

**DEPARTMENT OF AGRICULTURE AND WATER RESOURCES AND  
DEPARTMENT OF THE ENVIRONMENT AND ENERGY SUBMISSION TO THE  
NEBRA REVIEW**

**Executive summary**

This submission was prepared by the Department of Agriculture and Water Resources and the Department of the Environment and Energy and the views presented in it represent the views of those agencies only. For ease of reading, those agencies are herein collectively referred to as ‘the departments’.

In its first five years of operation, the National Environmental Biosecurity Response Agreement (NEBRA) has been shown to be an effective mechanism for supporting the eradication of environmental pests, particularly tramp ants. The departments support the work being conducted under the NEBRA, which it sees as a key element to safeguarding Australia’s favourable biosecurity status.

Below is a summary of the main points in this submission:

1. The activities conducted under the NEBRA to date are aligned with the purpose of the agreement. The departments are open to considering ways to incorporate emergency containment activities in the NEBRA, but acknowledges this would require careful consideration.
2. Private beneficiaries and NGOs should be more engaged in NEBRA activities; however, their roles and responsibilities need to be defined. Consideration should be given to whether private contributors should be given decision making responsibilities, and this may depend largely on the nature of their contributions (i.e. industry contribution, altruism, etc). The large number of NGOs makes it difficult to identify which are representative of the broader community, arguing against providing them with decision making responsibilities. They are, however, are well placed to provide technical advice, or access to it.
3. The NEBRA decision making framework and governance structure is appropriate and works well in practice. Further work should be undertaken to address the requirement for consensus of all parties in mounting a response. In addition, the NBMG voting rules should be reviewed to clarify when parties do and do not get to vote on NBMG decisions.
4. The departments acknowledge some of the difficulties in applying technical criteria and supports work to ensure these and other pre-response requirements are achievable and applied consistently.
5. Information about NEBRA activities needs to be better disseminated to the general public to keep them informed and provide transparency around decision making processes.
6. The sharing of resources and training between jurisdictions is effective. There may be benefit from undertaking targeted environmental biosecurity training; however, this would likely fall under the scope of the IGAB rather than the NEBRA.
7. The departments support the development of a priority environmental pest and disease list, but acknowledge this will require careful consideration with regard to its purpose and the resources required to maintain it. Work has already been completed in this area, including the development of a priority pest and disease list for plants and a priority marine pest list, and there is likely to be overlap in the development of new lists.

8. Current funding arrangements between the Australian, state and territory governments are fair and equitable.
9. The departments support work to make the NEBRA more consistent with other deeds, where appropriate.
10. The departments support in-principle the inclusion of transition to management provisions in the NEBRA.
11. The Department of Agriculture and Water Resources remains committed to its role as the NEBRA custodian and improving NEBRA processes with the resources available.

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## 1. Introduction

The National Environmental Biosecurity Response Agreement (NEBRA) was the first deliverable of the Intergovernmental Agreement on Biosecurity (IGAB). It was signed by the Australian Government and all state and territory governments in January 2012. The purpose of the NEBRA is to establish national arrangements for responding to nationally significant biosecurity incidents where there are predominantly public benefits.

The Australian Government manages environmental biosecurity through a partnership between the Department of Agriculture and Water Resources and the Department of the Environment and Energy. This submission was prepared by, and reflects the position of, the two agencies (collectively referred to as 'the departments' in this submission).

The Department of Agriculture and Water Resources administers funding to support projects and programmes aimed at strengthening environmental biosecurity in Australia. It represents the Australian Government under formal biosecurity response agreements, including the Emergency Plant Pest Response Deed (EPPRD), Emergency Animal Disease Response Agreement (EADRA) and the NEBRA. It also undertakes a range of activities to strengthen environmental biosecurity, including:

- coordinating a national environmental biosecurity activity stocktake through the National Biosecurity Committee
- establishing and maintaining the environmental biosecurity stakeholder forum
- supporting projects to prioritise exotic invasive species with environmental impacts

The Department of the Environment and Energy funds a range of programmes to address the threat posed by invasive species on the environment, including the National Landcare Programme and the provision of funding to threat abatement projects. In addition, it administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), which facilitates the listing of key threatening processes and the development and implementation of threat abatement plans and recovery plans to address these processes.

