



## **Australian Biofouling Management Requirements for International Vessel Arrivals**

### **Consultation Regulation Impact Statement Webinar Transcript**

**Geoff Fisher:** Hello and welcome to this Webinar on the Australian government's proposed biofouling management requirements for international vessel arrivals. My name is Geoff Fisher and I'm your facilitator today. Looking at what's ahead in this webinar. Over the next 20 minutes or so, we'll briefly discuss the regulation, impact statement and policy options covering the key aspects of those. Also provide a summary of the preferred policy. We'll then cover some frequently asked questions and hot topics and then we'll move on to a Q&A session. Now to introduce our panel members from the Marine Biosecurity Unit at the Department of Agriculture and Water Resources. We've got Peter Wilkinson and Susie Kropman. Good afternoon to you both and Peter if I can ask you to start off today.

**Peter Wilkinson:** Great. Thanks again. Thanks for that Intro Geoff. Just to reiterate something about the questions, this is really just to remind everyone that we're at the consultation phase of a process to improve our regulations on biofouling related biosecurity risks. So the risks that we've published on the 1st of April and this webinar really aim to inform you about those proposed changes. So if anything is unclear or you're uncertain, please ask questions either during the webinar or by contacting us. And then another key element is to then provide your feedback on how the proposed options and the preferred option could be improved and how they may affect your business.

**Peter Wilkinson:** Obviously you need to provide your feedback if you want us to take it into account. And the more details you can provide, the better. As just a brief back ground, 2015 and 16 were big years for marine biosecurity in Australia. And in 2015, the department completed a review of our national marine pest biosecurity system. And in 2016 the new biosecurity act came into effect, which significantly changed the legislation and our approach to managing biosecurity risks. The review made some very clear recommendations pertinent to this discussion and the RIS around recommending the implementation of a policy to require biofouling management plans and record books consistent with the IMO guidelines.

**Peter Wilkinson:** And that review and other actions such as the Senate inquiry on environmental biosecurity and lessons we've learned from implementing the Ballast Water Management Convention have really changed our direction in terms of biofouling management from under the RIS. This was called option two, which is a species based approach to looking more towards the preferred option of option three and implementing effective biofouling

management plan practises. Key objective for our biofouling policy is to minimise the amount of biosecurity risks associated with biofouling through a policy that minimises the amount of biofouling on international vessels of arriving in Australian territory and results in improved and proactive biofouling management of vessels arriving, but also that then move on in Australia.

Peter Wilkinson: We're trying to ensure the least necessary regulatory impact on vessels and Australian trade and a policy that moves us towards a nationally consistent biofouling management approach. It's also very important that it is consistent with international standards for vessel biofouling management. And there's a slide a bit later on about that international consistency. I wanted to highlight a bit about our current approach to biofouling management because there is a bit of a misunderstanding here about the current powers we have and whether we do currently regulate biofouling related biosecurity risks. Under our biosecurity act, we have extensive powers to manage biosecurity risks and that includes biofouling.

Peter Wilkinson: Our actions relating to biofouling as a result of our risk assessments and determinations where the risk is unacceptable. So the actions that we take and we have taken in the past relating to biofouling to ensure that where we find unacceptable biosecurity risk, that management actions are taken to address that risk. There's a key element of the current approach which is that, it encourages voluntary management and doesn't make clear what actions can be taken by vessels before they arrive to minimise the likelihood of them being found to present unacceptable biosecurity risk. And this creates a rather reactive system and it's inefficient and unclear for vessel operators.

Peter Wilkinson: The purpose of the biofouling RIS as mentioned before is consultation; to inform you and for you then to inform us about your concerns. So the consultation is vital to us to be able to develop effective and efficient use of the existing powers that we have relating to managing biosecurity risk. So consultation is open until the 31st of May. Again, please submit your views and concerns. Because this is the consultation phase, everything is really on the table right now. A final policy decision would be made by government through a decision RIS, which is a separate process. So between the 31st of May and that decision reads, that's when we'll be using the feedback you provide to finalise the policy.

Peter Wilkinson: And we would still consult directly with some effective stakeholders on particular issues. Australia's current biofouling policy and the policies in the RIS apply to vessels that enter Australian territory from outside Australian territory. So the policies apply to all vessels that are subject to biosecurity control. Now that biosecurity control's a term, which if you want to know more about it, then I'd refer you to chapter four of the Biosecurity Act. But to just describe, here is the general rule about who the biofouling requirements would apply to is that ... And as a general rule, there are always exceptions. But the general rule is that it applies to vessels arriving into Australian territory, which is 12 nautical miles, so on Australian territorial sea and on a voyage that commenced outside Australian territory.

