



Inquiry into Environment Protection Reform Bill 2025 and six related bills

Environment and Communications Legislation Committee

**Supplementary Submission by the
Invasive Species Council**

February 2026

Document details

Invasive Species Council. 2026. Supplementary Submission to the Inquiry into Environment Protection Reform Bill 2025 and six related bills. Environment and Communications Legislation Committee.

About the Invasive Species Council

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders. It is a not-for-profit charitable organisation, funded predominantly by donations from supporters and philanthropic organisations.

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Introduction

The recent EPBC Act reforms failed to address a threat which has caused more Australian animal extinctions than any other and continues to push hundreds of native species toward extinction: the mega-threat of invasive species. National Environmental Standards (standards) now provide the best opportunity to strengthen EPBC Act processes for preventing and mitigating invasive species threats.

Since colonisation, Australia has averaged >1 extinction every 3 years. Invasive species have been a primary driver (>30% contribution) in about three-quarters of extinctions (Figure 1) – particularly of mammals and frogs. This has continued into modern times, with invasive species a primary driver of at least 20 of 27 probable extinctions [since 1960](#).

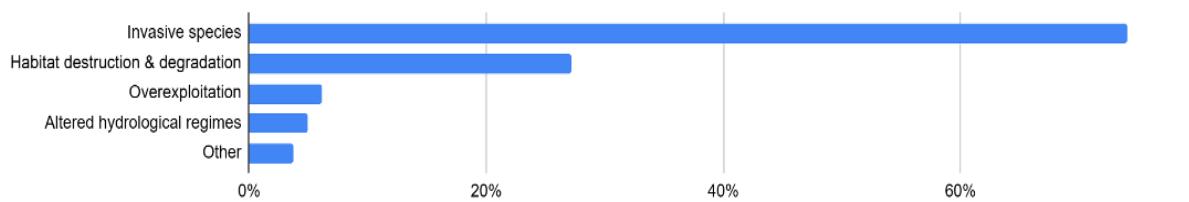


Figure 1. Major drivers of Australian extinctions (confirmed and probable)

Invasives remain the most prevalent significant threat to animals and plants currently threatened with extinction (Figure 2).¹ Hundreds of new invasive species, like myrtle rust, jaguar cichlid, freshwater gold clam, polyphagous shot-hole borer, red imported fire ant (under eradication) and parrot bornavirus (unconfirmed), have established in the wild since the EPBC Act commenced. Many more, like the deadly H5N1 bird flu, are looming on the horizon.

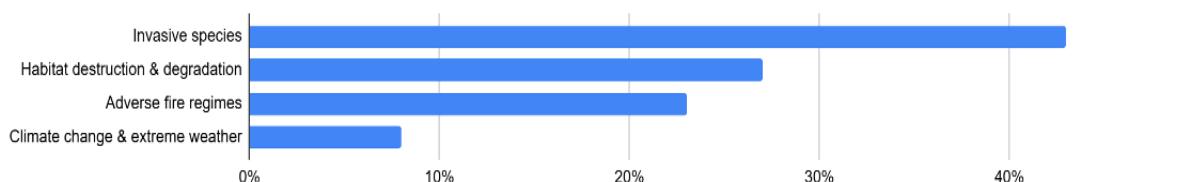


Figure 2. Significant (medium-to-high impact) threats to EPBC-listed threatened species 2018

The Invasive Species Council's [original submission](#) to the Committee's Inquiry into the Environment Protection Reform Bill 2025 and related bills (bills) urged the Committee to recommend standards to strengthen and support live import and threat abatement processes under the Act. This supplementary submission provides further detail and justification for those recommendations.

We also enclose our submissions responding to draft standards for Matters of National Environmental Significance (MNES) and Environmental Offsets – with detailed recommendations for changes to those standards to address key threats, particularly those posed by invasive species – and look forward to the opportunity to respond to the draft First Nations Engagement standard upon its release.

