**Overview of key feedback themes**

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| **Theme** | **Context** | **Notes by project team** |
| 1. Extending the scope of the proposed legislation to include problem species native to Victoria | Submitters highlighted that some species native to Victoria but outside their natural range could have adverse impacts on the environment and should be considered within the scope of the legislation | 'Natural range' can be contentious. Detaching management of native species outside their natural range from management of overabundant wildlife within their natural range is questionable. |
| 2. Placing greater emphasis on the 'environment' | Submitters perceived an? imbalance between agricultural concerns and the environment. Submitters also suggested the inclusion of best practice elements of environmental law such as the precautionary principle, intergenerational equity, ecological sustainability and community involvement in decision making | Under existing legislation and under the proposed legislation the environment is one of the considerations for declaration. Like existing legislation, the proposed legislation is intended to comprehensive in covering the (potential) adverse effects of invasive species, enabling the implementation of policy at the time rather than predetermining policy. |
| 3. Provide for independent expertise | Submitters suggested the establishment of? an independent scientific advisory group to advise the Minister on the administration of the Act, conduct and review risk assessments, provide advice on technical feasibility of eradication and control measures and to provide advice on proposals for declarations. | A requirement for external scientific advisory group would add to the administrative burden. The new legislation is intended to simplify processes. Also, it not clear whether relevant scientific expertise exists outside of Government or affected industries. |
| 4. Introducing a permitted list approach | Submitters highlighted the need to have invasive species assessed as safe before them being released or brought into Victoria.  ? | A permitted list approach requires particular consideration of World Trade Agreement implications, possible imposition of burden and red tape, the flow on effects of increased scope of the legislation (e.g. what is native and what is not) and unintentional effects. |
| 5. Provide more resources for invasive species management | Submitters highlighted the need for further or continued resource allocation to enable the proposed legislation and increase on-ground action | The matter of resource allocation is outside the scope of this project and is subject Government budgetary processes. |
| 6. Conducting further consultation (exposure draft) | Submitters highlighted the perceived lack of consultation and requested an opportunity to provide further feedback on an exposure draft of the Bill. Some also requested that the Bill and subordinate legislation is introduced simultaneously | An exposure draft of the Bill has not been included in the timelines in order to meet the Minister's expectation of developing new primary legislation by September 2014. An exposure draft may assist with increasing the robustness of the proposed legislation and gaining stakeholder support. |
| 7. Provide for joint decision-making arrangements | Clarification is sought on the role of the Minister for Environment and Climate Change in relation to: administration of the Act; and? the development and approval of subordinate legislative rules and instruments and in particular declarations, management plans, permits, control orders and guidelines.  Some submitters believe that placing the administrative responsibility with the Minister for Agriculture only would compromise the ability of the Minister for Environment to manage the environment.  Interactions and possible inconsistencies with other legislation, including but not limited to the Wildlife Act 1975, the Flora and Fauna Guarantee Act 1988 and the National Parks Act 1975, were raised by some as concerns. | The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994.  Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant burden imposed by the proposed rule or instrument.  The Minister for Environment and Climate Change and other stakeholders will thus have the opportunity to provide input or advice to the Minister for Agriculture and Food Security.  The general principles of the proposed legislation are that the Act will a) be complementary to another Act (i.e. it will not duplicate that other Act) and b) not limit another Act unless otherwise indicated. The fact that stakeholders such as public land managers need to operate invasive species management under multiple Acts is not in itself evidence that negative outcomes would result. |
| 8. Provide duty of care provisions | Submitters highlighted the need to include a specific duty of care obligation for the management of invasive species. | The proposed legislation includes 'generic obligations' that could be likened to a 'duty of care' though a high level duty of care statement to convey intent more clearly has been proposed. |
| 9. Develop subordinate legislation now | Submitters highlighted concern that the implications of the primary legislation are difficult to judge without being able to see any of the proposed subordinate legislation. | The primary legislation provides a framework, but a lot of the detail that people are interested in will be developed in the second stage of this project. Hence some concern is understandable. Timelines and resources do not permit the primary legislation and the subordinate legislation to be developed simultaneously. Further consultation is scheduled for the second stage of this project. |

**Departmental responses to issues raised**

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| **#** | **Comment** | **Suggested response** | **Raised in submission no.** |
| 1 | Generally supportive of the proposed approach | Noted. | 001, 007, 012, 016, 015, 027, 029, 030, 039,? 041, 043, 049, 051, 053, 055, 060, 065, 066 |
| 2 | Submitters want to participate in future stakeholder engagement | Noted. | 001, 041, 049 |
| 13 | The discussion paper is very difficult to understand | Noted. | 003, 033, 050, 056 |
| 14 | The new powers are too strong and that DPI will be able to exercise powers such as seizure whenever they like without a warrant | Noted. | 003 |
| 15 | The strength of the proposed legislation lies within the added powers that DPI will obtain | Noted. | 003 |
| 16 | Believes that the period for consultation was inadequate/ineffective | Noted. | 003, 022, 063, 071 |
| 17 | Believes that advertising could have been improved | Noted. | 003 |
| 18 | Believes that the legislation is being rushed through | The development of new legislation has been divided into two steps to meet the timelines set by the Minister for Agriculture and Food Security. The first step is the development of the primary legislation (e.g. the Act). Which is scheduled to take approximately 2.5 years and is estimated to be completed by late 2014. The second step is the development of subordinate legislative rules and instruments. This step will commence following Royal Assent for the primary legislation.? | 003 |
| 19 | States there is no listing of animals that will be exempt from this legislation | It is proposed that species native to Victoria and those species already covered by other biosecurity legislation will be outside the scope of the proposed legislation. The listing of species will occur in the second stage of this project, when the subordinate legislative rules and instruments will be developed. Further consultation will occur that stage. | 003 |
| 20 | States that there is no information regarding costs associated with permits | The setting of fees will be done in accordance with relevant guidelines once the legislation has been developed. | 003 |
| 21 | States the paper sets out deficiencies within the current CaLP Act with respect to Victorian incursion responses and NEBRA. | Noted. | 004 |
| 22 | States that this could have been improved by illustrating how current Victorian and national border arrangements and the Quarantine Act 1908, failed to provide complete coverage (e.g. Mexican feather grass). | Noted. | 004 |
| 23 | States that the proposed Commonwealth Biosecurity Bill (2012) and the Commonwealth's intention to move into post-border operations were not mentioned in the discussion paper. Also states that the discussion paper did not explain how Victoria's regional differences may be protected by both Commonwealth and State arrangements. | The discussion paper was developed before all elements of the proposed National Biosecurity Bill 2012 were released and hence the Australian Government's intention to do so could not be included. The proposed legislation is not intended to be inconsistent with National legislation. | 004 |
| 24 | States that the overall intent and thrust of the proposed legislation is understood. | Noted. | 004, 017, 063, 070 |
| 25 | Seeks clarification of how Category 1 obligations such as "not bring into Victoria", will interact with the proposed Commonwealth Biosecurity Bill (2012) prohibitive goods clause MG198 "Exclusion of State and Territory laws". | The proposed category 1 obligations is not intended to be inconsistent with national legislation. | 004 |
| 26 | Seeks clarification of how Victoria's regional differences will be recognised by harmonisation with national prohibitions | The balance between achieving national consistency and appropriately recognising Victoria's interests will be subject to policy decisions. The proposed legislation will provide the appropriate tools to implement the policy decisions. | 004 |
| 27 | Seeks clarification of how interstate risk (non - NEBRA) will be addressed when the impact on a "consideration" (e.g. social amenity, environment, economy) occurs in another jurisdiction. | Impacts in another jurisdiction will remain a valid justification for applying measures in Victoria as it currently is under present Victorian legislation. | 004 |
| 28 | States that the greater alignment of concepts with the Queensland legislation and the Commonwealth's proposed post border framework is a strength of the new legislation. | Noted. | 004 |
| 29 | States that the "no surprises approach" of management plans is a strength of the new legislation. | Noted. | 004, 069 |
| 30 | States that the greater taxonomic scope of the new legislation is a strength. | Noted. | 004 |
| 31 | States that the ability to manage risk more comprehensively and rapidly through the use of 'carriers' is a strength of the new legislation. | Noted. | 004, 017 |
| 32 | States that there were no major suggestions for improvement | Noted. | 004 |
| 33 | States that similar process should be considered for other legislation within the Victorian Biosecurity Strategy (e.g. Plant Biosecurity Act and the Livestock Disease Control Act). | Noted. | 004 |
| 34 | States that the proposed legislation sufficiently addressed the challenges highlighted but would prefer to make further comment once draft legislation was made available | Noted. | 004 |
| 35 | States that the background and context is clear and highlights the current Victorian legislative constraints. | Noted. | 006, 017,025, 063, 070 |
| 36 | States that the intent of the new legislation is clearly presented, with tables 2, 3 and 4 being clear. | Noted. | 006, 025 |
| 37 | Suggests that table 5 (Government powers), should include the 'power to actively promote awareness and risk' posed by Category 1 and 2 species. | The matter of awareness raising and education are important elements of invasive species management and are recognised by Victoria's Invasive Plants and Animals Policy Framework. It is an example of an important non-legislative approach that could be applied to achieve desired outcomes. | 006 |
| 38 | Supports the proposition to have 'offences' and 'aggravated offences' introduced and to use infringement notices where appropriate. | Noted. | 006 |
| 39 | States that increased communication is essential to ensure that the broader community and industry are aware of the proposed changes, their impacts, potential to reduce risk and if the legislation has genuine power to prosecute and uphold the law. | Noted. | 006, 015, 070 |
| 40 | States that the proposed legislation sufficiently addressed the challenges highlighted. It was also noted that NEBRA highlighted that DPI was well placed to respond to potential incursions, so this provides the legislative ability and freedom to act. | Noted. | 006, 025 |
| 41 | States that overall the paper presents well and highlights the limitations of existing legislation, while providing a clear, practical and flexible approach. | Noted. | 006 |
| 42 | States that a huge opportunity for further communication in this space now exists to promote this work and demonstrate to community and industry that a means to be more effective now exists. | Noted. | 006 |
| 43 | Believes that the legislation does not properly prioritise the environment as it focusses on the impacts upon agricultural production and economic interest. | The intention of the proposed legislation is not prioritise one impact of consideration over another. The intention of the legislation is to be comprehensive in terms of the threats posed by invasive species to the environment, economy and social amenity and enable the implementation of Government policies of the day. | 005, 007, 008, 009, 011, 012, 016, 018, 024, 027, 028, 029, 031, 032, 036, 037, 038, 045, 051, 052, 053, 060, 062, 072, 073, 074 |
| 44 | Believes that the management of invasive species should be led by the Minister for Environment and not the Minister for Agriculture and Food Security as proposed. | The Minister for Agriculture and Food Security, through Biosecurity Victoria, is already responsible for biosecurity policy including invasive plants and animals policy. The Minister is also already responsible for all other biosecurity legislation. The proposed administrative arrangements will provide the Minister for Agriculture with both biosecurity policy responsibility and legislative responsibility. | 007, 009, 012, 016, 018, 019, 027, 062, 074 |
| 45 | Believes that the proposed legislation lacks environmental goals.? Also recommends that a minimum standard for the management of existing weeds and pests across all land tenures should be included to prevent irreversible loss of biodiversity. | The intention of the proposed legislation is not to prioritise one impact of consideration over another. The intention of the legislation is to be comprehensive in terms of the threats posed by invasive species and to enable the implementation of Government policies of the day.? Minimum standards for the management of invasive species are provided for through the stated obligations and could be defined or tailored through the range of subordinate legislative tools available. It is also proposed that the legislation will bind the Crown, which means that the Crown will have the same responsibilities as a private land owner. This is consistent with the tenure blind approach advocated by the Government's Invasive Plants and Animals Policy Framework. | 007, 009, 012, 016, 027, 031, 051, 062, 073 |
| 46 | States that there is no emphasis on increasing resources.? The Government needs to increase resources to better manage public land and water, support landholder and community efforts, and invest in R&D and targeted eradication programs. | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 007, 009,011, 012, 016, 019, 024, 027, 028, 029, 030, 032, 062, 065 |
