



Media release
For Immediate Release/ ~~Embargo until:~~
Tuesday, March 17

Industrial fish farmer, Huon Aquaculture, guilty on pollution charges

The following is a report prepared by Peter George who began reporting court cases in 1969 and has covered a range of court proceedings from magistrates to the High Court. He was the Legal reporter for The Canberra Times in the 1970s.

Disclosure: Peter George is co-chair of TAMP and president of Huon Valley-based Neighbours of Fish Farming (NOFF)

The industrial fish farming company, Huon Aquaculture, today admitted to five charges of breaching environmental conditions placed on its operations on the Huon River. It also admitted to one charge of depositing pollutant where environmental harm could result.

Huon's lawyer, Phil Zeeman, told the court the breaches were serious, that Huon took full responsibility for them. He said the company was apologetic.

Prosecutor for the Environment Protection Agency, Emily Bill, told the Hobart Magistrates Court the company admitted repeated breaches despite assurances they would not occur again and had failed to take its environmental obligations into account.

"Environmental management was not a key priority in the company," Ms Bill said.

Huon Aquaculture pleaded guilty to six charges under the Environmental Management and Pollution Control Act which carry penalties of more than \$150,000 each. Deputy Chief Magistrate, M. F. Daly, decision on the amount of penalties will be given on May 4.



Until last week, Huon faced more serious charges including causing “material environment harm by pollution environment” and discharging oil or oily waste into the Huon River estuary.

The court was informed yesterday that the charges had been reduced. This followed negotiations between Huon Aquaculture and the Environmental Protection Agency.

In a statement of facts read to the court by Ms Bill, Huon agreed that its salmon net cleaning operations had released pollutants, including nitrogen, ammonia, copper, lead and zinc on to land close to the Huon River on several occasions, including four occasions in which a total of 80,000 litres was spilled from company pipes.

Despite Huon undertaking not to allow a repeat spillage, EPA inspectors had later returned to find contaminated water spilling from storm water containers.

The offences occurred between January and May 2018.

Reading from agreed facts, Ms Bill said ‘contaminate-laden’ water was found flowing downhill towards salt marsh on the edge of the Huon Rive. Analysis showed it contained elements toxic to marine organisms including juvenile fish, fish eggs and worms.

EPA inspectors also found nets from salmon pens uncovered, in breach of protection notices because of their poisonous antifouling paint.

“These facts are serious offences”, Ms Bill said, calling for maximum penalties to be applied.

She said the offences indicated a “systemic failure”, that the appropriate staff were not aware of the environmental conditions imposed on them, that the company had not trained and educated its personnel and had failed to take its environmental obligations into account.



“The risk of [environmental] harm in this case was entirely foreseeable.”

Mr Phil Zeeman, for Huon Aquaculture, said the company wished to issue an apology to the wider community and that it took full responsibility for the offences.

However, he said the offences were the result of human error committed by staff operating the net wash facilities and other equipment.

EPA inspectors had arrived, he said, when one machine - a centrifuge - used in cleaning fish pens had broken down and they had also arrived a second time after heavy rain had overloaded a storm water collection facility.

“There is no doubt the system failed in relation to this matter,” Mr Zeeman said.

He argued the volume and scale of the incidents was not large and, furthermore, the company had fully coöperated with the investigators and that action had been taken to make employees aware of environmental conditions under which they work.

He told the court there had been no further breaches.

Charges:

Charge 1: Deposit pollutant where environmental harm may be caused at Whale Point Road, Port Huon (Section 51A (2) of the Environmental Management & Pollution Control Act 1994)

Charges 2-6: Breach of environmental protection notice at Whale Point Road, Port Huon (Section 45 (3) of the Environmental Management & Pollution Control Act 1994)