



Biosecurity Framework Submissions
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Dear Sir/Madam,

Re Submissions on Proposed Framework for a New Biosecurity Act

Thank you for the opportunity to comment on the proposed framework for a New Biosecurity Act.

The NSW FPA has a specific interest in the biosecurity of forested landscapes. Within New South Wales there are 27 million hectares of land that are classified as having woody vegetation cover. On around 20 million hectares of this land (25% of New South Wales) forest management is the primary land use.

Our submission seeks to focus on issues that are highly relevant to forests that we believe have been given insufficient attention within the discussion paper.

Pests, weeds and diseases along with altered fire regimes are widely acknowledged and recognised as key threats to biodiversity and other forest values.

We see the new Biosecurity Act as an important opportunity to achieve more effective regulation and management of established pests, weeds and diseases. We also see the new Act as an opportunity to better integrate the governance of pests, weeds and disease with other environmental protection laws.

The management of forested landscapes is currently subject to an excessive number of legislative instruments. We applaud the decision of Government to begin to reduce this complexity through the development of a single new Biosecurity Act.

While the proposed framework for the new Biosecurity Act aims to break down some of the divisions we are not convinced that due consideration has been given to the challenge of achieving effective and integrated cross tenure management of pests, weeds and diseases.

Forested lands, unlike agricultural lands, remain predominantly within public ownership. As such government must accept a leadership role in the management of cross tenure threats.

The FPA understands that the governance of forest lands is currently challenged with jurisdictional responsibilities split between the Minister for the Environment and the Minister for Primary Industries. Legislative instruments controlled by the Minister for the Environment are specifically concerned with mitigating the threats on biodiversity and other environmental values while responsibility for the control of the key threats to these values, namely pests, weeds, and diseases rests principally with the Minister for Primary Industries. This division is

exacerbated at a management level by public servants with narrow jurisdictional responsibilities.

Evidence of these challenges recently emerged when the NSW EPA released a discussion paper on the *Remake of the Coastal Integrated Forestry Operations Approvals*. In this document the NSW EPA explicitly stated that it *has had no regulatory focus on weed and pest control over the past 5 years* and that *the new IFOA would not regulate this activity*. This position is unacceptable if one assumes that the core aim of the IFOA is the protection of the environment.

In the absence of the EPA's consideration of weed and pest management it was reasonably expected that the issue would be flagged by NSW DPI within its discussion paper - *Proposed Framework for a New Biosecurity Act*. This did not occur, with no reference to forests to be found anywhere within the document.

With the introduction of new Biosecurity Act, we encourage the NSW DPI to take the opportunity to look beyond agriculture and recognise that the following statement (taken from its own discussion paper) applies equally to itself and its fellow State based management agencies.

Pests, diseases and weeds do not recognise jurisdictional boundaries, so state and territory governments cannot operate in isolation from each other, despite having full responsibility within their borders.

Thank you again for the opportunity to comment. We have chosen not to use the standard submission template as the majority of our comments falls under item 7 (other comments). We have also made comment in relation to item 6. (the tenure neutral approach to biosecurity).

Should you wish to discuss any of the issues raised in this submission please do not hesitate to contact me directly.

Yours sincerely,

A handwritten signature in black ink that reads "Maree McCaskill". The signature is written in a cursive, flowing style.

Maree McCaskill
General Manager

Pests, weeds and diseases are recognised as key threats to biodiversity and forest health.

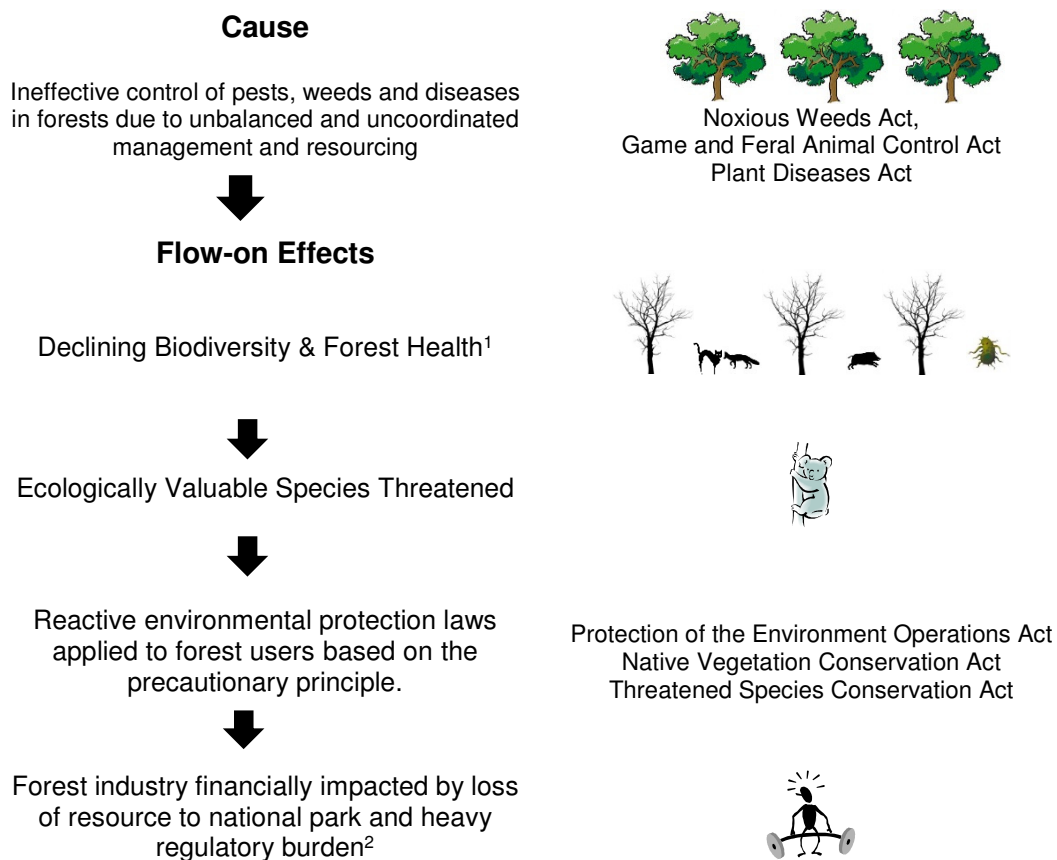
The NSW State of the Environment report, 2012, states - *invasive species (including pest animals, weeds and diseases) are widespread across New South Wales. They are difficult to manage effectively and remain one of the biggest threats to biodiversity. Many are listed as key threatening processes in NSW legislation, with pest animals and, in particular, weeds identified as a threat to over 70% of all threatened species.*