| 47 | States that the legislation should include that plants and animals need to be assessed as safe before they are released into the environment (e.g. a permitted list system) | The permitted list approach has been attempted in some jurisdictions and appears only to be practical or feasible for some groups or types of organisms. It generally involves high implementation costs and may conflict with State and National commitments to red tape reductions. It may also be perceived as setting up artificial trade barriers. | 007, 009,011, 012, 016, 024, 027, 028, 062, 074, 076 |
| 48 | States that independent expertise are not recognised, as the Bill does not include the requirement of an expert-based committee to make decisions on the risk/threats posed by invasive species. | The proposed legislation allows for possible use of "independent" experts however it is not desirable to legislate this as a requirement because not all such expertise is available outside of Government. It is important to note that while risk assessment may benefit from independent expertise, decisions on intervention to manage these risks are more appropriately made by the responsible agencies. | 005, 007, 008, 009,011, 012, 016, 018, 024, 027, 028, 031, 036, 043, 060, 062, 073, 074 |
| 49 | States that native species that are causing problems outside their natural range should be included within the scope of the new legislation. | The proposed legislation is not intended to duplicate existing legislation. Species native to Victoria that are causing problems are best managed through existing environmental legislation. | 005, 007, 008, 009, 011, 012, 016, 018, 019, 020, 027, 029, 031, 032, 036, 037, 038, 043, 048, 050, 051, 052, 053, 060, 061, 062, 073 |
| 50 | States that the new legislation should include duty of care obligations to ensure that those who create/perpetuate invasive species problems should be required to remediate the damage. | The proposed legislation includes obligations that effectively create a 'duty of care'. It is extremely difficult to create provisions for compelling risk creators to fund remediation for reasons including that the person responsible for a specific introduction may frequently not be traceable or that the consequence of an introduction may not become evident for many years by which the responsible person may no longer be around to pay for the remediation. The proposed legislation will allow for the recovery of biosecurity response costs in those circumstances where it is feasible. | 007, 009, 011, 012, 016, 027, 031, 051, 062, 073 |
| 51 | States that a draft (exposure draft) of the Bill must be released for comment and consideration before it is tabled to parliament. | Occasionally, a Minister may wish to release a Bill for public comment before it is introduced into Parliament. The Minister for Agriculture and Food Security has decided not to release an exposure draft of the Bill in this instance in order to meet timelines. Further public consultation will occur during the development of the subordinate legislative rules and instruments. | 005, 007, 008, 009, 011, 012, 016, 027, 031, 036, 038, 039, 042, 045, 052, 061, 062, 071, 073, 074 |
| 52 | States that a community and expert advisory body should advise on the preparation of the draft. | Subject matter experts from the Department of Primary Industries, Department of Sustainability and Environment and Parks Victoria provide expert advice. Advice from other experts is sought as required. A two month consultation program has been conducted to obtain stakeholder input on the proposal and further consultation is scheduled for the development of subordinate legislative rules and instruments.? | 007, 009, 011, 012, 016, 027, 032, 062 |
| 53 | Is generally supportive with the fact that new proposed legislation includes responsibilities that are the same regardless of tenure (binding of the crown) | Noted. | 011, 012, 016,? 024, 026, 028, 051, 071 |
| 54 | Is generally supportive with the fact that declarations are able to be made at the appropriate scale. | Noted. | 011, 012, 016, 026, 051 |
| 55 | States that community needs to be more involved in the decision making processes | Noted. Stakeholder engagement is an import element for decision-making. The Subordinate Legislation Act 1994 provides that relevant stakeholders are consulted on a proposed rule or instruments (including declarations). | 011 |
| 56 | States that the Government must legislate to reduce the impacts of invasive species by making it a clear goal (consistent with Victoria's obligations under the National Biodiversity Strategy 2010-2030). | The intention of the proposed legislation is not to prioritise one impact of consideration over another. The intention of the legislation is to be comprehensive in terms of the threats posed by, and impacts of, invasive species and enable the implementation of Government policies | 011 |
| 57 | Believes that a bond could be levied on new activities with the potential to need future control efforts into the future. | Noted. | 012, 016, 027 |
| 58 | Is generally supportive with the fact that declaration categories have been simplified. | Noted. | 012, 015, 026, 033, 034, 044, 046, 051, 055, 058, 060, 062 |
| 59 | Believes that the issue of environmental weeds has been ignored and that a new category with specific restrictions around trade etc. could be implemented. | Environmental weeds are not a formally recognised category.? Assuming the 'submitter' refers to weeds that affect the environment rather than agriculture, this will be allowed for as it is under current legislation and whether or not it occurs will be a matter for policy to determine at that time. | 016, 038 |
| 60 | Is generally supportive with the fact that elements of the CaLP Act will be absorbed into the new legislation. | Noted. | 024 |
| 61 | Believes that the proposed legislation lacks real goals or processes for auditing progress. | Noted. | 024, 027, 028 |
| 62 | Believes that the proposed legislation should restrict some plants from being grown outside clearly defined urban areas. | The process of declaring plants (and for what area) under the proposed Act? will occur in the second step of this project (e.g. post 2014). Declarations will be subject to the scrutiny of the Subordinate Legislation Act 1994 and further consultation will occur. | 024 |
| 63 | Believes that the proposed legislation needs to provide a means to crack down on stray cats and invasive birds | Cats are currently regulated through the Domestic Animals Act. Invasive birds are within the scope of the proposed legislation. | 024 |
| 64 | Believes that widespread publicity campaigns about invasive species need to be conducted | The matter of awareness raising and education are important elements of invasive species management and are recognised by Victoria's Invasive Plants and Animals Policy Framework. It is an example of an important non-legislative approach that could be applied to achieve desired outcomes. | 024 |
| 65 | Believes that the new legislation should be able to provide incentives such as rate reductions to landholders who undertake work such as revegetating verges. | Incentives are a good example of non-legislative approaches that could be applied to achieve policy outcomes. | 024 |
| 66 | Believes that the strengths of the proposed legislation are adequately captured by the five points highlighted under point 5 of the executive summary.? EG What the legislation is intended to do | Noted. | 025 |
| 67 | Believes that the proposed legislation could be improved by splitting the 2 categories into 3, prevention, early intervention and management to be in line with WA. | Under the proposed two category system 'prevention' and 'early intervention' is combined into category 1 for administrative efficiency reasons, to facilitate early responses and to reduce red tape. Splitting category 1 into two categories may lead to having to re-categorise a species before early intervention can take place and thereby hampering rapid response. | 025 |
| 68 | States that Victoria should be commended on the proposed legislation and the paper, as it is consolidates several pieces of legislation and closes existing gaps | Noted. | 025 |
| 69 | States that the proposed legislation aligns well with Australian Weeds Strategy, Australian Pest Animals Strategy, NEBRA and the Inter-Governmental Agreement on Biosecurity (IGAB). | Noted. | 025 |
| 70 | States that the paper does not adequately describe the current arrangements and issues as it does not describe current controls that prevent invasive nursery species making their way to the wild.? It also does not explain which departments currently have responsibility for managing invasive and does not explain what they do. | Under the Catchment and Land Protection Act 1994 a plant may be declared to be a State prohibited weed, regionally prohibited weed, regionally controlled weed or restricted weed if the plant is, or has or may have the potential to become, as serious threat to primary production, Crown Land, the environment or community health in Victoria or in another State or a Territory of the Commonwealth. Section 71 Spread of noxious weeds make it an offence to, amongst other things, sell, buy, possess, display, plant or propagate, wilfully bring or cause to be brought into Victoria and transport within Victoria without a permit a noxious weed. Section 20 also places a duty on land owners to take all reasonable steps to eradicate regionally prohibited weeds and prevent the growth and spread of regionally controlled weeds. Regarding the question of roles and responsibilities, these are described in the Invasive Plants and Animals Policy Framework and its underlying modules. | 032 |
| 71 | States that the proposed categories should also have performance criteria and a timeframe attached to be more meaningful. | Performance criteria and timeframes could be included in subordinate legislative rules and instruments as required. | 032 |
| 72 | States that the proposed obligations should be more appropriate to the scale of risk and tailored to management strategies (prevention, eradication or containment). | The proposed legislation includes a range of obligations in relation to category 1 and category 2 invasive species. These categories are aligned to Victoria's approach to biosecurity. This means that prevention and early intervention approaches would be used in relation to category 1 species while management approaches (including containment) would be used for category 2 species. | 032 |
| 73 | States that the proposed legislation should consider preventing the sale and importation of species from both overseas and interstate that have the potential to become invasive. | Importation of species from overseas is the jurisdiction of the Australian Government. The legislation proposes a number of obligations in relation to the sale and bringing into the State of Victoria (from another State or Territory) of category 1 and category 2 species, these obligations / restrictions cannot be inconsistent with national and international requirements and agreements. | 032 |
| 74 | States that the paper does not adequately describe what an invasive species is and the proposed scope of including or excluding species that were introduced into the state over 100 years ago. | Noted. Terminology will be consistent with the Invasive Plants and Animals Policy Framework. Where terminology will differ it will be defined to provide clarity. | 057 |
| 75 | States that the consultation was not inclusive enough | The two month consultation program undertaken by the Department of Primary Industries was open to anyone interested in the proposal. The public consultation program commenced on Monday 13th of August and closed on Friday the 5th of October 2012. It involved in addition to the discussion paper, briefings with key stakeholder groups, regional open house events, the development of an information brochure, dedicated webpages on the DPI website, media releases, adverts in State and regional papers and the use of social media such as twitter. | 057 |
| 76 | States that the intent of the new legislation is not very clear as there was a lack of definitions and concern is held that deer species may be included within its scope. | Noted. | 057 |
| 77 | Believes that the only strength of the legislation is that the management and introduction of new species is being recognised as a problem. | Noted. | 057 |
| 78 | States that "game" species need to be excluded | Noted. | 057 |
| 79 | States that there is a need to acknowledge and accept responsibility for the environmental impact caused by the Department's inability to manage parks etc. | Noted. | 057 |
| 80 | States that there is a need to abandon this new legislation as the current legislation is adequate. | Noted. | 057 |
| 81 | States that the proposed legislation does not sufficiently address the challenges highlighted. It is apparent that instead of resourcing customs to ensure that species are not introduced, they will use the? climate change argument to introduce new legislation and place blame upon landowners and stakeholders rather than take responsibility for the fiasco they have created. | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 057 |
| 82 | States that if the current legislation is inadequate then it should be amended rather than developing a new Act. | When the degree of change to legislation required is high, it becomes simpler and more effective to proceed with the development of a new Act rather than extensively vary the existing legislation. | 057 |
| 83 | States that it is hoped that local government, agencies and community will be involved with the listing of weeds. | The development of Subordinate rules and instruments (including declarations) will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess whether any significant burden is imposed on any sector of the public by the proposed rule or instrument. Stakeholders (including Local Government, agencies and community) will be consulted in the second stage of this project when the subordinate legislation will be developed. | 063 |
| 84 | States that the push to move roadsides to become the responsibility of councils without ongoing funding is not supported. | Noted. The government has already decided to make councils responsible, a funding program is in place. | 063 |
| 85 | States that the proposed legislation sufficiently addressed the challenges highlighted but creates some challenges for local government. | Noted. | 063 |
| 86 | States that the release of the discussion paper was not well publicised. | Noted. | 063 |
| 87 | Believes that the strengths of the proposed legislation line within the streamlining of current processes | Noted. | 070 |
| 88 | States that there is a need to ensure that management plans are clear.? Deliverables, outcomes, timelines and responsible parties need to be clearly defined. | Noted. | 070 |
| 89 | States that the proposed legislation sufficiently addressed the challenges highlighted.? Particularly agrees with the improvements to enable early intervention | Noted. | 070 |
| 90 | Seeks clarification regarding how the move away from management at the catchment scale will affect species that move over multiple catchment regions. | The proposed legislation is intended to be more outcome focussed and risk based rather than managing invasive species according to artificial boundaries. The proposed legislation would be a tool to manage invasive species that move over multiple catchment regions. | 070 |
