

Initial Assessment

Complaint submitted by Environment Tasmania
Incorporated concerning Woolworths Group Limited

2 March 2026

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Executive summary

1. In September 2025, the Australian National Contact Point for Responsible Business Conduct (**AusNCP**) received a complaint from Environment Tasmania Incorporated (**Environment Tasmania**) regarding Woolworths Group Limited (**Woolworths**).
2. The complaint concerns Woolworths' 'Own Brand' salmon, the environmental conditions under which it is produced, and the relevant expectations on Woolworths under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (**OECD Guidelines**).
3. An AusNCP Independent Examiner has considered the material presented by Environment Tasmania, Woolworths, and publicly available information to determine whether the complaint should be accepted for dispute resolution or rejected. The Initial Assessment finds that there are adequate and appropriate bases to satisfy each of the six admissibility criteria outlined in the AusNCP complaint procedures (and the OECD Guidelines' Implementation Procedures) and to accept the complaint from Environment Tasmania, as detailed in this statement.
4. The complaint has therefore been accepted, and an offer of AusNCP dispute resolution (or 'good offices', as it is referred to under the OECD Guidelines) will be extended to the parties.
5. The AusNCP notes that this outcome is not a determination on the merits of the claims presented, nor is it an assessment of whether Woolworths' actions are consistent with the OECD Guidelines.
6. This statement is available on the AusNCP website at www.ausncp.gov.au.

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Initial Assessment

7. On 10 September 2025, Environment Tasmania submitted a complaint to the AusNCP alleging that Woolworths has not undertaken appropriate risk-based environmental due diligence in the sourcing of its Own Brand salmon products from Macquarie Harbour in Tasmania. The complaint also alleged that aspects of Woolworths' conduct were inconsistent with the OECD Guidelines' expectations around the disclosure of foreseeable and environmental risks, and the provision of accurate information to consumers.
8. The following is evident from publicly available information on the websites of the Australian Government, the Tasmanian Government, the University of Tasmania and the Australian Broadcasting Corporation:¹
 - 8.1. Fish aquaculture has occurred in Macquarie Harbour since the 1980s.
 - 8.2. Macquarie Harbour covers more than 275 km², with its southern third located within the Tasmanian Wilderness World Heritage Area. Macquarie Harbour is the only place in the world where the Maugean skate – a ray-like fish species – is found. The Maugean skate is listed as 'endangered' under both Tasmanian and Commonwealth legal regimes.
 - 8.3. Macquarie Harbour's annual aquaculture production increased for some years. Salmon farming peaked in the harbour at over 20,000 tonnes in 2014–15, at which time a decline in water quality was observed. Tasmanian regulators reduced stocking rates to 9,500 tonnes from 1 June 2018, a level at which they have since remained, and also set limits on various water quality measures.
 - 8.4. The Institute for Marine and Antarctic Studies (**IMAS**) at the University of Tasmania previously estimated that the Maugean skate population declined by almost 47 per cent between 2014 and 2021.
 - 8.5. Advice from the Australian Government's Threatened Species Scientific Committee in 2023 considered that 'eliminat[ing] or significantly reduc[ing] the impacts of salmonid aquaculture on dissolved oxygen concentrations' was an urgent priority.² A 2025 report by IMAS noted that recent results 'suggest a significant increase in [the] relative abundance [of the Maugean skate] from 2022, with current estimates now not significantly different to 2014', and that '[t]his timing aligns with an improvement in environmental conditions within the harbour, in particular an increase in dissolved oxygen levels'.³

¹ Department of Climate Change, Energy, the Environment and Water (**DCCEEW**), *Marine Farming Expansion, Macquarie Harbour, Tasmania (EPBC 2012/6406)*, August 2025, accessed October 2025; Tasmanian Environment Protection Authority (**EPA Tas**), *Macquarie Harbour*, 2025, accessed October 2025; Department of Natural Resources and Environment Tasmania, *Maugean Skate*, 2025, accessed October 2025; Australian Broadcasting Corporation (**ABC**), *Commonwealth reaffirms decision to allow salmon farming expansion in Tasmania's Macquarie Harbour*, 14 August 2025, accessed October 2025.

² DCCEEW, *Conservation Advice for *Zearaja maugeana* (Maugean skate)*, 6 September 2023, p 29, accessed October 2025. Updated *Conservation Advice* was released on 12 February 2026 (accessed February 2026), following a decision by the [Minister for the Environment and Water](#) (accessed February 2026).

³ Institute for Marine and Antarctic Studies (**IMAS**), *2014-2024 Macquarie Harbour Maugean skate population status and monitoring report*, University of Tasmania, February 2025, p 4, accessed December 2025.

- 8.6. Macquarie Harbour currently has ten finfish farming leases, all located outside of the Tasmanian Wilderness World Heritage Area⁴ and operating under regulatory schemes of the Tasmanian and Australian Governments.
- 8.7. The three Macquarie Harbour salmon farms that Woolworths appears to source salmon from are all owned by multinational enterprises: Huon Aquaculture Company Pty Ltd (owned by JBS Group from Brazil), Tassal Group Limited (through Tassal Operations Pty. Ltd., owned by Cooke Inc. from Canada) and Petuna Aquaculture Pty Ltd (owned by Sealord Group Limited from New Zealand).⁵

Parties

9. The notifier is Environment Tasmania, a non-government organisation and registered charity that was founded in 2004 in Hobart, Tasmania.⁶ Environment Tasmania's website states that it seeks 'to conserve, connect, and inspire stewardship of lutruwita/Tasmania's natural landscapes'. The organisation has campaigned on issues related to Tasmanian farmed salmon since 2011, including the industry's impacts on the Maugean skate and the Tasmanian Wilderness World Heritage Area.
10. The enterprise is Woolworths, an Australian Stock Exchange-listed retail company headquartered in Sydney, Australia.⁷ The Australian Competition and Consumer Commission (ACCC) has previously estimated that Woolworths holds a 38 per cent share of supermarket grocery sales in Australia, making it the largest domestic grocery retailer.⁸ Woolworths also states publicly that it serves more than 25 million customers each week across its network of retail brands.⁹

Complaint and outcomes sought by the notifier

11. The complaint alleges that Woolworths' Own Brand salmon sourcing is associated with adverse environmental and biodiversity harms, including:
 - marine ecosystem degradation in Macquarie Harbour
 - biodiversity harm to the Tasmanian Wilderness World Heritage Area
 - harm to the Maugean skate population.