The Australian Government performs a number of roles to support the operation of the NEBRA. The Department of Agriculture and Water Resources is the custodian of the NEBRA and the secretariat for both the National Biosecurity Management Group (NBMG) and the National Biosecurity Management Consultative Committee (NBMCC). Like state and territory governments, the Australian Government is a combat jurisdiction and cost-share partner, contributing 50 per cent of the funding to all NEBRA response programmes. Currently, the Australian Government has primary responsibility for responses to red imported fire ants at Brisbane Airport and Macao paper wasps on the Cocos (Keeling) Islands.

Much has been achieved under the NEBRA in its first five years. Five eradication programmes have been managed under the NEBRA framework:

1. Red imported fire ants in Yarwun (Queensland)
2. Red imported fire ants in Port Botany (New South Wales)
3. Red imported fire ants at Brisbane Airport (Queensland)
4. Browsing ant at Port of Darwin (Northern Territory)
5. Macao paper wasp on the Cocos (Keeling) Islands

Yarwun was recently declared free from red imported fire ants, with Port Botany expected to be declared free in early-to-mid 2017. This is a significant achievement considering that red imported fire ants are estimated to cost the United States \$7 billion per year in control, damage

repair and medical costs<sup>1</sup>. Furthermore, it shows promise for Australia's ability to eradicate invasive tramp ant infestations, which have become a major concern with increasing global trade.

While the NEBRA currently provides a strong foundation for the management of environmental biosecurity threats, the Australian Government supports the consideration of options to ensure it continues to be effective into the future. This submission outlines these in more detail.

The departments would like to acknowledge the excellent contribution from state and territory colleagues in the implementation of the NEBRA, and look forward to continuing to work together to improve Australia's capability to respond to environmental biosecurity threats.

## **2. Purpose of the NEBRA**

The purpose of the NEBRA is to facilitate nationally coordinated responses to nationally significant biosecurity incidents where there is predominantly a public benefit. The five responses conducted under the NEBRA to date are an accurate reflection of this purpose. While red imported fire ants (RIFA) can have an extensive impact across a variety of sectors, including health, infrastructure and agriculture, those impacts are potentially outweighed by the environmental and social amenity impacts they impart. For example, RIFA out-compete local ant species and can kill young animals such as birds. Similarly, Macao paper wasps out-compete native wasps and browsing ants out-compete and prey on other ant species.

### *Dealing with uncertainty*

It can be difficult to predict what the most significant issues facing the NEBRA might be in the future. As a result, it is important that the provisions in the NEBRA are flexible enough to deal with a lack of scientific certainty.

For example, uncertainty surrounding the potential impacts of certain pests (e.g. marine pests) can make assessment against the national significance and technical feasibility criteria difficult. As a result, responses for poorly-understood pests and diseases that may be nationally significant and technically feasible to eradicate may be delayed while initial scoping work is completed in order to meet the NEBRA criteria.

The departments note that lack of scientific data can impede the progression of issues under the NEBRA and supports exploration of ways this can be addressed. In some cases, it may be considered appropriate to cost-share initial containment activities while further information is gathered to address the technical requirements of the NEBRA.

### *Emergency containment*

The NEBRA currently provides a mechanism to share the cost of eradication responses where a pest or disease is nationally significant and cost-beneficial and technically feasible to eradicate. Ongoing management of pests and diseases that are established, not nationally significant and/or not technically or economically feasible to eradicate is the responsibility of the jurisdiction(s) in which the pest or disease is located.

The departments support this division of responsibilities. There is, however, a potential gap in cases where eradication is not technically feasible, but emergency containment activities would

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<sup>1</sup> Avant S, On the Trail of Fire Ant Pheromones, Agricultural Research Magazine, Unites States Department of Agriculture, April 2014.

be highly beneficial for multiple jurisdictions. In some instances, the costs associated with these initial activities could also be prohibitive, especially for smaller jurisdictions.

The departments are open to considering potential options to cost-share a specified list of emergency containment activities (agreed to by all jurisdictions) that are above and beyond a jurisdiction's normal commitments or ongoing management responsibilities. For example, engaging international expertise that is not available locally or contracting specialists to undertake surveillance activities.

