

Complaint against Woolworths Group on Violations of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

Complaint filed to: Australian National Contact Point for Responsible Business Conduct, The Australian Treasury.

Complaint filed by: Environment Tasmanian Inc, Level 5 / 24 Davey Street, Hobart, TAS 7000
www.et.org.au

Complaint filed against: Woolworths Group Ltd, 1 Woolworths Way, Bella Vista, NSW 2153
www.woolworthsgroup.com.au

Subject of complaint: The complaint concerns General Policies (Chapter II), Disclosure (Chapter III), Environment (Chapter VI) and Consumer Rights (Chapter VIII) violations in the supply chain of Woolworths Group regarding their Own-Brand salmon sourced from Macquarie Harbour, Tasmania, Australia, that is associated with severe adverse harms – including marine ecosystem degradation, biodiversity harm to a protected UNESCO World Heritage Area, and harm to an IUCN endangered species found nowhere else in the world but Macquarie Harbour.

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List of Abbreviations

ACCC	Australian Competition & Consumer Commission
AGM	Annual General Meeting
ASC	Aquaculture Stewardship Council
BAP	Best Aquaculture Practices
CASS	Conservation Alliance for Seafood Solutions
CBD	United Nations Convention on Biological Diversity
CSO	Chief Sustainability Officer
DO	Dissolved oxygen
ECO	Environmental Defenders Office
EPA	Environmental Protection Agency
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
GAA	Global Aquaculture Alliance
GBF	Global Biodiversity Framework
GG	GLOBALG.A.P.
IMAS	Institute of Marine and Antarctica Studies
IUCN	International Union for Conservation of Nature
KBA	Key Biodiversity Area
NA100	Nature Action 100
SIX	Sustainable Investment Exchange
TSSC	Threatened Species Scientific Committee
TWWHA	Tasmanian Wilderness World Heritage Area
UNESCO	United Nations Educational, Scientific and Cultural Organization
WBA	World Benchmarking Alliance
WWF	World Wildlife Fund

1. Executive Summary

This specific instance alleges that Woolworths Group Ltd has violated OECD Responsible Business Conduct expectations regarding the company's Own-Brand salmon sourced from Macquarie Harbour, Tasmania -- which is associated with severe adverse biodiversity harms to an IUCN red-listed endangered species found nowhere else in the world, the Maugean skate, and harms to an UNESCO-recognized Tasmanian Wilderness World Heritage Area. Further, Woolworths Group Ltd's Own-Brand salmon is marketed as 'responsibly sourced', but which is certified by labels that do not test relevant factors associated with the environmental harms, contrary to the available scientific evidence that states salmon farms are a "very high risk" threat with "catastrophic" consequences to the Maugean skate population's survival.

Environment Tasmania Incorporated (complainant) is filing this National Contact Point for Responsible Business Conduct (NCP) complaint against Woolworths Group Limited (respondent) to urge the company to align its environmental due diligence policies and practices, particularly regarding the company's seafood sourcing policy, with the expectations in the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines).

Woolworths Group Ltd's failure to conduct adequate heightened due diligence, provide sufficient disclosures, and provide accurate information to consumers in line with the OECD Guidelines has allowed severe environmental adverse harms in the company's Own-Brand salmon supply chain to persist, namely the impacts to a protected endangered species and United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Area, breaching the OECD Guidelines on several counts.

Adverse environmental impacts in Woolworths Group Ltd's salmon supply chain, sourced from Macquarie Harbour, began as early as 2013. These harms have been ongoing since and continue to the present. For the purposes of this complaint, the 2011 OECD Guidelines are considered relevant for 2011 to May 2023 violations; and the 2023 OECD Guidelines are relevant for ongoing violations from June 2023 to present.

Environment Tasmania Inc is filing this complaint under the following Chapters of the OECD Guidelines:

- Chapter II: General Policies
- Chapter III: Disclosure
- Chapter VI: Environment
- Chapter VIII: Consumer Rights

To date, there is no evidence that Woolworths Group Ltd has conducted appropriate heightened due diligence, as outlined in the OECD Guidelines, in relation to the company's Own-Brand salmon procured from Macquarie Harbour farms that Australian Government Conservation Advice has identified as causing serious adverse impacts to the endangered Maugean skate.

There is also no evidence that Woolworths Group Ltd has worked with their salmon suppliers to shift procurement elsewhere and/or cease procurement of Macquarie Harbour salmon. In fact, evidence provided within this complaint suggests that Woolworths Group Ltd is utilizing external government processes and claims of scientific uncertainty as reasons not to act as soon as possible, in contravention of the OECD Guidelines. Another contributing factor appears to be an overreliance on voluntary certifications by Woolworths Group Ltd, that have been found not-fit-for-purpose in Macquarie Harbour, in lieu of conducting their own comprehensive due diligence

approaches. Overall, this 'wait and watch' approach suggests that Woolworths Group Ltd's due diligence approach is insufficient in fulfilling the OECD Guidelines due diligence expectations to identify, assess, cease, prevent, and mitigate risks in their salmon supply chain. This is the case particularly given the gravity of the harm on biodiversity in the UNESCO listed Tasmanian Wilderness World Heritage Area necessitates heightened due diligence as soon as possible according to the OECD Guidelines.

Further, Woolworths Group Ltd has failed to disclose foreseeable risk associated with Macquarie Harbour salmon; and has failed to provide consumers with accurate information and thereby are potentially misleading consumers with its 'responsibly sourced' labelling.

In addition, Environment Tasmania Inc is concerned that Woolworths Group Ltd. could be *increasing* its Own-Brand salmon supply from Macquarie Harbour; and, if so, deepening the company's contribution to the severe adverse biodiversity harms and further violating the OECD Guidelines.

Environment Tasmania Inc has attempted in good faith to resolve the issue through direct communications and dialogue with Woolworths Group Ltd. However, the company has not meaningfully responded to multiple requests for Woolworths to conduct any due diligence, and there is no evidence that Woolworths has conducted any heightened due diligence, as per the OECD Guidelines, on their Own-Brand salmon supply from Macquarie Harbour. Nor has the company responded to our requests for disclosure or provided evidence of due diligence actions taken. Therefore, Environment Tasmania Inc is now compelled to seek the involvement of the Australian NCP.

Environment Tasmania Inc's goal is for the NCP to establish a framework for productive negotiations to resolve the issues raised within this complaint. The complainant commits to engaging in good faith throughout the process.

2. The Complainant

Environment Tasmania Incorporated (hereinafter Environment Tasmania) is a non-government organisation and registered charity based in Hobart, Tasmania. Founded in 2004 as Tasmania's Conservation Council, Environment Tasmania's mission is to conserve, connect, and inspire stewardship of lutruwita/Tasmania's natural landscapes. Environment Tasmania works with community and environmental groups to achieve science and evidence-based outcomes. Environment Tasmania has successfully worked in coalitions to achieve both the Tasmanian Forestry Agreement and the ban on Super Trawlers in Tasmanian waters.

Environment Tasmania was the first environmental group to campaign about the issues associated with the Tasmanian farmed salmon, including the industry's impacts in Macquarie Harbour. In 2011, Environment Tasmania highlighted the potential negative impacts to the endangered Maugean skate and the Tasmanian Wilderness World Heritage Area in a submission to the Tasmanian Government regarding expanding the industry's operations in the harbour.¹ Post expansion in the harbour, ongoing efforts have included drawing public awareness and media attention to the environmental degradation that occurred in Macquarie Harbour.^{2 3 4} Environment Tasmania's work on salmon farming helped to initiate the 2015 ABC's *Four Corners*, groundbreaking investigation, "Big Fish" that featured the negative impacts occurring in Macquarie Harbour and raised questions around the product being marketed with 'sustainability' certifications.⁵ This was the first time the issue of the salmon industry was brought to the attention of a wider Australian audience. Environment Tasmania's campaigning has included advocacy for

stronger government regulations and oversight, with Environment Tasmania testifying at government hearings including the Australian Government's Inquiry into the Fin Fish Aquaculture Industry in Tasmania.⁶

Previous advocacy has included campaigning for the major supermarkets, including Woolworths Group Ltd, to provide consumers with greater transparency on the salmon they sell.⁷ Environment Tasmania was an active stakeholder in the Aquaculture Stewardship Council's (ASC) audits of Macquarie Harbour salmon, providing evidence of environmental breaches and authoring a report outlining concerns with the certification's application in Tasmania.⁸

Environment Tasmania has an active Save the Maugean Skate campaign that includes working with a range of stakeholders, including Tasmanian businesses and communities, calling for the Australian Government Conservation Advice for the Maugean skate's full suite of priority actions to be implemented including the reduction and/or elimination of salmon farming biomass from Macquarie Harbour.⁹ Another important part of the campaign is targeting the major buyers of Macquarie Harbour salmon, including Woolworths Group. Environment Tasmania has worked with allies calling for the removal of sustainability certifications from Macquarie Harbour salmon farms.¹⁰ Environment Tasmania partnered with Sustainable Investment Exchange (SIX) to establish the 'Save the Skate' shareholder campaign targeting Woolworths and Coles.¹¹ The campaign submitted shareholder resolutions in 2024 and 2025 calling for Woolworths to disclose its salmon supply's impact on the Maugean skate, to take appropriate actions and conduct due diligence.

3. The Respondent

Woolworths Group Ltd (hereinafter Woolworths Group) is a retail company headquartered in Australia.¹² According to its website, it operates multiple brands in Australia and New Zealand.¹³ According to the Woolworths Group's annual report 2024 pages 163 to 165, which is available online, it has subsidiaries or affiliates in Hong Kong, U.S.A., India, Saudi Arabia, Singapore, South Africa, and the U.K.¹⁴

In 2023, Woolworths Group was ranked the 26th most impactful global retailer according to the US-based National Retail Federation.¹⁵ Woolworths is Australia's largest retailer, serving 24 million customers across its business network each week.¹⁶ According to the Australian Competition and Consumer Commission (ACCC), Woolworths Group has the largest market share of grocery sales in Australia at 38% and is among some of the most profitable retailers globally.¹⁷

According to Woolworths Group, as a major retailer and brand manufacturer, they have a "deeply interconnected global supply chain"; and source products from around 18,000 trade and non-trade suppliers,¹⁸ with international sourcing covering 315 ports globally.¹⁹

The World Benchmarking Alliance has identified Woolworths Group as one of 2,000 'keystone companies' that globally have a "disproportionate influence on meeting the UN SDGs".²⁰ Due to the company's impact and influence, WBA assesses Woolworths Group against five benchmarks, including Food and Agriculture, and Nature Benchmarks.²¹

The global investor-led initiative, Nature Action 100, includes Woolworths Group as one of their target companies due to the company's large market capitalization within a key sector deemed important in nature-loss and with high potential impact on nature.²²

Woolworths Group is consequently, covered by the OECD Guidelines.

4. Background: The endangered Maugean skate, Macquarie Harbour, and UNESCO World Heritage Area

Summary

- The Maugean skate is considered Endangered by the International Union for Conservation of Nature (IUCN), as well as the Australian and Tasmanian Governments. It is being considered for uplisting to Critically Endangered.
- Found nowhere else in the world, the skate's only home is Macquarie Harbour, Tasmania.
- Around one-third of Macquarie Harbour is recognized by UNESCO as a World Heritage Site under the Tasmanian Wilderness World Heritage Area for which the Maugean skate is listed as a World Heritage Value.
- Conservation Advice by the Threatened Species Scientific Committee (TSSC) to the Australian Government's Department of Environment identifies salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean Skate throughout the entire harbour" with "catastrophic" consequences.

The endangered Maugean skate is only found in Macquarie Harbour

The Maugean Skate (*Zearaja maugeana*) is micro-endemic (i.e., a species with a very small geographic range) to Tasmania. The Maugean skate evolved to its modern form over 60 million years ago, however, was only scientifically discovered in 1988 and formally described in 2007.

The Maugean skate has been recorded in just two locations: Macquarie Harbour and Bathurst Harbour, Tasmania. Recent e-DNA surveys suggest the species no longer occurs in Bathurst Harbour,²³ leaving Macquarie Harbour the species' only current location.²⁴

Since 2000, the Maugean skate has been listed as Endangered by the International Union for Conservation of Nature (IUCN) Red List of Threatened Species.²⁵ Since 2002, the Tasmanian Government has listed the Maugean skate as Endangered (the highest category under the Tasmanian Threatened Species Protection Act).²⁶ In 2004, the skate was listed as Endangered under the Environment Protection and Biodiversity Conservation (EPBC) Act by the Australian Government.²⁷

The Maugean skate is undergoing consideration to be uplisted to Critically Endangered by the Australian Government's peak scientific advisory board, the Threatened Species Scientific Committee (TSSC).²⁸ Simultaneously, the skate is also undergoing formal reassessment by the IUCN Red List.²⁹

Internationally, Macquarie Harbour is considered a Key Biodiversity Area. A third of the harbour is within a UNESCO World Heritage Site and the Maugean skate a recognized World Heritage Value of the site.

