay - it will be the mini-Macquarie Harbour. The third issue, you might have the -

Mr BRUMBY - Those leases were allocated with no capacity to update the conditions with the progress of science over that period of time. That original lease still stands without consideration of what has been learned in the interim.

Ms BAILY - A third issue would be the social licence from the community for these operations to even exist. The loss of social amenity and the frustration the public have of dealing with this is really tearing the community apart. It is awful to see a community being so frustrated by these issues to which they seem to have no ready answers.

Ms FORREST - In some of the submissions, some people who lived around Stingray Bay and Long Bay areas talked about increasing algae. You have discussed the reinvigoration of the lease. Some of them talked about talking to Tassal about doing some monitoring of the bay and they did put some in, apparently. Do you have any other information about the monitoring that was done?

Ms BAILY - Christine Coughanowr covers that in some of her research.

Ms FORREST - I am wondering about your perspective.

Ms BAILY - I am not sure if it was Tassal or the EPA that put in some new monitoring sites in Long Bay.

PUBLIC

Mr VALENTINE - In the north part of Long Bay, up in the quieter area?

CHAIR - In sheltered parts?

Ms BAILY - I am not entirely sure where they are but I believe there was one up around Stingray Bay, in that area. My understanding is that they are not really in the right areas. Christine Coughanowr covers that and we are talking about doing our own citizen science monitoring but that takes time and energy.

Ms FORREST - You made a point about the community advisory committee and we can talk to Tassal about that. You said one of the things that you believed that one of the reasons your members were not included was your Facebook activity. Can you tell us what it was that they found offensive?

Ms BAILY - I don't know; with all of the companies and with the various organisations against the salmon farms and with their Facebook activity, there is a lot of trolling and nasty stuff which goes back and forth, which I find offensive.

Ms FORREST - Does your group have a Facebook page?

Ms BAILEY - Yes, we do. It is Tasman Peninsula Marine Protection Facebook page.

Mr VALENTINE - You mentioned community division. I am wondering if you can briefly describe what that division is. Is it about those employed in the industry and the thought that they may be losing their jobs or those being impacted by what is considered to be pollution?

Mr BRUMBY - It seems to be a strategy of the company to buy social licence by making grants to community organisations, particularly the school, access into the school and being put into curriculums and things like that. To my way of thinking, if those companies want to contribute, they should be contributing through a local body like local council, putting the funds there and letting the council make the decisions in consultation with the community as to how those funds are applied and not to be matters that are contentious across the broader community.

Ms BAILY - I will draw attention to a letter to the council, or one of the submissions I referred to that went to the council, from Angela Lowe regarding the social licence and she says -

It has come to my attention that certain members of the community are at risk of social exclusion due to their position in not being affiliated with the aquaculture industry.

So that does create a division. You have to be scared. We have people within the aquaculture industry who are employed by Tassal and the other companies who come to us giving us insider information. There is fear there. They are not allowed - they see awful things going on. They can't say anything. They've got a job. They'll come, we are not allowed to say who they are, where we got the information from. There is a lot of that fear and that does create the division.

Then Angela goes on to say this exclusion impacts not only members of the community groups and wider community, but potentially students, teachers and the administration of the local educational and government institutions. It impacts their health and wellbeing. There has been a

PUBLIC

lot of community discussion about the inappropriateness of Tassal pouring money into the school and the school programs. That is considered one of the divides. People are talking about that as being divisive in the community.

Mr VALENTINE - Thank you for clearing that up.

CHAIR - I am mindful that we have gone a little over time. I thank you very much for your time today, Trish and Terry. I appreciate that and the representation you were giving for people in your community.

THE WITNESSES WITHDREW.

PUBLIC

Ms SHEENAGH NEILL, Mr MARK BISHOP AND Ms REBECCA HOWARTH, TASMANIAN ALLIANCE FOR MARINE PROTECTION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Welcome to the hearing today. Thank you for your time. In this hearing we are taking sworn evidence. That means that it is protected by parliamentary privilege while you are here, but when you are outside of this hearing the comments you may make won't necessarily be covered by that privilege.

We are being recorded. The *Hansard* transcript will become available and be on the committee website. We are also being broadcast today.

If there is evidence you are seeking to give that should be in camera, you can make the request and we will consider that. Please do that at the time. I am going to ask you to make a statutory declaration before you begin giving your evidence. You will then have an opportunity to make some opening remarks and then we would like to put some questions to you.

Mr BISHOP - Thank you for the opportunity to speak with you. Tasmanian Alliance for Marine Protection - TAMP - is an alliance of 11 community groups across Tasmania. We have approximately 230 members. We have a Facebook account for communication amongst the members. It has around 690 followers, and we have about 5500 interactions a week with discussion of various issues to do with salmon farming.

The community groups that make up TAMP spread statewide. The idea was to form an alliance so that we had a single identity that we could liaise with the industry, the politicians and the issues that we are seeking to find answers to.

I am a professional fisherman based in Stanley. I have a small fishing business with my son. We specialise in live wrasse so I know a thing or two about keeping fish alive. I have an independent recirculating system to house my fish.

Personally, as a fisherman, with the salmon farms coming to the north-west coast, I have quite a few concerns about what the impact will be on the wild fishery, hence my involvement with TAMP.

Ms NEILL - I am a post-educator; I am retired now. I retired early to go sailing and unfortunately in Tasmania we have a large amount of debris, which is causing major risks to sailors. Unfortunately, at the moment the companies are intertwined with the sailing industry so much so that most people will not speak out. I would like some time with you today to talk about the issues of safety and health around waterways, in particular to our growing tourism industry and our sailing industry in Storm Bay.

Ms HOWARTH - I live down the Tasman Peninsula and am an active member of the group Tasman Peninsula Marine Protection, which is one of the member groups of the Tasmanian Alliance for Marine Protection. I work for the Neighbourhood House down there and I am a mum of two young kids. I have lived on the Tasman Peninsula for five years. I really thank you for this opportunity to hear our concerns.

PUBLIC

CHAIR - Excellent. Thank you for that. Sheenagh, you mentioned the issues of debris and safety and links to sailing and tourism industries. Can we start with that then?

Ms NEILL - I would love to start with that. I hope everyone else is okay with that. Thank you. I smile because often it is left till last.

CHAIR - Since you have particularly mentioned it, I thought let us start with that and we will deal with it for a short while and then move on to some of the other matters that have come up.

In terms of that debris and safety issue, the mechanisms that are in place now to track debris, have it reported and then cleaned up and removed, do you have a comment about the way that they are operating those mechanisms?

Ms NEILL - Meg, I certainly have. I was with the Premier and I met with the Premier with several other members of TAMP in 2017 when he was happy to announce zero tolerance. Unfortunately, zero tolerance is not working.

You have asked many of our groups whether they have been involved with the industry. I have been involved with the industry and talking to industry, both privately and as a group member. I have been talking to them as a sailor, as a member of TAMP, and yet they have basically blocked me now. Huon Aquaculture will not talk to me and Tassal will not talk to me individually anymore.

Zero tolerance is not working. It is not working because there are not enough people to actually manage it. The industry still fights fines. It takes up to five weeks. We had an incident recently last year where a member of the public woke up to two pens hitting his boat and it was fought for five weeks by the company. There are too few officers, there is dispute about ownership and although the companies have listened to us and are starting to stamp and name their infrastructure, it is too slow and there is a lot of debris on the ocean floor that is still washing up in storm events and causing issues.

I can and I will say to you that there are tourism operators in Tasmania who have been recently hit. There are people in the social media and in the film industry around fishing who have been caught up on the east coast. There is a classic sailor who was going to the Sydney-Hobart who had his boat damaged by infrastructure. It is only a matter of time before a death. I have repeatedly asked industry to be involved on their debris committee and yet two of the members of Huon Aquaculture who are here today repeatedly refused to have me as a part of that group. It is important that we are represented. Communities of sailors will not speak out. Many of them will quietly say to you, 'I do have concerns; I am concerned about what is going on,' but there are interconnections in Tasmania that go far beyond what we are dealing with here. Too many people are scared to speak out. I get trolled on Facebook by both the companies and by individuals because of my speaking out and I am tired of this. I just want to go sailing. I want to be safe and I want to look out for the issues that normal sailors deal with.

CHAIR - Can I look at some of the tangible mechanisms that either are in place now but not working effectively, in your view, or could be in place because they are absent at the moment that would better address this? I am thinking about it from a regulatory point of view. What requirements, what reporting or enforcement mechanisms should there be?

PUBLIC

Ms NEILL - It is interesting you talk about regulation, because if the industry wants to talk about regulation and get changes in terms of the act, they get immediate hearings. I have been asking for the zero tolerance areas of the act, sections 92 and 93, to be looked at since I have been involved in this in 2017 and nothing has been done. The fines are lame; they do not instigate penalties straightaway. They will not listen to community about debris. People continue to pick up debris on the beaches and they say, 'We do all these great clean-ups, we do all this stuff with everybody else, we do all this feel-good stuff', but they do not act logically and clearly in terms of what is going on in the environment. You have heard from all the other groups over the last two days, but what is happening here is that there is a risk, a denial and a cover-up in terms of what is occurring.

Personally, I know of 37 boats that have been hit. How many more before someone is killed?

CHAIR - When you say that, just to be clear, are there ways those would have been reported?

Ms NEILL - Yes.

CHAIR - Where would we find that information?

Ms NEILL - You would either find it from the companies - under the Marine Debris Act, and what the industry has agreed, the Marine Farming branch is supposed to be monitoring debris and they were supposed to put out a report every year, which is yet to come out.

Despite my concerns it is a silly way to go, they released an industry app with the Government, where they expect you would put WiFi on when you are outside on your boat and would load up on your app where the debris is. There is a case for actually listening to people like me who have some great ideas but are not being heard because they do not like what we are saying and it is too hard for them. These companies make a lot of profit on our public waterways, yet they and the Government are not prepared to support community being safe on our waterways.

Mr FINCH - We have heard a lot in the submissions too about debris. Can you tell me what sort of debris? Is it many and varied? What does it look like and what steps should be taken by the industry to ensure this sort of debris is not proliferating as much as you suggest it might be?

Ms NEILL - It goes from ropes right through to their big infrastructure. Bob Brown's submission showed you a big oxygen tank found in 2010. Last year, a huge Huon Aquaculture one washed up on South Arm Beach. I have photos if you would like to see them and happy to submit those. They go from very small microfibre washed up and degrades on a beach which our animals and wildlife actually eat through to huge pipes which can foul up engines and, as many boaters are finding out, are a risk to life. We are the biggest boating community in Australia. Everyone you know would have a boat licence or use the water in some way and yet we are not prepared to actually put a risk to it.