### Definitions

Clause 2.2 of the NEBRA contains a glossary of terms used in the document. The definition of 'outbreak' is crucial in determining what can and cannot be managed under the NEBRA. Unlike the EPPRD, the NEBRA does not accommodate new incidences of established pests or diseases. This could be problematic if, for example, a pest finds its way into a unique or endangered biome. In addition to being somewhat tautological ('*an outbreak ... means a recently detected outbreak of...*'), the definition of 'outbreak' may also be open to interpretation. For example, it is unclear from the definition whether significant range extensions of established pests could be considered under the NEBRA.

The NEBRA defines 'Commonwealth land' as:

*...land owned or leased by the Commonwealth on Norfolk Island...*

Under this definition, Commonwealth-led responses on Norfolk Island would only be eligible under the NEBRA in some parts of the island. While this definition was appropriate at the time the NEBRA was drafted, whole of government reform through the *Biosecurity Act 2015* and the extension of mainland arrangements on 1 July 2016 saw Australia's jurisdiction extended to cover all of Norfolk Island. Consequently, Norfolk Island should be considered an external territory under the NEBRA, similar to Cocos (Keeling) Islands.

In addition, there are a number of definitions in the NEBRA that have caused confusion among signatories (e.g. 'consensus').

The departments support a review of the definitions in the NEBRA and, where applicable, amendments to ensure clarity and consistency in application.

### **3. Roles and responsibilities**

The departments support the current division of roles and responsibilities for the Australian Government and state and territory governments outlined in the NEBRA. These roles and responsibilities appear to be well-understood by individuals and governments that are regularly involved in the NEBRA process.

#### Private beneficiaries and non-government organisations

The NEBRA contains provisions to incorporate financial contributions by private beneficiaries in clause 7.9. Private beneficiaries might include businesses and not-for-profit entities that benefit from a NEBRA response. These provisions have not yet been exercised and further work should be undertaken to more clearly articulate in the NEBRA the roles and responsibilities of non-government contributors, and how to appropriately identify them.

The roles and responsibilities of private beneficiaries may depend largely on the nature of their contribution. Industry contributors to responses managed under the EPPRD and EADRA are given advisory and decision making responsibilities. In contrast, it is not clear whether it would be appropriate to give altruistic contributors the same responsibilities.

The departments recognise that non-government organisations (NGOs) could be better engaged in NEBRA activities. Serious consideration needs to be given to the level and capacity of NGO involvement in NEBRA responses.

An important point of discussion would be whether NGOs should be involved in decision making if they are not financially invested. Furthermore, it is unclear how to identify which NGOs actually represent the broader community when numerous organisations exist for similar purposes.

It is, therefore, important to identify a range of roles they could perform in a response. For example, NGOs often have special expertise, or access to it, so it might be more appropriate to engage them in advisory roles, such as on the NBMCC. Alternately, NGOs might be well placed to assist with community engagement or on-ground operational activities.

The departments support the involvement of private beneficiaries and NGOs in NEBRA responses, but acknowledges that further work is required to determine how they could be best engaged.

#### **4. Decision making and governance**

The departments consider that the overarching decision making and governance framework of the NEBRA is appropriate and clear overall. This framework is made up of the NBMG, the peak national decision making group under the NEBRA, and the NBMCC, a technical advisory committee that provides recommendations to the NBMG.

However, this review provides an opportunity to refine some parts of the current decision making process.

##### Consensus

Schedule 9 of the NEBRA (clause 5(d)) states that:

*...all NBMCC decisions must be made by the consensus of its members.*

The NBMCC is not a decision making committee; its role is to provide technical advice to the NBMG. However, this clause could allow a single jurisdiction to block the progression of an incident to the NBMG by opposing the views of the majority of jurisdictions, as ‘consensus’ requires all parties to agree on a decision.

In order to expedite important considerations by the NBMCC, the departments support a review of NBMCC meeting protocols.

