

Legislative Council Sessional Committee

Government Administration A Sub-Committee

Fin Fish Farming in Tasmania Inquiry

Tasmanian Greens Submission

29 November 2019

The Secretary
Legislative Council Legislative Council Sessional Committee
Government Administration A Sub-Committee
Legislative Council
Parliament House
HOBART TAS 7000

Dear Committee members,

Thank you for the opportunity to make a submission to the Fin Fish Farming in Tasmania Inquiry. We provide a brief overview of our concerns with the Government's priorities and the current legislative regime.

As you may be aware, the Greens have significant concerns regarding the current regulatory environment for fin fish farming in Tasmania. The acquiescence by government to all industry requests for preferable farming sites has resulted in the unchecked expansion of fish farms, unsustainable stocking levels, and approval of farms in inappropriate locations.

The regulation of environmental impacts in Macquarie Harbour was so irresponsible even the industry itself has raised concerns. The Huon Aquaculture chief executive, Frances Bender, was critical of how poorly regulated the industry is.¹ This poor regulation resulted in a dead zone being created in Macquarie harbour, spreading into the World Heritage Area, and creating extensive slime and plastic debris.²

Moratorium

The Greens recognise the current marine farming planning and monitoring framework is not fit for purpose. As such, a moratorium must be placed on the approval of new fish farms or expansion of existing fish farms until such time that the framework is significantly overhauled.

¹ Adam Morton, [The battle over big salmon: industry at a crossroads as Tasmania votes](#), The Guardian, 26 Feb, 2018.

² *Ibid.*



1. A moratorium on new fish farms and expansion of existing fish farms should be put in place until the regulatory environment is substantially improved.

Marine Farming Planning Review Panel

The independent functioning of the Marine Farming Planning Review Panel has been eroded over time. In 2011, a change to legislation empowered the Minister to make the final decision on any plans, and relegated the panel to only make recommendations. This has had an unhealthy corrupting effect on what had previously been an independent scientific assessment of a location and a farm's potential impact. This legislative change has resulted in approvals for a number of new leases by successive ministers despite substantial unresolved scientific and community issues.

The legislation also prioritises non-scientific experts as members, including allowing individuals with obvious current and past industry conflicts of interest. Recent years have seen the make-up of the Marine Farming Planning Review Panel become highly problematic. The panel has been filled with people who have close ties to the industry. Recently in the Storm Bay approval process, the two scientific expert members resigned in protest because the panel "*showed an undue propensity to support what is operationally convenient for the aquaculture industry*".³

2. Provisions relating to the Marine Farming Planning Review Panel membership must be amended to establish a majority make-up of the panel with relevant scientific expertise, and with no existing or previous ties to the fin fish industry.
3. The 2011 legislative amendments that enabled the Minister to make final decisions must be reversed.

Monitoring Regime

The current environmental and operational monitoring regime for fish farms is far too reliant on farming businesses self-monitoring their impacts and reporting them to the EPA.

The capacity to assess the cumulative impacts of separate leases on the marine environment is limited. The current regulatory regime was shown to be a comprehensive failure during the assessment of the three-company Storm Bay fish farm expansion.

Despite extensive scientific evidence about the impacts of nutrients causing water quality and toxicity problems up the Derwent River as far as Bridgewater, the Storm Bay leases were nonetheless approved. The two scientists who resigned from the Panel around that decision had recommended system-wide modelling of impacts

³ David Killick, [Salmon experts quit over fears review panel was not 'serving the best interests of the state'](#), Mercury, 25 February, 2019.



occur prior to approval, but the industry clearly had no intention of waiting for those results. The Minister approved the development without this assessment taking place.

There is no ongoing monitoring to determine whether nitrogen caps are set at appropriate levels.

There is no effective monitoring of the impact of lease operations on neighbours – including the sometimes very disturbing impact of noise and light pollution. These impacts can have serious effects on people’s ability to sleep, and their mental health. The burden of proof falls on the neighbour to prove that fish farm boats drive past outside prescribed hours, or make intolerable noise levels. There are not sufficient punitive penalties in place to deter companies that breach lease conditions. There is also no meaningful way for the local community to negotiate reasonable working conditions in the first place.

There is no effective monitoring and enforcement of fish farm debris. Floating heavy plastic pipes have caused near-death fouling of motor and sail boats, and are a regularly reported hazard. The damage and visual coastal and shoreline pollution of nets and rope is extensive and ongoing. Companies do beach clean ups, but they are few and far between relative to the scale of the pollution produced. The legislated penalties for polluting sound large, but they are tiny for companies that often have an annual profit above \$50 million. They are clearly not high enough to constitute a significant incentive for companies to stop polluting.

4. The monitoring regime should be adapted to require independent monitoring, a greater level of cumulative assessment and for ongoing monitoring of the suitability of existing nitrogen caps.
5. Consultation processes about farming operations, prior to and after lease approvals, must be undertaken in an extensive and comprehensive way, and a legal avenue for breaches should be established.
6. Penalties for marine debris pollution should be substantially increased to make a real incentive for multi-million dollar companies to change behaviour.

Environmental Licences

The environmental licencing regime is currently too weak. Currently applications for an environment licence or variations to an environment licence are only required to be referred to the full Board of the EPA in limited circumstances. This means there is little or no opportunity for community consultation, or a legal appeal to a decision.

7. Environmental licences or variations to environmental licences must be referred to the full board, and should not be left to the Director of the EPAs’ discretion.



Exclusion from LUPAA

Marine farming operations in State waters are currently not subject to the *Land Use Planning and Approvals Act 1993*. Despite this, provisions exist that allow the Minister to require planning schemes to the infringement of land-based activities on marine farming operations.

8. LUPAA must be amended to ensure the planning scheme has purview over marine farming operations, and Ministerial powers to interfere with planning schemes to the specific benefit of fish farms should be removed.

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Tasmanian Greens Environment spokesperson

On behalf of the Tasmanian Greens