⁴ EPA Tas, *Macquarie Harbour Tasmanian Wilderness World Heritage Area Environmental Status Report*, May 2017, p 4, accessed December 2025.

⁵ ABC, *JBS takeover of Huon points to maturing Aussie aquaculture industry, but risks lurk beneath*, 2 November 2021, accessed November 2025; Cooke Inc., *Cooke Inc. acquires Tassal Group Limited*, 21 November 2022, accessed November 2025; Sealord, *Sealord Acquires 100% of Tasmanian Salmon Producer, Petuna Aquaculture*, 30 January 2020, accessed November 2025.

⁶ Environment Tasmania, *Annual Report 24-25*, n.d., accessed October 2025.

⁷ Woolworths Group Limited (**Woolworths**), *2025 Modern Slavery Statement*, 27 August 2025, accessed October 2025.

⁸ Australian Competition and Consumer Commission (ACCC), *Supermarkets inquiry: Final report*, 21 March 2025, p 1 and 52, accessed November 2025.

⁹ Woolworths, *Annual General Meeting (AGM) Addresses and Presentation*, Australian Financial Review Company Announcements, 30 October 2025, p 9, accessed November 2025.

12. Environment Tasmania alleges that these impacts in Woolworths' salmon supply chain date back more than a decade and are ongoing. It contends that Woolworths' actions, such as relying on voluntary certifications and legislation that is allegedly inadequate to address adverse impacts, are inconsistent with the OECD Guidelines (2011 and 2023 editions) and have contributed and/or been directly linked with the alleged harms outlined in paragraph 11 of this statement above.
13. Environment Tasmania has identified five priorities for discussion in any potential AusNCP dispute resolution with Woolworths. These priorities include:
 - alignment between Woolworths' environmental due diligence policies and practices (namely Woolworths' Seafood Sourcing Policy) and the expectations of the OECD Guidelines
 - Woolworths' compliance with the OECD Guidelines' due diligence expectations (identifying, assessing, ceasing, preventing, mitigating and remedying alleged adverse harms in its own operations and in parts of its value chain that are connected to the issues in this complaint)
 - asking Woolworths to proactively cease procuring salmon that is from Macquarie Harbour
 - external disclosure of issues regarding biodiversity risk and Woolworths' due diligence policies
 - asking Woolworths to stop labelling Macquarie Harbour salmon as 'responsibly sourced'.

Process

14. The AusNCP Governance and Advisory Board (**AusNCP Board**) reviewed a draft of this Initial Assessment before it was provided to the parties for comment. The Independent Examiner finalised the Initial Assessment after considering all comments. Any changes proposed by the AusNCP Board or the parties were made at the Independent Examiner's discretion.

Relevant OECD Guidelines

15. The OECD Guidelines are recommendations addressed by governments (including the Australian Government) to multinational enterprises to support their contribution to sustainable development outcomes. The OECD Guidelines recommend that enterprises undertake risk-based due diligence to identify, prevent, mitigate and account for how they address actual and potential adverse impacts on matters covered by the OECD Guidelines.¹⁰
16. For due diligence and environmental expectations between 2011 and May 2023, the complaint refers to the 2011 edition of the OECD Guidelines.¹¹ For ongoing impacts and events, and for disclosure and consumer interest expectations from June 2023 to present, the complaint refers to the current 2023 edition of the OECD Guidelines.

¹⁰ Organisation for Economic Co-operation and Development (**OECD**), *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, OECD Publishing, 8 June 2023, Preface, p 10 [1] & [4], doi:[10.1787/81f92357-en](https://doi.org/10.1787/81f92357-en) (**OECD Guidelines, 2023**).

¹¹ OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, OECD Publishing, 29 September 2011, doi:[10.1787/9789264115415-en](https://doi.org/10.1787/9789264115415-en).

17. The complaint lists four chapters of the 2023 OECD Guidelines as relevant to the alleged issues:

17.1. Chapter II (General Policies), which outlines that enterprises should '[a]void causing or contributing to adverse impacts on matters covered by the [OECD] Guidelines, through their own activities'; 'address such impacts when they occur'; and also undertake 'risk-based due diligence ... to identify, prevent and mitigate actual and potential adverse impacts ... and account for how these impacts are addressed'.¹²

17.2. Chapter III (Disclosure), which states that enterprises should 'communicate responsible business conduct information including ... the enterprise's identified areas of significant impacts or risks, [and] the adverse impacts or risks identified, prioritised and assessed'.¹³

17.3. Chapter VIII (Consumer Interests), which explains that enterprises should '[p]rovide accurate, verifiable and clear information that is sufficient to enable consumers to make informed decisions, including information on ..., where appropriate, content, safe use, [and] environmental attributes'.¹⁴

17.4. Chapter VI (Environment), which has the most application, relevantly provides as follows:¹⁵

... Within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, enterprises should conduct their activities in a manner that takes due account of the need to protect the environment, and ... 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 ...: biodiversity loss; degradation of ... marine and freshwater ecosystems; ... [and] ... water ... pollution.... In particular, enterprises should:

- 1. Establish and maintain a system of environmental management appropriate to the ... 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: ... providing for, or co-operating in, remediation as necessary to address adverse environmental impacts the enterprise has caused or contributed to, and using leverage to influence other entities causing or contributing to adverse environmental impacts to remediate them.*
- 2. Conduct meaningful engagement with relevant stakeholders affected by adverse environmental impacts associated with [its] operations, products or services.*
- 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.*

¹² OECD Guidelines, 2023, II. General Policies, A [12] & [11].

