



10 December 2008

The Hon. Norman Moore MLC
Minister for Fisheries
4th Floor
London House
216 St Georges Tce
Perth WA 6000

Dear Minister,

WA aquaculture industry requires, as a matter of priority, **fundamental wholesale change** to ensure that the WA industry can develop and provide food to the WA community. To achieve this, the control of aquaculture must be removed from the body of laws concerning fishing, as it is a very different activity.

The above fact has been supported by three (3) independent WA government reviews held over the last five years (Lendich, 2003, Ciffolili 2003, and the Aquaculture Bill Taskforce).

In recognition of the required change, during the State election both major parties committed to the introduction of separate laws for the WA Aquaculture industry, in the next term of government (Attachment 1 & 2). In addition, the WAFIC and Aquaculture Development Council has indicated their priority on this public policy area (Attachment 3 & 4).

In this letter I will provide information on the following:

1. Independent Reports
2. The potential benefits for new laws
3. The potential costs; and
4. South Australian Industry Testimonials on its new laws;

Independent Reports

There have been three independent reports into aquaculture development by the State government.

1. Lendich, 2003
2. Ciffolili, 2003
3. [Aquaculture Bill Task Force](#)¹, March 2008, set up under section 42 of the FRMA.

All recommended the need for separate aquaculture legislation (Attachment 5 & 6).

The Potential Benefits

The leading states in aquaculture development, namely SA and Tasmania, have either dedicated aquaculture laws or marine planning laws. These jurisdictions are the only ones that have demonstrated investment and industry growth in the past 10 years.

In these States, the laws address the fundamentals needed for industry development, namely:

¹ Please note that the Aquaculture Bill Task Force report has not been publicly released.

1. a clear indication that Government considers that industry development is important – improving confidence;
2. certainty in the approvals process, both in terms of tenure and environmental approvals,
3. improved property rights²;
4. asset value for leases – improved registration of leases; and
5. Continuous improvement in the executive of government services.

For more details on what ACWA considers the new laws could enable, please refer to Attachment 7.

It should be a relatively easy process to adapt the SA legislation to suit the WA environment. I have attached (Attachment 8) a consultation draft set of aquaculture laws that ACWA has prepared.

Potential Costs

There appear to be three identifiable sets of costs, those in the department in terms of the work required to prepare the drafting notes, those of the parliamentary draftsman in preparing the bill, and compliance costs following the enactment of the regulations.

Legislative Drafting

Information provided by PIRSA is that it took South Australia 18 months to introduce and pass their new laws. Their view is that the laws are fundamental to underpinning any future development of aquaculture.

ACWA has had verbal quotes from two solicitors that a set of drafting instructions would take 2 weeks and \$25,000, if the legislation was based on the South Australian Act. This organization has no capacity to make an estimate as to the costs that may be incurred by the Western Australian Department of Fisheries.

However, to fund these costs ACWA believes that it would be justifiable to re-arrange departmental priorities or to consider if they can be funded from unspent monies in the department's 08/09 budget.

Enacting the Regulations

The (existing) compliance costs are as follows:

- environmental impact;
- maritime safety (site marking & lighting)
- fish disease diagnosis
- property management (lease register),
- license approvals,

The Department of Fisheries does not disclose its compliance budget to industry. Prime facie; ACWA does not see any reason for an escalation in compliance costs. It is the view of ACWA that ultimately, this would be a zero sum game provided the correct business systems, policy instruments (zoning and environmental management and reporting) and online reporting are implemented.

² The value of WA's Section 97 aquaculture lease is illusory such that if the license is lost the lease is extinguished.

In the case of environmental approvals and reporting, the Department is well on the road to achieving the necessary reform. The intention of this effort is that in July 2009, the industry will be provided with standardized:

- License conditions,
- Environmental management plans and
- Environmental Impacts reporting,

There will also be considerable efficiency gains with the provision of online reporting.

Once the industry has a sufficient economic scale it will be able to enter into cost sharing arrangements with the government, as it does with the WA Shellfish quality assurance program. In the case of marine based aquaculture, revenues from aquaculture leases will be able to cover the costs of managing the sector. Due to the limited property rights that Section 97 leases offer WA Aquaculture there has been limited uptake by industry to date.

Testimonials from South Australian Aquaculture Industry leaders

Please find attached (Attachment 9) testimonials from SA industry leaders on the long term benefits of new aquaculture laws in South Australia.

It is our sincere hope that you will receive support this policy setting. We would welcome an opportunity to meet with you to discuss the matter, early in the New Year.

Yours faithfully,



Max Ball
Chair
AQUACULTURE COUNCIL OF WESTERN AUSTRALIA

CC Brendon Grylls MLA
CC Hon Ken Baston MLC
CC Grant Woodhams MLA
CC Charles Blayney MLA
CC Colin Holt

Attachments

1. Liberal Party Policy – 2008 State Election
2. Media Release Labour Party Policy – 2008 State Election
3. WAFIC Policy
4. ADC Strategic Plan 2008-2013
5. Lendich Review 2003
6. Ciffolli Review 2003
7. ACWA statement on benefits of separate aquaculture legislation.
8. Draft Aquaculture Laws for WA.
9. South Australian Industry Testimonials