



Environmental  
Defenders Office

**Submission in response to Draft Tasmanian Salmon  
Industry Plan**

**20 January 2023**

## About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

**Successful environmental outcomes using the law.** With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

**Broad environmental expertise.** EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

**Independent and accessible services.** As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

[www.edo.org.au](http://www.edo.org.au)

Submitted to:

Department of Natural Resources and Environment Tasmania  
Submitted online and by email to [salmonengagement@nre.tas.gov.au](mailto:salmonengagement@nre.tas.gov.au)

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EDO gratefully acknowledges the assistance of Kate Johnston in the preparation of this submission.

### A Note on Language

EDO acknowledges that there is a legacy of writing about First Nations peoples without seeking guidance about terminology. In this submission, we have chosen to use the term "First Nations" to refer to Aboriginal and Torres Strait Islander peoples across Australia. We also acknowledge that where possible, specificity is more respectful. When referring to Tasmanian Aboriginal / palawa / pakana people in this submission we have used the term "Tasmanian Aboriginal". We acknowledge that not all Aboriginal people may identify with these terms and that they may instead identify using other terms.

### Acknowledgement of Country

The EDO recognises First Nations peoples as the Custodians of the land, seas, and rivers of Australia. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present, and emerging, and aspire to learn from traditional knowledges and customs so that, together, we can protect our environment and cultural heritage through both Western and First Laws.

In providing this submission, we pay our respects to First Nations across Australia and recognise that their Countries were never ceded and express our remorse for the deep suffering that has been endured by the First Nations of this country since colonisation.

In making the following submission, Environmental Defenders Office (**EDO**) acknowledges that it cannot and does not speak on behalf of First Nations peoples. We make the following comments as experts in Western planning and environmental law with experience in seeking to protect First Nations and Tasmanian Aboriginal cultural heritage through Western law.

While the EDO has accepted this opportunity to comment on the *Draft Tasmanian Salmon Industry Plan (the Plan)*, we acknowledge and support the concerns raised by many groups and individuals about the timing and process for consultation on the Plan and the Government's response to previous feedback on the 10-Year Salmon Plan. EDO is also more generally concerned about the deluge of significant planning and environmental policy and law reform consultation being undertaken by the Tasmanian Government in what appears to be a piecemeal and uncoordinated manner.<sup>1</sup> EDO urges the Government to better coordinate its related reform processes, engage with the public throughout the policy-making process, and really listen to the contributions it receives from the community. EDO considers that fulsome and genuine public engagement is essential to ensure policies and laws achieve more sustainable environmental, social and economic outcomes for lutruwita/Tasmania.

The Plan states the Government's aspiration for the salmon farming industry to be a sustainable industry that is "economically successful, environmentally responsible, socially beneficial and well-managed." It lists several "priority outcomes" to enable the realisation of this aspiration, namely:

1. Sustainable industry
2. Healthy ecosystems
3. Prosperous communities
4. Contemporary governance

These priority outcomes bear little relationship to the four principles upon which the Government commenced its consultation on the then-named 10-Year Salmon Plan: no net increase in leased farming areas in Tasmanian waters<sup>2</sup>; innovation – future growth lies in land-based and offshore salmon farming; world's best practice through continuous improvement; and strict independent regulation. The Plan further appears to have failed to substantively reflect or respond to the feedback from hundreds of public submissions received to the *Discussion Paper: Towards a 10-Year Salmon Plan (Discussion Paper)*.<sup>3</sup> For these reasons and those outlined further in this

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<sup>1</sup> Refer to EDO's 'Talking Point' in the Mercury 15 December 2022, accessible at <https://todayspaper.themercury.com.au/html5/reader/production/default.aspx?pubname=&edid=df856847-6dea-4674-9ecb-8067be88b4ed&pnum=31>

<sup>2</sup> This principle was subject to the following limitation in the Discussion Paper: Towards a 10 Year Salmon Plan (lutruwita/Tasmania): "This moratorium will expire in September 2022." This is to be contrasted with the Government's statement that the moratorium "...will continue to apply until the new Plan is finalised and takes effect in 2023", in Tasmanian Government, *Response to the Legislative Council Government Administration Sub-Committee "A" Report on Finfish Farming in Tasmania*, 16 August 2022, response to Inquiry Report recommendation 3 p 6, accessible at: [https://www.parliament.tas.gov.au/ctee/Council/GovAdminA\\_Fin.html](https://www.parliament.tas.gov.au/ctee/Council/GovAdminA_Fin.html).

