Dear Marine Pests Review Team,

I’ve consulted with members on the questions raised in the Issues Paper and provided our response to each one below.

**About the marine pest biosecurity system**

1. **What are the key issues for your business / organisation that you would like to see addressed in this review?**
* Ensuring a nationally consistent, effective and practical approach to bio-security management.  Differences between each jurisdiction and between the jurisdictions and the Commonwealth will continue to dilute the impact of a co-ordinated approach.  Even if one state were to have sound management and enforcement, the disconnect between other regions means the whole system is flawed, in other words, the system is only as good as its weakest link.
* Effective coordination between the states’ and territory efforts and the Commonwealth ambition is a must.  Ports are seeking a single unified approach driven by the Commonwealth.  We seem to be able to do this for land-based incursion matters, why do we struggle at our marine points of entry?
* Ports are seeking clarity on responsibility for responses to incursions (ie which jurisdiction or department will respond – this is not clear despite the NEBRA) and we face under-resourcing in state/territory departments.   We are also seeking clarity on who funds the response.   The high cost of detection/enforcement seems to be the primary driver for disparity across the regions.
* There seems to be little point in monitoring being focussed on 18 locations when international shipping is calling at all of our ports.  This should not, however, indicate that all points of first entry are automatically at a high risk level.
1. **How do current marine pest biosecurity arrangements affect your organisation, business or recreational activities?**
* By exception as most ports are not involved in any monitoring programs undertaken by or on behalf of their jurisdiction or the Commonwealth. Examples of exceptions are in WA and are provided below:
* WA DoF is the Hazard Management Agency in WA and proactively funds (with limited term funding) and undertakes monitoring and compliance works. Without this focus and allocated funds, it would be very unlikely that a coordinated approach would be undertaken.  This supports the concept of a single agency approach (be it state/territory or federally driven and funded).
* Incursion of a declared pest is a risk to business, as well as the environment of ports.  It would limit the ability for vessels to move freely (thus limiting trade) and is likely to have impacts on local ecology.
* Base legislation to undertake effective risk management activities does not exist. This is largely enacted in a piecemeal way in WA by placing conditions to manage IMP on project approvals. This results in very different approaches being applied to the same vessel ie, if the vessel is working on a specific project with conditions attached to its operation, or not.  It appears to ports that the national biosecurity agenda is being driven inconsistently – ie as to whether the vessel is subject to specific project conditions, or not.
* Fremantle Ports is currently participating in an IMP surveillance project with the WA Department of Fisheries (DoF). The cost of this program is $21,000 plus in-kind support (1.0 FTE for approximately 6 days) for the deployment and collection of settlement arrays and crab traps 3 times per year. Fremantle Ports is happy to continue this partnership with DoF on the understanding that they are the lead regulatory agency in WA for managing marine biosecurity matters. Any increase in Fremantle’s contribution is likely to come under the close scrutiny as the state regulator should be adequately resourced to carry out their responsibilities.
1. **How effective are the current arrangements in preventing marine pests arriving and establishing in Australia?**
* With respect to ballast water, somewhat effective. AMSA and Biosecurity undertake checks for first-port-of-call vessels on ballast water management.  As ballast water treatment systems become more widespread in visiting ships, without checking of system effectiveness, this will decrease markedly.
* With respect to biofouling – not effective at all. There is a wide disparity of approaches existing between the jurisdictions. WA appears to be the most active and other states appear to do little if anything unless there is a detection.  Within WA, it will depend on whether the port or vessel is subject to project conditions.  There is very little effort anywhere, including WA, directed at the main import pathway (ie non-project shipping biofouling), either in risk assessment or actual monitoring. Non-commercial vessels have almost no controls.
