

**REVIEW OF THE NATIONAL ENVIRONMENTAL BIOSECURITY RESPONSE
AGREEMENT (NEBRA)**

**SUBMISSION BY DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER &
ENVIRONMENT (TASMANIA)**

GOVERNMENT SIGNATORY SUBMISSION

TASMANIAN DEPARTMENT OF PRIMARY INDUSTRIES, PARKS, WATER and ENVIRONMENT
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1) Do you think the responses conducted under the NEBRA accurately reflect its purpose and help to achieve its outcomes?

To date the range of responses under NEBRA are probably too limited to accurately reflect this question – given the five to-date have been for invertebrates, four of which related to ant incursions. Perhaps it is more relevant to review what incursions considered for inclusion under NEBRA have failed, and ask if this reflects either a problem with NEBRA or that the process is actually working effectively. Trials across a range of pest groups, that includes agreed high risk pests to test them against the NEBRA process would help answer this question and also establish a baseline for future assessments.

Tasmania agrees that as an example of how NEBRA can work, the red imported fire ant incursion at Port Botany is a good example of an appropriate response and meeting the deed's purpose.

2) Do you think the agreement is a suitable mechanism to respond to environmental biosecurity threats in the future (i.e. 10-20 years from now)?

There needs to be greater certainty around what pest species are likely to be dealt with under NEBRA – a process of forward planning. Processes have been commenced that can facilitate this such as national prioritisation via risk assessments and expert opinion of vertebrate, marine and weed pests. Such prioritisations can also include modelling and take into account changing environmental conditions, such as climate change.

It is likely the structured approach provided by NEBRA will remain applicable but that the operational aspects of the Deed will be fine-tuned with modifications to improve operational components based on the experiences of responses as they occur. In reality the relatively limited use of the Deed thus far in relation to one category of invasive species makes forward estimates of effectiveness and applicability difficult to determine.

For NEBRA to be sustainable in the long term then involvement beyond Governments will be important. Whilst public benefit is an important criteria, those benefits often also flow to industry, such as tourism and agriculture for example, however, the link to industry is often not recognised or is not effectively identified.

An additional issue is how the agreement manages expansions or outliers in existing threats. For example, if an invasive species was established within a defined region of one jurisdiction and there was an incursion into a new jurisdiction, there is benefit to apply NEBRA to that incursion to support the management of the response and prevent the 'new' incursion becoming established subject to the other requirements of NEBRA being met. At present, NEBRA seems to be considered as a 'once off' tool for application to the first time a new species emerges. There are a number of distinct regional areas within which an expansion or outlier incursion has merit to be managed with an eradication objective rather than treating Australia as a homogenous area.

In the future there may be a need to review the number of deed agreements that might exist – rather than developing a deed wherever a gap is identified, identify how existing deeds can be modified to accommodate new issues. There may be scope also to better integrate existing deeds to deal with pest issues. This may require breaking down silos.

At present the framework is not completely effective – the creation of the 'agricultural weeds' Deed is a clear example of how the existing framework has real or perceived gaps in scope. A single all-encompassing framework or Deed structure should be an aspirational goal to ensure that the framework is future-proofed and specific issues do not fall between the scope of the individual Deeds

3) Do you think that the definitions used in the NEBRA are clear and appropriate?

In general, yes.

4) Do you consider the roles and responsibilities outlined in the NEBRA to be clear and appropriate? If not, how do you think they could be improved?

In general, yes.

The operation of the National Management Group (NBMG) has not always been as intended. For example the agreement expects that agencies are represented by Heads of Agency, but this role is often delegated. This has an impact on the decision making process, especially in relation to matters of funding and resourcing and has a flow on to decision making time-frames. Consideration should be given to having heads of the relevant biosecurity divisions as the jurisdictional representative rather than Head of Agency.

The role of non-voting members on the NBMG, eg jurisdictions that are not party to the cost-share agreements, needs to be reconsidered. Whilst it is appropriate that the affected parties and those jurisdictions that are party to the cost-share arrangements have primary say on decisions, there needs to be a process that allows all parties to have effective input where precedents may be introduced that have adverse effect on future NBMG's or non-voting jurisdictions.

Smaller jurisdictions, with limited resources can struggle to engage effectively with the significant amounts of information and documentation that can arise via an emergency response. This can place significant pressure on those jurisdictions' resources and limit the manner in which they participate. Consideration should be given to providing documents and information in a way that is not as time and resource consuming to review.

5) Are these roles and responsibilities compatible with recent changes in Australian (Commonwealth, state and territory) biosecurity legislation?

In relation to Tasmania, there is new Biosecurity legislation being developed and once in place, the answer would be yes. Current legislation does have gaps, especially in relation to vertebrate pests.

6) How could an increased, but accountable, role for private beneficiaries and non-government stakeholders be incorporated into the NEBRA?