Approximately one-third of Tasmania's Macquarie Harbour is located within the boundaries of the United Nations Educational, Scientific and Cultural Organization (UNESCO) recognized World Heritage Site, the Tasmania Wilderness World Heritage Area (TWWHA).³⁰ World Heritage sites are areas of global significance due to their "outstanding universal value" and as such are inscribed on the World Heritage List as places to be protected.³¹ The Tasmanian Wilderness World Heritage Area was formally recognized as a World Heritage Site in 1982 due to its cultural significance to the Aboriginal people of Tasmania and natural significance including its diversity of flora and fauna especially endemic species with Gondwana origins. The Maugean skate is listed as a world heritage value under the TWWHA due to its Gondwana-lineage.³²

In May 2025, Macquarie Harbour was formally recognized as a Key Biodiversity Area, by the IUCN recognized KBA Programme, as the harbour is considered an ecologically important habitat for a globally threatened IUCN red-listed species (i.e., the Maugean skate), with a restricted geographic range.³³ Key Biodiversity Areas are considered sites of global significance for biodiversity conservation and are identified using criteria established by the IUCN, scientists, conservation groups and government bodies. The goal of KBAs is the safeguarding of these biodiversity critical sites.³⁴

Salmon farming in Macquarie Harbour, impacts to the Maugean skate and World Heritage Site

From 2013, scientific studies and monitoring found the Macquarie Harbour ecosystem experienced serious adverse environmental impacts. These adverse impacts included harm to the World Heritage Site and the endangered Maugean skate population. Australian Government Conservation Advice states salmon farming is a "very high risk" threat to the Maugean skate.

In November 2011, the salmon farming industry sought expansion of operations in Macquarie Harbour from 12,000 tonnes to 29,500 tonnes.³⁵ Public submissions from community and environmental groups, including Environment Tasmania, raised concerns including, among other things, potential impacts to the endangered Maugean skate, and adverse impacts on the World Heritage Site.³⁶ Shortly after, correspondence between the industry and the Tasmanian Government reveals several breaches of licence conditions due to "unacceptable environmental impacts" between 2005 and 2009. Further breaches are documented in late 2011/early 2012.³⁷

In 2012, the Australian Government deemed the expansion not a controlled action under the EPBC Act so long as the action (i.e., expansion) was conducted in accordance with conditions, including no negative impacts to the endangered Maugean skate.³⁸

Immediately following the expansion of the industry to 15,490 metric tonnes within the harbour in 2013, scientific studies showed declining dissolved oxygen (DO) coinciding with the increased biomass.³⁹ The independent report confirmed the Macquarie Harbour ecosystem was under stress, with plunging dissolved oxygen levels and rising ammonia and nitrate levels. Leaked industry emails described concerns regarding environmental impacts and biomass caps.⁴⁰

Salmon farming peaked at 20,000 tonnes in 2015.⁴¹ The maximum biomass was revised and lowered after benthic compliance surveys found 19 breaches of the licence conditions.⁴² A subsequent compliance survey found further breaches,⁴³ while an Institute of Marine and Antarctic Studies (IMAS) technical report demonstrated negative impacts on the adjacent World Heritage Area.⁴⁴ In 2017, a decline in abundance and the number of species within the World Heritage Area of Macquarie Harbour was found.⁴⁵ Another IMAS report showed an increase in

the prevalence of *Beggiatoa* (a pollution indicator species) as well as very low levels of DO and a decline in benthic faunal abundance within the World Heritage Area.⁴⁶

A further review found an increase in dissolved reactive phosphorous at the World Heritage Area.⁴⁷ The same review found alarmingly low levels of DO in the harbour and noted the indirect interactions salmon farming operations may be having on the Maugean skate via increasing the organic wastes from aquaculture production that in turn increase the biological oxygen demand and lower dissolved oxygen.⁴⁸ The authors noted:

“[Dissolved Oxygen] levels were and still remain well below the levels recorded between 1993 and 2009. DO levels are now extremely low throughout the Harbour, but most notably in the southern part of the Harbour. All of the independent data sets (industry, EPA, Sense-T, Parks, IMAS and CSIRO) are providing the same picture; DO levels in bottom waters are now worryingly low”.

Further the report stated that:

“There is a significant and increasing area of the seabed in Macquarie Harbour where the oxygen levels are highly reduced and infauna markedly depleted has clear negative implications for the endangered Maugean skate, and there is a need to better understand the significance of this for the future viability of the skate population in Macquarie Harbour”.⁴⁹

During 2019 – 2020, IMAS monitoring of the environmental health of Macquarie Harbour continued to indicate oxygen levels in the middle to bottom levels of the harbour are very low.⁵⁰

A 2020 IMAS report on the vulnerability of the endangered Maugean skate population to degraded environmental health in Macquarie Harbour found degraded water quality conditions, especially dissolved oxygen levels in the bottom waters, coupled with climate change, including extreme weather events, may be challenging the skate’s capacity to cope with environmental changes in the harbour.⁵¹ The report noted that any conservation strategy for the skate should include the need to effectively manage anthropogenic impacts on Macquarie Harbour.

In 2022, an IMAS report on the environmental monitoring in Macquarie Harbour from 2011-2020 highlighted the changes of key parameters, notably dissolved oxygen, over the period as well as in comparison to pre-expansion:

“The longer-term EPA data shows a relatively consistent trend at all three sites from 1993 through until 2009. From 2008/2009 - 2013/2014 there was a notable decline in DO at depths >20m”.⁵²

The authors also noted the following:

“[T]here has been a steady decline in dissolved oxygen in Macquarie Harbour since 2009, and in recent years, low dissolved oxygen conditions have been associated with a deterioration in sediment condition, including increased *Beggiatoa* bacteria and a decline in benthic infauna (Ross and Macleod 2017).”

The report also concluded that current aquaculture licence conditions compliance limits do not appear “adequate” for monitoring and protecting the health of the harbour. Another independent review also reached the same conclusion.⁵³

In May 2023, IMAS scientists took the unprecedented step of releasing an interim report and calling for urgent conservation action in response to findings that the skate's population had declined by 47% during 2014 - 2021 primarily due to an extreme upturning event of low dissolved oxygen waters in 2019.⁵⁴ Recruitment failure (i.e., lack of offspring) was also noted with the population structure shifting with fewer juveniles. The poor environmental health of Macquarie Harbour was suggested as the likely cause due to drastically low oxygen levels caused by human activities, namely nutrient pollution from salmon farming.

In September 2023, Conservation Advice by the Threatened Species Scientific Committee (TSSC) to the Australian Government's Department of Environment identified salmon farming operations as a "very high risk" threat that is "almost certain to impact the Maugean Skate throughout the entire harbour" with "catastrophic" consequences.⁵⁵ The advice explicitly called for an immediate elimination or significant reduction of salmon biomass and feeding rates by Summer 2023/24.

In July 2024, draft updated Conservation Advice was published during the public consultation on the species uplisting to Critically Endangered. The Advice reiterated that "reduced water quality from salmonid aquaculture operations in Macquarie Harbour" was a "very high-risk threat" with "almost certain" "catastrophic" consequences.⁵⁶ The advice again called for the urgent action to "eliminate or significantly reduce the impacts of salmonid aquaculture on dissolved oxygen concentrations. The fastest and simplest way to achieve this is by significantly reducing fish biomass and feeding rates".

In February 2025, IMAS reported tentative signs of a slight upward trend in the Maugean skate's population to around 2014 levels. However, the scientists urged caution and uncertainty in the catch data and stated that the "Maugean skate's population is still at low levels and potentially subject to major environmental events leading to mortality".⁵⁷

5. Violations of OECD Guidelines by Woolworths Group

The specific instance addresses the following issues:

- Woolworths Group's failure to carry out appropriate (heightened) risk-based environmental due diligence in relation to its Own-Brand salmon products, sourced from Macquarie Harbour salmon farms that Australian Government Conservation Advice has identified as a "high risk threat" to the endangered Maugean skate and vis-à-vis a world heritage value of the UNESCO World Heritage Area and, thereby, adversely impacting the biodiversity of a national park and UNESCO Natural World Heritage Site, the Tasmanian Wilderness World Heritage Area; and the failure to cease, prevent and mitigate such impacts.
- Woolworths Group's failure to disclose foreseeable risk associated with Macquarie Harbour salmon, and failure to report on its due diligence plan to address this matter.
- Woolworths Group's failure to provide consumers accurate information on Macquarie Harbour salmon and misleading consumers with its 'responsibly sourced' labelling

These issues are material, as they concern non-compliance with provisions of Chapter II (general policies), III (disclosure), VI (environment), and VIII (consumer interests) of the OECD Guidelines.

They are substantiated by extensive scientific research, public documents, testimony, media articles, shareholder and investor communications, and direct correspondence.

As outlined in the section 4. Background, adverse environmental harms in Macquarie Harbour, linked to salmon farming operations, have been documented from at least 2013 to present; and therefore, the 2011 and 2023 OECD Guidelines are relevant. However, in recent years, and in any case since the adoption of the 2023 OECD Guidelines, the relationship to harm has evolved from “directly linked” to “contributing” to the harm.

5.1 Woolworths Group’s failure to carry out appropriate (heightened) risk-based due diligence in relation to its Own-Brand salmon products, sourced from Macquarie Harbour salmon farms that Australian Government Conservation Advice has identified as a “high risk threat” to the endangered Maugean skate and vis-à-vis a world heritage value of the UNESCO Tasmanian Wilderness World Heritage Area; and, thereby, adversely impacting the biodiversity of a national park and UNESCO Natural World Heritage Site, the Tasmanian Wilderness World Heritage Area; and the failure to cease, prevent and mitigate such impacts.

The OECD Guidelines provide a range of requirements relevant to carrying out appropriate due diligence in relation to serious adverse environmental impacts. Relevant sections of the 2011 and 2023 OECD Guidelines are reproduced in boxes (emphasis added).

5.1.1 OECD Guidelines (2011)

Timeline: 2011 – May 2023

Relationship to harm: Directly linked to their operations, products or services by a business relationship.

Rules:

Box 1a – Excerpts from the 2011 OECD Guidelines

Chapter II, General Policies

10. **Carry out risk-based due diligence**, for example by incorporating it into their enterprise risk management systems, to **identify, prevent and mitigate actual and potential adverse impacts** [...], and account for how these impacts are addressed.

12. **Seek to prevent or mitigate an adverse impact**, where they have not contributed to that impact, when the impact is nevertheless **directly linked to their operations, products or services by a business relationship**.

13. In addition to addressing adverse impacts in relation to matters covered by the Guidelines, **encourage**, where practical, **business partners, including suppliers** and sub-

contractors, **to apply principles of responsible business conduct** compatible with the *Guidelines*.

Chapter VI, Environment

3. Assess, and address in decision-making, the foreseeable environmental health, and safety-related **impacts associated with the processes, good and services** of the enterprise over their full life cycle **with a view to avoiding or, when unavoidable, mitigating them**.

Summary of facts:

- During 2011 to May 2023, Woolworths sourced from all three Tasmanian salmon farming companies whose operations include Macquarie Harbour.
- In 2011 submissions to public consultation, related to plans to expand salmon farming operations in Macquarie Harbour, Environment Tasmania and academics flagged the potential for adverse impacts to the endangered Maugean skate and Tasmanian Wilderness World Heritage Area (which the skate is listed as a World Heritage Value).
- From 2013, scientific studies, as well as water quality and benthic monitoring, found the Macquarie Harbour ecosystem experienced serious adverse environmental impacts.
- The adverse impacts included harm to the World Heritage Area and the endangered Maugean skate.
- These adverse environmental impacts were linked to salmon farming production and expansion in the harbour.
- Woolworths Group had a general seafood procurement policy that relied on aquaculture certifications; however, a 2021 WWF-commissioned review found these certifications failed to prevent adverse environmental impacts and were not fit-for-purpose for Macquarie Harbour due to several reasons. Woolworths Group acknowledged the review findings, but evidence suggests no due diligence or actions in the way of change in policy or procurement occurred.
- Woolworths Group did know or ought to have known adverse environmental impacts were occurring; however, failed to carry out due diligence and avoid or mitigate the harm.

Analysis:

The following provides information and evidence on how Woolworths Group failed to conduct due diligence and prevent adverse impacts occurring during 2011 to May 2023.