In its 2015 *Environmental Biosecurity* report<sup>2</sup>, the Senate Environment and Communications References Committee (Senate Committee) raised concerns about the consensus voting rules in clause 6.7(e)(v). This clause states:

*...to avoid any doubt, the NBMG must decide, on the basis of advice from the NBMCC, that a national biosecurity incident response will not commence if the NBMG has not reached a consensus that a national biosecurity incident response should commence.*

This effectively provides each party with the power to veto the commencement of a national biosecurity incident response, where an incursion otherwise meets NEBRA requirements. The option to proceed with a biosecurity incident response excluding parties that disagree should be clarified.

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<sup>2</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment\\_and\\_Communications/biosecurity/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/biosecurity/Report)

The departments support a review of this requirement and the application of consensus voting rules.

#### National Biosecurity Management Group meeting protocols

The NEBRA states at clause 5(c) of Schedule 7 (National Biosecurity Management Group) that all parties vote on all NBMG decisions, except for decisions about cost-sharing:

*...each party ... will have one vote on all decisions of the NBMG, with the exception of decisions about cost-sharing, regardless of whether the party is an affected party.*

In relation to NBMG cost-sharing decisions, clause 5(e)(B) states that:

*...only those voting members who represent ... parties that are affected parties, in relation to the incident ... may vote.*

The NEBRA defines an ‘affected’ party as a jurisdiction in which *the pest or disease actually or potentially occurs*. It is important to note that jurisdictions in which a pest or disease potentially occurs are not obliged to cost-share a response. Consequently, while the intention of clause 5(e)(B) is to exclude non-cost-share parties from voting on cost-sharing decisions, in application, it does not necessarily achieve this.

In addition, clause 6.8 of the NEBRA (Involvement of the parties in NBMG decisions) further confuses the issue by not clearly articulating the voting rights of non-cost-share parties. This means the clauses and how they should be applied are open to interpretation.

The departments support a review of the NBMG voting rules to clarify that all parties can vote on NBMG decisions, with the exception of cost-share decisions (on which only cost-share parties can vote).

## **5. Delivery of response activities**

### Pre-response requirements

Clause 6.1 of the NEBRA details the steps required to initiate a national biosecurity incident response (see graph in Schedule 1). Prior to reporting a detection, a jurisdiction must conduct initial containment activities, verify the outbreak and conduct a risk assessment. It is the departments’ position that these activities should be met as part of each jurisdiction’s normal commitments under the NEBRA (including the Australian Government).

There are currently two Australian Government schemes under which jurisdictions can apply for financial assistance for eradication activities; the Immediate Assistance Fund and the Stronger Biosecurity and Quarantine Initiative. For example, the Australian Government provided \$45,000 through the Stronger Biosecurity and Quarantine Initiative to deploy Queensland Department of Agriculture and Fisheries’ odour detection dogs to a RIFA infestation at Port Botany.

### National significance and technical feasibility of eradication

The technical elements of initiating a NEBRA response include an assessment of the national significance of an incursion and analysis of the technical feasibility of eradication. The guidelines for these can be found in Schedule 3 and Schedule 4 of the NEBRA.

The departments consider that the overall requirements for assessing national significance are clear. However, in some circumstances (e.g. in the absence of good scientific data) the application of these requirements can be subjective. For example, the subjective terms ‘likely’ and ‘possible’ appear throughout Schedule 3 (National significance criteria). Different interpretations of these terms could lead to an inconsistent application of the criteria. Future discussions should focus on whether these criteria should be more flexible or more definitive.

These national significance criteria are based on the Department of Environment and Energy's Policy Statement 1.1 "Significant Impact Guidelines – Matters of National Environmental Significance – 2013". These guidelines are designed to assess the impact of proposed actions (such as infrastructure development, seismic surveys, residential development) on the environment. The assessment of the impact of these proposed actions may be very different to an assessment of the impacts of pests and diseases, which move throughout the environment.

The application of the 'technical feasibility to eradicate' criteria to new and emerging pests and diseases can also be problematic, as relatively little is usually known about these pests and diseases (discussed earlier under 'Purpose of the NEBRA'). Further discussions should focus on whether the NEBRA has the ability to address new and emerging pests and diseases.

The departments support work being undertaken to ensure that these criteria are appropriate for determining whether an eradication response should or should not be mounted.

