

# Memorandum of Understanding

between

the Environmental Protection Authority and  
the Fisheries Department of Western Australia

the environmental assessment of translocation of live  
aquatic non-endemic species into or within Western  
Australia



DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

- 2 JUL 1989

File No 1 59/95 Name B. Hollys  
File No 2 \_\_\_\_\_ Name \_\_\_\_\_  
File No 3 \_\_\_\_\_ Name \_\_\_\_\_



Environmental Protection Authority

## 1. Purpose

The objectives of this Memorandum of Understanding are:

- (a) To facilitate an efficient and effective assessment process for translocation proposals while maintaining the responsibilities of all parties.
- (b) To minimise the risk to terrestrial and aquatic environments where translocation of aquatic organisms occurs with particular reference to-
  - \* maintenance of water quality
  - \* maintenance of the integrity of stream and river banks
  - \* maintenance of genetic composition and biodiversity
  - \* protection from the introduction of disease.
- (c) To promote a commitment to continual improvement in environmental performance within the aquaculture industry.

## 2. Obligations

This Memorandum of Understanding (MOU) clarifies arrangements between the Environmental Protection Authority (EPA) and the Fisheries Department of Western Australia (FDWA) for the environmental assessment of translocation proposals of live non-endemic aquatic species into or within Western Australia for aquaculture or recreational fishing stock enhancement purposes.

The procedures in this MOU are designed to ensure that appropriate assessment occurs on translocation proposals.

Through this MOU, the EPA and FDWA have established procedures for the efficient implementation of their duties, while retaining the responsibilities of both parties. The MOU is not a formal delegation of powers under the Environmental Protection Authority Act but provides administrative arrangements concerning the FDWA environmental assessment process for translocation proposals.

The EPA does not abrogate its responsibilities in regard to environmental assessment and the EPA can, under the *Environmental Protection Act 1986*, call in any proposal for assessment, including those that are identified by FDWA as not requiring environmental impact assessment as a result of the assessment process outlined within this document.

This MOU is predicated upon the following principles:

1. That the Environmental Protection Authority has lead responsibility for environmental protection in the State;
2. That the Fisheries Department of Western Australia has lead responsibility for the management and development of aquaculture, recreational fishing and fisheries-related activities in the State and the protection of fish habitats;
3. That the conservation significance of environmentally sensitive areas must be identified and recognised when assessing translocation proposals in these environments.

The parties to this MOU recognise that it facilitates the administration of the following legislation:

- \* *Environmental Protection Act 1986*
- \* *Fish Resources Management Act 1994* and Regulations.

The Department of Environmental Protection (DEP) provides technical and professional services to the EPA. The DEP also performs many of the procedural arrangements on behalf of the EPA when carrying out environmental impact assessment.

The development of this MOU has involved extensive consultation between the EPA, DEP and FDWA. The FDWA has also undertaken an extensive review of the issues associated with translocation. The review process has included public consultation. Results have been published in Fisheries Management Paper No. 58 (1993) and Fisheries Management Paper No. 85 (1995) available from the FDWA.

### 3. Interpretation

The *Fish Resources Management Act 1994* defines 'fish' generally as any aquatic organism of any species (whether alive or dead), except aquatic mammals, aquatic reptiles, aquatic birds, amphibians or pearl oysters of the species *Pinctada maxima*.

Translocated aquatic organisms are those species, both native and introduced, which have been transferred, live, to waters outside their natural or previous distributional ranges. Therefore translocated aquatic organisms include not only species which are imported into a country but also the movement of species or strains within a country to regions in which they previously did not exist.

Translocation proposals can be categorised into five types:

- Type A Introduction of an exotic (foreign) species from overseas into (Western) Australia.  
  
Any proposed introduction of a foreign fish from overseas is considered under the *Commonwealth Wildlife Protection Act (1982)* by the Australian Nature Conservation Authority and any such proposal is outside the scope of the assessment process set down in this MOU.
- Type B Introduction into Western Australia of an exotic (foreign) species that has been previously introduced into another state of Australia.
- Type C Introduction of an Australian aquatic species from another state into Western Australia.
- Type D Further spread of a species previously introduced into Western Australia.
- Type E Extension of the natural distribution of a Western Australian native species into a drainage basin(s) outside of its natural distribution.
- Type F Translocation of a native Western Australian species within its natural distribution-
  - (a) Between drainage basins

- (b) Within a drainage basin

For Type E translocations, it may need to be established whether or not the species has subspecies or genetically different strains in different drainage basins or parts of its distribution.

