

TASMANIA

**BIOSECURITY (SALMONID BIOSECURITY
ZONES) REGULATIONS 2022**

STATUTORY RULES 2022, No. 120

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BIOSECURITY (SALMONID BIOSECURITY ZONES) REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Biosecurity Act 2019*.

Dated 13 December 2022.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Biosecurity (Salmonid Biosecurity Zones) Regulations 2022*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

(1) In these regulations –

Act means the *Biosecurity Act 2019*;

adjacent area, for Tasmania, has the same meaning as in Schedule 1 of the *Crimes at Sea Act 1999*;

fish means any aquatic animal, whether dead or alive, of any species (other than amphibians, birds, mammals or reptiles) which, in the normal course of events, spends part or all its life in the aquatic environment;

fish farm licence has the same meaning as in the *Inland Fisheries Act 1995*;

fish processing licence means a fish processing licence in force under Part 4 of the *Living Marine Resources Management Act 1995*;

marine farming development plan has the same meaning as in the *Marine Farming Planning Act 1995*;

marine salmonid biosecurity zone means a biosecurity zone established under Division 2 of Part 2;

primary production of fish means any of the following activities, either alone or in combination:

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- (a) the growing, cultivating, picking, harvesting, collecting or catching of fish;
- (b) the growing of fish;
- (c) the transportation or delivery of fish;
- (d) the holding of live fish;
- (e) fish processing;

salmonid means fish of the following species, in part or whole, and whether dead or alive:

- (a) Atlantic salmon (*Salmo salar*);
- (b) Rainbow trout (*Oncorhynchus mykiss*);
- (c) Brook trout (*Salvelinus fontinalis*);
- (d) Brown trout (*Salmo trutta*);
- (e) any hybrid of the species above;

salmonid biosecurity zone means a biosecurity zone established under Part 2;

Tasmanian Salmonid Industry Biosecurity Program means the approved biosecurity program or government biosecurity program of that name, as in force and amended or substituted from time to time under Part 9 of the Act.

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- (2) In these regulations, a reference to the primary production of any specified class or species of fish is a reference to the primary production of fish involving that class or species of fish.

PART 2 – SALMONID BIOSECURITY ZONES

Division 1 – Preliminary

4. Biosecurity matter and risks in relation to salmonid biosecurity zones

For the purposes of section 128(3)(a) of the Act, the biosecurity zones established in this Part are prescribed in relation to –

- (a) all species of salmonids; and
- (b) any biosecurity risk or biosecurity impact in relation to the primary production of salmonids in Tasmania.

Division 2 – Marine salmonid biosecurity zones

5. Establishment of Northern Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Northern Marine Salmonid Biosecurity Zone”, is established for the area comprising all those state waters covered by the Tamar Estuary Marine Farming Development Plan July 2019, as amended from time to time.

6. Establishment of Western Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Western

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Marine Salmonid Biosecurity Zone”, is established for the area comprising all those state waters covered by the Macquarie Harbour Marine Farming Development Plan 2005, as amended from time to time.

7. Establishment of South Eastern Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “South Eastern Marine Salmonid Biosecurity Zone”, is established for the area comprising all those state waters covered by any of the following marine farming development plans, as amended from time to time:

- (a) the D’Entrecasteaux Channel and Huon River Marine Farming Development Plan October 2019;
- (b) the Storm Bay North Marine Farming Development Plan 2017;
- (c) the Storm Bay off Trumpeter Bay North Bruny Island Marine Farming Development Plan August 2018;
- (d) the Pipe Clay Lagoon Marine Farming Development Plan October 1998;
- (e) the Tasman Peninsula and Norfolk Bay Marine Farming Development Plan September 2018.

8. Establishment of Eastern Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Eastern Marine Salmonid Biosecurity Zone”, is established for the area comprising all those state waters covered by any of the following marine farming development plans, as amended from time to time:

- (a) the Blackman Bay Marine Farming Development Plan January 2000;
- (b) the Great Oyster Bay and Mercury Passage Marine Farming Development Plan October 1998.