In 2011 during public consultation on salmon farming expansion in Macquarie Harbour, Environment Tasmania and academics raised concerns about potential adverse impacts to the health of the harbour, the endangered Maugean skate, and the adjacent Tasmanian Wilderness

World Heritage Area. Over 2013 to May 2023, mounting scientific studies and environmental monitoring gave validity to these concerns (see section 4. Background and references therein).

Media reports confirm, during 2011 to 2023, Woolworths sourced from all three Tasmanian salmon farming companies whose operations include Macquarie Harbour.^{58 59 60 61 62 63 64 65 66 67} Woolworths thus maintained a business relationship with these suppliers, as defined by the OECD Guidelines.

Extensive evidence that Macquarie Harbour certifications not credible or fit-for-purpose

Approximately in 2013, Woolworths Group established a seafood sourcing policy that defined sustainably farmed seafood as “grown in aquaculture systems that don’t destroy coastal habitats or depend on overfished wild caught fisheries as feed”.⁶⁸ The company stated the following certification schemes were recognized under their policy: GLOBALG.A.P. (GG), the Global Aquaculture Alliance’sⁱ Best Aquaculture Practices (BAP), and the Aquaculture Stewardship Council (ASC).

Despite evidence of environmental harm in Macquarie Harbour being reported from 2013 onwards, all Macquarie Harbour salmon farms were certified by either GG, BAP, or/and ASC by 2016. At the time Woolworths Group declared “100% of the fresh salmon sold in our stores is sourced from Tasmania and is certified sustainable”.^{69 70}

By 2016, Woolworths Group should have been aware that scientific monitoring had raised concerns regarding impacts from the salmon lease closest to the World Heritage Area (see section 4). Damage within the World Heritage Area was confirmed in 2017. During this time continued environmental monitoring found benthic degradation and low dissolved oxygen levels in the harbour. At the same time, Macquarie Harbour salmon farming and associated certifications came under increasing scrutiny including an ABC Four Corner investigation.⁷¹

Macquarie Harbour salmon farm certifications were also inconsistent with the 2018 Australian Marine Conservation Society’s reassessment of Tasmanian farmed salmon. Following a comprehensive scientific assessment, the non-profit downgraded Tasmanian farmed salmon to a ‘Red’ (avoid) rating. The assessment cited impacts in Macquarie Harbour for the rating:

“[I]n the past three years fish farming has had serious impacts on sensitive marine habitats and threatened species, particularly in Tasmania’s Macquarie Harbour. The salmon farming industry bears significant responsibility for the environmental impacts in the Harbour, and needs to clean up its act... The salmon farms are operating right next to a wilderness World Heritage Area, where farming should be managed to protect the values of the area. But dead zones were found even within this protected World Heritage region.”⁷²

Despite the scientific evidence of impacts to Macquarie Harbour ecosystem and World Heritage Area by salmon farms, BAP and GG schemes continued to grant certification to farms.⁷³ In contrast to its certification peers, the ASC certification did respond to the evidence of impact which resulted in auditors raising major non-conformances against ASC farms due to environmental degradation in the harbour that disqualified farms from certifications.⁷⁴ In turn, the companies withdrew from ASC. The ASC has not certified any salmon farm in the harbour since 2018.⁷⁵

ⁱ The Global Aquaculture Alliance later changed names to Global Seafood Alliance

The failure for BAP and GG to act on the adverse impacts occurring in the harbour, including the World Heritage Area, raises questions as to the credibility of these certifications. The ASC highlighted the discrepancy between the certifications with the public statement: “Not one of the 11 salmon farming sites in Macquarie Harbour is certified to the ASC standard. However, they are still certified to other aquaculture standards that have lower environmental requirements.”⁷⁶

The credibility and reliability of these certifications was further scrutinized in 2019, when the Macquarie Harbour situation prompted World Wildlife Fund (WWF) Australia, then Woolworths Group’s non-governmental organisation advisor on the company’s sustainable seafood policy, to commission a Review of Eco-labelling Standards in Relation to Salmon Farming in Macquarie Harbour.⁷⁷ Published in 2021, the review concluded that farmed salmon certifications were not-fit-for-purpose for Macquarie Harbour and were in need of urgent reforms if they were to fulfil their purpose of driving sustainability improvements at salmon farming operations.

Amongst the review’s findings was that the BAP certification’s standard was unable to detect or prevent adverse impacts due to an absence of indicators, particularly for critical environmental indicators such as dissolved oxygen. Both BAP and GG standards have no dissolved oxygen compliance limits for certified farms and instead defer to government licence conditions (i.e., local laws). In practice, this means certified farms are not required to detect their impact to the ecosystem, the UNESCO World Heritage Area, or the endangered Maugean skate; nor are they penalised for impacts. The review noted mere compliance with local laws in lieu of indicators within the standard itself “is not enough to ensure environmental responsibility”. The review also noted that the ASC certification had successfully detected impacts (resulting in loss of certification); however, the ASC did not prevent adverse impacts in Macquarie Harbour. Overall, the review found certifications in Macquarie Harbour were ineffective at addressing the cumulative impacts of the industry in a way that reflected the carrying capacity within the unique ecosystem.

The WWF review received significant media attention.⁷⁸ At the time, Environment Tasmania called on Woolworths Group to stop stocking Tasmanian salmon “until the industry is properly regulated”.⁷⁹ In response, a Woolworths Group spokesperson said in a statement the company was “concerned by the claims that existing certifications may not be fit for purpose, taking into account unique environments like Macquarie Harbour and we’re closely reviewing the report”.⁸⁰ However, Woolworths Group continued (and continues to) to source Macquarie Harbour salmon for their Own-Brand salmon by accepting BAP and GG certification schemes.

In 2022, the findings of two independent reviews of the Macquarie Harbour Broadscale Environmental Monitoring Program were another point of evidence that ought to have prompted Woolworths Group to conduct its own due diligence. The reviews found the Tasmanian Government’s salmon farm Licence Conditions for Macquarie Harbour to be inadequate and called for dissolved oxygen compliance limits at lower depths of the water column to protect the environment:^{81 82}

“The current parameters and depths limits do not appear to be adequate as environmental standards to monitor and protect the environmental health of Macquarie Harbour... Of note, there is only a single limit for oxygen at 2 m depth. An oxygen limit for bottom and mid waters is strongly recommended to ensure the adequate protection of the flora and fauna of Macquarie Harbour.”⁸³

This finding reinforced the WWF review that, by deferring to legal compliance in lieu of their own compliance limits, certifications were inadequate in protecting the Macquarie Harbour ecosystem.

In May 2023, an Institute of Marine and Antarctic Studies report found the Maugean skate population had rapidly declined by nearly half (47%) from 2014 to 2021.⁸⁴ The report attributed the skate's decline to degraded environmental conditions in the harbour, particularly dissolved oxygen levels, caused by anthropogenic inputs, namely the expansion of the salmon aquaculture industry.

The IMAS report was yet another point of evidence to demonstrate that BAP and GG certifications could not be considered credible given the schemes continued to grant certification to farms that were linked to serious adverse impacts in Macquarie Harbour including an IUCN endangered species and a UNESCO World Heritage Site.

Woolworths' overreliance on not-fit-for-purpose certifications has resulted in Woolworths failing to conduct proper due diligence

The OECD Guidelines emphasize the responsibility of companies to conduct risk-based due diligence throughout their supply chains.ⁱⁱ These provisions require companies to identify, prevent, and mitigate adverse environmental impacts, including those that they cause or contribute to, and to which they are "directly linked to their operations, products or services by a business relationship", even if they do not directly cause or contribute to those impacts. Further the OECD Due Diligence Guidance for RBC states that companies should "develop and implement plans that are fit-for-purpose to prevent and mitigate potential (future) adverse impacts".ⁱⁱⁱ

Given the publicly available evidence, Woolworths Group knew or ought to have known that serious adverse environmental impacts were occurring in Macquarie Harbour due to salmon farming operations that are tied to the company's Own-Brand salmon supply chain. Such evidence should have prompted Woolworths to seek to prevent or mitigate the adverse impact directly linked to their operations as per the OECD Guidelines.

However, there is no evidence that Woolworths Group properly responded via conducting its own due diligence; the company instead over-relied on certifications despite extensive warnings over the course of many years from multiple independent bodies that these certifications lacked credibility and did not appropriately measure the harms associated with salmon farming in Macquarie Harbour. Notably, despite Woolworth Group's principal adviser on salmon at the time, the WWF, stating that Macquarie Harbour certifications were not-fit-for-purpose, Woolworths Group continued to rely on BAP and GG certification schemes (and continue to up to the present day) instead of conducting their own due diligence, which would have led to the conclusion that salmon farming was associated with irreparable harm to the Maugean skate population. In accordance with the OECD Guidelines, Woolworths had an individual responsibility to identify and address these adverse impacts independent of certifications. Woolworths also has a duty to address adverse impacts, beyond their own mere legal obligations, with the Guidelines noting that "the Guidelines extend beyond the law in many cases" and that "enterprises should seek ways to honour such principles and standards to the fullest extent which does not place them in violation of domestic law".^{iv}

Despite being a major buyer of Tasmanian salmon, including Macquarie Harbour salmon for its Own-Brand salmon, and being aware of the severe environmental risks associated its purchases, Woolworths Group has over-relied on flawed certifications at the expense of conducting its own

ⁱⁱ Chapter II (General Policies) Paragraphs 10 & 12; Chapter VI (Environment) Paragraph 3

ⁱⁱⁱ OECD Due Diligence Guidance for Responsible Business Conduct, Paragraph 3.1

^{iv} Chapter I (Concepts and Principles) Paragraph 2

due diligence and thereby have failed to carry out proper risk-based due diligence and take the necessary steps to cease and/or prevent adverse environmental impacts – including marine ecosystem degradation, environmental harm to a protected World Heritage Area, and harm to an IUCN endangered species – caused by their salmon supplier(s). The result of this failure is Woolworths direct linkage (and as will be argued in section 5.1.2, contribution) to ongoing harm to the Maugean skate population in Macquarie Harbour.

Woolworths had ample opportunity for more than a decade to assess and address the foreseeable adverse impacts for their salmon supply. The long time period that adverse impacts were known to be occurring and Woolworths' failure to conduct OECD-aligned due diligence is inconsistent with Chapter VI, Environment where commentary states entities should take a "precautionary approach" as enunciated by "Principle 15 of the Rio Declaration on Environment and Development".^v Moreover, the commentary states: "*The basic premise of the Guidelines is that enterprises should act as soon as possible, and in a proactive way, to avoid, for instance, serious or irreversible environmental damages resulting from their activities.*"^{vi} The Guidelines further state that businesses "should act as soon as possible"^{vii}, which was not the case over a span of 10 years.

The multiple reviews of the impact of salmon farming in Macquarie Harbour, and in particular the WWF review, made it clear that reliance on certifications and legislation was not adequate for addressing the impacts. Despite these independent reviews, Woolworths Group continued to rely on not-fit-for-purpose certifications to sell Macquarie Harbour salmon, suggesting that no or inadequate due diligence was taken by Woolworths. Due diligence under the OECD Guidelines framework should be risk-based, and in this case the risks associated with Woolworths purchases of salmon were clear: namely, potentially irreparable harm to the endangered Maugean skate population.

5.1.2 OECD Guidelines (2023)

Timeline: June 2023 - present

Relationship to harm: Contributing to the harm

Rules:

Box 1b – Excerpts from the 2023 OECD Guidelines

Chapter II, General Policies

11. Carry out risk-based due diligence, for example by incorporating it into their enterprise risk management systems, to **identify, prevent and mitigate actual and potential adverse impacts** [...], and account for how these impacts are addressed.

^v Chapter VI (Environment) Commentary 68

^{vi} Chapter VI (Environment) Commentary 69

^{vii} Chapter VI (Environment) Commentary 69

12. **Avoid causing or contributing to adverse impacts** on matters covered by the *Guidelines*, through their own activities, **and address such impacts when they occur**.

Commentary 12. [...] Selfregulatory practices and **multi-stakeholder initiatives should be credible** and transparent [...] Although **enterprises** can collaborate at an industry or multistakeholder level, they **remain individually responsible for** ensuring that their **due diligence** is carried out effectively.

Chapter VI, Environment

Chapeau: [...] **enterprises should** conduct their activities in a manner that takes due account of the need to protect the environment [...] **avoids and addresses adverse environmental impacts** and contributes to the wider goal of sustainable development. Enterprises can be involved in a range of adverse environmental impacts. These include [...] b) **biodiversity loss**; c) **degradation of land, marine and freshwater ecosystems**.

1. **Establish and maintain a system of environmental management** appropriate to the enterprise associated with the operations, products and services of the enterprise over their full life cycle, **including by carrying out risk-based due diligence [...] for adverse environmental impacts**.

