Invasive Species Management Bill

Discussion Paper

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# Foreword

The proposed new Victorian Invasive Species Management Bill will provide a contemporary approach to the future management of terrestrial and aquatic invasive species.

Whilst many of Victoria's key strategies and policies relating to invasive species reflect a modern approach to biosecurity, based on risk management principles as the basis for government involvement, our legislation has not maintained pace with the breadth and nature of change in the biosecurity sphere.

The expansion of overseas trade and travel, changing land use and demography, as well as changing community preferences and expectations, have all contributed to a recognition that existing Victorian legislation is no longer sufficient to respond appropriately to the range of challenges that can arise in managing invasive species.

It is now widely recognised that there is a significant opportunity to provide legislation that allows a consistent operational response to pests in all taxonomic groups.

This proposed new legislation will enhance Victoria's ability to prevent new high risk invasive species from establishing, eradicate high risk invasive species already present, contain and reduce the spread of established species and manage the impacts of invasive species that are already widely present in Victoria.

The legislation will provide the necessary flexibility to efficiently and effectively respond to biosecurity threats and achieve greater alignment to both national and Victorian biosecurity policy.

Victoria's partnership approach to engaging stakeholders is an important part of developing this new Bill and I invite and encourage your feedback.

 **Dr. Hugh Millar**
Executive Director Biosecurity Victoria

# Preface

The Department of Primary Industries (DPI) is developing a new stand-alone invasive species management Bill to replace the noxious weeds and pest animals provisions of the Catchment and Land Protection Act 1994 (the CaLP Act) and to close the gaps in powers to deal with incursions of a range of species currently not, or only partially, covered by Victoria's biosecurity legislation.

DPI is developing this new invasive species legislation with advice from a cross-departmental group of subject matter experts. A Steering Committee of senior departmental managers from DPI, Department of Sustainability and Environment (DSE) and Parks Victoria (PV) provides direction and project oversight.

A key step in the development of new legislation has been to develop a discussion paper outlining a conceptual framework that is to underpin the new legislation and seek stakeholder feedback on this proposal. Written submissions will be considered and assist DPI in developing robust invasive species management legislation.

The aim is to present a Bill to Parliament and receive Royal Assent by late 2014. The development of subordinate legislative tools (such as regulations) is scheduled for development post 2014 at which stage DPI will undertake further consultation. A clear and orderly transition process will facilitate the implementation of the new Act and subordinate legislation.

## Information sessions

A series of information sessions will be held around Victoria to inform stakeholders of the proposed legislation, provide stakeholders with the opportunity to ask questions, and to assist stakeholders in the provision of well-considered feedback to DPI. Dates, times and locations of these sessions are provided on www.dpi.vic.gov.au.

Your feedback would be appreciated on the conceptual framework outlined in Part 2: Detailed description of the proposal, and questions asked in Part 3: Consultation questions.

## Invitation to make submissions

You are invited to examine this paper and provide written comments by Friday, 05 October 2012.

There are three ways to provide feedback:

* Use the online feedback form, which asks some key questions to help you provide feedback quickly and easily.
* Use the key questions in Part 3 and email your written comments to: Invasivespecies.Consultation@dpi.vic.gov.au.
* Use the key questions in Part 3 and post your written comments to:
Invasive Species Management Bill Consultation,
Invasive Plants and Animals, Biosecurity Victoria,
GPO Box 4440, Melbourne VIC 3001.

The feedback you provide will be published after the consultation period closes. If you wish to make a confidential submission, please do not use the online feedback form, but rather email or post your comments and clearly mark your comments 'commercial-in-confidence'.

If you have any queries, including requests for pdfs or hard copies, please email Invasivespecies.Consultation@dpi.vic.gov.au or phone 136186.

## How will your feedback be used?

Your feedback will be used to test the suitability of our proposed conceptual framework for new invasive species management legislation and identify any further improvements.

# Executive summary

The Department of Primary Industries (DPI) undertook an internal strategic review of the legislative framework for the management of invasive plants and animals in 2011 and assessed current legislation that relates to biosecurity incidents under the National Environmental Biosecurity Response Agreement (NEBRA). Both reviews highlighted a strong case for the development of new legislation for the management of invasive species, given the range of issues that was identified, and the extent of amendments that would be required to existing legislation.

Key deficiencies in the current legislative framework for the management of invasive species include: inadequate legislative provisions to enable greater emphasis on prevention and early intervention; over-reliance on a complex system of declaration categories as part of the basis for determining the responsibilities for managing particular invasive species; and the limited coverage to deal with incursions of a range of invasive species by existing biosecurity legislation.

Victoria's Biosecurity Standing Committee and the Minister for Agriculture and Food Security have approved the development of a new stand-alone Invasive Species Management Act to replace the noxious weeds and pest animal provisions of the CaLP Act and close the gaps in powers to deal with incursions of taxonomic groups currently not, or only partially, covered by Victoria's biosecurity legislation.

DPI has developed a framework outlining the architecture and key concepts for the proposed Invasive Species Management Act for Victoria. Figure 1 provides a visual illustration of the proposed conceptual framework.

The key elements of the proposed framework for new invasive species legislation are:

1. Objective. The proposed objective of the legislation is to provide a framework for effective management of the risks posed by invasive species to Victoria's economy, community and environment, including Victoria's land and water and including the means to control the entry, establishment, spread and impact of invasive species.
2. Scope of the proposed legislation. Key concepts are:
	* Taxonomic scope. The legislation will cover terrestrial and aquatic invasive vertebrate and invertebrate animals and invasive plants but it will not cover those taxonomic groups that are already covered by the Livestock Disease Control Act 1994 and the Plant Biosecurity Act 2010, nor will it apply to species native to Victoria.
	* Geographic scope. The legislation will apply to all land and waters in the State of Victoria, regardless of tenure.
	* Matters to be satisfied for declaration of a pest. Matters to be satisfied for declaration will include the threat posed by invasive species to economic, social and environmental values.
	* Declaration categories. The legislation will contain two categories of declared pests based on the management strategies advocated by Victoria's approach to biosecurity. Category 1 will be around the management approach of 'prevention and early intervention' and category 2 around 'on-going management'.
	* Carriers of invasive species. The legislation will enable carriers of invasive species to be prescribed in order to regulate the risk associated with these carriers to acceptable levels.
3. Obligations. The third element sets out the obligations of parties to control invasive pests, and the mechanisms that will be provided to detail, vary, and discharge these obligations. The proposed legislation will provide:
	* A range of subordinate legislative instruments, including regulations, codes of practice, permits, management plans, guidelines and compliance agreements.
	* 'General obligations' that will apply to all declaration categories (for example in relation to keeping, breeding, or cultivating an invasive species).
	* Obligations specific to the declaration categories.
	* Obligations in relation to prescribed carriers of invasive species.
4. Government powers. This element of the conceptual framework will provide the Government with powers to:
	* undertake actions to reduce the risks posed by invasive species and prescribed carriers
	* intervene to address failure on the part of a regulated party to discharge his or her obligation.
5. Administrative provisions to ensure proper functioning of the legislation (for example the ability to authorise an officer, delegate powers and functions, and to set fees and charges).
Policy decisions will inform when and how the legislation is to be used, while successful implementation may require enabling activities such as awareness raising, extension and education.
The development of the new Invasive Species Management Act is intended to:
	* close the gap in powers to deal with incursions of taxonomic groups currently not covered by Victoria's biosecurity legislation (for example red imported fire ants and invasive aquatic pests that do not impact on our fisheries resources)
	* provide the Minister responsible for biosecurity policy, with the administrative responsibility for the legislation
	* simplify, standardise and combine invasive species provisions into a comprehensive, yet easy to understand, enabling piece of legislation
	* introduce provisions to curtail the increasing risks associated with increased movements and trade and provide a better range of legislative tools
	* result in greater alignment to biosecurity policy, including the approaches to prevention, eradication, containment and management for impact reduction.