Peter Wilkinson: Now, vessels remain under biosecurity control until they're released by the department or they leave the Australian territorial sea. And to be clear, the requirements do not apply to the, in a general rule, they do not apply to the domestic vessel movements. In the RIS there's three policy options that are provided. The status quo, which is the current arrangement involves the department continuing to rely on vessels to voluntarily self-manage biofouling prior to their arrival. There would continue to be no mandatory requirements for vessels to report biofouling related biosecurity risk information prior to their arrival. We would continue to take action to manage vessels that present unacceptable biosecurity risks relating to biofouling on a case by case basis.

Peter Wilkinson: Option two, which is the Species Based Approach. We won't be going into much detail on that here other than to say that the biofouling management requirements under this option would be based on a requirement for vessels to be free of listed species of concern. Vessels would be required to provide extensive biofouling risk related information prior to their arrival. Option three, which is a focus of the next few slides, would require vessels to implement proactive vessel specific biofouling management practices consistent with the direction set by the international maritime organisation through their biofouling management guidelines. This option would require some minor amendments to the biosecurity regulations and because of that we need to go through this regulation impact statement process.

Peter Wilkinson: One thing I want to highlight here is that inspections and noncompliance actions taken by the department will increase over time regardless of the policy direction taken. And that includes the status quo and those that have been factored into the costings in the RIS. The primary policy objective is really to reduce biosecurity risk by minimising the amount of biofouling on vessels arriving in Australia. And we need to ensure that vessels and vessel operators have that clear understanding of what our requirements are and are aware of what they can do to ensure that before they get here, they've undertaken practices that make it less likely for them to be inspected by the department or have any intervention or actions taken by the department.

Peter Wilkinson: So all vessels arriving into Australian territory have undertaken biofouling management practices and that is what we're trying to achieve over time. We're just going to focus on some key elements of the preferred option, which is that there will be new pre-arrival reporting requirements relating to biosecurity risk. That there will be a requirement for biofouling management plans and record books to be implemented by all vessels. And that that requirement will come in in an implementation schedule similar to the Ballast Water Management Conventions implementation schedule for meeting the D2 standard. The verification of biofouling management actions taken by vessels and also our inspection process is also something that we'll go through briefly in the next few slides.

Peter Wilkinson: A key aspect of the preferred option is the use of an intervention status, which will be assigned to vessels as they enter Australia's territorial sea. And that status would be high, medium or low. Which some of you may recognise as being very similar to the biosecurity status document's red, green and

yellow lights. But effectively, their intervention status is equivalent to the likelihood of being inspected or further action taken by the department. Under the preferred option, you must implement an in effective biofouling management practices to be assigned low intervention status. So we will, as a department, define those acceptable management practices.

Peter Wilkinson: All vessels will need to have a biofouling management plan and record book after five years from the commencement of the policy in order for the vessel to be assigned low intervention status. One of the main sources of information that will be used to determine that intervention status is the pre-arrival reports. Under the preferred policy, vessels will be providing that information before they get here. The majority of those pre-arrival reports will come through our maritime arrival reporting system. Which will be amended to ensure that it's as streamlined as possible and fairly similar to the ballast water management is reported through the maritime arrival reporting system at the moment.

Peter Wilkinson: This diagram just shows roughly how our pre-arrival reporting questions would work. There's three example questions that we've put here. These three questions relate to the first five years of implementation of the policy where vessels will be asked where they have a management plan or record book, whether they have cleaned before they've arrived in Australia or whether they have implemented an alternative approved biofouling management method and that's approved by the department. Again, you must answer yes to one of these questions to be assigned low intervention status but in accordance with the implementation schedule and after five years, you will have to answer yes to question one to be assigned low intervention status.

Geoff Fisher: Peter, we might just throw a reminder in there that there's some hot topics we know are hot topics and some frequently asked questions will cover off very soon. We'll also be covering some questions that people ask throughout the webinars. So if there's something that's piqued your interest or you've thought of something as Peter's been chatting this morning, then simply type it into your Q&A box on the screen, shoot it to us and we'll cover that off later in the webinar. But as I said, we do have some frequently asked questions that we know on the tips of the tongue and we'll be covering those off fairly soon. Thanks Peter.

Peter Wilkinson: Great, thanks Geoff. The department considers a biofouling management plan and a record book essential for vessels to be able to demonstrate to us as a regulator that they have implemented proactive and effective biofouling management practices that address the biosecurity risk associated with that vessel. So under option three, all vessels will need to implement a biofouling management plan and a record book in accordance with that phasing schedule. And as I mentioned before, the phasing schedule will be similar to that under the Ballast Water Management Convention, and there's a slide a bit later on to explain that. The biofouling management plans and record books will need to be consistent with the International Maritime Organisation biofouling management guidelines.