| 91 | Seeks clarification around how the new declaration processes will be implemented. | Noted. This type of detail will be developed as part of the second step of this project (e.g. post 2014) and will involve further public consultation. | 070 |
| 92 | Seeks clarification around who will be able to participate in management plans and their guidelines. | Noted. This type of detail will be developed as part of the second step of this project (e.g. post 2014) and will involve further public consultation. It is proposed however no to limit the management plan concept to any particular group and provide any interested entity with the opportunity to participate. | 070 |
| 93 | Supports improving the focus on "prescribed carriers". | Noted. | 015, 046 |
| 94 | Is happy with proposed consultation with regards to declarations as long as it follows the requirements of the Subordinate Legislation Act. | Noted. | 015 |
| 95 | States that an open and transparent declaration process is needed to ensure that environmental invasive species receive equal attention, seeing that the Minister for Agriculture and Food Security will now be responsible. | Noted. | 015 |
| 96 | States that there is a need to engage relevant Water Corporations when developing relevant management plans and codes of practice where drinking water supplies are involved. | Noted. | 017 |
| 97 | States that there is a need to engage relevant Water Corporations when developing emergency response procedures for dealing with Category 1 species where drinking water supplies are involved. | Noted. | 017 |
| 98 | States that the broader range of legislative instruments is a strength of the new legislation. | Noted. | 017 |
| 99 | States that the provision of an example of how the legislative instruments may have been used should have been included. | Noted. | 017 |
| 100 | States that the proposed legislation does not sufficiently address the challenges highlighted in the discussion paper as economic reasons for change could also have been included. | Noted. | 017 |
| 101 | States that the proposed framework is very centralised and while it will be possible to address Category 1 weed species well, it is inferior to current legislation within Category 2, which is already deficient in this area. | The proposed legislation will provide greater ability and a greater range of tools to address the risks posed by new and emerging as well as by established invasive species | 019 |
| 102 | Believes that the responsibility of the management of invasive species should also be given to Local Government authorities, as they already manage native reserves and have a strong interest in environmental weeds. | The proposed legislation is based on the premise that everyone has a role in the management of invasive species. For more information on roles and responsibilities refer to the Invasive Plants and Animals Policy Framework and associated modules. | 019 |
| 103 | States that the proposed legislation is inferior to the current model and is disappointed with it. | Noted. | 019 |
| 115 | States that as a "pest animal permit holder" it is very upsetting that they were not notified of the changes and chance to provide input.? Also any permit holders should have been notified personally and asks to be kept informed from now on. | Noted. | 021 |
| 116 | Asks for assurance that no one will come and confiscate the "Royal Python" currently being kept under permit. | Declared species kept under permit and in accordance with the conditions specified on that permit may be kept. | 021 |
| 117 | States that if foreign birds start to be discussed as being included in this system then the thousands of non-native bird owners need to be given the opportunity to be part of the new permitting system. | Noted. | 021 |
| 118 | States that cats (both domestic and feral) should be included as a "declared pest animal species". | The Domestic Animals Act 1994 (DA Act) regulates the legal ownership of cats in Victoria and provides for the destruction of unidentifiable, wild, uncontrollable or diseased cats and for the return of identifiable cats to their owners with associated penalties and the recovery of Council costs. While the Wildlife Act 1975 provides penalties for owners of cats that enter a restricted area. Proposals for declaration will be considered post the development of the primary legislation. | 021 |
| 119 | States that something should be put in place to aid "residential" people (it is assumed that submitter refers to people in urban areas) deal with pest species such as rabbits, cats, foxes, mynas. | Noted. | 021 |
| 120 | Requests that weeds targeted for containment can be placed into Category 1, as they would not be able to be moved within Victoria "unless authorised".? Alternatively, Category 2 needs to include an option that has stricter transport controls for containment weed species. | Noted. The proposed legislation provides a mechanism to tailor obligations to particular circumstances (for example management plans or Regulations). This means that if the risk warrants stricter transport controls such stricter controls could be imposed in that particular circumstance without imposing a burden across the State. | 022 |
| 121 | States the proposed legislation does not deal with cross border issues due to different legislative approaches and should do this. | The Victorian Government works with other States and Territories towards the harmonisation of legislation. It is believed that the enabling nature of the proposed legislation and the proposed range of subordinate legislative tools will assist in dealing with cross-border issues. | 022 |
| 122 | States the public should be able to recommend an invasive species through a simple process | Noted. The proposed legislation is intended to result in red tape reductions and other efficiency gains | 028 |
| 123 | States that all established species that are not widespread should be contained or eradicated. | Noted. The? proposed legislation will provide the legislative framework to facilitate the implementation of Government policy. Current invasive species policy is outlined in Victoria's Biosecurity Strategy and the Invasive Plants and Animals Policy Framework and underlying modules. | 028 |
| 124 | States that only species confirmed as low risk should be able to be traded | Noted. | 028 |
| 125 | States that while new invasive species are concentrated upon, existing invasive species are being overlooked.? There must be more work done in this area. | Noted. The? proposed legislation will provide the legislative framework to facilitate the implementation of Government policy. This includes the management of invasive species across the invasion curve. Current invasive species policy is outlined in Victoria's Biosecurity Strategy and the Invasive Plants and Animals Policy Framework and underlying modules. | 028 |
| 126 | States that changes in land use is not adequately recognised as bringing weeds into the environment. | Noted. | 029 |
| 127 | States that DPI should remain the responsible party for eradicating Category 1 species, rather than putting the onus on the landowner or manager. | Noted. | 029 |
| 128 | Seeks clarification around the ability to transport or move Category 2 species for control purposes.? For example, move species to landfill | Category 2 species are generally widespread and restricting or prohibiting their movement could be an unreasonable burden. Therefore it is proposed that a category 2 species must not be moved or transported where it is prohibited, in other areas it may. | 029 |
| 129 | Seeks clarification around what will be defined as "prescribed carriers". | A carrier means any animal or plant, or part of any animal or plant, or anything (dead, alive or inanimate) capable of moving an invasive species from a place to another place. It is proposed that under the legislation a carrier could be prescribed (e.g. listed) if the risk warrants such action. The proposed prescribed carrier obligations are that a person must not bring into Victoria or move within Victoria a prescribed carrier unless the person has been authorised to do so. This authorisation would include conditions to manage the risk posed by the prescribed carrier. | 029 |
| 130 | States that community involvement is supported but the paper fails to mention the role of Local Governments. | Noted. Everyone, including Local Government, has a role in managing invasive species. | 029 |
| 131 | Seeks clarification around whether the framework provides opportunity for the development of municipal local laws for the management of invasive species. | The Local Government Act 1989 provides for the making of local laws. It states that a local law must not be inconsistent with any Act or Regulation and would be inoperative to the extent that it is inconsistent. | 029 |
| 132 | Seeks clarification around the extent of the powers and consequences of non-compliance. | Offence provisions will be included in the proposed legislation and will be broadly consistent with those under present biosecurity legislation. | 029 |
| 133 | Seeks to understand why real life scenarios that were tested were not made public. | A number of hypothetical scenarios were discussed by Government Staff to help develop the proposal. The scenarios are not in a form suitable for publication. | 029 |
| 134 | Asks if Carp are a declared pest in Victoria | Carp *(Cyprinus carpio*) is a major aquatic pest species in Victoria and is listed as a "noxious aquatic species" in Victoria as declared under the Fisheries Act 1995. This declaration makes it an offence to possess, transport or release live carp, or use live carp (including all forms of carp and goldfish) as fishing bait. The declaration of "noxious" fish does not mean that the species cannot be fished for, or eaten. Carp are widely fished for, and the flesh is enjoyed by many people, with a variety of methods of preparation and cooking. Recreational Fishing Licence requirements and regulations affecting the taking of carp are provided in the Victorian Recreational Fishing Guide, available free from Recreational Fishing Licence sales agents and DPI Offices and Information Centres. | 030 |
| 135 | States that aboriginal cultural heritage must be considered within the new legislation. | Noted. | 064 |
| 136 | States that traditional owners are stakeholders in this work and that Registered Aboriginal Parties (RAP's) are the voice for these people. | Noted. | 064 |
| 137 | States that Victorian *Aboriginal Heritage Act 2006* should be noted as relevant legislation and that Aboriginal Affairs Victoria (AAV) and the council are relevant contact agencies. | Noted. | 064 |
| 138 | The *Native Title Act 1993* and the *Traditional Owner Settlement and Agreement Act 2010* should be considered as some traditional owners also have land use and management agreements with the State. | Noted. | 064 |
| 139 | States that there is insufficient detail at this stage to be able to make comprehensive comment on what the changes will mean to the business. | Noted. | 065 |
| 140 | States that there are potential issues with possible responsibilities associated with prescribed carriers (e.g. machinery/soil movements) | Noted. | 065 |
| 141 | States that the expansion of taxonomic scope could result in an increase of species with management requirements and this could complicate land management further. | Noted. | 065 |
| 142 | Seeks clarification on how the new legislation will integrate with other land protection and management principles once the provisions within CaLP are repealed. | The Victorian Biosecurity Strategy and Invasive Plants and Animals Policy Framework and underlying modules outline the Government's approach to invasive species management. It recognises the importance of integrated action. The proposed Act provides the legislative tools to achieve these policy outcomes. | 065 |
| 143 | Agrees that the current categorisation of weeds is confusing. | Noted. | 065 |
| 144 | Seeks clarification on if consideration has been given to consolidating all biosecurity legislation. | Consolidating all biosecurity legislation into one piece of legislation is complex and expensive and is not expected to provide major additional benefits. | 065 |
| 145 | Seeks clarification of how species lists will be managed at the regional level.? Will it be DPI or CMA's? | Government will manage declarations in consultation with all relevant stakeholders including CMA's. The role of CMA's will not be the same as under present legislation. The legislation will no longer require that the Minister must receive advice from CMA's before proceeding with a declaration. CMA's will continue to have an opportunity to provide input into relevant matters. | 065 |
| 146 | Seeks clarification on if Category 1 obligations will impose a need on landowners to undertake ongoing monitoring. | The obligation would be to notify the Secretary of the presence or suspected presence of a category 1 species. This does not equate to a requirement to undertake ongoing monitoring. | 065 |
| 147 | Seeks clarification on whether there will be differentiation between intentional and unintentional movement. |  | 065 |
| 148 | Seeks clarification on how road managers responsibility is measured when the spread of pest plants is not fully attributable to the managers (i.e. road users). | The responsibility of road managers is to control declared species present on roadsides (the amendments to the Catchment and Land Protection Act 1994 (CaLP Act) to introduce a new system for roadside management of weeds and pest animals is under development and it is intended that the new proposed legislation will broadly continue this system put in place by the CaLP Act amendments). Road users will also have responsibilities to avoid the spread of declared species. In some cases restrictions on carriers may apply. | 065 |
| 149 | Seeks clarification on whether the intention is to manage species strategically as linear land managers struggle to manage risks across tenure. | The policy is to manage species strategically and does not require any land manager of linear reserves, or otherwise, to take action where there is no significant benefit through reduction of spread or impact. | 065 |
| 150 | Seeks clarification on whether accreditation will be expanded to cover the development of management plans, auditors and contractors. | There are no immediate plans to introduce compulsory accreditation of those involved in reviewing management plans. Arrangements already exist for contractors. | 065 |
| 151 | Seeks clarification on how industry schemes will apply to those outside industry whose land may abut industry land. | The need for intervention to ensure commensurate action by adjoining land owners will be considered on a case by case basis. The proposed legislation will contain a range of tools by which this could be accomplished. | 065 |
| 152 | Seeks clarification on if community management group funding would be managed as a grant scheme. | The administrative detail of funding community management is not a matter for primary legislation and will be conducted according to relevant existing legislation and policies concerning such matters. | 065 |
