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12 May 2015

Dr Peter Stoutjesdijk
Animal Biosecurity Branch
Department of Agriculture
CANBERRA ACT 2601

Via email: marinepests@agriculture.gov.au

Dear Dr Stoutjesdijk,

RE: Review of National Marine Pest Biosecurity

Thank you for the opportunity to provide comment on the Discussion paper on the Review of National Marine Pest Biosecurity currently being undertaken by the Commonwealth Government Department of Agriculture.

The Australian Petroleum Production & Exploration Association is the peak national body representing Australia's oil and gas exploration and production industry. Our member companies take their environmental responsibility very seriously and continuously seek to demonstrate sound resource and environmental management as an integral part of industry operations. We support environmental management and regulation developed on the basis of the available evidence and in a scientific manner, and we have years of experience of operating under leading practice, objective, risk, performance and system based regulation.

APPEA supports the Government's intent to develop a National System for the Prevention and Management of Marine Pests in Australia. The petroleum industry has an important role to play in minimizing the spread of marine pests in Australian waters by effectively managing biofouling on contracted vessels, rigs and immersible equipment. As such, a number of APPEA member companies has proactively developed and implemented a systematic risk based approach to the management of marine biofouling. Comments relating to these practices form part of APPEAs response to the discussion paper (attached).

APPEA will continue to engage with the Department to deliver the Government's commitment to reducing regulatory burden on industry whilst maintaining high environmental standards.

Regards,

Miranda Taylor
Director Safety, Environment & Operational Performance

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Review of National Marine Pest Biosecurity

Industry commends the Department of Agriculture (DoA) for its ongoing commitment to the management of marine pests in Australia. The development of the National System for the Prevention and Management of Marine Pest Incursions (the National System) is a very positive step forward in establishing a consistent approach to preventing the introduction of marine pests.

APPEA provides the following feedback regarding the National System in response to DoA's National Marine Pest Biosecurity Review Discussion Paper;

Limited commitment and resource allocation to implement the National System

Government should manage marine biosecurity risks in an efficient and cost-effective manner.

APPEA would like to note industry's concern around resource allocation which would result in the implementation of a "non-voluntary" system to manage marine pests by DoA. Such an approach would require continued monitoring, assessment (and depending on the structure adopted potentially approval) of vessels prior to entry into Australia. Vessel entry assessments would need to be relatively quick to prevent delays and additional costs to Operators. As such appropriate resources need to be provided to deliver such a program. A sampled, risk-based approach of vessels viewed as higher risk (ie vessels' moving at slow speeds or vessels spending extended periods of time in ports with known marine pests), may be an appropriate approach to assist in the application of limited resources.

Within the DoA's discussion paper stakeholders have also suggested "assigning a nationally consistent funding model that includes infrastructure for cost recovery from risk creators and beneficiaries". The definition of perceived vs actual risk creators would need to be further examined for this type of approach. Woodside, for example has already proactively implemented an approach to manage operational risk of introducing marine pests, so the perception of marine pest introduction risk (ie as an oil and gas Operator) would be considerably different to Woodside's actual marine pest introduction risk. Approaches proactively implemented by operators would need to be considered as part of any proposed funding model.

Current biofouling requirements across jurisdictions

Roles and responsibilities of State and Commonwealth Agencies should be clear.

APPEA would appreciate additional clarity around how approaches being developed by State and Commonwealth regulatory agencies will interact with each other. Within the DoA's discussion paper Recommendation 5 of the Beale Review is referenced which states that the Commonwealth will restrict biofouling to the management of international vessels while States and Territories will retain responsibility for domestic biofouling requirements. How will this approach be applied if States and territories have different expectations regarding marine pest management? For example if an international vessel enters WA State waters will it be expected to comply with both Commonwealth and State requirements? This could become problematic for operators, particularly if different "Species based" or "biofouling risk" approaches are applied by different jurisdictions. Expectations around how different approaches interact will need to be clear for industry to prevent scheduling delays and associated inspection costs. The Commonwealth should continue to play a key role in the development of domestic controls by the States and Territories, examining Australia's approach to marine pest management as a whole.

The 'species based' approach to manage biofouling

APPEA supports a "species-based" approach.

When considering whether a “species based” or “level or biofouling” approach would be best for the department’s regulatory framework, APPEA would recommend the continued adoption of a “species based” approach. Government and Industry has invested considerable efforts in the identification and monitoring of marine pest species in Australia, and potential impacts from these species are well understood. Such an approach allows the focus of cleaning/inspection efforts on species which pose a risk to Australia (as opposed to the fouling level of a vessel). This is particularly important when considering state/territory movements – where certain species will pose a higher risk.

APPEA would also like to highlight that in the event a “level or biofouling” approach was adopted by the Department, there would be an opportunity to learn from some of the deficiencies in approaches adopted in New Zealand and California. A percentage of fouling, for example, can carry different levels of risk depending on the size of the vessel involved, this would need to be examined in the application of this type of approach.

The cost to industry of domestic ballast water management

APPEA believes the Domestic Ballast Water System should not be implemented at this time

Given the lack of understanding / current baseline within Australia of ballast water risks (ie how does Dampier ballast water relate in risk to Melbourne or Fremantle), APPEA sees little benefit in the implementation of a Domestic Ballast Water Management System, at this stage. Furthermore the implementation of such a system would pose additional costs to industry (both with the purchasing and installation of ballast water treatment systems, and potential delays to State/Territory vessel movements), which do not seem warranted given the lack of understanding in this area.

If additional monitoring was completed at more Australian ports, there would be a better understanding of the risk domestic ballast water movements pose, and additional support to manage the risk. It is recommended the Department focuses on the management of biofouling from international vessel movements, and ensuring an effective approach has been implemented, before examining domestic ballast water management.

Incomplete implementation of the National Monitoring Strategy.

The National System currently lacks clarity around DoA’s expectations.

Guidelines are voluntary and provide recommendations to operators regarding the management of marine pests. In response to this lack of clarity Woodside, INPEX and other oil and gas Operators have developed their own internal processes. However risks associated with marine pests are not managed consistently across the industry. Additional clarity around the DoA’s expectations is required within a review of the National System, where a consistent approach can be applied across all marine users.

Additional Comments

Industry should be more involved in initiatives to strengthen the National Marine Pest Biosecurity approach. There are opportunities for improvement in how the Australian Government engage industry stakeholders in the development and implementation of national marine pest biosecurity measures. The industry rarely receives feedback on how its advice/recommendations have been considered as part of changes to marine pest management regimes. Opportunities for members of industry (either APPEA or members directly) to be incorporated into the Marine Pest Sectoral Committee or reviews of outputs from the National Environmental Biosecurity Response Arrangements (NEBRA) should be considered.