Figure 1 Conceptual framework describing the proposed new invasive species management legislation

# Part 1: Background and context

## 1 Introduction

The Department of Primary Industries (DPI) undertook an internal strategic review of the legislative framework for the management of invasive plants and animals in 2011. The review was undertaken because the incremental changes made to the Catchment and Land Protection Act 1994 (CaLP Act) over the years did not keep pace with Victoria's evolving invasive plant and animal policy and approach to biosecurity management. This review recommended major reform to modernise its legislative framework for the management of invasive species. DPI also completed a comprehensive assessment of current legislation that relates to biosecurity incidents (see Table 1) under the National Environmental Biosecurity Response Agreement (NEBRA).

The review demonstrated that Victoria is well placed to implement the NEBRA in response to certain types of incidents, such as incursions of animal and plant diseases, but that there are gaps in Victoria's legislative powers to respond to other types of incidents, such as incursions of new terrestrial and aquatic invasive plants or animals. The report concluded that there is a strong case for the development of stand-alone legislation for the management of invasive species, given the range and extent of amendments to existing legislation that would otherwise be required.

Victoria's Biosecurity Standing Committee (BSC) which includes representatives of DPI, the Department of Sustainability and Environment (DSE) and Parks Victoria (PV) is supportive of legislative reform to address existing legislative deficiencies and to modernise and strengthen Victoria's biosecurity legislation. The Minister for Agriculture and Food Security has also approved the development of a new stand-alone Invasive Species Management Bill to replace the noxious weeds and pest animal provisions of the CaLP Act and close the gaps in powers to deal with incursions of taxonomic groups currently not, or only partially, covered by Victoria's biosecurity legislation.

Table 1 Summary of current legislation providing for biosecurity incidents

|  |  |
| --- | --- |
| **Act** | **Purpose** |
| Livestock Disease Control Act 1994 | The Livestock Disease Control Act 1994 (the LDC Act) provides the legislative framework for the prevention, monitoring and control of livestock1 diseases to protect domestic and export markets and public health. |
| Plant Biosecurity Act 2010 | The purpose of the Plant Biosecurity Act 2010 (PB Act) is to prevent, monitor, control and eradicate plant pests and diseases in Victoria. |
| Catchment and Land Protection Act 1994 | The Catchment and Land Protection Act 1994 (the CaLP Act) is the main legislation covering noxious weed and pest animal management in Victoria and provides the power to declare species of plants and animals as noxious. One of the main objectives is to protect primary production, Crown land, the environment and community health from the threats posed by noxious weeds and pest animals. |
| Fisheries Act 1995 | The Fisheries Act 1995 provides the legislative framework for the regulation, management and conservation of Victorian fisheries and includes limited provisions to declare noxious aquatic species which may impact on fisheries resources. It includes powers to prevent the taking, possession, trade or movement of aquatic species declared noxious under the Act. The Act also contains a provision regulating the stocking of fish. This has been used to develop translocation guidelines and protocols to manage biosecurity risks associated with the movement and stocking of live aquatic organisms. |

[1] Under the LDC Act, "livestock" are defined as "any non-human animal, and any fish or bird, whether wild or domesticated, egg intended for hatching or bee".

### 1.1 Aims

DPI's aims in relation to this project are to:

* Develop, within the current term of the Victorian Parliament (e.g. by late 2014), a contemporary, efficient and enabling Invasive Species Management Act that is in accordance with the Biosecurity Strategy for Victoria and the Invasive Plants and Animals Policy Framework (IPAPF).

A key component of this aim is to gather stakeholder feedback on our proposed conceptual framework through this consultation process. Feedback will be used to test the suitability of the proposed conceptual framework for new invasive species management legislation and identify any further improvements.

* Develop subordinate legislative instruments (such as regulations) once Royal Assent has been received for the new Act.

It is intended that these instruments will be developed in consultation with affected parties after receiving Royal Assent for the new Act and in accordance with the requirements of the Subordinate Legislation Act 1994 (SL Act). This will ensure that unreasonable regulatory burdens are not created and that subordinate legislative instruments are proportional to the risks being managed.

It is anticipated that these instruments will be developed post 2014.

## 2 Current invasive species management legislation and policies

### 2.1 Current legislation

There are multiple pieces of legislation that play a role in preventing or responding to terrestrial and aquatic biosecurity threats in Victoria. There are three Acts that provide the primary powers to prepare for, or respond to, a biosecurity incident in Victoria: the Catchment and Land Protection Act 1994 (the CaLP Act), the Livestock Disease Control Act 1994 (the LDC Act) and the Plant Biosecurity Act 2010 (the PB Act). These Acts address biosecurity incidents related to invasive plants and animals, animal health and disease, and plant health and disease respectively.

The CaLP Act is the main legislation covering noxious weed and pest animal management in Victoria. It provides the power to declare species of plants and animals as 'noxious' and regulates the control, importation into the State, keeping, movement, trade and release of noxious weeds and pest animals in Victoria. The Minister for Environment and Climate Change and the Minister for Water formally administer the Act jointly and severally. The Minister for Agriculture and Food Security, through DPI, is however responsible for invasive plant and animal policy and direction setting and has delegated responsibility for enforcement of the noxious weed and pest animal provisions of the CaLP Act. The objective of those provisions is to protect primary production, Crown land, the environment and community health, from the threats posed by noxious weeds and pest animals. The Act only applies to noxious weeds and pest animals and specifically excludes fish and invertebrates from its scope. Its applicability to invasive marine species and micro-organisms is unclear.