As an ex-public servant, I know those things are important. Risk is supposed to be mitigated and yet no-one wants to listen to the risk associated with this debris and there is no accountability. They have improved, they have listened in some cases, but zero tolerance, in my opinion, should be zero. The fines are not big enough, they fight them and there are not enough penalties. There should be three points - three strikes and you are out. How much is zero tolerance worth?

PUBLIC

Ms FORREST - In terms of the interactions of boats, I assume they were of boats at sea that have the interactions with marine debris?

Ms NEILL - Up the channel, Storm Bay.

Ms FORREST - They were on the water?

Ms NEILL - Correct.

Ms FORREST - In terms of recording those - you say the Marine Farming branch is supposed to keep a record of this, or is it MAST?

Ms NEILL - This is only recent so this happened after lobbying through TAMP and a few community groups, including myself, going and talking to them, including the ex-chief executive, Andrew Grigson, from the ex-Tasmanian Salmon Growers Association. He was in support of a community representative in the debris group and that would have helped. Most of them are on the water.

Ms FORREST - These interactions are recorded?

Ms NEILL - There is no uniform way of recording them - this is the problem, there is no reporting, the dashboard does not actually include any interactions with debris. One of the companies quotes in metres squared - most people do not understand what metres squared means. Most people understand that when they go to a beach these days, they pick up rope or debris from the aquaculture industry. What we are seeing on the water is only half of what is happening, because some of it sinks, some of it is submerged and is an issue when you get bigger events, such as wave events happening in Storm Bay, and that is why I am concerned. We are putting a massive amount of infrastructure out there and they cannot contain it. Huon showed that when all of its infrastructure got blown up by one storm.

Ms FORREST - Because we live on an island and some of us spend a bit of time walking on beaches and things like that, there is debris washed up on beaches now where there are no salmon farming activities going on from coming out of creeks into the sea.

Ms NEILL - Of course.

Ms FORREST - And from vessels at sea.

Ms NEILL - This is very identifiable infrastructure. They do have common marks.

Ms FORREST - Surely, we need some system of recording it accurately. I am trying to understand.

Ms NEILL - There is no mechanism at the moment to record accurately. No-one has taken that ownership. That is what I am saying to you.

If you are in the oil industry, you actually have to track big infrastructure. You have put a little beacon on it and is actually is easy to find. They have resisted that. They have coloured ropes, but the problem is other people use coloured ropes. When they actually find it or like a local tourism

PUBLIC

operator who has been hit by a couple of things since Christmas, they fight who owns it. They argue over it. Then they say, 'We have these areas that they cover and they are only specific areas we use'. If it is outside of that area, who do you go to?

The problem is that there is no uniform way of reporting it. If it is on the water, my opinion is it should be reported through a security which is to Tas Maritime, and then they should be supported to actually record it through to Marine Farming branch. But how do I know that because it is not actually public? There's no availability of information.

Ms HOWARTH - I will add to that, Sheenagh. Members of the public on the Tasman Peninsula have been really asking us for a way to report the marine debris they are collecting on the beaches. There were a couple of phone numbers available from DPIPWE, but they stopped working and then there was a new phone number. It was very confusing for members of the public. There is now an EPA hotline for pollution in general, so we have been encouraging the public to use this. But now we have no knowledge of what is happening with that information, we do not hear feedback from the EPA about what is happening with those reports.

CHAIR - Excuse me, can I just pick up on that? I am going to move us on from this topic in a minute to cover the other things you want to cover. Do you use the app now available to report?

Ms HOWARTH - I have not heard of an app, no.

CHAIR - Okay. So, it has not been advertised or promoted to you as something to use?

Ms HOWARTH - I have not seen any advertising, no.

Ms NEILL - Can I add to that, Meg? There is a lack of trust of the app because it is actually run by industry. People do not trust who is getting that information about where you are and what you are doing at the time. That is why it needs to be independent. That is why people were relaxed when it was the Marine Farming branch.

CHAIR - I note, because I downloaded the app to see what it was like, that it does require you, if you are going to report, to provide your email and details and things like that. So I understand what you are saying.

Mr VALENTINE - Thanks for your submission. As I say, it provides us with questions for other parties. It is important we understand the information you have given us and its veracity.

In your submission, you make a couple of statements. Under point (2), Site Selection Approval, you say that -

Tasmania's selection approval process is far from world's best practice. Norwegian authorities look at sites, apply rigorous research and science, then establish the pen quotas ...

Can you give us any references about where you are getting that information from so we can have that as a reference?

PUBLIC

Mr BISHOP - Where do you go for references? If you search online, there is quite a lot of information about the Norwegian system. Just a simple Google of lease selection.

Mr VALENTINE - That is where you have that from?

Mr BISHOP - Obviously, a news item on its last round of tender for fish farming about how much money it raised. A significant proportion of that goes directly back to the local community affected by the fish farm.

Ms NEILL - I will also add to that, Rob and say we are also aligned with a large number of world-wide groups now and so they actually provide us information of what is happening within their communities.

Mr VALENTINE - So you get that through your networks?

Ms NEILL - We get that through our networks, correct.

Mr VALENTINE - It's the same with the claim about a particular concern raised by multiple scientists, which is that expansion in Storm Bay was started without completing the necessary monitoring.

Ms NEILL - Within our group, yes, there are scientists.

Mr BISHOP - Our members are many and varied, from professional fisherman to amateur fisherman. We consult with scientists and we have a regular monthly meeting where we invite experts along in particular fields so our members can be informed about the issues we are seeking answers for.

Ms HOWARTH - The Norwegian authorities, I imagine, would be also referring to the Australia Institute's report. They refer extensively to the Norwegian system and the director has researched that system.

Mr VALENTINE - There is another point noting use of and access to public water sources and TasWater facilities without proper public consultation or explanation of costs and payments for water use. Your concerns are some of the common themes coming out. Can you expand on that point?

Mr BISHOP - There are quite a few issues. We have seen quite a bit of research done by a couple of our members on the hatchery effluent flowing into the headwaters of the Derwent. The potential cost to TasWater to clean that water up for human consumption; there is definitely a direct link. Then you've got issues from the east coast to do with the water supply of the Glamorgan Spring Bay Council.

Mr VALENTINE - Are you saying that TasWater or the industry are not consulting with general community on these issues?

Ms NEILL - It's a closed loop. Unless we ask the questions, we don't get the information. We rely on community telling us what is going on and then we have to do the investigations

PUBLIC

ourselves. We are a small community group that is trying to answer questions and look after community groups statewide.

Mr VALENTINE - I asked the previous group this question as well. Have you ever attempted to get on mailing lists of the companies when they are doing changes and wanting to communicate back to the community about what they are doing?

Ms NEILL - Certainly, we meet with the companies when they are prepared to meet with us as much as we can but they shut us down after a while because they are not interested in talking to us. Some people are never satisfied, I believe was the quote.

CHAIR - I am interested to hear more about how your group or your member groups have interacted with the approvals and regularity processes, so the opportunities that are there for community to participate in those processes, say, with the panel in the approval stage or later with the EPA around other regulatory matters. Can you talk to me about your experiences, not so much in the detail of what you put to the panel but how you found the process and the community's opportunities to be part of it?

Ms HOWARTH - The first time we engaged with the process was back when there was the inquiry into the Storm Bay expansions, which involved making submissions to the Marine Farming Planning Review Panel. There were a great number of submissions made from the Tasman Peninsula. I just want to say that it was the first time we felt invited to participate in the process.

CHAIR - How did that invitation happen?

Ms HOWARTH - I believe it was publicly advertised and we would have seen the public advertisement. It was a long time ago now, a few years, so I can't remember exactly. We would have seen the advertisement. I can't actually remember how we were first aware the expansion was about to happen but that was when we formed our community group in the Tasman Peninsula. I want to add that when there was a previous expansion a few years earlier of the Creeses Mistake lease in Nubeena, that went through with no community consultation process whatsoever. Some of the residents had already been speaking for a few years amongst themselves about how there had been a smaller expansion that went unnoticed. There was no process involved with that.

When we applied to the Marine Farming Planning Review Panel for the Storm Bay expansions a number of community members made submissions. We had acknowledgments of the receipt of our submissions but then we didn't hear anything about what the panel thought of our submissions or what their reasons were for taking parts of those for making recommendations to the minister. Some of us made presentations and we all felt extremely uncomfortable during the presentations. A lot of us shared how we felt afterwards and it didn't feel like a balanced, non-biased process.

CHAIR - Is there a record of those proceedings you were involved in? Could I, for instance, see the submissions that you made or details about the hearings you attended?

Ms HOWARTH - I know that the submissions were made available online immediately, when the hearings were going ahead. I don't know where they are recorded and I don't know if there is a recording of the presentations; I have no idea. I know that we did not hear anything afterwards about our contributions. A lot of us had driven a long way, we had taken a half-day or a day out to make this. It caused a bit of anxiety for some community members because this doesn't come

PUBLIC

naturally to a lot of us, to come and present in front of a panel. It took a lot out of a lot of community members and then we didn't get any receipt of acknowledgement or how that would be contributing to the process at all.

CHAIR - You are not sure to what degree or in what way your submissions and hearings were incorporated into decision-making. That is not a feedback -

Ms HOWARTH - Absolutely no idea; in fact, we felt that our concerns were possibly completely dismissed because we felt a very dismissive attitude in the room when we were presenting to the panel. Personally, I cannot speak for others, but I was presenting alone and I didn't have any of my colleagues in the room with me, not that that is important. There was definitely some body language that made me feel as if I was up against - it did not feel balanced. There was some uncomfortable behaviour like jeering and sneering at me. I felt dismissed, definitely. I was even questioned on some of my concerns, and that was quite uncomfortable.

Ms NEILL - Are you all aware of public participation spectrum, which is best practice for community involvement in decision-making?

CHAIR - I'm not sure if it was your submission but a submission referred to your assessment of where this process sits in that spectrum.

Ms NEILL - If you ask most of the community groups, I think they would say that we go through a token process because they have to and then we don't feel like we are listened to and that is the poorest of levels in terms of public participation. If we really want to change what is going on and get good outcomes and world's best practice for this fishing industry, we need to actually start listening to what community concerns are and hearing what they are saying.