3. Consistent with the scientific and technical understanding of the risks, **where there are threats of serious or irreversible damage to the environment [...] not use the lack of full scientific certainty or pathways as a reason for postponing** cost-effective measures to prevent or minimise such damage.

Summary of facts:

- Woolworths Group was made aware of and ought to have known adverse environment impacts were occurring in Macquarie Harbour, including the UNESCO World Heritage Site and the endangered Maugean skate during 2013-May 2023 (as detailed in 5.1.1); and that these impacts were directly linked to the company's salmon supply chain through business partnerships.
- Despite this, no evidence of change in procurement or policy has been evidenced as Woolworths Group continued to source Tasmanian salmon for their Own-Brand salmon from salmon farming companies whose operations include Macquarie Harbour.
- Due to a lack of action and/or meaningful action over an extended period, Woolworths Group's relationship to the adverse impact has changed from being directly linked, through their suppliers, to contributing. The shift to contributing happened during 2023-2024 given all the evidence that adverse harms were occurring to the endangered Maugean skate (e.g., IMAS report and Australian Government Conservation Advice) and Woolworths failure to conduct heightened due diligence.

- In August 2023, environmental groups contacted Woolworths Group raising concerns that the certifications the company relied on were not-fit-for-purpose in Macquarie Harbour, nor reflective of Woolworths Group’s stated seafood procurement policy to ensure “ecologically responsible fisheries and aquaculture” and “to support fish stocks and marine ecosystems regeneration”.⁸⁵ Moreover, the groups highlighted the IMAS research that found the skate population had declined by 47% with low dissolved oxygen levels in the harbour linked to salmon farming identified as a contributing factor. Groups called for Woolworths Group to cease selling Macquarie Harbour salmon. Woolworths Group responded that they were aware of the issue, that the product was certified and that they would continue to sell it.
- In September 2023, the TSSC’s Conservation Advice was published by the Australian Government. The advice lists reduced water quality due to salmon farming operations in Macquarie Harbour as a “very high risk” threat that is “almost certain to impact the Maugean skate throughout the entire harbour” with “catastrophic” consequences. The environmental groups notify Woolworths Group of the Conservation Advice, again calling for action. Woolworths Group does not respond.
- From September 2023 to present, environmental groups conduct a markets-based campaign targeting Woolworths (and other supermarkets). More than 60,000 supporters sign a petition calling for the company to stop selling Macquarie Harbour salmon due to the adverse impact to the Maugean skate.
- From February 2024 to present, a shareholder campaign targets Woolworths Group. A shareholder resolution, backed by 120 Woolworths Group shareholders, calls for the company to disclose its impact to the Maugean skate and to stop procuring Macquarie Harbour salmon. The disclosure resolution receives significant investor support at 30.42%.
- From May 2024 to March 2025, representatives from both the markets and shareholder campaigns meet with Woolworths Group representatives, including the board, as well as sustainability and investor departments. Both campaigns communicate the need for Woolworths Group to carry out their own due diligence, beyond certifications, as per the OECD Guidelines; and to not wait for government processes to take action.
- Throughout 2024 and 2025, questions as to how Woolworths has carried out due diligence are raised numerous times. Public testimony from the Senate Inquiry into Greenwashing and the Woolworths Group Annual General Meeting (AGM), as well as correspondence with campaign representatives show answers to be inadequate and lacking evidence that Woolworths Group has indeed carried out due diligence.
- Despite receiving briefings from experts and environmental groups regarding Macquarie Harbour certifications, and Woolworths Group’s acknowledgment that these certifications are “are not a silver bullet and that they do require other due diligence strategies”, Woolworths Group continued to rely on these not-fit-for-purpose certifications instead of carrying out its own due diligence as expected under the OECD Guidelines.

- Despite having individual responsibility to adhere to the Guidelines, and asked to do so, Woolworths Group has continued to state they cannot take action while government processes are underway. However, these external government processes do not absolve Woolworths Group's responsibility to meet the OECD Guidelines, including to act as soon as possible.
- Despite the Australian Government's own Conservation Advice, briefings, and the various endangered listings of the skate (IUCN-red listed, state and federal), UNESCO World Heritage Area value, and potential uplisting to critically endangered; Woolworths Group has portrayed the science as lacking certainty, as a reason for postponing action -- contravening the OECD expectations to act proactively and based on the best available science.
- Woolworths Group is aware of the adverse environmental impacts occurring to the endangered Maugean skate and vis-à-vis Tasmanian Wilderness World Heritage Area; however, they continue to fail to carry out due diligence; instead using certifications, government processes, and questioning the science as reasons to delay or avoid taking action as soon as possible violating the OECD Guidelines.

Analysis:

Relationship to harm has evolved to contributing to the harm

The complainant contends that the shift from directly linked to contributing happened during 2023-2024.

Chapter II (general policies) of the Guidelines state an enterprise's relationship to an adverse impact can evolve and change: "[...] 'contributing to' an adverse impact should be interpreted as a substantial contribution, meaning an activity that causes, facilitates or incentives another entity to cause an adverse impact and does not include minor or trivial contributions. An enterprise's relationship to adverse impact is not static. It may change, for example as situations evolve and depending upon the degree to which due diligence and steps taken to address identified risks and impacts decrease the risk of the impacts occurring." ^{viii}

According to the OECD Due Diligence Guidance, the following three factors should be taken into account when determining if an activity is "substantial" (i.e., not trivial or minor):

1. The degree to which the activity increased the risk of the adverse impact occurring or continuing.
2. The degree to which an enterprise could or should have known about the adverse impact or potential for adverse impact, i.e., the degree of foreseeability.
3. The degree to which an enterprise actually mitigated the adverse impact or decreased the risk of the impact occurring.^{ix}

These factors do not need to be answered yes or no but can be answered in degrees.

^{viii} Chapter II (General Policies) Commentary 16

^{ix} OECD Due Diligence Guidance for Responsible Business Conduct p.70

Factor 1: The degree to which the activity increased the risk of the adverse impact occurring or continuing

The activity -- Woolworths' repeated and significant purchases of Macquarie Harbour salmon for the company's Own-Brand salmon -- creates significant financial incentive for the harms to the Maugean skate population to occur and continue.

Woolworths sources Macquarie Harbour salmon as part of their Own-Brand fresh salmon.⁸⁶ Major supermarkets sell 79 per cent of fresh fish sold in Australia, including Atlantic salmon sourced from Tasmania which is sold fresh all year round.⁸⁷ Notably, Atlantic salmon is the largest contributor to sales value growth within all fresh fish types. Consequently, as one of the largest buyers of salmon, Woolworths holds substantial leverage (i.e., ability to effect change) over their salmon suppliers.

Woolworths Group knew or should have known about the adverse impacts occurring in Macquarie Harbour, the UNESCO World Heritage Site and the endangered Maugean skate since at least 2013 (as described in 5.1.1). In particular, Woolworths should have known about the adverse impacts to the endangered Maugean skate due to the 2023 IMAS interim report and Australian Government Conservation Advice outlining the "very high-risk" threat salmon farms posed to the species. Additionally, conservation groups contacted Woolworths Group on 4th August 2023, raising the harm and requesting action.

There is no evidence to suggest that Woolworths utilized their substantial leverage over their salmon suppliers over the considerable period of time that adverse impacts have been known to be occurring. Instead, Woolworths has arguably sent signals to the salmon suppliers that could have been interpreted as encouragement – such as publicly standing behind the certifications that endorse their Macquarie Harbour salmon suppliers' farms (despite noted concerns regarding their credibility) and insinuating that the science is unclear (see further details in section below). Public comments such as 'salmon being an important and popular grocery item for Australian families' have likely been seen as endorsement by suppliers of their farming practices.

Moreover, Woolworths' failure to conduct heightened due diligence as per the OECD Guidelines, despite the evidence of severe biodiversity impacts, could have been interpreted by suppliers as endorsement of Macquarie Harbour salmon farming practices.

Woolworths' activities including the failure to conduct heightened due diligence as per the OECD Guidelines for more than a decade despite the evidence of harms, along with the company's public statements that likely have been interpreted by suppliers as an endorsement of their operations, coupled with Woolworths' repeated and significant purchases of Macquarie Harbour salmon creating financial incentive; has increased the risk of severe adverse biodiversity impacts occurring (and continuing to this day). Combined, these activities have increased the risk of impact to a potential extinction of an IUCN-red listed endangered species that is listed as a World Heritage Value under the UNESCO-recognized Tasmanian Wilderness World Heritage Area.

Factor 2: The degree to which an enterprise could or should have known about the adverse impact or potential for adverse impact, i.e., the degree of foreseeability.

As discussed in section 5.1.1, since as early as 2013, Woolworths Group was made aware of and ought to have known adverse environment impacts were occurring in Macquarie Harbour, including the UNESCO World Heritage Site and the endangered Maugean skate; and that these impacts were directly linked to the company's Own-Brand salmon supply chain through business partnerships. Woolworths should have been aware of adverse biodiversity loss impacts, they have been the subject of numerous scientific reviews, media attention, public and direct advocacy campaigns.

Notably in 2021, Woolworths publicly acknowledged the WWF commissioned review that found that Macquarie Harbour certifications were not-fit-for-purpose, and their standards failed to prevent harms to the harbour ecosystem. Woolworths also were aware that the severity of the harm had increased with the 2023 IMAS interim report and Australian Government's Conservation Advice.

In short, the adverse impacts associated with Woolworths' Own-Brand salmon sourced from Macquarie Harbour are well-known and well-documented – and have been so for at least a decade – and were easily foreseeable for Woolworths for many years.

Factor 3: The degree to which an enterprise actually mitigated the adverse impact or decreased the risk of the impact occurring.

To date, Woolworths has relied on BAP and GG certifications, that purportedly assess the environmental and biodiversity impacts of salmon farming, in lieu of effectively using its considerable leverage to prevent harms to the endangered Maugean skate and associated UNESCO World Heritage Site. As outlined in section 5.1.1 and further detailed below, Woolworths aligned its conduct with certification standards that lack credibility and are deemed not-fit-for-purpose for detecting and/or preventing environmental and biodiversity impacts within Macquarie Harbour.

According to the OECD Guidelines, the severity of the impact is also important to determining the degree of adequacy mitigation efforts. The more severe the impact, the higher the standard for adequate and effective mitigation. Severe impacts must be addressed quickly and demand a higher degree of effectiveness. The Maugean skate is IUCN red-listed, is undergoing consideration to be uplisted to Critically Endangered (from endangered), and it listed as a World Heritage Value under the Tasmanian Wilderness World Heritage Area. Published Australian Government Conservation Advice clearly states salmon as a “very high risk” threat with “catastrophic consequences” to the skate population's survival.⁸⁸

It is unclear and unknown if and to what degree Woolworths has used its substantial leverage to influence the company's Own-Brand salmon suppliers and prevent harms to the Maugean skate. Based on available evidence, there has been little mitigation efforts to the degree of adequacy and effectiveness required given the severity of the harm. Even if Woolworths has used its leverage to attempt to effect change by the salmon farmers, its attempts have not been implemented nor mitigated the harms, which are still ongoing. In practice, harms have not been mitigated and according to the latest scientific review the “Maugean skate's population is still at

low levels and potentially subject to major environmental events leading to mortality”.⁸⁹

Consequently, following the three-factor test we conclude that:

1. The degree to which, by 2023, Woolworths’ reoccurring and significant purchases of Macquarie Harbour salmon, for the company’s Own-Brand salmon, increased the risk of the adverse impacts associated with the endangered Maugean skate, and World Heritage Site occurring and continuing was significant.
2. The degree to which, by 2023, Woolworths could and should have foreseen the ongoing severe adverse impact to the endangered Maugean skate, and World Heritage Site is high.
3. The degree to which any action taken by Woolworths actually mitigated the severe adverse impact or decreased the risk of it occurring or continuing was low, nor was there by 2023 (or to date) any credible prospect that this would change.

Based on the results of the three-factor test and the ongoing, foreseeable, and the severe nature of the adverse impact, it is considered that Woolworths’ relationship to the adverse biodiversity impact has shifted from initially being one of directly linked to contributing. This shift has been over several years, however, was deepened in 2023 with the release of the IMAS interim scientific report and the Australian Government Conservation Advice for the Maugean skate that demonstrated that the risk of severe adverse impact had increased significantly. Woolworths afterward (and to this day) continued to contribute to the adverse impact and thus have a responsibility under the OECD Guidelines to stop their contribution and contribute to remedying the harms.

