



Submission to Reforming Victoria's biosecurity legislation by the Victorian National Parks Association, October 2022.

The Victorian National Parks Association (VNPA) welcomes the opportunity to make a submission on reforming Victoria's biosecurity legislation. The VNPA has been a community voice for the protection of Victoria's unique natural heritage for 70 years. VNPA is an independent, non-profit, membership-based group, which exists to protect Victoria's natural environment and biodiversity through the establishment and effective management of national parks, conservation reserves and other measures.

The VNPA acknowledges that the spread of invasive species including plants, animals, diseases and pathogens is one of the greatest risks to Victoria's biodiversity and parks estate. We welcome the Biosecurity Statement and the acknowledgement of the impact of Victoria's parks and wildlife by invasive species.

A modern and reformed Biosecurity Act should be looking forward to the future such as changes in the climate that will awaken sleeper plant, animal and pathogen species already within the state, as well as those we seek to exclude. It must also have high levels of precaution when assessing the importation of new plants and animals into the state and their impacts on biodiversity, agriculture and liability. In the past impacts on biodiversity have been seen to be overlooked with more time, resources and regulation focused on agricultural impactful species.

Victoria already has dire invasive species problems that will continue to worsen unless there is substantial reform of laws, policies and programs to prevent the introduction of new harmful species, eradicate newly established species, and more effectively contain and control established threats. New stand-alone biosecurity legislation is well overdue. Recognising that invasive species are both an environmental and agricultural problem, equivalent powers should be accorded to the relevant ministers to implement measures to protect the environment and economy respectively.

There is a well-accepted hierarchy of responses to invasive species starting from the most effective and least costly: prevention, eradication, containment and control. The only sensible approach to prevention is to ban the entry of new taxa (species, subspecies and variants) unless they are assessed as low risk (a 'permitted or white-list' approach). Risk assessments should be precautionary and account for the risks and uncertainties of invasive species under climate change conditions. Currently, Victoria takes the opposite approach with plants, which is to allow all species in unless they have been specifically prohibited. This means that invasive species management is inevitably reactive and piecemeal and more costly as the numbers of deliberately introduced weed species grow. There also needs to be a greater focus on systematically identifying priorities for eradication, containment and control. Many opportunities have been lost to remove newly established species.

The reactive approach also leads to lack of action on environmentally harmful invasive species with economic or social value. Feral deer, for example, are protected for the benefit of hunters under the Wildlife Act rather than managed as a highly damaging environmental and agricultural pest species – despite one of the species, Sambar, being listed as a potentially threatening process. And the

government continues to promote tall wheat grass as a pasture grass despite it being listed as a potentially threatening process.

Strong duty of care obligations and polluter pays provisions are needed to require land managers to take responsibility for the spread of invasive species, although there are provisions within the *Catchment and Land Protection Act 1994*, it is poorly enforced and regulated particularly when invasive species are impacting environmental concerns, instead focusing heavily on agricultural interests.

Effective control of entrenched invasive species requires collaborations, planning, government support and monitoring. This can be facilitated by the establishment of regional weed committees involving government, community representatives and land managers to develop strategies and long term allocation of resources.

Training is needed for all workers and contractors undertaking weed control on public lands. More research is required on ecological solutions for entrenched invasive species which will require long term and stable funding.

One of the focuses of the proposed Biosecurity Act is for shared responsibility of biosecurity between government, industry and the community, there is a much need to improve biosecurity literacy within the greater community to identify new and emerging weeds as well as existing listed pests and the reporting mechanisms for them. But it must be highlighted that volunteers and community groups cannot and should not shoulder the full burden of this type of community outreach alone and should very much be led by government through funding of regional or species coordinators who work closely with local groups, or added resources and funding for Landcare and Coastcare facilitators.

Summary of impacts of invasive species

In 2021 the Victorian Legislative Council Environment and Planning Committee handed down its Findings and Recommendations from the Inquiry into ecosystem decline in Victoria which saw close to 1000 submissions from the public and environment and community groups.

The Inquiry found that **invasive species have become a key driver of ecosystem decline**, impacting Victorian biodiversity values by:

- damaging habitat, altering the natural composition of vegetation, impacting the quality of waterways and increasing forests' vulnerability to fire
- outcompeting native flora and fauna for habitat, food, refuge and other resources
- preying on native fauna and driving population decline¹

Invasive plants and animal species cause considerable ecological damage in Australia and have been found to affect 1257, or 82% of all species listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999.² After habitat destruction, environmental weeds in

¹ PARLIAMENT OF VICTORIA LEGISLATIVE COUNCIL Environment and Planning Committee Inquiry into ecosystem decline in Victoria Volume 1, December 2021

² Kearney, S.G., Carwardine, J., Reside, A.E., Fisher, D.O., Maron, M., Doherty, T.S., Legge, S., Silcock, J., Woinarski, J.C.Z., Garnett, S.T., Wintle, B.A. and Watson, J.E.M. (2019). The threats to Australia's imperilled species and implications for a national conservation response. *Pacific Conservation Biology*, 25(3), pp.231–244. <https://www.publish.csiro.au/pc/Fulltext/PC18024>

particular are possibly one of the most significant causes of biodiversity loss and habitat degradation.