Peter Wilkinson: There's a number of aspects within that, but I just want to highlight here that that includes contingency planning if the vessel falls outside of its normal operating profile. The management plan on record books have to be vessel specific and proactive and that it must be suited to the operational profile of the vessel. Its proposed maintenance schedule, and the vessel's voyage in Australian territory. It must be reviewed and updated to represent best practice. The biofouling management plan and record book as I mentioned before, it has to be suited to the operational profile of the vessel, and vessel specific and effective. We would be working with vessels, particularly over the first five years to provide feedback around management plans, and working with our international partners to improve biofouling management plans and record books.

Peter Wilkinson: We're certainly working internationally through the International Maritime Organisation in their review of biofouling guidelines to achieve those outcomes too. The inspection process will be similar, also similar to the process under the Ballast Water Management Convention, in that it will involve initial and detailed inspections. Initial inspections will really focus on verifying pre-arrival reported information, and also department held intelligence about vessels' previous interactions with the department. The information we may have received from other sources such as international regulators or other private sector companies with interests in biofouling management. Detailed inspections will be taken where more is needed to be done to really see what action has been taken by a vessel, and evidence that it has been managed.

Peter Wilkinson: In water inspections the sort of the last point that would help improve our already developed understanding of what the biofouling risk associated with the vessel is. So those inspections would be undertaken when necessary. The information from the initial detailed in water inspections would inform our use of noncompliance actions, which might be administrative and statutory. We have a range of powers and available to us to deal with noncompliance. Often the question comes up about when would we take actions on certain things, and it's hard for us to provide answers to hypotheticals. But, we would consider a range of factors in determining the biosecurity risk of a vessel. That includes the level of fouling biofouling management practices, the vessels activity both previously, and it's a planned activity in Australia.

Peter Wilkinson: Its length of stay, and its compliance history relating to biofouling, but also how other biosecurity aspects. This slide provides the sort of detail around the timeframes for implementation and also provides the sort of explanation that to be assigned low intervention status, and not be targeted for inspection in the first five years. Vessels will have to have a management plan or record book be cleaned before they arrive, or implement an alternative management method. Now, we've had previously questions about whether it is in all situation or whether all of them have to be achieved. At this stage and in the rear seat, we want to make it clear that it isn't all. That one of those has to be implemented. Excellent. So that really covers off the preferred policy and some of those explanation of how it would operate. So we've got the next few slides I think on this.

Geoff Fisher: Let's get into some of those questions that have been frequently asked, and Susie is going to cover those off. Just a reminder that you can ask a question at any stage during the Webinar. Drop it into the Q&A box on your dashboard at the bottom of the screen, and we'll get to those a little later in the Webinar. Also later we'll be giving you a whole range of ways that you can interact, that you can provide feedback on the rears and email address for asking future questions, etcetera. So we'll give you those details coming up later on in the Webinar. But to get to some of those frequently asked question Susie.

Susie Kropman: Thanks Jeff. So as Peter said, the RIS has been out for consultation since the start of April. We have met with several stakeholders and had quite a lot of input already. Some of those questions come in common themes. So we've tried to address some of those, excuse me, through the next few slides. One of the, I guess commonly asked questions is, are you doing what New Zealand does or what California does? Or how consistent are your requirements going to be, with those regulations already in place? We know that California and New Zealand both have requirements implemented already. We want to make sure, obviously that there's as much consistency as possible.

Susie Kropman: We've been working really closely with both California and New Zealand and others to achieve that consistency, and we'll continue to work with them, essentially to avoid a patchwork of regulations. However, I would note that there will be inevitably some differences. This is really caused by the requirements being developed based on national legislation, rather than for example, an international convention. So, as I mentioned, we are trying to achieve international consistency where possible. In order to I guess give some guidance to industry on how they might meet Australian, Californian and New Zealand requirements, I won't read the whole list out.

Susie Kropman: You can see on this slide there's a number of ways, and a number of things that vessels and vessel owners can do, to increase the likelihood of compliance with all the right regulatory regimes in place. You'll notice that these really focus on proactive options, rather than reactive. I think that's a big focus of these requirements. It's promoting those activities in advance. So anticipating, addressing things proactively, and then obviously checking and reviewing the progress of the implementation of what essentially should be in a biofouling management plan. Another, I guess anticipated question, and we have had it from several stakeholders already as well, is that around the biofouling threshold.

Susie Kropman: Those of you who would have been looking for a threshold, would have noticed its absence in the regulatory impact statement. We haven't proposed a performance standards such as a level of fouling threshold. We do recognise that that is not how regulations for example in New Zealand have been communicated. But we also believe that in practice there will be actually a little difference. The level of failing obviously would be assessed when it's needs to be assessed. But in decision making, that comes down to a combination of factors. As Peter mentioned, things like the length of stay, the biofouling management practices, the vessel activity and the compliance

history are all going to be taken into account on a case by case basis for decision making.

