

Scenarios to Test Capabilities of Legislation

THE SCENARIO

Suppose for this purpose the responsible agency has received a mysterious report alleging the presence of the highly invasive and destructive (but in the real world - mythical) pest the purple spotted oyster (*Ostrea nastii*) on some piers of a recreational boating wharf in a private marina in your state.

?? Who is the lead agency for coping with a marine pest incursion in your Commonwealth/State/Territory jurisdiction?

?? What Act would be used to back the investigation and possible treatment of this pest problem?

Due to an historical oversight the dreaded purple spotted oyster has not been put on any 'noxious pest lists' or the like in the past.

?? Does this matter?

?? If it does matter, what is the process to get the pest covered under the relevant Act?

1) *ENTRY OF SUSPECT PREMISES/AREAS*

?? What officers would you send to investigate the sighting?

?? Is there a capacity to second / direct officers from other services to assist?

?? Do your officers have the legal right to insist on entry if the marina owners refuse them entry to the premises?

?? What about if the suspect animals may be attached to:

- an ore loader?
- the hull of a moored ship?
- a ship on the move?

2) *REMOVAL OF SAMPLES FOR TESTING*

Some suspicious creatures are found stuck to a mooring line among other things, but it is impossible to get a good sample of the more solid objects because the shells break.

?? Can your officers remove the rope from the marina without permission of the owner?

?? Can your officers require some work in the vicinity – perhaps loading a ship – to stop briefly so a sample can be taken in safety?

3) *MOVEMENT CONTROL OF VECTORS INFLUENCED BY HUMAN ACTIVITY*

After assessment the creature is confirmed as the dreaded purple spotted oyster.

?? Can you quarantine the area?

?? Does this apply to boats trying to leave the area?

?? Can you require ‘at-risk’ boats to return to the infested area to decrease spread?

4) *QUESTIONING FOR TRACING PURPOSES*

The purple spotted oyster is capable of being carried on the hull or in the ballast of boats. You are trying to trace where boats have come from, what boats have been in the area and where those boats have gone.

?? Is it an offence to obstruct your officers in this task?

?? Can your officers require people to produce any records of boat movements?

5) *REQUIRING RESPONSE OR TREATMENT*

The decision making committee has authorised a control campaign to start.

?? Can you require treatment of boats and structures?

- In the quarantine area?
- Outside the quarantine area?

?? Can you stop ‘at risk’ boats from entering uninfested environments and redirect them?

?? What capacity / limitations are there on actions that can be taken to control the pest (ie. normal pollution / Environment Protection Agency guidelines)?

6) *IMMUNITY OF OFFICERS / COMPENSATION PROVISIONS?*

?? Are there any such provisions?