9. Establishment of Furneaux Islands Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Furneaux Islands Marine Salmonid Biosecurity Zone”, is established for the area comprising all those state waters covered by the Furneaux Islands Marine Farming Development Plan 1999, as amended from time to time.

10. Establishment of Adjacent Area Marine Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Adjacent Area Marine Salmonid Biosecurity Zone”, is

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established for the area comprising all parts of the adjacent area for Tasmania that are not covered by another marine salmonid biosecurity zone established under this Division.

11. Biosecurity zone measures in respect of marine salmonid biosecurity zones

- (1) For the purposes of section 129(3)(c) of the Act, the standards set out in Schedule 1 to the Tasmanian Salmonid Industry Biosecurity Program are adopted as biosecurity zone measures to be followed (as applicable) in respect of the marine salmonid biosecurity zones established under this Division.
- (2) For the purposes of section 128(3)(d) of the Act, the biosecurity zone measures referred to in subregulation (1) apply to all persons who engage in, or are proposing to engage in, the primary production of salmonids.

Division 3 – Freshwater Salmonid Biosecurity Zone

12. Establishment of Freshwater Salmonid Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Freshwater Salmonid Biosecurity Zone”, is established comprising all premises within the State where the primary production of salmonids occurs under the authority of a fish farm licence.

13. Biosecurity zone measures in respect of Freshwater Salmonid Biosecurity Zone

- (1) For the purposes of section 129(3)(c) of the Act, the standards set out in Schedule 2 of the Tasmanian Salmonid Industry Biosecurity Program are adopted as biosecurity zone measures to be followed (as applicable) in respect of the Freshwater Salmonid Biosecurity Zone established under this Division.
- (2) For the purposes of section 128(3)(d) of the Act, the biosecurity zone measures referred to in subregulation (1) apply to all persons who engage in, or are proposing to engage in, the primary production of salmonids.

Division 4 – Salmonid Processing Biosecurity Zone

14. Establishment of Salmonid Processing Biosecurity Zone

For the purposes of section 128 of the Act, a biosecurity zone, to be known as the “Salmonid Processing Biosecurity Zone”, is established comprising all premises within the State where salmonid processing occurs under the authority of a fish processing licence, or an accreditation under the *Primary Produce Safety Act 2011*.

15. Biosecurity zone measures in respect of Salmonid Processing Biosecurity Zone

- (1) For the purposes of section 129(3)(c) of the Act, the standards set out in Schedule 3 to the

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Tasmanian Salmonid Industry Biosecurity Program are adopted as biosecurity zone measures to be followed (as applicable) in respect of the Salmonid Processing Biosecurity Zone established under this Division.

- (2) For the purposes of section 128(3)(d) of the Act, the biosecurity zone measures referred to in subregulation (1) apply to all persons who engage in, or are proposing to engage in, the primary production of salmonids.

PART 3 – MISCELLANEOUS

16. Authorisation for purposes of *Competition and Consumer Act 2010*

- (1) This regulation is made for the purposes of the *Competition and Consumer Act 2010* of the Commonwealth.
- (2) For the purposes of Part IV of the *Competition and Consumer Act 2010* of the Commonwealth, the following acts are specifically authorised:
 - (a) any dealing, communication or other similar act done in discussions between the Minister and finfish marine farmers for the purposes of implementing a Salmonid Biosecurity Program under the Act;
 - (b) the exchange of submissions or information to enable those discussions to be held so as to allow the successful implementation of the Salmonid Biosecurity Program;
 - (c) any dealing, communication or other similar act to enable agreement to be reached concerning any matter necessary for the implementation of the Salmonid Biosecurity Program.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 December 2022.

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) establish various salmonid biosecurity zones; and
- (b) prescribe biosecurity measures in respect of those zones; and
- (c) provide for the exemption of certain dealings, communications and other acts relating to the Salmonid Biosecurity Program from the application of Part IV of the *Competition and Consumer Act 2010* of the Commonwealth.