CHAIR - Thank you for that. From your submission, in relation to interacting with the Marine Farming Planning Review Panel, in points (4) and (5), you mentioned -

Last year the Marine Farming Planning Review Panel undertook to provide one of our member organisations baseline marine science reports for lease areas. This would allow real comparison to be made between original marine conditions and those now observed in and around leases over time. These baseline reports have still not been provided.

Could you talk about that and the circumstances under which that information was sought and where that now sits?

Mr BISHOP - Peter has just advised me that NOFF asked for that information.

CHAIR - Neighbours of Fish Farms?

Mr BISHOP - Yes.

Ms FORREST - Do they have it?

Mr BISHOP - I believe not.

PUBLIC

CHAIR - Was the request for that information by NOFF made as part of a formal process that they were involved in or was it an ad hoc request that was put to the panel? Are you able to answer that? Are we happy for another representative, who is here from NOFF, to speak on this? You may sit at the table if you mention your name.

Ms FORREST - He was sworn in yesterday.

PUBLIC

Mr PETER GEORGE, PRESIDENT, NEIGHBOURS OF FISH FARMING, WAS RECALLED AND EXAMINED.

Mr GEORGE - I am a co-chair of TAMP and also president of Neighbours of Fish Farming - NOFF.

We presented to the Marine Farming Review Panel. We were told when we arrived that the submissions of other community groups would not be available to us, that they would be all held in secrecy. We were told that we would not have access to any recordings or *Hansard*-style recordings of the panel. We were challenged quite a lot, not only on our information but also on what science we had undertaken and what science would prove our concerns. We said to the panel, as this group has said, that we are a small community organisation. These are the answers that the Government has and so on. We never heard back from the panel.

However, during the conversation with the panel we told them that one of the biggest problems was that there is no baseline science available from virtually any leases, particularly older ones. We were told by, I think it was Professor Colin Buxton, but I cannot quite recall, that baseline science had been done and that it was available and that it would be provided to us. We wrote several times afterwards seeking that information and have never heard back. We have never even had a reply.

CHAIR - It says here that you followed up with a DPIPWE officer about this. Could you explain that circumstance, to finish off the story of this request?

Mr GEORGE - I had just a phone conversation with a very helpful bureaucrat from DPIPWE who said that a lot of this information would once have been available but is not available because it is pre-digital information and that information might be available somewhere in archives, but no-one was going to take the time or the opportunity to find that information and would not be able to provide it. He said basically there are baselines. We did not discuss the level of baseline science of the past few years since it has been digitised, but essentially he said all the material that is pre-digital that goes back 30 years or more is probably somewhere in archives but is not available to the public or to the bureaucrats themselves.

CHAIR - Thanks for answering those questions. I appreciate that.

Ms HOWARTH - I can add a little bit to that. That may as well be true, but I also know that older marine farming development plans, I believe the scope of the parameters that would have been needed for those baseline data were far fewer. I know that nowadays there are more and more parameters being collected. We suggest, based on the information we have at our hands, that those parameters could be expanded even further for baseline data collection and for BEMP monitoring as well. Especially for the older leases that aquaculture companies can often re-enter without updating those datasets, the baseline data would have been very basic. As members of the public we cannot access these either. A lot of them are protected as commercial-in-confidence. We do know that when scientists make requests for these information sets, they can have access to them, but I know that in Louise Cherrie's submission she mentioned that it took up to eight months to get any one particular dataset, which would mean in that time those conditions may have completely changed and it may not be relevant anymore.

Christine Coughanowr also sought out the baseline data for Long Bay in Port Arthur and she was given access to that information but she has been told she cannot share it any further with the public.

PUBLIC

Mr VALENTINE - You say that one of the common themes is lack of transparency by both government and industry that undermines confidence in the whole fish farming enterprise in Tasmania. Are you aware of the new portal the department has put up and do you have any comments on that?

Mr BISHOP - How long ago was that put up, Rob?

Mr VALENTINE - I have got an idea it might have been September last year.

Ms NEILL - Yes, we are. I am certainly aware of it. One of the biggest issues, and it has been raised by other community groups, is the lack of uniformity in data reporting, the lack of access to data, the lack of questions asked by community being answered by government, the lack of access to government agencies, and the fact that we still don't have pathways within the one agency to who to talk to. I remember meeting with Wes Ford and him sitting there talking to us and kind of giggling and saying, 'Well, actually, you are talking to the wrong people. You need to go to this, this and this group' - and yet, when we were ringing up to talk and meet with the people, that is the person we were told to go to. We get fobbed off onto different groups. We are not taken seriously and it is time that we were.

Ms HOWARTH - The data portal is a good step in the right direction and there is data available to the public, but never at any stage was the public consulted as to what kind of data would we be interested in seeing. Christine Coughanowr, in her submission, pointed out that the public would be interested in things like nutrient overloading, effects on local amenities, effects on biodiversity, even reports on fish deaths, disease and escapes - those kinds of pieces of information are what the public is interested in. The portal won't be relevant to the public unless we are consulted on what's useful for us.

Ms FORREST - In terms of access to the data, this is something that was committed to, I think, two years ago, from memory, it may be a bit over two years ago now to establish a -

CHAIR - [Inaudible]

Ms FORREST - Yes. Originally it was going to be housed with IMAS, and now it's with DPIPWE. I will ask them about that when they come before the committee about the decision-making around that change. We have heard that there is a lack of consistency with the data.

What do you believe members of the community broadly want to see in the information that is accessible? By accessible I mean not just to be able to click on it, but to understand it and for it to be meaningful. What changes would you like to see?

Ms NEILL - These are our public waterways. We should be able to access lots and lots of information. At the moment we have to search through many, many areas to find out one bit of information. What I would like to see personally is how many boats - because I deal with debris and that is my area. I would like to know about how many boats are cleaned, what efforts are made after storm situations to go and clean up all bays, not just the popular walking bays. What information has been given and what upgrades they have put on their lease forms so that they can identify bits within their lease areas? Why aren't the logs of the boats that are causing noise and light issues to Bruny Island residents made available as we have requested? Why isn't the AIS

PUBLIC

turned on? Why is some of the AIS for some of the fishing boats associated with these companies still marked as recreational rather than actual fishing? Why are these things still going on?

Those are the sorts of questions I would like to ask, and I am sure these are ones any other group would like answers to.

Ms FORREST - I am not sure about the data you believe should be accessible on the portal.

Ms NEILL - Yes, so instead of having a community member having to go to this area and this area and this area, all in the one place.

Ms FORREST - Mark, have you a view on the sort of information you think should be on the portal?

Mr BISHOP - Yes, I think it is about transparency. In the past, rules have been bent and pushed around, and things have been only exposed later, after the event - you know, fish escapes, which are a great concern to me.

What is the level? In a few years time, when it is difficult to catch flathead because there was a large fish escape in previous years and those fish gobbled up all the baby flathead in the shallows, how are we going to know that there was a cause and effect that may or may not have happened? As Sheenagh said, these are our public waterways. I can understand how within the lease area it is the fish farms' area, but the effects of fish farming go far beyond the boundaries of the lease. I think it is our right to know.

Ms FORREST - In terms of that, what sort of information? Fish escapes is one. What other information do you believe should be there?

Mr BISHOP - Stocking levels.

Ms NEILL - Water use, effluent discharge, *E. coli* outbreaks.

CHAIR - Let us come back to Mark, who is answering that.

Mr BISHOP - Yes. You've got a lease area and the public should know what is happening - whether boats are moving backwards and forwards; if you wanted to go down the Channel and there were some big pens being towed between leases or fish moved, I am sure all that information would be helpful to all the water users. The aspects of what needs to be known -

Ms FORREST - So, proactively, talking about moving pens and things like that?

Mr BISHOP - Yes. It is just such a big industry. There are so many aspects that it is hard to give a simple answer to 'What do you think?' Sheenagh does it very well with debris, but the more you delve into it, the more questions you end up asking.

CHAIR - From Rebecca's point of view, is there anything in particular?

Ms HOWARTH - Yes. I think some of the parameters that the public might be interested in are water quality, both localised and broader scale; constant monitoring of the benthic flora and fauna on the seabed; any disease outbreaks; fish escapes; impact on local rocky reefs and any impact

PUBLIC

on threatened species; and the constant monitoring - that could be under the broader environmental monitoring considering those larger, broader-scale impacts. I know video footage is something that has come up quite a few times in submissions. I believe that is protected by commercial-in-confidence at the moment, but access to video footage in and around lease areas would maybe alleviate some of public's concerns about the impacts on the sea floor.

CHAIR - Do you mean real time when you say that? I note there is video footage available on some websites already. It appears to be not real time present time.

Ms HOWARTH - With the lack of trust in the public realm at the moment, real time may be one of those things that could help alleviate the lack of trust. The only reason that footage which is not real time may be an issue is the lack of trust between the public and community and the industry.

Mr FINCH - In the TAMP submission, there is a suggestion there is no one-stop shop available to the public to report concerns. What is the suggestion from TAMP to solve that? What sort of body needs to be there?

Mr BISHOP - It is such a large industry and scheduled to grow significantly, Kerry; it would be nice to see an overall authority that was the salmon farming authority.

Mr FINCH - Like a statutory management authority for the industry?

Mr BISHOP - Yes, because at the moment it is fragmented among the Department of Primary Industries, Parks, Water and Environment, various branches of DPIPW and the EPA.

Ms NEIL - As you would also know, there are so many regulations it actually comes under, including federal ones, that it is quite confusing for laypeople or community to try to understand what you are actually dealing with.

Mr VALENTINE - Mark, as a commercial fisherman, you have mentioned a couple of things that might be an issue. Is there anything extra you wish to share in terms of how it impacts on you as a commercial fisherman - some of the concerns you have outside of what may have already been discussed?

Mr BISHOP - It is a discussion probably not right for this time, Rob. I would prefer to represent TAMP today and discuss the bigger issues. I believe you are going to hear from some professional fisherman. I have requested a hearing in Burnie for myself.

Mr VALENTINE - That is all right and we will catch up then. Thanks. I appreciate that.

Ms FORREST - In terms of the regulatory framework - and I understand you do not want to comment. There have been some representations about a bit of a convoluted approach. It was amended in 2017 to give the minister greater power. There have been suggestions adopting a model of our land use planning model for approvals. Some submissions are saying that sort of an approach could and should be adopted. Do you have a view on that?