<sup>3</sup> Accessible here: <https://nre.tas.gov.au/Documents/Submissions%20on%20Discussion%20Paper%20Towards%20a%2010-Year%20Salmon%20Plan.pdf>

submission, neither the 21 strategic pathways in the Plan nor the more detailed actions in the associated *draft Workplan for Tasmanian Salmon Industry Plan (the Workplan)* are likely to achieve the identified priority outcomes.

EDO is disappointed that the Plan does not address all the recommendations contained in the *Legislative Council Government Administration Sub-Committee “A” Report on Finfish Farming in Tasmania (Inquiry Report)*<sup>4</sup> that related to improving the regulation of the salmon industry. Even more concerning is that the Plan does not even fully address the Inquiry Report recommendations the Tasmanian Government said it would address in the Plan, such as developing a plan for future growth in offshore and land-based aquaculture and incentivising the reduction of inshore salmon farming,<sup>5</sup> transitioning freshwater finfish hatcheries/smolt production facilities to utilise Recirculating Aquaculture Systems,<sup>6</sup> and providing a central point of contact for community complaints about marine debris, noise and light.<sup>7</sup> Meanwhile, the failure to provide a clear timetable for any actions that are slated to occur under the Plan, such as the reviews of the *Marine Farming Planning Act 1995 (Tas)*<sup>8</sup> and the zero-tolerance policy for marine debris, is a fundamental weakness that must be rectified before the Plan is finalised.<sup>9</sup>

EDO supports the Inquiry Report’s recommendations and considers that their full and timely implementation would go a significant way towards realising the Government’s aspirations for the industry and improving community confidence in planning, operational and environmental compliance decisions relating to salmon farming.

EDO has already made numerous detailed submissions in recent years outlining how lutruwita/Tasmania’s marine environment could be more sustainably managed, including:

- [Discussion Paper: Towards a 10 Year Salmon Plan \(lutruwita/Tasmania\)](#)
- [Legislative Council Sub Committee Inquiry into FinFish Farming in Tasmania](#)
- [Review of the Living Marine Resources Management Act 1995 Discussion Paper](#)
- [Draft Aquaculture Standards for Tasmania](#)
- [Draft Environmental Management and Pollution Control Amendment Bill 2022](#)

In addition to these submissions, EDO participated in a “pre-formal early engagement” consultation forum on the 10-Year Salmon Plan on 28 April 2022.

This submission briefly responds to the priority outcomes listed in the Plan and the Workplan, however, EDO requests that this submission and recommendations be considered together with our previous detailed submissions listed above.

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<sup>4</sup> Accessible here: [https://www.parliament.tas.gov.au/ctee/Council/GovAdminA\\_Fin.html](https://www.parliament.tas.gov.au/ctee/Council/GovAdminA_Fin.html)

<sup>5</sup> See the Tasmanian Government, *Response to the Legislative Council Government Administration Sub-Committee “A” Report on Finfish Farming in Tasmania*, 16 August 2022, response to Inquiry Report recommendation 3 p 6. Also accessible at:

[https://www.parliament.tas.gov.au/ctee/Council/GovAdminA\\_Fin.html](https://www.parliament.tas.gov.au/ctee/Council/GovAdminA_Fin.html)

<sup>6</sup> Above at n 5, response to Inquiry Report recommendation 45, at p 19.

<sup>7</sup> Above at n 5, response to Inquiry Report recommendations 55, 56, 58 and 61, at pp 22 – 24.

<sup>8</sup> Above at n 5, p3, and Workplan at PO1: 1.1.3, p 9.

<sup>9</sup> Above at n 5, response to Inquiry Report recommendation 3 p 6 and Workplan at PO2: 2.3.9, p 14.

A summary of our recommendations in response to the Plan is outlined below.

