

## **The National Noxious Species List**

### **First The Good News.**

There is no National Noxious Fish Species Laws.

While there is the provision to seize animals under the Australian Quarantine Act 1908 and under the federal Environment Protection and Biodiversity Conservation Act 1999 create regulations to prohibit the trade in species that “would be likely to”, “do or may threaten biodiversity in the Australian jurisdiction”, the “noxious” aquatic lists are presently controlled by the states and territories.

The states and territories are increasing the number of species on their lists and trying to have the same species on every list.

The most recent formal get-together was announced by The Marine and Coastal Committee of the Natural Resource Management Standing Committee’s release for comment of "A Strategic Approach to the Management of Ornamental Fish in Australia" in 2006. The Qld Federation of Aquarium Societies responded with a submission (available at [www.qfas.org](http://www.qfas.org)) introducing ourselves and asking “Why does the Commonwealth Government feel the need to control the aquarium hobby? A hobby which has been established in Australia since the 1890’s. Presumably this is because you state that some 30-plus exotic species have become established so far, in our native aquatic habitat. This is a tragedy, especially when it is admitted that about one third of these did not come from ornamental sources and thus were due to agencies that tell us that they know what is good for us (with all the information and expertise that is available to them). It is a credit to the general public, the hobby and the industry that so few species have escaped and become established from “the millions being transported around the globe”. Most of the evidence available to us suggests that very few people deliberately empty the contents of their aquarium into the native aquatic environment. Usually poor pond design and species selection in outdoor situations which are subject to heavy rain and/or flooding are a major factor. With a little more education and guidance by hobby organisations, industry and government we should be able to significantly reduce this problem.”

The submission ended with the following points:

Since we are asked to comment on the strategic approach rather than the inclusion or not of various individual species on the noxious list that is the approach we are taking.

1. Firstly before applying pressure on the hobby and industry we believe the two Commonwealth Departments responsible for importations (DEH and DAFF) should have a united approach with mutually acceptable standards. A prime example is the recent intervention of DAFF into DEH process where a Federal Minister makes a public announcement in the Government Gazette that Salmon Red Rainbow fish (*Glossolepis incisus*) is allowed to be imported, then a public servant in another government office, (Bio-Security Australia) sends an email to the two major importers that this import will not be allowed, this notification occurs after the importers have placed their orders for this species.

2. Next we believe that all State and Commonwealth agencies involved should agree on a Noxious list that they can confidently defend and identify. It should be relatively easy to get hobby and industry support for this. It would seem to be common sense that trainee officers would find it easier to identify the 37 individual species and 25 Genera on the proposed Noxious list than thousands of species not listed.

3. It is imperative that DEH makes a final acceptance of an assessment protocol for all ornamental species. As a matter of urgency DEH should then allocate funds to use

their accepted protocol immediately to assess all species in this country. We believe that the 2—3 years referred to in the document is far too long.

4. New species need to be assessed promptly to close down the “demand” pathway for the majority of smuggled species. Perhaps a DEH-approved consultant using the accepted protocol could be provided with a list of new species quarterly through a hobby and industry pathway. If DEH and DAFF are indeed serious about stopping smuggling then this should be done as soon as possible hopefully before organised crime sees fish smuggling as a profitable avenue.

5. We would expect to be further consulted when species on the “grey” list are reviewed and allocated a more permanent status. We are concerned about a possible “permit” system and the prospect of inspectors “raiding” hobbyist homes looking for “forbidden” fish in the future. In the past in Queensland we have had permit systems, this worked with full co-operation between the hobby and the State government. After a short period of time (approx 2-3 years) it was arbitrarily discontinued by DPI Fisheries.

6. There is a very real concern that registration of membership and accreditation of expertise by clubs may simply be used by departments as targets for future inspections and we would resist this approach. We would hate to see the spectre of the “GUPPY GESTAPO” rise again, as we see this as a trigger for widespread release of fish into the environment by worried members of the public . It is important to realise that the organized aquarium hobby while influential, accounts for a fraction of the people that keep fish. To avoid the unwanted outcome of mass dumpings (such as happened when the Queensland Government declared *Tilapia* noxious) all avenues need to be considered e.g. “buy back schemes or exchange for more acceptable species (at local aquarium stores or club meetings) or a free voluntary permit to keep until the death of the specimen.

7. Much importance has been made of including species (on the noxious list) that have established populations in the environment or are on noxious or other restricted lists. Unfortunately species like goldfish, guppies, swordtails, platys and mollies are beginners fish and form a huge proportion of the trade and hobby. Therefore it is unlikely that restrictions on these species will be acceptable to the trade or hobby. The feral populations of these species are usually found in degraded habitats around larger population areas. A point to note is that native fish respond most positively to habitat repair, the problem is exotic species do better in degraded habitats. We should look at spending some of the time spent on the “problem” of exotics on habitat repair. In the interests of transparency and uniformity some other established species on various lists may need to be reviewed. Once again education rather than prohibition may be the more successful approach.

8. The decision of where a hobby stops and a business begins is more properly one for the Taxation Office. Obviously individual privacy considerations are important here but a “paper trail” of the value of receipts from wholesalers or retailers should help decide.

9. Regulation of importers and large commercial breeders is not the province of the hobby.

10. We would welcome improved communication from all government agencies that impinge on our hobby and most clubs would gratefully accept regular contributions with information on individual species, habitat concerns, pond design, diseases etc. are all welcome and will be passed onto the membership for their meetings, publications, newsletters and could also be posted on public forums on the internet.