Failure to conduct adequate heightened and risk-based due diligence

According to Chapter II (general policies), companies are required to carry out due diligence and to avoid contributing to adverse impacts and “address such impacts when they occur”.^x

Chapter VI (environment) outlines the need for risk-based due diligence for adverse environmental harms. The 2023 edition of the OECD Guidelines make it clear that companies should “contribute to the conservation of biological diversity” and sustainable management of natural resources, and among other things, avoid the degradation of freshwater and marine ecosystems.^{xi} The Guidelines specify “carrying out heightened due diligence” for national parks and protected areas, including UNESCO World Heritage Areas, as well as protected species.^{xii}

As outlined earlier in section 4 (backgrounder); since 2013, scientific evidence has linked salmon farming expansion to the degradation of the Macquarie Harbour ecosystem, the endangered Maugean skate, and the Tasmanian Wilderness World Heritage Area. Heightened due diligence is applicable given that a third of Macquarie Harbour forms the UNESCO World Heritage site, TWWHA. The Maugean skate is listed as a World Heritage Value under the TWWHA due to its Gondwana-lineage.

In addition, the Maugean skate is a protected species as it is a threatened species as per the Australian Government’s EPBC Act. The Maugean skate is recognized as Endangered by the

^x Chapter II (General Policies) Paragraph 12

^{xi} Chapter VI (Environment) Commentary 80

^{xii} Chapter VI (Environment) Commentary 80

IUCN Red-list, as well as the Australian and Tasmanian Governments, and is undergoing consideration by the Australian Government and the IUCN to be uplisted to Critically Endangered.

Macquarie Harbour is formally recognized as a Key Biodiversity Area, by the IUCN recognized KBA Programme, as the harbour is considered an ecologically important habitat for a globally threatened IUCN red-listed species (i.e., the Maugean skate), with a restricted geographic range.

According to Chapter II (general policies), the “nature and extent of due diligence, such as the specific steps to be taken, appropriate to a particular situation will be affected by factors such as the context of an enterprise’s operations, the specific recommendations in the Guidelines, and should be proportionate to the size of the enterprise, its involvement with an adverse impact and the severity of adverse impacts”^{xiii}

Further, due diligence must be commensurate with risk in that the measures that an enterprise takes to conduct due diligence should be commensurate to the severity and if the likelihood and severity of an adverse impact is high, then due diligence should be more extensive.^{xiv}

Given that heightened due diligence is required due to impacts to a protected species and UNESCO World Heritage Area, and that published Conservation Advice states salmon as a “very high risk” threat with “catastrophic consequences” to the Maugean skate population’s survival – the gravity of the adverse impact can be considered severe. As Woolworths Group is Australia’s largest retailer, and one of the largest buyers of salmon, the necessary nature of the due diligence appropriate should be considered extensive.

It is expected that companies “act as soon as possible, and in a proactive way, to avoid adverse environmental impacts.”^{xv} The evidence shows that Woolworths Group has not acted as soon as possible and, overall, has failed to conduct the heightened due diligence that the severity of impact necessitates.

Due diligence is the identification of risks and assessment of actual and potential adverse impacts. This includes mapping the supply chain and assessing the risks of adverse environmental impacts of the operations, processes, goods and services of the enterprise and its business partners over their full life cycle. These assessments should identify ‘red flags’.^{xvi} The OECD-FAO Guidance for Responsible Agricultural Supply Chains states red flags include operations or products that originate from areas affected by environmental degradation or protected areas; that are from an agricultural commodity known to have adverse environmental harms; and red flag business partners that do not observe the Guidelines or operate in a red flag location.^{xvii} For such risks, the company should adopt a risk management plan.

Woolworths Group should have identified and assessed their Macquarie Harbour salmon sourcing to have several ‘red flags’. As an agricultural commodity, farmed salmon is well known to be associated with potential adverse environmental and biodiversity harms.^{90 91 92}

The OECD Due Diligence Guidance states companies should prioritize the most significant risk areas for further assessment; carry out iterative and in-depth assessments of operations, suppliers and business relationships; as well as assess the company’s involvement with the

^{xiii} Chapter II (General Policies) Commentary 19

^{xiv} OECD Due Diligence Guidance for Responsible Business Conduct page 17

^{xv} Chapter VI (Environment) Commentary 74

^{xvi} [OECD-FAO Guidance for Responsible Agricultural Supply Chains](#) p. 31

^{xvii} OECD-FAO Guidance for Responsible Agricultural Supply Chains Box 3.1 p.35

potential or actual adverse impacts to determine appropriate response. Prioritization should be based on the severity and likelihood.

For Woolworths Own-Brand salmon sourced from Macquarie Harbour salmon, adverse environmental and biodiversity impacts have been occurring in the Harbour for more than a decade and included biodiversity impacts to a World Heritage protected area – the Tasmanian Wilderness World Heritage Area. As detailed above, the adverse impact is considered severe and demands heightened due diligence.

While Woolworths state in their 2025 Sustainability Report that they have piloted the Taskforce for Nature Financial Disclosure for their salmon supply, there is no evidence found that the company took steps as per the OECD Guidelines and associated Due Diligence Guidance to identify and assess risks and adverse impacts with their Own-Brand salmon sourced from Macquarie Harbour. Similarly, the World Benchmarking Alliance's Nature Benchmark found no evidence that Woolworths has assessed biodiversity impacts in their operations or supply chain.⁹³

According to the OCED Due Diligence Guidance companies should “stop activities that are causing or contributing to adverse impacts” and “develop and implement plans that are fit-for-purpose to prevent and mitigate potential (future) adverse impacts”.

In light of the best available science that found a drastic decline in the endangered Maugean skate population by IMAS, and that Woolworths Group had failed to conduct adequate due diligence for over a decade regarding their Own-Brand salmon, several conservation groups attempted to engage Woolworths Group on the issue. (Refer to Annex A – timeline of communications and events).

Conservation groups first contacted Woolworths directly in August 2023 with the call to stop procuring Macquarie Harbour salmon due to the adverse impact to the Maugean skate population (Annex B – Letter to Woolworths). Woolworths Group responded that they were aware of the issue, that the product was certified and that they would continue to sell it (Annex C – Response letter from Woolworths).

A public markets campaign was launched in September 2023, resulting in more than 60,000 signatories calling for Woolworths Group to cease selling Macquarie Harbour salmon.^{94 95} This was followed by a shareholder campaign in February 2024 by the ‘Save the skate’ coalition including Sustainable Investment Exchange (SIX), Environment Tasmania, other conservation groups, trusts and foundations, and ethical funds.⁹⁶ An open letter was sent from the shareholder campaign from 38 groups calling for Woolworths Group to conduct appropriate due diligence.⁹⁷ Woolworths Group's lack of action resulted in 120 Woolworths shareholders submitting a resolution calling for the company to assess and disclose threatened species impacts associated with Woolworths Group's Own-Brand farmed seafood and to cease procuring farmed salmon from Macquarie Harbour due to serious harms to the endangered Maugean skate (Annex D). The disclosure resolution received 30.42% support against the board's recommendation in October 2024.⁹⁸

Throughout 2024 and 2025, questions as to if and how Woolworths Group had carried out due diligence were raised numerous times (Annex A). Responses via public testimony from Woolworths Group representatives at the Senate Inquiry into Greenwashing, Woolworths Group's 2024 Annual General Meeting, as well as through email correspondence, show a lack of evidence that Woolworths has carried out heightened due diligence in line with the OECD Guidelines.

In email correspondence, sent May 2024, (Annex E) Woolworths Group was urged by an Environment Tasmania representative to “implement sustainability due diligence for Macquarie Harbour salmon” and specifically asked “Can please confirm whether Woolworths has a corporate policy to implement due diligence (in line with the OECD guidance) in the circumstance that a product within your supply chain has been identified to be associated with adverse environmental harm – regardless of certification – in this case contributing to the decline of an endangered species?”.

Woolworths Group responded in an email, sent July 2024, (Annex F) with “As part of our regular due diligence in relation to our Seafood Sourcing Policy, we engage independent experts,^{xviii} and will investigate incidents of non-compliance to our policy should they arise. We recognise this is a complex situation, and continue to engage with industry, suppliers, government and community stakeholders, listening and learning to continually inform our approach. We understand that the factors impacting the skate population are vast, and it's therefore appropriate for government and industry to work together on recovery plans while further scientific research is undertaken. Salmon remains an important and popular source of protein for many Australian families. We will continue offering Tasmanian salmon to our customers as part of our range.”

Woolworths Group did not provide a corporate policy on due diligence processes or evidence of a risk-based environmental management plan as outlined by the OECD Guidelines. The company’s response fails to provide evidence of steps taken, beyond stakeholder engagement, by Woolworths to cease or prevent its contribution. Nor does the company’s response detail if or how the company is using its substantial leverage to ensure its Own-Brand salmon suppliers mitigate adverse biodiversity impact to the Maugean skate. Instead, Woolworths’ response suggests that onus lies with the government and the salmon industry to implement plans which is not aligned with the expectations of the OECD Guidelines that all companies have a responsibility to identify and address adverse impacts.

As part of the Australian Senate Inquiry into Greenwashing, Woolworths Group was asked the following question on notice (Annex G) “Could you confirm if it is your responsibility as a national retailer to do your own due diligence beyond certification if you have been made aware of serious threats to an ecosystem or species due to a product you are buying?” Woolworths Group responded with “We are not experts in environmental matters. However, we do conduct due diligence and investigate incidents that have been identified as having potential environmental or social impacts.”

When asked for “evidence of due diligence and risk analysis undertaken since learning about the situation of the Maugean skate” and whether the company had adjusted their “supply chain since learning of the condition of salmon farms in Macquarie Harbour”; Woolworths Group responded “We are closely monitoring the findings from the Tasmanian EPA and the outcome of the Review by the Department of Climate Change, Energy, the Environment and Water and have periodic engagement with certification bodies on their certification requirements, including GlobalGAP and BAP.”

This statement aligns with Woolworths Group’s testimony at the Senate Inquiry (Annex H) where the Interim Chief Sustainability Officer (CSO) stated the company relies on certifications as part of their due diligence process. This was also echoed in Woolworths Group’s written and verbal responses to the shareholder resolutions (Annex I), with the Chairman stating “we rely on expert

^{xviii} It is assumed these independent experts are representatives from the certification schemes

independent parties who maintain certification of Macquarie Harbour” when asked about the company’s due diligence.

Again, in the above comments, Woolworths’ fails to provide evidence of any due diligence steps taken by the company, including steps to cease or prevent its contribution. Despite being specifically asked that the company provide evidence of steps taken to alter their supply chain sourcing from Macquarie Harbour based on the adverse impact to the endangered Maugean skate. Notably, Woolworths comments confirm the company’s over-reliance on certifications in lieu of conducting its own due diligence. Further, the continued reliance on certifications for Macquarie Harbour was reconfirmed in Woolworths’ 2025 Sustainability Report.⁹⁹

Overall, Woolworths Group’s responses on their due diligence processes suggests the company is:

- 1) equating its own responsibility to conduct environmental due diligence with certification via external bodies (despite knowing the limitations and flaws of these certifications in the context of Macquarie Harbour);
- 2) using ongoing external government processes on salmon farming and/or the skate as reasons for why the company cannot take proactive and timely actions; and
- 3) insinuating that the science is uncertain and that the company must await further scientific research before taking proactive and timely actions.

Below details why these arguments are not acceptable under the OECD Guidelines.

1) Failure to carry out heightened due diligence due to over-reliance on flawed certifications

The OECD Guidelines and its accompanying guidance stipulates that engaging certification bodies does not equate to a company’s own responsibility to conduct due diligence. That is, regardless of whether a product is certified, a responsible company still ought to ensure adverse environmental harm is not associated with a product as companies are “individually responsible” for their due diligence.^{xix}

According to the OECD Guidelines “multi-stakeholder initiatives should be credible and transparent”^{xx} Certification schemes are considered multi-stakeholder initiatives, with the OECD referring to these as ‘sustainability initiatives’.^{xxi} While the OECD acknowledges that such initiatives can play a role in due diligence efforts, they also point out that the concern that companies can over-emphasise and over-rely on such initiatives.^{xxii}

In the policy paper, *OECD Alignment Assessments of Sustainability Initiatives in an Evolving Regulatory Context*, the OECD elaborates on the commentary in the OECD Guidelines and states that sustainability initiatives (i.e., certifications) should be just one source of information that companies use as part of their due diligence processes. The OECD goes on to state that “where companies use third-party [certification] audits as part of their supplier assessment, they have a responsibility to check the credibility of the audits and the audit provider, tailor the information received to the specificities of their own supply chain and to use other assessment tools to build

^{xix} Chapter II (General Policies) Commentary 12

^{xx} Chapter II (General Policies) Commentary 12

^{xxi} [OECD-ITC Understanding Sustainability Initiatives](#), A typology framework

^{xxii} [OECD Alignment Assessments of Sustainability Initiatives in an Evolving Regulatory Context](#), OECD Business and Finance Policy Papers, No. 69 p.13

on and triangulate the results of the audits, for example through meaningful stakeholder engagement, information on grievances and available reports or public information”.^{xxiii}

In the background note, *The Role of Sustainability Initiatives in Mandatory Due Diligence*, the OECD warns that “participation in an initiative – however credible and well aligned the initiative may be – is not a 100% guarantee of the responsible conduct of an individual company”.^{xxiv} The OECD emphasizes that companies remain individually and ultimately responsible for ensuring that their own due diligence is conducted effectively.^{xxv}

Woolworths Group’s Seafood Sourcing Policy refers to the following three certifications for its Woolworths Own-Brand farmed seafood products: ASC, BAP, GG.¹⁰⁰ As described earlier, BAP and GG are the two certifications present in Macquarie Harbour, as ASC has not certified fish farms in the harbour since 2018.

