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Marine Pest Unit  
Department of Agriculture  
GPO Box 858  
Canberra ACT 2600

[marinepests@agriculture.gov.au](mailto:marinepests@agriculture.gov.au)

Dear Review Team,

Please find below our responses to the questions posed on the Discussion Paper on the Review of National Marine Pest Biosecurity.

### **Ports Australia - Representation**

Ports Australia is the peak industry body representing all port authorities and corporations, both publicly and privately owned, at the national level. Ports Australia is a constituted company limited by guarantee with a Board of Directors, comprising the CEOs of 11 member ports. Our website is at [www.portsaustralia.com.au](http://www.portsaustralia.com.au)

### **Responses to the Questions**

**1. What do you consider to be the main impacts (consequences) from marine pests to your business, industry, activities or the environment?**

The impacts could perhaps be considered under two scenarios. The first being the commercial impacts on port operations, including those of a port's tenants and, more broadly, the impact on those who rely on the port as a gateway for imports and exports. The second scenario would be the impact on the community and stakeholders which would include the environmental impact. This might be considered as a port's social licence. Some of the possible consequences of these are listed below.

1. **Commercial impacts:**

- Quarantining of the port due to the presence of an invasive marine pest (IMP). This might limit the inward and outbound passage of vessels and limit the next port of call for these vessels. This would essentially isolate the port.
- Delays or direct disruption to shipping resulting in export and import losses if a port were to be "closed" in order to manage or eradicate a marine pest. The costs to the port, its customers and the wider community and region could be significant. The resultant recovery period would also be significant, further eroding the commercial viability of the port, and potentially impacting on the region.

- Port tenants, port operators and businesses which rely on the efficient movement of trade through the port may see a reduction in holding stocks (eg for the importer) or an increase in stock held awaiting export (eg stockpiling of iron ore, coal, agricultural and other bulk resources). In some cases (eg LNG) there is only limited storage capacity within the process train. Any delay or stoppage to “just in time cargoes” would require significant downstream disruption (ie closing of off-shore gas wells).
- In the event of an incursion there could be an impact on staff resources who would be diverted from core responsibilities to respond to agency requests, etc.
- Possible direct impact on infrastructure and business (eg fouling of pipe systems or intakes, excess growth on structures, impact on local/downstream marine operators such as hatcheries, tourism operators etc.).
- Potential commercial impact on marine operators such as hatcheries, wild fish reserves and other marine businesses resulting in closure, disease or embargo of product (depending on the nature and scope of the incursion).

2. Impacts to the community/stakeholder (social licence):

- Significant reputational impact to the port - despite the port’s lack of direct operational control around biosecurity enforcement (the port’s role is to facilitate trade). The movement, relocation and establishment of IMPs is a bio-security matter which extends well beyond the bounds of the port, however, there is a perception that ports have a border protection role. This is not the case.
- The environmental values of the area or region could be impacted as a result of an IMP establishing in the port. This could restrict public access to waterways, place restrictions on recreational vessel movements and result in adverse media coverage for the port.
- The environmental impact would also be dependent upon the nature of the invasive species. Some ports are located near or adjacent to RAMSAR wetland (eg Hastings and Newcastle) so any invasion would have impacts on food sources for some species. There could also be potential impacts on fish or shellfish stocks.
- Ports are not equipped to directly manage biosecurity roles. Often as landlords, ports provide a support role to the regulatory agencies charged under legislation to manage such matters.
- Community concern over the port’s ability to operate and protect the environment when the real issue is one of border security. The environmental impact is the result of poor security.

2. **What activities should the Australian Government do to manage the biosecurity risks associated with marine pests to an acceptable level (to protect your business, industry, activities or the environment)?**

The primary responsibility for regulatory management and control of biosecurity should lie with the Commonwealth Government with some delegated responsibility to the State and Northern Territory agencies (primarily Fisheries/Agriculture in each jurisdiction) by way of on-ground (funded) support. Key aspects could include:

- The setting of a single standard for the detection and management of IMPs. This would include the development of a funding model to support these processes. The aim is to

protect the Australian continent (including waters) and this can only be done through a single agency approach. Activities managed by the Commonwealth would include (but not be limited to) setting appropriate standards to minimise the possibility of marine pests crossing the border through setting leading practice policy and regulation, ongoing education and enforcement and the development of self-funding models which would look at taxation and levies or the like to support this work. Perhaps the security levies placed on imports/exports etc, after the 9/11 incident, as well as providing measures to ensure that trading partners remained open could be considered.

- Identifying specific roles and responsibilities for the prevention, monitoring, management, and recovery of marine pests incursion across industry, Commonwealth, State and Territory Governments, ports, vessel owners etc. Funding arrangements should be established and communicated well in advance.
- Providing clear direction on the response expected of asset owners so that response measures and procedures can be prepared with responses factored into risk assessments and business plans.
- Establishing a panel of experts to oversee, monitor, review and report on the success or otherwise of the measures employed – what would success look like?