#### Cost-benefit of eradication

There are difficulties in assessing the cost-benefit of an eradication response in cases where a pest or disease has solely environmental impacts. The NEBRA states:

*...the significance of 'non-market' (environmental and public health) assets impacted, which will require application of environmental valuation techniques, will place greater challenges on the analysis (clause 3(c), Attachment 4A, Schedule 4).*

Consequently, estimates of cost-benefit tend to err on the side of 'high benefit', and taking action becomes a matter of judgement and practicality by technical advisors and decision makers.

The difficulty in determining cost-benefit was also discussed in the 2015 Senate Committee report, which stated that environmental pests and diseases may be under-prioritised when compared to those with quantifiable market and social amenity impacts. This would be problematic in the case of a pest or disease that wiped out an iconic native species. Such cases may not result in significant market impacts, but such a loss would have a significant negative cultural impact.

The departments acknowledge the potential benefit of developing standard methods for assessing environmental impacts of an outbreak, but recognises there may be difficulties in achieving this. For example, it may be difficult to agree on a method that adequately addresses a wide range of environmental pests and diseases. It may be more appropriate to develop different approaches for specific groups of pests and diseases (e.g. marine diseases or tramp ants).

## **6. Information sharing**

### Government to government

The departments consider that the level and standard of inter-governmental information sharing is high. However, this is often achieved through effective working relationships rather than the implementation of formal information sharing processes under the NEBRA.

It is important that information sharing within signatory jurisdictions (for example, between agriculture and environment portfolios) is similarly high for NEBRA-related matters. NEBRA-eligible pests and diseases have the potential to impact on a range of sectors, including agriculture, environment, health, tourism, industry and defence. This means that information should be disseminated appropriately across relevant portfolios. In addition, environmental departments have specific expertise that is relevant to environmental biosecurity and they should be engaged in developing policy related to NEBRA issues.

The departments support the development of intra-governmental communication networks and processes to support the NEBRA.

### Government to the public

The departments acknowledge that the dissemination of information to the general public about the NEBRA and decisions made under the NEBRA could be improved and that this, in large part, is the responsibility of the Department of Agriculture and Water Resources as custodian of the NEBRA.

Plant Health Australia (PHA) and Animal Health Australia (AHA) currently do an excellent job of engaging their members and the general public on plant and animal health issues. Importantly, however, the custodian roles that AHA and PHA perform are largely funded by both government and industry signatories. There are no membership fees or industry signatories to the NEBRA – the custodian role is resourced through existing Australian Government funding and undertaken by the Biosecurity Policy and Response Branch of the Department of Agriculture and Water Resources.

The departments welcome suggestions on how communication efforts could be improved, including a review of options to better resource the custodian role and use existing networks, with an aim of achieving more transparent communication and engagement with the general public.

## **7. Preparedness**

### Sharing training and resources

The departments see the value in sharing resources and training exercises in preparation for environmental biosecurity emergencies. There are currently no formal arrangements to achieve this under the NEBRA and it may be more appropriate for such arrangements to be considered under the IGAB.

The Australian Government, state and territory governments and industry parties have collaborated in the past to ensure they are fully prepared for major biosecurity emergencies (though these collaborations are generally focused on incidents where impacts are primarily on production).

There have been two simulation exercises coordinated by the Australian Government in the last five years, aimed at developing a better understanding of how emergency biosecurity incidents are coordinated and managed. In addition, PHA have coordinated four exercises related to plant health. These exercises have involved NEBRA signatories (typically agricultural agencies), as well as industry signatories to the EPPRD and EADRA.

In 2016 the Department of Agriculture and Water Resources coordinated Exercise Athena<sup>3</sup>, which assessed the department's ability to support one or more affected jurisdictions in the event of an outbreak of an emergency animal disease. An additional international component assessed the *Operations Manual for the International Animal Health Emergency Reserve*, an international arrangement that allows countries to share personnel in an emergency animal disease outbreak.

Many of the key principles from these exercises can be applied to a large NEBRA outbreak, such as the mobilisation of cross-jurisdictional emergency management teams.