### Summary of recommendations

**Recommendation 1:** The Plan should impose a moratorium on the issuing of new salmon farming leases and on increases to stocking limits until:

- An overarching Marine Plan and marine spatial planning exercise (as contemplated by the Inquiry Report) is completed; and
- The reviews and reforms of lutruwita/Tasmania’s coastal and marine laws (including the *Environmental Management and Pollution Control Act 1994*, the *Living Marine Resources Management Act 1995* and the *Marine Farming Planning Act 1995*), as contemplated in the Inquiry Report, are completed.

**Recommendation 2:** The Plan detail how all recommendations of the Inquiry Report will be implemented and include timeframes for their implementation.

**Recommendation 3:** The Plan provide concrete actions towards the recognition of Tasmanian Aboriginal custodianship of and rights relating to Sea Country and waterways.

**Recommendation 4:** The Plan commit to the preparation of an independent economic assessment of both the benefits and costs (including “externality” costs) of the industry, and to the full recovery of any current unmet costs of the industry.

### Priority Outcome 1: Sustainable industry

EDO is deeply concerned that through the Plan, the Tasmanian Government is pressing ahead with a vision of the salmon industry expanding further into the southeast as well as “offshore” in the absence of any overarching Marine Plan, and most crucially, without the marine spatial planning exercise that was recommended by the Inquiry Report<sup>10</sup> and “supported in principle” by the Tasmanian Government in response to the Inquiry Report.<sup>11</sup>

EDO is also concerned about the failure to provide clarity on critical terms or concepts in the Plan. For example:

- There is now no timeframe for the Plan, with the previous 10-year span being abandoned without explanation.
- Although it may be implied from the statement in the Plan that its vision is for “a sustainable industry into the future” and from Ministerial statements in Parliament that the Tasmanian Government sees the current level of farming as “sustainable”,<sup>12</sup> it is not clear from the Plan what the Tasmanian Government envisages to be a “sustainable salmon

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<sup>10</sup> See Recommendations 1 and 2 of the Inquiry Report.

<sup>11</sup> Above an n 5, pp 4-5.

<sup>12</sup> See for example, then Minister for Primary Industry and Water Jo Palmer’s statement in Hansard [House of Assembly Wednesday 25 May 2022](#) at p 4.

industry”. However, it is far from clear that the current level of salmon farming is sustainable,<sup>13</sup> let alone any expansion to, or intensification of, current farming levels.

- Despite its predecessor plan being a “growth plan” with clear maps showing projected areas of growth,<sup>14</sup> the term “growth” appears to have been studiously avoided in the Plan. The failure to transparently outline the Government’s vision for how the growth of the industry<sup>15</sup> and its related impacts will be managed raises far more questions than the Plan currently answers.
- The Plan does not articulate what “further offshore” means in the context of statements that the Government will provide opportunities and certainty into the future for “incentivising the relocation of existing operational and dormant finfish leases to areas further offshore, particularly leases that may be constrained for social, economic or environmental reasons”.<sup>16</sup>
- The Plan further points to the expansion of the industry in the southeast of the state,<sup>17</sup> with little or no explanation as to how that area was identified,<sup>18</sup> where exactly in the southeast new or expanded farms will be located, what level of expansion is being contemplated, and what that might mean for the environment and communities in those areas.

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<sup>13</sup> See for example, Moreno, D., Lyle, J.M., Semmens, J.M., Morash, A., Stehfest, K., McAllister, J., Bowen, B., Barrett, N., 2020, Vulnerability of the endangered Maugean Skate population to degraded environmental conditions in Macquarie Harbour, Fisheries Research and Development Corporation Project No. 2016-068. Institute for Marine and Antarctic Studies, University of Tasmania, Hobart, October. CC BY 3.0]. [https://www.imas.utas.edu.au/\\_data/assets/pdf\\_file/0007/1394224/2016-068-DLD.pdf](https://www.imas.utas.edu.au/_data/assets/pdf_file/0007/1394224/2016-068-DLD.pdf); and Mercury, 9 August 2022, *Long Bay salmon farming causing nutrient enrichment on reef: Report*, accessed at <https://www.themercury.com.au/news/tasmania/long-bay-salmon-farming-causing-nutrient-enrichment-on-reef-report/news-story/05ae15c581243bbc2538160c6f87f2c4>

<sup>14</sup> The 2017 Sustainable Industry Growth Plan for the Salmon Industry, accessible at <https://nre.tas.gov.au/aquaculture/salmon-farming/sustainable-industry-growth-plan-for-the-salmon-industry>.

