Attention: Mr Stuart Wright Inquiry Secretary Parliament House, HOBART 7000 finfish@parliament.tas.gov.au Phone: (03) 6212 2250.

Dear Mr Wright,

Environment Tasmania's submission to the Legislative Council Inquiry into Regulation of Finfish farming is below. We will be available to speak to these fifteen recommendations during public hearings.

Please contact me directly if you would like any further information.

Sincerely,

Laura Kelly
Strategy Director
Environment Tasmania.
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1) The implementation of the Sustainable Industry Growth Plan for the Salmon Industry and its impact on commercial finfish farming operations and local communities, including: a. data collection and publication; b. progress in the development of an industry wide biosecurity plan.

A. This plan was released without sufficient public consultation and no reference to scientific data establishing why areas had been identified as appropriate for salmon farming. To informed stakeholders, it appeared very much as though the planning process was heavily politicised and led exclusively by industry. For the plan to have any credibility it needs to be driven by a professional stakeholder consultation process and informed by independently generated data establishing an area's suitability for finfish operations. This data needs to include natural, cultural and heritage values, and independently produced modelling of the impact of the proposed peak biomass on the seafloor, marine life, water quality and other water users.

1. **Recommendation: Immediate release of independently produced data demonstrating the suitability of approved areas within the Industry Growth Plan for finfish operations. This data should include the areas natural, cultural and heritage values, the presence of rare, threatened and endangered marine life, wave height, fetch, current speed, water temperature, oxygen levels, susceptibility to algal blooms and jellyfish blooms.**

This data release should include independently produced modelling of a specific peak approved biomass' impact on natural, cultural and heritage values and other water users.

B. There has been no information released to the public on the development of an industry wide biosecurity plan. This development process should include a credible stakeholder consultation process. Biosecurity laws should include a requirement for companies to disclose mass fish kill events and release details of antibiotic use, given the risks of antibiotic resistance spreading in the marine environment.

2. **Recommendation: An urgent stakeholder consultation process regarding development of an industry wide biosecurity plan**

3. **That biosecurity regulations require the industry to publicly disclose antibiotic use, mass fish kills and escape incidents.**

2) Application of the Marine Farming Planning Act 1995 relating to: a. preparation and approval process for marine farming development plans, including modifications and amendments to marine farming development plans; b. allocation of leases, applications for and granting of leases; c. management of finfish farming operations with respect to the prevention of environmental harm.

As was the case with the industry growth plan, current approval processes for marine farm development plans lack a credible, professional process for data gathering and publication and stakeholder consultation.

4. **Recommendation: All marine farm development plans and specific lease approvals and amendments should require the collation and transparent release of independently produced scientific data that maps the areas natural, cultural and heritage values, and independently produced modelling of the impact of the proposed specific peak biomass will have on the seafloor, marine life, water quality and other water users.**

5. **All marine farm development plans and lease approval processes must require release of data establishing an area's suitability for finfish farming, with respect to wave height, fetch, current speed, water temperature, oxygen levels, susceptibility to algal blooms and jellyfish blooms. This data needs to be made available to stakeholders prior to a credible stakeholder consultation process**.

While the industry is quick to point out the amount of data they submit through current Environmental Impact Statements, there is no published guidance on what needs to be included in an EIS and no requirements for applications to ***demonstrate, rather than state***, that there will be no significant impacts on natural and cultural values.

It is very easy to require that likely impacts be demonstrated and independently verified.

6. **Recommendation: Environmental Impact Statement requirements should be clearly articulated and available to all stakeholders. EIS standards should require applicants to demonstrate, through independent scientific modelling, the likely impacts of operations at peak biomass on natural, cultural and heritage values, rare, threatened and endangered species and other water users.**

The current Marine Farm Review Panel process has lost public confidence, particularly following the resignation of expert members who claimed that the process for approval of expansion in Storm Bay was fundamentally flawed.

7. **Recommendation: The Marine Farm Review Panel must be reformed with a requirement to include representatives from independent environmental organisations and independent environmental scientists.**

C. Current regulations governing environmental impacts were written when the industry was a boutique fishery and have not been updated to reflect the footprint of Australia's largest fishery. For example, they allow fecal mounds and bacteria mats to develop under farms and 100% of marine life on the seafloor to be killed under salmon pens.

8. **Recommendation: Regulations should specifically disallow at any stage within the farming cycle:**

- **Fecal gathering and build up under pens, during any stage of the farming process;**
- **Formation of light, medium or heavy bacteria mats;**
- **Any impacts on benthic flora and fauna.**
- **Any impacts on rare, threatened and endangered species.**

Clear biomass allocations by lease need to be determined to ensure likely compliance, with preliminary modelling and ongoing monitoring clearly demonstrating that the leases operating biomass is not having impacts that breach these regulations.

9. **Recommendation: Independent modelling made publicly available which demonstrates the likely impact of specific approved peak biomass.**

Transparency issues surrounding monitoring and compliance also need to be addressed.

10. **Recommendation: Independent scientific monitoring must be publicly available for scientific and stakeholder review. Monitoring data, including video footage, should be made available twice per year and demonstrate that each lease is operating at a biomass that allows it to meet regulatory requirements. Monitoring required and publicly disclosed should include:**

- **Impact on benthic flora and fauna relative to baseline, grabs and video footage, both within and adjacent to the lease area.**
- **Impact on water quality relative to baseline, both within and adjacent to the lease area**
- **Impact on marine life by species, volume and impact type.**
  Impact on rare, threatened and endangered marine life by species, volume and impact type.

With relation to managing seal interactions, industry must be required to deploy infrastructure capable of functioning within the local marine environment.

11. **Recommendation: Regulations should not allow usage of high flow spray or underwater explosives as approved means of discouraging seal incursions.**

With relation to debris, the industry is not currently required to disclose gear lost.

12. **Recommendation: Regulations relating to marine debris must be updated to require industry to release publicly their internal audits of gear deployed and lost.**

Currently penalties for breach of regulation fail to discourage ongoing, intentional regulatory breaches. It is more financially lucrative for operators to breach regulations than comply with them.

13. **Recommendation: Penalties for breach of regulations must be updated to ensure they provide a genuine incentive to comply with regulations.**

Current regulations for well boat operations are unclear, with no clear water quality requirements available for journalists or stakeholders to review.

14. **Recommendation: Regulations relating to discharge from well boats must be publicly released, with independent scientific advice demonstrating that the level of allowed pollution will not be detrimental to the marine environment, particularly with regards to salinity levels. Well boat regulations also need to be reviewed to ensure protocols for operation within marine mammal migratory and calving habitats.**

The results of independent water testing commissioned by Environment Tasmania demonstrate significant negative impacts on water quality downstream from hatcheries - an impact that has been well known to the EPA for a number of years.

15. **Recommendation: Regulations relating to hatchery operations need to be updated to require no impact on flora and fauna downriver from salmon hatcheries. Monitoring data demonstrating compliance must be released to the public on a quarterly basis.**