¹ Stephen Kearney, et al, 'The threats to Australia's imperilled species and implications for a national conservation response', *Pacific Conservation Biology*, 2019, 25: 231–244. <https://doi.org/10.1071/PC18024> and Michelle Ward et al, 'A national-scale dataset for threats impacting Australia's imperiled flora and fauna', *Ecology and Evolution*, 2021, 11(17): 11551-12231. <https://doi.org/10.1002%2Fece3.7920>

We urge the Committee to make the following recommendations concerning the making of standards for threats and live imports. We welcome the opportunity to discuss these recommendations with the Committee.

Supplementary recommendations

Recommendations to strengthen processes to identify and tackle threats to nature

Recommendation 1: Prepare a Threats Standard to provide clear guidance on the identification, listing, classifying, prioritising, abatement and review of key threats and include horizon scanning to identify emerging threats.

Recommendation 2: In the Threats Standard require:

- (a) the application of a process to identify and prioritise components of KTPs for threat abatement
- (b) on a decision to prepare a TAP for recommendation of a component of a KTP for listing, the preparation of a detailed statement of measures needed to achieve, if possible, delisting of the threat or the maximum level of abatement that is feasible
- (c) the process of preparing each TAP to consider all threat abatement options – including, for invasive threats, regulations under s301A of the EPBC Act.

Recommendation 3: In the Threats Standard:

- (a) require each TAP to provide clear statements on jurisdictional responsibility for funding and implementation of objectives and measures and estimates of funding required for each action
- (b) provide processes for monitoring and reporting on the status of key threats and abatement progress.

Recommendations to strengthen protection for nature at the border

Recommendation 4: Prepare a Live Imports Standard to provide clear guidance on the objectives, outcomes and processes for all live imports assessments and decisions made for the purposes of the EPBC Act, including those made by the DAFF.

Recommendation 5: In the Live Imports Standard:

- (a) provide clear objects affirming that EPBC Act objectives and the precautionary principle apply to all live import decisions, including those made by DAFF
- (b) identify the outcome of live import assessments by specifying a ‘negligible risk’ standard for live imports.

Recommendation 6: In the Live Imports Standard:

- (a) formalise processes for public notification of and comments on live import decisions
- (b) specify common assessment principles (including scope) for all live import decisions and require their periodic review
- (c) provide processes for the review of species on the Live Import List, including public-triggered review.

1. Threats Standard to strengthen processes to identify and tackle threats to nature

In our previous submission the Invasive Species Council recommended a national environmental standard be made to ‘provide clear guidance on the identification, listing, prioritising, abatement and review of key threats, and include horizon scanning to identify emerging threats,’ and for this Threats Standard to be applied in relevant decisions like the listing of key threatening processes and the making of threat abatement plans. In this section we expand on those recommendations, explaining the important improvements a Threats Standard would make.

The EPBC Act has not halted the precipitous decline of Australia’s unique and iconic wildlife and places they live. While most of the recent reforms are positive, Australia’s premier nature law, despite the hype, is no closer to achieving what it promises: protecting the environment and conserving biodiversity. Fortunately, the introduction of the power for the Minister to create and apply standards now provides a promising opportunity to correct the declining course for nature.

One of the most important yet overlooked features of the EPBC Act is that it provides processes to identify and list the most serious threats to native species and ecological communities – known as key threatening processes (KTPs) – and to develop threat abatement plans (TAPs) directed at eliminating or reducing those threats. This is particularly important for threats like invasive species and adverse fire regimes that mostly cannot be mitigated by regulating actions.