<sup>15</sup> The Tasmanian Government has expressed the following support for the growth of the the industry: one of the objectives of the Plan (at p 6) is to “enable future growth that meets expected standards...”; Tasmanian Government’s so-called “2050 Agrivision Policy” seeks to increase the economic output of primary industry production, including aquaculture, by up to 5 times by 2050 (Department of Primary Industries Parks Water and Environment (2019) *Sustainable Agri-food Plan 2019-2023* at p 2 accessed at: <https://nre.tas.gov.au/Documents/Tasmanian%20Sustainable%20Agri-Food%20Plan%202019-23.pdf> on 17 January 2023); and Government Ministers have made numerous statements in support of the expansion of the salmon industry (see for example, Tasmanian Government (2021) Media release: Future directions for our Salmon Industry a key focus in 2022, Guy Barnett, accessed at [https://www.premier.tas.gov.au/site\\_resources\\_2015/additional\\_releases/future\\_directions\\_for\\_our\\_salm\\_on\\_industry\\_a\\_key\\_focus\\_in\\_2022\\_on\\_17\\_January\\_2023](https://www.premier.tas.gov.au/site_resources_2015/additional_releases/future_directions_for_our_salm_on_industry_a_key_focus_in_2022_on_17_January_2023); and above at n 4).

<sup>16</sup> Plan at p 8.

<sup>17</sup> Strategic Pathway 1.1 of the Plan, at p 9, and PO1: 1.1.7 in the Workplan at p 9.

<sup>18</sup> While the Government’s response to the Inquiry Report recommendations on the need for any future salmon growth plan to be underpinned by marine spatial planning refers to IMAS’s *Statewide Finfish Aquaculture Spatial Planning Exercise: Investigating growth opportunities for finfish aquaculture in Tasmanian coastal waters*, that exercise was not the sort of holistic marine spatial planning process called for in the Inquiry Report and had significant limitations. Furthermore, the identification of the southeast only as an area of future growth in the Plan and the Workplan indicates that the Government is not solely relying on the IMAS exercise to inform the prioritisations of areas for future growth. This is because the IMAS exercise also noted that areas to the north of the state were suitable for future salmon farming.

The failure to provide definitions of these key concepts or specific details about plans for growth in the Plan gives rise to many questions about what the Tasmanian Government's future "sustainable" vision for the industry is. This is unfortunate, as the Inquiry Report noted there is support in lutruwita/Tasmania for the industry if areas for expansion and growth targets are sustainable, transparently developed and evidence-based.<sup>19</sup>

As the Plan is not transparent or evidence-based about the anticipated growth of the industry, it currently fails to properly respond to Recommendation 2 of the Inquiry Report. It also largely fails to respond to the significant community feedback received in response to the Discussion Paper.

EDO reiterates the recommendations it made in response to the Discussion Paper. The moratorium on the expansion of the salmon industry (which inexplicably expired on 15 September 2022 despite there being no substantive change in any of the regulations or planning for the industry) needs to be reinstated until sufficient planning and regulations are in place to ensure a sustainable salmon industry.

**Recommendation 1:** The Plan should impose a moratorium on the issuing of new salmon farming leases and on increases to stocking limits until:

- An overarching Marine Plan and marine spatial planning exercise (as contemplated by the Inquiry Report) is completed; and
- The reviews and reforms of lutruwita/Tasmania's coastal and marine laws (including the *Environmental Management and Pollution Control Act 1994*, the *Living Marine Resources Management Act 1995* and the *Marine Farming Planning Act 1995*), as contemplated in the Inquiry Report, are completed.

Beyond the marine spatial planning exercise and growth targets recommended in the Inquiry Report, there were several other Inquiry Report recommendations relevant to the Priority Outcome of "Sustainable Industry" that the Tasmanian Government either "supported" or "supported in principle" but are not adequately addressed in the Draft Plan. These recommendations include, but are not limited to:

- Develop a plan, in consultation with industry, scientific and community stakeholders, to reduce inshore finfish farming sites, with priority given to ceasing operations in sensitive, sheltered and biodiverse areas (Recommendation 3);<sup>20</sup>
- There be no further expansion of the finfish farming industry in the form of new farming areas or increased stocking limits until the revised Salmon Industry Growth Plan (as part of an overarching marine plan, and based on marine spatial planning) is finalised (refer to Recommendations 1, 2, 3 and 4);

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<sup>19</sup> Above at n 4, at Finding 15, p11.