Mr BISHOP - Absolutely. Under the land use planning, obviously it is confined to land, but effectively you have a situation where a coastal settlement can have an industrial use on its doorstep within metres. You cannot put an industrial use in the middle of a residential zone, so why should

PUBLIC

you be able to have an industrial use several hundred metres off the shore, directly adjacent to a residential zone? For me, that conflict is really obvious.

Generally, these days if you want to have an industrial use, you have an industrial zone quite a long way away from residential use.

Ms FORREST - Mark, in terms of the expansion plan and the majority of the expansion is proposed to be further offshore - in a more dynamic ocean and thus the need for stronger pens and all that sort of stuff - does that still apply if they are kilometres offshore, rather than less than a kilometre?

Mr BISHOP - It is my understanding salmon farms are covered by state legislation which is three nautical miles from the shore and it is TAMP's opinion that is still far too close.

Ms FORREST - Okay.

Ms HOWARTH - I have an issue with the term 'offshore' - because for those communities that live along those coasts the term 'offshore' is bandied around a lot, but the proposals are still very close to our shorelines. They are really coastal proposals. Offshore to us would mean way out in the ocean, like they do in Norway.

The impacts we would see along our coast lines would still be very great. The currents in Storm Bay actually do not promote the flushing which we have been told would happen with these expansions in Storm Bay, so I have a problem with the term 'flushing' used for Storm Bay's hydrology. Because we do not have the hydro-geochemical modelling done of Storm Bay yet, we cannot actually assess that either, even though the licences have been granted, which is a problem. From the hydrology maps I have seen, the deep-water currents flow in a gyre, so will not have the flushing which we have been promised in Storm Bay. We will see the nutrient loading and accumulating up in areas like Frederick Henry Bay and the Derwent Estuary as well.

Mr FINCH - Does TAMP have any confidence or positivity that the Government and industry will listen and perhaps respond to the more than 220 submissions we have had to this inquiry and the recommendations we might make?

Mr BISHOP - First, I need to point out that TAMP is not against fish farming. It is all for sustainable fish farming. We have concerns it is heading in a direction that is potentially not going to be sustainable, which is a funny word that we could talk about for a long time. TAMP is extremely positive about this forum, this inquiry. It is something we have been asking for for a long time and it is great to get all these issues on the public record because we have raised a lot of these issues in the past couple of years that we have been in existence with politicians and departments, and we have felt that we have not been listened to or taken seriously. We are holding great hope this inquiry will provide some answers and some possible solutions. In our submission we are raising questions, but we are also putting possible solutions forward on what we see as the things that may well work.

CHAIR - Did you want to add anything to that?

Ms NEIL - No, Mark has answered beautifully.

PUBLIC

Ms FORREST - Does TAMP have confidence in the research done by IMAS and CSIRO? Some of the research projects are targeted and specific and are only addressing a research question. Broadly, do you believe they are independent research bodies?

Mr BISHOP - Yes and no.

Ms FORREST - Do you want to expand on that?

Mr BISHOP - Yes, IMAS and CSIRO do some fantastic research work, but it is when you get to that point between the research that is being done and the conclusions drawn from it. The research is being done to analyse the industry and what they require and often after the fact, so I imagine there is a lot of debate and discussion about how they are going to present the information to government and the department. To use a terrible term, what spin is going to be put on that research? We can all look at research data and draw different conclusions, and it is that point where the conclusions are drawn that I have my concerns.

Ms FORREST - If IMAS reports its findings, isn't it up to others to interpret and put spin on it if they desire to? Do you believe IMAS reports the evidence of its research without qualification or justification because it is reporting what it is seeing after the fact in some cases? Are you confident that it is reporting what it is finding?

Mr BISHOP - Yes.

Mr VALENTINE - Going back to the information flows about movement of pens and all those sorts of things, it is good to find solutions. Do you see a way of that being effectively done? Is it only via the web or information panels on the sites?

Ms NEILL - There is a standard way of doing that and that is through notice to mariners. The problem with that is that there seems to be some poor communication between MAST and the companies in terms of times. I myself have been caught up in a situation with a Huon lease off Trumpeter Bay where there was a notice to mariners about a lease sitting outside the boundary. The notice had expired, but it was still sitting outside the boundary and I happened to be sailing in that area at the time it was sitting outside of the boundary. The weather was closing down and I was not able to determine where the actual boundary was. I don't blame anyone for that and I had conversations with the Huon company about that. We talked about it and I was satisfied with their responses but there needs to be a more timely response to those things. It's a bit like updating the charts that Andrew Boon talked about in his submissions. It's about getting accurate information in real time. We are living in a digital world where things happen quickly and sailors don't have time to necessarily update their charts or, in terms of towing, there needs to be one place and the standard place is notice to mariners and it needs to be kept up to date.

Mr VALENTINE - That notice to mariners comes from -

Ms NEILL - MAST.

Mr VALENTINE - Itself, on its website or by email?

Ms NEILL - Yes. I don't know how they communicate that. That's up to the industry to tell you how they would do that. Certainly, if we have an issue on the water we put a sécurité out and Tas Maritime would notify MAST. If it's a big issue - there's a boat in trouble or something like

PUBLIC

that - there's a protocol system that would go in place. The problem is there are no checks. Once the companies have notified, MAST is then required to go through a certain number of steps but no-one actually checks to see if that's up to date. They give them a period of time. No-one actually expects that's done or checks to see that's done within that time, so there needs to be another step in the process to make sure there is accuracy around these notices to mariners. I don't know if that's a MAST issue or if that's Huon, Tassal or Petuna. Surely, there should be checks from both.

Ms HOWARTH - On the IMAS point, we have full confidence in the independence of the scientists who work at IMAS and full respect for the work they produce, but in the research for the industry a certain percentage will be funded by the industry as well. Perhaps we could put forward a suggestion for a body that would sit between IMAS and government that could receive the reporting. It could be an independent body - there are some scientists who have proposed this idea to me in conversation - to act as a buffer to ensure there's that transparency and independence of that research as well.

CHAIR - Thank you very much for coming today, speaking with us and providing your evidence. We really appreciate it on behalf of the people you are also representing by being here.

Mr BISHOP - It's great that the opportunity for the small voice is being provided. Thank you very much.

Ms HOWARTH - I have a TAMP handout for each of you to take away.

THE WITNESSES WITHDREW.

PUBLIC

Mr CHRIS WELLS WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you for your time. This hearing is a public hearing. Anything you say here is protected by parliamentary privilege. I remind you that privilege will not extend to comments you may make outside this hearing. We will be recording today's hearings and the transcript will be available on the committee website when it is ready, and we are also broadcasting the hearings today. If there is anything you feel needs to be heard in camera, you can make the request for that and we will consider it at that time. You are welcome to make an opening statement if you would like to and then we can ask you some questions relating to your submission and our terms of reference.

Mr WELLS - Thank you for the opportunity and for the inquiry. I reread my submission and I hope you have. Today I want to expand a bit more on why site selection for aquaculture is so important and why we really need a moratorium on any expansion of the salmon farming industry. It is because, like all farming, caged aquaculture is about crowding but we don't call it crowding, we call it stocking density. Without crowding there can be no profit and no business. In order to crowd the cages effectively - that is, to ensure the fish survive, thrive and grow - issues like tide, current, depth and depth below the cage become critical for one particular reason. That reason is water exchange, it means oxygen in and waste away.

If I can provide one good example of this, it is the Cone Bay Ocean Barramundi farm in the Kimberley. Tides at this cage farm range from 7 to 11 metres. The water is running fast nearly all the time. Contrast that with coastal southern Tasmania with tides generally less than 2 metres; shallow bays with poor water circulation are unsuited to industrial-scale salmon farming. Sites are also culture system-specific, a shallow bay that is well suited for oysters or a slightly deeper bay more suited to mussels is probably not useful for intensive salmon farming.

Water exchange is essential for assessing stocking density. A site for a start-up farm with a small number of cages is not equally suitable for industrial scale farms that want to expand. The increase in farming intensity will change the marine environment, which is exactly what we have seen in Tasmania over the past few decades. Proper site selection includes the management of the wider environment, proximity to infrastructure, safety for farmers, ease of access, convenience, regional development and political considerations. Site selection is not just a matter of drawing lines on charts, marking sites with yellow buoys, one on each corner, and designated areas as aquaculture leases. For example, a designated shellfish lease in Okehampton Bay that is fine for growing filter feeders like mussels is not equally suited for switching over to salmon farming. Tonnes of feed turning into tonnes of waste will not work in a shallow bay with poor tidal movement.

The Tasmanian Government aquaculture growth plan is essentially a map of the state with red dots for sites stuck all over it, except for parts of the east coast where people's objections have run too strong. The only considerations in this plan are convenience for the business owners, farmers and politics.

Bigger is not better. The industry needs to be right sized, not expanding. There are sheltered bays right around Australia, but we do not see industrial scale fish farms in them and there are very good environmental reasons for this. They are, of course, bays available for everyone's use, not just the business owners. We must work towards independent site selection and for every new lease granted, perhaps another inshore lease should be closed.

PUBLIC

A moratorium on expansion will not cost one job. Good regulation will provide more jobs in the long term. A precautionary approach makes sense for the community, for the industry and the environment.

One more comment: the industry seems to use the word 'sustainable' when in fact, they mean viable. The viability of the business - obviously, they are in business, they are growing tonnes of fish and they are doing it commercially very well, but sustainably means the wider environment will not be compromised as it is in the observations I made as I have described in my submission and many others have in many of the submissions. There are photos, there are the changes to the inshore habitats, change in the species. It takes years and years but we are seeing it. We have been seeing it for some time, so a moratorium, please.

Mr FINCH - When you mentioned in your submission there, Chris, about where the water is flowing quickly where was that?

Mr WELLS - Cone Bay in the Kimberley area of Western Australia. Cone Bay is the name of the farm, 7- to 11-metre tides.

Mr FINCH - I thought it was a reference to Tasmania. Thank you.

Mr VALENTINE - I am to blame for getting you in, Chris. You can blame me for having to bone up on things.

The reason I wanted you to come and present was because I was interested in your experience in other locations. You mention some of the work in your company was planning for aquaculture development in South Australia and you give examples there and in New South Wales. I am interested in a summation from you as to how they approach the planning side of things and whether there are lessons or aspects we can be learning here in Tasmania.