11. Aquatic plants used in the ornamental fish trade are also in dire need of education and communication assistance. While fish will die without water many plants can survive and even thrive in damp areas. The education will need to be ongoing and not only directed at aquarists and aquarium shops but also every garden and hardware outlet, nurseries and even the frog protection groups. Once again education rather than prohibition is more likely to be successful.

12. It is important to underline the aim of this whole exercise—to protect our aquatic environment. People don't like to kill their "PETS" and in this fish— keepers are no different to cat and dog lovers. If their pet fish are deemed to be noxious then a free voluntary permit to keep their fish until it dies seems to be the best option for those who are reluctant to surrender or swap. Obviously some world records for longevity are to be expected.

13. The organised hobby only represents a fraction of the fish keepers in this country so strategies will only be as effective as their appropriateness deserve communication which is a two way process so a pathway out for information should have an accompanying feedback direction as well.

14. We would hope that this process of communication, consultation and co—operation continues.

Then QFAS heard no more about changes to aquarium fish laws and lists until October this year.

On 16<sup>th</sup> October 2008 there was a meeting in Canberra to discuss The Management of Ornamental Fish In Australia. Among the items discussed, was the national policy on noxious fish. Such an important policy should be determined via a "scientific" basis that is both reasonable and transparent, and widely consulted rather than just an arbitrary subjective departmental opinion.

There was another meeting in Canberra scheduled for 7<sup>th</sup> November, 2008.

On the 25<sup>th</sup> October 2008 the Queensland Cichlid Group held a special meeting to discuss this matter. A letter was devised based on letters and input from the VCS Forum Web Site and Norm Halliwell.

The letter available from [www.qcichlid.org](http://www.qcichlid.org). The aims of the letter are make the ministers and government representatives aware of the need for more input from aquarists in decisions that affect them and that decisions should be on a "scientific" basis which are both reasonable and transparent, and widely consulted rather than just an arbitrary subjective departmental opinion.

The 2<sup>nd</sup> Meeting of the Ornamental Fish Management Implementation Group held on Friday the 7<sup>th</sup> of November in Canberra.

Present at this meeting was Will Zacharin (Fisheries PIRSA), Andy Moore (Fisheries Scientist BRS) Nick Gascoigne (DEWHA), Bill Smith (Qld Federation of Aquarium Societies, Qld Cichlid Group – Aquarium Hobby Representative), John Robertson (Qld DPI), Graeme Bowry (NSW DPI), the Fisheries Director from Tasmania and a representative from Victorian DPI and Anthony Ramsey (PIAA – Pet & Aquarium Trade Representative). Also attending the meeting by teleconference was Stephanie Turner (WA) and Tricia Beatty (NT).

The first major discussion point was the "Grey List" review and the "Grey List" Process.

See the other attachments for copies of the review and process.

Bill advises that this discussion was frank and open with none of the government representatives appearing to have any hidden agendas (but using the precautionary

principle as a guide). The proposed additions to the lists in every state are attached as well as further species that may be looked at a later date.

Due to the aquarist's email campaign the meeting's attendees agreed that all fish of interest to the hobby and/or trade would not be discussed or actioned upon until at least the next meeting, which is scheduled for March 2009.

*Keep downloading the QCG letter of concern ([www.qcichlid.org](http://www.qcichlid.org)) & also getting other aquarists to forward it the ministers etc at the top of the letter.*

Then there was a discussion amongst the various government representatives about the ongoing funding at both federal and state levels pertaining to noxious fish.

It was noted at this meeting that changes to the Queensland noxious fish list is being proposed to parliament in February 2009.

*The Queensland Cichlid Group is opposing this on your behalf as there has been no discussion or consultation on this matter. We will be writing to the DPI & Fisheries minister forthwith. This letter will also be available on our website and we suggest that also forward a copy to the minister as soon as it is available.*

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National Noxious Species footnotes

A Strategic Approach to the Management of Ornamental Fish in Australia

Downloadable from <http://www.affashop.gov.au/product.asp?prodid=13332>

Environment Protection and Biodiversity Conservation Act 1999 Sect 301a

301A Regulations for control of non-native species

The regulations may:

(a) provide for the establishment and maintenance of a list of species, other than native species, whose members:

(i) do or may threaten biodiversity in the Australian jurisdiction; or

(ii) would be likely to threaten biodiversity in the Australian jurisdiction if they were brought into the Australian jurisdiction; and

(b) regulate or prohibit the bringing into the Australian jurisdiction of members of a species included in the list mentioned in paragraph (a); and

(c) regulate or prohibit trade in members of a species included in the list mentioned in paragraph (a):

(i) between Australia and another country; or

(ii) between 2 States; or

(iii) between 2 Territories; or

(iv) between a State and a Territory; or

(v) by a constitutional corporation; and

(d) regulate and prohibit actions:

(i) involving or affecting members of a species included in the list mentioned in paragraph (a); and

(ii) whose regulation or prohibition is appropriate and adapted to give effect to Australia's obligations under an agreement with one or more other countries; and

(e) provide for the making and implementation of plans to reduce, eliminate or prevent the impacts of members of species included in the list mentioned in paragraph (a) on biodiversity in the Australian jurisdiction.

Quarantine Act 1908 - Section 55a

55A Power to order goods into quarantine

(1) A quarantine officer may:

(a) examine any goods to which this section applies; and

(b) order into quarantine any of the goods that, in the officer's opinion:

(i) are, or are likely to be, infected with a disease or pest; or

(ii) contain, or appear to contain, any disease or pest; or

(iii) have been exposed to infection from a disease or pest.

(2) This section applies to:

(a) imported animals and plants, whether subject to quarantine or otherwise