¹³ OECD Guidelines, 2023, III. Disclosure, [3].

¹⁴ OECD Guidelines, 2023, VIII. Consumer Interests, [2].

¹⁵ OECD Guidelines, 2023, VI. Environment, [1] – [3].

17.5. The commentary to the OECD Guidelines' Environment chapter emphasises the importance of conserving biological diversity and ensuring the sustainable management and use of natural resources and ecosystems (including for species survival). It states that '[e]fforts should include carrying out heightened due diligence with respect to potential adverse impacts on ... protected species' and 'biodiversity in national parks, reserves and other protected areas, including UNESCO Natural World Heritage sites, areas protected in fulfilment of the Convention on Biological Diversity, and as defined in domestic law'.¹⁶

Assessment criteria

18. The AusNCP complaint procedures require an Independent Examiner to determine whether a complaint is made in good faith and relates to the implementation of the OECD Guidelines,¹⁷ with reference to the following Initial Assessment criteria:

- the identity of the party concerned and its interest in the matter
- whether the issue is material and substantiated
- whether the enterprise is covered by the OECD Guidelines
- whether there seems to be a link between the enterprise's activities and the issue raised
- the extent to which applicable law and/or parallel proceedings limit the AusNCP's ability to contribute to the resolution of the issue and/or the implementation of the OECD Guidelines
- whether consideration of the issue would contribute to the purposes and effectiveness of the OECD Guidelines.

Criterion 1: Notifier's identity and interest in the matter?

19. For the purposes of this criterion, the Independent Examiner must be satisfied that the party submitting this complaint has 'some interest in the matters they raise in their submissions'.¹⁸

20. As paragraph 9 of this statement notes, Environment Tasmania is a non-government organisation and registered charity based in Tasmania. It has described its mission to the Australian Charities and Not-for-profits Commission as 'to protect the places we love in Tasmania', and its activities as including 'work on ocean health' and 'campaigning to protect Tasmania's Maugean skate'.¹⁹ To this end, the organisation explained in its complaint that, since 2011, it has actively campaigned on issues associated with Tasmanian salmon farming, including impacts in Macquarie Harbour. This has included:

¹⁶ OECD Guidelines, 2023, VI. *Environment*, [80].

¹⁷ Australian National Contact Point for Responsible Business Conduct (AusNCP), *AusNCP complaint procedures*, April 2024, paras [15] and [30] (AusNCP Procedures, 2024).

¹⁸ OECD, *Guide for National Contact Points on the Initial Assessment of Specific Instances*, OECD Publishing, 31 January 2019, p 6, doi:10.1787/c8d7f80a-en.

¹⁹ Australian Charities and Not-for-profits Commission, *Annual Information Statement 2024: Environment Tasmania Incorporated*, n.d., accessed November 2025.

- 20.1. making submissions to the Tasmanian Government regarding the expansion of salmon farming in Macquarie Harbour, raising concerns about potential impacts on the Maugean skate and the Tasmanian Wilderness World Heritage Area
 - 20.2. raising public awareness of the environmental situation in Macquarie Harbour
 - 20.3. participating in Aquaculture Stewardship Council (**ASC**) audits of Tasmanian salmon farms
 - 20.4. working with stakeholders to call for the implementation of conservation advice from the Threatened Species Scientific Committee (see paragraph 25.2 of this statement)
 - 20.5. partnering with the Sustainable Investment Exchange on shareholder campaigns relating to food retailers that source produce from Tasmanian salmon farming companies with operations in Macquarie Harbour.
21. In its complaint, Environment Tasmania described how it has previously attempted to resolve issues directly with Woolworths (sometimes as part of a broader campaign concerning Australian supermarkets' purchases of Macquarie Harbour salmon) through letters and briefings, meetings with board members and executives, and support for a public petition and shareholder resolutions.
22. Given Environment Tasmania's mandate and objectives relating to environmental conservation in Tasmania, and its sustained engagement with the specific environmental issues it has identified, the Independent Examiner considers that Environment Tasmania has a sufficient interest in the matters raised in this complaint.

Criterion 2: Issues material and substantiated?

23. In determining whether an issue is 'material and substantiated' for the purposes of an Initial Assessment, the AusNCP complaint procedures explain that this requires consideration of whether 'the issues are plausible and related to the application of the OECD Guidelines, and [whether] there is a plausible link between the enterprise and the issues raised'.²⁰ An Initial Assessment is not intended to thoroughly fact-check or assess all issues raised in a complaint and their merits,²¹ noting that a more detailed examination can occur at later stages of an AusNCP complaints process.
24. The complaint does provide considerable information relevant to its issues, including:
- 24.1. multiple scientific studies and monitoring reports documenting the environmental situation in Macquarie Harbour from 2013 onwards
 - 24.2. IMAS research (from May 2023) finding that Maugean skate numbers in Macquarie Harbour fell by almost 47 per cent between 2014 and 2021
 - 24.3. documentation that the Maugean skate is listed as 'endangered' under the *Environment Protection and Biodiversity Conservation Act 1999*, Tasmania's *Threatened Species Protection Act 1995* and the International Union for Conservation of Nature's Red List.

²⁰ AusNCP Procedures, 2024, para [31] and p 20 (glossary definition of 'material and substantiated').

²¹ OECD 2019, p 7.