Woolworths Group were aware, or ought to have been aware, that the certifications they relied on lacked credibility and that they were ineffective for detecting and preventing adverse environmental impacts in Macquarie Harbour. As discussed in 5.1.1, concerns with the certifications within Macquarie Harbour were brought to Woolworths Group’s attention in 2021 by their then partner, WWF, as detailed in the commissioned review of Eco-labelling in Macquarie Harbour. There is no evidence to suggest Woolworths meaningfully responded to the review as the company continued to sell Macquarie Harbour certified salmon.

The TSSC’s Conservation Advice was published in September 2023 by the Australian Government – listing reduced water quality due to salmon farming operations in Macquarie Harbour as a “very high risk” threat that is “almost certain to impact the Maugean skate throughout the entire harbour” with “catastrophic” consequences. These are the same salmon farming operations certified and procured by Woolworths Group. Consequently, the 2023 Conservation Advice ought to have been a red flag for a company whose due diligence relies heavily on certifications.

Woolworths Group did know or ought to have known that BAP and GG certification of Macquarie Harbour farms as ‘responsible’ or ‘sustainable’ was, and continues to be, in direct contradiction with the Australian Government’s Conservation Advice findings that states these same certified farms are the primary threat to the Maugean skate. This should have prompted Woolworths Group to proactively ensure that heightened due diligence was carried out in regard to its Macquarie Harbour salmon supply.

Further, conservation groups and others have directly communicated their concerns to Woolworths Group regarding the credibility and reliability of the certifications since July 2023 (Annex A). Woolworths Group has been provided with copies of letters and formal complaints to the certifications (Annex J), meeting with the board member for sustainability to discuss certifications, presentations and briefing given to the CSO and staff (Annex K), and several emails communicating concerns with certifications (e.g., Annex E and K). The following evidence has been provided and reiterated to the company on a number of occasions.

^{xxiii} Ibid.

^{xxiv} [OECD The Role of Sustainability Initiatives in Mandatory Due Diligence](#), Background note on Regulatory Developments concerning Due Diligence for Responsible Business Conduct p.12

^{xxv} Chapter II (General Policies) Commentary 12

In July 2023, in response to the IMAS' research, more than 80 global groups called for BAP and GG to revoke their certificates from farmed salmon and ocean trout raised in Macquarie Harbour.^{101 102} Conservation groups also submitted formal complaints to BAP and GG for their continued endorsement of Macquarie Harbour salmon farms.^{103 104} The complaint noted that “Despite farms complying with the BAP standard and regulatory requirements, the scientific evidence remains: Macquarie Harbour farms — including those certified by BAP [and GG] — have been determined by Australia’s leading authority to be the major driver of the decline of the endangered Maugean Skate.”

The complaints highlighted that BAP/GG standards have no dissolved oxygen (DO) compliance limits for certified farms. Instead, the standards deferred to local regulations which have been found by two independent reviews and the WWF review to be inadequate. In practice, this means certified farms are not required to detect their impact to the skate (i.e., low DO); nor are they penalised for impacts.

This limitation of the BAP and GG certifications aligns with the OECD concerns on sustainability initiatives. Assessments by the OECD on sustainability initiatives, including certification audits, also noted the concern that initiatives can sometimes allow harms to go undetected as red flags are missed and/or high-risk activities are inadequately scrutinised.^{xxvi}

In addition, the OECD notes the importance of ensuring the credibility of sustainability initiatives.^{xxvii} BAP and GG have been criticized for insufficient environmental standards.¹⁰⁵ In addition, BAP and GG’s credibility has been questioned due to a lack of transparency (e.g., audit findings not published), and stakeholder exclusivity (e.g. no stakeholder consultation in their audit processes, and industry-heavy governance systems).¹⁰⁶ WWF’s commissioned review also noted BAP’s lack of transparency and failure to share audits with the reviewer.

In 2024, 76 global groups called out BAP’s latest salmon standard as greenwash; and cited evidence of BAP farms and facilities connected to illegal activities, environmental destruction, impact to endangered species, and human rights abuses.¹⁰⁷ The United States Federal Trade Commission is currently being petitioned to investigate BAP and enjoin the dissemination of false or deceptive advertising.¹⁰⁸ Additionally, House Committee on Natural Resources representatives have asked the FTC to review BAP’s legality.¹⁰⁹ The FTC petition comes after investigations into BAP shrimp farms and processors found forced labour, banned antibiotics, and environmentally damaging practices.¹¹⁰

In May 2025, conservation groups from across the globe, including Environment Tasmania, criticized the ASC newly released Farm Standard for weak standard criteria on key environmental impacts associated with salmon farming. Moreover, the groups noted that:

“Water quality requirements likely to miss impacts: ASC has adopted a water-body level assessment but only requires dissolved oxygen compliance limits at 5 meters which will fail to detect impacts in places such as Macquarie Harbour where low oxygen levels in mid to bottom waters are the primary threat to the endangered Maugean skate.”¹¹¹

^{xxvi} [OECD Alignment Assessments of Sustainability Initiatives in an Evolving Regulatory Context](#), OECD Business and Finance Policy Papers, No. 69 p.15

^{xxvii} Chapter II (General Policies) Commentary 12

Woolworths was provided, via email on the 19th of May 2025, a briefing on the new ASC Farm Standard that outlined that the standard's water quality criterion was insufficient in relation to protecting the Macquarie Harbour ecosystem and Maugean skate (Annex K). The briefing noted that the Farm Standard had failed to include key findings from the 2021 WWF-review; namely the need for dissolved oxygen compliance limits in the mid to bottom waters and the cautioning against the use of reference sites for compliance (as the WWF review had found this scenario had resulted in falsely compliance confirmation when in reality the harbour's ecosystem health was in decline). The email and briefing urged Woolworths to not defer to the ASC for Macquarie Harbour and instead conduct its own due diligence as per the OECD Guidelines. Despite this, Woolworths has indicated they would welcome ASC-certified Macquarie Harbour salmon.¹¹²

The shortcomings and serious limitations of farmed salmon certifications was raised at the Senate Inquiry into Greenwashing with Woolworths Group Interim CSO testifying that “we absolutely acknowledge that many certifications are not a silver bullet and that they do require other due diligence strategies” (Annex H). However, despite this acknowledgement, Woolworths Group continued to cite certifications as their due diligence efforts (Annex I).

In a briefing and presentation (Annex K) to Woolworth Group CSO and representatives were urged to adhere with the OECD Guidelines and provided the Conservation Alliance for Seafood Solutions' (CASS) updated Guidance for Companies on Environmentally and Socially Responsible Seafood, which is modelled on the OECD Due Diligence Guidance for Responsible Business Conduct, as an example to follow.¹¹³ It was pointed out to Woolworths Group that the CASS' Guidance includes 'real world' examples for companies to demonstrate how to implement the guidance and one such example was similar to the circumstances of Woolworths Group (i.e., a large supermarket is selling a certified product that impacts an endangered species). The CASS example outlines that even though a major retailer has a sustainable seafood policy that includes certifications, in the event that an adverse harm to an Endangered, Threatened, or Protected (ETP) species is identified within their supply chain, regardless of certification, the retailer will conduct individual due diligence by working with its suppliers to find alternative sources and, if not possible, ceasing sourcing from the supplier.

In an April 2025 filing of shareholder resolutions, Woolworths Group investors have also asked for the company to align their seafood procurement policy with the CASS and OECD Guidelines (Annex L).

According to the OECD Due Diligence Guidelines engaging with a sustainability initiative does not equate to company due diligence as the company “always remain responsible for ensuring that their due diligence is effectively carried out”.^{xxviii} That is, regardless of whether a product is certified, the onus is on the company to ensure adverse environmental harm is not associated with a product.

Woolworths Group is “individually responsible”^{xxix} for their due diligence according to the OECD Guidelines. However, despite being aware of the shortcomings and serious limitations of BAP and GG, there is no evidence that Woolworths has conducted its own due diligence, let alone the heightened due diligence necessary due to the significant adverse environmental and biodiversity impacts at stake.

^{xxviii} OECD Due Diligence Guidance for Responsible Business Conduct p.51

^{xxix} Chapter II (General Policies) Commentary 12

Failure to proactively carry out heightened due diligence, instead deferring to ongoing government processes and decisions

According to the OECD Guidelines, not only do companies retain ultimate responsibility for their own due diligence, but they are expected to **“act as soon as possible, and in a proactive way, to avoid adverse environmental impacts.”**^{xxx}

Woolworths Group’s remarks indicate they are delaying acting until government processes are completed. At the Senate Inquiry into Greenwashing, (Annex H) the Interim CSO stated that:

“...critical pieces of work are currently underway, and we want to wait for them while they continue. One of the things to note is that, obviously, Minister Plibersek established a review, and I believe that is still underway. We see that as another critical piece of work and would like to continue to wait for the recommendations that come after the review has been conducted.”

Likewise, the Woolworths Chair stated at the 2024 AGM (Annex I):

“We believe it’s not only prudent but critical that we await the outcome of the federal government review and the scientific research currently underway.” and “We will make our mind up when the government reviews the evidence is put to us. Meanwhile, we rely on expert, independent parties who maintain certification of Macquarie Harbour”.

The reviews referred to are two separate government processes: 1) the Threatened Species Scientific Committee’s ‘Critically Endangered’ uplisting consideration and 2) the Federal Government’s Environmental Protection Biodiversity and Conservation (EPBC) Act review of salmon farming in Macquarie Harbour.

The TSSC’s consideration involves whether the status of the Maugean Skate should be updated from ‘Endangered’ to ‘Critically Endangered’ under the EPBC Act.¹¹⁴ The Australian Government granted a 12 month extension for the consideration to 30 October 2025 at which time the Environment Minister then has 90 days to respond.¹¹⁵ Firstly, the outcome is a moot point as the outcome of the consideration is either the Maugean skate remains listed as Endangered or is uplisted to Critically Endangered. Both outcomes can be classified as ‘severe’ and warranting heightened due diligence. Moreover, according to the OECD Guidelines expectations, Woolworths Group should be acting as soon as possible and in a proactive manner given that the Maugean skate is already listed as Endangered.

Initiated in June 2023 by requests from civil society groups, the EPBC Act review’s purpose was to determine whether, in light of latest scientific research, the Australian Government needed to reconsider the 2012 decision that allowed salmon farming to expand in the harbour, with the Tasmanian Government as the industry’s regulator, on the condition no negative impacts occurred to the endangered Maugean skate.¹¹⁶

In May 2025, the Australian Government introduced a bill amendment that effectively halted the EPBC Act review of salmon farming in Macquarie Harbour.¹¹⁷ As a result, the environment minister reconfirmed the 2012 decision, allowing salmon farming to continue in the harbour.¹¹⁸ An

^{xxx} Chapter VI (Environment) Commentary 74

Environment Tasmania representative provided a EPBC Act Amendment briefing to Woolworths Group along with an email that stated:

“As the EPBC Act review process for Macquarie Harbour salmon is no longer, more than ever, the onus is on supermarkets to adhere with OECD Responsible Business Conduct due diligence by ceasing procurement of Macquarie Harbour salmon and switching to alternative sources of farmed salmon”

The email asked Woolworths Group’s what their plans were in light of the development. Woolworths Group responded that they were aware of the changes to the EPBC Act, however, did not indicate a change in the timing of their decision-making (Annex M).

The OECD Guidelines explicitly states that the “Failure of government to uphold the principles and standards consistent with the Guidelines or their associated international commitments does not diminish the expectation that enterprises observe the Guidelines”^{xxxix} While the Australian Government through the EPBC Act Amendment has, arguably, failed to uphold the biodiversity principles and standards consistent with the Guidelines and their associated international commitments (e.g., UNESCO World Heritage Convention); this does not diminish the expectation that Woolworths’ observes the Guidelines.