<sup>20</sup> In the Government's response to the Inquiry Report it said it supported "in part" the Inquiry's recommendation to reduce inshore finfish farming sites. While the Plan does encourage exploration of future growth in offshore and land-based finfish farming, there is no detail in the Draft Plan that would "realise an overall reduction in the number of inshore finfish lease areas", as suggested in the Government's response to the Inquiry Report. Indeed, the Plan (at p 8) only talks about "incentivising the relocation of existing operational and dormant finfish leases to areas further offshore, particularly leases that may be constrained for social, economic or environmental reasons".

- Further expansion of the finfish farming industry be postponed until the Biosecurity Plan has been completed and regulations are implemented and applied to all current farming operations (Recommendation 10);
- Require consideration of cumulative environmental and social impacts of marine farming in the assessment of marine farming development plans (Recommendation 18);
- Conduct a comprehensive audit of freshwater requirements for the finfish farming industry to inform the development of a policy/strategy on the allocation and management of these resources (Recommendation 43);
- Conduct an independent review of the impacts of current finfish operations on inland waterways, including drinking water supplies and remediation costs borne by TasWater/State Government (Recommendation 44);
- Require all new freshwater finfish hatcheries/smolt production facilities to utilise Recirculating Aquaculture Systems (Recommendation 45);<sup>21</sup>
- Set and enforce site-specific regulated limits in relation to noise generated by finfish operations and include, where relevant, decibel level, tone, frequency, regularity and time of occurrence (Recommendation 60).

EDO reiterates its strong view that to improve the sustainability of the industry, the Government also needs to publish transparent, science-based Water Quality Objectives (refer to Inquiry Report Recommendations 25-27) for lutruwita/Tasmania's waterways and impose transparent and science-based biomass and nitrogen limits in Marine farming Development Plans (Inquiry Report Recommendation 19). The Plan would be a useful forum for the Government to reverse its opposition to these important Inquiry Report recommendations.

**Recommendation 2:** The Plan detail how all recommendations of the Inquiry Report will be implemented and include timeframes for their implementation.

### **Priority Outcome 2: Healthy ecosystems**

EDO has written extensively on the failure of the current regulation of the salmon industry to achieve ecological sustainability. **Without substantial amendment, the Plan will be another missed opportunity by the Tasmanian Government to acknowledge that significant improvements need to be made to lutruwita/Tasmanian laws to improve ecological outcomes and community confidence in the salmon industry. Any growth of the industry should not even be contemplated in the absence of these stronger regulations.**

**The current piecemeal, sector-based approach to the regulation of lutruwita/Tasmania's coasts and waterways does not work:** it does not allow for proper consideration of all that Tasmanians value in their coasts and waterways and the benefits and risks of different uses and

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<sup>21</sup> The Government specifically said it would address this in the Plan, however, the only mention of the transition to recirculating aquaculture systems is in the Workplan at PO2: 2.3.7, which states Develop a "Freshwater Finfish Farming Standard and establish a framework to support the transition of existing flow through systems to recirculating aquaculture systems [RAS]." No clear timeframe has been provided for the development of the standard or the framework, let alone the transition to RAS.



management approaches. To achieve ecologically sustainable and culturally appropriate management of lutruwita/Tasmania's coastal and marine areas, EDO recommends the many overlapping coastal marine laws and policies be pulled into an integrated, effective and sustainable legislative framework. This framework needs to recognise Tasmanian Aboriginal custodianship over Sea Country and cultural and fishing rights and provide for a comprehensive marine spatial planning process informed by the best available science and public consultation and engagement. The legislative framework would aim to achieve integrated and ecosystems-based management across the entire coastal and marine environment.<sup>22</sup>

EDO's recommendation for the review and reform of coastal and marine laws is supported in the Inquiry Report, which included numerous recommendations to strengthen and improve lutruwita/Tasmania's salmon farming legislative framework to ensure it was properly regulating the environmental and social impacts and provided proper marine spatial planning.

