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Australian Government Response

**Senate Environment, Communications, Information Technology
and the Arts References Committee**

Senate Committee Report

Turning back the tide – the invasive species challenge

Report on the regulation, control and management of invasive species and the
Environment Protection and Biodiversity Conservation Amendment (Invasive Species)
Bill 2002.

Australian Government response to the Senate Committee Report

By the Environment, Communications, Information Technology and the Arts
References Committee:

Turning back the tide – the invasive species challenge

Recommendation 1

The Committee recommends that the Commonwealth Government strengthen its leadership role in the national effort to combat invasive species by developing a robust national framework, in consultation with state, territory and local governments, to regulate, control and manage invasive species. [see paragraph 8.12]

The Australian Government agrees with Recommendation 1.

The Australian Government submitted a paper and recommendations on invasive species to the April 2004 meeting of the Natural Resource Management Ministerial Council. Council agreed on the need

“...to develop a robust national framework for a co-ordinated and strategic approach to preventing significant new invasive species establishing in Australia, and to reducing the impacts of major pests and weeds already present.”

A Task Group, comprising senior representatives from all jurisdictions, the Natural Resource Management and Primary Industries Standing Committees and the Commonwealth Scientific and Industrial Research Organisation (CSIRO), was established under the Council and charged with investigating options to establish such a framework. The Task Group's recommendations were considered by the Natural Resource Management and Primary Industries Ministerial Councils in October 2005. The Councils agreed that further development of a comprehensive national approach to managing biosecurity risks for primary production and the environment would be progressed by a joint Natural Resource Management and Primary Industries Standing Committee Steering Group. The recommendations from the Invasive Species Task Group, and work undertaken by the Primary Industries Standing Committee in the development of a National Biosecurity Strategy, are forming the basis for the ongoing policy enhancement process.

The work of the joint Steering Group to enhance the Australian Biosecurity System for Primary Production and the Environment (AusBIOSEC) has two key elements. The first

The Australian Government is also leading the development and implementation of an integrated national system for invasive marine pests. Through participation in the National Introduced Marine Pest Coordination Group, relevant Australian Government agencies are working with state and territory government agencies in collaboration with industry stakeholders, the marine science research community and representatives of conservation groups.

The Australian Government's response to the report by the Agriculture and Food Policy Group, *Creating Our Future: agriculture and food policy for the next generation* (the Corish Report) – released in November 2006 – demonstrated the Australian Government's support for a coordinated national approach to biosecurity.

Recommendation 2

The Committee recommends that as part of developing a list of invasive plant species of national importance, the Commonwealth, states and territories develop an agreed national alert list. [see paragraphs 5.36 and 8.15]

The Australian Government agrees with Recommendation 2 (refer to Recommendation 5).

Recommendation 3

The Committee recommends that those states and territories that have failed to legislate a prohibition on the sale of WONS within their jurisdictions should act to do so as a matter of priority. [see paragraphs 5.25 and 8.19]

The Australian Government agrees with Recommendation 3.

Progress towards this outcome is reported against recommendation 7.

Recommendation 4

The Committee recommends that the species listed on the WONS list be reviewed and that other significant threatening species be included as part of a new national control list of invasive plant species. [see paragraphs 5.28 and 8.20]

The Australian Government agrees with Recommendation 4 (refer to Recommendation 5).

At its meeting in April 2005, the Australian Weeds Committee (AWC) of the Natural Resource Management Ministerial Council endorsed a proposal to prepare an integrated national weeds priority list. The AWC agreed that there is a need to review serious

weeds in addition to the 20 species currently listed as Weeds of National Significance (WONS), and in doing this, consider appropriate arrangements for their management. The task will implement a key objective of the Australian Weeds Strategy.

Recommendation 5

The Committee recommends that the Commonwealth, states and territories provide funding to enable the Australian Weeds Committee to engage the CRC for Australian Weed Management to produce a scientifically credible and robust national list of invasive plant species. [see paragraphs 5.51 and 8.21]

The Australian Government agrees with the objective of Recommendation 5.

The Australian Government is working with states and territories, through the Australian Weeds Committee of the Natural Resource Management Ministerial Council, in developing priority lists of nationally significant invasive non-native plant species using scientific and management-based criteria. The Cooperative Research Centre for Australian Weed Management has been involved in the process being undertaken by the Australian Weeds Committee that is considering methods to identify and allocate weeds to particular categories, including consideration of listings of Weeds of National Significance and environmental alert weeds. The Australian Government has also made new funding available for weed research under its *Defeating the Weed Menace* fund. This includes rigorous prioritisation of weed species as a priority activity.

Recommendation 6

The Committee recommends that the Commonwealth, in consultation with the states and territories, promulgate regulations under section 301A of the EPBC to prohibit the trade in invasive plant species of national importance, combined with state and territory commitment to prohibit these same species under their respective laws. [see paragraphs 5.51, 5.107 and 8.22]

The Australian Government disagrees with Recommendation 6 (refer to Recommendation 7).