Mr WELLS - We will talk about that Eyre regional plan for starters. The federal government paid for that plan and I tendered for it. I won the tender in a consortium of three. We spent 10 months working on that plan as a result of the massive fish kills in Boston Bay tuna farms, and because the Eyre region is a very isolated regional community, it was thought as a regional development initiative, it would be good to examine the potential for aquaculture for the Eyre region and that is why they employed us. A lot of it was obviously the first brush desktop stuff where you look at tidal movement and at appropriate sites for oysters and caged finfish. They even wanted us to look at fresh water. We shortened that quickly because there is not a lot of fresh water in the area. We did not really want to do it, but we did it.

We did financial plans for caged finfish farming and modelled the oyster farms and sort of benchmarked against the Tasmanian oyster farms at the time, because at least we had an existing industry to see how they were going against them.

We did a lot of site selection work, but did not recommend any large-scale caged finfish farms because of the same problem the tuna had.

Ms FORREST - When you say 'we', can you tell us about this company and what the skills are you have.

PUBLIC

Mr WELLS - I have a master's degree in aquaculture and for most of my life I have worked in regional economic development. Steve Knell, the other member of the consortium was a finfish farmer who started in Hawaii and in WA still and has tried to grow mahi mahi fish in Western Australia. We had an academic back ground plus the hands-on finfish farming person.

Ms FORREST - Thank you.

Mr VALENTINE - That is good clarification. I was going to ask the same question myself. When it came to planning, were land-based planning mechanisms used or was it some other form or resource planning?

Mr WELLS - The desktop work was also off charts at the time, but then we did individual site visits.

Mr VALENTINE - No, I meant the Government's requirements for planning finfish farming. Did that have to go through hoops related to the resource management planning system in Tasmania.

Mr WELLS - We did not take the report to that stage, we took the recommendations prior to that. There were no prescriptive ideas about this lease should go there, we looked at the whole region and identified sites for a closer look.

Mr VALENTINE - When that happened, do you know what were the next steps that would have gone through in government?

Mr WELLS - I do not know what they were planning to do, because I did not know where it was going to go from there. I knew of a few small initiatives and businesses that came out of the plan, but the largest one was the yellowtail kingfish development initial part of the warm water outlet.

CHAIR - To clarify, this was a government-funded planning exercise to look at how a region may or may not or in what way may be appropriate for various fish farming activities and was government-led, not industry?

Mr WELLS - Yes, it was government-led.

CHAIR - Prior to then making determination about what?

Mr WELLS - Then perhaps inviting expressions of interest from industry.

CHAIR - Based on the plan?

Mr WELLS - Yes.

Mr VALENTINE - That was federal not state government?

Mr WELLS - No, we worked with the state government, managed by the Eyre Regional Development Board and the money came from Canberra.

CHAIR - Is that a process you saw replicated in other parts of either South Australia or elsewhere or was it a fairly unique circumstance?

PUBLIC

Mr WELLS - No, certainly at the time I would have put a bid in had there been other exercises the same but I did not see many.

CHAIR - In terms of an approach to a region or in fact a state planning industry growth and development, in that sense it was a unique exercise?

Mr WELLS - In a sense. The work I did on the coast in New South Wales. For planning New South Wales [the New South Wales Department of Planning, Industry and Environment?], it was more of a catchment to coast plan, and one aspect of it was examining the potential of aquaculture in Twofold Bay. There was an existing mussel farm and there had been calls from industry on planning New South Wales to establish cage finfish farming in Twofold Bay

After looking at that for 12 months and with the degree of community concern expressed as we mapped existing uses of the bay, it became pretty clear there was not much room for the development of large-scale finfish farming in Twofold Bay. That is what we recommended - don't do it.

CHAIR - Apart from those two instances you were involved with - one in South Australia and one in New South Wales - do you have an understanding in this marine farming area of how industry growth and development planning is typically done by state and federal governments around the country? Could you point us to examples of different approaches or perhaps even what you would deem to be good approaches?

Mr WELLS - I can't actually. It has been ad hoc and I have to say I have been out of touch because I have been retired for 12 years. I look, but I don't look at it that closely.

Ms FORREST - Chris, going back to your submission, two point three where you said 20 years ago there was a terrific [inaudible] fishery in the Lune and Esperance rivers. You talked about how in 20 years the nutrient loading in the adjacent farms has destroyed the whitebait runs.

Mr WELLS - My assumption, yes.

Ms FORREST - What are you attributing that to?

Mr WELLS - Nutrient loading.

Ms FORREST - Nutrient loading from what?

Mr WELLS - I am assuming it is industrial-scale fish farming because I don't know what else has changed in the area. Nothing, in fact.

Ms FORREST - Was it agricultural use on the sides?

Mr WELLS - They are really forested catchments, and they are pretty short. Tannin-stain mainly. Low tidal movement, but some movement. As I said in that, 20 years ago when you went up and the tide pushed up the Lune, for example, it was a pebble bottom. If the tannin wasn't - because the tide was pushing up, you could see. It wasn't all covered in scum.

Ms FORREST - It's an observation that you have made.

PUBLIC

Mr WELLS - It's an observation I have made. I had quite a gap when I fished it hard 20 years ago to when I went back.

Ms FORREST - As a recreational fisher?

Mr WELLS - Yes, a rec fisher. When I went back three years ago and started to get back into it, the difference in the place was so obvious, it's terrible.

Sorry, just on the whitebait thing too, I think that those fish evolved in a very low-nutrient environment in Tasmania.

Ms FORREST - The whitebait?

Mr WELLS - The whitebait, yes. I think it is that rather than warming because you still get whitebait runs in the bigger catchments like the Huon and the Derwent. Whereas in those little rivers, I just don't see them.

Ms FORREST - And you do fish a bit?

Mr WELLS - I used to fish a lot, I loved it, but I've kind of given up. I gave up this year.

Ms FORREST - Because of the lack of fish?

Mr WELLS - Yes. Well, the sea-run trout fishery, which was the fun fishery, if there's no whitebait, there is only little river fish.

Ms FORREST - No fun anymore?

Mr WELLS - No fun anymore.

Ms FORREST - In point 4.4, you suggest an inquiry into the conduct of all senior public servants and ministers involved in the oversight of the industry over the past 25 years. For what purpose would you suggest that?

Mr WELLS - Because I think the site selection generally has been at best negligent.

Ms FORREST - In terms of looking at how decisions around site selection are being made?

Mr WELLS - Yes. Even when I came here and toured the farms 25 years ago, or whenever it was, I couldn't get any answers as to how these leases had been established other than that it seemed to be fast-tracked. It was fast-tracked because, hey, Tasmania was an economic basket case and people were searching for solutions, and it appeared that salmon farming would be one.

Ms FORREST - So you were still working in your business at the time and toured?

Mr WELLS - Yes, and I had a tour of the farm with some Western Australian fisheries people.

Ms FORREST - Right, and for what purpose was that?

PUBLIC

Mr WELLS - For the Western Australians to see established cage systems that they didn't have.

Ms FORREST - In that process, was it the Western Australian government you were doing it for?

Mr WELLS - Fisheries staff.

Ms FORREST - They had the imprimatur of the Western Australian government?

Mr WELLS - Yes.

Ms FORREST - One would assume there was some discussion with the Tasmanian government of the day to facilitate such a visit?

Mr WELLS - Yes.

Ms FORREST - You are saying that, even in that case, you still couldn't get information about how decisions were made?

Mr WELLS - We couldn't come to grips with how decisions were made. We couldn't formulate a way of going back to WA and saying, 'This is how you establish a good method of providing aquaculture leases' - you just couldn't do it.

Ms FORREST - Has Western Australia established many marine farms?

Mr WELLS - Cone Bay is the good example. There have been a couple of others off Exmouth that failed, the mahi venture and a couple of other things. Again, it's a very different tidal situation in the south of the state; it's a very little tide. I don't think you'd ever get any permissions to, establish cage farms between Rottnest Island and Perth, for example. It just wouldn't happen.

Ms FORREST - The sheer lack of tidal movement?

Mr WELLS - You would get laughed out of the room.

CHAIR - You said in undertaking that work you weren't able to go back to Western Australia and say, 'Based on what we have observed in Tasmania, this is a good process for determining where to appropriately put these farms'?

Mr WELLS - Yes.

CHAIR - Presumably though, in your work, you did make recommendations to the Western Australian government, which has been, in establishing fish farms, gone about -

Mr WELLS - Or not.

CHAIR - Yes - they must have instituted some process for themselves. Can you point us to that or give us some information or observations about the success of that process?

PUBLIC

Mr WELLS - No. Then it was an aquaculture division within Western Australia Fisheries. What it is now is possibly similar, I don't know.

CHAIR - Thank you, that's fine. Mark can follow up.

Ms FORREST - In terms of on-land finfish farms, there have been some submissions saying this is the way we should be looking, like some other countries are, at on-land finfish farms. We do have some in Australia, like the barramundi on-land farm at Werribee - I think it is, or somewhere just north of Melbourne. What's your view on those, and are they effective?

Mr WELLS - They are effective in that you can put in close proximity to markets. They're effective if proper regulatory approvals are made that any effluent from the farm is minimised and carefully filtered. If they're recirculating systems, they should be self-regulating. They are very expensive to run. They are expensive to establish, but probably worth it if you can find the capital investment.

CHAIR - Expensive to run in terms of power use?

Mr WELLS - Yes, and monitoring 24 hours a day - constantly, for the whole grow-out period. It's not something you can just pick up and drop off and -

Ms FORREST - The quality of the fish?

Mr WELLS - If the water quality is good, no problem.

Ms FORREST - I think the one in Victoria is a recirculated and closed system. In terms of water usage - as one of the concerns about the salmon industry here is that it uses a lot of fresh water, except for Macquarie Harbour because they're in fresh water there - do they use a lot fresh water even with the recirculating systems in on-land farms?

Mr WELLS - Nothing is totally recirculating; it depends how much. It would be, again, site by site, species by species, food input by food input, waste output by waste output. I can't comment further than that.

Ms FORREST - Do you think we're likely to see growth in that area, with more producers building around Melbourne and Sydney where the key markets are?

Mr WELLS - It will be where the markets are. Wild fisheries are still collapsing around the world, sadly, because of environmental degradation and overfishing - but environmental degradation mainly.

You're likely to see some growth as opportunities arise, but there is a marketing element to that too. People are, in some places, obviously turning away from farmed fish. They're unsure about its safety - rightly or wrongly. Sometimes we talk about the environmental impacts of aquaculture; sometimes we have to talk about markets and the marketing of it, and the commercial considerations.