One of the key Inquiry Report recommendations was for the development of a plan to reduce inshore finfish farming sites, with a priority on stopping farming in sensitive, sheltered and biodiverse areas.<sup>23</sup> The Government's in-principle support for this recommendation promised that a set of policy settings to help realise this outcome would be developed as part of the 10-Year Salmon Plan.<sup>24</sup> Yet, despite the broad public support for the industry transitioning away from farming in inshore and sheltered sites,<sup>25</sup> the policy settings to encourage the industry's move away from these locations are almost entirely absent in the Plan. Rather, the Plan (at p 8) simply acknowledges that moving offshore is "not a short-term priority" for the industry and that the Government would provide "opportunities" to move "further offshore". As the Plan fails to articulate any timeframes for this offshore aspiration, presumably, the industry will shift offshore if and when the companies decide rather than as required to respond to deteriorating environmental conditions or social impacts. Clearly, this is an entirely unsatisfactory response to the Inquiry Report recommendations and community feedback.

Despite it being something the Tasmanian Government said it would address in the Plan,<sup>26</sup> EDO is further disappointed that the review of the *Marine Farming Planning Act 1995* (Tas) is not mentioned at all in the Plan. While the review is mentioned in the Workplan,<sup>27</sup> no details are provided as to what the review of the Act will cover or if it will be as comprehensive as was recommended by the Inquiry Report. The Workplan also provide no clear timeframe for the review other than a statement that it will happen in the "medium term". Again, this is unsatisfactory, particularly if the salmon industry continues its unabated expansion in the meantime.

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<sup>22</sup> For more on this framework, refer to EDO's Submission in response to the Review of the *Living Marine Resource Management Act 1995* (Tas) Discussion Paper. Accessible at: <https://www.edo.org.au/publication/submission-in-response-to-the-review-of-the-living-marine-resources-management-act-1995-discussion-paper/>

<sup>23</sup> Above at n 4, at Recommendation 3.

<sup>24</sup> Above at n 5, p 6.

<sup>25</sup> As evidenced in the submissions responding to the Discussion Paper, accessible at: <https://nre.tas.gov.au/Documents/Submissions%20on%20Discussion%20Paper%20Towards%20a%2010-Year%20Salmon%20Plan.pdf> .

<sup>26</sup> Above at n 5.

<sup>27</sup> At PO1: 1.1.3, p 9 of the Workplan.

Getting the regulatory framework right will go a significant way to improving both the environmental and social impacts of the industry. While EDO was initially encouraged by the Government's full or in-principle support for many of the Inquiry Report recommendations, it is disappointing the Government is pressing ahead with the Plan and its support for the growth of the industry without any of the foreshadowed new regulations in place, or even a rough estimate of when they might come into effect. In EDO's view, no growth of the industry should even be contemplated until the regulation of the salmon farming industry is significantly improved (refer to Recommendations 1 and 2 above) and is part of an integrated and ecosystems-based management framework of our marine and coastal areas.

### **Priority Outcome 3: Prosperous Communities**

The focus of the Prosperous Communities Priority Outcome of the Plan section is unnecessarily skewed toward the economic benefits of the industry to lutruwita/Tasmanian and fails to address the many challenges this growing industry also poses for communities. As a case in point, the West Coast Council submission in response to the Discussion Paper<sup>28</sup> notes that many of the posited economic benefits to regional communities are not realised due to the large non-resident workforce, lack of housing and pressures that the industry places on regional infrastructure (including health and recreations services), not to mention the impacts on the environment.

In EDO's view, this section of the Plan wholly fails to articulate a clear vision for how Tasmanian Aboriginal custodianship and rights will be recognised, or how full costs recovery from the industry will occur. We also have concerns about how well the Government engaged with tourism operators in consulting on the Plan. Each of these issues is addressed in further detail below.