While the EPBC Act is one mechanism for the control of weeds that pose a threat to Australia's biodiversity, the Australian Government considers that in the first instance states and territories should improve the management and control of weeds within their jurisdictions.

Recommendation 7

The Committee recommends that the Commonwealth, in consultation with the states and territories, produce a list in legislation of taxa that prevents their sale and spread for each state or region. Nominations for each taxon on a state or regional basis can be developed in consultation with natural resource management agencies, state herbaria and members of the general public. [see paragraphs 5.51 and 8.23]

The Australian Government agrees with Recommendation 7 to the extent it applies to listing selected invasive plant species in state and territory legislation.

Consistent with the National Weeds Strategy, the Australian Government is working, through the Natural Resource Management Ministerial Council, to identify and resolve weed issues at a national level. The strategy provides a national approach and framework to reduce the impact of weeds on the sustainability of Australia's productive capacity and natural ecosystems, through the establishment of a number of goals, objectives for action and outcomes. This process will provide a cooperative approach to reduce the sale and trade of nationally significant weeds.

The former Australian Government Minister for Fisheries, Forestry and Conservation, Senator the Hon. Ian Macdonald, wrote to his state and territory counterparts in June 2005 noting that several plant species classified as Weeds Of National Significance (WONS) remained for sale in a number of states and territories. Responses by states and territories indicated that legislation to prevent the sale of all WONS was in place or was in the process of being implemented. For almost all WONS, primary legislation has been enacted in all states and territories to prevent their sale. There is one exception: in Victoria, three of the willow species are still under consideration for action. It is expected that this outstanding issue will be resolved in 2007.

Recommendation 8

The Committee recommends that the Commonwealth Government investigate the imposition of a 'polluter pays' principle where importers pay for the cost of control and repair should a plant become a weed. [see paragraphs 5.58 and 8.25]

The Australian Government disagrees with Recommendation 8.

The Australian Government has arrangements that minimise the risk of a potentially weedy plant/seed being imported into Australia and therefore minimise the risk of a potentially weedy plant/seed from establishing in the country. This includes the imposition of penalties under the *Quarantine Act 1908* for those who import prohibited plants/seeds.

A successful 'polluter pays' system, designed to recover the cost of control and repair of the damage caused by a plant should it become a weed, is dependent on a number of conditions:

- the ability to identify the source of pollution;

- the ability to identify the polluter;
- being able to establish causality between damage and polluting activity or action; and
- the ability to determine, assess and redress damage from the weedy plant.

In the case of a weed incursion or establishment of a weed, it is very difficult to determine the original point source and therefore identify who is responsible. There are numerous possible pathways for entry to Australia, apart from deliberate and accidental importation by travellers and traders of plants or plant products that subsequently become weeds. These include migratory birds, ocean currents, and illegal fishing boats. There may also be a lengthy lag-time between the importation and identification of a plant as an invasive species, making trace-back and the establishment of causality to the source very difficult.

Recommendation 9

The Committee recommends that the National Weeds Strategy better clarify responsibility for funding eradication of 'sleeper weeds' with purely an environmental or social impact. [see paragraphs 5.33 and 8.29]

The Australian Government agrees with the objective of Recommendation 9.

Clarity in funding responsibility for weed management is desirable. However, the National Weeds Strategy is not an appropriate vehicle for this clarification, as it is a policy framework. Decisions on funding responsibilities would be better addressed through the Australia Weeds Committee and the Natural Resource Management Ministerial Council.

Recommendation 10

The Committee recommends that investment in early warning systems be increased for the detection and eradication of sleeper weeds. [see paragraphs 5.32 and 8.30]

The Australian Government agrees with Recommendation 10.

The Australian Government is involved in several initiatives to ensure nationally coordinated arrangements for the early detection, identification and eradication of Australia's most serious weeds, including sleeper weeds.

The Australian Weeds Committee (AWC), established under the Natural Resource Management Ministerial Council, recently revised the National Weeds Strategy. The revised strategy, the Australian Weeds Strategy, identifies opportunities for common approaches and linkages in agreed national policy responses for early detection and management of weeds. The Australian Weeds Strategy is available at www.weeds.org and will be formally published in 2007.

In addition, the AWC has established a Weed Incursion Working Group which is designing a framework for dealing with all weed incursion issues including sleeper weeds.

Research by the Bureau of Rural Sciences of the Department of Agriculture, Fisheries and Forestry has identified up to 17 priority agricultural sleeper weeds for potential eradication. The research is summarised in the 2006 report *Managing the menace of agricultural sleeper weeds*. The research concluded that eradication is likely to be feasible for several potential sleeper weeds and these weeds are being considered for priority action through the AWC.

Recommendation 11

The Committee recommends that the Commonwealth Government place on the agenda of the Natural Resource Management Ministerial Council, as a matter of urgency, the issue of progressing development of a national strategy for vertebrate pests. [see paragraphs 5.40, 5.48 and 8.32]

The Australian Government agrees with Recommendation 11.