### **3 . What information or data should the Australian Government collect to support ongoing national commitment to managing marine pest biosecurity?**

The current status of Australian ports with respect to marine pest surveys, data and risk profiles should be revisited. The biggest issue of ongoing concern is the cost and validity of methods used to establish and monitor for IMP presence. There does, however, need to be a central agency which has oversight to support this role.

### **4 . What are the best ways to manage and monitor the biosecurity risks of biofouling on vessels?**

- Inspections
- Risk assessments
- Prioritised and regular monitoring
- Guidance on minimum servicing intervals for hull protection systems

We need to look at preventing the incursion from occurring, rather than the current process of monitoring after the event. Significant resources have been focused on (in some areas) establishing baselines and some ongoing monitoring (which is important), but significantly less has been done in establishing an effective process to prevent the initial incursion through bio-fouling. Recent monitoring in the North-West has resulted in an increase detection of IMPs on project-based vessels thus indicating that if you look you will find. A focus on stopping at the source or processes which require a higher level of scrutiny prior to arrival might be a more proactive approach. Again, this can only be done via a single co-ordinated (and practical) approach.

**5. If the Commonwealth progresses to regulate the management of biofouling on international vessels, what role should it take in the development of domestic controls by the states and territories?**

We suggest similar rules would apply, and based on scientific knowledge, consideration could be given to using bio-regions as the basis for a risk-based approach. If the principles are set at Commonwealth level, the delegation of roles to the State and Northern Territory agencies (reporting up) might need to be considered.

- 6. Should the Department consider a regulatory framework for international biofouling management that is:**
- a species-based approach (as currently proposed in the Biofouling RIS), or
  - an approach based on a requirement for vessel operators to adopt IMO Biofouling Guidelines including on-board biofouling management plan and record book?

A species-based approach is problematic when methods or priorities differ between species. A holistic approach to biofouling could achieve a more effective approach. Our preference is to follow the IMO as shipping is international in nature hence the need for one rule for all maritime operations in order to avoid confusion by international ship owner/operators.

All vessel traffic could be considered as a potential international vector, whether it be recreational vessels or domestic vessels (which often travel internationally to be serviced and repaired). Using such a standard should provide better understanding and communication of Australian border expectations. Australian Biosecurity should be encouraged to actively test and audit these processes as part of our compliance approach.

- 7. How can the Australian Government cost-effectively manage domestic ballast water risks, while preventing the spread of established marine pests?**
- Education
  - Information packs for crew members
  - Zoning for discharge and uptake areas for interstate or inter-regional transit (akin to the GBR zoning plan)
  - Consider the bio-regional approach with bi-annual reviews to test against port survey data, climate change and species adaption models.
- 8. Should species-specific assessments of port-to-port movements, with associated monitoring, be used?**

It could be considered, perhaps as an indicator to support a general bio-fouling standard?

**9. Should we restrict ballast water movements between suitably determined regions?**

There may be a need to restrict ballast water discharges where there is a broader potential for adverse impact (ie discharge near sensitive areas such as marine reserves). The use of a bio-regional approach with due consideration to other values (environmental, commercial, tourism etc) may

need to be considered. Consider designating specific areas where exchange could take place, then develop a monitoring regime for these areas as part of a national approach. However, it is important that any approach should be informed by the expertise of the shipping industry.

**10. What are the most important aims(s) for monitoring in a cost-effective national marine pest biosecurity system?**

Noting that monitoring is the “after incursion” exercise, key considerations would be:

- Appropriate spatial scales in order to be able detect an IMP along with temporal scales that allow IMPs to be detected prior to becoming established where possible.
- Developing/selecting/implementing methods for analysis that allow rapid identification and reporting to allow a fast (and cost effective) turnaround of sampling results.
- The aim of monitoring needs to be more than just “detection” – it needs to more like “early detection to allow appropriate management of introduced IMPs”. Consider a staged approach based on risk profile.
- Agreed and established funding models which are applied across the Commonwealth. As a biosecurity issue (border protection), funding should be drawn from the broader community (as benefactors) of protecting our borders. The total cost burden should not be carried by ports or shipping. Any such model would simply see costs passed on to the benefactors for a Commonwealth responsibility.

We suggest that some focus should be on preventing the incursion in the first instance. The challenge for marine pests is how to best stop them at the border, rather than monitor, detect and mitigate once they have passed the border.

**11. How should this monitoring be achieved?**

Monitoring needs to be cost effective and done under a single funding program which is administered by the Commonwealth, with State and Territory support in order for it to be regularly undertaken.

Please do not hesitate to contact us if we can provide further information on any of the questions. We look forward to learning the outcome of the Review.

Yours sincerely,

Susan Fryda-Blackwell  
Executive Officer