Susie Kropman: So, whilst we haven't designated that threshold and put it out there, obviously level of failing is a consideration. It's just not the only consideration. We've already had a little bit of feedback on this, but it's certainly something we would welcome feedback on. If anyone has feedback on that, preferably with supporting information as to why we should nominate a threshold, we would welcome that. We've also had a number of questions around the costings in the RIS. The costings are I guess they're provided as a guide. They're our best estimate, based on information we have. The system used to develop the costings is through the office of best practice and regulation guidelines and tool.

Susie Kropman: They cover the cost of complying with the requirements. Based on the office of best practice regulation guidelines. They do not cover the cost of non-complying, or noncompliance. So that's a key point. There's obviously a lot of workings behind the numbers that you see in the RIS, and that has created quite a number of questions so far. At this stage, I won't go into the detail, but if you do have questions around that, we're more than happy to provide answers. We're also really interested in your views on whether you think those costings are accurate. If you disagree with any of the costings, we'd be really interested to see sort of the evidence as to why. Because as we've said, this is the consultation phase.

Susie Kropman: The costings that we provide in a decision RIS are a lot more detailed. But at this stage, in accordance with the guidelines from office of best practice and regulation, the costs are really only there as a guide, and for your input. So the next one I have to say is probably the hottest topic, and the thing we get the most questions about and that's in-water cleaning. In-water cleaning is obviously a huge factor for vessels when considering managing their biofouling. I would suggest that we also make a distinction between in-water cleaning and in-water grooming. So in-water grooming we would classify as a management activity, before a vessel becomes fouled to the point of having macro fouling.

Susie Kropman: When a vessel has macro fouling, that's when we would consider it to require in-water cleaning. Regardless of that distinction, we do recognise that it's a key issue. That it's quite difficult to get approval for these activities in Australia. That we as the Commonwealth department should really play a key role in I guess progressing this issue nationally. As a result, we are exploring the development of a national standard for in-water cleaning. There's substantial work going on internationally in regards to standards for in-water cleaning, both within governments as well as industry. That work we're really leveraging off. We're focusing on the biosecurity aspects of a national standard. But essentially it's a standard that would outline the requirements for undertaking in-water cleaning, and the standards for discharge and capture.

Susie Kropman: So obviously there is an environmental aspect to that, which isn't covered by biosecurity. We're working with environment departments in Australia to

identify essentially a contamination standard to support this work. It is possible that an approved arrangement type system under our legislation could cover both the biosecurity and contamination aspects. But the first step really is to identify these standards, and come to some agreement on those. Our work on this is being progressed with the state's input as well in Australia. We've essentially identified three key factors that the standard must, that all aspects of the standard must meet, and they are that the standard is feasible, it's auditable and it's justifiable.

Susie Kropman: As I said, we're relying on a lot of the research being undertaken internationally to inform our work. There's certainly a lot happening in this space. So we'll continue to learn from others and other information as it becomes available. We're also considering how in-water grooming fits into this picture. Unfortunately I don't have answers for you today. But I guess it's something we wanted to make sure you're aware that we're working on. It's not, hasn't been forgotten, and it will be the subject of future discussions. There is further meetings and workshops on this within Australia in the coming weeks as part of the Marine Pest Sectoral Committee, and there will be obviously further discussion on in-water cleaning.

Geoff Fisher: Susie, I'm going to jump in there because we've got a question in from Michael on the in-water cleaning. Saying, "Hello, Peter and Susie with respect to cleaning a vessel, we know that in-water cleaning is prone to errors both in, one cleaning and inspection of large vessels, and two where it has been performed. That's that turbid pesty water versus oceanic water. I suggest that a difference in vessel risk should be associated with an in-water clean with inspection, versus an out of water slip clean and inspection. The question is, can this be implemented into the system for the preferred regulation option?"

Peter Wilkinson: I'll take that one, Geoff. Thanks Michael for your question. The short answer is yes. In terms of when that's incorporated, that comes into our risk assessments. As you know, and many others know, obviously in terms of managing biosecurity risk, the preference is for a dry dock and out of water clean. In-water cleaning is, although a secondary preference, it is becoming certainly something that's needed to for us to be able to identify as much as possible those safe and clean ways to do that. So yes, in the preferred option would involve considering the differences of cleaning that is done. Within the pre-arrival reporting requirements, the cleaning before arriving at the moment, we've talked about, just a 30 days, but there's a number of other aspects to that that we would elaborate on in the future.

Geoff Fisher: Terrific. Thanks Peter. If you have a question at any stage, just drop it into the Q&A box on your dashboard at the bottom of the screen, and we'll attempt to provide the answer later in the Webinar. Susie some questions on people's minds around maintenance.