In 2004 the Vertebrate Pests Committee, under the Natural Resource Management Ministerial Council, established a working group that developed an Australian Pest Animal Strategy. The Strategy mirrors the Australian Weeds Strategy. The Vertebrate Pests Committee released a discussion paper in January 2005 and held a stakeholder workshop in Brisbane in April 2005 to identify key issues and approaches. The Natural Resources Management Ministerial Council approved the Strategy in April 2007.

Recommendation 12

The Committee recommends that the Commonwealth Government take a lead role in ministerial councils and other appropriate forums to accelerate progress on the development, implementation and funding of a national system to deal with marine invasive species. [see paragraphs 6.123 and 8.37]

The Australian Government agrees with Recommendation 12.

The Australian Government is taking a lead role in the development and implementation of the National System for the Prevention and Management of Marine Pest Incursions (National System) through the Natural Resource Management Ministerial Council, and in consultation with the Australian Transport Council. Significant progress has been made to accelerate the progress on the development, implementation and funding of the National System.

All jurisdictions have agreed in principle to an intergovernmental agreement (IGA) for the National System. The IGA has been signed by the Australian Government and the governments of Victoria, Tasmania, South Australia, Western Australia, Queensland and the Northern Territory. New South Wales has indicated it has concerns with a population based formula for emergency management cost sharing and need more details on legislation and implementation cost before they will consider signing the IGA. The IGA sets the high-level policy objectives for the National System and provides authority for development of the detailed implementation arrangements. It is based on and formalises the recommendations of the High Level Officials Group established under the Natural Resource Management Ministerial Council, and in consultation with the Australian Transport Council, regarding roles and responsibilities for legislation, governance and funding arrangements for the National System.

The Australian Government is leading the national coordination and is working with the states, the Northern Territory and relevant industry and conservation stakeholders to develop the National System. The recommendations of the High Level Officials Group and the IGA provide the basis for developing the detailed measures for the National System.

On 27 May 2005, Australia signed, subject to ratification, the *International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004* (the Convention) that was developed through the International Maritime Organization. The Convention aims to provide uniform international ballast water management arrangements for the shipping industry to protect the marine environment from pest incursions stemming from ballast water. For approximately fifteen years, Australia has been active in seeking the development of international measures for reducing the risks posed by introduced marine pests and diseases through ships' ballast water.

The formal process for consideration of Australian ratification of the Convention includes completion of a national interest analysis, a regulation impact statement, consultation with relevant stakeholders and the development of any necessary domestic legislation by the Australian, state and territory governments.

Arrangements for ballast water management on journeys between Australian ports are being developed as part of the National System, including the necessary legislation and cost recovery measures, in consultation with the states, Northern Territory and industry. These arrangements will be given force by legislation in each of the states and Northern Territory that will follow model legislation described in the IGA (Victoria currently has its own legislation on ballast water). These arrangements will be consistent with the Convention and will be integrated with the existing management requirements for international ballast water under the *Quarantine Act 1908*.

Additionally, mitigation measures are being developed to address biofouling risks in a number of industry sectors including fishing vessels, trading and non-trading commercial vessels, and the aquaculture industry. The measures will provide best practice management options for biofouling management of vessel hulls, gear and niche areas.

An emergency response framework has been developed under the Intergovernmental Agreement comprising a Consultative Committee on Introduced Marine Pest Emergencies (CCIMPE) and a National Management Group (NMG), which has the capability to oversee the response to a marine pest outbreak under the Emergency Marine Pests Plan (EMPPlan). Such plans would usefully be supported by a defined process or assistance for integrating detailed operational guidelines and practical incident experience into existing Australian, state and territory government emergency management legislation. Such guidelines would assist in clarifying the roles and responsibilities of both government and non-government stakeholders, associated coordination networks and operational skills to effectively handle the specific problems encountered in an emergency marine pest outbreak.

The EMPPlan provides an agreed framework to guide emergency response actions. Emergency preparedness and response efforts in Australia are coordinated by the CCIMPE. The decision to activate the EMPPlan is based upon a trigger list of target species (CCIMPE Trigger List), however, the contingency is available to consider other marine pests that also meet relevant criteria to warrant an emergency response. Cost sharing arrangements for emergency preparedness and response arrangements have been in place for three and a half years and have been formalised in the IGA. Under the cost-sharing arrangements for the Australian, state and territory governments, funding of eradication responses is divided 50:50 between the Australian Government and the states and Northern Territory governments. The contribution of each state/territory is to be calculated on a per capita basis.

Under the National System, planning and implementation of prevention and management measures focusing on specific marine pest species will take place under individual National Control Plans for those species. A National Control Plan for the Northern Pacific Seastar (*Asterias amurensis*), is already in operation. In 2006 the Natural Resources Management Ministerial Council and the Australian Transport Council agreed to the development of National Control Plans for an additional five species.