Australian, state and territory governments and NGOs currently share resources and work together on environmental biosecurity issues on an ad hoc basis. For example, development of

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<sup>3</sup><http://www.agriculture.gov.au/biosecurity/emergency/exercises/athena>

a national tramp ant biosecurity plan, covering the entire biosecurity pathway from off-shore prevention and early detection through to nationally agreed surveillance and standardised national response activities, is currently underway. This work will utilise the Queensland Government's extensive experience in responding to tramp ant incursions and ensure that there are readily available resources to assist in the development of response plans, should they be required.

Furthermore, there are formal arrangements for sharing biosecurity incident management expertise among jurisdictions. The Rapid Response Team (RRT) is a cohort of trained and experienced government personnel that can be called upon by all government jurisdictions to plan and implement responses to emergency animal disease incidents. The National Biosecurity Committee recently agreed to broaden the scope of the RRT to make it available for deployment for animal, plant, aquatic and environment biosecurity incidents from 1 July 2017.

The departments support a consideration of how training and resources could be better shared between government signatories and NGOs to address issues in environmental biosecurity. However, it is unlikely that such arrangements would fall within the scope of the NEBRA.

#### List of priority environmental pests and diseases

The departments support the development of a priority environmental pest and disease list, noting that considerable discussion will be required to determine its purpose, maintenance and overlap with existing lists.

There are challenges for the development and maintenance of a priority environmental pest and disease list. There are likely to be a substantial number of species that may impact the environment should they enter Australia, which encompass animal diseases, plant pests, terrestrial and freshwater vertebrates, weeds, marine pests, and aquatic freshwater invertebrates. The degree of impact an individual species may have on the environment may range from little impact to changing ecosystem processes. An assessment of the species likely to be the greatest threat across these areas would take a considerable amount of time and resources, noting there are a number of processes already underway or completed that seek to identify priority pests and diseases.

The Plant Health Committee endorsed the National Priority Plant Pests in June 2016. This provides the details of 42 identified priority pests of plants. While many of these are agricultural pests, many also have environmental or social amenity impacts (e.g. exotic invasive ants, giant African snail and phytophthoras).

The Australian Priority Marine Pest List task group, established by the Marine Pest Sectoral Committee, are developing a process to determine priority marine pests. This will take into consideration impacts on the environment, as described by the NEBRA. The outcome of this process will be a list of priority exotic and established marine pests. Furthermore, the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) has conducted a process to identify known invasive species around the world that have predominantly environmental impacts.

The EPBC Act lists key threatening processes with the potential to impact Australia's environment. Invitations to update the list of key threatening processes are extended annually and any person can nominate a process of their own accord during the period specified by the minister responsible for the environmental portfolio.

One consideration for all of these priority pest and disease lists is that the significance of any one pest species may not be apparent until an incursion occurs. For example, it may have an

unexpected impact upon a native species that was not easily foreseen from overseas examples. This can make it difficult to identify which species belong on an environmental priority list and which do not.

The departments suggest that it may also be useful to seek an agreed understanding of priority mechanisms of environmental impacts, such as competition with and predation on native species. In addition, the departments note that careful consideration should be given to the purpose and form of any priority pest and disease list prior to development and ensure that prior lists are considered when developing a new list.

## **8. Funding arrangements**

The departments support the current cost-sharing arrangement in the NEBRA and considers it equitable for all jurisdictions. It also supports the periodic review of the methods used to calculate cost-share apportionments to ensure they are underpinned by the most recent data.

### *Cost-sharing for preparedness activities*

Government and industry membership fees pay for preparedness activities coordinated by AHA and PHA under the EADRA and EPPRD, respectively. Under the NEBRA, there is no cost-sharing arrangement between signatory governments for preparedness.

Noting the difficulties with private contributions discussed above, voluntary financial or in-kind contributions from environmental or community groups may be considered. This could build on government contributions towards preparedness activities.

The departments recognise that existing biosecurity preparedness activities can and should be expanded to include environmental pests and diseases and considers this part of each jurisdiction's ongoing commitments under the NEBRA.

## **9. Managing the NEBRA**

### *Consistency with other deeds*

Australian, state and territory government officers frequently operate under the NEBRA, EPPRD and EADRA. Increasing consistency across these deeds could help ensure that they each operate more effectively overall.