| 153 | Seeks clarification if "Government" is a reference to DPI. | In Victoria machinery of government is a matter that is the sole responsibility of the Premier. It is the Premier that allocates functions and responsibilities between departments and Ministers. For more information on machinery of government please visit the Department of Premier and Cabinet website (www.dpc.vic.gov.au) | 065 |
| 154 | Seeks clarification on whether an appeal process would be included. | The proposed legislation will provide for appeal and review of decisions. | 065 |
| 155 | Seeks clarification of how these powers differ from existing and how they will be managed to ensure that they are in accordance with the Victorian Charter of Human Rights. | Powers will be modelled on and aligned to powers under existing biosecurity legislation such as the Plant Biosecurity Act and the Livestock Disease Control Act and will have powers that are similar to those under the CaLP Act. The main difference would be that the 'additional powers' would be modelled on meeting the requirements National Environmental Biosecurity Response Agreement. Under the *Charter of Human Rights and Responsibilities Act 2006*, public authorities must consider human rights protected in the Charter Act when creating legislation, implementing policies or delivering services. Every new law made by Parliament is now accompanied by a Statement of Compatibility, which explains whether the law is compatible with the human rights in the Charter Act. | 065 |
| 156 | Seeks clarification of how roadblocks will be managed. | Roadblocks are expected to be used infrequently as a response to very high risk species. The way roadblocks will be used will be informed by the way they are managed by other existing legislation such as the Fisheries Act 1995 or the Plant Biosecurity Act 2010. | 065 |
| 157 | States that their continued involvement is essential especially with regards to the development of subordinate legislation. | Noted. | 066 |
| 158 | States that any and all obligations should appropriately reflect their need to manage the impacts on invasive species on natural and cultural heritage. | Noted. | 066 |
| 159 | States that the role and responsibility of the environment portfolio is not yet clear and further consultation on this is encouraged. | Noted. The enabling nature of the proposed legislation will assist with the implementation of Government policy of that day. This proposal is not proposing any changes to Government Policy. | 066 |
| 160 | States that clarity in recognition of the Minister for Environment and Climate Change is supported, especially with regards to the declaration process and development and approval of subordinate legislation. | Noted. The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant impact of the proposed rule or instrument (including declarations). | 066 |
| 173 | States that an adequate list of undesirable species needs to be included in the legislation | Noted. The development of Subordinate rules and instruments (including declarations) will occur in the second step of this project (e.g. post 2014) and will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant impact of the proposed rule or instrument. | 068 |
| 174 | States that mechanisms need to be put in place to ensure that landowners take responsibility for invasive species on their land with the inclusion of infringement notices. | Noted. The proposed legislation includes a range of obligations with respect to managing ?the risks posed by invasive species. It is also proposed that the legislation will provide a range of offences including infringements. | 068 |
| 175 | States that the current practice of identifying and attempting to eradicate WONs, State and Regionally prohibited weeds needs to continue. | Noted. | 068 |
| 176 | States that the nursery, garden industry and hobby farmers need to be educated on potentially intrusive garden plants. | The matter of awareness raising and education are important elements of invasive species management and are recognised by Victoria's Invasive Plants and Animals Policy Framework and is an example of an important non-legislative approach that could be applied to support policy or compliance with legislative requirements. | 068 |
| 177 | States that continued support for biological controls is required | Noted. | 068 |
| 178 | States that continued assistance for municipal councils is required to manage public roadsides. | Noted. The relationships with other Acts will be considered. The general principle is that the proposed Act is in addition to (e.g. complementary and does not duplicate) and will not limit another Act unless otherwise indicated. | 068 |
| 179 | States that Landcare groups need to be worked with to assist landowners in the control of invasive species. | Noted. | 068 |
| 180 | States that farm supply businesses should be engaged so that they can provide adequate and accurate information to landowners. | Noted. | 068 |
| 181 | States that the new legislation is well overdue.? However, it is the subordinate legislation that has the potential to address issues of concern.? States that they would like to be involved in the next phase | Noted. | 069 |
| 182 | States that the community has been waiting for the resolution of the roadside issue for a long time. | Noted. The Coalition Government has accepted the recommendation of the Bailey Report on Roadside Weeds and Pests that councils are best placed to control weeds and rabbits on local roadsides. The Catchment and Land Protection Act 1994 will be amended and a $7.8 million Roadside Weeds and Pests Program will support councils to plan and implement control activities for the long-term management of regionally prohibited and regionally controlled plants and animals on rural roadsides. | 069 |
| 183 | States that the proposal has been drafted by in-house "subject matter experts", but needs to be grounded in the experience of on-ground practitioners. | Noted. | 069 |
| 184 | States that it is hoped that the information sessions entail genuine consultation and feedback.? It is also important to take the sessions to regional Victoria. | Noted. Regional Open house information sessions were held in Horsham, Geelong, Attwood, Bendigo, Mildura, Wodonga and Bairnsdale. | 069 |
| 185 | States that "less cohesive groups of landowners", is provided as a reason for change.? This has been a strength of the Landcare movement and requires information and training resources. | Noted. | 069 |
| 186 | States that using smaller management area units will help make declared pests relevant at the local level.? However, allowing "any stakeholder" to define appropriate scales will be difficult to manage. | Any stakeholder will have the opportunity to provide feedback and input on a proposal for declaration which may include feedback on the proposed 'management unit'. The decision to declare and at what management unit will ultimate rest with the Governor in Council. | 069 |
| 187 | States that focussing on industry groups to identify priority species and raise funds is optimistic.? While, depending on "community groups" without adequate funding and support is also doomed for failure. | Noted. | 069 |
| 188 | Suggests that new legislation is supported by adequate resources | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 026, 043 |
| 189 | Suggests that partnering and collaboration are key to implementation success | Noted. | 026 |
| 190 | Looks forward to partnering with DPI for the best practice management of deer, undertaking research, monitoring and early response | Noted. | 026 |
| 191 | Supports any measures that will strengthen DPI's ability to address biosecurity threats. | Noted. | 026 |
| 192 | Agrees that early detection and a rapid response is key to effective biosecurity emergency management | Noted. | 026 |
| 193 | Is concerned that species currently declared as game under the Wildlife Act 1975 will be declared as a pest species without the application of significant scientific rigour or public consultation. | Noted. | 054 |
| 194 | Supports the implementation of management plans to mitigate the negative impacts of any species that is proven to have detrimental impact on environmental resources | Noted. | 054 |
| 195 | Suggests that the Wildlife (game) regulations 2012 already provide adequate directions on the methods for harvesting deer that take into account sustainability and animal welfare concerns | Noted. | 054 |
| 196 | Suggests that implementation of timely localised on ground management activities could mitigate the issues at hand before declaration as a category 1 or category 2 pest across the entire state is required. Declaration does not mitigate impacts if there is no practical activity aimed at reducing said impact | The proposed legislation is intended to provide the legal basis to manage the risks posed by invasive species in Victoria. | 054 |
| 197 | Recognises the need to mitigate the impacts of existing declared pest flora and fauna as well as the potential impact of any new flora and fauna that could have a detrimental effect on public land assets and productive agriculture | Noted. | 054 |
| 198 | Suggests that the taxonomic scope of the proposed legislation should include species native to Victoria as species native to one part of the State could be an invasive threat to other parts of the State | Noted. | 074 |
| 199 | Suggest that the legislation exempts Game Species listed under the Wildlife Act 1975, Game regulations 2001 Schedule 3. Opposes the declaration of existing game species as "pests" | The proposed legislation is intended to be enabling legislation. This means that it is intended to implement the Government policy of the day rather than predetermine what that policy should be. | 054, 071 |
| 216 | Concerned about the lack of definition of 'invasive species' | The term invasive species is defined within the Invasive Plants and Animals Policy Framework. Under the IPAPF an invasive species is a species occurring, as a result of human activities, beyond its accepted normal distribution and which threatens valued environmental, agricultural or other social resources by the damage it causes. | 050, 071 |
| 217 | Concerned about potential conflict between State and Commonwealth legislation | Noted. State legislation cannot be inconsistent with Commonwealth legislation. | 071 |
| 218 | Suggests that resources for developing the proposed legislation are redirected to on-ground management actions | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 071 |
| 219 | Suggests amending the *Catchment and Land Protection Act 1994* to resolve issues with the taxonomic scope | Noted. Expanding the scope to include marine invasive species within a catchment management framework is not appropriate and is better dealt with through purposely designed invasive species management legislation. | 071 |
| 220 | Believes that the responsibilities placed on industry, agriculture and individuals and offences for non-compliance are unreasonable | Noted. | 071 |
| 221 | Suggests that dingoes should be reintroduced into National Park areas to suppress invasive species | The matter of reintroducing dingoes into national parks is outside the scope of this proposal. | 013 |
| 222 | Suggests that the Government compensates farmers, who comply with their obligations under legislation, for losses sustained by dingo predation | Noted. | 013 |
| 223 | Suggests that 1080 is banned | The use of 1080 and the legislation regulating its use is outside the scope of the proposed invasive species management legislation. | 013 |
| 224 | Concerned? about the planting of Kikuyu grass at Tidal River camping ground in the Wilsons Promontory National Park | Noted. Kikuyu grass is currently not declared in any of the four categories under the Catchment and Land Protection Act 1994. | 023 |
| 225 | Concerned that deer are protected in Victoria | Noted. | 023 |
| 226 | Demands the setting up of control program for deer | Chital, Fallow, Hog, Red, Rusa and Sambar deer are known to have established as wild self-sustaining populations in Victoria.? These species are declared under the Wildlife Act 1975 to be 'wildlife', 'protected wildlife' and 'wildlife declared to be game' and as such can be legally hunted in Victoria. | 074 |
| 227 | Suggests that new resources are required to deal with invasive species challenges in addition to the provisions proposed by the Bill | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 074 |
| 228 | Suggests that any role of the Victorian Catchment Management Council in administration or implementation of the Act is made clear. | Government will manage declarations in consultation with all relevant stakeholders including the VCMA. The role of the VCMA will not be the same as under present legislation. The legislation will no longer require that the Minister must receive advice from VCMA before proceeding with a declaration. The VCMA will continue to have an opportunity to provide input into relevant matters.. | 005 |
| 229 | Suggests that provision is made in the legislation for preparation, publication and implementation of a revised Biosecurity Strategy, to have greater emphasis on biodiversity conservation and ecological land management, to be required to encompass enforcement of legislation, and to contain measurable outcome-based performance targets, to be independently performance audited. | The Biosecurity Strategy will be updated as directed by the Ministers with policy responsibilities in this area. It is not appropriate for the legislation to specify the content of future Government policy documents. | 005 |
| 230 | Suggests that a new specialist environmental performance unit is established in the Auditor General's Office | Aspects of environmental and biosecurity management have already been considered by the Auditor General's Office (e.g. VAGO, 2010, report on Control of Invasive Plants and Animals in Victoria's Parks. PP No 307, Session 2006?10 and VAGO, 2012, Effectiveness of Compliance Activities: Departments of Primary Industries and Sustainability and Environment. PP No 186, Session 2010?12).  The proposed legislation should not dictate the organisational structure of the Victorian Auditor General's Office. | 005 |
| 231 | Suggests that third party enforcement rights should be provided for so that those relevant interests can assist in applying adaptive rigor in the legislation's implementation. | The proposed legislation does not create new rights for third parties to require management of invasive species. Current policies are to encourage community leadership in many invasive species issues including guiding the application of enforcement activities by DPI. | 005, 072 |
| 232 | Calls for sufficient funding for implementation of policy and legislation | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 005 |
| 233 | Suggests that that the objective is unambitious and does not provide sufficient direction and purpose and that it contrasts starkly with language in national invasive species policy. Suggest a more pro-active and directional objective. | Noted. | 005 |
| 234 | Suggests that chosen wording of the objective is slightly awkward to underline the inclusion of freshwater and marine environments. Suggests to reflect these and other aspects of scope (such as biodiversity and ecological values) by defining? 'environment' (and consideration) to include biodiversity and ecological values instead | Noted. The term 'environment' is meant to include biodiversity and ecological values' | 005 |
| 235 | Supports the inclusions of the words 'may have' & 'may be' as allowing fore-sighting and taking of preventative action. | Noted. | 005 |