#### *Recognition of Tasmanian Aboriginal custodianship of and rights to Sea Country*

The importance of Sea Country was a theme that was emphasised during the consultations for the *Pathway to Truth-Telling and Treaty* report. In this report, the coast, beaches and seas were recognised as being significant sites for food and cultural practices (such as shell-gathering for necklaces and collecting kelp for basket-making) which are important activities in the maintenance and revival of links to culture.<sup>29</sup>

While the Plan's acknowledgement of the importance of recognising Tasmanian Aboriginal sea rights and stewardship is welcomed, the actions promised in the Plan and in the Workplan to give effect to this recognition are underwhelming. All that is committed to in the Plan is for the views of and opportunities for Tasmanian Aboriginal stewardship and business opportunities to be "considered" in the implementation of the Plan.<sup>30</sup> Where this commitment is elaborated upon in the Workplan, the only pledges for action are for opportunities for Sea Country stewardship and Tasmanian Aboriginal business enterprise development and engagement in the salmon industry

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<sup>28</sup> Above at n 3, p 24.

<sup>29</sup> Warner, K. McCormack, T. & Kurnadi, F. (2021) *Pathway to Truth-Telling and Treaty Report* to Premier Peter Gutwein. Accessible at: [https://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0005/627242/Pathway\\_to\\_TruthTelling\\_and\\_Treaty\\_2\\_51121.pdf](https://www.dpac.tas.gov.au/_data/assets/pdf_file/0005/627242/Pathway_to_TruthTelling_and_Treaty_2_51121.pdf)

<sup>30</sup> See Plan at p 12.

being “considered” in the industry development, planning and management.<sup>31</sup> These commitments and actions are inadequate and fail to respond to submissions made by Tasmanian Aboriginal people in response to the Discussion Paper.

Concrete actions are required to recognise Tasmanian Aboriginal custodianship of and rights relating to Sea Country and waterways. Among many other actions, this could include the Plan committing to:

- the amendments of the *Living Marine Resources Management Act 1995* (Tas) and other legislation to acknowledge Tasmanian Aboriginal people as the traditional and original owners of lutruwita/Tasmania’s lands and waters and recognise the enduring spiritual, social, cultural and economic importance of these lands and waters to the Aboriginal people;
- giving effect to the Pathway to Truth-Telling and Treaty recommendations relevant to Sea Country and coasts; and
- ensuring there is Tasmanian Aboriginal representation in relevant planning and regulatory agencies and fisheries and habitat advisory committees.

**Recommendation 3:** The Plan provide concrete actions towards the recognition of Tasmanian Aboriginal custodianship of and rights relating to Sea Country and waterways.

#### *Cost recovery and appropriate return to the Tasmanian Community*

The Plan discusses the importance of moving to a full cost recovery model where the industry pays for the costs of management services provided by the Tasmanian Government and ensuring an appropriate return to the Tasmanian community is achieved. However, it fails to address the recovery costs of the industry that are otherwise borne by the community, for example through the need for the upgrade of drinking water treatment facilities to respond to algal blooms to which hatchery pollution contributes.<sup>32</sup> Likewise, algal blooms and pollution of lutruwita/Tasmania’s waterways (such as at Long Bay, or in the Tasmanian Wilderness World Heritage Area in Macquarie Harbour) are likely to have impacts on tourism and other fishing industries, Tasmanian Aboriginal custodians and recreational users of these areas, but these impacts are not currently quantified. Therefore, EDO recommends that as part of the Plan the Government commission an independent economic assessment of both the benefits and costs of the industry, including those costs that are not currently accounted for (often referred to as “externalities”). Further, the Plan should commit to the full cost recovery of any unmet costs of the industry to the community.

**Recommendation 4:** The Plan commit to the preparation of an independent economic assessment of both the benefits and costs (including “externality” costs) of the industry, and to the full recovery of any current unmet costs of the industry.

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<sup>31</sup> For example, the Workplan at PO3: 3.3.1 at p 17 discusses conducting “assessment of opportunities for Aboriginal enterprise development and engagement in salmon aquaculture in consultation with the Indigenous Land and Sea Corporation”.