Threat abatement is necessary to prevent new threatened species and extinctions, recover threatened biodiversity, foster resilience and prevent or respond quickly to emerging threats. Yet, in the 25-year history of the EPBC Act, no threats have been delisted and few threats have been abated to any significant degree. Systemic problems in threat identification and abatement identified in the Samuel Review and other inquiries and report include:²

- ad hoc listing of KTPs
- inconsistent classification of KTPs
- a lack of focus on emerging threats
- optional and slow development of TAPs
- weak implementation of TAPs by state, territory and federal governments
- no formal agreement by Australia’s governments to jointly develop and implement TAPs³
- poor accountability, a lack of monitoring or reporting on the status of listed threats or progress on threat abatement, even on Commonwealth lands.

² For example: Auditor-General, [Report No.19 2021–22 Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999](#), 2022, Australian National Audit Office, Australian Government; Threats to Nature project, [Averting extinctions: The case for strengthening Australia’s threat abatement system](#) [PDF 6.3MB], 2022, Invasive Species Council, Bush Heritage Australia, BirdLife Australia, the Australian Land Conservation Alliance and Humane Society International; The Senate Environment and Communications References Committee, [Australia’s faunal extinction crisis. Interim report](#), 2019, p 2; Samuel, Graeme, [Independent Review of the EPBC Act - Final Report](#) [PDF 5.8MB], 2020, Department of Agriculture, Water and the Environment, Canberra, p 128.

³ We do note that the Australian Government has secured state and territory commitments for the feral cat TAP, and in-principle agreement to progress an escaped garden plants TAP.

Below we outline how a Threats Standard can help to address flaws in the current approach, by providing:

- a more systematic approach to identifying, listing and reviewing KTPs
- guidance on the identification and prioritisation of measures to address threats in TAPs
- increased transparency and accountability for managing listed KTPs through consistent allocation of responsibility to jurisdictions and monitoring and reporting.

1.1. A systematic approach to threats

In 2022, the Auditor-General found ‘there is not an effective approach to identifying key threatening processes for listing’.⁴ The current system is ad hoc – relying on an onerous and slow process of nomination and assessment of threats – and lacks focus on emerging threats. This is a missed opportunity for nationally coordinated action at the early stage of the invasion curve when mitigation is most feasible, effective and efficient

Threats that are eventually listed as KTPs can differ in scale and severity, ranging from particular (e.g. beak and feather disease) to all-encompassing threats (e.g. novel biota), which can hamper efforts to develop – and fund – effective responses. For example, the umbrella novel biota KTP listing has, for over a decade, prevented the development of nationally coordinated TAPs for numerous individual invasive threats, like feral deer (nominated as a KTP in 2011), myrtle rust and invasive freshwater fish. While recent changes to the EPBC Act now allow for the development of multiple TAPs for any listed KTP, guidance is required to ensure a systematic listing approach is adopted, and listing of higher-order, overarching threatening processes is prioritised to allow work to commence on more specific TAPs.

Compounding these problems, threats that are not listed as KTPs are not kept under review, meaning there is no mechanism to ensure the list is up-to-date.

This unsystematic approach to listed KTPs has resulted in years of delayed nationally coordinated action on threats like deer, which are now spreading across Australia’s landscapes wreaking damage on ecosystems, agriculture, and impacting tourism and road safety – refer to the [case study](#) below. In addition to the environmental costs, it is well-established that a failure to act early on invasives exacts a high economic penalty. For example, the NSW Natural Resources Commission estimates that the financial cost of invasive species in NSW is now at least \$1.9 billion per year, having increased from approximately \$26 million in the 1970s.⁵

Case study – Feral deer

Deer were first introduced to Australia in the 1800s, with 6 species establishing wild populations due to deliberate introductions by hunters and escapes from deer farms. For much of their history in Australia they were protected for hunting (and still are to some extent in Victorian and Tasmania) and promoted as environmentally benign.

But in recent decades their numbers have surged – from about 50,000 in 1980 to over 200,000 by

⁴ Auditor-General, *Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999*, p 25.

⁵ Natural Resources Commission, 2014, [Reducing Risk, Securing the Future NSW Invasive Species Management Review – Final Report November 2024](#) [PDF 7.8MB], NSW Government, Sydney, p 1.