The Australian Government has provided \$3.7 million to support the development of the National System over the three years to 2006-07 and over the same period has supplied an additional \$4.5 million Natural Heritage Trust funding to provide the research and development necessary for the development of the National System. The Australian Government has announced funding of \$14.8 million from the Natural Heritage Trust over the four years to 2010-11 to implement the National System. An additional Natural Heritage Trust funding of \$190,000 per year over two years (2006-07 and 2007-08) has been allocated specifically for the emergency preparedness and response component of the National System.

The Australian, state and Northern Territory governments agreed the key elements of the National System in October 2006. Implementation plans, including development of legislation and agreement on funding, are currently being developed to enable the National System to be rolled out progressively over the next eighteen months.

Recommendation 13

The Committee recommends that, as a matter of urgency, the Commonwealth Government should develop programs to minimise the threat of invasive marine species entering Australia's waters via hull fouling or as a result of the mariculture industries. [see paragraphs 6.100, 6.104 and 8.38]

The Australian Government agrees with the objective of Recommendation 13.

This issue is addressed under the National System for the Prevention and Management of Marine Pest Incursions (National System) that was described in the response to Recommendation 12. Development of the National System is being led by the Australian Government Department of Agriculture, Fisheries and Forestry and is being undertaken in collaboration with the states, Northern Territory, relevant Australian Government agencies, industry, conservation and research representatives through the National Introduced Marine Pests Coordination Group (NIMPCG). Managing biofouling (including hull fouling) risks is a key component of the National System.

Best practice protocols for the management of biofouling on all types of vessels have been developed through NIMPCG to reduce the rate of translocation of marine pests within Australian waters. The sectors addressed include fishing vessels, trading and non-trading commercial vessels, domestic recreational vessels, the aquaculture industry and petroleum and gas activities. The protocols will provide options for managing and treating biofouling of vessel hulls and niche areas such as sea chests, internal seawater systems, sea intake grates, bow tunnels, transducers, docking support block areas, propellers, shafts and rudders as well as fishing and aquaculture gear. The Natural Resources Management Ministerial Council and the Australian Transport Council agreed to the protocols for fishing vessels, trading and non-trading commercial vessels and domestic recreational vessels in 2006.

In order to address the risks posed by aquaculture and mariculture industries, best management practices are being developed in line with the *National Policy on the Translocation of Live Aquatic Organisms* (the National Policy). The National Policy was signed by all jurisdictions in 1999 and was adopted directly by most states and territories. Those jurisdictions which did not directly implement the National Policy have developed policies which are aligned with it. The National Policy addresses the potential translocation risks of live aquatic organisms within Australia primarily in aquaculture and the live bait, live seafood and aquarium trades.

Supporting the progress on managing biofouling risks is the National System's ongoing research and development program. A number of projects developed through and agreed by NIMPCG are currently underway to ensure that biofouling management measures effectively target marine pest risks:

- **Treatment of internal water systems project** – investigating the development of an effective, efficient and environmentally sound treatment for internal seawater systems on international small vessels.

- **Commercial vessels risk assessments** – assessment of niche areas, such as internal seawater systems, associated with commercial shipping and development of guidelines to minimise the introduced marine pest risks from biofouling of these areas.
- **Fishing project** – information gathering and hazard analysis for the fishing industry to inform the development of best practice guidelines to manage the marine pest risks associated within the industry. This involves an assessment of the risk of marine pest entrainment and translocation by the vessels, gear and practices of the fishing industry.
- **Aquaculture project** – investigating managing marine pest translocation risks associated with niche areas of stock, equipment and infrastructure for the aquaculture industry to inform guideline development processes.

Protocols to minimise the risks of pests being brought to Australia as biofouling on small international vessels, such as yachts, and apprehended vessels, for instance suspected illegal entry vessels, have been developed. A voluntary compliance period commenced in October 2005 for relevant vessels before the introduction of mandatory requirements through legislation subordinate to the *Quarantine Act 1908*. A review of the voluntary period has been completed, and the protocol is being refined. Consultation with affected stakeholders on the legislation changes is underway.

Recommendation 14

The Committee recommends that the Commonwealth Government should provide long-term funding for research aimed at identifying and combating marine invasive species, particularly those which may threaten marine parks such as the Great Barrier Reef Marine Park, and those that are in the ports of Australia's trading partners and could be translocated to Australia. [see paragraphs 6.105 and 8.39]

The Australian Government agrees with the objective of Recommendation 14.

The Commonwealth Environment and Research Facilities (CERF) Programme is a five year \$100 million Australian Government initiative which runs to 2009-10. The CERF Programme funds high priority research to support better management of public environmental assets. CERF is directing \$40 million towards the Marine and Tropical Sciences Research Facility (MTSRF) over five years. The MTSRF addresses environmental issues of national significance for the Great Barrier Reef, Torres Strait and the Wet Tropics, including the Wet Tropics World Heritage Area. \$1.3 to \$1.5 million has been specifically identified under the MTSRF Programme for improving the understanding of the threat from invasive pests, their impacts upon ecosystems, and developing options for prevention and control.

