

## Monthly Report to Industry, from the Department of Fisheries

The report collated updates on from the Department of Fisheries on its policy initiatives and activities to improve certainty for WA aquaculture industry. The report covers standing and non-standing items.

### Standing Items

Issues	May 2009	8 July 2009	August 2009	September 2009	October – November 2009	December 2009- January 2010	February-April 2010
<b>Matters that the aquaculture sub-program would like to inform industry of -;</b>	none, noting that gazetting and advertising are already undertaken and can be searched by anyone.	note we're progressing the development of a proforma for biosecurity plans (at this stage specifically for abalone)	The biosecurity proforma (abalone) is progressing, no fixed timelines for completion.	The abalone biosecurity plan is progressing in liaison with industry.	The (abalone) biosecurity plan is progressing in consultation with industry.  Licence conditions for the abalone sector are under review. An interim policy is being developed following a review meeting with the Department and industry (aquaculture and wild capture). A final policy will follow completion of a current research program (18-24 months).	The (abalone) biosecurity plan is progressing in consultation with the industry sector. Industry is expected to have finalised its biosecurity plan by June 2010 in accordance with the agreement.  An interim policy is being developed in consultation with the abalone aquaculture and wild-capture sectors. A final policy will be developed following the completion of a current research program (mid- to end-2011).	The new Abalone Aquaculture Policy is being finalised and will be released following CEO approval.  The Branch is finalising the Management and Environment Monitoring Plans (MEMPs"), so they can be initiated when the deregulatory process is complete.
<b>Matters that the aquaculture sub-program would like to consult with industry over the next 12 months (rolling alert)</b>	On as as-needs basis; none at present.	comments generally on policy development and review papers, comment on draft State Aquaculture Policy	General comments as required on policy development and review papers.	General comments as required on policy development and review papers.  The Dept is undertaking consultation with industry and DEC on the draft prawn and draft landbased finfish codes of practice. That will progress to the deregulation process with DEC.	Consultation on draft codes of practice for prawns and landbased finfish (linked to the DEC deregulation process).  Comment on the draft State Policy Statement for Aquaculture (see below), subject to Ministerial approval.  Consultations on the MPG8 review process.	Comment on the draft Abalone Aquaculture Interim Policy Paper. Comment on the draft State Policy Statement for aquaculture, subject to Ministerial approval. Consultation on the MPG No. 8 review process.	Comment on the draft State Policy Statement for aquaculture, when it is released for comment.  Comment on the funding reform proposal.
<b>Any outstanding matters that the aquaculture sub-program require industry feedback on</b>	None at present.	None at present.	None at present.	None at present.	None at present.	None at present	None Cuurent
<b>Status on FRMA Amendment - Update</b>	FRMA amendments, including aquaculture amendments, now have the drafting priority needed for introduction and passage in the 2009 Spring Session	FRMA amendments, including aquaculture amendments, now have the drafting priority needed for introduction and passage in the 2009 Spring Session.	As previously advised.	As previously advised.	The Amendments Bill is a high priority for the Department. It has been delayed due to a need, on some amendments, for additional consultation with industry and Government departments. The majority of the	The first set of amendments to the FRMA has received Royal Assent. The amendments, which include the deletion of Part 4, Divisions 1-3 of the FRMA, will take effect on a day to be fixed by proclamation (Divisions 1-	Per previous advice, the first set of amendments to the FRMA, which include the deletion of Part 4, Divisions 1-3 of the FRMA, will take effect on a day to be fixed by proclamation.