Ms FORREST - It must come down to marketing. If you visited the factory and saw all the plants and all the fish in the tanks, you would know where they're growing; they look nice enough.

PUBLIC

Mr WELLS - Yes. If it's a high-quality product and it's marketed as such, it probably is. Again, the input costs are high. Fish feeders are a very high-input cost.

Ms FORREST - Energy?

Mr WELLS - Dollars.

Mr VALENTINE - For the product rather than the -

Mr WELLS - It's also a conversion ratio issue.

Ms FORREST - Salmon have a greater conversion ratio than beef or other animals.

Mr WELLS - Yes. Most fish are better converters because they're suspended in water.

Ms FORREST - They don't have to work so hard.

Mr WELLS - Yes. Again, it is species by species, and it would be business by business.

The other thing I would like to say on that is that we have land-based bits and pieces of the aquaculture industry in Tasmania. By all reports, the water leaving those hatcheries isn't particularly good, and if the companies involved can't even do that in a small-scale hatchery -

Ms FORREST - Do you have evidence of that?

Mr WELLS - I don't. I have read of the water below the hatcheries in this state not being particularly good compared to upstream.

Ms FORREST - Are they the recirculating hatcheries you are referring to or not?

Mr WELLS - They must be flowthrough.

CHAIR - This is something we will follow up with other people who come to us in the hearings. We do have a mixture of flowthrough and recirculating hatcheries in this state and there would be different circumstances for each of them. We can check on the facts of that in other hearings.

Mr FINCH - My question is on something you talked about earlier - problems with site selection, fast-tracking and decision making. How come in Tasmania we have our circumstance so wrong? The point would be that your public servants, your people with industry, would all be looking for success and looking to do the appropriate and right things but still with commercial returns in mind. If you were to go back and think about the way we have approached it, how did we get it so wrong?

CHAIR - In your view.

Mr WELLS - I don't know whether I've said it or not. There is a huge difference between being able to grow tonnes of fish in a cage and make money - that is, viable and sustainable. That is, for the long term without impacting negatively on the wider environment. It is demonstrated here in Tasmania it is commercially viable; they are making money and very good money. But

PUBLIC

what we are seeing in terms of environmental changes, if only we had the baseline studies or to know what the situation was on day one, we would be in a far better position to answer the question and say, 'What will we do to make this right?'

When people say, 'Oh, I think this has happened around our area,' and then a company says, 'It's not us!', what do we do? On broad-brush desktop analysis, you don't put commercial-scale cage finfish farms in shallow bays like Okehampton Bay, for example, that are in fact a mussel lease.

Mr FINCH - Probably just to clarify, Chair, when I asked how come we got it wrong, it was because of the amount of submissions that we have received that are negative towards finfish farming.

CHAIR - Thanks for clarifying.

Mr WELLS - Commercially, it is right enough, but environmentally it is wrong.

CHAIR - I am going to spend a moment asking you a couple of questions so we can be clear about where you are coming from with your views and your perspectives. You have been in Tassie for 21 years, as your submission says, and you previously worked in the industry. Have you worked in the industry here in Tasmania since you have been here?

Mr WELLS - No.

CHAIR - Have you had any interactions or relationship with the industry since you have been living here?

Mr WELLS - No, and it was deliberate.

CHAIR - Right. Do you want to expand on that comment?

Mr WELLS - You don't put industrial-scale fish farms in shallow bays with poor -

CHAIR - So you have formed that opinion in terms of the industry here prior to moving to the state?

Mr WELLS - Yes.

CHAIR - That was based on -

Mr WELLS - Work we had done elsewhere.

CHAIR - The previous work you had done and your previous visit to the state?

Mr WELLS - And I read the literature.

CHAIR - Since you have been here, are you involved with any particular formalised groups involved with this industry or relating to this industry?

Mr WELLS - Not formally, no.

PUBLIC

CHAIR - Activist groups, community groups, political groups?

Mr WELLS - I have been to meetings that TAMP has organised to listen, that's all. I am not a member of any group.

CHAIR - Thank you, and you are not a member of political groups or activist groups?

Mr WELLS - No.

CHAIR - Thank you. I just wanted to make sure we were clear on that.

Ms FORREST - You have done some work in Western Australia and South Australia looking at assessing suitable areas for finfish farming?

Mr WELLS - I spent a month in Thailand as well on prawn farms and barramundi farms.

Ms FORREST - In terms of the process in Tasmania we have currently, we have also received submissions suggesting that adapting our land use planning approach would be more suited perhaps, in the view of some. I don't know how much you know about our land use planning or how deeply you know our marine planning, but I am interested if you have a view on that and what changes you would like to see.

Mr WELLS - If at the moment I ran a daffodil farm next to a town and I sold it to someone, they wouldn't be able to put an intensive piggery on it, with all the poo that came out of there. I imagine the land use planning here is better than that in the water.

CHAIR - You are saying it would be an option to adapt that?

Mr WELLS - Adapt it and look at it. As I said before, quite clearly, a filter-feeding aquaculture site for shellfish that you don't feed is not instantly suitable for an industrial-scale salmon farm.

CHAIR - To clarify, you are saying that under the arrangements we have currently, a marine farming development plan might be in place for that first form of farming and then can be converted to a different form of marine farming without an appropriate process of approval and consideration given? Is that the point you are making?

Mr WELLS - Yes.

Ms FORREST - Going back to the daffodils and pigs, if that were the circumstance and the new owner wanted to put a piggery on it, what would they need to do?

Mr WELLS - I don't know.

Ms FORREST - They couldn't just do it.

Mr WELLS - They would put the application in for the change of use.

Ms FORREST - We will ask this about the other bodies as well, but I am trying to flesh it out with you. If there is a mussel-growing operation or oyster farm and someone wants to change the use to a finfish farm, is your understanding that they can just do that without getting an approval?

PUBLIC

Mr WELLS - We saw it, demonstrably. We saw that happen. It may have been a sequence of approvals, but it is not an appropriate sequence of approvals.

Ms FORREST - Where do we see that?

Mr WELLS - Not in the water here.

Ms FORREST - You said we saw that.

Mr WELLS - Sorry, at Okehampton Bay we saw a mussel lease and then it became a salmon farm through some process. I would question the process, whatever it was.

CHAIR - Your assertion is that is an inappropriate farm to be putting there and therefore you are assuming that the process that may have occurred to allow it is flawed. That is your assumption?

Mr WELLS - That is my assumption.

Mr VALENTINE - In point 4.2 of your submission you talk about the federal environment department placing water quality inspectors on all sites. Is this something that happens over in Western Australia and New South Wales?

Mr WELLS - Not that I know of.

Mr VALENTINE - And the reason for federally, are you saying it comes under a federal act?

Mr WELLS - No, I was just suggesting it as something for consideration.

Mr VALENTINE - I just wanted some clarification on that. Thanks for that. You mention Okehampton Bay; do you live near there or is that just -

Mr WELLS - No, I have a shack in Orford but I used to fish in Okehampton Bay a little bit when it is northerly. I had an interest in the change.

Mr VALENTINE - I just wasn't sure whether you were directly impacted by it. Thank you.

CHAIR - One final thing. You mentioned in your opening statement a right-sized rather than an expanding industry. Is it your view that there would be a right-sized finfish farming industry for this state?

Mr WELLS - Yes, definitely.

CHAIR - The key features that would be different if we had the right-sized industry are just briefly?

Mr WELLS - Good site selection, strong regulation and baseline monitoring before any site was opened up for fish farming, and regular monitoring of the site to make sure you minimise impacts on the wider environment. The places where you would do cage finfish farming would be deep; tidal or current water exchange would be the basis of site selection. Again, it's trying to move from viable to sustainable.

PUBLIC

CHAIR - Thank you. Thanks for your time today. We will wrap it up there. I appreciate your coming to see us and making the submission.

Mr WELLS - Thanks very much.

THE WITNESS WITHDREW.

PUBLIC

Mr GEOFFREY SWAN WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you for your time. We will be taking sworn evidence from you today. You are covered by parliamentary privilege during this hearing, but once you are outside the hearing process, your comments may not be covered by parliamentary privilege. We will be recording and we are also broadcasting the hearing today. Transcripts of the proceedings will be available on the committee website when they are ready. If there are elements of your testimony that you feel need to be heard in camera, we will consider that request. Please flag that request with me at a time that may be relevant. You are welcome make some opening remarks if you would like to, and then we will have a series of questions for you.

Mr SWAN - Thank you for the opportunity to present. My submission is on just one freshwater hatchery owned and operated by the Huon Aquaculture Company since 2006. It is alongside the Russell River in Lonnvale. My submission is based on 10 years of my own first-person observation of the science, the bureaucratic procrastination, the industry denial, the lies and a lack of transparency. Prior to my involvement in 2009, and because of the shocking downstream eutrophication of the Russell River, Peter Bender compensated local residents with free tank water. There were blockades and fisticuffs. There was much acrimony amongst the local residents.

In November 2009, my wife and I, an officer from the EPA and a staff member from the Huon Valley Council stood beside the river on our property looking at three-metre long filamentous green algae wrapped around our water intake pipe. They told us the filamentous algae was normal in rivers in Tasmania. I soon learned this was not correct.

Over the past 10 years, along with my colleague Richard Dax, we have worked hard to gain traction with the EPA, Inland Fisheries, DPIPW, various ministers, and ultimately a 45-minute presentation private meeting with the then premier, Mr Hodgman, in September 2017. Along the way I learned that DPIPW water resources are not concerned that Huon Aquaculture, at times of the year, extract up to 90 per cent of the waterflow of this community river as long as it is mostly returned in whatever quality. The EPA concern is about meeting Australian and New Zealand Environment and Conservation Council - ANZECC - nutrient guidelines, regardless of the highly visible algae and the impact downstream. Director of the EPA, Wes Ford, advises that any further lowering of the nutrient limits will mean closing down the flowthrough system in the hatchery. He also states the downstream impact of the hatchery is at an acceptable level of pollution. Huon Aquaculture, meanwhile, proudly reports that it is operating within the guidelines of the EPN.

I have read the glossy 114-page submission from Huon Aquaculture in this inquiry, and it includes the A-Z of Huon Aquaculture. For some reason, hatcheries are not featured in its A-Z and the only reference I can find is one that alludes to me -

One consistent allegation which has been ongoing now for nearly a decade is in respect to our hatchery at Lonnvale on the Russell River.

