



SEAFOOD INDUSTRY VICTORIA INC.

Marine Development Policy

Updated November 2023

Definitions

Commercial Seafood Industry: The catching, farming, manufacturing, wholesaling, marketing, processing, trading or retailing of fish, fish products or other aquatic or marine resources on a commercial basis.

Licence Holders/Members means a person or entity who:

- holds a commercial fishing Access Licence, Aquaculture Licence, Fish Receiver's Licence, quota entitlement or permit under the *Fisheries Act (1995) Victoria* in respect of which a peak body levy is paid for the funding of SIV, or
- at the relevant time is a voting member or voluntary member of SIV.

Marine Area means the coastal waters (3 nautical mile limit) off the State of Victoria and the adjacent Australian Fishing Zone (AFZ) as defined in the *Fisheries Management Act 1991* including any waters the subject of any offshore Constitutional Arrangement in which Licence Holders/Members are entitled to carry out operations. It additionally includes adjacent onshore areas.

Marine Development means activities or works (proposed, planned, current or past) in the Marine Area including or associated with:

- exploration, surveying, testing or assessment of the marine environment including the seabed and water column;
- construction, installation, maintenance, ongoing operation/use/occupation of structures including those either fixed or on waters;
- construction and/or engineering works adjacent to marine waters;
- dredging of the seabed with associated dredge material disposal;
- the reclamation and declamation of land;
- extraction, sequestration, generation, storage or refinement of materials/electricity on or below the seabed or on waters;
- transfer, transportation, movement or transmission of materials/electricity on or below the seabed or on waters;
- decommissioning or removal of infrastructure;

Proponent means entities (or third parties acting on their behalf) involved with proposing, planning, or undertaking Marine Development.

SIV means Seafood Industry Victoria Inc.

Background

SIV is incorporated under the *Associations Incorporation Act Victoria* as a not-for-profit, non-government organisation. It is the peak representative body for Victorian commercial fishing licence holders with a broad membership base encompassing multiple sectors within the seafood supply chain. SIV strives to continue building and informing an ecologically sustainable and thriving Commercial Seafood Industry based on principles of equity and access, so that Victorian seafood can be enjoyed by everyone.

The purposes of SIV as defined in SIV's Rules include:

- a) to promote the development of Victoria's fishing and aquaculture industries;
- b) to promote, encourage and develop Victoria's Commercial Seafood Industry and persons and groups involved in it; and
- c) to promote, engage in, encourage and assist research, conservation and other activities beneficial to the interests, persons and groups of the Victorian Commercial Seafood Industry generally.

Many commercial seafood businesses have invested in Government issued rights based on continued access to the Marine Area and sustainable levels of catch/production. These businesses pay fees to the Government for management of their access rights and sustainable use of the resource. Many of these businesses have undertaken significant investment in the infrastructure, equipment and training required to run their operations.

Productivity and viability of the Commercial Seafood Industry is reliant on adequate access to the Marine Area and healthy stocks of commercially relevant species. Industrial developments in the Marine Area pose a potential threat to the Commercial Seafood Industry by excluding/impeding/reducing access to productive areas and disrupting stocks. These impacts not only compromise the viability of individual businesses, but also jeopardise the significant contribution of the Commercial Seafood Industry to Victoria's economy, regional employment and future food security. Reduced productivity of the seafood sector will have wide reaching socio-economic implications for the diversity and resilience of coastal communities and result in Victorian consumers who value local seafood becoming more dependent on products from outside the region.

To maintain and safeguard the future of the Commercial Seafood Industry, development in the Marine Area should be contingent on foreseeable impacts to the sector being properly understood and avoided where possible or mitigated. Where there are demonstrable impacts to individuals or businesses, fair and adequate compensation must be provided.

Scope

This policy sets out to define SIV's expectations regarding avoidance, mitigation, and management of impacts on the Commercial Seafood Industry associated with Marine Development.

It also outlines SIV's expectations in relation to compensation and describes SIV's model for engagement with those undertaking Marine Development.

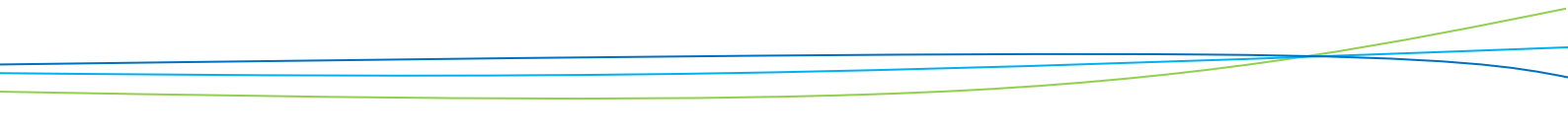
Policy Statement

1. Government planning

- 1.1.** Strategic planning in the Marine Area by State, Territory and Commonwealth Governments needs to consider the cumulative impacts of all Marine Development on future viability and productivity of the Commercial Seafood Industry, including reduced access to productive fishing grounds, sustainably managed fisheries and coastal waters that support aquaculture.
- 1.2.** Continued access for Australians to local seafood must remain a priority for all levels of Government, reflected by policies that recognise the economic and social contributions of the Commercial Seafood Industry.