25. The complaint refers to advice and considerations of the Threatened Species Scientific Committee:
- 25.1. The Department of Climate Change, Energy, the Environment and Water describes this committee as ‘an independent scientific body that advises the Australian Government environment minister on the conservation of native species and ecological communities’²²
 - 25.2. In 2023, this committee provided conservation advice for *Zearaja maugeana* (the Maugean skate),²³ highlighting recent evidence that indicated a high risk of extinction for the species. The advice also identified degraded water quality – specifically reduced levels of dissolved oxygen in Macquarie Harbour – as the Maugean skate’s primary threat. These declines in water quality were correlated with increases in salmonid aquaculture (salmon farming) and associated fish-feed and fish-waste²⁴
 - 25.3. In 2024, this committee consulted on a draft, tentative assessment that proposed to reassess the Maugean skate as ‘critically endangered’ in the threatened species list under the *Environment Protection and Biodiversity Conservation Act 1999*.²⁵
26. The complaint also outlines information regarding Woolworths’ sourcing practices, including from:
- 26.1. media reports indicating that Woolworths sources certain Own Brand products from Tasmanian salmon farming companies that operate in Macquarie Harbour
 - 26.2. Woolworths’ Seafood Sourcing Policy and certification requirements, and testimony to Parliamentary inquiries and questions on notice (such as on Woolworths’ responsibility to conduct its own due diligence for environmental impacts beyond relying on certifications)
 - 26.3. a 2021 review commissioned by the World Wildlife Fund and conducted by Seafood Advisory Ltd., which focused primarily on ASC certification in Macquarie Harbour, and to a lesser extent on Best Aquaculture Practices (**BAP**) standards
 - 26.4. shareholder resolutions, investor communications and annual general meeting transcripts
 - 26.5. communications between Environment Tasmania and Woolworths from August 2023.
27. In addition, some products in Woolworths’ Own Brand seafood range do contain Tasmanian salmon that is labelled as ‘responsibly sourced’,²⁶ which the notifier alleges may be potentially misleading to consumers, particularly in light of the available conservation advice.
28. It is not the role of an Initial Assessment to make findings on the validity of the allegations raised by Environment Tasmania. The Independent Examiner considers that the issues raised are

²² DCCEEW, *About threatened ecological communities*, 14 July 2022, accessed October 2025.

²³ DCCEEW, 2023, p 1 states that the advice ‘provides a foundation for conservation action and further planning’.

²⁴ DCCEEW, 2023, p 2 notes that ‘[s]ubstantial recent evidence indicates a high risk of extinction for the [Maugean skate] in the near future’, and that ‘[t]he primary threat to the species is degraded water quality, in particular substantially reduced levels of dissolved oxygen throughout Macquarie Harbour’, where ‘[t]here is a significant correlation between [a] reduction in dissolved oxygen levels and increases in salmonid aquaculture’.

²⁵ DCCEEW, *Consultation Document on Listing Eligibility and Conservation Actions – Zearaja maugeana (Maugean skate)*, 15 August 2024, pp i and 1, accessed October 2025. However, this was not the final advice.

²⁶ Examples include: *Woolworths Salmon Portions Skin Off 4 pack* & *Woolworths Salmon Portions Skin On 4 pack*.

sufficiently plausible and related to matters covered by the OECD Guidelines, including environmental due diligence, disclosure recommendations and consumer information.

Criterion 3: Enterprise covered by the OECD Guidelines?

29. Woolworths is an Australian-registered corporation, with domestic and New Zealand retail operations, and ‘a complex, geographically dispersed supply chain’.²⁷
30. Woolworths’ human rights grievance process states that, ‘[i]n the rare case where individuals or organisations feel they cannot raise a concern with [Woolworths] directly, the OECD’s National Contact Point mechanism ... can also be used to report a grievance’.²⁸
31. In this context, the Independent Examiner considers that Woolworths is a multinational enterprise within the meaning of the OECD Guidelines.

Criterion 4: Link between the enterprise’s activities and the issues raised in the complaint?

32. The complaint alleges that Woolworths sources products from suppliers operating salmon farms in Macquarie Harbour, and that these operations are affecting the environmental health of the harbour and the Maugean skate population.
33. Media reports cited by Environment Tasmania in its complaint indicate that Woolworths has procured salmon ‘from all three Tasmanian salmon farming companies’ that have operated in Macquarie Harbour between 2011 and 2023,²⁹ and continues to do so. Reports from government and non-government bodies (as identified under Criterion 2) have raised concerns about the environmental impacts of salmon farming in Macquarie Harbour.³⁰
 - 33.1. Woolworths has not disputed that its Own Brand salmon products are supplied by businesses that farm salmon in Macquarie Harbour.³¹ These businesses do have *some* certification regarding their practices, and Woolworths has publicly stated that its Own Brand farmed seafood is sourced from aquaculture operations certified under the BAP Farm Standard, GLOBALG.A.P. or ASC,³² which includes all three Tasmanian salmon farming businesses from which it sources Macquarie Harbour salmon.
 - 33.2. Woolworths and Environment Tasmania disagree on the significance of these certifications. Woolworths asserts that it utilises third-party certifications as an aspect of its due diligence. Environment Tasmania alleges that Woolworths has over-relied on these certifications, potentially in lieu of undertaking its own due diligence in line with the OECD Guidelines.

²⁷ Woolworths, 2025, *2025 Modern Slavery Statement*, pp 3 and 7.

²⁸ Woolworths, *Human Rights Grievance Process*, n.d., p 1, accessed September 2025.

²⁹ Reporting by IntraFish Media e.g. *New Woolworths supply contract secures Tassal factory’s future*, 6 June 2016.

³⁰ e.g. see updated Conservation Advice for the Maugean skate, DCCEEW, February 2026.

³¹ Woolworths, *2025 Sustainability Report*, 27 August 2025, p 75, accessed October 2025; Woolworths, 2025, *Annual General Meeting (AGM) Addresses and Presentation*, pp 3 – 4.