Susie Kropman: So we have had a number of questions around what does proactive and or continual maintenance look like. I'm aware that our international colleagues get these questions, and have also provided some input into the answers here on the screen as well. I guess these are some of the things that we'd

expect to see, in order for a vessel to demonstrate proactive management. It's obviously not an exhaustive list. I will note that proactive grooming of the slime layer is listed, and we recognise that that's an issue to be dealt with in relation to in-water cleaning as well. There's a number of options there. A number of things that can work together to be an effective and proactive management that can form part of a biofouling management plan. For example, things like having contingency plans for when a vessel falls out of its operational profile. They're the sorts of things we would hope to see in a biofouling management plan.

Geoff Fisher: All right. Thank you Susie. So let's cover some of the next steps from here.

Susie Kropman: So, obviously the consultation on the RIS is open now. It will close at the end of May, the 31st of May. From there we will take on board all the submissions, refine the policy options to have essentially a recommended option that government can decide on, that goes up to government through a decision RIS. Then obviously if there's any changes to regulations required, as there is in the preferred option, that's a legislative process we would need to undertake. There's also a lot of other associated sort of sub-policies and changes to things like pre-arrival reporting systems. We all love a good IT project. So, there's obviously a lot of work to do to get whatever the final policies implemented, but we've given you some indicative dates of when that could happen. As per the RIS, the indicative date at the moment is September 2024 implementation.

Peter Wilkinson: Yeah, I'd probably just add to that, Susie. That we've put those dates in to really help you understand the timelines as well. Some of the requirements processes that we need to go through to get to that implementation are out of our hands. I mean we've got an election at the moment, so we're not really sure what might happen after that. Recognise that it is an indicative date and certainly we're working towards making this from our perspective happen as soon as possible.

Geoff Fisher: All right. So some details around the consultation. So maybe if you could just cover off the ways that people can be involved in the consultation process.

Susie Kropman: Sure. So obviously I've gone through the timeframe, the mechanisms to provide feedback. We have a department website called have your say the biofouling hub on have your say. You do need to register for have your say, but once you get in there there's lots of options. There is a survey which is pretty quick, that will give us some really good information to use in our analysis of the consultation. There's also an option in there to provide a formal submission. You can either do that through the have your say hub or via email and the email addresses is [pestmarine@agriculture.gov.au](mailto:pestmarine@agriculture.gov.au)

Geoff Fisher: Thanks Susie. There's been some people throwing some questions into the Q&A box, and we'll cover those off now, so let's go to those. In relation to pre-arrival reporting, is consideration being given to adding to pre-arrival reporting? A question about whether vessels intend to clean when in Australia.

- Peter Wilkinson: Yes. In short, yeah, but as Susie has mentioned in-water cleaning is becoming very much the hot issue. Part of our interest in terms of what biosecurity risk the vessel may present while it's in Australia, is understanding what it's going to do when it's here, and in-water cleaning is on one of those things. So that's certainly one of the aspects we are considering.
- Susie Kropman: I would add though that it's not one of those first three questions that we've shown you. Because essentially the preferred option aims to promote proactive practices, and we don't really consider cleaning on arrival to be proactive. So that's why it's not front and center as one of our, I guess promoted options.
- Geoff Fisher: Another question in relation to pre arrival, this one from Chris. He writes pre-arrival reporting have seen many cases in the past where vessels have advised that they comply with ballast water exchange, only to find on closer scrutiny that that's not true. Would you expect the same scenario to occur with biofouling pre-arrival reporting? How will such a circumstance be managed?
- Peter Wilkinson: I think as a regulator when you put in your requirements, particularly around pre-arrival reporting, there's a long sort of leading phase of trying to ensure that vessels understand when they respond a certain way, what they're actually answering yes or no to. So that's something we have to be very aware of. But also just, we can certainly expect that there will be the range of responses. There'll be those trying to do their best, that may be haven't done exactly what they've said they have. Then there'll be some that just try and get around anything. Get the green light by answering stuff even when they haven't done it, and that's something that exists now. So how we respond to that is how the process that's undertaken by a compliance division, and responses to noncompliance. So that's something the departments experienced with.
- Geoff Fisher: Thanks Peter. A couple of questions in relation to in-water cleaning. One that asks any particular companies we could choose from your website, for if any cleaning processes required?
- Susie Kropman: So at this stage, obviously no there isn't any companies that are approved to undertake in-water cleaning. Part of the work that we're doing is to develop the standard. That standard, I guess the way we envisage this working is that companies that undertake in-water cleaning, may be able to apply to the department to become essentially have an approved arrangement with the department to undertake that cleaning in a certain way, to a certain standard. That would all be part of the conditions of that arrangement. Obviously that's a fair bit of work to get to that point, and we're sort of leveraging off international work on independent testing of systems, systems and providers.
- Susie Kropman: But essentially that work still needs to be done before any approved arrangements are in place. Once we get that work done, we are at the stage of having approved arrangements. Then we would hope that yes, there is a sort of list of providers that have been approved in Australia to undertake

cleaning to a certain standard, potentially in certain places. That's also something we're still working on, and also obviously with subject to a number of conditions.