2002 and now up to 1.5–2 million nationwide (these numbers are rough estimates and the current numbers are contested due to a lack of detailed population surveys).⁶

The environmental impacts of feral deer became widely recognised in the 2000s, and include severe damage to native vegetation, competition with native herbivores, degradation of waterways, soil compaction, and weed spread.⁷ Deer now cost Australian communities and producers an estimated \$91 million annually,⁸ with projected losses of up to \$2.2 billion in Victoria over the next 30 years.⁹

A 2011 nomination by the Invasive Species Council to list feral deer as a key threatening process under the EPBC Act was rejected as deer were encompassed by the novel biota KTP then under assessment.¹⁰ If that nomination had been accepted and a national TAP developed, Australia's deer problem could have been properly recognised and more systematically addressed much earlier.

While Australia now has a national action plan (published in 2023) and some states have taken meaningful threat mitigation action,¹¹ the failure to take earlier coordinated national action has cost Australia dearly, with up to a 10-fold increase in deer numbers and a doubling of their range over the 25 years since the EPBC Act commenced¹².

The Invasive Species Council proposes the development of a Threats Standard to address these issues by requiring policy- and decision-makers to take the following steps.

- **Adopt a comprehensive and systematic approach to identifying and listing KTPs:** To ensure that all threats are considered, the Threats Standard would require a systematic approach to identifying and nominating key threats, including horizon scanning for emerging threats of national significance (before they become too costly and unfeasible to mitigate).
- **Apply a hierarchical threat classification schema to KTP listings:** We recommend the Threats Standard provide for the adoption of a schema by which to classify threats – consisting of an overarching threatening process category (such as biological invasions/novel biota and habitat loss/degradation) which encompasses more specific nationally significant threats (such as feral cats and land clearing). It should be aligned with the IUCN Threats Classification Scheme, adapted to Australia's circumstances, and be based on the work already undertaken by the Academy of Science and Threatened Species Scientific Committee. It would provide the basis for systematic identification and prioritisation of threats. By specifying there should be a comprehensive listing of the overarching threatening processes (as defined in the schema), the Threats Standard would enable departmental resources to be focused less on drawn-out KTP listing processes for particular threats, and more on developing threat abatement plans for the systematically identified priority threats encompassed by those listed processes.

⁶ National Feral Deer Action Plan, [National Feral Deer Action Plan 2023-2028](#), 2023, Government of South Australia.

⁷ Invasive Species Council, [Key Threatening Process Nomination for Herbivory and environmental degradation caused by feral deer](#), 2011.

⁸ National Feral Deer Action Plan, 2023, p 7.

⁹ Frontier Economics, [Counting the doe: an analysis of the economic, social & environmental cost of feral deer in Victoria: A report for the Invasive Species Council](#), 10 June 2022.

¹⁰ DCCEEW, [Key threatening process nominations not prioritised for assessment](#), Australian Government, accessed on 4 February 2026.

¹¹ Both New South Wales and Victoria have recognised feral deer as a threatening process.

¹² National Feral Deer Action Plan, 2023, p 7.

- **Specify criteria for listing emerging threats:** By clearly setting out factors to be considered and providing guidance on when emerging threats ‘may’ threaten the survival, abundance, or evolutionary development of a native species or ecological community, the Threats Standard should make clear what information and evidence is required to found a KTP listing.
- **Regularly review listed threats to ensure the list remains up to date:** The Threats Standard should provide processes and criteria for the review of KTPs and potential KTPs, ensuring the list remains up-to-date and responsive to emerging threats. The Standard should ensure that regular monitoring and reporting on the status of key threats is maintained – providing accountability and transparency where they are currently lacking.

Recommendation 1: Prepare a Threats Standard to provide clear guidance on the identification, listing, classifying, prioritising, abatement and review of key threats and include horizon scanning to identify emerging threats.