This MOU and associated translocation assessment process does not relate to:

- (i) the translocation of species into Western Australia from overseas;
- (ii) the translocation of fish into or around Western Australia for aquarium/ornamental purposes;
- (iii) the translocation of fish into and around Western Australia for the restaurant trade;
- (iv) the translocation of fish into and around Western Australia for the purposes of scientific experimentation;
- (v) the translocation of pearl oysters of the species *Pinctada maxima* for the purposes of pearl culture; and
- (vi) the translocation of species for which specific translocation proposals are in place.

These matters will be managed separately by the FDWA on a case by case basis with appropriate liaison with the EPA.

## 4. Translocation Proposal Management System

### 4.1 Environmental Policy

To reduce the risk of release or escape of non-endemic, aquatic species and to minimise the environmental impacts when this occurs.

4.1.1 The environmental policy is predicated under the following assumptions:

- a) All species translocated for aquaculture purposes may escape or be released into, or spread in, the natural environment at some time and place.
- b) Every species translocated has the potential to impact on the Western Australia environment to some degree.
- c) The degree of impact will depend on the characteristics of the species and the condition of the environment.

## 4.2 Procedure

The FDWA will assess translocation proposals in accordance with the following arrangements:

- (a) All proponents seeking to translocate aquatic organisms into or within Western Australia for the purposes of aquaculture or recreational fishing stock enhancement will need to make application to the FDWA under Regulation 176 (1) (b) of the Fish Resources Management Regulations 1995.
- (b) All applicants will need to follow a set of guidelines provided by the FDWA and submit a formal application as well as a 'translocation synopsis' (Attachment 1).
- (c) The application and 'translocation synopsis' will be assessed by the FDWA against a decision-making schema (as described in Attachment 2) and in accordance with the following principles:

### Principles of Assessment

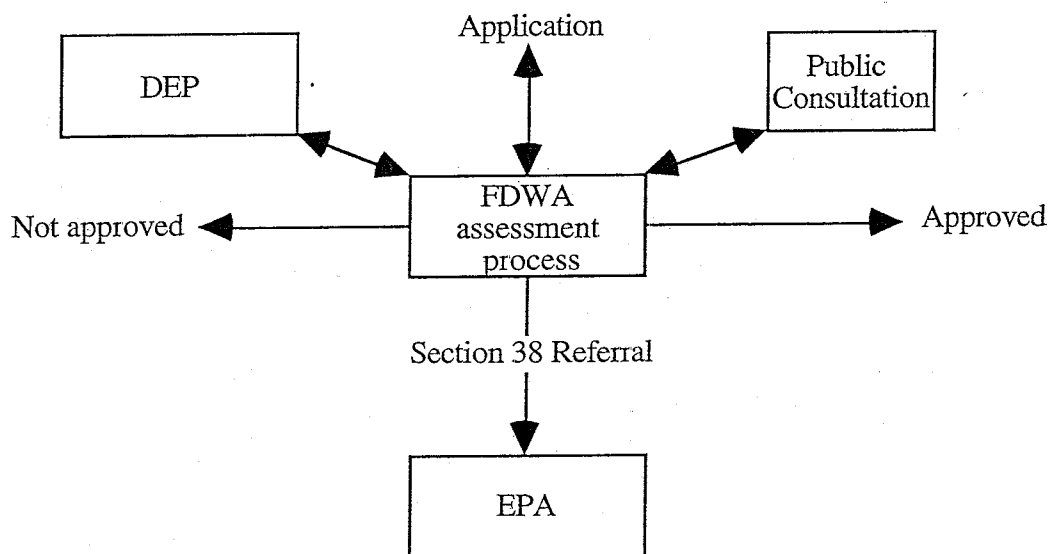
1. Introductions into Australia of foreign species in the first category (Type A) must be assessed at a national level because of the susceptibility to disease and ecological competition of our unique and evolutionary isolated fauna, as a whole. These translocations are not the subject of this MOU or translocation guidelines.
2. Any species to be translocated must undergo a risk management assessment prior to translocation and, for it to be acceptable, the assessment must show that it presents a low risk to the Western Australian environment. The risk assessment procedure will be conducted in accordance with the principles outlined in "Risk Management", Australian/New Zealand Standards AS/NZS 4360:1995.
3. The risk assessment should be based upon the best available scientific knowledge of the species' biological status, which is supplied in the 'translocation synopsis' accompanying the translocation application. Proposed foreign introductions to Australia are often disallowed on the basis of an obvious very dangerous capability (eg. poison spines) or diseases. However the other categories of translocation which are addressed at the State level usually involve lesser, and less obvious, potential risk. In these cases, the translocation decision needs to weigh the justification of significant economic and social benefits of the translocation against the biological risk.
4. Western Australia spans an exceptionally wide range of climatic and geographic conditions and contains water bodies which range in environmental value from highly modified or degraded to near pristine in condition. Consequently, it may not be possible on biological or management grounds to have a single statewide policy for a species. It may be that a species will have net benefits to some areas of the State but have negative impacts in other areas.
5. If approved, Type B translocations will necessitate some form of quarantine and health testing. Type C, D and E translocations also may require quarantine and health testing.