Geoff Fisher: Thanks Susie, and thank you to Sajith for that question. One from Elfian, when will the IWC standard be targeted to be introduced? Will it be introduced during the five year transition phase prior to the introduction of the standard? What are the alternative option or options for international vessels that call at Australian ports that were not able to clean their hull within 30 days prior to their arrival at Australian ports?

Susie Kropman: So in terms of the timing around when we're hoping to introduce the standard, it will depend on factors outside of our control to an extent. But we are hoping to at least have an interim standard developed, in line with the implementation date for the biofouling requirements. Whether that means approved arrangements are available at that time, we'll have to be determined as to, I guess whether people are able to meet that standard and provide evidence of the testing. Sorry, I just need to see. In terms of the five year transition phase, I would anticipate that yes, that the standard would well and truly being in place during that phase. Obviously the arrangements and approved arrangements would be subject to people and providers being able to meet those requirements. Peter?

Peter Wilkinson: I guess I'll answer the second part of the question. In relation to other options, I think alternative options, well, the first one I'd have to say is that, they should get a biofouling management plan and record book that would help them out. But if they don't have a biofouling management plan and record book and they haven't cleaned before they've arrived, and they want to use one of those alternative approved management practices that we talked about, I'm using the pre-arrival reporting questions. We will certainly publish what those are more often. At this stage, they may include cleaning upon arrival and such as Susie's just talked about, biofouling risk assessment conducted by a suitably qualified expert.

Peter Wilkinson: They may also include industry based risk assessments. There are some tools being developed by industry now to provide regulators with an assessment of the biofouling risk upon entry at any port at any particular time. Or other actions that may be taken to manage the biosecurity risk, which might be similar to a management plan but don't directly meet those requirements. Some of those actions might be taken at the moment in sectors such as offshore petroleum sector.

Geoff Fisher: Thank you Peter. Question from Rod in regard to costing, will the decision RIS include estimated costs of compliance with the proposed regulation by ship owners?

Peter Wilkinson: So yes Rod, the decision really includes the cost of complying but doesn't include the cost of noncompliance in terms of when if a ship hasn't complied and they arrive and then they have to do something to manage their biofouling or as a result of a direction by us, but yes. My understanding of this stage, although I haven't looked in detail about all the things we have to

include in the decision but is that it would include the estimated cost of compliance for the shipping operators. If you specifically mean ship owners as separate to the ship operators, then that might be something we need to look into a little bit more and probably talk to you about directly. Just to clarify what you meant there.

Geoff Fisher: All right, terrific. Thank you. Peter. The next question, WA has a pre-arrival system known as Vessel Check that allows vessels to report on their biofouling. Is there any scope for developing a similar system that applies across Australia?

Peter Wilkinson: That's something we're certainly looking into at the moment. Actually, we want to be able to as part of this development of a policy, is to give information as much as possible about actions that can be taken before vessels get here and a tool that enables vessels to assess their risk or the effectiveness of their biofouling management plans and actions that are taken before they get here is an element of that. So whether that's a separate tool or an update vessel check or something. And we're certainly working with WA government and other stakeholders to try and identify what we should do and the best way to do that. We have actually some project proposals already in train trying to get some funding for that sort of thing. So yeah, that's certainly an area where looking at.

Geoff Fisher: Terrific. Thank you very much. So we'll just go to the next question if we can now, it's from Melinda, who would be notified of the level of risk of a vessel be communicated to? Obviously the vessel itself, but would the intended port or entry be notified?

Peter Wilkinson: That's a very interesting question Melinda. One of the things about information that we gather as a department, as a regulator is that there are controls around what we can do with that information. Who we can provide it to and what privacy, restrictions are related. And that also depends on how we have gathered that information. So we're working to try and understand who we need to provide that to, in terms of other regulators such as other jurisdictions who have an interest in this as well.

Peter Wilkinson: And whether or not we can provide that, more publicly, to such as port authorities or others. So that's an area we certainly need to look into a bit more, but we would be looking to communicate it to anyone that we think should have that information about the biosecurity risks to help us ensure that we're managing that risk appropriately and that the risk is being managed appropriately across Australia, not just at the point of entry.

Geoff Fisher: Susie, a question, looking a little way ahead, how will the department communicate the new requirements? Will there be education?

Susie Kropman: Yes, there certainly will be education and part of the implementation schedule essentially includes a 12 month phase of education. And obviously going out before the implementation as well. Similar to how we implemented ballast water requirements in Australia. We would prepare Australian biofouling requirements document, which provides guidance for

industry on how to meet the requirements, how to address the pre-arrival questions or those sorts of things. So, we would aim to produce that well in advance of the implementation date.