³² Woolworths, *Woolworths Group Seafood Sourcing Policy*, August 2024, p 4, accessed November 2025.

34. The OECD Guidelines envisage a range of connections an enterprise may have with an adverse impact (i.e. caused, contributed to and/or directly linked), and outline what enterprises are expected to do in response to one, as well as differing responsibilities of what is expected in relation to due diligence.
35. It is not necessary at this time to precisely characterise the relationship between Woolworths and any alleged adverse impacts, or what is consequently expected of Woolworths under the OECD Guidelines. The Independent Examiner considers that there is a sufficient link between Woolworths' activities (namely, the sourcing of its Own Brand salmon from salmon suppliers that operate in Macquarie Harbour) and the issues raised in this complaint. The existence and nature of this link can be appropriately examined during subsequent stages of the complaints process.

Criterion 5: Applicable law and/or parallel proceedings?

36. Domestic laws and the actions of regulators – where consistent with the OECD Guidelines – can assist or encourage businesses to operate and act in accordance with the OECD Guidelines. However, compliance with domestic law does not ensure consistency with the OECD Guidelines. Enterprises are expected to seek ways to honour the principles and standards of the OECD Guidelines to the fullest extent possible, without placing them in violation of domestic law.³³
37. There are various applicable laws, parallel proceedings and past complaints (not concerning the OECD Guidelines) that are relevant to the issues in this complaint. Some of these are identified in the notifier's submission. For example, in:
 - 37.1. September 2023, several 'Save the Skate' environmental groups submitted complaints to BAP and GLOBALG.A.P. regarding their certifications and continued endorsement of Macquarie Harbour salmon farms. Both complaints were responded to (in October 2023 and February 2024 respectively), and the reviews/investigations found that there was no basis at that time to revoke the certification of Macquarie Harbour salmon farms, with the certification schemes remaining in place³⁴
 - 37.2. December 2023, the Environmental Defenders Office, acting on behalf of the 'Save the Skate' groups, lodged a complaint with the ACCC, alleging that 'responsibly sourced' salmon labelling, promotional materials, and in-store and online signage used by Woolworths and other Australian supermarkets may be false, misleading or deceptive.³⁵ The ACCC confirmed in May 2024 that it had 'decided not to take further action' in response to this complaint.³⁶
38. Salmon farming operations in Macquarie Harbour occur under Tasmanian and Commonwealth laws, and the Tasmanian Environment Protection Authority is the primary regulator of finfish

³³ OECD Guidelines, 2023, *I. Concepts and Principles*, [2].

³⁴ Global Seafood Alliance, *Re: GSA response to FORMAL COMPLAINT - TYPE 1 submitted 22nd September 2023*, 27 October 2023, accessed November 2025; GLOBALG.A.P., *GLOBALGAP formal complaint response*, February 2024, accessed November 2025.

³⁵ Environmental Defenders Office, *Potentially false, misleading or deceptive representations relating to salmon products*, 1 December 2023, p 1, accessed November 2025.

³⁶ Australian Parliament, *ACCC answer to inquiry into greenwashing question on notice no. 21*, 31 May 2024, accessed November 2025.

farming in Macquarie Harbour.³⁷ Tasmanian Government agencies indicate that there are currently ten finfish farming leases in Macquarie Harbour's waters.³⁸ In addition to Tasmanian regulation, there is also national environmental regulation, including a 2012 decision approving the expansion of salmon farming operations in Macquarie Harbour. This 2012 decision is subject to various conditions to 'ensure there are no significant impacts to the Maugean skate or to the Tasmanian Wilderness World Heritage Area'.³⁹

39. Australia's national environmental law enabled the Federal Environment Minister to reconsider past decisions in order to respond to new and changing environmental information. The 2012 decision in relation to Macquarie Harbour marine farming was subject to a number of reconsideration requests.⁴⁰ In August 2025, the Federal Environment Minister decided to confirm the earlier 2012 decision.⁴¹
40. There remains significant public interest in these issues, and the Tasmanian Government last year announced a study into Tasmania's salmon industry.⁴² The Tasmanian Government has publicly stated, relevant to the matters in this complaint (but not to be duplicated by the AusNCP process, see paragraph 57 of this statement):

... [T]he Terms of Reference for an independent study into the Tasmanian salmon industry ... will examine whether Tasmania's regulatory arrangements are effective in achieving sustainable development, while protecting the State's marine and freshwater environments.

... This independent off-island study will consider the environmental, social, economic and scientific aspects of the salmon industry, including climate change risks, ecosystem health, regional employment and the industry's contribution to research and innovation.

... [T]he study will include international comparisons with leading aquaculture nations such as Norway, Scotland, Canada, Chile and New Zealand.

... The study will be delivered in two phases through 2026, with all findings and data publicly released.⁴³

41. The AusNCP should not decide that the issues of a complaint do not merit further consideration (and reject a complaint) solely because parallel proceedings have been conducted, are underway or are available to the parties of that complaint.⁴⁴ Rather, the key consideration is 'whether an offer of [dispute resolution] could make a positive contribution to the resolution of the issues raised and/or the implementation of the [OECD] Guidelines going forward', and 'would not create

³⁷ EPA Tas, *Industry Regulation*, n.d., accessed January 2026.

³⁸ EPA Tas, 2025.

³⁹ DCCEEW, 2025.

⁴⁰ DCCEEW, *EPBC Macquarie Harbour*, February 2024, accessed January 2026.

⁴¹ Minister for the Environment and Water, *Decision allows salmon farming to continue in Macquarie Harbour*, 14 August 2025, accessed October 2025. The decision was made in accordance with statutory amendments that commenced on 28 March 2025 and is currently the subject of an application for judicial review.

⁴² Tasmanian Government, *Salmon Industry Study*, 27 October 2025, accessed November 2025.