					amendments are now being drafted and expected to be introduced to Parliament in early 2010. Some elements of the bill, which include advisory committee reform, are still expected to be passed this year	3 established Ministerial advisory committees, including the Aquaculture Development Council).  The remaining amendments will be considered at the Autumn 2010 sitting of Parliament.	The remaining amendments will be considered at the Autumn 2010 sitting of Parliament.
<b>State Aquaculture Policy – Update</b>	Information provided in my email to you on 21 April is still current, namely the Minister has approved a recommendation from the Department that it develop a State Policy Statement for Aquaculture.  The appointment of a working group is continuing, the process to develop a State Policy Statement for aquaculture will include consultation with the aquaculture industry and other stakeholders. The working group will comprise nominees from relevant Government agencies. The consultation process and schedule have yet to be determined; we will advise you of the details when they become available.	Letters have been sent seeking nominations from relevant agencies for the working group; we are still awaiting responses. Scope and objectives will be provided following their endorsement by the working group and Minister.	As previously advised, noting all agencies have not yet responded to the call for nominations for the working group.	Subject to membership nominations being finalised in September, the working group is expected to meet in October to discuss a draft policy statement.	The State Policy Statement for Aquaculture Working Group has met to discuss the initial draft. A second draft is being prepared. The final draft will go to the Minister for approval before being circulated for industry and stakeholder comment.	The Working Group has met to review the initial draft, which is now being amended. The final draft will go to the Minister for approval before being forwarded to WAFIC and circulated for industry and stakeholder comment.	The final draft will go to the Minister for approval before being forwarded to WAFIC to be circulated for industry and stakeholder comment.
<b>Streamlining of licensing processes for large-scale aquaculture – which includes the following elements:</b>  <ul style="list-style-type: none"> <li>• Deregulation of aquaculture from EP Regulations</li> <li>• MOU between DoF &amp; EPA on future referrals</li> <li>• Assessed Schemes or Aquaculture Development Zones</li> </ul>	Deregulation of DEC works Approvals and licensing continuing, completion expected December 2009, subject to DEC timelines, which are out of our control  <u>EPA &amp; MPRA policy framework for aquaculture</u> you'll have to ask the EPA and MPRA.	We are awaiting direction from DEC re the deregulation process. In the meantime, we are progressing the development of the documentation internally  <u>Approvals and licensing.</u> Assuming this refers to the EPA process: we have advised EPA of the process and timelines for completing the necessary documentation and at this stage are still expecting to complete the process by Dec 09, noting the timeline is not entirely within our control.  <u>Industry CoP - CoP</u> for marine finfish is with DEC, awaiting completion of the deregulation process  <u>Interagency MOU - The</u>	Some elements are contained within the amendments to the Act; others are being progressed through the deregulation process with DEC.	As previously advised.	For clarity, I have assumed this item refers to making the EPA assessment process more certain. In the item, I'll also provide an update of the DEC process.  Deregulation ... ACWA has been informed of details during a meeting between DoF, DEC and ACWA called for that purpose. From a DoF perspective, the process to establish an MoU between DoF and DEC is on track, with work forming the basis of the MoU, such as codes of practice, nearing completion.  No schedule has yet been set for the MoU between DoF and EPA. The formulation of guidance statements for developing	1. The Codes of Practice are complete. The Memorandum of Understanding to deregulate aquaculture from Part V of the EP Act is currently with DEC for execution. 2. No schedule has been set for the establishment of an MoU between DoF and EPA. Guidance statements for developing applications for large-scale marine finfish aquaculture and associated MEMP are currently with the Office for EPA for initial comment.	1. The Codes of Practice are complete. The Memorandum of Understanding to deregulate aquaculture from Part V of the EP Act has been executed. The matter is with Parliamentary Counsel and the relevant amendments are being drafted. 2. Per previous advice, no schedule has been set for the establishment of an MoU between DoF and EPA. Guidance statements for developing applications for large-scale marine finfish aquaculture and associated MEMP are currently with the Office of EPA for initial comment.