- 1.3.** Government departments undertaking strategic planning in the Marine Area should consult with relevant Commercial Seafood Industry peak bodies to better understand impacts to the sector including but not limited to Marine Development.
- 1.4.** Government approval processes for Marine Development must be guided by best available scientific information and knowledge to ensure informed decision-making.
- 1.5.** Statutory processes governing Marine Development need to recognise those with existing access rights and consider all issues impacting the Commercial Seafood Industry.
- 1.6.** SIV supports investment by Government and Proponents into research that aims to avoid, mitigate and offset impacts to the Commercial Seafood Industry arising from Marine Development.
- 1.7.** Government approval processes for Marine Development should ensure there are compensation funds established to provide fair and just compensation for those in the Commercial Seafood Industry who suffer loss and/or damage because of Marine Development notwithstanding if the Marine Development is permitted or authorised by Law.
- 1.8.** SIV notes amongst the objectives of the *Petroleum Act 1998* (Vic) that regard is to be had to economic, social and environmental interests by ensuring impacts on individuals, public safety, public amenity and the environment as a result of petroleum activities will be minimised as far as is practicable and that the views and interests of Victorians are taken into consideration during decision making.

2. Proponent planning

- 2.1.** Proponents need to identify all relevant parties within the Commercial Seafood Industry supply chain that will potentially be impacted by Marine Development.
 - 2.2.** Baseline information needs to be collected and prepared prior to any Marine Development. All technical studies undertaken or commissioned by a Proponent should be independently peer reviewed.
 - 2.3.** Environmental plans and impact assessments must entail a full review of the risks and impacts of any proposed Marine Development on the rights, operations and needs of intersecting and adjacent Commercial Seafood Industry interests. This should include a review of all relevant sources of information regarding impacts of prior Marine Development.
 - 2.4.** Proponents must undertake the required investigations to comprehensively understand the short- and long-term impacts of their activity on the Commercial Seafood Industry and conduct a review of all available technologies to identify methods that will avoid disruption.
 - 2.5.** Proponents should where possible make changes to the design, footprint and intended methods associated with their proposed Marine Development to avoid or minimise impacts to the Commercial Seafood Industry.
 - 2.6.** Proponents must demonstrate consideration of all issues concerning future decommissioning and removal of infrastructure and the potential need for habitat restoration where there are enduring impacts.
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- 2.7.** SIV and/or Licence Holders/Members may use any public consultation period to review environmental plans and impact assessments that have been submitted by Proponents to the relevant Government department or authority. SIV may also make submissions to Government outside of public consultation periods in response to new information or concerns arising.
- 2.8.** Fair and just compensation must be paid where there is a demonstrable adverse impact on the Commercial Seafood Industry from Marine Development and an open and transparent mechanism be set up for this (see Section 4).

3. Monitoring and decommissioning

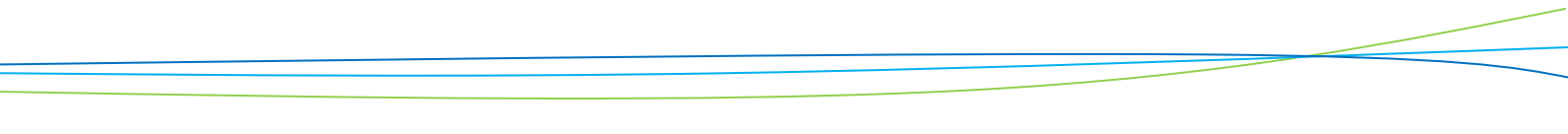
- 3.1.** Proponents must monitor environmental impacts whilst undertaking Marine Development and notify all relevant stakeholders in the Marine Area of any issues arising.
- 3.2.** After the completion of a Marine Development it is expected the Proponent will report on compliance and resulting impacts to the Commercial Seafood Industry by comparison to the risks reflected in the original environmental plan or impact assessment.
- 3.3.** When existing infrastructure assets reach the end of useful life, they must be removed from the Marine Area to the extent that enduring negative impacts are ameliorated and any obstruction or safety risk to operations of the Commercial Seafood Industry are eliminated.
- 3.4.** SIV supports the establishment of a marine infrastructure legacy fund to promote safe practices around decommissioned infrastructure.

4. Compensation

- 4.1.** Should there be demonstrable impacts to businesses within the Commercial Seafood Industry, fair and adequate compensation, or adjustment assistance must be facilitated by the Proponent.
- 4.2.** Impacts from Marine Development can present in different ways and be short and/or long-term. These include, but are not limited to:
 - Loss of catch resulting from area exclusion or reduced access to fishing grounds.
 - Changes to the catch or production rate of commercially relevant species due to reduced prevalence or impacts to stock health.
 - Diminishment of licence, quota or other asset value.
 - Increased costs of operation caused by the need to alter routine practices.
 - Increased cost of Government fees per kilogram of catch or production.
 - Direct loss or damage to equipment, vessels or other assets.
 - Permanent loss of prospective fishing grounds.
- 4.3.** Impacted parties that do not have a long history in the fishery or area impacted by Marine Development should still be considered in compensation frameworks. Also, businesses should not need to remain active in an area identified for future Marine Development to qualify for compensation.

