

CABINET - SUBJECTS FOR CONSIDERATION, 09 MAY 2002 9:00 AM

Not Relevant

2 Bills and Regulations in Principle

**201 MAFF0055/02CS Management of Caulerpa Taxifolia Outbreak
APPROVED**

All Ministers

Not Relevant

CABINET COVER SHEET

1. **TITLE** **FURTHER CLOSURE OF WEST LAKES DUE TO CAULERPA TAXIFOLIA OUTBREAK**
2. **MINISTER**
Paul Holloway
Minister for Agriculture Food and Fisheries
Minister for Mineral Resources Development

Michael Wright
Minister For Transport
Minister For Industrial Relations
Minister For Recreation, Sport And Racing
3. **PURPOSE**
To seek Cabinet approval to amend the *Harbors & Navigation (Control of Caulerpa Taxifolia) Regulations 2002* under the *Harbours & Navigation Act 1993* to extend the current quarantine of West Lakes as part of the management of the *Caulerpa taxifolia* outbreak to 30 June 2002.
4. **RESOURCES REQUIRED FOR IMPLEMENTATION** Nil for extension of Quarantine.
5. **RELATIONSHIP TO GOVERNMENT POLICY** The proposal is consistent with national and State policy relating to the prevention and eradication of serious marine pest species.
6. **CONSULTATION** Consultation has been undertaken within government through the Introduced Species Emergency Management Committee and the relevant council, the City of Charles Sturt.
7. **FAMILY IMPACT STATEMENT** Extension of quarantine will have little additional impact on the community, as the current ban has been well received and exemptions to a large number of users will continue.
8. **URGENCY** Extremely urgent as the current quarantine expires on 9 May 2002.


9. RECOMMENDATION It is recommended that Cabinet:

- 4.1 Recommend to Her Excellency, the Governor in Executive Council to promulgate the amendments to the *Harbours & Navigation (Control of Caulerpa Taxifolia) Regulations 2002* under the *Harbours & Navigation Act 1993* to extend the current quarantine of West Lakes as part of the management of the *Caulerpa taxifolia* outbreak to 30 June 2002.

SIGNATURE OF MINISTER:

PORTFOLIO:

DATE: 7-5-02



**MINISTER FOR AGRICULTURE FOOD AND FISHERIES
MINISTER FOR MINERAL RESOURCES
DEVELOPMENT**

SIGNATURE OF MINISTER:

PORTFOLIO:

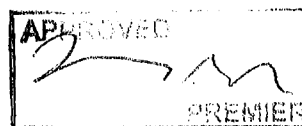
DATE: 7-5-02



**MINISTER FOR TRANSPORT
MINISTER FOR INDUSTRIAL RELATIONS
MINISTER FOR RECREATION, SPORT AND RACING**

In Cabinet

- 0 MAY 2002



TO: THE PREMIER FOR CABINET

RE: MANAGEMENT OF CAULERPA TAXIFOLIA OUTBREAK

1. PROPOSAL

To seek Cabinet approval to amend the *Harbors & Navigation (Control of Caulerpa Taxifolia) Regulations 2002* under the *Harbours & Navigation Act 1993* to extend the current quarantine of West Lakes as part of the management of the *Caulerpa taxifolia* outbreak to 30 June 2002.

2. BACKGROUND

- 2.1 An exotic seaweed was found in West Lakes on 18 March 2002 by a research officer from SARDI Aquatic Sciences, and it was later identified as the invasive marine pest plant *Caulerpa taxifolia*.
- 2.2 Surveys by SARDI and the Marine Habitat Program have found that *Caulerpa taxifolia* has spread throughout the West Lakes system, and to the upper Port River
- 2.3 Cabinet on 8 April 2002 approved the drafting of the *Harbors & Navigation (Control of Caulerpa Taxifolia) Regulations 2002* to quarantine the Lake by banning all aquatic activities. The regulations carried an expiry date of 9 May 2002, as this was thought to be sufficient time for investigations to recommend a further course of action to Cabinet.
- 2.4 By use of the exemption power in the *Harbors & Navigation 1993* the Director of Fisheries under delegation has issued exemptions to a number of user groups based on a risk assessment analysis, and on conditions including strict protocols for prevention of spreading *Caulerpa*.
- 2.5 Fishing activities have been banned in West Lakes and the upper Port River under the *Fisheries Act 1982* since 28 March 2002 and it is intended to also extend this ban indefinitely as part of the package of restrictions.

