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SAL 14160

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Secretary
Senate Standing Committees on Environment and Communications
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Parliament House
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Sent by email to: ec.sen@aph.gov.au

Shipping Australia Submission to Inquiry into Environmental Biosecurity

Shipping Australia appreciates the opportunity to make a submission on the adequacy of arrangements to prevent the entry and establishment of invasive species likely to harm Australia's natural environment.

Shipping Australia Limited (SAL) is a peak shipowner association with 37 member lines and shipping agents and with 51 corporate associate members, which generally provide services to the maritime industry in Australia. Our member Lines are involved with over 80% of Australia's international trade and car trade as well as over 70% of our break bulk and bulk trade. A number of our members are also actively engaged in the provision of coastal cargo services to Australian consignors and consignees. SAL members service all major and many secondary Australian ports. Further information and a list of members can be obtained from the SAL website at www.shippingaustralia.com.au

SAL submits that the continuing growth of shipping provides the vital economic lifeblood of Australia's economy and provides us the means to effectively manage and protect our precious environment. It is therefore imperative that Australia follows international conventions, legislation and regulations established to tackle environmental biosecurity. If Australia is to impose additional cost or regulatory measures on shipping which are specific to Australia, this will impede commercial shipping visiting Australia and naturally lead to Australia becoming less competitive internationally. This will adversely impact Australia's economy.

Our submission is general in nature and only addresses sub-paragraph (c) of the terms of the review.

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In 2005 the Australian Government, Northern Territory and all states (except New South Wales) signed an Intergovernmental Agreement to develop, implement and maintain a National System for the Prevention and Management of Marine Pest Incursions. The elements, roles and responsibilities of this system have been incorporated into the Intergovernmental Agreement on Biosecurity and the National Environmental Biosecurity Response Agreement. The Marine Pest Sectoral Committee is responsible for the development, implementation and review of the National System.

There already are a range of Committees and working groups under the Marine Pest Sectoral Committee (MPSC) that are working on developing harmonised, national arrangements that minimise the risk marine pests present to Australia's marine environment and industries. The National Marine Pest Strategy Development Working Group (NMPSDWG) has drafted a Strategy (2015-2020) for consideration of the Marine Pest Sectoral Committee. This Strategy which deals with national marine pest management within the Australian territorial sea (waters from the coast to 12 nautical miles offshore). It includes prevention and preparedness for, and control and management of marine pest incursions by government, industry and other stakeholders.

The Australia's National System for the Prevention and Management of Marine Pest Incursions provides for standardised monitoring and entails regular ongoing sampling of the marine environment to: collect information on the presence and absence of target species, to detect species that exhibit invasive characteristics, and to detect high risk species at priority locations around Australia. A list of 18 priority locations has been identified for monitoring focusing on the risk of new introductions as the first tier of defence and taking into account monitoring for translocations. The locations include: Adelaide, Botany Bay, Brisbane, Bundaberg, Cairns, Hay Point (including Dalrymple Bay), Dampier, Darwin, Fremantle, Gladstone, Hobart, Melbourne, Newcastle, Portland, Port Kembla, Port Hedland, Sydney and Townsville.

Some ports have already conducted marine pest monitoring activities. Monitoring has been completed in; Adelaide, Dampier, Darwin, Fremantle and Port Hedland. Monitoring is yet to be completed in; Port Botany, Brisbane, Bundaberg, Cairns, Gladstone, Hay point, Hobart, Melbourne, Newcastle Sydney, Townsville and Portland (partial). Some ports continue to monitor marine pest monitoring activities.

It appears that certain state jurisdictions have not allocated the appropriate resources to undertake such marine pest monitoring, possibly due to funding limitations.

The National Monitoring Network Cost Sharing Working Group is in the process of engaging a consultant to identifying all major parties that contribute to the risk of: new marine pests being introduced or translocated, and existing pests being translocated (and the degree to which they contribute to that risk) in the 18 identified priority locations.

SAL advocates that such monitoring, which will benefit the entire residents of Australia, must be considered a public good and funded by Commonwealth and State/Territory governments as a community service obligation.

In June 2013, the Standing Council on Primary Industries endorsed the '*Anti-fouling and in-water cleaning guidelines*'. These guidelines replace the '*Australian and New Zealand Environment and Conservation Council Code of Practice for Antifouling and In-water Hull*

Cleaning and Maintenance, 1997'. These guidelines are now undergoing a review following their first 12 months of operation. The outcome of this review is considered of specific interest to the senate inquiry as, among other things, it will consider:

- status of implementation of the guidelines by relevant government agencies and State/Territory jurisdictions
- knowledge and use of the guidelines by relevant marine stakeholders in each jurisdiction and the ease of use and understanding of the content of the guidelines
- existing gaps in the implementation of the guidelines in territorial waters
- resourcing required to support implementation of the guidelines in each jurisdiction e.g. the capacity of jurisdictions to respond to stakeholder requests
- financial implications for industry as a consequence of the guidelines being introduced
- other matters that may arise as part of the review that relates specifically to the implementation and understanding of the guidelines.