The overwhelming scientific evidence gathered over many years and the onerous monitoring requirements outlined in the Environmental Protection Notice for the site have, at huge continuing expense, proven over and over again there is no evidence of any contaminants or pollution coming from that site into the river. However, none of this evidence has or will stop the accusations.

PUBLIC

I put to you that is a blatant lie being told by Mr and Mrs Bender, and they both know it.

During the bushfires last year, my wife and I spent 11 days in an evacuation centre as fires threatened our home. The premier, Mr Hodgman, visited and asked me how we were faring. Somewhat under stress, I joked that the downstream river was looking the best it had in 10 years and that perhaps Huon Aquaculture had turned off its taps during the fires. Frances Bender then posted an explosive and slanderous Facebook post about me and my comment about the river. It was shared 76 times, with some 150 comments in support of the company. There was much public abuse directed at me. The public post, to this day, remains on Ms Bender's Facebook page and the retribution from industry workers, associates in the industry and our neighbours continues to this day.

In February 2018, an independent river catchment study for the Russell River was commissioned by the EPA and Dr Rebecca Kelly's 111-page study was posted on the EPA website in February 2019 with no fanfare and no comment from the EPA.

The independent report at the request of Huon Aquaculture was peer reviewed by its own scientist and it unequivocally confirmed the reason for the downstream eutrophication of the Russell River is because of the high nutrient outputs coming from the Huon Aquaculture hatchery in Lonnvale. It denies aquaculture and forestry and human impact. The report does allude to the possibility of leaking septic tanks in the area and I have since had the Huon Valley Council inspect all the possibilities and there are no septic concerns for the river.

Eleven years on and our regulator, the EPA, is still insisting on even more investigation and even more reports despite 10-plus years of science and photographic evidence. The view of all three previous directors and the current EPA director is that the downstream eutrophication must be resolved sooner rather than later. Meanwhile, in 2020, the downstream eutrophication continues. It was there last week. The downstream riverbed remains slippery with algae all year around, the fish, the river rat and the platypus are missing from what was once a pristine river and, meanwhile, Frances Bender remains arrogant and mocking in her denial that the hatchery is causing any issues for the Russell River despite the independent science. The absolute pub test is that upstream from the hatchery the Russell River remains pristine clean with snowmelt water and no impacts at all from algae.

CHAIR - Thank you for that statement, that is useful for us to begin. I am going to say, clearly, at the outset of our questioning with you today that we are not here as a committee to prosecute the merits or reach an outcome for your particular situation. What is of use and interest to us to talk with you about is how it is an example of the regulatory processes for this industry. We will likely focus our questions to hear about your experience and your involvement with the various regulatory processes so that we can understand how that is illustrative of how those processes work.

Mr FINCH - In your overview you have talked about the negative reaction you have had to your observations and your statements. Have you had any support from neighbours or people in the near vicinity?

Mr SWAN - There was support in the early years but it rapidly dropped off as they became associated in some way with the company, either as workers, suppliers or purchasers of their product. I could name half a dozen people that relates to, who were supportive because they fought for this river before our time, in 2009, but they have now since turned around and they prefer to remain not interested and abuse me.

PUBLIC

Mr FINCH - Have you gone anywhere else for support?

Mr SWAN - I started with NOFF and that became difficult, apart from going through all the ministers, the premier and the government association authorities.

Mr VALENTINE - In the meeting you had, you talk about a boardroom meeting with the Premier. Did you say that it was the EPA that called that meeting or did you approach them?

Mr SWAN - It is a culmination of about three years of trying to see the premier. Richard Dax knows the premier personally and there was a lot of effort to get there and we finally got the meeting. He offered us 15 minutes and it went to 45 minutes, so it was quite an outcome.

Mr VALENTINE - Did you say the EPA was present?

Mr SWAN - No, it was not.

Mr VALENTINE - It was not. Okay, thank you for that.

Mr SWAN - Much of what I've presented here was given to the premier at the time.

Mr VALENTINE - You talk about Dr Rebecca Kelly. Can you outline who she is connected with or what her standing is?

Mr SWAN - She is an independent scientist, a mathematician, I believe. She was contracted by the EPA; she lives in Launceston. She came in and spent 12 to 18 months on a desktop study of the Russell River.

Mr VALENTINE - Was this as a result of the EPA hiring her to do that, is that what you are saying?

Mr SWAN - The EPA was talking about doing a river catchment study in 2016. Dr Rosalie Woodruff assisted us in 2017 to get that moving and then, finally, it was commissioned in 2018.

Mr VALENTINE - The EPA employed her to do that?

Mr SWAN - That is correct.

Mr VALENTINE - That is what I am clarifying, thank you. You say that you approached the Huon Valley Council to verify that there were no other sources of pollution that would be causing the nutrient?

Mr SWAN - The only two question marks in Rebecca Kelly's report were that septic tanks might be leaking into a small tributary downstream from Huon Aquaculture and she thought there might be some leaking septic tanks. That has been verified as no by the council. That also does not account for the fact pollution occurs up from that point anyway. The second thing identified in her report is there is very likely run-off from the recirculating system of irrigation into the river. That has been raised for years and has been denied by both the EPA and Huon Aquaculture. They are

PUBLIC

currently doing work until June 2020 this year to verify if run-off is happening because when they are spraying their high nutrient water up into the land, it is running down back into the river.

Mr VALENTINE - There is no increase in farming of any sort that might see nutrients flowing from that land?

Mr SWAN - There has been no farming, no pasture improvement or any forestry for the 10 years I have been there.

Mr VALENTINE - Cherries or whatever?

Mr SWAN - None of those, but the report more importantly has done mathematic modelling that even if there was, the report says it cannot be affecting the river the way it is.

Ms FORREST - We will follow this up with EPA obviously; according to your opening statement they are saying there is a problem with the river that needs to be sorted out. What are they attributing it to?

Mr SWAN - They have agreed it is likely the impact from the Huon Aquaculture fish farm. They decreed in 2009 when they took over the EPN from the Huon Valley Council. Huon Valley Council had an EPN that was wrongly classified for that river. The EPA took it on board as a class 2 category and they want them to investigate. They have spent the last 10 years checking data, looking at reports, working out where it is coming from and finally the independent report of Rebecca Kelly confirms it is unequivocally the hatchery causing the downstream issue.

Ms FORREST - Then we hear in another breath the effluent is within the guidelines and limits set presumably by the EPA.

Mr SWAN - Correct, with association with Huon Aquaculture, to an agreed limit they can sustain certain levels of farming. If the nutrient levels are reduced any lower, it will mean closing down the flowthrough hatchery. Wes Ford says there is an acceptable level of pollution downstream and that is one of my questions in the submission. Why does that one person have a judgment on what is acceptable for a pristine river to be polluted the way it is? Why can one company in fact pollute the river the way it is?

CHAIR - In terms of a member of the public who is observing and experiencing an impact and your interactions with the regulatory system, I am interested in your observations on your access to this and how that has played out. You have a long history there, so I am asking you to give us some key points or experiences of your access to that system, the response you received, the information you have either had access to or provided to you. Could you make some observations?

Mr SWAN - I sure can. First of all, we live 100 metres from the river, so on a daily basis my wife or I can observe what is happening in the river itself, and we do so and take photographs.

Initially, Huon Aquaculture, in 2009, was quite open to giving us data of the results of its testing so we got some raw data from them over the next couple of years, EPA -

CHAIR - Was it 2009 when the hatchery -

PUBLIC

Mr SWAN - No, it was 2006 when Huon Aquaculture took over. Ten years before that it was a trout hatchery and then it started developing problems before Huon Aquaculture purchased the property.

The EPA likewise was helpful, but guarded because it kept citing commercial-in-confidence even though the data was of the community river. It was test results of nutrients, nitrogen, phosphorous et cetera. Then it became evident I was making some common sense in some of the questions I was asking. At that time Mr Bender was going to meet with me and then he found out I was also meeting with Rosalie Woodruff and declined to meet with me.

Ms FORREST - Was she going to be at that meeting?

Mr SWAN - She was going to come to the meeting and also Rebecca from Environment Tasmania. This is probably 2011. It was all set up and then he withdrew. There has been communication with both Peter and Frances Bender by email with me; it has become inflammatory because they have been in denial of what I have been asking and suggesting. Likewise, their scientist Dom O'Brian started to suggest I was not talking about the evidence and the facts.

The EPA literally has closed down. It has gone through three directors - Messrs Schaap, Jones and Ford - and one other one. In my view, they tended to take the side of the company and say, 'We are here and we cannot provide you with information because of commercial-in-confidence', so the doors have closed.

CHAIR - Do you have some documentation or correspondence where you have requested particular information and then that response has been made to you?

Mr SWAN - Yes.

CHAIR - So we can understand what you were requesting and then what was being -

Mr SWAN - Absolutely. One of those is the 2009 Davies report conducted by a University of Tasmania specialist in water and he wrote a report on the Russell River which was commissioned by - I should say, not commissioned, I believe Huon Aquaculture paid for it but it was requested by EPA as part of its ongoing environmental licence. That report was not allowed to be released. In fact, there is a letter in my submission which comes from Mr Bender suggesting it should not be released because it may cause some issues in the community.

It took six years to have that report released through RTI. Once I saw that report I could see why it was not released because there was evidence in there that they were dramatically overstocking their fish farm. There were issues happening in the river. They did not know how to resolve it. They did not know what was happening and it was lots of trial and error to see what is going on.

This was a new business. A hatchery on the river was a new operation.

CHAIR - So we may contemplate recommending access to information? What do you think, based on your experience, would be appropriate for public access to information for good practice?

Mr SWAN - Any reports on our waterways, and I'll call it rivers here at the moment, should be publicly available and completely transparent. If it is done by a scientist and commissioned by

PUBLIC

anybody, this is a community waterway. It is used by recreational fishers, by people swimming and people for their home-use water intake. I cannot see how nutrient levels and measurements of a river can be commercial-in-confidence to that operation. It should be openly available.

The EPA now uses the clause that because the company has paid for the data, it owns the data. This is even though the EPA has requested that particular report. In my submission, one of the suggestions I made to the former premier, Mr Hodgman, was that an independent company should be employed, engaged, to do the data on the testing and then provide reports which become available to the public, the client and also the EPA.

Mr Wes Ford said they cannot do that because the legislative process won't allow them to contract an external contractor. This a question in my submission and I believe should be looked at seriously.