Many exotic plant species have been introduced into Australia by agriculturalists as feed and pasture or as escaped garden plants. Of about 1000 exotic plants established in native vegetation in Victoria, about 580 are known to threaten biodiversity, landscape or social values.

In addition to incalculable environmental impacts, the spread of invasive plant species can have major economic and social impacts across landscapes and land tenures.

Competition with food crops and impacts on pollination services affects agricultural production. Incursion of weed species into recreational parks reduces enjoyment, access and aesthetics of natural areas making them less attractive to visitors and can impact on health and wellbeing.

Impacts on Indigenous communities by invasive weed species include out-competition of traditional food plants such as Murnong or Yam-daisy (*Microseris lanceolata*), invasion of culturally significant sites such as middens, rock scatter sites and housing sites, displacement of plant and animal totems on country, diversion of natural creek and river flow and access to country being impeded by weeds such as willows, gorse and blackberry.

There are significant concerns held by scientists, community groups and land managers about the impact of climate change on sleeper weeds and the possible increase in the abundance and distribution of weeds due to increasing temperatures.

In terms of the impact of invasive species on the marine environment, we know that shipping is increasing as population and trade increase, which is exacerbating the impacts of marine pests and their potential to cause havoc to marine biodiversity values. From science and control work done by Parks Victoria in priority marine national park and sanctuaries, it can be demonstrated that when effort and resources gets allocated to protect a particular area, it has led to the restoration of kelp forest for example.

What a strong and solid Biosecurity Act looks like

The best way to stop invasive species from damaging our environment and agricultural areas is to prevent the import of high risk species into the state, a new Act would be proactive and seek to stop new invasive species establishing in the first place.

To do this a new framework is needed to assess the environmental risk of plants in particular, prior to them being able to be sold and distributed across the state and into areas where they will cause serious ecological harm.

This is lacking in the state's current framework where emphasis is placed on plants that do harm to agricultural assets but mostly does not investigate or legislate against the ecological damage done by pest weed species on the environment. This could be due to the easy nature of calculating the economic costs of pest plants on agriculture and the impossible task of calculating the cost of pest weed species on natural areas, ecosystem function and ecosystem services.

In an environmental context, weed costs are virtually impossible to predict or calculate in advance. And when environmental harm is involved there is no agreed upon acceptable way of measuring it. After a plant becomes a significant established weed it is likely to remain in the landscape forever.

A Biosecurity Act for Victoria must assess risk in a precautionary and equal basis across sectors those being environment/ecology, agriculture, recreation and cultural. Currently increased resources and

regulation is given to agricultural risks while invasive species that impact solely on environmental, cultural concerns are not dealt with, with the rigour and persistence given to agricultural interests.

What we need from the Biosecurity Act

Greater enforcement of current laws are needed.

Species of plants can be declared as noxious weeds under the *Catchment and Land Protection Act 1994* (CaLP Act). The CaLP Act defines noxious weeds in Victoria into four categories. State Prohibited Weeds are the highest category of declared noxious weeds in Victoria and are either not yet in Victoria, or are here in small numbers, where their eradication is still possible.

Agriculture Victoria (AV) is responsible for state prohibited weeds on all land in Victoria and sits within the Department of Jobs, Precincts and Regions (DJPR). DJPR and AV have a stronger focus on the agricultural sector. **For equal regulation and enforcement there is a need to move these obligations to a department that also has experience and focus on Environmental and cultural concerns and regulation.** This could be the Department of Environment Land Water and Planning (DELWP) or shared between Agriculture Victoria and DELWP.

With the categories for species listed under the CaLP Act varying between Catchment Management Areas, this makes understanding regulations difficult and makes it easy for those selling restricted or controlled weeds to sell these species and continue to help their spread. **There is a need to simplify listings and regulations of listed species.**

To improve regulations, Victoria should establish a permitted or 'white list' approach for listing of potential pest plant species prior to species being brought into state.

As highlighted in the Invasive Plants and Animals Policy Framework (2010), currently in Victoria there are no legislative restrictions on trade or cultivation of most non-native plants, unless they are proclaimed as noxious weeds.

With a permitted species list, all species would need to undergo a weed risk assessment prior to being permitted entry into the state. This type of assessment would be undertaken on existing traded species and require risk assessments of all new taxa proposed for introduction into the state.