		<p>draft MoU is with DEC for comment</p> <p>public policy suite I'm not sure what this means</p> <p><u>Carrying capacity research</u> - The Aquaculture Branch is in consultation with industry, currently looking at timing and costing.</p>			<p>applications for large-scale aquaculture is progressing.</p> <p>The process for strategic assessment of future aquaculture zones is separate to these processes.</p>		
<b>Aquaculture Leases</b>		<p>We are awaiting direction from Dept of Lands on the Land Administration Act amendments</p>	As previously advised.	As previously advised.	<p>Leases can now be issued.</p> <p>The draft Lease Policy has not been released since it may be amended according to the outcome of the current process to amend the Land Administration Act being undertaken by DRDL.</p>	<p>Leases can now be issued.</p> <p>The Final Lease Policy has not been released because it may have to be amended, according to the outcome of the current DRLD process to amend the Land Administration Act.</p>	<p>Per previous advice, leases can now be issued and the final Lease Policy has not been released because it may have to be amended, according to the outcome of the current DRLD process to amend the Land Administration Act.</p>
<b>Coral, Live Rock and associated products Policy</b>	Policy in final development stages, expected to go to the Minister for approval within two weeks.	The final policy was held up while a legal issue was clarified, but is now expected expect to go to the Minister for approval for release within days.	The policy has been approved and is currently with Community and Education Branch to be proofed and printed.	Policy complete and available online.			
<p><b>Aquaculture Industry Development Initiatives that DoF is supporting:</b></p> <ol style="list-style-type: none"> <li>1. Environmental Carrying Capacity Project</li> <li>2. Process to enable aquaculture in Commonwealth waters</li> </ol>		Please refer this question to the ADC	As previously advised.	<ol style="list-style-type: none"> <li>1. The ECC project is progressing, an agenda paper is being prepared for the next ADC meeting, the Dept is working with universities to put together a program to test benthic habitat mapping techniques and continuing liaison with DEC on various components. The scope of the work is being revised due to changes in industry status (such as the demise of WKL in Jurien).</li> <li>2. Enabling legislation for aquaculture in Commonwealth waters, which was raised as an issue around 1999, is now a key issue as a result of the offshore aquaculture initiative of the ADC. AFMF has approved the Aquaculture Committee to coordinate the process to amend the legislative framework to enable aquaculture in Commonwealth waters. The WA Department of Fisheries is the lead</li> </ol>	<ol style="list-style-type: none"> <li>1. As previously advised.</li> <li>2. The Aquaculture Committee has provided its recommendation on the options paper to AFMF. It is on the agenda for the November AFMF meeting.</li> </ol>	<ol style="list-style-type: none"> <li>1. DoF is managing the ECC project, which is progressing following a major revision necessitated by failure of a producer. A program is being developed to test benthic mapping and validation techniques that will be discussed with DEC.</li> <li>2. Initially raised around 1999, enabling legislation for aquaculture in Commonwealth waters is now a key issue as a result of the ADC's offshore aquaculture initiative. The Australian Fisheries Management Forum has approved the Aquaculture Committee to coordinate this national project to amend the legislative framework to enable aquaculture in Commonwealth waters. The WA</li> </ol>	<ol style="list-style-type: none"> <li>1. Per previous advice, DoF is managing the ECC project, which is being revised to accommodate changes in the industry. A program is being developed to test benthic mapping and validation techniques that will be discussed with DEC.</li> <li>2. The process to amend the legislative framework to enable aquaculture in Commonwealth waters is a key issue. One of the Aquaculture Committee's (AC) priorities, the project is being coordinated by the WA Department of Fisheries in collaboration with DAFF. The work plan is being progressed through subcommittees of the Natural Resource Management Ministerial Council. The National Aquaculture Council supports this process.</li> </ol> <p>An options paper and recommendations will be put to the AC at its meeting in May.</p>