Within NSW the Minister who is responsibility for protecting the environment does not have any direct powers to mitigate key threats to the environment posed by pests, weeds and diseases. The Minister with this power is the Minister for Primary Industries whose portfolio agency remains focused on the biosecurity of agricultural land.

Ministers for the Environment, in the absence of any direct powers, have sought protection for the environmental indirectly. This has occurred through the broad-scale dedication of national parks, and the introduction of legislative instruments which seek to protect biodiversity by controlling and restricting human activities in forests.

Over the last 15 years the NSW native forest industry has been heavily impacted by this approach with major reductions to the area of forest available for timber harvesting and onerous site specific operational requirements (refer Figure 1).

Figure 1 - Environmental and economic implications of ineffective management of pests and weeds and diseases



¹ Our biodiversity continues to decline, and many important ecological processes and threats operate at scales larger than individual protected areas. Climate change, along with invasive species, land use change and altered landscape hydrology,

presents a major challenge for biodiversity conservation planning in Australia. (Australia's Strategy for the National Reserve System, 2009)

²Each coastal IFOA applying to public native forest contains over 2000 conditions (NSW EPA, 2014, IFOA Remake)

Within the DPI discussion paper there has been no specific consideration of the relationship between the new *Biosecurity Act* and environmental protection laws administered by the State's Minister for the Environment.

The NSW Government has recently committed to undertake a review of its other environmental protection laws, namely, the *Native Vegetation Act 2003*, the *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001* and parts of the *National Parks and Wildlife Act 1974*. This initiative is strongly supported however to date there has been no indication as to how the future operation of these Act(s) will be aligned and effectively integrated with the new *Biosecurity Act*.

Some recognition of the importance of this issue may be found within the DPI discussion paper which states - *It is important that our legislation is complementary and compatible with legislation in other states and territories, particularly those bordering NSW, leading to more effective management of biosecurity risks and regulatory and compliance activities.* Application of this principle is equally as important to interstate boundary issues as it is to the boundaries issues which exist between the State's own laws.

Within the DPI discussion paper the importance of the government's role in public land biosecurity seems to have been downplayed. Within NSW there is approximately 12 million hectares of public land where native forest management is the primary land use. Major land managers include NPWS (7M hectares) FCNSW (1.8M hectares) Crown Lands Division (2.2M hectares), LLS (0.5M hectares) and Sydney Catchment Authority (0.07M hectares). On the basis of scale alone, governance and organisational arrangements on public land warrant more in depth consideration.