| 236 | Suggests that the scope of the legislation should be along the lines of the wording the National Environmental Biosecurity Response agreement or simply 'all taxa and varieties'. | Noted. | 005 |
| 237 | Urge that criteria and thresholds for application of the terms 'feasibility' and 'desirability' are devised and published for comment prior to finalisation of the Bill. The term 'feasibility' should rest on technical feasibility and should carefully limit the prospect of interpretation on minor political or financial grounds. | Noted. | 005 |
| 238 | Opposes the use of the term 'desirability' because it is value-laden and present the prospect of formal and expert risk assessments being disregarded on specious, improper or political grounds | Noted. | 005 |
| 239 | Suggest careful use of 'and' and 'or' to ensure consideration of taxa which poses a threat to the environment but not social amenity | Agreed. | 005 |
| 240 | Urges that obligations regarding transport or movement of invasive species be strengthened to prohibit such movement of invasive species within Victoria unless a specific risk assessment for a non-permitted taxon has been conducted and a permit issued for that movement (to apply to both category 1 and category 2 taxa). | Obligations regarding transport in specific circumstances may be specified through application of a risk management approach. These obligations are expected to be much more easily enforced due to new provisions relating to carriers of invasive species. | 005 |
| 241 | Urges that accreditation systems encompass accreditation and independent audit of invasive species management performance and outcomes for such system to be recognised under the proposed legislation. | Noted. | 005 |
| 242 | Suggests that the legislation provides that accreditation is only an option in regards to low risk invasive taxa, not to higher risk taxa | There is no intention to automatically rule out the use of accreditation systems for high risk invasive species. Naturally the stringency of such systems would be commensurate to the risks involved. | 005 |
| 243 | Believes that Codes of Practice should not be able to be used as a justification for or to 'give licence' to introducing new invasive taxa to Victoria (unless under very strictly limited circumstances for taxa assessed as low risk). Suggests that codes of practice are in general only appropriate for management of low risk invasive species already present in Victoria. | Noted. | 005 |
| 244 | Supports the provision for emergency declarations | Noted. | 005 |
| 245 | Seeks clarification on the management plan concept, particularly in relation to who would 'increase or decrease the obligations in such plans', under what circumstances, by what process and who would audit them. | This type of detail will be developed, and further consultation will occur, in the second stage of the project (e.g. development of subordinate legislative rules and instruments) post 2014. | 005 |
| 246 | Suggests that management plans add value to and do not diminish the existing requirements under s17(2) of the? National Parks Act 1975. | Noted. | 005 |
| 247 | Suggests that the notion of Industry Funding Schemes is not relevant to the legislation and if it is, its relevance should be clarified. | Noted. The concept of Industry Funding Schemes is new to the management of invasive species in Victoria and was included in the discussion paper to gauge people views. | 005 |
| 248 | Suggest that the lack of detail prevents understanding of the intention of the community management group concept | Noted. | 005,? 037 |
| 249 | Agrees with the powers outlined in table 5. | Noted. | 005 |
| 250 | Believes the proposal for the Minister for Agriculture and Food Security to administer the new legislation is inconsistent with the Biosecurity Strategy. | The biosecurity strategy does not appear to identify any particular reason as to why the Minister for Agriculture and Food Security should not be responsible for this area. | 005 |
| 251 | Suggests that the legislation is jointly administered with the Minister for Environment and Climate Change and suggests that the environment department has the lead role | Joint responsibility for legislation often creates administrative duplication and delays. Since the Minister for Agriculture and Food Security already has policy responsibilities for most areas to be covered by the proposed legislation, and the majority of operational activities are undertaken by DPI, the most efficient arrangement is to have the Minister for Agriculture also to have administrative responsibility for the proposed legislation. | 005, 008, 466, 466 |
| 252 | Suggests that policy coordination is required across local government, planning, industry, health and other relevant portfolio areas in administrating the legislation | Noted. | 005 |
| 253 | Suggests that resourcing needs to increase | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 008 |
| 254 | Suggests that the limited text fields impedes on the feedback process | DPI increased the character limit after being made aware of this issue. | 008 |
| 255 | Suggests that invasive species affecting productivity are controlled | Noted. | 010 |
| 256 | Suggests that if buffel grass gets hold in Victoria it will greatly affect biodiversity. | Noted. Buffel grass is not regarded as a threat to Victoria due to its unsuitable climate. | 010 |
| 257 | Suggests that current burning regimes are fraught and likely to result in species extinction and spread of invasive species | Noted. | 010 |
| 258 | Agrees the proposal for new legislation is a step in the right direction to manage the threat posed by invasive species | Noted. | 014 |
| 259 | Suggests that there is a need for a body of professional operators to be trained and ready to deal with invasive species | Noted. | 014 |
| 260 | Suggests that invasive species managers are allowed to undertake risks assessments to conduct management actions safely | Safety consideration of specific management actions is extensively covered by other legislation. There seems no justification for using the proposed legislation to override these safeguards. | 014 |
| 261 | Suggest to reduce red tape | Noted. The proposed legislation is intended to result in red tape reductions and other efficiency gains | 014 |
| 262 | Suggest that commercial operators have the power to enter properties where the 'owner is reluctant to do anything to resolve the situation'. | Rights of entry to properties are a serious matter and there is no intention to provide powers to commercial pest control operators except where operating under the direction of an Authorised Officer. | 014 |
| 263 | Suggest the legislation is introduced as a Federal Law and enforced at State level. | The development of national legislation is the responsibility of the Australian Government.  The Australian Government has recently consulted on a national Biosecurity Bill which proposes a number of post-border powers.  For more information on the national Biosecurity Bill please visit the Department of Agriculture, Fisheries and Forestry website (http://www.daff.gov.au/bsg/biosecurity-reform) or their interactive website on http://biosecurity.govspace.gov.au/. | 014 |
| 264 | Suggests that vertebrate pest management licences are recognised throughout Australia. | This matter is outside the scope of this project. However, Australian States and Territories work collaboratively on the harmonisation of legislation where possible. | 014 |
| 265 | Suggests that commercial operators are best placed to decide on the best means of controlling pest species and should be granted access to tools. | The legislation aims to enable outcomes rather than specifying specific tools. Commercial Operators are free to select the most suitable tools for the circumstance available to them under safety, animal welfare and other legislation. | 014 |
| 266 | Suggest that other control methods such as trapping and shooting are included on their commercial operator's licence. | The matter of commercial operators licences are outside the scope of this proposal | 014 |
| 267 | Suggests that Government undertakes automatic follow-up on reports of pest animal problems in an area to ensure action is taken to alleviate / control the problem | Government undertakes responses to reports according to State and regional priorities and within resource constraints. It would be impracticable and inefficient to require automatic inspections without any consideration of the specific circumstances. | 014 |
| 268 | Suggest that there is an obligation on a landowner to undertake some form of effective control. | The proposed legislation includes a range of obligations in relation to category 1 and category 2 invasive species. It also provides a range of subordinate legislative tools to define or tailor these obligations to specific circumstances with the intention of providing clarity and certainty about requirements. | 014 |
| 269 | Suggest that Government have a budget to contract commercial operators for pest control services | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 014 |
| 270 | Raises concern about animal welfare legislation and practical implications for commercial operators | The matter of animal welfare legislation and practical implication for commercial operators is outside the scope of this proposal | 014 |
| 271 | Raises concern about Firearm legislation and practical implications for commercial operators | The matter of firearm legislation and practical implication for commercial operators is outside the scope of this proposal | 014 |
| 272 | Raises concern about Agricultural and Veterinary Chemical (control of use) legislation and practical implications for commercial operators | The matter of Agricultural and Veterinary Chemical legislation and practical implication for commercial operators is outside the scope of this proposal | 014 |
| 273 | Raises concern about Aboriginal Heritage legislation and practical implications for commercial operators | The matter of Aboriginal Heritage legislation and practical implication for commercial operators is outside the scope of this proposal | 014 |
| 274 | Suggests that the complexity of current legislation and regulations impact on the business opportunities and their ability to manage invasive species | Noted. | 014 |
| 275 | Calls for increasing resources for invasive species management in particular funds to carry out research, manage public land and support private landholders and conservation volunteers | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 031 |
| 276 | Believes that the proposed 2 category system will result in invasive species with very different potential impacts and distributions being lumped into the same category, which may confuse and further alienate relevant stakeholders. | Within each category there will be provision for different approaches to be implemented for each species. The multiple categories under present legislation have proven to be a source of considerable confusion leading to the conclusion that large numbers of categories are not helpful. | 033 |
| 277 | Understands the rationale for removing the requirement for CMAs and VCMC to provide advice but questions how advice regarding declarations will be handled and whether all advice should be considered equal or binding | The proposed legislation will not make advice from anybody binding on the decision of the Minister for Agriculture and Food Security which is consistent with the provisions of present legislation. On the point of whether advice is equal, the weight of advice received from any particular source is expected to be based on the level of expertise of the source and the number of individuals or businesses that it represents as is the case for many other matters that the government received advice on. | 033 |
| 278 | Concerned about the potential increased reliance on Codes of Practice and Accreditation system as they may reduce in effectiveness over time, are difficult to monitor and report on and are limited in public scrutiny. | Noted. The development of subordinate legislative rules and instruments are subject to the scrutiny of the Subordinate Legislation Act 1994 which provides for consultation and assessments of burden. | 033 |
| 279 | Concerned about the treatment of established pest plants and animals in a highly regulatory framework that is hardly accessible or encouraging to communities | Noted. | 033 |
| 280 | Argues that effective prevention, detection and management of invasive species needs to be supported by political will and resources to deliver outcomes and to facilitate the 'entire process' from policy development to on ground action (including education, inspection and enforcement). | Noted. | 034 |
| 281 | Suggest that any consideration of market protection should include domestic markets | Noted. | 034 |
| 282 | Suggest that best return on investment is derived from communities taking charge and should be supported by resources and enforcement to achieve their full potential | Noted. | 034 |
| 283 | Suggest the inclusion of an obligation to take every reasonable care to prevent inadvertent spread of invasive species as a general obligation. | Noted. | 035 |
| 284 | Supports a system where pest plants and animals are clearly designated so that land managers and those influencing land health are clearly aware of their obligations. | Noted. | 035 |
| 285 | Believes that the "accountability" characteristic of good regulatory systems (as described in the Victorian guide to regulation) is vital in relation to the responsibilities and enforcing obligations of public land managers and the need for appropriate resourcing. | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 035 |
| 286 | Believes that the Department of Sustainability and Environment has been excluded from the preparation of the proposal. | DSE is a member of the project steering committee and has provided and continues to provide input through subject matter experts in the development of the proposed legislation. | 036 |
| 287 | Suggests that realistic values are placed on native flora and fauna so that these are taken into the equation when cost benefit analysis are undertaken. | Values associated with native flora and fauna are taken into account however there is no widely accepted standard approach for incorporation into a cost benefit analysis | 036 |
| 288 | Suggests that invasive soil pathogens are included within the taxonomic scope of the legislation. | Pathogens are outside the scope of the proposed legislation because they are already covered by other biosecurity legislation such as the Livestock Disease Control Act 1994 and the Plant Biosecurity Act 2010. | 036 |
| 289 | Believes the effect of the introduction of invasive species onto public land have not been considered. | The proposed legislation binds the Crown which means that the Crown will have the same responsibilities as a private person. This is in accord with the invasive plants and animals policy framework which advocates a tenure blind approach to the management of invasive species. | 036 |
| 290 | Suggests that Government Environment Departments and Environment Minister should have the lead control for managing invasive species | The Government has already decided that lead policy responsibilities for invasive species should rest with the Minister for Agriculture and Food Security and more recently that the proposed legislation should also be administered by the Minister for Agriculture and Food Security. | 036 |