The LDC Act provides the legislative framework for the prevention, monitoring and control of livestock diseases to protect domestic and export markets and public health and the key purpose of the PB Act is to prevent, monitor, control and eradicate plant pests and diseases in Victoria. The PB Act has recently replaced the Plant Health and Plant Products Act 1995 (the PHPP Act).

In addition to the Acts outlined above, there are numerous other Victorian Acts that may play a role in supporting or constraining biosecurity preparedness and responses, including:

* Aboriginal Heritage Act 2006
* Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and the Drugs, Poison and Controlled Substances Act 1981
* Biological Control Act 1986
* Environment Protection Act 1970
* Firearms Act 1996
* Flora and Fauna Guarantee Act 1988
* Impounding of Livestock Act 1994
* Land Act 1958
* Local Government Act 1989
* Marine Act 1988
* National Parks Act 1975
* Occupational Health and Safety Act 2004
* Parks Victoria Act 1988
* Planning and Environment Act 1987
* Port Management Act 1995
* Prevention of Cruelty to Animals Act 1986
* Road Management Act 2004
* Road Safety Act 1986
* Sale of Land Act 1962
* Wildlife Act 1975.

### 2.2 Government involvement

Victoria operates within a national biosecurity system (see Appendix 2). The Commonwealth and state and territory governments work in partnership with industry and communities to protect agricultural production and natural resources from invasive species and support the profitability, productivity and competitiveness of our food and fibre industries. Ultimately, effective biosecurity systems play a key role in ensuring the preservation and expansion of global market access for products of Victoria's primary industries.

Invasive species reduce industry productivity and can limit access to interstate and international markets. Invasive species are also significant threats to the environment and natural biodiversity; the broader economy; community amenity (i.e. home gardens, public parks and gardens and streetscapes); and the ability to meet national and international obligations.

Governments can use their legislative power to implement biosecurity services, and to force individuals to reduce risks for the benefit of a wider industry, sector or community. In addition, government can generally provide biosecurity services more cheaply and effectively than each industry could individually. The cost of these services may sometimes be recovered through cost sharing arrangements with affected industries. These reasons often warrant government involvement in biosecurity.

Victoria uses a risk-management approach to reduce the effects of invasive species threats. This biosecurity system is achieved by a combination of legislation, economic incentives, quality assurance and education. A mix of these tools is appropriate because they vary in their effectiveness in achieving any particular goal.

### 2.3 Current policies and their role

The management of existing and potential invasive species in Victoria is guided by a whole of government Biosecurity Strategy and the Invasive Plants and Animals Framework (IPAPF). The Biosecurity Strategy and the IPAPF emphasise a risk-management approach to government involvement and investment to ensure that the state is well-positioned to meet future biosecurity challenges.

#### 2.3.1 Biosecurity strategy for Victoria

The Biosecurity Strategy for Victoria outlines a vision for this state's management of biosecurity. The Strategy is a response to changing biosecurity risks and threats that may arise from climate variability, changes in land use and increasing global trade.

This vision is articulated through six themes:

1. Developing partnerships - involves strengthening the collaborations between government, industry and the community, in the delivery of biosecurity outcomes across an expanding range of threats.
2. Strengthening the coverage - extending the biosecurity focus beyond land-based primary industries to include areas such as marine and freshwater habitats, and the threats to social and amenity assets.
3. Making sound decisions and investments - biosecurity involves managing risks and making decisions based on a clear understanding of potential threats, likely pathways of introduction and factors influencing change, and then focusing interventions on the areas of highest risk and return. The decision-making process must be consistent, transparent and include consultation and input from stakeholders.
4. Building the biosecurity skill base and systems - strengthen our ability to address biosecurity threats through adequate research programs, legislation and information technology systems. Enhance the biosecurity capabilities of government, industry and the community and strengthen Victoria's biosecurity communication capacity.
5. Smarter surveillance - for accurate and effective monitoring of disease and pest situations across the state Victoria needs comprehensive, flexible and sensitive systems in place. Such systems will provide information to underpin routine interstate and international trading and certification requirements, and enable the rapid identification of threats that require investigation by experts in animal, plant and ecosystem health.
6. Responding to incursions - early detection and a rapid response is the key to effective biosecurity emergency management. This strategy aims to strengthen Victoria's response by building extensive networks across agencies, organisations and within the community; promoting emergency management relationships; and strengthening response capacity, capability and communication.

The Biosecurity Strategy for Victoria covers threats to primary industries, the environment, social amenities and human health, across Victorian public and private land, freshwater and marine habitats caused by:

* plant pests and diseases
* animal pests and diseases including diseases that can be transmitted between animals and humans (i.e. zoonoses)
* invasive plants and animals. Its primary focus is on new and emerging high-risk threats, rather than on established threats currently managed by government, industry, the community or other parties.

#### 2.3.2 Invasive Plants and Animals Policy Framework

The IPAPF sits within the context of the whole-of government Biosecurity Strategy for Victoria and represents the Victorian Government's approach to managing existing and potential invasive species across the whole of Victoria. The Victorian Government's approach will be to prevent the entry of new high-risk invasive species, eradicate those that are at an early stage of establishment, contain where possible species that are beyond eradication, and take an impact reduction approach to managing widespread invasive species.

The IPAPF is supported by four modules, each explaining current arrangements, identifying some current and potential future management actions, and setting out roles and responsibilities for each invasive plant and animal grouping.

* Module 1: Weeds and Vertebrate Pests. The scope of this module encompasses mammals, birds, amphibians, reptiles and both terrestrial and freshwater plants.
* Module 2: Invasive Marine Pests (under development). The scope of this module encompasses exotic invasive marine plants, marine algae, marine invertebrate animals and marine fish. It excludes non-fish marine vertebrate animals such as mammals (e.g. whales and seals), reptiles (e.g. sea snakes), amphibians and birds. These are included in Module 1. Module 2 also excludes diseases and pathogens of marine plants and animals.
* Module 3: Invasive Freshwater Fish and Freshwater Invertebrates (under development). The scope of this module encompasses invasive freshwater fish and invasive freshwater invertebrate pests. Invasive freshwater plants and other freshwater vertebrates (such as turtles, amphibians and mammals), which are also freshwater biosecurity threats, are encompassed in Module 1.
* Module 4: 'Invertebrate Pests'. This document is under development.