3. DISCUSSION

- 3.1 The presence of this species in the West Lakes area poses a significant risk for South Australia and a threat to bio-diversity and fisheries production in this State.
- 3.2 Urgent scientific assessment by SARDI Aquatic Sciences is ongoing, including the trialing of a number of treatment options for eradication of *Caulerpa* from West Lakes and the upper Port River.

- 3.3 It is not expected that the results of those trials and a decision to take action on an option will be achieved before mid June, therefore the prudent course of action is to extend the closure until 30 June 2002, so as not to prejudice the treatment options by increasing the risk of spread of *Caulerpa* if the ban was lifted.
- 3.4 In addition, all of the 5 potential treatment options except one are likely to result in the total closure of West Lakes in June.
- 3.5 All of the existing exemptions will be re-issued on amendment of the Regulations and more may be able to be granted as compliance within the community has been excellent so far. If however the treatment options chosen result in the total closure of West Lakes, all exemptions will need to be revoked.
- 3.6 A meeting of major stakeholder groups including Charles Sturt Councillors is scheduled for Thursday evening 9 May to discuss the extension to the restrictions and possible eradication options.
- 3.7 Parliamentary Counsel has completed settled regulations as attached.

Timing

- 3.8 Urgent, as current regulations are only effective to midnight on 9 May 2002.

Economic, financial and budget implications

- 3.9 Nil.

State development, social, environmental and family impact

- 3.10 Extending the closure of West Lakes to all aquatic activity will continue to impact on recreational activities as will the potential impact of the weed on the marine environment. However, in line with the risk assessment exercise, exemptions will be granted to user groups under certain conditions.

Staffing

- 3.11 Nil.

Consultation

- 3.12 Consultation has occurred with the relevant Government agencies involved in the Emergency Management Response team, including the City of Charles Sturt.

Executive Council

- 3.13 The Regulations will require submission to Executive Council after Cabinet approval.

9. RECOMMENDATION It is recommended that Cabinet:

- 4.1 Recommend to Her Excellency, the Governor in Executive Council to promulgate the amendments to the *Harbors & Navigation (Control of *Caulerpa Taxifolia*) Regulations 2002* under the *Harbours & Navigation Act 1993* to extend the current quarantine of West Lakes as part of the management of the *Caulerpa taxifolia* outbreak to 30 June 2002.

SIGNATURE OF MINISTER:

PORTFOLIO:

DATE: 7.5.02



**MINISTER FOR AGRICULTURE FOOD AND FISHERIES
MINISTER FOR MINERAL RESOURCES
DEVELOPMENT**

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**MINISTER FOR TRANSPORT
MINISTER FOR INDUSTRIAL RELATIONS
MINISTER FOR RECREATION, SPORT AND RACING**

BRIEF TO PARLIAMENTARY COUNSEL

Clause 10(1) Legal Professional Privilege

MINUTES *forming* Enclosure to

Clause 10(1) Legal Professional Privilege

CERTIFICATE OF VALIDITY

I certify that the proposed regulations under the

HARBORS AND NAVIGATION ACT 1993

attached to this certificate and initialled by me are within the powers conferred by that Act.

A handwritten signature in cursive script, appearing to read 'A. J. Havers'.

for **PARLIAMENTARY COUNSEL**
8 May 2002

SETTLED

AS,
PC

REGULATIONS UNDER THE HARBORS AND NAVIGATION ACT 1993

No. _____ of 2002

At the Executive Council Office at Adelaide

PURSUANT to the *Harbors and Navigation Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.



Minister for Transport

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of Sched.—Restricted Waters

Citation

1. The *Harbors and Navigation (Control of Caulerpa Taxifolia) Regulations 2002* (see *Gazette* 8 April 2002 p. 1541) are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of Sched.—Restricted Waters

3. The Schedule of the principal regulations is varied by striking out from item 1 "9 May 2002" and substituting "30 June 2002".

MAFF 02/0055 CS

Clerk of the Council