* In Qld, the experience is described as “fair to moderate” given the experience there with Asian Green Mussels and the numerous detections on Navy vessels returning from Singapore to Cairns.  Given the post-deployment checks carried out by Navy and DSTO that result in Asian Green Mussel detections, something isn’t working.  Navy would be the most thorough at the pre and post-deployment and entry into Australia protocols so if they are detecting marine pests then the inferred quality of other entering vessels would indicate that the present arrangements are not effective.
* Where active monitoring is undertaken ie as a condition of a project under the EPBC Act, (for instance, monitoring undertaken at dredge disposal grounds), the arrangements are effective.
1. **How effective are the current arrangements for the detection, eradication and containment of invasive marine pests?**
* As far as ballast water is concerned, the checking for compliance with decision support tools is undertaken, however, monitoring of the effectiveness of these tools is very limited. As in-tank ballast water treatment systems become more common, the checking will decrease further.
* With regard to biofouling, in WA the management of IMPs has improved significantly in recent years, particularly as the management of IMPs is critical for major resource projects such as the Gorgon development on Barrow Island.   The Port of Fremantle is a major supply base for vessels and equipment for the project and as a result, compliance activities by WA DoF have increased.  There are annual monitoring programs in WA.  However, it is well known that the next two stages (eradication and containment) would be so expensive or difficult as to be practically impossible. This raises serious questions about the large focus, and subsequent diversion of funds, from risk assessment/management and inspection on in-bound traffic to monitoring of what has already established.
* However, in Qld the story is a little different.  The experiences with the Asian Green Mussel and the Asian Bag Mussel and the patchy response by Biosecurity QLD which has focused on pulling a few vessels from the water and imposing a “Quarantine area” for just part of a port (examples back in 2009) without any active eradication indicate that the ports there are lucky that conditions have not been suitable for colonisation.  The process for detection, other than Navy’s post deployment checks, is unclear and considered to be ineffective.  The ability to contain an invasion would be very limited.  Qld ports echo the thoughts of the WA ports regarding eradication and containment.
1. **Does your organisation, business or activities have any difficulty implementing the current marine pest biosecurity arrangements? If ‘Yes’ please briefly explain what these difficulties are and how they impact you activities and / or industry.**
* With regards to ballast water, ports have no  visibility on compliance or management by Biosecurity Australia, hence we are unaware of the effectiveness of any of their measures.
* With regards to biofouling, there are no specific requirement to undertake monitoring.  The legislation around the jurisdictions varies in effectiveness.  The WA Fisheries legislation - *Fisheries Resource Management Act* – the principal hazard management instrument, only has powers to enforce management once a declared pest is detected.  This could cynically be regarded as a possible benefit for ship owners/management not to look; if you don’t look you cannot find! Even when a pest is detected, there are sometimes significant delays in enforcing action, or allowing actions which have been proven to be ineffective such as in-water cleaning.  Port authorities have sometimes had to step in and fill the gap using their limited powers with regard to safety of navigation under the *WA Port Authorities Act.*
1. **Is the marine pest biosecurity regulatory approach (through legislation, nationally agreed standards, guidelines and protocols) consistent across Australia and aligned to relevant international standards?**
* Not in our experience.  Approaches around the jurisdictions are so varied that actual on the ground implementation is ineffective as a national management tool.   This gives rise to concerns about pest control between Australian ports based on coastal shipping movements.
1. **Are there cost effective compliance and enforcement arrangements for industry, governments and the community?**
* In terms of ballast water, for commercial shipping, there will be a framework in place once the Biosecurity Bill has been passed and the Regulations are in place.
* In terms of biofouling, there is currently no legislation that requires any checking within any state, nor a body which is directly responsible.  Again, in WA DoF carries out this work under the umbrella of exotic fish species control (under the *Fisheries Resource Management Act* ).  We are mindful of the fiscal restraints operating at present in other jurisdictions.