⁴³ Tasmanian Government, *Terms of Reference released for independent salmon industry study*, 27 October 2025, accessed November 2025.

⁴⁴ OECD 2019, pp 9 – 10. Per AusNCP Procedures, 2024, the 'AusNCP can consider complaints even if the same complaint is being considered in other proceedings. This includes judicial or non-judicial proceedings': [22].

serious prejudice for either of the parties involved in these other proceedings or cause a contempt of court situation'.⁴⁵

42. The Independent Examiner notes that the Australian laws and proceedings identified in this section do not address the OECD Guidelines' framework (see paragraphs 15 and 17 of this statement), nor do they consider the expectations of Woolworths under the OECD Guidelines. The existence of previous and ongoing proceedings does not limit the AusNCP's ability to contribute to resolving the issues raised and/or the implementation of the OECD Guidelines. There is also no apparent prejudice to the parties in the AusNCP offering dispute resolution, because the process can be facilitated and kept separate from other proceedings through confidentiality commitments.⁴⁶
43. On review of a draft of this Initial Assessment statement, Woolworths requested that this section be updated. Woolworths referred to a mandatory domestic legal framework, including the Food and Grocery Code of Conduct and the Australian Consumer Law. Woolworths contended that any influence regarding supplier operations must be exercised in compliance with these domestic laws and regulations.
44. This raises the relationship between the OECD Guidelines and domestic law, which was noted above (in paragraph 36 of this statement). The relevant paragraph from the OECD Guidelines is as follows:

*Obeying domestic laws is the first obligation of enterprises. The [OECD] Guidelines are not a substitute for, nor should they be considered to, override domestic law and regulation. Failure of governments to uphold the principles and standards consistent with the [OECD] Guidelines or their associated international commitments does not diminish the expectation that enterprises observe the [OECD] Guidelines. While the [OECD] Guidelines extend beyond the law in many cases, they should not and are not intended to place an enterprise in situations where it faces conflicting requirements. However, in countries where domestic laws and regulations conflict with the principles and standards of the [OECD] Guidelines, enterprises should seek ways to honour such principles and standards to the fullest extent which does not place them in violation of domestic law.*⁴⁷

45. If any of the OECD Guidelines' content suggests that Woolworths should do something illegal under Australian law, then Woolworths is not expected to follow that (per the OECD Guidelines: 'Obeying domestic laws is the first obligation of enterprises').⁴⁸ However, where any nation's legal minimums are less than the OECD Guidelines' principles or associated international commitments, and an enterprise is legally able to exceed those legal minimums, then more is expected (per the OECD Guidelines: 'enterprises should seek ways to honour such principles and standards to the fullest extent which does not place them in violation of domestic law').⁴⁹ An Initial Assessment is not the stage to address or resolve issues relating to Woolworths' ability to act consistently with the OECD Guidelines while remaining compliant with domestic law, which the parties can discuss more fully in any dispute resolution.

⁴⁵ OECD Guidelines, 2023, *Commentaries on the Implementation Procedures*, [35].

⁴⁶ e.g. AusNCP Procedures, 2024, para [42.1] (also [11] and [91]).

⁴⁷ OECD Guidelines, 2023, *I. Concepts and Principles*, [2].

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

Criterion 6: Contribution to the OECD Guidelines' purposes and effectiveness?

46. Relevant considerations – in determining a complaint's contribution to the OECD Guidelines' purposes and effectiveness, and a National Contact Point's (NCP) decision to accept or reject a complaint – include whether:
 - 46.1. consideration of the issue would contribute to sustainable development (or economic, environmental and social progress) by multinational enterprises
 - 46.2. there is an opportunity to *positively contribute* to the resolution of issues. This is not about whether an NCP can make a positive contribution by *resolving issues*, but whether its process can *contribute to* their resolution
 - 46.3. an issue raised *solely* addresses government policy, which would be outside the scope of the OECD Guidelines
 - 46.4. resolution of the issues would be supported or encouraged by an NCP 'facilitating an exchange between the parties, discussing the issues and expectations of the [OECD] Guidelines ... or developing meaningful recommendations with respect to enterprise conduct'.⁵⁰
47. The complaint, referencing Woolworths and National Retail Federation data,⁵¹ described Woolworths as the 26th most impactful global retailer in 2023, having the largest market share of grocery sales in Australia and sourcing products from around 18,000 trade and non-trade suppliers. The complaint also contends that Woolworths is one of the largest buyers of salmon and therefore holds substantial leverage over its salmon suppliers.
48. Although the matters in this complaint arise in Australia and involve an Australian multinational enterprise, this does not preclude the AusNCP from accepting it, particularly where consideration would contribute to the purposes and effectiveness of the OECD Guidelines. There have been various NCP cases where an NCP has accepted a complaint regarding issues in its own country from a 'local' multinational enterprise.⁵² In addition, there is no other NCP with a relevant connection to the issues raised in this complaint. This further reinforces the importance of considering whether accepting the complaint would contribute to the OECD Guidelines' purposes and effectiveness.
49. In response to a draft of this Initial Assessment statement, Woolworths referred to the environmental management of Macquarie Harbour and the consumer labelling of Australian produce as matters currently managed by domestic regulators, and suggested that an AusNCP process should avoid duplicating the work of these Australian authorities.
50. It is correct that, where domestic regulation *ensures* that enterprises must act consistently with the OECD Guidelines, this can be a relevant factor in deciding whether accepting a complaint would further the purposes and effectiveness of the OECD Guidelines. However, as explained above, the

⁵⁰ Sub-paragraphs 46.1 – 46.4 of this statement are drawn from OECD 2019, pp 10 – 12.

⁵¹ National Retail Federation, [Top 50 Global Retailers 2024](#), 2024, accessed October 2025.