The Australian Government has also allocated Natural Heritage Trust funding of \$6 million over four years for research and development (R&D) to inform the progress of a National System for the Prevention and Management of Marine Pest Incursions (National System).

A key component of the National System is the provision of long-term funding for each element of the National System, including R&D, aimed at identifying and combating all invasive marine species. Funding will be provided by the Australian, state and territory governments, in addition to contributions from stakeholders and beneficiaries.

As part of the development of the National System, the Commonwealth Scientific and Industrial Research Organisation (CSIRO), supported by Natural Heritage Trust funding, has carried out risk assessments to identify the most threatening marine species based on economic, environmental and human health criteria. These species were selected from a CSIRO database of 1,593 marine and estuarine species that have been transported by anthropogenic activities or have invasion histories around the world. This work forms part of the ongoing strategy that supports the risk management approach of the National System and the development of each component, ensuring that decisions are scientifically based. In particular, the strategy aims to reduce the risk and thereby improve the cost to benefit ratio of marine pest prevention and management measures. The strategy also provides ongoing research to feed into the evaluation and review of the National System and its processes.

Ongoing research and development is a pivotal supporting component of the National System. The Research and Development Strategy for the National System is in place to ensure that priorities are in line with the development of the National System. Long-term funding is the responsibility of the Australian, and state and territory governments, added to by contributions from stakeholders and beneficiaries.

Recommendation 15

The Committee recommends that the Threat Abatement Process (TAP) be reviewed to enable threatening processes to be listed prior to threatened species reaching a critical stage. [see paragraphs 5.106 and 8.41]

The Australian Government agrees with the objective of with Recommendation 15.

Implementation of Threat Abatement Plans is an important means of abating the impacts on threatened species but this process needs to be considered within the broader range of actions undertaken by the Australian Government and others to protect threatened species.

State and territory governments have primary responsibility for land management, including invasive species control and biodiversity conservation. The Australian Government considers its role is to provide leadership on issues of national significance. The *Environment Protection and Biodiversity Conservation Act 1999* (the Act) reflects this in its focus on matters of national environmental significance, such as nationally threatened species.

The Australian Government acknowledges the importance of preventing species reaching threatened status, and has therefore led the development and adoption of a range of national policies to prevent the decline of species, particularly to support maintenance of habitat. The Australian Government has also provided considerable support for on-ground biodiversity conservation projects through the Natural Heritage Trust since 1996.

In addition, the Australian Government has supported the development and implementation of national Threat Abatement Plans for key threatening processes. The absence of a key threatening process listing or a Threat Abatement Plan does not prevent the Australian Government acting promptly to address assessed threats. An example is the Australian Government's 2004 commitment of \$2 million to address Tasmanian Devil Facial Tumour Disease. Similarly, the Australian Government has provided over \$14 million since 1996 towards finding solutions to address cane toads.

Under the Act (s188(4)), a threatening process that meets one or more of the following criteria is eligible for treatment as a key threatening process:

- a) it could cause a native species or an ecological community to become eligible for listing in any category, other than conservation dependent; or
- b) it could cause a listed threatened species or a listed threatened ecological community to become eligible to be listed in another category representing a higher degree of endangerment; or
- c) it adversely affects 2 or more listed threatened species (other than conservation dependent species) or 2 or more listed threatened ecological communities.

The Act provides for the listing of key threatening processes (KTP) *prior* to threatened species reaching a critical stage. Criterion (a) provides for a threatening process to be eligible for listing as a KTP if it *could* cause a native species to become eligible for listing as threatened. It is not therefore necessary for the affected species to be eligible for listing, but demonstrable that the affected native species *could* become eligible for listing as threatened because of the threatening process.

Recommendation 16

The Committee recommends that the Commonwealth Government act urgently to ensure that:

- all listings on Schedule 5 of the *Quarantine Proclamation 1998* are made by species, not genera;
- a mechanism be developed to ensure that species identified as weeds of national significance are automatically removed from Schedule 5; and
- all listings and applications for the import of plants and seeds be standardised using the scientific names of species. [see paragraphs 6.69 and 8.44]

The Australian Government agrees with the objective of Recommendation 16.

The Australian Government accelerated the review of the permitted seeds list (Schedule 5 of the *Quarantine Proclamation 1998*) to remove all genus level listings from the permitted seeds list and replace them with species level listings.

Biosecurity Australia undertook a two-staged approach to the accelerated review, which has enhanced further Australia's favourable pest and disease free status by seeking to ensure that species not already present in Australia, and that have exhibited weedy characteristics overseas, are not permitted entry into the country.

The first stage of the review was completed in 2005. This involved the consideration of approximately 4,000 potentially weedy species for removal from Schedule 5 of the *Quarantine Proclamation 1998*. Over 700 species were determined to be present and/or commonly traded in Australia and not under official control. On 30 May 2005, Schedule 5 was amended to remove 3,335 species that were identified as being potentially weedy overseas and not present in Australia.