| 291 | Calls for increasing resources for invasive species management | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 036 |
| 292 | Suggest that Councils have the ability to designate a group A rating to an invasive plant so as to have some immediate action to stop its introduction to local areas | Assuming a group A rating means 'category 1': Local councils will have the ability to request immediate declaration of a species into category 1 at any time and the proposed legislation will enable the Minister for Agriculture and Food Security to make declarations more readily. Where a species is of particular local significance Local Government are able to develop local laws. | 036 |
| 293 | Believes current declarations are subject to arbitrary changes without community consultation. | Under the proposed legislation, all subordinate rules and instruments, including declarations, will be subject to the scrutiny of the Subordinate Legislation Act 1994. This Act outlines, amongst other things, consultation requirements. DPI will consult with any sector of the public who may be significantly impacted by a proposed declaration. | 038 |
| 294 | Concerned that the legislation will not be enforced, and if it won't be enforced then resources could have been saved. | Noted. | 038 |
| 295 | Suggests that Government can and should be accountable for budget spending and for compliance with requirements by providing for regular independent assessments of the extent of pest invasion on all public land and detailed reporting to the public on expenditure and its effectiveness. | The Government accountability for budget expenditure is already provided for by systems that operate across the whole of government. The State of the Environment report provides regular information on matters including invasive species management. | 038 |
| 296 | Requires further detail on management plan to make comment. | Noted. Further consultation with stakeholders is scheduled for the development of subordinate legislative rules and instruments. This is likely to commence in late 2014. | 038 |
| 297 | Suggest to disallow the sale of any taxon except those on a permitted list (the submitter also proposed the implementation of a permitted list system). | Noted. | 038 |
| 298 | Believes the proposed legislation will help to reduce confusion for land managers in understanding their obligations and responsibilities and improve stakeholder responsiveness in meeting emerging invasive species challenges. | Noted. | 039 |
| 299 | Supports implementing a wider range of tools through subordinate legislation though is seeking further detail. | Noted. Subordinate legislative rules and instruments will be developed in the second step of this project (e.g. post 2014) subject to the scrutiny of the Subordinate Legislation Act 1994. DPI will provide further detail and undertake further consultation at that stage. | 039 |
| 300 | Sees retention and strengthening of existing measures and penalties as important components of the proposal. | Noted. | 039 |
| 301 | Seeks further information on transitional arrangements from existing legislation to the new legislation | Information on transitional arrangement will follow in due course. The first step of this project is to develop primary legislation by late 2014, the second step is to develop subordinate legislative rules and instruments following royal assent. Transitional arrangements and implementation of the new Act will follow these two steps. | 039 |
| 302 | Believes that the legislation duplicates provisions of the Wildlife Act 1975 and has capacity to take control of wildlife possession and trade matters from DSE and believes that the Wildlife Act contains provisions, and is best placed,? to regulate elements of trade in and the keeping of wildlife that could represent a threat to the Victorian economy, agriculture or human health. | Noted. DPI and DSE are working together to develop the proposed invasive species management legislation and to ensure appropriate relationships with other legislation. The proposed Invasive Species Management legislation is intended to be complementary to existing legislation (such as the Wildlife Act) and is not intended to usurp or duplicate such provisions. | 042 |
| 303 | Requests a briefing on the legislative proposal and further opportunity to provide a submission. | Noted. | 042 |
| 304 | Highlights the need for powers to enforce obligations to manage threats to native biodiversity | Noted. | 045 |
| 305 | Welcomes the recognition of the ability of community groups to facilitate invasive species control | Noted. | 045, 052 |
| 306 | Notes that the provision of adequate resources for public land manager and investment in research is noticeably absent from the discussion paper. | The matter of resource allocation and investment is outside the scope of this project and is subject to Government budget processes and policy decisions. | 045 |
| 307 | Agrees with the analysis of issues with the current legislation but raises a number of additional issues including: - lack of clarity around responsibilities for the management of pests and weeds on roadsides; - failings of public land managers to manage pests and weeds; - limitations on the control of wild dogs on public land | Noted. | 046 |
| 308 | Recommends that the clarification of pest and weed management responsibility on roadsides and funding must be carried through and continue under the new legislation | Noted. The Coalition Government has accepted the recommendation of the Bailey Report on Roadside Weeds and Pests that councils are best placed to control weeds and rabbits on local roadsides. The Catchment and Land Protection Act 1994 will be amended now and the legislative solution will be brought forward to the proposed Invasive Species Management Act. | 037, 046, 051, 072 |
| 309 | Recommends that the Government ensures that there are effective tools available under the new legislation to improve the management of invasive plants and animals on public land | Noted. | 046 |
| 310 | Recommends that the 3km buffer on public land for wild dog control is removed or that flexibility is created to enable control beyond the buffer when required | Noted. The matter of the 3km buffer on public land for wild dog control, or control beyond that buffer, is outside the scope of this proposal. Alternative processes are in place. | 046 |
| 311 | Recommends that sufficient resources are made available by the Victorian Government to meet the costs of increasing the scope of invasive species legislation | The matter of resource allocation and investment is outside the scope of this project and is subject to Government budget processes. | 046 |
| 312 | Recommends that the Government ensures responsibilities remain clear and prevent duplication between invasive species and biosecurity legislation | Noted. | 046 |
| 313 | Recommends that no cost shifting from Victorian government to private landholders will occur in the rationalisation of weed categories and ensure that responsibilities for control and eradication remain clear. | Noted. | 046 |
| 314 | Recommends that declaration of weeds continue to be made using CMA boundaries as a spatial unit, with the ability to declare weeds across multiple CMA's using a single process | Noted. The proposed legislation would enable declaration at any scale and thereby allow the use of CMA boundaries. The decision as to what spatial unit should be used will be a policy decision and not predetermined by legislation. | 046 |
| 315 | Recommends that adequate funding and support is committed to management plans and community groups before they are established to ensure effectiveness | Noted. | 046 |
| 316 | Recommends that any certificates and accreditation systems under the proposed legislation are industry led and do not duplicate existing mechanisms. | Noted. | 046 |
| 317 | Supports the ability of government to apply a biosecurity approach to invasive species management | Noted. | 046 |
| 318 | Generally supports Government efforts to close loopholes and strengthen legislation where doing so provides for or improves animal welfare. | Noted. | 047 |
| 319 | Notes with concern that references in the discussion paper to animal welfare are conspicuous in their absence and recommend the inclusion, in relevant sections, an assessment of the impact of the proposed changes on the humaneness of methods used to control invasive species, and the welfare impacts on animals of methods used to control invasive plants | Noted. Animal welfare is legislated for through the Prevention of Cruelty to Animals Act 1986. It is proposed that the current relationship and arrangements between the existing legislation (the CaLP Act) and POCTA are carried forward to those under the proposed legislation. | 047 |
| 320 | Recommends that documentation clarifies which legislation covers and / or protects the welfare of species native to Victoria that are not within the intended scope of the proposed Act. | Key legislation relevant to species native to Victoria includes: - The Flora and Fauna Guarantee Act 1988 (the FFGA) is the primary Victorian legislation for the conservation of threatened species and ecological communities and management of processes threatening Victoria's native flora and fauna.? Under the FFGA, the introduction of exotic organisms into the Victorian marine waters has been listed as a Potentially Threatening Process. - The purpose of the Wildlife Act 1975 is to establish procedures to promote the protection and conservation of wildlife; help ensure species of wildlife do not become extinct, provide for the sustainable use of and access to wildlife; and to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.  Key legislation regulating animal welfare is the Prevention of Cruelty to Animals Act 1986. | 047 |
| 321 | See benefit in the key obligations being further defined under subordinate legislation or through the development of practical management guidelines | Noted. | 047 |
| 322 | Endorses efforts to create a simpler and more comprehensive legislative framework for managing invasive species in Victoria. In particular the move towards a risk-based system, the use of contemporary biosecurity principles, alignment with strategies, policies and legislation, standardisation and streamlining of management efforts and the incorporation of a wider range of taxa are seen as a positive step. | Noted. | 048 |
| 323 | Concerned about the implications for councils with respect to weed and pest infestations on roadsides. Is concerned that the application of declaration categories to roadsides may create a significant burden and liability for councils, even with transitional funding currently on offer. | Noted. | 048 |
| 324 | Concerned that councils are left with the legacy of years of inaction in managing invasive species on roadsides, particularly without long-term funding | Funding to address roadside weeds and pest animals has been available for almost 10 years. The question of how long or to what extent funding should be provided is a future government policy decision. | 048 |
| 325 | Suggest that there is a need to ensure that councils are not left with the burden of unfunded and ongoing obligations in relation to roadside management and that there is further clarification on how responsibilities and strategies for roadside pest control will be managed under the proposed legislation. | The amendments to the Catchment and Land Protection Act 1994 (CaLP Act) to introduce a new system for roadside management of weeds and pest animals is under development. It is intended that the new proposed legislation will broadly continue this system put in place by the CaLP Act amendments. | 048 |
| 326 | Suggests that the proposed declaration categories may be too broad and lack sufficient flexibility to support a regional approach to weed management or facilitate the regional eradication of weeds and pests where they pose an emerging threat to the region. | The proposed two category system allows for flexibility in determining measures to be applied for each particular species including specifying areas of the State where they are to be carried out. Experience has shown that managing invasive species according to regional boundaries is often not particularly effective. | 048 |
| 327 | Believes that local and regional priorities will not be recognised under the proposed declaration categories and that it may lead to a State-wide blanket approach which addresses only those species that pose a risk to assets of State significance and ignores threats to assets at local and regional levels. | Noted. | 048 |
| 328 | Concerned that the proposed legislation would be perceived as a means of redirecting responsibilities for control of State and Regionally Prohibited weeds to other land managers such as Local Government | Noted. | 048 |
| 329 | Believes that implementation of the proposed legislation should be backed by State government investment in compliance and enforcement activities | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 048 |
| 330 | Believes that the State should take a lead in implementing, funding and administrating the system | Noted. | 048 |
| 331 | Believes that authorised officers are given sufficient authority and resources to deal with non-compliance efficiently and appropriately (including rapid assessment of non-compliance cases, issuing of infringement notices and increase of penalties) | Noted. | 048 |
| 332 | Believes that the State government must manage the communication of objectives, processes and implications of the proposed legislation to the public and that it should not be left to councils to undertake | Noted. | 048 |
| 333 | Suggest that an outline of the history of feral invasions in Victoria would have been instructive | Noted. | 050 |
| 334 | Questions whether "a new single authority be any less complicated in practice than the old system" | The proposed new legislation is intended to be simpler and easier to understand. This would be achieved by standardising provisions, requirements? and approaches for types of organisms and by streamlining processes. | 050 |
| 335 | Questions the consideration of costs and benefits of invasive species in the context current and future believe systems | Noted. | 050 |
| 336 | Questions why genetically modified and genetically novel species 'have been left out of the picture' | Genetically Modified Organisms are regulated through other legislation. There is no intention to duplicate existing legislation. | 050 |
| 337 | Calls for greater restrictions on plant nurseries and exotic fish traders and more restrictions and greater penalties on sales and trading (including penalties for breaches of regulation and consideration of legal liability for consequences). | Noted. | 050 |
| 338 | Sees education as an outstanding omission from the discussion paper and calls for better education particularly in relation to introductions and translocations. | The matters of awareness raising and education are important elements of invasive species management and are recognised by Victoria's Invasive Plants and Animals Policy Framework. Its is an example of an important non-legislative approach that could be applied to achieve desired outcomes. | 050 |
| 339 | Suggests that an independent authority becomes responsible for biosecurity rather than 'Government'. A system along the lines of a court system is envisioned. | The merits of transferring biosecurity to a semi-autonomous agency is a matter for consideration by the Government of the day. The scope of developing this proposed legislation does not extend to consider such system. | 050 |