Geoff Fisher: Terrific. Thanks, Susie. A question from David, how will the policy apply to domestic vessels that leave territorial waters to service an offshore facility and then returned to territorial waters?

Peter Wilkinson: Well this is a complex answer that I could provide David. It seems like a very simple question, but I'm sure you're aware there's a lot of complexities here. To break it down, when we talked previously about biosecurity control and not all of you listening will know the details of that, but if you do understand biosecurity control and you understand the expose conveyances to termination, then you understand that there are some tricky elements here. But as a general rule, if the domestic vessel is under biosecurity control, then the policy would apply to them. But if the vessel servicing an offshore facility is no longer on the biosecurity control, then it wouldn't.

Peter Wilkinson: Now, there is certainly some differences here in terms of whether the expose conveyance applies and the exposed conveyance determination at the moment does not relate to biofouling in ballast water. So, there's a number of mechanisms that we need to look at to work out exactly how it would apply. But as a general rule of when the vessel is returning into territorial waters, the policy to have a biofouling management plan and record book would apply.

Geoff Fisher: Thank you Peter. Question from Trevor. If a vessel is delayed in port due to biofouling, there'll be a significant knock on a fix for efficient port operations. So here's a comment part of it. So the question is how can ports, terminals, charterers, et cetera, make an informed prior assessment of biofouling risk before a vessel enters port? And another question, a second part, will the department's regulatory options include holding a vessel at sea or anchor and refusing entry until the vessel can demonstrate that it's a low risk?

Susie Kropman: So I'll answer the second part first. Obviously, we have a number of options and actions we can take under our legislation and they do include directing vessels and issuing those directions. Part of our assessment and reason for having pre-arrival reporting is so that we can communicate with the vessel in advance of its arrival. So part of the questions and issuing of biosecurity status document through the maritime arrivals reporting system is so that vessel has a pretty good awareness of where they're sitting in terms of our biofouling requirements. So if they have an amber light for example, which would suggest that they've come up as a medium biofouling risk, then there's a reasonable likelihood that they're going to be inspected and their biofouling management practices discussed and assessed during that inspection.

Susie Kropman: In terms of preparing for delays, I would say it's probably not dissimilar to any other aspect of biosecurity in that, if a vessel has been proactive, has essentially done the right thing, then there should be no delay. That goes across certainly ballast water and biofouling. The regulations or

requirements that are being proposed are not there to delay or question the people that are doing the right thing. It's really to bring everyone up to a standard that's actually proactively managing biofouling in Australia.

Geoff Fisher: Thanks Susie. Going back to in water cleaning and a question, I think for you Peter, continuing on from approved providers in Australia. What about overseas companies who do in water cleaning for example, Singapore is a hub with lots of companies there who can do in water cleaning and inspection reporting. Can these companies apply to be approved providers and or to Australian standards?

Peter Wilkinson: I think there's a couple of elements here that probably need to clarify on that. The approved arrangements is a specific element under the biosecurity act that we'd be looking to tie into. Part of it is about saying that there's an outcome focus to this. So whether the cleaning was done to a certain level, is one aspect of it. And that cleaning may be done already in some countries overseas, to achieve that outcome and not need to be done to obviously Australian standards.

Peter Wilkinson: But we're obviously looking internationally to try and create a standard and working with stakeholders internationally, so that there is a standard that is applied overseas and in Australia so that we don't just move the biofouling risk from Australia to another country. But in terms of an approved arrangements specific for an international company that's operating overseas, I don't have that answer about whether we can. That's something we'll have a look at as well, but it may just be recognition through other process rather than the one under the biosecurity act. So whether that can be done specific for this purpose, I'm not sure.

Susie Kropman: And just to add to that, if a vessel has had an inspection prior to arrival and ticks that box essentially on arrival into Australia, they would go into that low intervention status. Should they have a routine vessel inspection anyway, then evidence of that inspection would be sought by the inspector and the things that we'd be looking for is an independent report that covers things like the niche areas being also cleaned as well as the whole. Those sorts of aspects. So, if we can't and I dare say there will be issues with approving a company overseas but there will be a certain standard that we would expect to see in that report.

Geoff Fisher: Dan and Sam are both thinking along those same lines and have both ask questions. Would we mind making the presentation available afterwards and will a summary of question and answers be available. Yes and yes. We're actually recording this webinar and the whole Webinar, including all of the slide presentation, a full transcript and a summary of the question and answers will be made available on the department's website in the near future.

Peter Wilkinson: Now to go back and fix our mistakes.