**About governance and infrastructure**

1. **How effective is the National System for the Prevention and Management of Marine Pest Incursions as an overarching framework for Australia’s marine pest biosecurity arrangements?**
* The idea has merit - identify the pathways, score the risk and divert effort to address the principal risk to achieve good value for effort/cost on a national level. The delivery seems to lack funding, engagement and enforcement.
* For biofouling risk, there is no monitoring and subsequent management of vessels carrying declared pests. Hence that part of the system is non-existent at the Commonwealth level.  The absence of well-resourced, clearly defined agencies within each jurisdiction lets the process down.
* The focus of the system on monitoring for incursions rather than preventing incursions appears to be flawed. It is accepted that control of an incursion once established is effectively impossible. Monitoring drains very significant funds from any incursion risk management. Efforts should be redirected into managing the issue before it arrives.
1. **How effectively has the Australian Government coordinated the development and implementation of harmonised, national marine pest biosecurity arrangements?**
* Not at all.
* Beyond ballast water management, the system is geared to monitor incursions, not to manage the risk of pests getting to Australian waters.
* There has been significant effort to develop a national risk assessment approach which then dictates a monitoring program for a site.
* The federal government has pushed responsibility for implementation to the jurisdictions, with no ability nor encouragement to ensure this occurs.
* The federal government agency which should logically be responsible for managing this national risk (Biosecurity Australia) appears completely absent in the biofouling space. The arbitrary divide by this department to not deal with pests coming into Australia below the waterline promotes a significant risk.
1. **How effectively does the Australian Government engage industry stakeholders and other environmental partners in the development and implementation of national marine pest biosecurity measures?**
* There have been many years of on-going consultation and plan development and a network via the Marine Pest Sectoral Committee. However, the sidelining of industry into a separate group shows that there is no real intention to accept our role as partners in the fight against IMP.
* Our members have advised that reading the subsequent reports over many years (supplied by Ports Australia, not the Department) shows an ongoing lack with implementation in most jurisdictions, with no prospect of it occurring, and no drive from the Federal Government to see it implemented.  For instance, the level of consultation and engagement over in-water cleaning with jurisdictional regulators has demonstrated confusion over statutory responsibility.  Regular engagement between the Commonwealth and the states/territory indicates that education and engagement is minimal.
1. **How effective is the Australian Government in coordinating a response to marine pest incursions?**
* In the Port of Dampier, there have been 20+ incursions of declared marine pests on various vessels (none established). These have all been associated with non-trading vessels typically associated with resource development projects.  WA DoF has done taken an ever increasing role in managing these events, much to their credit.  The federal government has not been visible in any of these events.  They have been notified but have played no part in coordination or response.
* In Qld, past experiences in 2002, 2007 and 2009 with the Asian Green Mussel, Asian Bag Mussel and Caribbean Tube Worm detections in Cairns have demonstrated that effectiveness was found wanting in each case - uncoordinated and under resourced.
1. **How could the governance and infrastructure arrangements for marine pest biosecurity be changed to achieve better outcomes for marine pest biosecurity?**
* Place responsibility for risk assessment, management, compliance and incursion response with the agency that deals with the same issues on a national level when they occur above the waterline – Biosecurity Australia. National issue, national approach and national response.
* If it is to be pushed town to the states/territory then there has to be a clear delineation of responsibility and funding to well-resourced agencies and their own co-ordinated routine surveillance monitoring and vessel entry checking.