1.2. Identification and prioritisation of measures to address threats

A comprehensive identification and classification of nationally significant threats to nature (whether listed or not under the EPBC Act) provides the basis for a systematic prioritisation of threats – important for determining which threats should be the focus of a threat abatement plan or other action (e.g. regulation or research).

A commitment to effectively abate a nationally significant threat – so that it can be delisted or to the extent that is feasible – requires a decades-long time horizon. Each threat abatement plan, with an intended life span of about 5 years (before being reviewed), should be regarded as a stepping stone towards that longer-term goal and assessed in terms of its increment to achieving that. It is important, therefore, to provide a longer-term perspective as context by commissioning a statement that outlines what would be required to achieve delisting or maximum abatement.

This would also inform a forward-looking research program – delisting of invasive species in particular will often require new technologies or management approaches – and the development of far-sighted policies.

All abatement measures should be considered, including regulation. For instance, the unexercised powers under section 301A of the EPBC Act to list non-native species that threaten biodiversity and regulate their inter-state trade and transport have potential to prevent or limit the spread of invasive species.

The proposed Threats Standard would help address these issues by requiring policy- and decision-makers to:

- **Apply a process for identifying and prioritising components of KTPs for threat abatement:** Given the plethora of nationally significant threats, a prioritisation process is needed to determine which should be a focus of threat abatement planning or other measures. A systematic listing of higher-order processes (e.g. novel biota, climate change or habitat loss) would provide the basis for a process to prioritise components of those processes for abatement – for example, to assist with deciding which specific invasive species (which fall under the novel biota KTP) should have a TAP or be the focus of regulations under s301A.

- **Prepare a statement of measures for abatement:** Once the Minister has decided a TAP should be made for a component of a KTP (in accordance with the prioritisation process mentioned above), the Threats Standard should require a statement to be made, detailing the measures needed – e.g. management actions, law/policy reform, research – to achieve, if possible, delisting of the threat or the maximum feasible level of abatement of the component threat. This would inform the preparation of threat abatement plans or strategies, indicate reform and research priorities, and provide the long-term perspective needed to realistically assess abatement progress.
- **Set short- and long-term abatement objectives:** Each TAP should be required to identify and recommend both priority short-term and 5-to-10-year objectives for threat abatement.
- **Consider all abatement options, including regulation:** Decision-makers should consider all options to facilitate threat abatement, including, for invasive threats, whether regulations under s301A of the EPBC Act should be developed.

Recommendation 2: In the Threats Standard require:

- (a) the application of a process to identify and prioritise components of KTPs for threat abatement
- (b) on a decision to prepare a TAP for a component of a KTP, the preparation of a detailed statement of measures needed to achieve, if possible, delisting of the threat or the maximum level of abatement that is feasible
- (c) each TAP to identify and recommend both priority short term and 5-to-10-year objectives for threat abatement
- (d) the process of preparing each TAP to consider all threat abatement options – including, for invasive threats, regulations under s301A of the EPBC Act.

1.3. Threat management transparency and accountability

There are currently no requirements for monitoring or reporting on the status of listed threats or progress on threat abatement, even on Commonwealth lands (where TAPs are required to be implemented). Furthermore, a requirement for a 5-yearly review of TAPs lacks specified criteria or objectives, is often delayed, and provides no independent oversight of threat abatement progress.

In 2022, the Auditor-General found the department's tracking of KTP abatement is ineffective – lacking consistent monitoring, measurement, and reporting to show if desired outcomes are met – with limited evidence that TAPs actually reduce threats on the ground. The report highlighted how outdated processes, insufficient monitoring, and a lack of robust frameworks for evaluating TAP success were frustrating the objectives of the EPBC Act.¹³

The proposed Threats Standard would help address these issues by requiring policy- and decision-makers to:

¹³ Auditor-General, *Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999*, pp 8, 9, 2.28, 2.3

- **Provide clear statements on jurisdictional responsibility:** Clear statements would be provided within TAPs indicating what aspects of the plan will be implemented by each jurisdiction (as agreed) together with estimates of the required funding for each abatement action.
- **Develop processes for monitoring and reporting on abatement progress:** The Threats Standard would require processes for monitoring and reporting on the status of listed threats and progress on threat abatement, ideally by an independent expert or panel. Monitoring should also be undertaken for all nationally significant threats (not just those with TAPs), which will help identify trigger trends that warrant a response.