## 3 Reasons for change

The CaLP Act provides a legislative framework for noxious weeds and pest animal management in Victoria. Since its inception in 1994, there have been many changes to the biosecurity environment that impact on the way this Act operates. Like other state and national agencies, Victoria has adopted a biosecurity approach to manage these changes over the past 18 years. A number of amendments have been made to both the CaLP Act and its accompanying regulations. However these did not keep up with the breadth of change in the biosecurity environment and the evolving invasive plant and animal policy and approach to biosecurity.

### 3.1 Rapidly changing operational environment

Some of the most significant changes in the operating environment include:

* Globalisation and the expansion of overseas travel and trade. These have increased Victoria's exposure to biosecurity risks and increased the rate of new incursions (both deliberate and accidental).
* Changing land use and demography in rural and regional Victoria. These changes have significant implications for the incursion and management of invasive species, particularly where they result in:
	+ new agricultural industries that present a high risk of new incursion
	+ less cohesive groups of land owners with a more disparate range of knowledge, aspirations, skills and attitudes
	+ large scale agricultural enterprises with fewer people. This has implications for intensive control requirements and may reduce capacity for monitoring and surveillance.
* Climate variability. Climate variability may favour the establishment of many new incursions and alter (i.e. increase or decrease) the geographic range of invasive species already established.
* Changing consumer and public preferences and expectations. Changes in the preferences and expectations about the variety and availability of food, pets and garden species have led to potential new pathways for the emergence and spread of invasive plants and animals. Changing levels of knowledge, aspirations, skills and attitudes are affecting the methods that can be used in invasive species management activities. In addition, changes in the preferences and expectations about the acceptability of control techniques have impacted, or may impact, on the availability and development of control techniques.

### 3.2 Key issues with existing legislation

Some of the key issues with the existing legislative framework for the management of invasive species include:

* Inadequate legislative provisions to enable greater emphasis on prevention and early intervention consistent with biosecurity policy. Major legislative reform is needed to support a greater focus on prevention and early intervention that will allow a rapid response to new and emerging threats and to integrate the management of widespread invasive species with broader biosecurity and land and water management objectives. Prevention and early intervention to manage risk generally provide the most cost-effective means for achieving positive biosecurity outcomes while invasive species that are more widespread are best managed through approaches that emphasise containment and protection of our most valuable assets.

For example, powers to enter land for monitoring and surveillance purposes are particularly limited under the CaLP Act and this is impacting on the Secretary's ability to meet his requirements under that Act.

* Inadequate prevention and early intervention provisions impact on our ability to meet commitments under national agreements such as the proposed National Environmental Biosecurity Response Agreement (NEBRA).

DPI assessed Victoria's legislative powers to respond to an incursion of animal and plant diseases and terrestrial and aquatic invasive plants or animals against the legislative and administrative arrangements for responding to an emergency under NEBRA and concluded that there are significant deficiencies in the CaLP Act's ability to meet the requirements under this agreement.

* Over-reliance on a complex system of declaration categories as part of the basis for determining the responsibilities for managing particular invasive species. The CaLP Act relies on four declaration categories to regulate noxious weeds and four categories to regulate pest animals. Although the principles for managing these invasive species are similar, the categories are not, making it difficult for people to comply with, understand and work with this Act.
* The complexity of legislative requirements for the declaration of plants as noxious weeds limits the ability to use declaration as a dynamic tool to manage new and existing threats. The prescriptive provisions of the CaLP Act make it difficult to declare new species as a noxious weed or pest animal or change the category of a noxious weed or pest animal in a timely manner. The noxious weeds review process is an example of a process that took many years and was eventually overtaken by changing priorities.
* Inadequate and limited provisions to regulate the risk associated with carriers of invasive species. A carrier of an invasive species could be an animal or plant, or part of any animal or plant, or any other thing (dead, alive or inanimate) that is capable of moving an invasive species from a place to another place. In contrast to other biosecurity legislation, such as the PB Act or LDC Act, the CaLP Act has limited provisions for regulating the risk associated with carriers, effectively resulting in a gap in our biosecurity framework.
* The limitation of legislation to a narrow range of invasive plants and animals. For example, under the CaLP Act, the Minster cannot recommend invasive fish or invertebrates such as red imported fire ants for declaration. These groups of invasive species are only partially covered by other biosecurity and fisheries legislation, effectively resulting in gaps in our legislative framework for the management of invasive species in Victoria.

## 4 Implementing new legislation

DPI concluded that simple, enabling and purposely designed invasive species management legislation is needed to address the risks associated with the rapidly changing operational environment and the key issues with existing legislation. The Biosecurity Standing Committee and the Minister for Agriculture and Food Security have recognised the need for major legislative reform and the Minister has endorsed the development of a new Invasive Species Management Act within the current term of parliament. Subordinate legislation will be developed post 2014 and will be subject to appropriate legislative processes and scrutiny.

DPI believes that when operational, the proposed legislation will improve Victoria's ability to prevent new high risk invasive species from establishing, eradicate high risk invasive species already present in an area, contain and reduce the spread of established species and manage the impacts of invasive species that are already widely established in Victoria.

The types of measures that were enabled by the CaLP Act will, at least in some form, continue to be available under the new legislation and additional measures will become available. One example is the improved ability to regulate carriers, which is intended to provide a more efficient way to reduce invasive species' risks associated with introduction pathways.

Administrative efficiency will improve by giving the Minister responsible for biosecurity policy the administrative responsibility for the legislation and by standardising and combining invasive species provisions into a comprehensive single piece of legislation.

An immediate change as a result of the new Act would be the removal of the vacuum in powers to deal with incursions of taxonomic groups that currently are not, or only partially, covered by our biosecurity legislation. For example, our ability to manage an incursion of red imported fire ants or noxious fish that do not impact on our fisheries resources is currently severely limited.

An important feature of the new legislation is that many specific provisions will be defined in subordinate legislative instruments, rather than detailed in the Act itself. Consequently, many of the changes with direct effects on stakeholders will be progressively introduced as these subordinate instruments (such as regulations, management plans, guidelines, accreditation systems and codes of practice) are developed and implemented. The overall intention is to provide greater clarity and certainty about obligations for land and water managers and industries. The instruments to do this will be developed in consultation with affected parties and before approval will be subject to the scrutiny of the SL Act. This will ensure that unreasonable regulatory burdens are not created and that regulations are proportional to the risks being managed.