**About prevention, eradication, containment and on-going management**

1. **How effective and efficient are the current national arrangements at minimising the risks posed by ballast water?**
* Ports have no visibility on this issue. It is (rightly) managed in a nationally consistent approach by Biosecurity Australia for the large international vessels but the system is less effective for smaller vessels.
* Indirect evidence shows that the assessment of the risk posed, prescription of the management required and subsequent checking of the implementation of the required controls for ballast water (exchange, flow through) is effectively done by Biosecurity Australia, with assistance from AMSA officers at times.
* We are unaware of on-going works examining the effectiveness of the ballast water treatments in addressing the risk. This will become more important as in-tank treatment systems become more common on commercial shipping and vessel owner/operators seek the port’s endorsement for the discharge of this treated water within port areas.
1. **How do the current national arrangements for transfer of ballast water between domestic ports affect your activities and/or business?**
* No visibility on this issue from a port perspective. However, we assume that where a framework is well established and communicated using existing infrastructure and techniques, it would  be undertaken as part of normal shipboard management without significant impact.
1. **How effective and efficient are the current national arrangements at minimising the risks posed by biofouling?**
* There are no national arrangements which provide guidance for inbound commercial shipping, nor are there any compliance checks, risk assessments nor pro-active management of the issue.  The current arrangements are therefore completely ineffective.
1. **How effective and efficient are the current national arrangements at minimising the risks posed by the aquarium trade and other pathways for the introduction of marine pests?**
* No visibility on this issue.
1. **How effective are the current national arrangements for determining and actioning the appropriate national response to a marine pest incursion?**
* We have not seen involvement or action by the Federal Government in this space.
* Lists of declared marine pests are produced at a federal level. However, the value of these is undermined by jurisdictions producing and enforcing non-concurrent lists of declared pest species.
1. **How effective are the current national arrangements for containing and managing established marine pests in Australia?**
* This is a biological impossibility. There isn’t a system that has been effective anywhere in the world except in one very special and rare circumstance (Darwin).  A translocation might be slowed down but not stopped without very specific criteria which are randomly fixed (ie freshwater species isolated by an arid coastline, hot water species present at a thermal discharge in a cold water port). Administrative controls are the lowest form of management and least effective.  This underscores the need to focus maximum effort in preventing establishment rather than current emphasis on monitoring.
1. **Which initiatives have delivered the best improvement to addressing marine pest risks in your sector?**
* In WA DoF has tackled this issue and funding has been provided by the WA Government.  One of our WA members has written – “in the absence of this effort, which was not promoted, encouraged or funded by the federal government, WA would be in a poor a compliance position as is the case with many other jurisdictions”.
* WA’s action has been predominately focused on monitoring rather than risk management. As such, any overall improvement in marine pest *risk* (the target of this question) has been minimal.
* Principal gains in risk reduction have been through WA DoF implementing import controls as an environmental approval condition for  projects.    These have been developed in lieu of actual legislation at a state or federal level. Major projects (Woodside’s Pluto, Chevron’s Gorgon and Wheatstone, Rio Tinto’s Cape Lambert Port B) have developed beyond compliance risk management approaches through these approval requirements, again in lieu of a national or state requirement.

