

**AUSTRALIAN ANTARCTIC DIVISION
DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS
SUBMISSION TO QUARANTINE AND BIOSECURITY REVIEW – APRIL 2008**

Background

1. The Australian Antarctic Division (AAD) of the Department of the Environment, Water, Heritage and the Arts has dealings with the Australian Quarantine and Inspection Services (AQIS) in relation to: (i) the import of scientific samples; (ii) the repatriation of wastes that are the by-product of contemporary Australian Antarctic station operations; and (iii) the repatriation of wastes resulting from the remediation of old Antarctic tip sites associated with early Australian activities in Antarctica.
2. Because the *Quarantine Act* 1908 does not include the Australian Antarctic Territory (AAT), the movement of scientific samples (water, ice, soil, and animals and plants or parts thereof), organic wastes, and wastes co-mingled with organic matter between the AAT and Australia are treated as imports from overseas and are subject to national quarantine controls. On this basis, AQIS requires that a permit is applied for to import samples and materials that are or contain organic matter.

Post-entry handling of scientific samples

3. Permits that have been issued to Australian Antarctic program researchers to provide for the import of scientific samples have required that on entry the samples are confined to Level 5.1 (or higher) Quarantine Approved Premises (QAP). This requirement has been stipulated for samples of ice although the ice in question is likely the most pure in the world. Such ice may only be released from quarantine controls with prior AQIS approval and following heat treatments exceeding 100°C, saturation with formalin, or gamma irradiation.
4. The AAD, as the operator of an importing laboratory (QAP Level 5.1), has been required by AQIS to upgrade its facilities to Level 5.2. Notwithstanding the AAD's compliance with the requirement to have an upgrade plan in place and an AQIS assessment undertaken prior to 30 June 2008, conditions attached to import permits issued since late 2007 have precluded the culturing of micro-organisms or growing of plant material at the AAD's laboratories.

Food wastes from Antarctic stations

5. In 2006 the AAD applied to AQIS for a permit to import station-generated food scraps. The application related to food of Australian origin or previously imported into Australia through AQIS controls. The AAD's application was refused by AQIS on the basis of advice received from Biosecurity Australia (BA). Based on references to BA's advice in correspondence from AQIS, it is difficult to determine the scientific basis for this decision.
6. By comparison, wastes of the same risk profile generated through the operation of the AAD's station on sub-Antarctic Macquarie Island (Tasmania) may be repatriated without a permit. Australia also receives galley waste from international shipping – this material posing considerably higher biosecurity risks.

Wastes from the clean-up of abandoned tip sites

7. In 2006 the AAD made application to AQIS to repatriate approximately 600 tonnes of excavated waste from Thala Valley, near Casey station. The supporting submission included some 20 scientific papers detailing the types of waste, the characteristics of the source environment, and identifying post-entry management measures that would minimise any biological threats to Australian agriculture or the environment. The information provided suggests that the threats posed by this material are minimal, particularly if mitigated post-entry. (Matters to be taken into account in issuing permits include the potential for risk mitigation.) The AAD's application to import excavated tip material was refused by AQIS on the basis of advice received from BA. The assessment provided by BA does not appear to be science-based or take into account the potential for post-import risk mitigation.
8. Noting that Australia's 'appropriate level of protection' is aimed at reducing risk to a very low level but not to zero, the approach taken in not issuing a permit for such imports from the AAT indicates the application of a 'zero risk' attitude.

Protocol on Environmental Protection to the Antarctic Treaty

9. Australia has positive obligations under the Protocol on Environmental Protection to the Antarctic Treaty to repatriate to Australia wastes associated with its Antarctic activities and to make every effort to remediate its old tip sites. Given the refusal of AQIS to issue a permit, the Australian Government is in potential breach of its obligations under the Protocol. Australia accepted these obligations in 1991 with the adoption of the Protocol. At the time there were no policy objections to Australia committing to these obligations. The Commonwealth legislation giving effect to the requirements came into force in 1994. The Protocol entered into effect for all Parties to it in 1998.