The new legislation is intended to enable a flexible, efficient and effective response to current and future biosecurity threats from invasive plants and animals. Providing for a wider range of organisms to be addressed and for a more flexible suite of measures to be used, does not predetermine future government decisions. Not every measure that is enabled will necessarily be used. The appropriate level of intervention to manage particular invasive species or the risks to particular geographic areas or industries are policy decisions for the Minister and will not be predetermined by the new Act.

## 5 New stand-alone invasive species management legislation

DPI has developed a conceptual framework for a new standalone Invasive Species Management Act that is consistent with the characteristics of good regulatory systems as described in the Department of Treasury and Finance Victorian Guide to Regulation (see extract in Appendix 1). This chapter outlines the key elements and concepts of the proposed conceptual framework for new invasive species legislation.

### 5.1 Objective

The objective of the new legislation is to provide a framework for effective management of the risks posed by invasive species to Victoria's economy, community and environment including Victoria's land and water. This includes providing the legislative means to control the entry, establishment, spread and impact of invasive species.

### 5.2 Scope and key concepts

The scope of the proposed legislation is defined by the key concepts in Table 2.

Table 2 Key concepts

|  |  |
| --- | --- |
| **Concept** | **Description** |
| Impacts on a 'consideration' | Each of the following is a consideration:* human health
* social amenity
* the economy
* the environment

and may consider something that* has happened, is happening or may happen; and
* has had, is having or may have a significant adverse effect on one or more of the above 'consideration'; and
* was or is being caused by, or may be or may have been caused by an invasive species or carrier of an invasive species.
 |
| Taxonomic scope | The taxonomic scope of the legislation is designed to address the gaps in the coverage of and be complementary to other Victorian biosecurity legislation. The broad scope of the legislation enables the regulation of a range of taxonomic groups that previously could not be regulated, if the government chooses to do so. The broad taxonomic scope is consistent with the coverage of the Invasive Plants and Animals Policy Framework.* Terrestrial invasive vertebrate & invertebrate animals and invasive plants AND aquatic (freshwater and marine) invasive vertebrate & invertebrate animals and invasive plants

but NOT* Terrestrial or aquatic animal disease or terrestrial or aquatic plant disease (already covered by LDC Act; PHPP Act or PB Act).
* Species native to Victoria. In accord with the invasive plant and animal policy framework, species native to Victoria would not be within the intended scope of the proposed Act.
 |
| Geographic scope | The State of Victoria (all land and waters). |
| Prescribed carriers of invasive species | Under the proposed legislation 'carriers' of invasive species may be prescribed to manage the risks associated with carriers or vectors. Invasive species legislation for the management of weeds and pest animals in Victoria has traditionally focussed on the regulation of the invasive species themselves rather than the carriers or vectors. The proposed provisions would bring the Government's ability to manage the risks associated with carriers of invasive species in line with its ability under other biosecurity legislation.* A carrier means any animal or plant, or part of any animal or plant, or any other thing (dead, alive or inanimate) capable of moving an invasive species from a place to another place.
* Provisions regulating the risks associated with carriers are limited to prescribed carriers only. A carrier may be prescribed by a subordinate instrument if it is believed that the carrier poses a risk of moving an invasive species from a place to another place.
 |

#### Declaration categories

A simple 2 category system is proposed that is aligned to Victoria's biosecurity approach.

The proposed categories would apply to any taxonomic group (e.g. can be used for any invasive terrestrial and aquatic plant or animal).

Under the proposed legislation declarations of invasive species would no longer be done according to catchment management regions.

Instead, the legislation would enable declarations to be made using spatial units that are appropriate to its management.

Any declaration under the proposed legislation will be subject to the requirements of the Subordinate Legislation Act 1994. This would also mean that CMAs and the VCMC will not be obliged to provide the Minister with specified types of advice regarding the declaration of noxious weeds and pest animals as is currently the case under the CaLP Act. Instead any stakeholder will be enabled to provide advice during a consultation period on any aspect of a proposed declaration.

##### Category 1 - prohibited or 'prevention and early intervention'

Matters that may be considered for declaration in this category:

* not present or not known to be present in the wild in the State of Victoria; or
* if it is present it is reasonable to expect that it can be eradicated from the State.

and

* it is believed, on reasonable grounds, that it has or may have, significant adverse effects on economy, environment and social amenity in Victoria or in another State or a Territory of the Commonwealth, or the potential adverse effects are unknown; or
* national cost-sharing agreement applies.

##### Category 2 - restricted or 'ongoing management'

Matters that may be considered for declaration in this category:

* present or believed to be present in the State; and
* it is believed on reasonable grounds that it has or may have significant adverse effects on economy, environment and social amenity in Victoria or in another State or a Territory of the Commonwealth; and
* eradication is not feasible or desirable; and
* is believed to have first established in the wild in Australia after European Settlement.

#### Key obligations

##### General or generic obligations

There are a number of obligations that apply to both declaration categories. These include that a person must not deliberately:

* keep; or
* breed; or
* cultivate; or
* release; or
* display; or
* sell (supply, display, give away etc1)

an invasive species unless authorised by a subordinate legislative instrument (for example a permit or regulation).

##### Category 1 obligation

There are a number of specific obligations relating to invasive species declared in this category that are in addition to the 'general obligation'. These include that a person must:

* undertake actions as directed by the lead agency. The proposed legislation would provide power for the lead agency to determine appropriate action.
* notify the Secretary of the presence or suspected presence of a notifiable invasive species unless otherwise provided for by a subordinate legislative instrument. It is that this notification obligation will have a low, or no, offence penalty so as not to discourage reporting.
* not move a category 1 invasive species within Victoria unless authorised by a subordinate legislative instrument (for example a permit or a certificate issued under an accreditation system).
* not bring into Victoria a category 1 invasive species unless authorised by a subordinate legislative instrument (for example a permit or a certificate issued under an accreditation system).

##### Category 2 obligation

There are a number of specific obligations relating to invasive species declared in this category that are in addition to the 'general obligation'. These include that a person must:

* take all reasonable steps to prevent the increase and spread of a category 2 invasive species on land (and water) managed by that person and to prevent spread from that land (or water) unless otherwise provided for by a subordinate legislative instrument (for example a management plan).
* not transport a category 2 invasive species within Victoria where transport is prohibited by a subordinate legislative instrument (for example a management plan).

#### Prescribed carriers

A person must not:

* bring into Victoria; or
* move within Victoria,

a prescribed carrier unless authorised by a subordinate legislative instrument (for example a permit).Conditions to authorise the movement or bringing into Victoria of a carrier would be specified by the subordinate legislative instrument (for example a person must take all reasonable steps to treat a carrier if it is or may be infected, infested, contaminated or carrying a category 1 invasive species).