**About supporting arrangements:
monitoring, communications, research and development, evaluation and review**

1. **If your organisation is currently undertaking monitoring for marine pests, what are your reasons for doing so and how do you use the information you collect?**
* WA DoF are very active in this space.  Pilbara Ports Authority actively supports two tiers of monitoring (settlement plates network and large annual nationally approved monitoring surveys) in both Dampier and Hedland ports. Pilbara Ports has also actively supported WA DoF in establishing this program in other WA ports.  Pilbara Ports recognises IMPs as a significant risk to the environments of their ports, and potentially to their businesses and their customers’ businesses. Some projects are very sensitive to marine pest issues, and would cease operations in the Pilbara ports should declared pests become established. Management of the issue would incur additional costs for trading from the ports.
* Fremantle Ports reports that as a major stakeholder in marine pest issues in WA they believe that working with DoF on maintaining a surveillance program is a responsible activity. Fremantle currently receives an annual report from DoF on the findings of the surveillance program which is used to provide baseline data and for their own internal use.
* Ports North conducts investigations for the presence /absence of select marine pests during the annual Sediment Analysis Plan (SAP) for the Port of Cairns, so as to meet GBRMPA’s Long Term Monitoring and Management Plan (LTMMP) (for dredging) and Sea Dumping Permit conditions and National Assessment Guidelines for Dredging requirements. A similar requirement is in place and conducted every 5 years for the Port of Karumba under DoE’s Sea Dumping Permit and the Karumba LTMMP.  Information from these activities informs the regulatory authorities’ approval of the SAP and permit to proceed to dredge.
* Ports North also maintains, in a similar manner to some other QLD ports, a simple system of rope mops/ceramic tile larval settlement devices to check for abnormal fouling by marine pests.  These are deployed at a few locations and checked periodically (Cairns and Karumba). To date that system has not detected a pest, nor has the sampling conducted as part of the respective SAPs.
* Gladstone Ports Corporation reported that they stopped monitoring for marine pests on the understanding that it was a state responsibility and that the state was undertaking all pest monitoring (which it’s not).  However, some monitoring occurs as part of dredge impact monitoring.
1. **How effective has the implementation of the National Monitoring Strategy been across Australia?**
* Our ports rate this effort as “poorly”.  Few states have implemented the National Monitoring Strategy effectively.
1. **What impact has the implementation of the National Monitoring Strategy had on your business or organisation and how can this be improved?**
* Currently minimal.  WA ports actively support WA DoF in the implementation of these works which is currently totally funded by the state.  The long term continuation of this funding is questionable and it is doubtful that the funding program will continue.  Nor is the monitoring likely to be continued, especially at its current intensity or spatial spread, if the responsibility were to be pushed to ports or industry
* Pilbara Ports directly funds (with some industry assistance) the Settlement Plate monitoring system. This costs ~$50,000 annually for two ports. An additional ~$25,000 would be allocated for in-kind support by PPA staff undertaking the management of the project in their ports.
* Improvement on a national scale could be achieved if Biosecurity Australia were to manage monitoring on behalf of the jurisdictions which would result in it being done consistently around the country.   However, it must be emphasised that monitoring does nothing to reduce the risk of an incursion, and eradication post incursion is effectively impossible. As such, is the current spending a waste?
1. **Do Australia’s national arrangements provide access to relevant marine pest biosecurity information and intelligence sources to improve decision making at the regional, state and national levels?**
* The information and resources on the marine pests website for identification and general species information are generally acceptable to provide basic level information, and the links/access to specialists is also useful in decision making about suspect species. Beyond that, and at a level of risk/prioritisation for other matters, the national system provides minimal benefit to managers at marine facilities.
1. **How could engagement and communication with your organisation or sector be improved to deliver positive outcomes for marine pest biosecurity?**
* A single national agency controlling all aspects of marine pest management would enable a consistent approach.   A consistent approach would then, in turn, enable a focus on management of incursion risk rather than monitoring of pests established in Australian waters.
* When new pests are added or removed from the lists, some background on why and what risk they pose would be useful
* Updates on what pests have been found where, on what ships or in what ports would be useful.
1. **Do the National System and current national marine pest biosecurity arrangements provide an effective platform to continuously improve biosecurity outcomes?**
* No, not currently because :
	+ The system is disjointed across the jurisdictions.
	+ The focus of this system is monitoring, not risk reduction.  The system is reactive and not proactive.
	+ There are issues around funding.  ports have previously been identified as a possible funding source, however, if the National System were to be properly regarded as a national issue (which it is) then funding should follow the same model as used for other bio-security management process.  The benefits impact on all Australians, not just port managers, therefore the cost should be a shared cost.
	+ State funded programs all seem to have limited dollars available for marine pests (perhaps because this is not seen as an issue which impacts the general population).
1. **How effective and coordinated is the current national approach to research and development on invasive marine species at improving the national marine pest biosecurity system?**
* Minimal visibility on this issue.  R & D seems to be more dependent upon relationships and history with individuals who coordinate development, rather than working towards a national framework or goal.
* The Marine Pest Sectoral Committee has  only a reporting role and not a coordination role.

Thank you for the opportunity to respond to the questions above.  If elucidation or further information is required, please don’t hesitate to contact me.

Regards,

Sue

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