With respect to Australia's ability to detect incursions of marine pests, there are adequate protocols and surveillance guidance material that was issued by the Australian Government in 2010.

SAL would like to draw the Senate Committee's attention to the *Australian Marine Pest Monitoring Guidelines*, which sets out the guidelines for conducting marine pest monitoring programs in Australia. It provides the rationale for the approach to the routine collection of monitoring data and how this data will be used to inform decision making in the Australian context. These guidelines complement the *Australian Marine Pest Monitoring Manual*, which is a 'how to guide' for marine pest monitoring within Australia. It is intended for use by government and jurisdictional representatives, monitoring designers and those carrying out monitoring programs. It describes the agreed processes, procedures and standards for monitoring design, sampling and analysis. These procedures will ensure that approved monitoring programs use nationally consistent methods that meet agreed quality standards.

SAL is concerned that currently differences exist in marine biosecurity regulation, policy and procedures between jurisdictions around the country. For example, the *Aquatic Resources Management Bill in Western Australia; Invasive Species Management Bill* and the *Waste Management Policy (Ships' Ballast Water) and the Environment Protection (Ships' Ballast Water) Regulations 2006* in Victoria; *Fisheries Management (Aquaculture) Amendment (Movement of Oysters) Regulation 2013* in NSW and the *Biosecurity Act 2014* in Queensland all contain substantially different requirements. These differences complicate effective and efficient marine biosecurity management, particularly in association with commercial shipping activities. Biosecurity legislation must be synchronized across Australia to ensure consistency of approach, it is unreasonable for a Master of an international vessel calling in a number of States to be au fait with the variances in regulations and reporting requirements for each port. Shipping is international and Australia must follow international conventions. Duplicate and overlapping State and Federal legislation which adds costs and dissuades commercial shipping is detrimental to Australia and must be avoided.

There is considerable work being done at the International Maritime Organization to implement that Ballast Water Management Convention 2004, which will place a requirement for shipowners to prove that their vessels have a system in place for treating ballast water. A

ballast water treatment system can cost from half a million to four million dollars in addition to ancillary costs, including developing a ballast water management plan, dry docking and installation. Forty one IMO member states have now ratified the Ballast Water Convention, which brings the total ratifications to 32.01% of the world's fleet. Turkey, Italy and Belgium may ratify by the end of the year, which will bring the total beyond the required 35%. The Convention is thus expected to come into force at the end of 2015 and thus provide an adequate international framework to protect Australia marine environment from invasive species through ballast water.

The International Maritime Organization (IMO) also recently adopted *guidelines for the control and management of ships bio-fouling to minimise the transfer of invasive aquatic species* that encourage ship owners and operators to implement biofouling management practices. These guidelines include the use of effective anti-fouling systems and routine in-water cleaning with appropriate capture of waste to reduce the development of biofouling.

The Department of Agriculture is currently reviewing the *National Biofouling Management Guidelines*, to ensure the documents are consistent with the Antifouling and In-water Cleaning Guidelines and the International Maritime Organization's *Guidelines for the Control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species (IMO Biofouling Management Guidelines)*.

SAL is aware that the Government plans to progress the *Biosecurity Bill 2014* to replace the *Quarantine Act 1908*.

Some of the improvements in the Bill are said to include:

- a reduction of more than \$6.9 million a year in business compliance costs because of clearer, easier to use legislation and the improved processes it will enable,
- new powers to allow the Commonwealth to respond to biosecurity risks within Australia and help state and territory governments manage a nationally significant pest or disease outbreak – including in our marine environment, and
- allowing the general compliance history of a business or individual to be considered when deciding whether to let them import a good, or undertake biosecurity activities—whereas the current Quarantine Act only allows for assessment of the risks associated with the goods themselves.

The draft Biosecurity Bill 2012, which was introduced into Parliament in November 2012 lapsed with the dissolution of the House of Representatives for the 2013 election. That Bill included a ballast water chapter (Chapter 5), to establish national ballast water management arrangements and allow Australia to ratify the International Maritime Organization's (IMO) Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention). SAL would expect that similar provisions will be retained in the *Biosecurity Bill 2014*.

SAL recommends that a Regulation Impact Statement (RIS) should accompany any new proposed legislation to ascertain the cost of such legislation on Australian Industry and Australian citizens. Such an approach is consistent with the Government's commitment to reduce regulations and red tape which should decreasing the compliance cost to industry, increase productivity and thereby lead to lower costs to consumers.

SAL considers that adequate measures and efficient mechanisms already exist in Australia to reasonably limit the entry and establishment of invasive species likely to harm Australia's natural environment. We see that the increased controls on ballast water and hull fouling being introduced by the IMO will further enhance the protection of marine environments and and there is no requirement to introduce further uniquely Australian regulations that would effectively become barriers to trade.

In conclusion, SAL submits that the continuing growth of shipping provides the vital economic lifeblood of Australia's economy and provides us the economic means to effectively manage and protect our precious environment. It is crucial that Australia adopts international protocols and marine biosecurity developments and does not rush to adopt unique or inconsistent national measures ahead of it.

Yours faithfully,

Commodore Rod Nairn, AM
Chief Executive Officer