- 4.4.** Impacted parties should be compensated for all reasonable costs involved with seeking information and advice regarding a proposed compensation framework, including technical, financial, and legal advice.
- 4.5.** If monitoring during or following a Marine Development indicates a greater impact than what was originally forecasted an appropriate adjustment should be applied to the compensation for impacted parties.
- 4.6.** SIV supports future development of nationally agreed compensation frameworks to address the impacts of Marine Development on the Commercial Seafood Industry to provide greater certainty for all stakeholders. The appropriateness of a particular framework may be specific to the type of Marine Development, the nature of anticipated impacts or the geographic region.

5. SIV Engagement

- 5.1.** Proponents have an obligation to properly engage with Commercial Seafood Industry stakeholders regarding any Marine Development.
 - 5.2.** Proponents should adhere with any guidelines that may be issued by the Government regarding appropriate engagement with Commercial Seafood Industry peak bodies.
 - 5.3.** SIV is not obliged to distribute information provided by Proponents regarding current or proposed Marine Development to Licence Holders/Members unless otherwise agreed.
 - 5.4.** To the extent SIV facilitates distribution of information provided by Proponents in respect of Marine Development this of itself should not be taken as releasing the Proponent from any statutory or other duty a Proponent has to consult with the Commercial Seafood Industry or any participants therein.
 - 5.5.** Subject to a formal agreement between SIV and the Proponent, SIV may distribute information provided by Proponents to Licence Holders/Members in relation to Marine Development, noting the following points:
 - SIV may request that information be provided by the Proponent in a particular format and/or within a certain time period.
 - A variety of communication channels may be used by SIV to distribute information.
 - SIV does not guarantee that information is received or noted by all Licence Holders/Members.
 - To the extent SIV does distribute information, this is not to be taken as endorsement by SIV of any Proponent or Marine Development to which such information relates.
 - 5.6.** Licence Holders/Members may approach SIV for support and or assistance in conveying feedback or concerns to Proponents or other stakeholders in response to the provision of information regarding Marine Development. Where appropriate, SIV may consolidate or summarise feedback provided by Licence Holders/Members.
 - 5.7.** SIV is not obliged to engage with Proponents or Licence Holders/Members regarding compensation frameworks or individual claims, however, SIV may assist in the process as set out in paragraphs 5.8 to 5.9 inclusive. SIV may require that its involvement in any compensation process be subject to a formal agreement between SIV and the Proponent.
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- 5.8.** SIV may provide feedback in respect of a proposed compensation framework, subject to the proviso that SIV cannot bind any individual Licence Holder/Member. SIV may aid in the identification of Licence Holders/Members who may be impacted by Marine Development and initiate contact with them to assist a Proponent discussing matters with those Licence Holders/Members.
- 5.9.** Licence Holders/Members may approach SIV for support in understanding a proposed framework for financial compensation related to a Marine Development and request SIV convey feedback or concerns to Proponents.
- 5.10.** Agreement as to the amount and nature of compensation, along with payment, constitutes a transaction directly between the Proponent and impacted Licence Holders/Members, independent of SIV.
- 5.11.** Any form of engagement with SIV by any Proponent (formal or otherwise) shall not fetter/restrict or impede SIV in relation to paragraph 6.2.
- 5.12.** All announcements or notifications regarding planned activity in the Marine Area that could pose a safety risk to vessels or requests/recommendations for mariners to avoid/vacate an area should be channelled through the Australian Maritime Safety Authority (AMSA) or other appropriate authority.

6. General

- 6.1.** SIV may from time-to-time request information or data from government authorities and research institutes to better understand the potential impacts of Marine Development on Licence Holders/Members. SIV will request all information be de-identified unless prior permission is gained from Licence Holders/Members regarding release of the data.
- 6.2.** SIV reserves the right to act as it sees fit to oppose the approval or continuation of any Marine Development at any time if there is a real or perceived risk to the Commercial Seafood Industry. Risks may include but are not limited to factors such as safety, biosecurity, productivity, viability and prospectivity.
- 6.3.** No comment or representation may be made by a third party including a Proponent with whom SIV may have interaction in any matter relating to Marine Development in the absence of specific approval by SIV as to the wording of any such comment.
- 6.4.** This policy supersedes any previous SIV policy or position directly related to the energy sector or Marine Development.
- 6.5.** SIV reserves the right to review this policy from time to time in response to factors such as member feedback, technological advances, availability of relevant scientific information, lessons learned from experiences, changes to legislative/political circumstances and changes to the natural environment. Additionally, if circumstances arise which necessitate immediate action by SIV, in the discretion of the Board, SIV may deviate from this policy.