⁵² Examples include: the Dutch National Contact Point (NCP) Initial Assessment [Hou Friesland Mooi vs. Nuon Energy N.V. and/or Nuon Wind Development B.V.](#), 19 June 2018; and AusNCP, [Complaint by John Podgorelec \(on behalf of Andrew Starkey and Robert Starkey\) in relation to ElectraNet Pty Ltd](#), 25 February 2021.

relevant Australian laws and proceedings in this case do not address the OECD Guidelines nor the expectations that these place on Woolworths.

51. There have been many previous NCP decisions that clarify the OECD Guidelines' application to environmental issues, as well as some NCP statements that have helped enterprises understand their responsibilities regarding certification schemes,⁵³ and in some instances, salmon farming itself.⁵⁴ The OECD Guidelines were changed in 2023 and now include additional expectations on enterprises in relation to environmental management. This includes 'providing for, or co-operating in, remediation as necessary to address adverse environmental impacts the enterprise has caused or contributed to, and using leverage to influence other entities causing or contributing to adverse environmental impacts to remediate them' (paragraph 17.4 of this statement refers).⁵⁵
52. In considering the purposes and effectiveness of the OECD Guidelines, the Independent Examiner notes that the complaint:
 - 52.1. concerns a multinational enterprise (Woolworths) and matters that are related to multiple chapters of the OECD Guidelines (i.e. General Policies, Disclosure, Environment and Consumer Interests)
 - 52.2. identifies important questions about:
 - the application of risk-based due diligence processes, particularly where there are allegedly severe environmental and biodiversity impacts, and where there is scientific uncertainty regarding the risks of serious or irreversible environmental damage
 - the relevance and requirements of heightened due diligence for conduct that is potentially impacting protected areas and endangered species
 - the relationship between voluntary certification schemes and enterprise due diligence responsibilities under the OECD Guidelines
 - whether Woolworths has used its leverage to influence the enterprise's three Tasmanian salmon suppliers, particularly to encourage them to prevent, mitigate or remediate risks associated with their Macquarie Harbour operations
 - disclosure expectations regarding environmental risks
 - accuracy of environmental claims and general 'responsibly sourced' labelling directed at consumers.
53. Environment Tasmania explained that it has attempted to engage with Woolworths since August 2023, as part of a broader campaign directed at Australian supermarkets (including Coles Group and ALDI Australia), without resolution.

⁵³ e.g. United Kingdom NCP, *Final Statement: IDI, EC and LICADHO complaint about Bonsucro Ltd*, 11 January 2022.

⁵⁴ e.g. Norwegian NCP, *Final Statement: ForUM et al vs. Cermaq ASA*, 11 August 2011.

⁵⁵ OECD Guidelines, 2023, VI. *Environment*, [1](e). That wording did not feature in the 2011 (and earlier) version(s) of the OECD Guidelines.

54. Woolworths has a public ‘Responsible Sourcing Standards’ document, which:
- 54.1. outlines expectations of its suppliers, including engagement with affected stakeholders and remediation with reference to the United Nations Guiding Principles on Business and Human Rights (UNGPs)
 - 54.2. explains that its standards have been benchmarked to leading international frameworks and standards, including, but not limited to, the UNGPs; the United Nations Global Compact’s core values on human rights, labour standards, the environment and anti-corruption; and emerging best practices from global peer programmes
 - 54.3. states that Woolworths will review these standards where necessary to ensure that they remain current, align with changes in standards or regulation, and address emerging issues
 - 54.4. contains two pages of ‘Environmental Standards’, relating to effective environmental management systems; response plans (including corrective and preventative plans) and record keeping for environmental accidents or emergencies; monitoring; wastewater treatment; and ensuring no illegal dumping of waste into the local environment.⁵⁶
55. On review of this draft statement, Woolworths explained to the Independent Examiner that the environmental aspects within the ‘Responsible Sourcing Standards’ focus on the immediate physical environment of workers in its supply chain to protect their safety and health. Woolworths distinguished these standards from its ‘specific environmental sourcing policies’, and indicated that the relevant document which specifically addresses environmental due diligence in aquaculture is Woolworths’ Seafood Sourcing Policy. The Seafood Sourcing Policy (referenced in paragraph 33.1 of this statement) states that ‘Woolworths ... will source seafood that is third party certified or independently verified as ecologically responsible’,⁵⁷ and provides some detail of how that occurs.
56. It is not, however, publicly evident whether and how Woolworths’ actions and decisions (regarding the salmon it sources from companies that have operations in Macquarie Harbour) are consistent with the OECD Guidelines. It *may* be that, through its existing procedures and actions, or because of Australian regulatory requirements, Woolworths’ sourcing of salmon from Macquarie Harbour is consistent with the OECD Guidelines, and that can be explained through the AusNCP complaints process (either to reach some agreement with Environment Tasmania, or if not, then through a subsequent examination process and determination by an AusNCP Independent Examiner).⁵⁸ Alternatively, the AusNCP process may identify that Woolworth’s actions fall short of the standards set out in the OECD Guidelines, and, if so, how this might be remedied.
57. Dispute resolution (or ‘good offices’) conducted by an NCP under the OECD Guidelines ought not to duplicate other proceedings, where identical issues and exchanges are occurring.⁵⁹

⁵⁶ Sub-paragraphs 54.1 – 54.4 of this statement are drawn from Woolworths’ previous [Responsible Sourcing Standards](#), dated 4 June 2023 (pp 3, 5 and 19 – 20), accessed November 2025; and from its current [Responsible Sourcing Standards](#), dated 26 January 2026 (pp 3, 5 and 22 – 23), accessed January 2026. Any variation between these documents does not alter the Initial Assessment decision set out in paragraphs 59 – 60 of this statement.

⁵⁷ Woolworths, *Woolworths Group Seafood Sourcing Policy*, August 2024, p 4.

⁵⁸ Per AusNCP Procedures, 2024, paras [50] – [55].