6. All water accompanying translocated fish must be adequately treated to ensure that no disease organisms or invertebrate flora or fauna enter, or are spread within, Western Australia accidentally.

## 4.3 Implementation and operation

### 4.3.1 Roles and responsibilities

A schematic representation of the assessment process under the MOU is provided in Figure 1 and explained below.



*Figure 1 Schematic representation of the MOU assessment process for applications for translocation aquatic species.*

## Fisheries Department of Western Australia

### **Assessment of Applications**

- \* Applications will be assessed by the FDWA using the 'translocation synopsis' and associated decision-making schema. A statement of decision will be prepared by the assessing officer(s) within the FDWA (Attachment 3). In the event that an application is refused, a copy of the decision statement will be provided to the applicant.
- \* If an application for translocation relates to more than one inland drainage basin (refer to Attachment 4) or more than one marine geographic area, separate assessments will be made.
- \* If the application for translocation relates to either of the two following classifications, the application will not be approved:

- drainage basins, or areas within drainage basins evaluated as being of high conservation value using all available environmental and biological data; or
- buffer areas where the translocation into a drainage basin that adjoins a high conservation value area would threaten the conservation status of the adjoining drainage basin.

Classification of particular areas will be developed over time using available environmental and biological data and incorporated into the translocation guidelines published by FDWA.

### **Public Consultation**

Prior to any approval being granted for a translocation proposal, FDWA will seek comment from the public by way of a public advertisement. Specifically, consultation with the public and/or specified interest groups will be included at a number of points in the decision-making schema. A copy of the 'translocation synopsis' questionnaire will be provided to interested parties as part of the public consultation process.

It may be that following an assessment of public comment received on a particular proposal the Executive Director of Fisheries determines at that point that the proposal should not be approved.

If further assessment is undertaken and additional consultation is considered necessary by the FDWA at a later point in the decision-making schema for that proposal, the opportunity for comment will only be provided to those individuals and groups who provided comment at the initial decision-making point.

This public consultation is additional to and separate from any public consultation that may be required by the EPA as part of its formal assessment process.

### **Department of Environmental Protection**

The FDWA will refer to the Department of Environmental Protection for comment:

- \* those applications which following the assessment process are considered by the FDWA to be marginal cases; and
- \* those applications which are proposed to be approved subject to either a large number of conditions or conditions which are considered to be of special importance.

### **Environmental Protection Authority**

As a result of the assessment under this MOU the Executive Director of FDWA may decide that a proposal being assessed may be of a nature that it should be referred to the EPA under Section 38 of the *Environmental Protection Act 1986*.

In addition if there are differing views on a particular assessment between the DEP and FDWA, the proposal will be referred to the EPA by FDWA.

Translocation proposals that have been referred to the EPA by either FDWA or any other body will be treated as a referral under Section 38 of the *Environmental Protection Act 1986*.

The EPA shall also have an audit role to ensure that translocation proposals have been assessed in accordance with this MOU and associated guidelines.

#### 4.3.2 Documentation

The proponent will be required to complete the 'translocation synopsis' which will form the basis of the application to translocate aquatic organisms for the purposes of aquaculture or recreational fishing stock enhancement.

Public comment will be sought by way of a public advertisement. Comments will be reviewed as part of the assessment process.

Where proposals are referred to the DEP written documentation will be provided to FDWA.

A copy of the "Statement of Decision" will be provided to the proponent if requested.

Proposals referred to the EPA shall include a copy of the following information:

- 'translocation synopsis';
- any public comments received on the application;
- comments provided from the DEP or other Government Agency;
- a copy of the "Statement of Decision"; and
- any other relevant information.