CHAIR - We can follow that up with questions.

Mr SWAN - If the company does that and invoices, say, in this case, Huon Aquaculture for its services and its report is published and goes to all parties, then we have complete independence and transparency.

Ms FORREST - You have just answered one for me.

I was going to ask what questions would you suggest we ask the EPA? What questions should we ask DPIPWE, and what questions should we ask Huon when they present to us? We will start with the EPA.

Mr SWAN - Okay. Really, the EPA is: why is it taking so long? It took almost three years before it did the river catchment study mooted by Mr Ford. I know research takes time, but there is just so much procrastination and delay in getting things happening. Even when the report came out in October last year, Mr Ford would not release it until they had had their thorough investigation of it and then they had another investigation and it just took a long time. Then once it finally comes out, the EPA is still not commenting on the evidence that has become available. It is almost like it is kept very quiet and it is actually hidden in its website.

CHAIR - Are you aware of how that report may then have informed action within the EPA on this?

Mr SWAN - Yes. The actions might have informed us doing more survey work to see where their water irrigation is coming from. What else is causing the pollution from their site?

Mr VALENTINE - You said it took three years. Are you saying it took three years to do the report, or three years to release the report?

Mr SWAN - No, it took three years to actually commission the report, from the time it was mentioned they were going to do a report. All my questions of the minister - Mr Groom at the time - were about, 'We are going to do a river catchment survey, it's going to happen', but it never happened.

Ms FORREST - Are there any other questions for the EPA or are we going on to DPIPWE?

PUBLIC

Mr SWAN - DPIPWE - there's a link that's missing between those two. DPIPWE, the water resources, for example, mentioned - they have no interest in the quality of the water, they are only interested in the out-take of the water. That in itself is a misnomer because the water is being taken in to the fish farm and it is being discharged as polluted water. Then the EPA takes over and says, 'Is it polluted enough for us to worry about or is it okay?'

The Inland Fisheries Service distributes the licences for the fish farms, but its responsibility is only whether it's at the site it has chosen and whether it's going to continue the operation a certain way for, say, a 10-year period. Again, there is a link between IFS and the EPA which seems not to be working, I believe, effectively.

Ms FORREST - What questions? If you were sitting here and DPIPWE were sitting there, what would you ask them?

Mr SWAN - There are some questions in my submission which ask about the water resources of DPIPWE. There is no effective monitoring of the intake volume that's being taken from the river by Huon Aquaculture. There are no effective gauges in place to measure the flow of the water. There appears to be no interest by DPIPWE in the actual river. It has been handed directly over to the EPA and, in this case, it's all about nutrients.

Ms FORREST - And what about Huon Aquaculture?

Mr SWAN - The last one was Huon Aquaculture.

If I may just go back to that statement that's been put in its submission to you saying there's actually no evidence of showing any impact to the river. That's blatantly false and the report confirms that now. I would ask them to please be honest and transparent, and agree they've had problems over the years. It is certainly better than it was, there's no question, but it still exists, it's still there. We need to realise this is a large mass of industrial-scale operation happening on a community river and the residents in the community are being affected by it and have been affected by it for too long.

Ms FORREST - Page 5 of your submission says this is the report commissioned by the EPA - the Kelly report - and that Huon called its own independent water scientist, Dr Lois Koehnken, to review the report. Do you know if that report has been completed?

Mr SWAN - It has been completed, reviewed and then it was published on the website.

Ms FORREST - Her reports also?

Mr SWAN - No. To my knowledge, I haven't seen a report from her.

The EPA Director, Wes Ford, advised me in writing that she has agreed with the report in principle and it has therefore been released accordingly.

Ms FORREST - I read through this but it is a while since I read all of it. Is the letter you got from Wes Ford along those lines?

Mr SWAN - The email is exactly that. I may not have that, but I am happy to forward that email from Mr Ford to you.

PUBLIC

Ms FORREST - It would be helpful if you could do that, in terms of us asking questions of the EPA as well.

Mr SWAN - Yes.

Ms FORREST - Are there any other questions about Huon Aquaculture? If there's not, that's fine, I am just trying to cover it.

Mr SWAN - No, thank you.

CHAIR - I acknowledge that you are sitting here as an individual talking to us about a particular situation that's been a large part of your life, for an extended period, and that there are other people in the room too who are also part of that story and that's a potentially awkward situation for you to be in.

Mr SWAN - It is.

CHAIR - I thank you for your time today and the information you are happy to share with us.

Mr VALENTINE - On page 4 of your submission, it says that 'persons taking samples have been known to sample upstream of the discharge points'. Do you have any way of verifying that is happening?

Mr SWAN - No, it's not first person. It has come to me from someone who knows of someone who has been doing that, particularly at the Ranelagh hatchery, which is a different hatchery.

I am going back now to 2009, which is going back a bit, but I knew of workers who were working there who gave me advice and comments that first of all, the EPA made contact with the hatchery before they came to do their random testing. Sometimes, I was advised, there was a hose they connected to their recirculating system and used to dump the water from that into the river, and that the testers take their water upstream, not downstream. These are all absolutely hearsay comments, but it has just been there.

Mr VALENTINE - May it be for control purposes? I was in the research game years ago and you had to have controls to know what the health of the river was like, in this case upstream as opposed to downstream.

Mr SWAN - Indeed. No, it is not because I know the people who gave me that information. I cannot reveal who they are and I absolutely trust what they were telling me was accurate.

Mr VALENTINE - And the provision of notice by the EPA before a planned visit? That is again something that is difficult for you to be able to demonstrate, I would presume.

Mr SWAN - It is difficult. I think in some of the right to information correspondence included is something between Dr Richardson from the EPA alluding to them coming out to do testing et cetera. I think you will find there is email correspondence in my papers.

Mr VALENTINE - You mention the independence of state testing laboratories.

PUBLIC

Mr SWAN - Yes, it has been around for a long time. It has been mentioned. I first off started asking, 'What do I do? Can I do my own testing?' I realised that is hugely expensive and very difficult, and it is really only prone to that one day anyway. A lot of advice was being provided, again anecdotally, that the lab is not independent. I wrote to the scientists and they came back, obviously very upset about that, and confirmed and verified they were absolutely independent and I take that on board.

All I am suggesting is that at one point in time, maybe a set of results should go to a lab in Melbourne just so we have a side-by-side comparison because we need trust and transparency. That trust has been broken down. Certainly in my case the trust was broken down back in 2010. We just want transparency and trust. This industry needs to show that they are being truthful and honest and not hide behind information.

CHAIR - Are there any other mechanisms you could suggest to us that could assist in building that trust and transparency into the system now? There are access to information, independent testing, auditing of testing in some way independently - are there any other key things?

Mr SWAN - I think truth from the industry. Another example is the recent coverage on *The Project* on Channel 10 and there was mention made by Mrs Bender in that interview that they do use antibiotics in, I think they said, two of their hatcheries. To this day I don't know which hatcheries they are. I've written information from Huon Aquaculture saying they don't use antibiotics in their hatcheries - and here we are, 10 years later, they are saying 'Yes, we do'. These are things that keep on happening in this business. It is because of the fear of retribution that people are not speaking up. I know people who will not speak up who know more than I know and they are afraid to say what is going on. This industry is being a bully. Until they become genuinely aware of their environment and the community around them, I believe we are going to have a breakdown in trust and faith.

CHAIR - In terms of that truth from industry that you are seeking, the openness of data and information and having that available to the public so it can be tested in the public domain, with the example you used regarding antibiotics, clear data and information in the public domain then allows that to be tested and questioned and openly regarded. Is that the key way to put accountability around what you would see as truth, or are there any other mechanisms that you would like to see?

Mr SWAN - It is a step in the right direction. I don't know how you resolve truth when I have seen lies and denial, and even up until now I don't know how you go back on that. I don't tolerate lies. I don't tolerate denial when evidence is there. I think that is broken, certainly in my case. I know the community and I know people in other areas who have issues with the Channel and so forth. They've been making contact with these companies and they are not getting straight answers. We have heard that in some other submissions already.

CHAIR - Yes, it has been mentioned in some submissions, certainly. You are welcome to make some closing remarks to sum up.

Mr SWAN - I wanted to say I think the Russell River is the canary in the coalmine for us. I am a layperson, a community person, but I have seen it and I have the evidence. It is just one other of 18 hatcheries situated on freshwater rivers in Tasmania. There is anecdotal evidence that there are other problems in the other rivers. These hatcheries are hidden away from the community. People don't know about them. Even to get the information about which hatcheries they are, I had

PUBLIC

to do an RTI to get that information from IFS. It's a guarded secret and it's hidden. Other rivers I know are having problems like the Russell.

There has also been much said in the submissions about moving to land-based aquaculture rather than the open waterways. I put to you the major issue to that is going to waste disposal. If I look at research around the world, the biggest issue they have, apart from cost - it is a much higher cost to run on land than water - is how to dispose of the waste.

We are seeing evidence, and I think Chris mentioned this earlier, that here we have an operation that is relatively small as a hatchery and it still can't manage its waste disposal. It has tried all sorts of efforts of taking solid waste away, of trying to make sausages, drying it out, thinking of all these options and they are failing because the river is still polluted because of their operation. Thank you.

CHAIR - Thank you very much for your time in coming to speak to us today. Based on the things you have said, I wonder if there is a level of concern for you in providing a submission or coming to speak publicly?

Mr SWAN - Yes, there is. Absolutely. It's off topic, but I have been the victim of a Facebook page and called the biggest whinger in the Huon Valley. I have received much abuse. I have had physical abuse, assaults on me. We have been threatened with our life, lynching. In the past we have had our animals, livestock, killed. I have been defamed as a paedophile. We have had threats to burn our house down. For the first time in 10 years, we have actually locked our doors in our house because of our safety.

My wife and I are in our retirement years and this has been really, really tough on us as individuals. In this industry there are bullies and they are connected to some people I know are bad, so this is very real terror. There was an article in *The Mercury* about me about two months ago, which was to do with the code of conduct of the councillors because two councillors have also jumped on and had code of conduct complaints upheld because of what they had said to me on the Facebook post published by Frances Bender. So, we are frightened, thank you. It is challenging but I have to speak the truth. I cannot let this go because if no-one else is speaking up, someone has to do something.

CHAIR - I appreciate your time here today and you sharing that with us and I acknowledge that is your concern and experience.

Mr SWAN - Thank you.

THE WITNESS WITHDREW.