[1] Sell includes barter or exchange; agree to sell or offer or expose for sale; receive for sale, have in possession for sale; send, forward or deliver for sale; advertise for sale; sell for re-sale; cause, permit or attempt any of the above; and give away.

It is proposed to have 'offences' and 'aggravated offences' under the proposed legislation and to use infringements notices where appropriate.

### 5.3 Subordinate legislative instruments to detail, vary and discharge obligations

In addition to outlining key obligations in the legislation, it is proposed to have a range of subordinate legislative instruments that may be used to define these obligations. Using subordinate legislative instruments will create greater flexibility to tailor obligations to specific circumstances and will make the legislation more enabling.

Government would use these instruments to manage the risks posed by an invasive species or its carriers while a person would be able to discharge his or her obligation(s) by meeting the requirements prescribed in these instruments. The range of subordinate legislative instruments proposed under the legislation are summarised below.

#### Legislative instruments

##### Regulations and Codes of Practice

A provision of a regulation or Code of Practice (COP) may prescribe a way of discharging a person's general obligation.

Unless otherwise stated a regulation or COP does not need to describe all that a person must do, or must not do, to discharge the obligation.

A person will fail to discharge his or her obligation if he or she does not comply with the regulation, or in relation to a COP, contravenes or otherwise acts inconsistently with the COP; and does not follow a way that is as effective as, or more effective than, the COP.

Regulations may be made for, or with respect to, any of the following matters:

* any matter with respect to which a COP, Management Plan or other subordinate legislative instrument may provide, and generally give effect to that instrument
* prescribing forms
* prescribing fees
* prescribing procedures
* generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act
* prescribing control measures
* prescribing keeping conditions, purposes, types of species, maximum numbers etc
* movement
* bringing into Victoria
* release
* carriers
* leave any matter or thing to be determined or approved by an authorised officer or the Secretary
* confer powers or impose duties on any person
* impose penalties.

##### Control Order

An 'Order' may be used to declare an area for control and to specify the prohibitions, restrictions and requirements which are to operate in the declared areas.

These Orders would be similar in concept to those issued under the PHPP Act or PB Act.

##### Order 'to declare'

A species may be declared as a category 1 or category 2 invasive species by Order published in the Government Gazette. Emergency declaration would be by a notice published in the Government Gazette and be effective immediately.

##### Permit

A permit is an official document authorising a person to do something. The permit may have conditions attached to it.

Examples include:

* keeping
* movement
* bringing into Victoria
* release.

##### Management Plan

It is believed that this concept would introduce a 'no surprises approach' by prescribing obligations and the standard of control expected in a given circumstance and thereby reducing business risk of not complying with the general and category-specific obligations. It is believed that this would be a significant improvement to the current situation where such standards may not be clear. It is anticipated that:

* Management Plans would be entered into voluntarily and be auditable.
* Obligations (requirements) could relate to keeping, movement, reporting, record keeping and on-ground control.
* The obligations could be tailored (increased or decreased) to suit any geographical area or any risk source. This means that the obligation could be increased or decreased to suit the circumstance and thereby create a highly flexible management tool.
* The standard of control could be incorporated into pre-existing management plans, or into management plans that land managers have obligations to produce, such as National Park Management Plans.

It is anticipated that management plans will generally be used, amongst other things, in relation to:

* widespread established invasive species or a suite of species; and for
* the protection of 'assets'

but it could possibly also be used to reduce, to acceptable levels, the risks associated with:

* pathways of introduction (i.e. bringing into the State)
* pathways of spread (i.e. from one area of the State to another – movement within the State)
* prescribed carriers (i.e. recognised things that can contain or carry a declared species).

##### Certificates / Accreditation System

A certificate issued under an accreditation system provides a way in which a person may be taken to have complied with, or be exempted from, the requirements of the Act about the invasive species, activity or carrier that poses a risk. An authorised officer may rely on the certificate without having to conduct further checking.

It is anticipated that accreditation systems will generally be used in relation to 'trade issues', particular industries and in relation to inter and intra state movement.

##### Guidelines

The Secretary may make guidelines (or adopt a guideline with or without changes) to provide guidance to persons about matters relating to administrating the Act; ways of discharging obligations and complying with other requirements of the Act.

A guideline may be considered in determining whether or not a person has discharged his or her obligation, however it does not necessarily mean that failing to follow a guideline is a breach of the obligation.

Examples include:

* procedures to be followed by authorised officers in exercising government intervention powers
* the manner in which documents under the Act may be given or served
* procedures to be followed in relation to permits including applications for permits, terms and conditions and the revocation of permits.
* procedures to be followed for preparing and implementing management plans, notices etc.

##### Industry funding schemes

This mechanism would enable producers/industries, to self-determine invasive species priorities at a whole-of-industry level, and then to raise funds to implement desired programs to mitigate the risks these invasive species pose to the viability and sustainability of their industries.

In WA an industry funding schemes is likened to a low-cost form of insurance – against problems posed in the event that a particular property might become infested or infected with one or more of the invasive species to which the Schemes relate. In the event that they do, provided the property owner has been contributing to the Scheme (has NOT "opted out"), their fellow industry producers will assist them with the costs of dealing with the invasive species concerned. However, if the property owner has "opted out" of the relevant Scheme, they still have the legal liability to deal with the invasive species outbreak, but will not be eligible for any assistance from the Scheme.

It is anticipated that the schemes would help industry manage invasive species threats that primarily impact on their sector but are not covered under national arrangements. Whether or not the proposed legislation would need to provide for such a scheme will require further investigation.

##### Community management groups

It is proposed to recognise the potential of community groups to facilitate control of invasive species in a coordinated manner. Government could also support the community management group efforts through enforcement activities or by providing financial assistance.

It is anticipated that this mechanism is used in relation to declared widespread invasive species that are of high community concern.

### 5.4 Government powers

It is proposed that the legislation will provide the Government with a number of powers to determine and undertake management actions in a manner that is similar to that of other Victorian biosecurity legislation such as the PB Act and the LDC Act.

It is also proposed that powers will be provided to Government to address failure on the part of a regulated party to discharge his or her obligation.

These proposed powers would be scalable according to the management opportunity presented, with 'higher level powers' for prevention and early intervention that are in addition to 'generic powers' that would be appropriate for a range of day-to-day circumstances such as dealing with widespread established species.