The second stage of the review, which was completed in December 2006, involved the removal of 2,913 genus level listings previously on the permitted seeds list and replacing them with the species within those genera that were already present, and/or commonly traded, in Australia.

Mechanisms already exist to ensure that seeds of a species identified as a Weed of National Significance (WONS) are not included on Schedule 5 of the *Quarantine Proclamation 1998*. Seeds of species already present in Australia and under 'official control' (species which relevant governments have listed as noxious and for which governments have undertaken eradication actions or have ongoing management plans in place), including WONS, are excluded from Schedule 5 of the *Quarantine Proclamation 1998*.

It is current Australian Government policy and practice that all plant listings in relevant legislation and applications made to the Australian Quarantine and Inspection Service to import plant material use standard, internationally-recognised scientific nomenclature.

Recommendation 17

The Committee recommends that the import risk analysis process be modified to guarantee greater independence in their preparation. [see paragraphs 6.18 and 8.46]

There are two distinct mechanisms for analysing risks associated with imports undertaken by the Australian Government in relation to invasive species.

Firstly, Biosecurity Australia administers the Import Risk Analysis (IRA) process to address issues of quarantine interest or concern for species exotic to Australia. The IRA process utilises a science-based risk assessment methodology to provide quarantine policy advice and recommendations to the Director of Quarantine (or delegate) regarding requests for the import of animals, plants and products. This assessment is undertaken with complete independence from the proponent. Decisions made by the Director of Quarantine involve the independent exercise of powers pursuant to the provisions of the *Quarantine Act 1908*. The independence of the IRA process is explained clearly in the Import Risk Analysis Handbook, published by the Department of Agriculture, Fisheries and Forestry in 2003.

In July 2004, the Minister for Agriculture, Fisheries and Forestry announced measures to further strengthen the independence of the IRA process and increase confidence in its administration. These included the establishment of Biosecurity Australia as an agency separate from the agricultural market access area of the Department of Agriculture, Fisheries and Forestry, and the appointment of an 'Eminent Scientists Group', to review independently final IRA draft reports.

In October 2006, the Minister for Agriculture, Fisheries and Forestry announced reforms to the IRA process. The reforms will improve stakeholder consultation, further enhance independent scientific scrutiny and increase transparency. Timeframes for the compilation of IRAs will be regulated, improving timelines and predictability for stakeholders. The new system took effect in September 2007 following an update to regulations made under the Quarantine Act 1908.

Secondly, the Department of the Environment and Water Resources (DEW) undertakes an environmental risk assessment for applications to import live specimens. DEW does not permit the import of a species that does not appear on the list of specimens considered suitable for live import (live import list) established under the *Environment Protection and Biodiversity Conservation Act 1999*. Before a species can be added to the live import list the potential risk to the environment of that species is rigorously assessed. Current practice involves preparation, by the proponent, of a report against agreed terms of reference, followed by a fully transparent and independent evaluation of that report. This evaluation includes opportunities for public and jurisdictional comment and expert input. In addition, the DEW conducts its own analysis of the proponent's report, which includes the use of the Bureau of Rural Science's risk assessment models.

The Department of the Environment and Water Resources has, over the past two years, undertaken measures to further strengthen the independence of its environmental risk

assessments for the import of live species. Working with the Bureau of Rural Sciences, DEW has developed a number of quantitative risk assessment models to guide its assessment of the potential risk that exotic species may establish in the Australian environment.

Recommendation 18

The Committee recommends that the Commonwealth place on the agenda of the Natural Resource Management Ministerial Council the need for arrangements to be implemented for environmental pest incursions in parallel with those currently in place for threats to primary industries. [see paragraphs 5.143 and 8.48]

The Australian Government agrees with Recommendation 18 (refer to Recommendation 1).

The response to Recommendation 1 outlined that the Australian Government had taken a paper and recommendations to the April 2004 Natural Resource Management Ministerial Council on invasive species. The paper noted the opportunities for enhancing arrangements for addressing incursions of species with environmental impacts.

The Natural Resource Management and Primary Industries Ministerial Councils agreed that further enhancement of a national approach to managing biosecurity risks for primary industries and the environment would be progressed by a joint Natural Resource Management and Primary Industries Standing Committee Steering Group. The recommendations from the Natural Resource Management Standing Committee Task Group on Invasive Species, and work undertaken by the Primary Industries Standing Committee in the development of a National Biosecurity Strategy, are forming the basis of the ongoing policy development. One aspect of the enhancement of the Australian Biosecurity System for Primary Production and the Environment (AusBIOSEC) is the establishment of more formal biosecurity measures for invasive species that have predominantly environmental or social impacts.

Recommendation 19

The Committee recommends that the Commonwealth Government take a leading role in relevant international forums to seek better recognition of the environmental consequences of invasive species, particularly in relation to current trade rules. [see paragraphs 6.22 and 8.51]

The principal thrust of Recommendation 19, that the Australian Government should engage in better recognition of the environmental consequences of invasive species, is noted.