#### 4.4 Internal audit and performance assessment

It will be the responsibility of each organisation to evaluate its involvement in the assessment process against its own performance indicators.

#### 4.5 Review

This MOU will be reviewed by both parties in three years from date of signature. This MOU can be changed prior to the three year review with the written agreement of both parties.

The translocation guidelines and 'translocation synopsis' will be reviewed by FDWA on a continuous basis and will be amended as considered necessary by the Executive Director of FDWA. Any amendments which he considers significant will be referred to the EPA for advice. The EPA and DEP will be informed of any changes made.



## 5. Audit by the EPA of the Translocation Proposal Management System


The EPA will conduct an audit of the implementation of the Translocation Proposal Management System every 12 months or at such other periods greater than twelve months as the EPA so determines.

The purpose of the audit will be to:

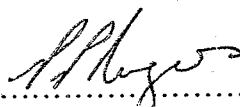
- (a) determine compliance with the system set out in the MOU;
- (b) determine whether the system has been properly implemented and maintained;
- (c) identify areas of potential improvement; and
- (d) examine the effectiveness of the internal review procedure, including its ability to achieve the objective of continuous improvement.

The method of audit will be determined by the EPA during the first twelve months of operation following discussions between the EPA and FDWA.

### AGREED TO BY

  
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Chairman  
Environmental Protection  
Authority

25/6/97  
Date:

  
.....  
Executive Director  
Fisheries Department

26/6/97  
Date

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# **Attachment 1**

**Guidelines, Application Form and 'Translocation Synopsis'**

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## GUIDELINES FOR AN APPLICATION TO TRANSLOCATE A LIVE NON-ENDEMIC FISH SPECIES INTO OR WITHIN WESTERN AUSTRALIA

### INTRODUCTION

In accordance with Regulation 176 of the Fish Resources Management Regulations 1995, a person must not bring into the State, or a particular area of the State, a live fish not endemic to the State, or that area of the State, other than in accordance with:

- the written approval of the Executive Director of Fisheries
- the written authority of the Executive Director of Fisheries
- an aquaculture licence.

For aquaculture and recreational fishing stock enhancement purposes, an assessment procedure has been developed in liaison with the Environmental Protection Authority. The principal element of the assessment procedure is a 'translocation synopsis' which must be submitted by all applicants. The assessment procedure and translocation synopsis has been derived from one originally used on a national basis for proposed introductions of foreign fish into Australia.

### DEFINITION OF TRANSLOCATION

The *Fish Resources Management Act 1994* defines 'fish' generally as any aquatic organism of any species (whether alive or dead).

Translocated aquatic organisms are those species, both native and introduced, which have been transferred to waters outside their natural or previous distributional ranges. Therefore translocated aquatic organisms include not only species which are imported into a country but also the movement of species or strains within a country to regions in which they previously did not exist.

Translocation proposals can be categorised into five types:

Type A Introduction of an exotic (foreign) species from overseas into (Western) Australia.

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Any proposed introduction of a foreign fish from overseas is considered under the *Commonwealth Wildlife Protection Act*-(1982) by the Australian Nature Conservation Authority and any such proposal is outside the scope of the assessment process set down in this MOU.

Type B Introduction into Western Australia of an exotic (foreign) species that has been previously introduced into another state of Australia.

Type C Introduction of an Australian aquatic species from another state into Western Australia.

Type D Further spread of a species previously introduced into Western Australia.

Type E Extension of the natural distribution of a Western Australian native species into a drainage basin(s) outside of its natural distribution.

Type F Translocation of a native Western Australian species within its natural distribution-

- (a) Between drainage basins
- (b) Within a drainage basin

For Type E translocations, it may need to be established whether or not the species has subspecies or genetically different strains in different drainage basins or parts of its distribution.

## ASSESSMENT OF APPLICATIONS

The Fisheries Department will be the agency responsible for the assessment of translocation proposals in accordance with the following arrangements:

- (a) All proponents seeking to translocate aquatic organisms into and within Western Australia for the purposes of aquaculture or recreational fish stock enhancement will need to apply to the Fisheries Department on the approved form (refer Part B).
- (b) All applicants will need to provide as part of their application, a 'translocation synopsis' (refer Part B).

The translocation synopsis is divided into a number of sections which broadly follow a decision making schema (refer (c) below).

