

# EIC PROCEDURE FOR ENDORSING CANDIDATE WEEDS FOR BIOLOGICAL CONTROL

**Endorsed by Environment and Invasives Committee – JULY 2019**

## **Introduction**

This Procedure describes the role of the Environment and Invasives Committee (EIC), other committees and government agencies in decision making for the national endorsement of weeds as suitable candidates for biological control. It is principally about determining whether there is a substantive conflict between the detrimental impacts of the plant as a weed and any economic, amenity or environmental use (or other useful attributes).

The Procedure refers to use of the biological control 'mirror' legislation scheme, consisting of the Commonwealth *Biological Control Act 1984* (which applies in the Australian Capital Territory including Jervis Bay Territory), and the parallel biological control legislation in all states and the Northern Territory.

An organisation, having identified a weed species as one for which biological control would be desirable, shall apply to EIC to endorse the species as having no substantive conflict as a candidate for biological control. While not mandatory, it is desirable that a weed is endorsed at the early stages of commencing the search for control agents, before significant research investment has been made. The organisation may be a research institution, industry body or government agency, and will generally be the body seeking to fund and/or undertake biological control research on the weed (the applicant). This application shall be supported and formally submitted to EIC by an EIC member.

Under certain circumstances, a weed may need to be formally declared as a target under a biological control Act (BC Act). This particularly applies in circumstances where there are likely to be significant conflicts of interest between the weed's negative impacts and its beneficial uses.

This Procedure does not apply retrospectively. However, it should be noted that EIC and its predecessors, the Invasive Plants and Animals Committee and Australian Weeds Committee have previously agreed to certain weeds as candidates for biological control, under similar considerations outlined in this Procedure. Organisations should consider seeking an endorsement by EIC for weeds historically agreed as targets for biological control, where there have been no biological control agents approved for release and there have been contemporary changes in the plant's use.

To meet the requirements of the Commonwealth *Biosecurity Act 2015* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), biological control agents must be subject to risk analysis to determine their approval for release in Australia. For these two acts it is not a prerequisite that the agent(s) are declared along with weed target(s) under a BC Act. A BC Act decision is also subordinate to decisions made under the Biosecurity Act or EPBC Act. However, where significant conflicts of interest are identified and approvals are granted under the *Biosecurity Act 2015* and the EPBC Act, it may be pertinent for state/territory jurisdictions to consider jointly invoking the protections afforded under a BC Act.

## **Procedure for endorsing candidate weed species for biological control**

1. The applicant shall submit a request to the EIC Secretariat, through an EIC member, to seek endorsement that a weed is a suitable candidate for potential biological control. Information requirements are listed in Box 1, including stakeholder consultation.

2. EIC members will consider the application as an agenda paper.
  - 2.1. Where there are existing or potential uses of the plant (in cultivation or as a wild plant) then EIC should determine whether additional consultation is required before a decision to endorse the weed as a candidate for biological control can be made. EIC may refer the application to the Weeds Working Group for advice.
  - 2.2. Where there remains particular contention or uncertainty over uses of the plant then EIC will refer the application to Plant Health Committee for advice, pending any other stakeholder consultation undertaken in 2.1 (e.g. industry organisations).
3. EIC shall consider the application and the results from any further external consultation and implement action as follows:

No foreseen significant conflict

EIC may endorse the weed as a candidate for biological control. This will apply in such circumstances as:

- The weed is already declared for control (i.e. it is not simply subject to banning sale and/or intentional movement) in all jurisdictions where it occurs or is likely to establish, under their respective biosecurity legislation and no permits have been issued to allow commercial use of the species;

AND/OR

- The weed is not known to have significant useful attributes in any jurisdiction, including for primary industries, habitat and/or use by native fauna and/or cultivation by individuals for ornamental or other legal purposes.

Possible significant conflict or adverse comment

*Minor or Major Conflict resolved:*

EIC may endorse the weed as a candidate for biological control on the basis that any identified conflict has been resolved (e.g. by restricting the endorsed target to a particular taxon within a species complex).