The Australian Government is already active in a range of forums, including the Convention on Biological Diversity (CBD), Convention on International Trade in

Endangered Species (CITES), the International Maritime Organisation (IMO), the International Civil Aviation Organisation (ICAO), the International Plant Protection Convention (IPPC), the World Organisation for Animal Health (OIE), and through the Asia-Pacific Economic Cooperation Forum (APEC) to improve surveillance and management of invasive alien species across international borders.

World Trade Organisation (WTO) rules allow for the adoption of measures necessary to protect human, animal or plant life or health and relating to the conservation of exhaustible natural resources. Moreover, recent WTO panel rulings have confirmed that countries can enact environmental measures even if they affect trade so long as they do not discriminate against producer countries as a disguised restriction on international trade.

Australia will continue to emphasise its commitment to promoting and enhancing the mutual complementarity of trade and environment, noting that this can and must be done in a way which recognises the integrity of the international system governing each.

Australia has also been at the forefront in seeking the development of international measures for reducing the risks posed by the introduction of exotic marine pests and diseases through ships' ballast water. The issue was first raised by Australia and embraced by the IMO in 1991. An IMO Diplomatic Conference adopted the text of the International Convention for the Control and Management of Ships' Ballast Water and Sediments in February 2004, partly reflecting Australia's long-term efforts.

Australia was a partner with Chile in a 2001-2004 APEC project to develop a Regional Management Framework for APEC economies for use in the control and prevention of introduced marine pests. The 16th APEC Ministerial meeting, in Santiago, Chile in November 2004, agreed that "a shared awareness and understanding of the risks that invasive marine pests pose to regional growth and sustainability is urgently needed, along with coordinated regional action to help prevent their spread". The APEC ministers welcomed the progress on the development of the Regional Management Framework.

Recommendation 20

The Committee recommends that the Commonwealth Government provide certainty of funding to research institutions, such as CSIRO and CRCs, to enable them to undertake long-term research projects. [see paragraphs 5.131 and 8.58]

The Australian Government agrees with the emphasis placed on long term research by Recommendation 20.

The ability of institutions like the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and Cooperative Research Centres (CRCs) to undertake long-term research projects is well supported by Government funding arrangements. CSIRO budget funding is committed on a continuing triennium basis providing a degree of certainty that

supports planning and implementation of longer term projects. As part of *Backing Australia's Ability – Building our Future through Science and Innovation*, the Australian Government also committed an additional \$305 million funding to CSIRO over the 2004-05 to 2010-11 period to support the CSIRO Flagships programme. In its science investment process CSIRO has recently indicated it will strengthen its focus on biosecurity.

The Cooperative Research Centres Programme provides up to seven years of funding to successful CRCs. Successful CRCs are selected through competitive funding rounds held every two years. Also, through *Backing Australia's Ability – Building our Future through Science and Innovation*, the programme is guaranteed funding beyond 2010-11, including an additional \$65 million over the six years from 2005-06. Funding is included in the programme for a 2008 selection round.

The Australian Government's support for Australian scientific research into environmental issues will be amplified through the Commonwealth Environmental Research Facilities (CERF) Initiative that commenced in the 2005-06 financial year. This initiative provides \$100 million over five years to support research into public good environmental issues. Of this total, \$40 million has been allocated to the Marine and Tropical Science Research Facility to fund research to help sustain the health of North Queensland's public environmental assets, which will include some funding of research for management of invasive species. The balance of the CERF funding has been allocated nationally on a competitive basis.

Funding for weeds research and development has been provided through the *Defeating the Weeds Menace* programme. The focus of research, worth \$5.4 million in the three years 2005-08, is to provide research and knowledge management to support the *Defeating the Weeds Menace* programme and to complement existing research on invasive weeds.

The primary emphasis of the Natural Heritage Trust is on the delivery of resource condition outcomes; Trust investments have supported scientific research where this, in turn, provides for such outcomes. However, Trust investments are applied against 10 areas of activity under the Framework for the Extension of the Trust agreed to by the Australian, state and territory governments. The scope of these demands means that the Trust's capacity to contribute to certainty of funding for scientific research is limited.

Recommendation 21

The Committee recommends that, under the National Heritage Trust [sic], the Commonwealth Government initiate, develop and deliver national community education campaigns on invasive species. [see paragraph 8.71]

The Australian Government agrees with the objective of Recommendation 21.

The Australian Government recognises the importance of national community education campaigns in building public awareness of invasive pest issues. As the Inquiry noted, the Government has supported similar campaigns under the Natural Heritage Trust, including a grant to the CRC for Australian Weed Management to develop a web-based community information system. Community education programs also form an important element of the Government's \$44.4 million commitment to *Defeating the Weed Menace*, announced in the 2004 election campaign. This initiative, which commenced in the 2004-05 financial year, is a four-year programme targeting Australia's most serious and invasive weeds.