Recommendation 3: In the Threats Standard:

- require each TAP to provide clear statements on jurisdictional responsibility for implementation of objectives and measures and estimates of funding required for each action
- provide processes for monitoring and reporting on the status of key threats and abatement progress.

2. Live Imports Standard to strengthen protection for nature at the border

In our previous submission the Invasive Species Council recommended a Live Imports Standard be made to provide clear guidance on the objectives, outcomes and processes for live import assessments and decisions and be applied in all relevant decisions, including for decisions by DAFF. Building on those recommendations, here we detail the crucial preventative environmental safeguards a Live Imports Standard would establish.

Australians understand the devastating, irreversible consequences of the accidental or deliberate release of invasive species – mention of cane toad, fox and rabbit invasions can elicit visceral expressions of regret, a collective 'if only we had prevented that'. This is what the live import provisions in Part 13A of the EPBC Act are supposed to do: prevent the introduction of new species that bring with them the potential to threaten nature and our economy, culture and way of life.

Poor decisions permitting entry to invasive species can lead to more environmental harm, including species extinction, than the approval of most major developments. Yet the bills did not focus on EPBC Act live import processes and how they interact with Australia's broader biosecurity framework, operated by DAFF, despite these processes being obvious contenders for reform.

A recent review of Australia's environment biosecurity arrangements by the Inspector-General of Biosecurity listed 'several deficiencies in the current [live import] arrangements':¹⁴

- *No formal joint decision-making framework:* The [EPBC Act and Biosecurity Act] do not mandate concurrent assessments or consultation, leading to sequential processes and delays.

¹⁴ Inspector-General of Biosecurity, [Environmental biosecurity—management and policy implementation \[PDF 1.550 KB\]](#), Department of Agriculture, Fisheries and Forestry, 2025, pp 30-31, accessed on 15 January 2026.

- *Delayed priorities and decision-making:* Live Import List amendments (EPBC Act) and Import Risk Analyses (Biosecurity Act) often occur one after the other, causing lengthy approval timelines.
- *Inefficient risk assessment:* Environmental and biosecurity risks are assessed separately, with no unified guidelines, resulting in duplication and **inconsistent standards** [emphasis added].
- *Lack of [Australian Chief Environmental Biosecurity Officer (ACEBO)] representation:* The ACEBO has no formal role in Import Risk Analyses, limiting environmental input in early stages.
- *Governance ambiguity:* Reliance on informal arrangements creates unclear roles and accountability gaps; and undermines transparency.'

The Inspector-General recommended that decision-making frameworks between the Biosecurity Act and the EPBC Act be formalised by way of a 'legislated framework' that supports 'joint decisions' and establishes 'clear dispute resolution processes for cases where a proposed import raises significant concerns under both Acts' to 'minimise gaps, reduce delays and prevent jurisdictional ambiguity'.¹⁵ He further recommended that environmental biosecurity risk assessment guidelines between the Biosecurity Act and the EPBC Act be consolidated to 'ensure a holistic, transparent and efficient approach to evaluating all environmental threats posed by imports or pathways'.¹⁶

Below we outline how a Live Imports Standard is the obvious solution to these problems, by providing:

- administrative and jurisdictional clarity about the respective responsibilities of DCCEEW and DAFF
- clear objectives and guidance on acceptable outcomes (or levels of risk) for live import decisions
- consistent import risk assessment approaches between the Biosecurity Act and EPBC Act.