OR

*Minor conflict not resolved, but potential benefits versus adverse impacts are considered to be highly favourable, based on available analyses:*

EIC may determine that the potential benefits of the weed's biological control far outweigh potential for adverse effects and recommend that the proposal should proceed to an application and formal consideration as a target weed under a BC Act. EIC would recommend to Agriculture Ministers' Forum (AGMIN), through National Biosecurity Committee (NBC) and Agriculture Senior Officials Committee (AGSOC), whether to support or not support the declaration of the target weed under a BC Act; AGMIN to consider and make a determination;

OR

*Major conflict not resolved:*

EIC may advise the applicant that there are major conflicts and a formal analysis to support an application and formal consideration under a BC Act would be needed. If, with further evaluation (such as a cost benefit analysis), the applicant still wishes to proceed with an application under a BC Act, EIC would recommend to AGMIN, through NBC and AGSOC, whether to support or not support the

declaration of the target weed under a BC Act; AGMIN to consider and make a determination.

4. The cost of proceeding under a BC Act, including to resource formal consultation and undertake further evaluation (such as cost benefit analysis), to declare a weed a target will be considered by EIC, with the general principle that it should be led by a proponent jurisdiction and cost-shared by beneficiaries.
5. To expedite consideration of an applicant's proposal, the documents can be considered at each stage out-of-session. However, the chair of each committee may deem in-session consideration to be necessary where there is likely to be a requirement for committee deliberation on a particular application before a decision can be agreed.

Regardless of EIC's endorsement of a particular weed as a suitable candidate for biological control, the decision to invest in research into potential agents is a matter for the proponent/s. There is no certainty that a suitable agent will be identified and approved to be released in Australia.

The Commonwealth Department of Agriculture (DA) and the Department of the Environment and Energy (DEE) evaluate risk of introduction and release of potential exotic macro-organism biological control agents, including importation approval under appropriate containment for host specificity purposes. DA also has responsibility for evaluating the risk of introducing potential exotic biological control agents that are micro-organisms. Where there is a potential human health risk, DA will consult the Department of Health.

The process and information requirements for importation, testing and approval of biological control agents of plants and invertebrates are set out in the Biosecurity Guidelines for the Introduction of Exotic Biological Control Agents for the Control of Weeds and Plant Pests (Attachment 1), revised periodically on the DA website.

[http://www.agriculture.gov.au/biosecurity/risk-analysis/biological-control-agents/protocol\\_for\\_biological\\_control\\_agents/guidelines-introduction-exotic-bcas-weed-and-plants](http://www.agriculture.gov.au/biosecurity/risk-analysis/biological-control-agents/protocol_for_biological_control_agents/guidelines-introduction-exotic-bcas-weed-and-plants)

EIC's role with regards to potential weed biological control agents is limited to circumstances where intergovernmental policy consideration needs to be given on whether to invoke a BC Act (to legally declare an agent organism for release), following approval for agent release under the *Biosecurity Act 2015* and the EPBC Act.

**Box 1 Information required to consider endorsement of a weed species as a candidate for potential biological control.**

*(i) Taxonomy*

- (a) Scientific name (genus and/or species, with author citation) and synonyms used in recent Australian literature.
- (b) Common name(s).
- (c) Family to which the candidate weed belongs.

*(ii) Habitat*

- (a) Present distribution, both in Australia and elsewhere (including native range).
- (b) Potential geographic range of candidate weed in Australia.

*(iii) Importance of the candidate species*

- (a) Detrimental aspects, e.g. environmental impacts, competition, livestock health, human health and safety, contaminant. Also costs and impacts of control measures. Include both qualitative and quantitative measures of these impacts if available.
- (b) Beneficial aspects, e.g. commercial industry, grazing value, human food, food or habitat source for native fauna, erosion control, nectar source for honey production, tourist value, source of drug or alternative therapy, chemical or biofuel. Include both qualitative and quantitative measures of these impacts if available.

Information under *(iii)* should be backed with documentation obtained from relevant government, semi-government, producer, commercial, hobbyist and other appropriate bodies and references.

*(iv) Stakeholders*

- (a) Provide a list of stakeholders and other groups who have been consulted during the preparation of the application and who may benefit from the release of effective agents on the weed.
- (b) Provide a list of stakeholders and other groups who have been consulted by the applicant and who may be disadvantaged by the release of effective agents on the weed

Each stakeholder list should include contact details of the stakeholders (where such approval is given) and dates when previous consultation was undertaken.