Part 1 of the translocation synopsis seeks information on the species proposed to be translocated including its scientific name, natural distribution and habitat type.

Part 2 of the translocation synopsis is a species assessment which will be used in the decision-making schema at various points.

Part 3 of the translocation synopsis seeks supplementary information on the destination of the species proposed for translocation.

While it may not be possible for the applicant to complete all questions, every effort should be made to do so. If the information provided by the applicant is insufficient to allow a decision to be made, the application will be returned with a request for more information.

If a 'species synopsis' (Food and Agriculture Organisation [FAO] or other) is available for the species proposed in the application, it is expected that the synopsis will be the main reference source for completing the translocation synopsis. The 'species synopsis' should be appended to the translocation synopsis as the key reference. If a 'species synopsis' is not available then a literature review will be required. A significant amount of literature is available at the Fisheries Department library at Watermans. The library is open to the public and the contact telephone number is (09) 246 8428.

All questions need to be referenced from an authoritative scientific source wherever possible. A reference list should be appended to the translocation synopsis. For some applications, the Fisheries Department may require the translocation synopsis to be independently refereed. The cost of this will be borne by the applicant.

Applicants should consider using a consultant to complete the translocation synopsis. A list of possible consultants is available from the Head Office of the Fisheries Department.

- (c) The application (including the translocation synopsis) will be assessed by the Fisheries Department against a decision-making schema (copy provided at Appendix 1) in accordance with the following:

### Principles of Assessment

- \* Introductions into Australia of foreign species in the first category (Type A) must be assessed at a national level because of the susceptibility to disease and ecological competition of our unique and evolutionary isolated fauna, as a whole. These translocations are not the subject of this MOU or translocation guidelines.
- \* Any species to be translocated must undergo a risk management assessment prior to translocation and, for it to be acceptable, the assessment must show that it presents a low risk to the Western Australian environment. The risk assessment procedure will be conducted in accordance with the principles outlined in "Risk Management", Australian/New Zealand Standards AS/NZS 4360:1995.
- \* The risk assessment should be based upon the best available scientific knowledge of the species biological status, which is supplied in the 'translocation synopsis' accompanying the translocation application. Proposed foreign introductions to Australia are often disallowed on the basis of an obvious very dangerous capability (eg. poison spines) or diseases. However the other categories of translocation which are addressed at the state level usually involve lesser, and less obvious, potential risk. In these cases, the translocation decision needs to weigh the justification of significant economic and social benefits of the translocation against the biological risk.
- \* Western Australia spans an exceptionally wide range of climatic and geographic conditions and contains water bodies which range in environmental value from highly modified or degraded to near pristine in condition. Consequently, it may not be possible on biological or management grounds to have a single state wide policy for a species. It may be that a species will have net benefits to some areas of the State but have negative impacts in other areas.
- \* If approved, Type B translocations will necessitate some form of quarantine and health testing. Type C, D and E translocations also may require quarantine and health testing.
- \* All water accompanying translocated fish must be adequately treated to ensure that no disease organisms or invertebrate flora or fauna enter, or are spread within, Western Australia accidentally.

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### Roles and responsibilities

A schematic representation of the assessment process under the MOU is provided in Figure 1 and explained below.