<sup>32</sup> See ABC News, *Salmon farm discharge into greater Hobart drinking water catchment causes alarm*, 30 April 2022 <https://www.abc.net.au/news/2022-04-30/salmon-farm-discharge-into-river-causes-alarm/101025338>

We note that Recommendation 42 of the Inquiry Report called for the application of environmental bonds to the finfish farming industry to ensure sufficient funds for any remedial work required due to the operations of the industry. The Tasmanian Government indicated it supported this recommendation “in principle” and would address it in the development of the Plan. EDO is therefore disappointed to see that no mention of environmental bonds is made in the Plan or the Workplan. Given this was a recommendation supported in-principle by the Tasmanian Government, we would expect to see it reflected in the Plan.

#### *Consultation with the tourism industry*

Another of the Inquiry Report’s recommendations (Recommendation 66) was for a review of the finfish farming industry's impact on and relationship with the Tasmanian tourism industry to inform the revised Plan. Again, while the Tasmanian Government indicated that it supported this recommendation and that it would “seek input from the Tasmanian tourism industry as part of the development of the new 10-Year Salmon Plan”, EDO is concerned that this may not have occurred. EDO understands community consultations on the Plan were taking place between December 2022 and January 2023. We would note that the summer period is a particularly busy time for the tourism industry, making it challenging for people to take time off work to participate in community consultation meetings, or to prepare detailed written submissions.

Before the finalisation of the Plan, EDO would urge the Tasmanian Government to make a greater effort to properly engage and consult with the tourism industry.

#### **Priority Outcome 4: Contemporary Governance**

The Tasmanian Government has apparently stepped back from its previous commitment to world’s best practice regulation of the salmon industry, with no mention of this in the Contemporary Governance Priority Outcome of the Plan. This reduced ambition is underscored by the total failure of this section of the Plan to acknowledge or respond to the Inquiry Report recommendations for the improvement of the regulation of the industry.

EDO is also disappointed with the framing of the Contemporary Government of the Plan which implies there is a problem with a lack of public understanding of how the salmon industry is regulated rather than any problem with the efficacy of the regulations.

The comprehensive, detailed and thoughtful submissions to the Legislative Council Inquiry into Finfish Farming demonstrate that the problem is not a lack of public understanding of the complex regulation of the industry. In EDO’s experience, there are many individuals and groups in the community who have a good understanding that numerous regulatory failures resulted in, for example, Macquarie Harbour having benthic dead zones endangering the protected Maugean skate and Tasmanian Wilderness World Heritage Area; mass fish kills; and unprecedented litigation by Huon Aquaculture against the regulators.

The lack of community confidence in the industry and the regulators is not because of a lack of understanding of the governance arrangements in the community. Rather, as the Inquiry Report demonstrates, there are numerous significant reforms required to improve the regulation of the industry to ensure it is sustainable and has social licence. Given these detailed Inquiry Report recommendations, it is exasperating that none of the “Strategic Pathways” identified for this Priority Outcome goes to the issue of improving regulation.

EDO has written extensively on how Tasmania could improve its finfish farming management and regulation and our relevant submissions and Inquiry Report recommendations have been highlighted above. EDO considers that for this Plan to achieve its objective of confidence in the Government's planning, operational and compliance decisions, it needs to elaborate on what the Tasmanian Government is doing to improve the regulation of finfish farming.

Beyond improved regulation, the section on this Priority Outcome would be improved by providing more details on how the Tasmanian Government intends to receive and respond to queries and complaints from the public about noise, light and debris pollution associated with finfish farming.

The Government's response to the Inquiry Report provided in-principle support for recommendations around establishing a central point of contact for information, complaints, and feedback concerning noise and light associated with the finfish farming industry (see Inquiry Report Recommendations 58 and 61), and stated these recommendations would be considered further in the 10-year Salmon Plan. Despite this commitment, these recommendations are not referred to in the Plan, and in the Workplan, the only listed action is to maintain the current EPA complaint hotline and associated notification management system. Given the current complaints system was the source of much frustration and confusion during the Legislative Council Inquiry,<sup>33</sup> simply committing to maintaining existing arrangements is extremely unlikely to improve public confidence in the system.

EDO again repeats its recommendations that, as part of the Plan, the Tasmanian Government set out how it will fully implement all Inquiry Report recommendations, including around establishing a central point of contact for complaints about noise, light debris etc relating to the industry.

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<sup>33</sup> See, for example, the [Neighbours of Fish Farming submission](#) to the Inquiry, pages 9-11.