2.1. Administrative and jurisdictional clarity

Administrative clarity and consistent standards that reflect EPBC objects and principles are essential for effective border protection. Although the Environment Minister is responsible for decisions about which live plant and animal taxa should be permitted as imports into Australia, many of these decisions are currently instead made by DAFF under the Biosecurity Act:

- **Permitted plant imports:** decisions by DAFF on live plant imports are 'taken to be made' for the purposes of the EPBC Act.
- **Acceptable disease risks:** the Environment Minister routinely defers decisions concerning the disease risks of both live plant and animal imports to DAFF.

These critical environmental decisions are left to DAFF even though DAFF is not required to apply the EPBC Act's objects, principles or assessment standards, and despite the absence of a formal legal pathway in the EPBC Act for decisions about disease risks of live animal imports to be deferred to another agency.

¹⁵ Inspector-General of Biosecurity, *Environmental biosecurity report*, p 31.

¹⁶ Ibid.

The Invasive Species Council has major concerns about DAFF's decision-making protocols for disease risks, including risk assessment methods ([Live Parrot import case study](#)). We strongly question whether they are sufficiently robust and precautionary to further the objectives of the EPBC Act.

Case Study – Live parrot imports and the threat of introduced disease

DAFF is proposing to lift a decades-long ban on live psittacine (parrot/cockatoo) imports under the Biosecurity Act 2015. This is occurring while the Environment Minister is assessing additions to the Live Import List under the EPBC Act. The Environment Minister routinely defers the assessment of the disease risks of proposed live animal imports to DAFF's processes under the Biosecurity Act despite the lack of a formal legal pathway to do so. This is concerning as DAFF is not required to apply the EPBC Act's objects and the precautionary principle in its assessments.

Imported parrots pose a potentially existential disease threat to native parrots, including the critically endangered orange-bellied and swift parrots. Wildlife health experts are concerned that DAFF's *Draft import risk review for psittacine Birds from all countries* significantly underrated risks to threatened native species from known pathogens like the deadly parrot bornavirus and psittacid herpesvirus-1 while ignoring others.¹⁷ DAFF's review also failed to take account of the significant costs of conserving and recovering native species under threat of disease. If the Environment Minister relies on this assessment to add parrots to the Live Import List, real questions will hang over whether adequate consideration has been given to potential disease risks to native species.

These gaps in the environmental biosecurity frameworks lead directly to the governance ambiguity and inconsistent standards that the Inspector-General of Biosecurity identified in his recent review.¹⁸ They are also inconsistent with the approach taken to assessments undertaken by other agencies for the purposes of the EPBC Act, which must be formally endorsed or accredited under the Act. For example, NOPSEMA's assessment program for offshore oil and gas exploration and development and certain fisheries are subject to strategic assessments under Part 10 of the EPBC Act.

A Live Import Standard can rectify these issues by providing common objectives, outcomes and assessment processes for all live import assessments and decisions for the purposes of the EPBC Act. These changes will assist with harmonising live import assessments, including those undertaken by DAFF, ensuring that decisions are made transparently and consistently with the objects of the EPBC Act.

Recommendation 4: Prepare a Live Imports Standard to provide clear guidance on the objectives, outcomes and processes for all live imports assessments and decisions made for the purposes of the EPBC Act, including those made by the DAFF.

2.2. Clear objectives and guidance on outcomes

Ministerial discretion to amend the EPBC Act Live Import List to add or remove listed species is very broad. Other than high-level objectives for Part 13A – requiring compliance with the Biodiversity Convention, the protection and conservation of biodiversity and application of the precautionary

¹⁷ Australian Department of Agriculture, Water and the Environment, [Import risk review for psittacine birds from all countries – draft review \[PDF 2.5MB\]](#), Australian Government Canberra, July 2020.