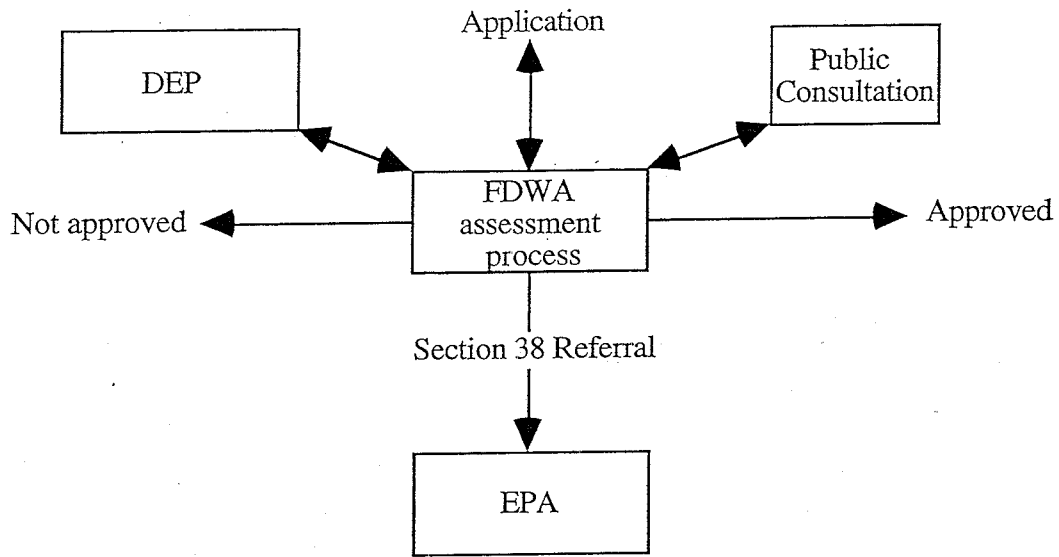


Figure 1 Schematic representation of the MOU assessment process for applications for translocation aquatic species.

## Fisheries Department of Western Australia

### Assessment of Applications

- \* Applications will be assessed by the FDWA using the 'translocation synopsis' and associated decision-making schema. A statement of decision will be prepared by the assessing officer(s) within the FDWA. In the event that an application is refused, a copy of the decision statement will be provided to the applicant.
- \* If an application for translocation relates to more than one inland drainage basin or more than one marine geographic area, separate assessment will be made.
- \* If the application for translocation relates to either of two following classifications, the application will not be approved:
  - drainage basins, or areas within drainage basins evaluated as being of high conservation value using all available environmental and biological data; or
  - buffer areas where the translocation into a drainage basin that adjoins a high conservation value area would threaten the conservation status of the adjoining drainage basin .

Classification of particular areas will be developed over time and incorporated into the translocation guidelines published by FDWA.

### Public Consultation

Prior to any approval being granted for a translocation proposal, comment from the public will be sought by way of a public advertisement. Specifically, consultation with the public and/or specified interest groups will be included at a number of points in the decision-making schema.

A copy of the 'translocation synopsis' questionnaire will be provided to interested parties as part of the public consultation process.

It may be that following an assessment of public comment received on a particular proposal the Executive Director of Fisheries determines that the proposal should not be approved at that point.

If further assessment is undertaken and additional consultation is considered necessary by the FDWA at a separate point in the decision-making schema for that proposal, the opportunity for comment will only be provided to those individuals and groups who provided comment at the initial decision-making point.

### Department of Environmental Protection

The FDWA will refer some of the proposals to the Department of Environmental Protection for comment. These will include:

- \* Those applications which following the assessment process are considered by the FDWA to be marginal cases.
- \* Those applications which are proposed to be approved subject to either a large number of conditions or conditions which were considered to be of special importance.

### Environmental Protection Authority

As a result of the assessment under this MOU the Executive Director of FDWA may decide that a proposal being assessed may be of a nature that it should be referred to the EPA under Section 38 of the *Environmental Protection Act 1986*.

In addition if there are differing views on a particular assessment between the DEP and FDWA, the proposal will be referred to the EPA by FDWA.

Translocation proposals that have been referred to the EPA by either FDWA or any other body will be treated as a referral under Section 38 of the *Environmental Protection Act 1986*.

The EPA shall also have an audit role to ensure that translocation proposals have been assessed in accordance with this MOU and associated guidelines.

### **TRANSLOCATION FOR PURPOSES OTHER THAN AQUACULTURE OR RECREATIONAL FISHING STOCK ENHANCEMENT**

Proponents seeking to import fish species for purposes other than commercial aquaculture or recreational fishing stock enhancement will be considered on a case by case basis by the FDWA. These proposals will be subject to written approval or written authority from the FDWA together with special conditions set by the FDWA. Examples of such proposals may include aquatic organisms imported into Western Australia by research institutions for scientific experimentation. Conditions of approval will generally include the placement of all organisms into a secure (quarantine) facility and possible destruction of stock at completion of the experimentation.

The guidelines and translocation assessment process do not relate to:

- (i) the translocation of species into Western Australia from overseas
- (ii) the translocation of fish into or around Western Australia for aquarium/ornamental purposes;



PART A - TRANSLOCATION GUIDELINES

- (iii) the translocation of fish into and around Western Australia for the restaurant trade;
- (iv) the translocation of fish into and around Western Australia for the purposes of scientific experimentation;
- (v) the translocation of pearl oysters of the species *Pinctada maxima* for the purposes of pearl culture; and
- (vi) the translocation of species for which specific translocation proposals are in place.

These matters will be managed separately by the FDWA on a case by case basis with appropriate liaison with the EPA.

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