However, as noted in the response to Recommendation 20, the primary emphasis of the Natural Heritage Trust, and its companion natural resource management programs, is on the delivery of resource condition outcomes. While community education campaigns clearly contribute to these outcomes in many cases, a decision to allocate Trust funds to the initiation, development, and delivery of a campaign has to be balanced against the existing calls on Trust funds, and the support already provided through both the Trust and other Australian Government programmes for campaigns that address invasive species and related issues. These considerations weigh against sourcing a community education campaign on invasive species solely from Trust funds at this stage.

The Australian Government will await the outcomes of the Natural Resource Management Ministerial Council's consideration of the further development of a national approach to invasive species management and the development of the National Pest Animal Strategy. These strategic processes, together with the recently revised Australian Weeds Strategy, will provide context for determining the need for national community education campaigns, and the Australian Government's role in any such campaigns.

Recommendation 22

The Committee recommends that the Commonwealth Government provide the relevant curriculum materials to enable invasive species to be included in relevant schools program across Australia. [see paragraph 8.72]

The Australian Government agrees with the objective of Recommendation 22.

The Australian Government currently funds a range of initiatives to raise awareness of invasive species in the community, such as the development of weeds lesson activities and worksheets for use in schools, and the development of interactive games to teach children about weeds.

As part of the Community and Industry engagement component of the *Defeating the Weed Menace* programme, work will be commissioned to further develop relevant curriculum material for use in schools throughout Australia.

Recommendation 23

The Committee recommends that the Commonwealth Government continue to provide support through the NHT and Envirofund to community groups that deliver education and awareness campaigns. [see paragraph 8.73]

The Australian Government agrees with Recommendation 23.

The Australian Government has supported education and awareness campaigns through the Envirofund and through the Natural Heritage Trust (NHT) generally. However, this support has proceeded on the basis that these campaigns are a necessary adjunct to achieving resource condition outcomes. One of the minimum matters for which regional resource condition targets must be set under the regional stream of the NHT includes 'ecologically significant invasive species'. Where a region has set such a target and considers that investment in education and awareness will significantly contribute to achievement of the target, it may submit a proposal for investment under its regional investment strategy. Australian and relevant state and territory governments will jointly consider funding such proposals alongside other funding priorities within regional investment strategies. Community groups may apply directly to the Australian Government Envirofund to fund education and awareness projects. There is a requirement to demonstrate clear environmental benefits and outcomes.

Recommendation 24

The Committee recommends that all tiers of government immediately commit to an eradication program for all WONS and all locally significant invasive species within their formal plantings. [see paragraph 8.75]

The Australian Government disagrees with Recommendation 24.

The Australian Government is committed to the management of Weeds of National Significance (WONS) as a national weed management priority. As all WONS are now established, it is not economically viable to eradicate any of them nationally. Through the Australian Weeds Committee management options for WONS are focused on minimising their impacts and containing their spread, including with biological control agents where available.

The Australian Government manages weed problems on its own land and in cooperation with other land owners.

Recommendation 25

The Committee recommends that the Commonwealth, states and territories, the Nursery and Garden Industry Association and other stakeholders, including conservation NGOs, establish a process under the proposed National Weeds Action Plan to examine the merits of a mandatory labelling scheme on invasive garden plants. [see paragraphs 5.76 and 8.77]

Recommendation 26

The Committee recommends that the nursery and gardening industry give consideration to labelling of all invasive plants which, while able to be sold legally, may have invasive characteristics and should be managed responsibly. [see paragraphs 5.76 and 8.78]

The Australian Government agrees with the objectives of Recommendations 25 and 26.

The Australian Government though the *Defeating the Weed Menace* Programme is working with the gardening industry and other stakeholders to improve industry and community awareness of the impacts of invasive plants.

A National Weeds Advisory Group (NWAG) has been established to help determine priorities for funding for this Programme. The Group's members include the Nursery and Garden Industry Association, National Farmers Federation, World Wildlife Fund for Nature and other stakeholders. The Australian Government sought advice from NWAG on the issue of plant labelling (whether voluntary or mandatory). NWAG concluded that while product labelling generally has merit as a method for providing information and is accepted by the community in other settings, it is not a suitable tool for engaging the nursery and garden industry to participate in achieving consumer awareness. In the absence of agreed weed lists, the cost to the industry would currently be too great and the task of identifying which plants to label would be too complex.

Recommendation 27

The Committee recommends that gardening and lifestyle programs should be encouraged to include warnings about the appropriateness of the plants suggested on their shows. Such warnings could require an indication of the country of origin of the plant, the areas it is indigenous to, and whether it has proven invasive elsewhere. [see paragraphs 5.82 and 8.80]

The Australian Government agrees with Recommendation 27

A National Weeds Awareness Coordinator appointed under the *Defeating the Weed Menace* programme will assist in developing partnerships with the key gardening and lifestyle media to inform gardeners about the threat of weeds.