| 340 | Calls for more funding for feral management and believes cutting funding is short-sighted and counterproductive | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 050 |
| 341 | Calls for funding to be available when it is needed because of the ecological relationships between organisms and their environment. | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 050 |
| 342 | Calls for more policy integration in relation to land management | The matter of policy development is outside the scope of this project. The enabling nature of the proposed legislation would facilitate such considerations. | 050 |
| 343 | Believes the proposed legislation is an extension of the old model and may have marginal benefit if adequately funded and targeted but is unclear where the emphasis of protection will lie (public / private land, urban / rural issues). | Priorities for management will be set in accordance with Government policy of that day and will not be predetermined by the proposed legislation. The matter of resource allocation is outside the scope of this project and is subject to Government budgetary processes. | 050 |
| 344 | Believes the proposed legislation will not result in an effective workable decision-making process to address invasive species problems. | Noted. | 050 |
| 345 | Suggests ongoing funding for land managers that support the work of community groups | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 052 |
| 346 | Encourage investment in research | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 052 |
| 347 | Concerned about the lack of funding to follow through with weed and animal control | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 056 |
| 348 | Concerned about the lack of powers given to various department to fine those who deliberately or knowingly ignore the law | Noted. The proposed legislation will include a range of offences and aggravated offences and provide for the issuing of infringement notices for smaller offences. | 056 |
| 349 | Suggests that introducing and knowingly distributing invasive species should be offences | Noted. The proposed legislation will include a range of offences and aggravated offences and provide for the issuing of infringement notices for smaller offences. | 056 |
| 350 | Suggests that land owners neglecting to control invasive species on their land should be an offence | Noted. The proposed legislation will include a range of offences and aggravated offences and provide for the issuing of infringement notices for smaller offences. | 056 |
| 351 | Suggest that legislation is rolled out evenly across the country | The Victorian Parliament may make an Act of Parliament for the State of Victoria. The development of national legislation is the responsibility of the Australian Government. | 056 |
| 352 | Notes that some local municipalities are careful and efficient and receive no thanks or reward for their diligence while other councils (or states) ignore the threat and are not penalised for undermining their neighbours' efforts | Noted. | 056 |
| 353 | Suggests that when neglect of weed management has the added effect of reducing the quality of vegetation or, in the case of animals, threatening native species, then this should attract a further penalty | Noted. The proposed legislation will include a range of offences and aggravated offences and provide for the issuing of infringement notices for smaller offences. | 056 |
| 354 | Suggests that local government would welcome the opportunity to provide advice on priority species for declaration, particularly on a scale smaller than whole-of-catchment | Noted. Local Government (and any other stakeholder) will have this opportunity in the second step of this project (e.g. post 2014) when the subordinate legislative rules and instruments will be developed. | 055 |
| 355 | Suggests the use of an "operational control" concept similar to the approach taken by section 11a of the Commonwealth National **Greenhouse and Energy Reporting Act 2007 (Commonwealth)** ?to prevent confusion about who is responsible for meeting category 2 obligations. | Noted. | 055 |
| 356 | Suggests that the applicability of 'industry funding schemes' is expended to explicitly allow for local government as a group to develop such schemes. | Noted. | 055 |
| 357 | Suggests that community groups and councils are key partners in delivering on-ground works to manage invasive species and that enforcement activities to support community group activities should be done in conjunction with local government | Noted. | 055 |
| 358 | Urges the careful consideration of terminology and definitions to be applied within the proposed legislation | Noted. Terminology will be consistent with our the Invasive Plants and Animals Policy Framework. Where terminology will differ it will be defined to provide clarity. | 059 |
| 359 | Suggest careful consideration to the differences between the terms: native & non-native (alien, exotic); indigenous and non-indigenous, invasive, invasion, range-shifting / range-shift, pest, weed, impact (both positive and negative) or harm | Noted. Terminology will be consistent with the Invasive Plants and Animals Policy Framework. Where terminology will differ it will be defined to provide clarity. | 059 |
| 360 | Encourages Government to be pro-active in making sure the new 'policy' is as 'climate change ready' as possible | The matter of policy development is outside the scope of this project. The enabling nature of the proposed legislation would facilitate such considerations. | 059 |
| 361 | Urges careful consideration to what management outcomes or actions are recommended for or tied to each term. | Noted. | 059 |
| 362 | Provided a number of publications for consideration in getting the definitions right. | Noted. | 059 |
| 363 | Is of the view that strong legislation must be matched by an appropriate level intervention and community support | Noted. | 060 |
| 364 | Is in favour of industry based support schemes that enable a rapid response to emergent invasive species but are of the view that this should not shift the responsibility away from responsible authorities. | Noted. | 060 |
| 365 | Supports a risk based approach to invasive species management where the level of response is commensurate with the threat posed by the invasive species in question and the importance of values to be managed | Noted. For more information see the Victorian Biosecurity Strategy and the Invasive Plants and Animals Policy Framework and its underlying modules. | 060 |
| 366 | Believes that ongoing support for community and agencies to work in partnership to effectively mitigate the impact of invasive species is vital and advocates further investment in invasive species management. Believes that support must extend to early detection and prevention as well as resources to mitigate the impact of invasive species once established. | Noted. For more information see the Victorian Biosecurity Strategy and the Invasive Plants and Animals Policy Framework and its underlying modules. | 060 |
| 367 | Is of the view that industries involved in the production or trade in species that are, or could be invasive, should be involved in support initiatives to reduce invasive species. | Noted. Further consultation with stakeholders is scheduled for the development of subordinate legislative rules and instruments. This is likely to commence in late 2014. | 060 |
| 368 | Supports the notion of clearly defined management actions and plans and are of the view that greater certainty is required in this area but believes that further work is required to adequately define control levels and adequately communicate the expectations of management plans. | Noted. Further consultation with stakeholders is scheduled for the development of subordinate legislative rules and instruments. This is likely to commence in late 2014. | 060 |
| 369 | Is of the view that regular reviews of the status of species with the capacity to include additional species is important. | Noted. The streamlined declaration provisions under the proposed legislation and the requirements of the Subordinate Legislation Act 1994 would enable regular review (maximum of 10 years). | 060 |
| 370 | Support appropriate resourcing that matches the value that the community places on agricultural, environmental and water resources | Noted. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 060 |
| 371 | Welcomes legislation and policy reform as long as this ensures a stronger protection of the agricultural and ecological productivity of the Yarra Ranges | Noted. | 037 |
| 372 | Is of the view that the proposed legislation should be enabling legislation and not 'penalty driven legislation' | Noted. | 037 |
| 373 | Is of the view that it is critical that the proposed legislation can be used to continue to support voluntary efforts of Local Government, community and State Government agencies. | Noted. | 037 |
| 374 | Believes it is important to protect decades worth of investment on invasive species management so far. | Noted. | 037 |
| 375 | Is of the opinion that enabling legislation in conjunction with appropriately resources efforts in education and incentives for control of high threat invasive species is critical for the protection of significant biodiversity and economic industries. | Noted. Incentive and education are non-legislative tools that are and will continue to be used by Government to achieve policy outcomes | 037 |
| 376 | Suggests the creation of provisions preventing the sale of high threat environmental weeds. | Environmental weeds are not a formally recognised category. Assuming it refers to weeds that effect the environment rather than agriculture, this will be allowed for as it is under current legislation and whether or not it occurs will be a matter for policy determined at the time. The proposed legislation does provide for the regulation of sale of invasive species including invasive plants that impact on the environment (see general obligations). | 037 |
| 377 | Can provide a list of species for declaration when required. | Noted. Further consultation with stakeholders is scheduled for the development of subordinate legislative rules and instruments. This is likely to commence in late 2014. | 037 |
| 378 | Suggests that Sweet pittosporum should be given special treatment? via a mechanism to create exclusion zones for the sale and planting of the species outside of its natural occurrences | The scope of the proposed legislation does not include species native to Victoria. | 037 |
| 379 | Industry has expressed concern about the extent to which 'prescribed carrier provisions' can apply to plant species when there is a known high risk of that plant being a carrier or whether there may be industry wide bans placed on species that have a possibility of being a host. Nursery industry should be given clear and accurate information on the species that have invasive potential. | Noted. Partnerships and working with industry are an important element of successful management of invasive species issues. | 037 |
| 380 | Welcomes further opportunities to be involved in the further development of the Bill and the development of subordinate legislation | Noted. Further consultation with stakeholders is scheduled for the development of subordinate legislative rules and instruments. This is likely to commence in late 2014. | 037, 043 |
| 381 | Is of the view that the proposed legislation lacks clear, appropriate and/or sufficient forceful direction and purposes. It is suggested to include in the objective, planned and strategic priorities to: - reduce the impact of invasive species generally; - establish State-wide and local environmental and, as relevant other goals; - establish plans for the eradication of invasive species as far as practical and having regard to amongst other things a) local and wider distribution, b) appropriate and relevant scientific opinion, c) the nature distribution and impact of the species, d) the capacity for creating areas or zones free of invasive species, and e) resources, education, participation and involvement in eradication or management. - timescales | Noted. | 043 |
| 382 | Suggests that the operation of any obligations under the proposed Act should be accompanied by sufficiently wide rights or powers of enforcement. Submit the inclusion of provisions for 'open' standing and means to take 'enforcement action in an appropriate jurisdiction such as VCAT'. | The proposed legislation will include provisions regarding appeals and the review of decisions and the mechanisms by which this may occur. Consideration will be given to jurisdictions such as VCAT. | 043 |
| 383 | Suggests a presumption against dealing in invasive species could be combined with duty of care provisions. These duty of care provisions should go beyond merely 'negative duties' (contribute to or exacerbate) and include positive duties to act on the management, control and as far as practicable the diminution and eradication of invasive species. | Noted. | 043 |
| 384 | Submit that the operation under the authority of the Minister is not the preferred approach. Coordination, organisation and governance of a system of invasive species control and /or eradication should be either: a) under the authority of a dedicated statutory entity (including representatives from CMAs, port authorities, Councils and other interest groups) or b) a coordinating body with statutory support drawing together the before mentioned representation and interests, although with significant powers and interests remaining with existing statutory entities such as CMAs and Councils. | The merits of transferring biosecurity to a semi-autonomous agency is a matter for consideration by the Government of the day. The scope of developing this proposed legislation does not extend to consider such a system. | 043 |
| 385 | The focus on prevention and early intervention in the management of biosecurity risks that affect Victoria and the nursery industry is the responsible strategy to implement, although the numerous issues surrounding implementation and its ongoing management must be proportional to the risk | Noted. | 044 |
| 386 | Believes the current climate of reduced resources and full-fee recovery programs suggests that further financial burdens will be placed on the Nursery and Garden Industry in order to comply with the proposed new legislation | The development of new legislation has been divided into two steps to meet the timelines set by the Minister for Agriculture and Food Security. The first step is the development of the primary legislation and the second step is the development of subordinate legislative rules and instruments. Both steps involves consideration of whether any significant burden is placed on any sector of the public (including industry). | 044 |
| 387 | Believes that another section of the same department is to intervene in the management of biosecurity in the nursery industry and believes that it would manifest induplication of biosecurity management in the nursery industry | The Minister for Agriculture and Food Security is currently responsible for biosecurity policy and other biosecurity legislation. The proposed administrative arrangements will bring the management of invasive species into a biosecurity framework and will reduce duplication of effort between Government departments, notably DPI and DSE. | 044 |
