

Legislation

The Department of Fisheries (the Department) is responsible for the regulation and management of aquaculture in WA State waters. The Department manages aquaculture activity through an integrated management framework that comprises the *Fish Resources Management Act 1994* (FRMA), the *Fish Resources Management Regulations 1995*, the *Biosecurity and Agriculture Management Act 2007*, conditions on licences and leases as well as a requirement for all licence holders to have a Management and Environmental Monitoring Plan (MEMP). The objects of the FRMA enable the allocation of resources to achieve maximum benefits for the aquaculture industry.

Aquaculture Development Zones

Under Section 101A(2A) of the FRMA the Minister for Fisheries may declare an area of WA waters to be an aquaculture development zone (ADZ), subject to the provisions set out in s.101A(2B). A declared ADZ is a designated area of water selected for its suitability for a specific aquaculture sector. Declaring areas as ADZs provides an 'investment ready' platform for applicants that want to set up commercial aquaculture operations with minimal delay. Further information on ADZs can be found in the Department's *Aquaculture Development Zones in Western Australia – Policy principles relating to considerations for aquaculture licences and leases* (Fisheries Occasional Publication No. 127, 2015).

Aquaculture licences

Any aquaculture operation requires a licence, which is assessed according to principles outlined in Ministerial Policy Guideline No. 8 – *Assessment of applications for authorisations for aquaculture and pearling in coastal waters of Western Australia*.

Aquaculture leases

For the grant of a new aquaculture licence, applicants must have the legal right to use the site (land or water) where the activities authorised under the licence are to be conducted. The legal right to use the site must be a lease, sub-lease or licence granted in accordance with the power conferred under the *Land Administration Act 1997*, or under section 97 of the FRMA, or by a lease or other agreement with the agency that has jurisdiction over the area, such as the relevant port authority in port waters.

Environmental management

Applicants for aquaculture licences must have a 'Monitoring and Environmental Management Plan' (MEMP). A MEMP enables the Department to meet its responsibilities in respect of the environmental management of aquaculture by providing information on the background and purpose of the aquaculture activity, including its objectives. Among other information such as the species of fish to be farmed, the location of the site and the farming method, the MEMP provides details of biosecurity and environmental management and monitoring. MEMPs generally contain requirements in respect of the following –

1. An overview of the aquaculture operation, including information on species and quantity of fish; location and areas of land or waters; and farming methods and aquaculture gear.
2. Environmental Management and Monitoring, including information on and details of baseline information; environmental monitoring parameters; the environmental monitoring program; and response thresholds and response protocols.
3. Impact on protected species and other aquatic fauna.
4. Biosecurity, including information on and details of general facility information; administrative biosecurity procedures; operational biosecurity procedures; and biosecurity incident and emergency procedures.

In respect of the public availability of the MEMP, under s.250(1)(c) of the FRMA, a MEMP lodged under the FRMA is “confidential information” and cannot be divulged by the Department.

Depending on the location and scale of a proposal, the WA Environmental Protection Authority (EPA) may also need to assess an aquaculture proposal, which if implemented, has the potential to have a significant impact on the environment. Proponents can review their proposal against the EPA’s ‘*Environmental Impact Assessment Parts IV Divisions 1 and 2) Administrative Procedures*’ 2012. This document identifies a number of ‘matters to which the EPA may have regard’, and can indicate whether a proposal would warrant a formal assessment under Part IV of the *Environmental Protection Act 1984*.