By deferring to these lengthy external government processes, Woolworths Group distracts from its obligation to conduct their own heightened due diligence; and especially in a manner that is proactive and as soon as possible per the OECD Guidelines. Importantly, Woolworths distracts from its obligation to act to avoid contributing to adverse environmental and biodiversity harms.

Failure to proactively carry out heightened due diligence due by claiming a lack of full scientific certainty

Chapter VI (environment) states “consistent with the scientific and technical understanding of the risks, **where there are threats of serious or irreversible damage to the environment [...] not use the lack of full scientific certainty or pathways as a reason for postponing** cost-effective measures to prevent or minimise such damage.”^{xxxix}

Woolworths Group has downplayed the impact and role salmon farming has on the endangered Maugean skate. For example, at the Senate Inquiry into Greenwashing the Interim CSO stated:

“... first and foremost, we’re aware of the reports that indicate that not only salmon farming but also mining, forestry and hydroelectricity generation are have an impact on skate populations, largely as you know, through the levels of oxygen in the water” (Annex H)

Additionally, the board response to the 2024 shareholder resolutions stated:

“Government and scientific reports acknowledge that there are a number of factors within the [Macquarie Harbour] catchment which could be impacting environmental conditions, such as hydroelectric damming, recreational and commercial gillnet fishing, salmon

^{xxxix} Chapter I. (Concepts and Principles) Paragraph 2

^{xxxix} Chapter VI (Environment) Paragraph 3

aquaculture, legacy impacts from previous mining operations in the catchment, as well as the impacts of climate change” (Annex N)

The Woolworths Group Chair also commented at the 2024 AGM that the science isn’t “black and white” and that there was “conflicting evidence”. Woolworths has also stated the need to wait while further scientific research is undertaken (Annex I).

Woolworths Group appears to be insinuating that there is a lack of full scientific certainty and thereby this is a valid reason to postpone taking action – in contradiction to the OECD Guidelines that states uncertainty is not a legitimate reason for postponing action particularly where significant environmental damage, in this case the endangerment of the skate population, is a serious issue.

Similarly, as a signatory corporate member of the United Nations Global Compact (UNGC),¹¹⁹ Woolworths Group is failing to uphold UNGC Environment Principle 7 which states that “businesses should support a precautionary approach to environmental challenges”¹²⁰ and cites the 1992 Rio Declaration on Environment and Development’s assertion that the lack of full scientific certainty should not be used as a reason for postponing action where there are threats of serious or irreversible damage.¹²¹ In addition, the OECD Guidelines prescribe that “adverse environmental impacts should be assessed in light of best available science.”^{xxxiii} The Threatened Species Scientific Committee’s, Australia’s peak scientific body, published Australian Government Conservation Advice for the Maugean skate which states, although there are multiple threats to the Maugean skate, the primary threat is salmon farming. When providing the advice to the Australian Government, the TSSC advised the environment minister that “the primary threat to the species is reduced levels of oxygen in the water associated with salmon aquaculture due to the bacterial degradation of organic material from fish-feed and fish-waste”.¹²²

As is inherent with scientific research, studies and monitoring regarding Macquarie Harbour and the Maugean skate are ongoing and will continue into the future. That said, the Conservation Advice, provides the best available science and indicates that the gravity of the threat is serious. There is no lack of full scientific certainty; and even if there was, Woolworths Group cannot use such a claim as a reason to postpone acting as outlined by the OECD Guidelines.

The effectiveness of the due diligence process is assessed by the extent to which actual and potential harm is prevented and mitigated.^{xxxiv} In May 2023, the gravity of the adverse harm deepened when IMAS research found a 47% decline in the endangered Maugean skate population. In response, urgent Conservation Advice was published in September 2023 that classified salmon farming operations in the harbour as a “major threat” and “catastrophic” to the skate’s survival.

As the harm was neither prevented or mitigated, this suggests that Woolworths Group failed to conduct adequate heightened due diligence as soon as possible or in a proactive way in regard to severe adverse biodiversity harms within its salmon supply chain that are associated with a World Heritage Area and protected endangered species.

^{xxxiii} Chapter VI (Environment) Commentary 68

^{xxxiv} OECD Due Diligence Guidance for Responsible Business Conduct 4.1 Track Implementation and Results p. 32

5.2 Woolworths Group’s failure to disclose foreseeable risk associated with Macquarie Harbour salmon, and failure to report on its due diligence plan to address this matter.

While it is likely that this section was also breached during 2011-May 2023 relevant timeline for the 2011 OECD Guidelines, evidence is provided that is relevant to June 2023 onwards that is relevant to the 2023 OECD Guidelines.

Rules:

Box 2 – Excerpts from the 2023 OECD Guidelines

Chapter III, Disclosure

1. Enterprises should take into account established disclosure policies in the countries and sectors in which they operate, and consider the views and informational requirements of shareholders and other relevant stakeholders. **Enterprises should disclose regular, timely, reliable, clear, complete, accurate and comparable information** in sufficient detail on all material matters. [...]

2. **Disclosure policies of enterprises should include**, but not be limited to, material information on: [...] h) **foreseeable risk factors**;

3. It is also important that enterprises **communicate responsible business conduct** information including as part of their responsibility to carry out due diligence. [...] Responsible business conduct information can include:

a) value statements or statements of business conduct intended for public disclosure including policies on responsible business conduct issues that articulate the enterprise’s commitments to the principles and standards contained in the Guidelines, and **its plan for implementing due diligence**; [...]

d) the enterprise’s identified areas of **significant impacts of risks, the adverse impacts or risks identified, prioritised and assessed**, as well as the prioritisation criteria

Chapter VI, Environment

Enterprises play a key role in advancing sustainable economies and can contribute to delivering an effective and progressive response to global, regional and local environmental challenges [...] Enterprises can be involved in a range of adverse environmental impacts. These include, among others: [...]

b) biodiversity loss;

c) degradation of land, marine and freshwater ecosystems; [...]

In particular, enterprises should:

1. Establish and maintain a system of environmental management appropriate to the enterprise associated with the operations, products and services of the

enterprise over their full life cycle, including by **carrying out risk-based due diligence**, as described in Chapter II, for adverse environmental impacts, including through:[...]

d) **providing the public, workers, and other relevant stakeholders with adequate, measurable, verifiable** (where applicable) **and timely information on environmental impacts associated with their operations**, products and services based on best available information, and progress against targets and objectives [...]

Failure to disclose foreseeable risk factors, including biodiversity-related adverse impacts and risks

Nature or biodiversity risk has been recognized as a material financial risk by entities including the World Economic Forum and the World Bank. More than half of the world's GDP, equivalent to US \$58 trillion, is moderately or highly dependent on nature.¹²³ The World Economic Forum Global Risks Report 2024 identified biodiversity and ecosystem collapse as the third most severe risk over the next ten years.¹²⁴

The OECD Guidance refers to international agreements, including the United Nations Convention on Biological Diversity (CBD) and the 2022 Kunming-Montreal Global Biodiversity Framework (GBF), as important benchmarks for understanding environmental and biodiversity issues and expectations.^{xxxv} Australia is a signatory to both the CBD and GBF. While both are non-binding on private corporations, they act as "important references" that are indicative of expectations according to the OECD Guidance. The GBF set ambitious targets for halting and reversing nature loss for governments and businesses. Target 15 is specifically aimed at supporting action by businesses and calls for companies to "assess, disclose and reduce biodiversity-related risks and negative impacts".¹²⁵ In particular, large and transnational companies and financial institutions are expected to:

"Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains, and portfolios"

Guidance notes for Target 15 that large and transnational companies' supply chains, owing to their operations and size, can have large net impacts on biodiversity. The Guidance goes on to state:

"As such improvements in their monitoring, assessment and disclosure processes have significant potential to generate positive outcomes for biodiversity, particularly as issues associated with supply chains and portfolios are often overlooked in sustainability reports".

Further, there is a growing expectation from the world's largest investors that companies identify, assess and disclose biodiversity risks. Nature Action 100 (NA100), a global investor-led initiative, has identified Woolworths Group as one out of 100 companies that the initiative will target to adopt "timely and necessary corporate action that will protect and restore nature and ecosystems".¹²⁶

^{xxxv} Chapter VI (Environment) Commentary 66

Companies are identified based on key sectors (e.g., food, retail) and large market capitalization, and whether there is a high potential for impact on nature.¹²⁷

NA100's Woolworths Group's company assessment, published in 2024, found the company does not assess and publicly disclose its "material dependencies and impacts on nature within its own operations and throughout its value chain" or "the risks and opportunities stemming from material dependencies and impacts on nature".¹²⁸ Further, the assessment noted a failure to disclose a nature target strategy, expenditure policy aligned with nature targets, the location of assets and activities for direct operations and supply chain in or adjacent to ecologically sensitive locations, and evidence that the board has sufficient expertise to oversee nature risks. Similarly, another benchmark ranked Woolworths Group's the worst of Australia's 20 largest food companies on assessing and disclosing nature risk.¹²⁹

The OECD Environment Policy Paper, *Assessing biodiversity-related financial risks: Navigating the landscape of existing approaches*,^{xxxvi} states there are two steps in order to translate biodiversity loss into financial risks:

"First, is the vulnerability of a financial portfolio or assets to biodiversity loss and the acute risks which may materialise as a result. In this specific instance, vulnerability relates to the likelihood of a specific ecosystem collapse or other nature-related event occurring, based on different plausible futures.

Second, is the materiality of a specific biodiversity-related occurrence on a financial asset or portfolio, in other words, the consequential expected financial or economic losses from a biodiversity loss event."

Woolworths Group's salmon supply can be considered vulnerable given the scientific evidence since 2013 shows the Macquarie Harbour ecosystem has experienced degradation due, in significant part, to salmon farming operations in the harbour. Likewise, the endangered Maugean skate has been adversely impacted. The likelihood of nature-related events (e.g., upturning of low dissolved oxygen bottom waters), such as the 2019 extreme weather event that wiped out nearly half of the Maugean skate population, are expected to become more frequent due to climate change.¹³⁰ Poor ecosystem health and nature-related events have also caused mass mortalities at Macquarie Harbour salmon farms.^{131 132 133}

The materiality risk associated with the vulnerability of Woolworths Group's Macquarie Harbour salmon sourcing could include financial or economic losses due to supply disruption due to mass mortalities and the harbour becoming less hospitable to salmon farming, and reputational risk due to a product being associated with the decline of a protected endangered species and negatively impacting the World Heritage Area.

The procurement of Macquarie Harbour salmon and, in turn, marketing of the product by Woolworths Group as "responsibly sourced" was identified as an unnecessary reputational risk by SIX in the 2024 shareholder resolution. (Annex D)

In addition, there are generally known financial material risks associated with salmon farming including environmental threats such as climate change, disease, sea lice and harmful algal

^{xxxvi} OECD [Environment Policy Paper No. 36](#), *Assessing Biodiversity-related Financial Risks: Navigating the landscape of existing approaches*, Policy Perspectives p.41

blooms; and the industry's reliance on wild-caught fish for feed (driving overfishing and overexploitation)^{134 135}

Woolworths Group is not meeting the expectations of the OECD Guidelines in regards the disclosure of foreseeable risk factors, especially to the company's Macquarie Harbour salmon supply, as no evidence of public disclosure could be found on the company's website, sustainability or governance reports. Additionally, in the company's response to the shareholder resolutions that noted reputational risk associated with Macquarie Harbour salmon, the Woolworths board failed to acknowledge such risk (Annex N). While Woolworths have stated they are currently piloting the Task Force for Nature Disclosure on its salmon value chains, it is yet to publish any results;¹³⁶ and as noted by the OECD, such sustainability initiatives alone is likely not enough for meeting OECD expectations (see 5.1.2).

Failure to disclose Macquarie Harbour salmon as causing adverse environmental impacts and evidence of due diligence policies and plans.

The OECD Guidelines emphasize that transparency in due diligence processes is crucial to allow stakeholders, including consumers and advocacy groups, to assess a company's commitment to Responsible Business Conduct.^{xxxvii}

The OECD Guidelines and the corresponding Due Diligence Guidance for Responsible Business Conduct outlines that as part of the due diligence framework, companies should communicate how the adverse impacts are being addressed.^{xxxviii} This includes public disclosure on policies and plans for implementing due diligence^{xxxix} as well as measurable, verifiable and timely information on environmental impacts associated with the company's operations, products and services, as well as progress against targets and objectives for addressing such impacts.^{xl}

The OECD Due Diligence Guidance further states that companies should "communicate externally relevant information on due diligence policies, processes, activities conducted to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities".^{xli}

Woolworths Group has failed to communicate to the public the company's environmental impacts associated with its salmon products. In particular, no evidence of public disclosure could be found on the company's website, sustainability or governance reports in regard to the severe adverse impact to Macquarie Harbour ecosystem and World Heritage Area, including the endangered Maugean skate, caused by its salmon supply.^{137 138} The exception is the board's response to the shareholder resolutions in the Notice of the 2024 AGM (Annex N), which cannot be considered proactive or timely given adverse impacts have been known since 2013. Nor has Woolworths Group disclosed how the adverse impact is being addressed through an OECD aligned due diligence framework despite repeated requests for evidence (see 5.1.2).