| 388 | Believes the addition of further accreditation schemes and further financial encumbrances to manage an adequately regulated Emergency Plant Pest (Red imported fire ant) is unreasonable. | The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess whether any significant burden is imposed on any sector of the public by the proposed rule or instrument. Stakeholders will be consulted in the second stage of this project when the subordinate legislation will be developed. | 044 |
| 389 | Concerned that the regulatory impact statement, subordinate legislation and exposure drafts may not be available for review or comment. Is keen to provide comment on any subordinate legislation and exposure drafts | A Business Impact Assessment will be prepared for the proposed Bill. Legislative requirements however specify that this assessment should be a confidential document unless the Minister approves its release.  An exposure draft of the Bill is currently not proposed in order to meet deadlines.  The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant burden imposed by the proposed rule or instrument. Stakeholders will be consulted in the second stage of this project when the subordinate legislation will be developed. | 044 |
| 390 | Are willing to engage and help DPI understand the existing Nursery Production Farm Management System accreditation scheme and provided information within its submission. Also seeks acknowledgement of the work the industry has done prevent and manage incursions such as Myrtle rust. | Noted. | 044 |
| 391 | Wish to continue long relationship of working with government to aid with the delivery of a reasonable yet comprehensive document that acknowledges the work industry is currently undertaking to prevent and manage any biosecurity risks. | Noted. | 044 |
| 392 | Finds the model of providing Government support (through Landcare Grants and the Victorian Blackberry and Gorse Taskforces) to empower communities to manage weeds in their local area a successful one. | Noted. | 053 |
| 393 | Suggests that there is a need to ensure that invasive species are properly managed and addressed on public reserves and crown land, roadsides, rail easements etc. and that the appropriate State and Local Government agencies are provided with sufficient on-going funding in order to take these actions fully. | The proposed legislation will bind the Crown so that it will have the same responsibilities as a private landowner. The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 053 |
| 394 | Expressed that Landcare groups and non-government NRM organisations are prepared to contribute to the management of weeds on public land however these community-initiated efforts should complement and extend the exercise of basic management responsibilities by public land managers. The Bill should clearly specify the duties of the full range of public land managers in respect to public land (including roadsides). | Noted. The proposed legislation binds the Crown which means that it will have the same responsibilities as a private land manager. The matter of roadside management is currently being addressed by proposed amendments to the Catchment and Land Protection Act 1994 and is proposed to be brought forward into the proposed legislation. | 053 |
| 395 | Recommends the inclusion of mechanisms for community engagement in implementing the legislation in areas such as development of Codes of Practice and other subordinate legislation | Noted. The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant burden imposed by the proposed rule or instrument. Stakeholders will be consulted in the second stage of this project when the subordinate legislation will be developed. | 053 |
| 396 | Believes the Victorian Government is too reluctant to harness the environmental knowledge of experts in academia and private enterprise and urge for greater use of expertise outside the State Government. | Noted. The Government works together with experts both within and outside of Government as required. | 061 |
| 397 | Commends the approach being taken to the proposed legislation. | Noted. | 061 |
| 398 | Believes a lot of potential benefits and pitfalls lie in the subordinate legislation that is not discussed in any detail in the discussion paper but is pleased to see an intent to unify legislation relating to matters that span so many existing instruments. | Noted. The development of Subordinate rules and instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. Under this Act the Minister must consult with relevant Ministers and other stakeholders and assess any potential significant burden imposed by the proposed rule or instrument. Stakeholders will be consulted in the second stage of this project when the subordinate legislation will be developed. | 061 |
| 399 | Believes the inclusion of marine species is a significant benefit but would have liked to see pathogens come under the same legislation and approach and is not clear why the arguments put in the discussion paper for unification of legislation do not apply equally to pathogens. | Legislative reform, particularly the development of a unitary legislative framework is a complex, expensive and an ambitious undertaking. Victoria's already has two effective pieces of biosecurity legislation (the Plant Biosecurity Act 2010 and the Livestock Disease Control Act 1994). The LDC Act already deals with pathogens and hence it was decided that it would be simpler to address the gaps in taxonomic scope by retaining these multiple pieces of legislation and by ensuring consistency with these Acts through harmonisation of provisions. | 061 |
| 457 | Recommends: The principles of ecologically sustainable development need to be fully and explicitly incorporated into the proposed legislation. Examples include: precautionary principle; intergenerational equity; conservation of biodiversity and ecological integrity; Improved valuation, pricing and incentive mechanisms | These matters are addressed within a range of government policies and have been taken into consideration during the development of this proposal. | 072 |
| 458 | Recommends: The legislation should contain an overarching legislative duty of care with respect to invasive species control and management. This should clearly apply to both private and public land owners and managers. | Noted. | 072 |
| 459 | Recommends: Administration and governance arrangements for the new regime need to be clarified, and in particular the legislation needs to provide for the involvement of agencies with responsibility for environmental management, not just the Department of Primary Industries. | In Victoria machinery of government is a matter that is the sole responsibility of the Premier. It is the Premier that allocates functions and responsibilities between departments and Ministers. For more information on machinery of government please visit the Department of Premier and Cabinet website (www.dpc.vic.gov.au)  DPI works collaboratively with other agencies that have an interest in biosecurity (for example the Department of Sustainability and Environment and Parks Victoria) on a daily basis. More formal arrangements such as Victoria's Biosecurity Standing Committee are also in place. | 072 |
| 460 | Recommends: The need for a coordinated national approach to invasive species management should be emphasised. | The proposed legislation is State legislation and the advantages of a coordinated national approach is acknowledged. State legislation however cannot effect such outcomes. By developing enabling and flexible biosecurity legislation we aim to make cross jurisdictional approaches as straight forward as possible. | 072 |
| 461 | Recommends: The prospect of improved compliance and enforcement is welcomed. It should be supported by a clear legislative duty on the part of the responsible agency to enforce the legislation and complemented by legal requirement to develop and publish an enforcement policy. There should also be a requirement for the regular reporting of data with respect to compliance and enforcement activities. | Enforcement powers for invasive species management are a tool to achieve risk mitigation. Selective use of such powers is a necessary part of prioritising resource allocation to optimise benefits. A rigid legislative requirement to enforce compliance in all circumstances would be inefficient and counterproductive. The question of whether or not enforcement policy and data should be made public and at what level of detail is a policy decision by the responsible Minister, noting that in some circumstances providing detailed information may facilitate or encourage non-compliance. | 072 |
| 462 | Recommends: The degree to which the proposed scheme relies on subordinate instruments is a concern. The Bill should be developed on the basis of the principle that important duties and obligations are be contained in the primary legislation. Where delegated legislation or other instruments such as Codes of Practice are to be developed later, there should be a legislative requirement for the Department to publish a program for their development, plus the requirement for community and industry engagement in the development of these subordinate instruments. | The proposed Act includes a number of obligations or duties - 'general' obligations that apply to both categories; obligations that apply to category 1 species only; obligations that apply to category 2 species and obligations in relation to prescribed carriers. The definition or tailoring of these obligations through subordinate legislative rules or instruments will be subject to the scrutiny of the Subordinate Legislation Act 1994. This Act sets out requirements regarding consultation of any sector of the public that may be effected by the proposed legislative rule or instrument and assessment of potential burden imposed by the proposed legislative rule or instrument. | 072 |
| 463 | Believes that there is an unresolved conflict of interest arising where (if the Minister for Environment is not given appropriate oversight) DPI may actually develop or breed an invasive species that will threaten ecological systems (a recent example is Tall Wheat Grass which is now listed as a Potentially Threatening Process under the Flora and Fauna Guarantee Act 1988). | DPI is aware of the potential risk from organisms used in agriculture and has internal processes in place to ensure such risks are appropriately considered. | 073 |
| 464 | Notes that in the discussion paper, the concepts:? 'impacts of consideration' has the environment listed last. Believes it is a priority list and that environment should be listed first or second or more appropriately the needs of the agricultural sector and the natural environment should be listed as the two main priorities of invasive species management. | The intention of the proposed legislation is not prioritise one impact of consideration over another. The list in the discussion paper is not a priority listing. The intention of the legislation is to be comprehensive in terms of the threats posed by invasive species and enable the implementation of Government policies of the day. | 073 |
| 465 | Suggests an audit process to review progress on meeting suggested minimum standard of management for existing weeds and pest across all tenures to prevent irreversible biodiversity loss. | Noted. | 073 |
| 466 | Calls for greatly enhanced investment? in tackling invasive species which are impacting on the natural environment to better manage its own lands and waters, to support landholder and community efforts, and to invest in research programs and targeted eradications | The matter of resource allocation is outside the scope of this project and is subject to Government budget processes. | 073 |
| 467 | Suggest that a bond could be levied on new activities for which future control efforts are likely to be needed. | Noted. | 073 |
| 468 | Believes that most local conservation groups were not aware of the proposed changes and their concerns were not actively sought. Believes that the advice and networks of DSE and the proposed expert advisory body must be drawn on to ensure environmental stakeholders are properly consulted. | The public consultation program commenced on Monday 13th of August and closed 8 weeks later on Friday 5th of October. It involved in addition to a discussion paper for public consultation, briefings with key stakeholder groups, regional open house events, the development of an information brochure, dedicated webpages on the DPI website, media and ministerial releases, adverts in State and regional papers and the use of social media such as twitter. Targeted letters were also send to peak bodies to raise awareness. DPI is working collaboratively with DSE and Parks Victoria on this project and both DSE and PV are represented on the Steering Committee for this project. | 073 |
| 469 | Noted that that the discussion paper has been removed from the DPI website after closing of submissions. Believes the paper should remain on the DPI website to help inform future responses to government proposals. | The link to discussion paper will be restored. | 073 |
| 470 | Supports the proposed cross-tenure approach | Noted. | 073 |
| 471 | Supports the proposed extension to cover invertebrates and aquatic invasive species | Noted. | 073 |
| 472 | Supports allowing declarations to be made at appropriate scales rather than administrative boundaries though suggests it would be enhanced if a multiple barrier approach was adopted, allowing different responses further away from the outbreak and cross-border cooperative arrangements and responses were administrative simple | The enabling nature of the proposed legislation and the range of subordinate legislative tools would allow tailored responses. | 073 |
| 473 | Welcomes the move to legislation? that integrates the management of noxious weeds and pest animals into a general management approach to all invasive pest organisms | Noted. | 076 |
| 474 | Believes the focus on risk management and increased emphasis on prevention and early intervention are both in line with recognised best practice and with current policy in SA and other jurisdictions. This will facilitate co-operation in national responses to future pest incursions and minimise border issues | Noted. | 076 |
| 475 | Asks whether more emphasis can be given to supporting land managers, water managers and industries to understand the implicit responsibilities held by individuals regarding biosecurity | The matter of raising awareness and education people (including land managers, water managers and industries) is an important facet of achieving invasive species management outcomes. It is a good example of a non-legislative approach to achieving policy outcomes. The implementation of the proposed new legislation would involve such activities to ensure a smooth transition to a new legislative framework. | 076 |
| 476 | Asks whether invasive freshwater algae are included in the scope of the proposed legislation | Micro-organisms such as phytoplankton are outside the scope of the proposed legislation. | 076 |
| 477 | Will there be an ability to prohibit sale and movement for category 2 invasive plants to help protect 'clean areas in other States'?. | The enabling nature of the proposed legislation and the range of subordinate legislative tools would allow for such action if the risk posed by the species warrant such action. | 076 |