¹⁸ Inspector-General of Biosecurity, *Environmental biosecurity report*, p 31.

principle – the Act is silent on the specific objectives and acceptable outcomes of live import decisions. This means it is unclear what ‘suitable for live import’ means in practice, leaving the door open to decisions that fail to properly account for risks to Australia’s unique and endemic species posed by live imports.

A Live Import Standard can provide further guidance to decision-makers on these important matters, by:

- **Affirming and providing further detail of objects of live import decisions:** The Live Import Standard should affirm that EPBC Act objectives and the precautionary principle apply to all live import decisions – including those made by DAFF for plant imports.¹⁹ The Standard should also clarify that compliance with the Biodiversity Convention includes with article 8(h) which states, ‘[e]ach contracting Party shall, as far as possible and as appropriate, prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species’.
- **Identifying the outcome for live import assessments:** The Live Import Standard should specify a ‘negligible risk’ standard for live imports, recognising:
 - (a) the lack of knowledge of the risks of many potential invaders – noting that the main source of evidence for invasive risks is a history of invasiveness elsewhere, which is not available for species lacking an extensive introduction history, and that invasive risks may be specific for the unique Australian biota
 - (b) the increasing cumulative impacts of invasive species and growing susceptibility of Australian biota.

The Standard should also provide guidance on how the risk standard applies to species that may not directly cause harm but facilitate or exacerbate the harm caused by existing or potential invasive species (e.g. as a vector of disease, pollinator or food source).

These recommended objects and outcomes would help give effect to the precautionary principle for live import decisions. They would ensure alignment of the acceptable level of risk within the range implied by the Appropriate Level of Protection specified in the Biosecurity Act which is ‘aimed at reducing biosecurity risks to a very low level, but not to zero’.

Recommendation 5: In the Live Imports Standard:

- (a) provide clear objects, affirming that EPBC Act objectives and the precautionary principle apply to all live import decisions, including those made by DAFF
- (b) identify the outcome of live import assessments, by specifying a ‘negligible risk’ standard for live imports.

2.3. Consistent assessment approaches

Although DCCEEW commendably chooses to invite public comments and to publish some of the assessment materials for most live import assessment, the EPBC Act provides little guidance on the information required for live import applications and the process for public notification and

¹⁹ EPBC Act, section 303EB(6) and (11) provide that a plant is ‘taken to be included’ in the Live Import List the introduction of which into Australia is not inconsistent with the Biosecurity Act 2015.

comment. The EPBC Act also fails to provide mechanisms to ensure taxa on the Live Import List remain safe to import. This is extremely concerning, as thousands of taxa were included on the List upon the Act's commencement without any environmental risk assessment, due to having previously been permitted under the Wildlife Protection (Regulation of Exports and Imports) Act 1982 (for which there were no formal risk assessment processes).

A Live Import Standard can provide guidance to decision-makers on these important matters, by:

- **Formalising public notification and comment procedures:** Consistent with Samuel Review recommendations about improving transparency and accountability, the Live Imports Standard could require live import assessment and decision-making procedures to be formalised and include standardised public notice and comment for all live import decisions.
- **Specifying common assessment principles for all live imports:** Common assessment principles, including the scope and approach to risk assessments, could be specified for all live import decisions. These risk assessment methods should be subject to periodic review to ensure they continue to effectively meet EPBC objectives and common assessment principles.
- **Providing clear processes for the review of species on the Live Import List:** The Live Import Standard should provide processes for the review of the Live Import List and processes for the public to trigger a review (e.g. when new research demonstrates the invasive potential of a species or a hybrid of a species on the Live Import List, or the emergence of a new disease in overseas specimens of a species on the Live Import List). This will ensure the List is kept up-to-date and responsive to new or emerging risks.

Recommendation 6: In the Live Imports Standard:

- (a) formalise processes for public notification of and comments on live import decisions
- (b) specify common assessment principles (including scope) for all live import decisions and require their periodic review
- (c) provide processes for the review of species on the Live Import List, including public-triggered review.