⁵⁹ e.g. AusNCP, *Complaint by Friends of the Earth Australia and others against the Australia and New Zealand Banking Group Limited*, 24 November 2020, p 7, para [20].

Accordingly, any dispute resolution facilitated for this matter should be aware of the progress and content of the recently announced Tasmanian Government study (see paragraph 40 of this statement).

58. In summary, the AusNCP process may be able to contribute to resolving some issues by:
 - 58.1. facilitating a structured dialogue between the parties on the application of the OECD Guidelines to the specific issues that have been raised by Environment Tasmania (but not issues that relate solely to government policy)
 - 58.2. considering whether Woolworths' due diligence processes align with the OECD Guidelines' expectations (whether by virtue of Australian regulatory requirements or by Woolworths own policies or procedures), particularly regarding heightened due diligence for protected areas and endangered species
 - 58.3. clarifying the relationship between certification schemes and enterprise due diligence responsibilities
 - 58.4. making recommendations on the implementation of the OECD Guidelines, if appropriate
 - 58.5. contributing to a broader understanding of how the OECD Guidelines apply in contexts involving biodiversity impacts within supply chains.

Conclusion

59. Consistent with the AusNCP complaint procedures and the principles set out in the OECD Guidelines' Implementation Procedures, the Independent Examiner has considered the complaint and reviewed material provided by the parties. Having assessed the complaint against the six admissibility criteria of the Initial Assessment process,⁶⁰ the Independent Examiner considers that the complaint merits further consideration.
60. In accordance with paragraph 33 of the AusNCP complaint procedures, the Independent Examiner now offers the parties the opportunity to enter into a dispute resolution process. The objective of this process would be to facilitate an exchange of information between the parties (e.g. conciliation, formal mediation or facilitated discussions), with the aim of arriving at a mutually agreed resolution. If the parties accept the offer and participate in good faith, an AusNCP Independent Examiner will work with them to develop a discussion plan and facilitate dialogue on the issues raised in the complaint.
61. The Independent Examiner notes that dispute resolution can only proceed if the good faith provisions of the AusNCP complaint procedures are adhered to. Relevantly here, this includes 'maintaining confidentiality where appropriate'; 'refraining from misrepresenting the issues and the process, particularly in public communications'; and 'genuinely engaging in the proceedings with a view to finding an OECD Guideline-compatible solution to the issues raised'.⁶¹

⁶⁰ AusNCP Procedures, 2024, para [30].

⁶¹ See AusNCP Procedures, 2024, p 19 (glossary definition of 'good faith').

62. Acceptance of this complaint, and the Independent Examiner's offering of dispute resolution, is not an assessment of whether the enterprise's actions are consistent with the OECD Guidelines.

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Annexes

Annex A: Publications

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Annex B: Institutional arrangements

- The Australian Government is committed to promoting the use of the OECD Guidelines and implementing them effectively and consistently. Through business cooperation and support, the OECD Guidelines can positively influence business conduct and ultimately economic, environmental and social progress.
- The OECD Guidelines are recommendations on responsible business conduct addressed by governments, including Australia, to multinational enterprises. They provide voluntary principles and standards for responsible business conduct consistent with applicable laws and internationally recognised standards. Enterprises operating in Australia and Australian enterprises operating overseas are expected to act in accordance with the principles set out in the OECD Guidelines and to perform to the standards they recommend. In countries where domestic laws and regulations conflict with the principles and standards of the OECD Guidelines, enterprises should seek ways to honour such principles and standards to the fullest extent, which does not place them in violation of domestic law.
- The OECD Guidelines represent international standards of behaviour, which in some areas, may impose higher standards than Australian law. Importantly however, while Australia is an adhering country to the OECD Guidelines and the OECD Guidelines have been endorsed within the OECD international forum, they are not a substitute for, nor do they override, Australian or international law.
- The OECD Guidelines can be seen as:
 - A useful aid to business in developing their own code of conduct. They are not aimed at replacing or preventing enterprises from developing their own codes.
 - Complementary to other business, national and international initiatives on corporate responsibility, including domestic and international law in specific areas such as human rights and bribery. For example, the human rights chapter in the OECD Guidelines as well as other key concepts align with the [UNGPs](#).
 - Providing an informal structure for resolving issues that may arise in relation to implementation of the OECD Guidelines in complaints.

Annex C: Governance

- Governments adhering to the OECD Guidelines have flexibility in organising their NCPs, which are expected to meet core effectiveness criteria, by operating in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the OECD Guidelines. NCPs are also expected to seek the active support of social partners, other stakeholders and relevant government agencies.
- Accordingly, the OECD Guidelines stipulate that:
 - NCPs will be composed, organised and sufficiently resourced to provide an effective basis for dealing with the broad range of issues covered by the OECD Guidelines, have access to expertise on all relevant aspects of the NCP mandate, and operate in an impartial manner and maintain an adequate level of accountability to the adhering government.
 - NCPs can use different forms of organisation to meet the effectiveness criteria and maintain stakeholder confidence.
 - Governments are encouraged to include representatives of the business community, worker organisations, civil society and other non-governmental organisations in advisory or oversight bodies to assist the NCP in its tasks and contribute to the effectiveness of the OECD Guidelines.
- The [AusNCP Board](#) includes representatives from Australian Government agencies, business, civil society and unions. The AusNCP Board provides independent expert advice and assistance to the AusNCP and the independent examiners on complaints handling. Board members use their networks, events and publications to promote responsible business conduct standards under the OECD Guidelines and the AusNCP services. The AusNCP Board is consulted on all AusNCP statements.
- The AusNCP Board helps to ensure that the AusNCP meets the effectiveness criteria of the OECD Guidelines. AusNCP Board Members may be called on to conduct procedural reviews of AusNCP complaints and may be consulted on various operational and administrative matters as needed.