Western Australia has undertaken this approach of weed listing since 1997. See more on the permitted list approach to weeds here: https://invasives.org.au/wp-content/uploads/2014/02/fs_weedwhitelist.pdf

The current listing system or black list system, results in bans on species that have already established, which is often too late to eradicate them. This system can also be slow and onerous and does not operate with the urgency needed to avoid new infestations of pest plants.

Community taskforces make significant contributions to dealing with high-priority pests and weeds, such as blackberry, gorse, serrated tussock and European rabbit. These programs are vital at working with land holders and managers across all land tenures particularly private land that constitutes most of Victoria. **There is a need to secure the funding for these groups on a multi-year basis in 5-10 year blocks to allow for solid inroads into the communities they operate in and reductions in pest numbers and increase biosecurity literacy.**

Increased responsibility to undertake appropriate measures to control the weeds by private land holders.

The CaLP Act is wholly inadequate for the control of weeds. Prosecution of private land holders for failure to control Weeds of National Significance (WoNS) is rarely successful, often because they

argue they are being singled out, why isn't everyone else also being prosecuted? Control of WoNS needs a carrot and stick approach and here the stick is absent.

The situation is complex. One land holder may put considerable resources into controlling weeds on their property, only to lose the benefits of those actions when an adjacent land holder fails to control weeds on their property.

There needs to be a means of defining areas of impact, including wind-blown seed dispersal, and for particular mechanisms to be put in place in such areas.

Actions taken on private land can manifestly impact on public land, or land designated to become public land, for instance by allowing seed dispersal into national parks. In such cases, private land holders must carry an increased responsibility to undertake appropriate measures to control the weeds on their property. It may be that a suite of financial mechanisms to incentivise private land holder behaviour for the public interest need to be codified. It is important to recognise that local government is often at the coal face of weed management issues, and that outcomes desired at a federal level can be unintentionally ham-strung by council-specific approaches to funding.

Controls on weed species must also focus on the harms done to the environment through the measures put in place to control the weed species. The effects of large-scale herbicide application are an obvious case in point. The Act sure ensure that there is a duty of care to minimise secondary impacts of biosecurity measures, in particular to the environment.

Legislative barriers also need to be removed to encourage conservation actions on private property. While not the immediate purview of a biosecurity act, such measures necessarily impact the effectiveness of biosecurity controls.

Greater powers for action on private land against WoNS

Another matter to consider is the power of retrospective analysis of satellite imagery that can now show a land holders history of failure to control weeds. Historical actions (or failures to act) need to be factored in to compliance enforcement.

Access to property for the purposes of survey is another important tool for weed control that is currently absent. If there is a reasonable belief that WoNS are present on a property, officers should be able to access that property to conduct an appropriate audit of the extent of the infestation and the likely damages it is causing.

The deliberate transport and release of feral species also needs attention. While deer may not yet be included in this category, they are a good example...

Private interests must be demoted in significance compared to the public interest. The environment must be considered as highly significant in calculating impacts.

A marine biosecurity plan

In the marine environment one of the biggest threats to the integrity of marine national parks and the marine environment in general, is the establishment of marine pests. While this threat is managed to a certain degree in priority marine national parks and other protected areas by Parks Victoria, there is very limited effort being undertaken to detect, and control in areas outside of these protected areas, across the state.

This obviously has huge implications for re-infestation in protected areas. We have seen a lack of coordinated effort across the state to address this issue, and to date there is still no state-wide plan

for how to tackle this issue for the marine environment. There needs to be a concerted collaborative effort to manage the threat of marine pests both inside and outside of marine protected areas, cross agency, which is backed with marine expertise on pests and their impacts on biodiversity values.

The Victorian auditor general's recommendations in Environmental Management of Marine Protected Areas (2011), stated that the biosecurity standing committee should assign expertise to develop a marine pest biosecurity plan.³

The report also acknowledged that there are gaps in marine pest biosecurity across the state, particularly regarding specific roles and responsibilities to support preparedness, detection and responsiveness, as well as resourcing each of these phases. Consequently, DSE's ability to coordinate a rapid and effective response to a marine pest biosecurity incident is significantly impaired.

This highlights the need for more collaboration between agencies across the different jurisdictions they manage. As also highlighted above, it is critical marine pests are addressed for reasons to protect biodiversity, in addition to fisheries stock reasons for human consumption (as aligned with the principles of the *National Parks Act 1975*).

We would like to see the new Biosecurity Act prioritise protection of biodiversity of the marine and coastal environment prioritises and to allow for a state-wide coordinated effort to address.

Thank you again for the opportunity to make a submission. For more information on the details raised in this submission please contact jordan@vnpa.org.au, adrian@vnpa.org.au, or shannon@vnpa.org.au.

³ Environmental Management of Marine Protected Areas (2011).
<https://www.parliament.vic.gov.au/papers/govpub/VPARL2010-14No13.pdf>