

Hi,

Thank you for the opportunity to provide comment on the *Draft Temperate East Commonwealth Marine Reserves Network Management Plan 2017*.

I am an Environmental Scientist with over 15 years' experience specialising in terrestrial and marine invasive species and biosecurity management. I currently live on Lord Howe Island. I have some concerns with proposed ballast water and invasive marine species management arrangements in the Plan for the Lord Howe Marine Park. In particular I refer to:

1. Section 4.2.1.4 of the Plan that states:

Ballast water may be discharged or exchanged subject to compliance with:

a) the Australian ballast water management requirements and relevant state ballast water management arrangements; and

1. b) relevant Commonwealth and state legislation or international agreements (if any) relating to ballast water management.

2. The Lord Howe Marine Park Zoning Map that shows ballast water discharge is allowed within all zones of the Lord Howe Marine Park:

I note that the *Australian Biosecurity Act 2015* and existing ballast requirements for international vessels; *Australian ballast water management requirements Version 6 (DAWR, 2016)* prohibit discharge of high risk ballast water in any Australian waters unless the ballast water has been managed under an approved method. This *in theory* sufficiently manages risks from international ballast water to the Lord Howe Marine Park.

I also understand that a comprehensive set of domestic ballast water management arrangements are currently being developed under the *National System for the Prevention and Management of Marine Pest Incursions* to complement the existing requirements for international vessels (*DAWR, 2016*). Once these domestic ballast water arrangements are implemented, all vessels whether on domestic or international voyages will be required to manage ballast water to prevent the introduction and spread of introduced marine pests. I understand these arrangements will be consistent with the International Maritime Organization's *International Convention for the Control and Management of Ships' Ballast Water and Sediments* (*IMO, 2017*), which Australia has signed with entry into force: 8 September 2017. The *Biosecurity Act 2015* also introduces new national domestic ballast water requirements to reduce the risk of spreading marine pests that have already established in Australian seas and that these will come into effect once the IMO convention is in force. This *in theory* should manage risks to the LHI Marine Park from domestic ballast water (once in place).

However my concerns are:

1. I see no reason why any ballast water discharge or waste discharge should be allowed at all in the National Park Zone (IUCN II). This zone is supposed to provide the highest level of protection for high value ecosystems, habitats and native species to preserve them in as natural a state as possible. Green zones generally work on a "no take" policy and the same should apply to "no leave". As there are no activities allowed in the National Park Zone that would require ballast discharge, there is no reason that ballast discharge should be allowed regardless of whether it considered low risk.

2. As domestic ballast water arrangements are not yet in effect yet in effect in Australia (except in Victoria), risks from domestic ballast water (including intrastate NSW) to the Lord Howe Marine Park have not yet been sufficiently addressed. It is concerning that in the Draft Plan, domestic ballast water discharge would be allowed within all zones of the Lord Howe Marine Park, particularly within the Habitat Protection Zone (Lord Howe) (IUCN IV) and or Recreational Use Zone (IUCN IV). This would mean that high risk domestic ballast water could be discharged as close as 3 nautical miles from LHI and at Elizabeth Reef.
- 2.
3. There appears to be no consideration in the plan of other forms of spread of marine invasive species such as biofouling or activities such as in water cleaning. Biofouling on vessels is much more likely to introduce marine pests to LHI than ballast water
- 3.
4. LHI is a special place requiring higher level of protection as highlighted by its World Heritage and National Heritage listings. There are many marine invasive species in Australian domestic waters that are not present in LHI waters (i.e. marine pests in Sydney Harbour) .
- 4.
5. The water temperatures and depths particularly within the Habitat Protection Zone (Lord Howe) (IUCN IV) would facilitate a high risk of establishment of invasive marine pests.

Recommendation 1

No ballast water discharge or waste discharge at all is allowed in the National Park Zone (IUCN II).

Recommendation 2

That until such time as domestic ballast water arrangements are in effect, high risk domestic ballast water should not be permitted to be discharged within Habitat Protection Zone (Lord Howe) (IUCN IV) or Recreational Use Zone (IUCN IV).

Possible models for management of domestic ballast water discharge for the Habitat Protection Zone (Lord Howe) (IUCN IV) are:

1. Application of regulations similar to those already in place in Victoria; *Protocol for environmental management: Domestic ballast water management in Victorian state waters (publication 949) (EPA Victoria)*. This protocols detail how a risk assessment process (using the [Commonwealth Government's risk assessment tool](#)) is used to determine if domestic ballast water is considered high or low risk and details management protocols for high risk ballast water prior to allowing discharge in Victorian waters.
- 5.
2. Application of discharge / exchange limits further from land than the current Plan allows (3 nautical miles). The following documents provides some guidance:
 - a. The IMO Convention - *"that whenever possible, conduct ballast water exchange at least 200 nautical miles from the nearest land and in water at least 200 metres in depth. In cases where the ship is unable to conduct ballast water exchange as above, this should be as far from the nearest land as possible, and in all cases at least 50 nautical miles from the nearest land and in water at least 200 metres in depth"*

- b. The Australian Guidelines – “*prohibit discharge of high risk ballast water in any Australian waters unless the ballast water has been managed under an approved method (which includes 95% volumetric ballast water exchange at sea not within 12 nautical miles from the nearest landmass and, where possible, in water at least 50 metres deep)*”
- c. The Victorian Protocols – “*Ballast water exchanges must be conducted as far from the nearest land as possible, but not within 12 nautical miles from the nearest landmass and, where possible, in water at least 50 metres deep*”

Recommendation 3

The Plan is updated to address potential spread of marine pests through biofouling and activities such as in water cleaning. Vessels should not be allowed to enter the Marine Park unless they can provide evidence that the vessels hull and seawater systems are free from marine pests. Guidance for management of biofouling risks can be found for various industries in the [national biofouling management guidelines](#). No in-water cleaning should be allowed anywhere in the Lord Howe Marine Park

Recommendation 4

Adopt a Lord Howe Biosecurity Zone around including LHI and surrounding waters within commonwealth and state legislation to allow effective management of risks particular to this special place, potentially aligned to the World Heritage property boundary

6.

References:

Department of Agriculture and Water Resources 2016, *Australian ballast water management requirements Version 6*

Environmental Protection Agency Victoria 2017, *Protocol for environmental management: Domestic ballast water management in Victorian state waters (publication 949)*

International Maritime Organization 2017, *International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM)*

Thanks

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