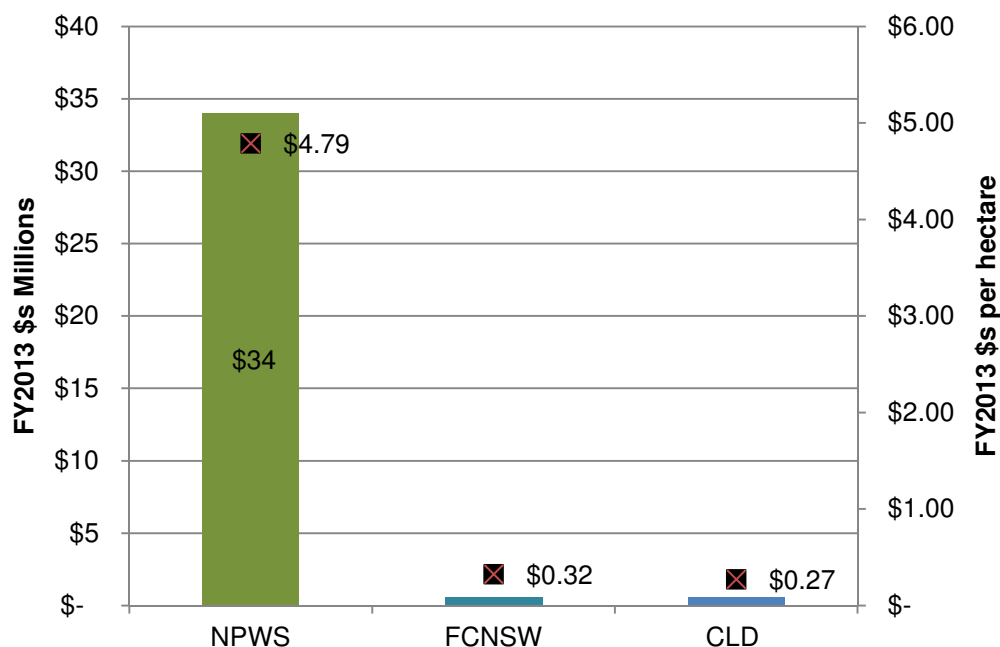
Under the current governance arrangements each of the major forest landholders have considerable discretion to determine how they meet their statutory obligations and there is no system to effectively monitor or compare their performance. In the absence of such accountability each agency has been largely free to do its own thing. Of the public land management agencies, the NPWS is the best resourced and the most proactive, actively seeking to mitigate threats to biodiversity and threatened species. FCNSW's interests focus more on minimizing impacts on commercial forest values and meeting its minimum statutory obligations. The Crown Lands Division's actions are principally dictated by its heavily constrained operating budget.

Clear evidence of imbalance within the public governance model is apparent from examination of the expenditure programs of the major land management agencies (refer figure 2). The huge differences in expenditure on their respective tenures clearly indicate that the allocation of funds is uncoordinated and that there is no independent regulator actively monitoring or benchmarking their performance.

The DPI discussion paper states that pests, diseases and weeds do not recognise jurisdictional boundaries. This acknowledgment should be sufficient to justify the need for a comprehensive investigation of how existing pests, diseases and weeds can be

better managed on public lands. As any State map will attest, National Parks, State Forests, Crown Lands, catchment authority lands and private forest lands are all inherently intertwined within the landscape. Any notion that a weed, pest or disease may be effectively controlled by repeatedly focusing effort on one tenure at the expense of another defies common sense, yet this is what is currently occurring.

Figure 2 – Expenditure on Pests and Weeds in FY2013 by public agency



Source: NPWS – public report; FCNSW & CLD - internal data

A successful new Biosecurity Act will be one that introduces a system that restores balance and accountability to the management of existing pests, weeds and diseases in forested landscapes in a manner that is independent of tenure. The new Biosecurity Act should also provide for efficient use of resources by the agencies in tackling pests, weeds and diseases across the whole forested landscape.

The independent role of Authorised Officers and how they exercise their powers under the new Biosecurity Act will be critical to the Act's effectiveness. On forest lands Authorised officers have traditionally had a very low profile, particularly when compared to the NSW EPA. As a consequence they have not been seen as a serious independent regulatory force. If the State is serious about the management of existing pests, weeds and diseases this perception will need to change.

Any requirement to strengthen biosecurity regulations relating to timber harvesting should be incorporated within the new IFOA and the Native Vegetation Act Codes. Any independent approach that is not integrated will be seen as an unnecessary regulatory burden.

At present the quantum of public funding for pest, weed and disease and the way expenditure is allocated is highly subjective and lacking in scientific merit. The impacts on the environment and the associated flow on effects to the economy clearly highlight that

there is strong case for the introduction of a more objective system to better guide both public and private spending.

The implementation of a cross-tenure forest monitoring system would allow scientifically robust data on pests, weeds and diseases to be collected and analysed at a regional and State level. Such a system would enable pest, weed and disease trends and the expenditure on their control to be more objectively assessed and tracked over the long term.

The world's best forest monitoring systems may be found operating within the United States. Within Australia, Victoria has recently introduced a successful long term forest health monitoring system that has been applied to all of its public lands. This system could be readily adopted by NSW and adapted to capture data on pests, weeds and diseases. The foundation of these systems is a series of permanent monitoring plot sites where scientific data is collected periodically or continuously.

Within NSW the NPWS is operating a rudimentary long term monitoring program called *WildCount*. This program uses motion-sensitive digital cameras to assess which parts of the landscape native animals occupy. These cameras are a cheap and effective way to also monitor vertebrate pests.

Within the Brigalow-Nandewar Region the FCNSW has begun implementing a forest monitoring system on all of its State forests. This program aims to: improve knowledge of the habitat requirements of threatened species within the Region; monitor populations of native animals and plants within the Region and; assess the extent to which any changes in population levels may be attributable to forest management and practice.

Key limitations of both State based programs are that they are confined to a single tenure and do not specifically seek to monitor weeds, pests or diseases across the entire landscape.