^{xxxvii} Chapter III (Disclosure) Paragraph 3

^{xxxviii} Chapter II (General Principles) Commentary 15

^{xxxix} Chapter III (Disclosure) Commentary 32

^{xl} Chapter VI (Environment) Paragraph 1. d)

^{xli} [OECD Gude Diligence Guidance for Responsible Business Conduct](#) Section 5.1 Communicate How Impacts Are Addressed

5.3 Woolworths failure to provide consumers accurate information on Macquarie Harbour salmon and misleading consumers with its 'responsibly sourced' labelling

While it is likely that this section was also breached during 2011-May 2023 relevant timeline for the 2011 OECD Guidelines, evidence is provided that is relevant to June 2023 onwards that is relevant to the 2023 OECD Guidelines.

Rules:

Box 3 – Excerpts from the 2023 OECD Guidelines

Chapter VI, Environment

Enterprises play a key role in advancing sustainable economies and can contribute to delivering an effective and progressive response to global, regional and local environmental challenges... Enterprises can be involved in a range of adverse environmental impacts. These include, among others: [...]

- b) biodiversity loss;
- c) degradation of land, marine and freshwater ecosystems; [...]

In particular, enterprises should: [...]

5. Continually seek to **improve corporate environmental performance**, at the level of the enterprise and, where appropriate, entities with which they have a business relationship, including by: [...]

- c) **promoting higher levels of awareness among customers of the environmental implications of using the products** and services of the enterprise, including by **providing relevant and accurate information on their environmental impacts** (for example, on greenhouse gas emissions, impacts on biodiversity, resource efficiency, reparability and recyclability or other environmental issues).

Chapter VIII, Consumer Interests

When dealing with consumers, enterprises should act in accordance with fair business, marketing and advertising practices and should take all reasonable steps to ensure the quality and reliability of the goods and services that they provide. In particular they should: [...]

2. **Provide accurate, verifiable and clear information that is sufficient to enable consumers to make informed decisions, including information on the prices and, where appropriate, content, safe use, environmental attributes, maintenance, storage, disposal of goods and services, and relevant e-commerce disclosures such as privacy issues, and information about available dispute resolution and redress options.** The information should be presented in a comprehensible and easily accessible manner using plain language, while also regarding the needs of accessibility for consumers with

disabilities. Where feasible this information should be provided in a manner that facilitates consumers' ability to compare products. [...]

4. Not make representations or omissions, nor engage in any other practices that are deceptive, misleading, fraudulent unfair or that otherwise subvert consumer choice in ways that harm consumers or competition.

5. Support efforts to promote consumer education in areas that relate to their business activities, with the aim of, inter alia, improving the ability of consumers to: i) make informed decisions involving complex good, services and markets, ii) better understand the economic, environmental and social impact of their decisions and iii) support sustainable consumption.

For consumers, there is no information regarding the relevant and accurate biodiversity impacts associated with Woolworths Group's salmon products from Macquarie Harbour available on the company's website, including its online store, or instore.^{139 140} This itself contradicts the relevant paragraphs in Chapters III and VI of the OECD Guidelines.

Furthermore, this also contradicts the OECD Guidance's reference to international agreements, including the Kunming-Montreal Global Biodiversity Framework (GBF), as an important benchmark and reference indicative of expectations.^{xlii} In particular, Woolworths Groups lack of information contradicts GBF Target 15 expectations that large and transnational companies:

"Provide information needed to consumers to promote sustainable consumption patterns".

Additionally, Woolworths Group's Seafood Sourcing Policy accepts the following three certifications for its Woolworths Own-Brand farmed seafood products: ASC, BAP, and GG.¹⁴¹ However, these certifications are not used on consumer facing products. Rather the Woolworths Group 'Responsibly Sourced' symbol is used on the Own-Brand-farmed seafood products *instead* of the relevant certification label.¹⁴² This makes it impossible for a consumer to tell which of the three certifications is behind a product's 'responsibly sourced' label. This is particularly important given that each certification has its own standard criteria for salmon farms; and the rigor of these standards can differ between certifications. Further, as explained in 5.1.2, the credibility of the certifications can also differ.

By lumping the three certifications together under the 'responsibly sourced' label, Woolworths Group has failed to sufficiently enable consumers to make an informed decision on farmed salmon. Having the specific certification associated with the product clear to the consumer would enable the consumer to review the particular certification's website and standard criteria, assess the certification's credibility, and make an informed decision.

As explained earlier in 5.1.2, BAP and GG have been found to be not-fit-for-purpose in Macquarie Harbour due to their standards not including key environmental criteria safeguards such as dissolved oxygen compliance limits for farms - especially at mid to bottom depths. In practice this means impacts to Macquarie Harbour, Tasmanian Wilderness World Heritage Area, and the endangered Maugean skate go undetected and unpenalized under these certifications.

^{xlii} Chapter VI (Environment) Commentary 66

Woolworths Group was made aware of such findings in 2021 with then NGO partner WWF's commissioned review of Ecolabelling in Macquarie Harbour; and since through public criticisms and direct communications with Environment Tasmania, other conservation groups, and investors. Even so, Woolworths Group did know or ought to have known since at least 2013, given the high-profile media and scientific reports, that certification in Macquarie Harbour was in direct contradiction to the adverse environmental impacts occurring in the harbour. Despite this Woolworths has continued to use the 'Responsibly Sourced' logo on Macquarie Harbour salmon products, and thereby potentially misleading consumers.

Woolworths Group's use of the 'Responsibly Source' logo and claim on Macquarie Harbour salmon appears to be in violation of the OECD Guidelines as the claims represents the product as being environmentally benign and omits evidence that scientific advice to the Australian government that states the product (i.e., salmon from Macquarie Harbour farms) is the "primary threat" to the endangered Maugean skate's survival.¹⁴³

According to the commentary in Chapter VI, any entities' environmental claims should be based on adequate evidence and, where applicable, verified with proper tests.^{xliii} A proper test requires suitable and appropriate criteria to ensure all relevant environmental impacts associated with the particular product are considered. Properly testing the environmental impacts of Macquarie Harbour salmon necessitates suitable and appropriate dissolved oxygen compliance limits in the middle and bottom depths of the harbour -- as low dissolved oxygen levels within the critical habitat of the Maugean skate has been identified by scientists as a key factor to the species' survival. BAP and GG certifications have no dissolved oxygen compliance limits and consequently fail to capture the impact certified farms are having on Macquarie Harbour's dissolved oxygen levels – a key factor to the Maugean skate's survival. Therefore, BAP and GG are not "proper tests".

It is reasonable that a Woolworths Group consumer would expect a salmon product with a 'responsibly sourced' label not to be negatively harming an endangered species – let alone contributing to the critical endangerment of the survival of that species – and this representation or omission is potentially misleading or deceiving to consumers according to the OECD Guidelines.

6. The extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issues and/or implementation of the Guidelines

In December 2023 the Environmental Defenders Office (EDO), on behalf of conservation groups, lodged a formal complaint to the Australian Consumer and Competition Commission (ACCC) regarding potentially false, misleading or deceptive conduct over sustainability claims on Tasmanian salmon products, including on Macquarie Harbour salmon, by Woolworths Group and other major supermarkets.¹⁴⁴ In May 2024, it was revealed that ACCC "decided not to take further action".¹⁴⁵ The ACCC's rationale for not taking further action refers to industry compliance with "regulations and their participation in various voluntary environmental compliance schemes". It

remains unknown if the ACCC considered the Australian Government's Conservation Advice for the Maugean skate as the ACCC's statement makes no reference to the scientific advice. It is also unknown if the ACCC reviewed whether the certifications in Macquarie Harbour were proper tests. Additionally, as outlined in a letter sent to the Greenwashing Senate Inquiry Committee from conservation groups¹⁴⁶ represented by the EDO complaint in response to the ACCC's decision, "it is unclear why the ACCC cites that compliance with regulations was given relevant consideration given nowhere in the ACCC guidance for businesses does it state that industry compliance with regulation is sufficient for substantiating an environmental claim."¹⁴⁷ The letter notes "to the contrary, the regulatory framework has been deemed insufficient for protecting Macquarie Harbour and the Maugean Skate; hence the Commonwealth's Conservation Advice recommending the removal of salmon farming from the harbour as an urgent priority."

The ACCC complaint scope was not specific to Woolworths and the standards considered by the ACCC are unknown as the authority made no mention of the Australian Government's Conservation Advice for the Maugean skate or any other relevant science in relation to biodiversity impacts associated with Macquarie Harbour salmon operations. Further, the complaint was not made under the OECD Guidelines.

In September 2023, conservation groups submitted complaints to BAP and GG certifications for their continued endorsement of Macquarie Harbour salmon farms.^{148 149} The complaints outlined the Conservation Advice and scientific evidence associating severe adverse impacts with salmon farms within the harbour and the endangered Maugean skate; and that the certifications' standard criteria (and local Licence Conditions) fail to identify impacts meaning they go undetected and unpenalized. The complaints called for BAP and GG to revoke their certifications from Macquarie Harbour farms. The complaints were closed in October 2023¹⁵⁰ and February 2024.¹⁵¹ Both certification schemes dismissed the complaints and continued to endorse certification of Macquarie Harbour salmon (and still do).

While the issues raised in the certification complaints involved harms to the Maugean skate, the complaints were addressed specifically to the certifiers in relation to their role in endorsing Macquarie Harbour salmon farms. The complaints were not directed to or filed against Woolworths Group, nor did the complaints include or address Woolworths Groups' responsibilities to adhere with the OECD Guidelines.

7. The Complainant's Expectations

Environment Tasmania has previously attempted to resolve this issue with Woolworths Group through direct communications and dialogue. Environment Tasmania has acted in good faith providing briefings and recommendations to Woolworths Group representatives, including senior sustainability executives and board members. Unfortunately, the company has not meaningfully responded to multiple requests for Woolworths Group to conduct heightened due diligence, as per the OECD Guidelines, on their Own-Brand salmon supply from Macquarie Harbour. Nor has the company disclosed or provided evidence of due diligence actions taken. Woolworths Group's responses to date suggests the company is willing to continue waiting for government processes to conclude before taking action to prevent/stop harms, and in the meantime rely on certifications

in lieu of due diligence. For this reason, Environment Tasmania has concluded Woolworths Group is not meeting many of the responsible business expectations in the OECD Guidelines. Consequently, Environment Tasmania requests the Australian NCP assistance to clarify the relevant expectations in the Guidelines and actions Woolworths should take to align its activities with these expectations in the future.

7.1 Expectations Toward Woolworths Group

If the complaint is accepted by the NCP and moves to the good offices stage, the complainant puts forth the following priorities for discussion and any agreement reached:

- Alignment between Woolworths Group's environmental due diligence policies and practices, particularly the Woolworths Group Seafood Sourcing Policy, and the expectations in the OECD Guidelines.
- Compliance with the due diligence expectations in the OECD Guidelines, including for Woolworths Group to properly identify, assess, cease, prevent, mitigate and remedy adverse harms in its own operations, as well as in its value chain, that are connected to the issues raised in this complaint.
- Take immediate proactive action to cease Woolworths Groups' contribution to the adverse harm as outlined in the OECD Guidelines by ceasing procurement of salmon from Macquarie Harbour given the gravity of severity of harm is high.
- Disclose the biodiversity risk associated with Woolworths Groups' salmon supply; and communicate externally Woolworths Groups' due diligence policies, processes, and activities, including the outcomes associated with taking appropriate action in relation to the issues raised in this complaint.
- Cease labelling Macquarie Harbour salmon as "responsibly sourced" and correctly inform stakeholders and the public about the potential adverse impacts of Woolworths Group's salmon supply.

7.2 Requests for the Australian NCP

The complainant respectfully requests the Australian NCP to accept this complaint and offer its good offices to facilitate dialogue and resolve the issues raised. The complainant commits to engaging in good faith throughout the process.

If no agreement is reached between the parties or Woolworths does not agree to dialogue, the complainant requests for the NCP to examine the issues raised in this complaint and for its final statement to contain the NCP's views on whether Woolworths has observed the relevant expectations in the OECD Guidelines.

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