#### Generic powers

These powers are required for a range of circumstances but the frequency in which these powers might be applied would differ for species declared in category 1 and category 2 (the frequency will be relatively lower for category 1 than for category 2). The decision whether or not to apply these powers will be made based on policy.

Powers would include:

* power to enter and search (to facilitate surveillance and monitoring and undertake control measures)
* power to inspect
* power to sample
* power to collect information or to direct a person to produce information (including power to take photographs, etc. and accessing ratepayers details, requiring production of documents of information, copying information on electronic storage devices and requiring reporting from public land (and water) managers)
* power to direct a person to retain something
* power to require a person to take specified measures to destroy something
* power to recover any costs or expenses reasonably incurred by an authorised officer in carrying out works to destroy
* power to seize, confiscate and destroy
* power to cross land (and water) to reach adjoining land for the purposes of management activities (incl. surveillance) on that adjoining land (or water).

#### Additional 'prevention or statewide eradication powers'

These 'higher level powers' are mostly relevant to category 1 and are designed to support early intervention. These powers will be based on the powers recommended by the National Environmental Biosecurity Response Agreement.

Powers would include:

* 'high level' directions - an authorised officer may direct any (reasonable) measure to address the risk caused by the category 1 invasive species or the carrier of a category 1 invasive species.
* power to stop, search and inspect vehicles
* power to immediately enter a place for surveillance, monitoring and action
* power to seize evidence not mentioned in a warrant
* power to impose quarantine
* power to require help
* power to set up roadblocks
* power to declare a category 1 species immediately (emergency declaration).

Note: The high-level direction powers are differentiated from normal direction powers by timeframes, penalties and the need to prescribe measures in subordinate legislative instruments such as regulations.

### 5.5 Administrative powers

The proposal is that the Minister for Agriculture and Food Security administer this new stand-alone invasive species management legislation so that the Minister responsible for biosecurity policy and direction setting is also responsible for administering the biosecurity legislation. The proposed legislation will also contain a number of administrative provisions for it to function properly.

Many of these provisions will automatically roll out in the drafting stage however the list below provides an insight to the likely types of administrative provisions.

* Provisions for the management of the Act This is likely to include provisions conferring functions of the Secretary, providing for delegations and authorisation of persons as officers, the ability to set up committees and so on. It could also include sun-setting and review requirements and mechanisms for appeal.
* Financial arrangements These provisions are likely to provide the ability to set, demand, levy, recover, receive charges and fees or bonds (financial assurance). It could also provide for the setting up of a fund for the purposes of the Act.
* Subordinate instruments These provisions are likely to provide the ability to issue, amend and vary permits, and to establish Codes of Practice, regulations, management plans and other subordinate legislative instruments for the purposes of the Act. It would also provide mechanisms for serving documents, notices etc (e.g. in writing, in person, or electronically, on an individual, on multiple people within an area and so on).

# Glossary

**Biosecurity**Biosecurity is the protection of the economy, the environment, social amenity or human health from negative impacts associated with the entry, establishment or spread of animal or plant pests and disease, or invasive plant and animal species.

**BV**Biosecurity Victoria (BV) develops policy, standards, delivery systems and services that reduces the threat of invasive plants and animals to agriculture and the natural environment, protects animals and plants from pests and diseases, enhances food safety, ensures minimal and effective chemical use, protects the welfare of animals and preserves and expands market access for Victoria’s primary industries.

**CaLP Act**The Catchment and Land Protection Act 1994 is the current main legislation covering noxious weed and pest animal management in Victoria and provides the power to declare species of plants and animals as noxious. One of the main objectives is to protect primary production, Crown land, the environment and community health from the threats posed by noxious weeks and pest animals.

**Carriers**
A carrier means any animal or plant, or part of any animal or plant, or any other thing (dead, alive or inanimate) capable of moving an invasive species from a place to another place.

**CMA**
Catchment Management Authority. CMAs are established under part 2 of the CaLP Act for the purposes of that Act.

**DPI**
Department of Primary Industries. DPI is responsible for agriculture, fisheries, earth resources, energy and forestry in Victoria. DPI designs and delivers government policies and programs that enable Victoria’s primary and energy industries to sustainably maximise the wealth and wellbeing they generate, by providing essential goods and services, employment, investment and recreational opportunities.

**DSE**
Department of Sustainability and Environment. DSE leads the Victorian Government’s efforts to sustainably manage water resources and catchments, climate change, bushfires, parks and other public land, forests, biodiversity and ecosystem conservation.

**FA**
The Fisheries Act 1995 provides the legislative framework for the regulation and management of fishing and aquaculture activities to ensure sustainable use of, and optimum economic and social benefit from, fisheries and aquaculture resources. The FA also has an objective of protecting and conserving aquatic habitats and ecosystems on which production of fisheries and aquaculture resources depend. The FA includes the power to declare noxious aquatic species and to control the take, possession, movement and release of such species.

**FV**
Fisheries Victoria regulates and develops policies for the use of fisheries by aquaculturalists, recreational fishers and commercial fishers. FV management protects fish stocks and ensures the development of the economic and social benefits from our fisheries. FV also conducts research across Victoria to monitor fish stocks and fish habitat, and promote the state’s fisheries resources and industries.

**LDC Act**
The Livestock Disease Control Act 1994 provides the legislative framework for the prevention, monitoring and control of livestock diseases to protect domestic and export markets and public health.

**NEBRA**
National Environmental Biosecurity Response Agreement. NEBRA sets out emergency response arrangements for responding to biosecurity incidents that primarily impact the environment and/or social amenity and where the response is for the public good.

**PB Act**
The Plant Biosecurity Act 2010 is the main plant biosecurity legislation for Victoria.

**PHPP Act**
The Plant Health and Plant Products Act 1995 has recently been replaced by the Plant Biosecurity Act 2010 as the main plant biosecurity legislation for Victoria. The purpose of the PHPP Act was to prevent, monitor, control and eradicate plant pests and diseases in Victoria.

**PV**
Parks Victoria. Parks Victoria is a statutory authority, created by the Parks Victoria Act 1998 and reporting to the Minister for Environment and Climate Change. PV is responsible for managing an expanding and diverse estate covering more than 4 million hectares, or about 17 per cent, of Victoria.

**Royal Assent**
Royal Assent is one of the stages of making a law in Victoria. Under the Victorian Constitution Act 1975 Parliament, the Queen, the Council and the Assembly must agree to a bill for it to become law. The Governor of Victoria as the Queen’s representative, may, on behalf of the Queen, approve a bill that has been passed by both Houses of Parliament and thereby give it Royal Assent.