- Geoff Fisher: So we'll get that up on the website soon. So, thank you for those questions. We have another one saying, where can we find industry experts for inspections?
- Peter Wilkinson: In Australia. I have to promote that. Australia's got a lot of providers that are commercial ones who do inspections. I think with varying expertise. We're not in a position to be able to say these are the ones to go to or anything and we don't have a list of them available now. So it's, I think a matter of, in terms of how you would normally find someone to give you a commercial assessment like that. So however you normally go about that and went through your networks or googling, but at this stage, it doesn't come from us.
- Geoff Fisher: Another question then, is there clarity on the expected role of a port authority for the implementation of this policy?
- Susie Kropman: I think that there's two aspects there and they may be moving more towards the in water cleaning aspect rather than the actual biofouling requirements. In terms of the biofouling requirements the operation of those under our legislation would be very similar to how our ballast water legislation operates. In that the pre-arrival reporting any inspections is conducted as per normal operations for our department. In terms of in water cleaning, yes harbour masters and port authorities are well and truly part of the conversation.
- Susie Kropman: And we've engaged already and will continue to engage with port authorities through whatever avenue where you can find to be quite honest and through their peak body as well. We do recognise that it is a complex approval system for approving an in water cleaning, particularly in a port and we're taking that into consideration in any plans we make. And obviously talking with those people at the same time.
- Geoff Fisher: We have a question from Chris, saying that when the New Zealand Ministry for Primary Industries introduced by a felling legislation, they staggered this. Firstly cruise vessels had to comply as itinerary was well known in advance. Then cargo vessels following some six months later. Is this staggered implementation under consideration?
- Peter Wilkinson: We are staggering implementation but it's not related to vessel types at the moment. What we put in the biofouling reason, part of this presentation was a about a staggered implementation essentially based on dry docking cycles of vessels. So if you go for out of water maintenance then we expect at that point for you to have a biofouling management plan and record book and rather than saying it specifically applies to cruise vessels or others at a particular time.
- Geoff Fisher: And I suppose maintaining the link between New Zealand and Australia in this question, will there be any reciprocal arrangement between New Zealand and Australia to allow ships that travel to and from Australia and New Zealand to exempt ships that met the requirements at their last port of call in either Australia or New Zealand?

Susie Kropman: We've certainly talked with New Zealand about this issue and ships that travel between Australia and New Zealand regularly and including cruise vessels obviously. And it's certainly something that we're both keen to achieve in that, if you make New Zealand's requirements, you made Australia's and vice versa. That really comes down to having consistency in our requirements. So yes, it is an intention and it's also part of the conversation that we're having with New Zealand at the moment.

Geoff Fisher: Thanks Susie. A question from Michelle, will you be defining or providing guidance on what is an acceptable biofouling management plan and record book?

Peter Wilkinson: Yes, we will. Thanks Michelle. The question actually gives me an opportunity to mention that we would develop a, what we call Australia biofouling management requirements document. Some of you may be aware of this Australian ballast water management requirements document. That we're developing a biofouling management requirements one and that would explain everything in detail in terms of the requirements and what can be done and where we need to go into detail around what is an acceptable biofouling management plan of record book. We would provide that too.

Geoff Fisher: A question from Andrew, will specialists biosecurity personnel be sought to undertake in water inspections where needed?

Susie Kropman: In terms of in water inspections, we still haven't finalised the policy and the logistics around undertaking those. We're sort of looking at a variety of options at this stage, including in house, external providers as well as different technologies. There's a whole suite of options and that's going to be something that we deal with once the final policy's determined.

Geoff Fisher: And a question about robot read modes, will you use ROV for inspections?

Susie Kropman: Quite possibly, yes. It's certainly something we're considering and it's the subject of a couple of projects the department is currently undertaking. So, to look at the technology and try and find the best technology for that purpose. So yeah, it's certainly something we'll consider.

Geoff Fisher: Terrific. Thank you very much and thank you to everyone for those questions today. Now I'm aware that there's likely to be some questions pop into your mind after this and you thought, gee, I should have asked that. So we just have the avenue for you to do that. If you have any other questions at any stage, you can email the team at the following email address and it's on your screen right now. [pestsmarine@agriculture.gov.au](mailto:pestsmarine@agriculture.gov.au) if you'd like some more information.

Geoff Fisher: A reminder of the biofouling regulation impact statement is open for comment and submissions and you can do that through the biofouling hub under the have your say section of the department's website. And that is also on your screen now. [haveyoursay.agriculture.gov.au](http://haveyoursay.agriculture.gov.au). And, it's a great site there and you've got lots of information and you can make comments and make your submissions there now. Thank you very much for your

attendance today. Really appreciate it. And to Peter and Susie, thank you very much for your time.

Susie Kropman: Thank you Geoff. Much appreciated.

Peter Wilkinson: Thank you Geoff. Thank you everyone for listening.

Geoff Fisher: Thanks very much. And we hope you found it useful. Thanks very much for participating in this Webinar.