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				agency for this initiative. An options paper being developed for consideration by the AC will be progressed through AFMF and other Primary Industries Ministerial Council subcommittees. A workplan for the process will be progressed through subcommittees of the Natural Resource Management Ministerial Council. The National Aquaculture Council has indicated its support for this approach.		Department of Fisheries is the lead agency for the initiative. An options paper is being progressed through AFMF and other subcommittees of Primary Industries Ministerial Council. A workplan is being progressed through subcommittees of the Natural Resource Management Ministerial Council. The National Aquaculture Council supports this process.	
<b>Marron Aquaculture Management Framework Review</b>		Not a priority of the Aquaculture Branch	As previously advised.	As previously advised.	No advice was requested.		
<b>Policy on the separation between marine aquaculture sites.</b>		The draft policy paper is a lower priority than other issues and will be undertaken subject to resources being available.	As previously advised.	As previously advised.	The Department's focus will be working with industry to develop biosecurity plans for "facilities" (marine- or land-based).	Preliminary draft policy currently on hold, not a high priority. DoF's focus will be working with relevant industry sectors to develop biosecurity plans for "facilities" (land- and marine-based).	Per previous advice, the development of the policy is not a high priority and currently on hold. DoF's focus will be working with relevant industry sectors to develop biosecurity plans for "facilities" (land- and marine-based).
<b>Broodstock collection policy.</b>		The draft policy paper is a lower priority than other issues and will be undertaken subject to resources being available	Priority has been elevated following the completion of the coral policy. No timelines have been set.	As previously advised.	This policy is not a current priority. No time schedule has been set.	Preliminary draft policy currently on hold, not a high priority. No schedule has been set.	Per previous advice, the development of the policy is not a high priority and currently on hold. No time schedule has been set.
<b>Aquaculture License condition review – details of the roll out</b>	No completion date. As for everything else the schedule will be governed by resources and different sectors are being done as resources permit. As soon as we have more certainty I'll let you know.	We are reassessing the process by which the licence conditions are reviewed, taking the legislative amendments into account, and subject to approval by relevant Directors.	As previously advised.	As previously advised.	Licence conditions for the abalone sector are under review.  Review of licence conditions for other sectors will progress as time and resources allow.	Licence conditions for all sectors are progressing bearing in mind the current legislative amendments.	Per previous advice, licence conditions for all sectors are progressing bearing in mind the current legislative amendments.
<b>Ministerial Policy Guideline No 8 Review</b>	subject to resources, the MPG8 review will start this calendar year	No change to my previous reply: due to start before end 2009		As previously advised.	The MPG8 review is scheduled to start in 2009-10 (i.e. before end June 2010). At this stage we expect it will start on schedule. The review is expected to take approximately 14 months, including all consultation.	The review of MPG No. 8 is scheduled to start before June 2010. It is expected to take approximately 14 months, including all consultation.	The Minister has determined to not review MPG 8 at present.
<b>Number of MPG 8 licence application in progress.</b>	Why do you need this information?	ref my previous reply		As previously advised.	As previously advised.	No advice provided	No advice provided
<b>Biosecurity regulation drafting – permitted species</b>	We have provided some input from an aquaculture		Not an issue for the Aquaculture Section.	No advice was requested.	No advice was requested.	No advice was requested	No advice was requested

<p><b>lists.</b></p>	<p>perspective but are not responsible for the drafting, you'll need to ask Environment Branch, which is leading it.</p> <p>You should discuss these issues with Manager Environment Branch, Andrew Hill, 9482 7318</p>						
<p><b>Online Application forms:</b></p>	<p>On the matter of completing application forms online: we are planning to review all the Department's aquaculture-related forms. Consistently with Stuart's advice to you that, where possible, the Department will be moving over to electronic processes, we will endeavour to enable new forms to be completed online. The forms will likely still be PDF, but they will hopefully include a field that enables entries by applicants.</p> <p>In respect of timing, the aquaculture licence application form will be changed according to the outcome of discussions with DEC and the Memorandum of Understanding, so that form will not be reviewed until the MoU is completed.</p>		<p>As previously advised, online forms are not a priority but will be developed following the major legislative reform process.</p>	<p>No advice was requested.</p>	<p>No advice was requested.</p>	<p>No advice was requested</p>	<p>No advice was requested</p>