The departments acknowledge that sometimes there are genuine reasons for differences between the deeds. However, as a whole, it would be useful to review the NEBRA for consistency with the other deeds and consider whether any amendments should be made.

A simple example is the name of decision making bodies under the three agreements. The key NEBRA decision making group is called the 'National Biosecurity Management Group'. The equivalent groups under the EPPRD and EADRA are called the 'National Management Group'. Though only one word is different, this can cause confusion among those who sit on both the NBMG and the NMG and gives the impression that the committees operate differently. In addition, it creates administrative burden in the sense that NBMG and NMG papers should be developed and considered separately, even when they may be related (e.g. the National Red Imported Fire Ant Eradication Program, which encompasses multiple responses, operates under both the NBMG and the NMG). Removing the word 'biosecurity' from the NBMG would be a simple way to resolve this.

The NEBRA also contains reporting requirements in Part V that must be met in order for an incursion to be managed under the NEBRA. For example, initial outbreak containment and verification activities, an assessment of whether a response could be dealt with under

pre-existing cost-sharing arrangements and notification to the reporting point are all required within 24 hours of the initial detection.

Failure to meet these requirements can make an incursion ineligible under the NEBRA, leaving the combat jurisdiction to mount a response independently or pursue an off-deed arrangement with other jurisdictions. In contrast, the EPPRD and EADRA does not require the initial containment, verification and assessment of whether an outbreak could be dealt with under pre-existing arrangements within this timeframe. Consistency between the three deeds could potentially reduce the likelihood of any jurisdiction accidentally failing to meet the NEBRA notification requirements.

The departments consider greater consistency between the deeds would be preferable, (but understands the need for differentiation in some cases), and is supportive of work being undertaken to explore how this can be achieved.

#### Transition to management

The EPPRD contains provisions for a transition to management (T2M) phase. This allows for a 12-month period during which resources and operational activities can be gradually transitioned towards ongoing management activities. The T2M phase is cost-shared by the parties who cost-shared the eradication response, but the combat jurisdiction must fund ongoing management activities once the T2M phase is complete.

The departments support in-principle the inclusion of T2M provisions into the NEBRA. If jurisdictions agree this is desirable, the outcomes of the current transition of the giant pine scale response to management under the EPPRD should be considered and any useful and relevant insights used to guide the application of T2M under the NEBRA.

#### Administration group

Clause 10.1 of the NEBRA states that:

*...each party will nominate a representative who will be responsible for administering this agreement on behalf of that party and that each party must notify the NBC of a change to the party's representative within 30 days.*

The current NEBRA Administration Group was formed in 2016 to guide the NEBRA five year review process. It has not played an active role in the routine administration of the NEBRA to date.

The departments support considering whether a NEBRA Administration Group could add value to the administration and management of the NEBRA. With the right terms of reference, such a group might provide a useful forum to address issues more effectively and regularly consider any practical or procedural issues that arise in the operation of the NEBRA. A similar group exists under the EADRA, and they are responsible for (among other things) updating the agreement as required.

#### NEBRA custodian

In its role as custodian, the Department of Agriculture and Water Resources provides policy advice to signatory parties, implements the cost-share formula on behalf of combat jurisdictions, coordinates financial reimbursement claims for NEBRA responses and disseminates information related to NEBRA responses.

It remains committed to its role as the NEBRA custodian and will continue to improve NEBRA processes with the resources available. However, the departments support the consideration of

mechanisms by which other NEBRA signatories could support or contribute to the NEBRA custodian role.

The departments acknowledge that there are some improvements that can be made to how the custodian role is performed. For example, information related to NEBRA responses could be better communicated to the public (also see 'Information Sharing' above) and administrative tasks (e.g. distribution of NBMG papers) are sometimes delayed during periods of high activity, such as the recent white spot disease incursion in Queensland.

However, it should be noted that there are limited resources currently available to perform the NEBRA custodian role. Under the EPPRD and EADRA, custodian roles are purposefully funded through government and industry membership subscriptions to PHA and AHA respectively. This allows resources to be more specifically allocated to the administration of each agreement.

The departments are open to suggestions about how to improve the fulfilment of the NEBRA custodian duties and acknowledges the potential benefits of greater liaison with AHA and PHA on this matter.