



8 February 2010

Hon D Faragher, Minister for the Environment
10th Floor Dumas House
2 Havelock Street West Perth WA 6005

Dear Minister,

Subject: Deregulation of Aquaculture from the Environmental Protection Regulations

Thank you for your letter to ACWA dated 19 October 2009 regarding the environmental assessment of aquaculture projects (Attachment 1). In your letter you anticipated that the draft amendments would be released in December 2009 for public comment. Regrettably, this has not occurred.

The Aquaculture Council of Western Australia understands that to reach the public comment stage of the process, the following steps need to be completed:

- Signing of DEC & DoF Memorandum of Understanding.
- The Minister for Environment needs to approve the commencement of drafting of Regulations and advise Parliamentary Counsel.
- A priority needs to be set by Parliamentary Counsel on the legislative drafting.
- Once Parliamentary Counsel has drafted Regulation amendments and these have been approved by Minister for Environment, the draft will be released by DEC for public comment.

ACWA understands that, despite the best endeavours, step 1 - the Memorandum of Understanding has yet to be executed by the DEC. This has resulted in additional delays in the process.

As you may be aware, ACWA has a longstanding commitment from government for deregulation this continues to be a priority for the aquaculture industry.

We seek your assistance to expedite these final stages of the deregulation process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Max Ball', is written over a light blue horizontal line.

Max Ball

Chair

CC Minister Norman Moore
CC Hon. Colin Holt MLC

CC Mr Ian Blayney MLC
CC Hon Ken Baston MLC



FILE COPY

Minister for Environment; Youth

Our Ref: 40-05210

Mr Dan Machin
Chief Executive Officer
Aquaculture Council of Western Australia
PO Box 55
MT HAWTHORN WA 6915

Dear Mr Machin

ENVIRONMENTAL ASSESSMENT OF AQUACULTURE PROJECTS

Thank you for your letter dated 31 August 2009 seeking my support to bring to a conclusion the proposed deregulation of finfish and prawns as a prescribed premises class under the Environmental Protection Regulations 1987.

I understand that the Department of Environment and Conservation (DEC) supports the removal of duplication and overlap between the regulatory roles of DEC and the Department of Fisheries (DoF), consistent with the Keating Review recommendations and DEC's own regulatory reform program.

I have been advised that DEC has already agreed with DoF to progress this issue via a Memorandum of Understanding and Codes of Practice for aquaculture, and subsequent amendment to the Environmental Protection Regulations.

DEC is progressing regulatory amendments for category four premises (marine finfish). It is anticipated that the draft amendments will be released for public comment by the end of December 2009. Amendments for the other category of aquaculture are awaiting development of the relevant Codes of Practice by DoF.

The process for amending the Environmental Protection Regulations will include public consultation, which will allow for any further input on this matter by your Council and any other interested parties.

I trust this information is of assistance.

Yours sincerely

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

19 OCT 2009