**SL Act**
Subordinate Legislation Act 1994. The purpose of this Act is:

* to ensure that the power to make subordinate legislation is exercised subject to Parliament’s authority and control
* to regulate the preparation, making, publication and scrutiny of subordinate legislation
* to provide for public participation in the preparation and scrutiny of subordinate legislation.

**Subordinate legislation**
Subordinate legislation includes legal instruments that provide details not specifically covered by primary legislation such as an Act. Most Subordinate legislation must be prepared in accordance with the Subordinate Legislation Act 1994.

**Taxonomy**
Taxonomy is the classification of organisms.

**VCMC**
Victorian Catchment Management Council. The VCMC is established under part 2 of the CaLP Act for the purposes of that Act.

# Appendix 1 Key characteristics of good regulatory systems

The Department of Treasury and Finance released the 'Victorian Guide to Regulation' in August 2011. This document provides guidelines to achieve the Government's vision of well-targeted, effective and appropriate regulation. A number of key characteristics of good regulation that were described in the guide and that would also be applicable to the development of legislation are:

* Effectiveness: Regulation, in combination with other government initiatives, must be focussed on the problem and achieve its intended policy objectives with minimal side-effects. The regulatory system should also encourage innovation and complement the efficiency of markets.
* Proportionality: Regulatory measures should be proportional to the problem that they seek to address. This principle is particularly applicable in terms of any compliance burden or penalty framework, which may apply. This characteristic also includes the effective targeting of regulation at those firms/individuals where the regulation will generate the highest net benefits.
* Flexibility: Government departments and agencies are encouraged to pursue a culture of continuous improvement, and regularly review legislative and regulatory restrictions. Where necessary, regulatory measures should be modified or eliminated to take account of changing social and business environments and technological advances. All subordinate legislation must be reviewed regularly and systematically under the SL Act. The Act mandates that subordinate legislation 'sunsets' after ten years. This should be considered as the maximum time period at which the legislation is reviewed. Flexibility should also be taken into account when drafting legislation, to ensure that it does not unnecessarily constrain future government responses.
* Transparency: The development and enforcement of government regulation should be transparent to the community and the business sector. Transparency can promote learning and information-sharing within the regulatory system, and can also help to build public trust in the quality of regulation and the integrity of the process.
* Consistent and predictable: Regulation should be consistent with other policies, laws and agreements affecting regulated parties, in order to avoid confusion. It should also be predictable, in order to create a stable regulatory environment and foster business confidence. The regulatory approach should be applied consistently across regulated parties with like circumstances.
* Cooperation: When appropriate, regulation must be developed with the participation of the community and business and in coordination with other jurisdictions, both within Australia and internationally, to ensure that it reflects the interest of Victorians and takes in to account Victoria's major trading relationships. Regulators should also seek to build a cooperative compliance culture.
* Accountability: The Government must explain its decisions on regulation and be subject to public scrutiny. The same is true of its enforcement agencies. As such, the development and enforcement of regulation in Victoria should be monitored, with the results being reported to the public on a systematic basis.
* Subject to appeal: There should be transparent and robust mechanisms to appeal against decisions made by a regulatory body that may have significant impacts on individuals and/or businesses.

# Appendix 2National biosecurity arrangements

The Australian Government's role in managing biosecurity has traditionally focussed on national pre-border and border biosecurity with a coordination and leadership role for achieving national biosecurity outcomes. States and Territories on the other hand managed the risks of the spread of invasive species across State borders, surveillance and response within State and Territory Borders and activities to support access to interstate and overseas markets.

The Department of Agriculture, Forestry and Fisheries (DAFF) as the custodian of federal biosecurity services is now reforming how biosecurity services are delivered across the whole biosecurity continuum: off-shore, at the border and now also with a greater emphasis on on-shore interventions. Federal biosecurity is primarily managed under the Commonwealth Quarantine Act 1908 and related subordinate legislation. Since this Act was drafted over 100 years ago, Australia's biosecurity risks have changed significantly and therefore DAFF is proposing to introduce a new modern piece of legislation that is better at managing biosecurity risks. Visit the [Department of Agriculture website](http://agriculture.vic.gov.au/agriculture/pests-diseases-and-weeds/protecting-victoria-from-pest-animals-and-weeds/legislation-policy-and-permits/new-invasive-species-management-legislation/discussion-paper-invasive-species-management-bill/appendix-2-national-biosecurity-system) for more information.

The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government's central piece of environmental legislation for which the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) is the custodian. The EPBC Act provides a legal framework to protect and manage matters of national environmental significance. It also provides for the recognition of invasive species as threats to native animals and plants. Once a threatening process is listed under the EPBC Act a threat abatement plan can be put into place if it is shown to be 'a feasible, effective and efficient way' to abate the threatening process. For more information, visit the DSEWPaC website at [www.environment.gov.au](http://www.environment.gov.au/).

The Intergovernmental Agreement of Biosecurity (IGAB) is an important agreement to strengthen the working partnership between the Commonwealth, state and territory governments. It identifies the roles and responsibilities of governments and outlines priority areas for collaboration to minimise the impacts of pests and diseases on Australia's economy, environment and the community. For more information visit [www.coag.gov.au](http://www.coag.gov.au/). The National Environmental Biosecurity Response Agreement is the first deliverable of the IGAB and sets out arrangements for responding to biosecurity incidents that primarily affect the environment and/or social amenity and where the response is for the public good. For more information visit [www.coag.gov.au](http://www.coag.gov.au/).

# Feedback

You are invited to examine this paper and provide written comments by Friday 05 October 2012. Summaries of submissions along with a response from the department may be made available on the DPI website following the consultation period. If you do not wish your comments to be published, please clearly mark them COMMERCIAL IN-CONFIDENCE. If only part of your submission is confidential, please include it on a separate page within your submission and clearly indicate that the contents of that page are confidential.

There are three ways to provide feedback on the discussion paper:

1. Use the online feedback form which asks some key questions to help you provide feedback quickly and easily. Comments submitted through this form will be emailed to Invasivespecies.Consultation@dpi.vic.gov.au
2. Provide written comments via email address:
Invasivespecies.Consultation@dpi.vic.gov.au
3. Provide written comments via postal address:
Invasive Species Management Bill Consultation
Invasive Plants and Animals
Biosecurity Victoria
GPO Box 4440, Melbourne VIC 3001

Some key questions are provided to help you provide feedback quickly and easily.

If you have any queries, including requests for pdfs or hard copies, please email to: invasivespecies.consultation@dpi.vic.gov.au or phone 136186.