## Non-Standing Items

	ACWA's Question	Aquaculture Sub-Program Response
May 2009	Budget report – outline of Aquaculture Sub-Program business plan and the impact of the State Budget 2009/10 on its delivery. There is limited detail in the State budget on Aquaculture sub-program and the ADC.	The Aquaculture Section's operating plan is under development and will be available when complete and endorsed by the CEO. Per my email to you on 19 May, the Aquaculture Section budget is in development and ultimately subject to approval by the CEO.
May 2009	Case Management policy for significant aquaculture projects and applications	MPG8 sets out the process we go through for significant projects. There is no need for an additional process or case management policy. We are considering the development of an internal mechanism to track applications as they go through the MPG8 process.
May 2009	Aquaculture Sub-program communication and consultation policy with industry – interim or final policy	As you are aware, the consultation mechanism is currently under review and expected to be implemented on 1 July 2009.
August 2009	<b>Future EPA referrals</b> – given the future deregulation of aquaculture as a prescribed class, under the Environmental Protection Regulations, what will be the Department of Fisheries' policy, as a Decision making Authority, on whether an aquaculture project is a significant proposal and requires referral?	Not yet defined, the referral policy will be determined as part of the MoU under discussion with DEC and EPA.
August 2009	<b>FRMA Amendment</b> – what policy and administrative procedures will need to be finalized to enable the amended Act to be operational once promulgated next year?	I'm not sure I understand the question. Policies and procedures to enable the act to be operational are those currently being undertaken, identified above and in other correspondence (eg the MoU with DEC, codes of practice, various policies and reviews, admin processes).
August 2009	<b>Assessed Schemes/Aquaculture Development Zones</b> – advice on the progress on his initiative.	The project is progressing under a steering group. No completion date has been set.
August 2009	<b>Cockburn Sound Maritime Safety &amp; Compliance</b> - advice on this matter.	Compliance action is being taken in relation to breaches. At present it is inappropriate to provide information about the action under way.
September 2009	<b>Deregulation of aquaculture as a prescribed class</b> –Circa 2005 the Department of Fisheries and Dept of Environment and Conservation signed a formal agreement or exchanged letters regarding the deregulation of aquaculture as a prescribed class, under the Environmental Protection Regulations. <u>Please can you send ACWA a copy of this agreement or letters?</u> ACWA requests this information for use in discussions with the Minister for Environment and her office regarding the facilitating the completion of this process.	I am attaching to this email a copy of pp 4-8 of Fisheries Management Paper No. 233, which I believe provides what you want. There are no extant formal agreements at this stage. The last sentence on p4, which states "The Minister for the Environment formally agreed to this proposal ...", is actually referring to the review undertaken by DE (ref third para on the same page). Pages 5-8 of the paper also provide information on the assessment process and the way forward.  The MoU will be done at CEO level, not Ministerial level. Sign-off of codes of practice will also be at CEO level. DEC is still working through the processes and this is a sensitive time since DEC is looking at all deregulation and deciding its processes internally. I urge you to liaise closely with DEC before approaching the Minister, since in our view the matter is progressing on schedule and as well as can be expected, particularly since DEC is treating aquaculture as a priority. The project leader in DEC is Tara Reid.
September 2009	<b>Aquaculture Development Zones</b> – advice on the progress on his initiative. <u>Please can you send ACWA a copy of the Terms of reference and the steering group members, its appointment date?</u>	The Aquaculture Development Council (ADC) approved the formation of the Marine Sites Identification Steering Committee at ADC Meeting 79, 2 July 2009, the membership consisting of Mr Greg Jenkins, Mr Guy Westbrook, Mr Steve Nel and Miss Michelle Hanlon.  The purpose of the Marine Sites Identification Steering Committee is:  <ul style="list-style-type: none"> <li>- to identify marine areas off the coast of Western Australia suitable for large-scale aquaculture development</li> <li>- to identify potential user conflict issues for selected areas</li> <li>- to prioritise areas for strategic assessment depending on available resources</li> </ul>
October 2009	<b>Consultation and funding Models endorsed by the Minister for Fisheries</b> – On the 14 October ACWA was advised by WAFIC that the Minister has agreed to the funding and consultation models, which were development and referred to him by the Consultation and Funding Working Groups. Given the implications of the proposed reforms, and noting that any negotiations will need to be completed within the government's annual budget cycle, ACWA would welcome advice on the proposed future funding of aquaculture services.	I am confused by the wording of this question. By "future funding of aquaculture services" do you mean services by ACWA or the Department? If the former, as I understand it, that is a matter between ACWA and WAFIC. If the latter, it is an internal DoF matter.
October 2009	<b>WASQAP</b> Status report on the transition and future arrangements for the WASQAP.	This program is not within the Aquaculture Section's area of responsibility. Please direct any queries on WASQAP to Neil Sarti of DoF or the Department of Health.