As has been previously noted, the capacity to involve the "risk-creators" such as industry is not well founded in the NEBRA agreement. If biosecurity preventative measures as well as effective emergency responses are to occur, there needs to be clearer and stronger mechanisms in place to involve non-government parties, such as industry.

The NEBRA process does not easily accommodate non-government organisations that have an interest in a particular emergency response, but are not directly affected, for example environmental NGO's. There are a wide range of groups that may fall into this category, so there may not be an easy solution. However, those groups may be able to bring resources, knowledge and broader community interests to the table and this is viewed as an increasingly important aspect for future incursion response management. The impending Centre of Invasive Species Solutions (CISS) presents an example where such a NGO can provide significant and valuable input into a NEBRA response.

Some of the industry and non-government organisations participation could be managed at the jurisdictional level, especially for the affected jurisdictions. Nationally, national working groups such as IPAC and MPSC could develop means of engaging with these stakeholders. MPSC already has a model by which it engages with industry prior to its own formal meetings. In theory, the NBMCC can involve 3rd parties if they have necessary technical and scientific knowledge around an incursion.

7) Do you think the NEBRA decision making framework is clear and appropriate? Are the outcomes of these processes reflective of the criteria on which they are based?

In general yes – A key question is whether they are applied in practice. The deed formalises arrangements, however, in most situations issues such as cross-jurisdictional support and information sharing would happen informally. The Deed hopefully removes or lessens issues that might arise because of personality or intra-agency differences.

As discussed previously, there can be issues around how jurisdictions represent themselves on the NBMG – ie if the officers present don't have sufficient decision making authority, especially in relation to resource and fund allocation.

The capacity of NBMG and the NBMCC needs to be assessed. The view of the members of these groups should be sought as to their capacity to adequately assess the information being presented to them and make well-considered informed decisions. If, as the decision-makers, the volume and detail of the information being presented is overwhelming, further work is needed to refine or streamline the information or explore alternative governance models.

Arrangements are only effective when an affected jurisdiction notifies all other jurisdictions. A jurisdiction may decide that a particular incursion is unlikely to be dealt with through NEBRA and not notify – however, other jurisdictions may disagree that the incursion is not nationally significant. Whilst notification procedures are in place via national committees there needs to be a more formal process in place, probably involving the Chief Plant and Animal Health Officers, that results in a transparent information sharing protocol. One option would be to develop a reporting categories, everything is reported, but slotted into a category that reflects significance. Other jurisdictions then could have the option to recommend the report could be upgraded or downgraded.

Significant pests that are regarded as eradicable with national coordination, but are already established (eg orange hawkweed) fall through the gap of existing programs (eg WoNS) and Deeds. Technically they could be covered under NEBRA, but the perception across jurisdictions is that they do not qualify. Pests in this category can be having a significant impact, but the opportunity to eradicate disappears over time. An alternative view is that it be made quite clear that NEBRA is there to deal with new incursions only and that a different process be established to deal with significant pests, that whilst established, are regarded as eradicable.

As mentioned in (1), there would be value in categorising a range of pests up front. This would expedite decision making by the NBMG in relation to initiating an emergency response and triggering cost-share arrangements. Resources would need to be allocated as this would take significant effort, but would have value beyond NEBRA in terms regulation and preparedness at the jurisdictional level.

8) Do you think there should be an increased role of non-government stakeholders in the decision making process? If so, how do you think this might be achieved?

There is value in this occurring, however, those non-government stakeholders cover a broad cross-section and there would be difficulties in identifying key organisations and then engaging with them in a meaningful way. It also risks adding greater pressure on the smaller states if they are required to drive the engagement process.

However, some of that engagement could occur at the jurisdictional level or through the national committees such as IPAC and MPSC, especially if there was a process that allowed NGO's to indicate whether they had an interest.

9) Do you think the pre-response requirements of the NEBRA are clear and appropriate? Are they practical for smaller jurisdictions?

Pre-response burden falls entirely on the combat jurisdiction. If the response doesn't go ahead then that jurisdiction is unable to recover costs, although it may have been reasonable to

approach it as if it were nationally significant. Additionally, if there are any delays in establishing cost-share arrangements the jurisdiction may have to cover some or all of those initial costs. This becomes a significant issue for smaller jurisdictions in terms of capacity and maintaining specialist capabilities.

Certainly the processes could be clearer, with more defined and appropriate timeframes. Initial decision making with regards the significance of the incursion needs to be shorter, to allow greater certainty for the combat jurisdiction. There is probably no great reason preventing NBMG's being established at the same time as the NBMCC, and deal with issues of governance and whether or not some level of early resourcing or funding is required.

10) Could the guidelines and criteria for the technical requirements of initiating a response be made more clear and appropriate? If so, how?

Significant pre-planning and documentation is required at the beginning of a response. For smaller jurisdictions (see also comments in 4) this could be quite challenging and result in the diversion of staff and resources away from the actual incursion response.

The process of moving from an incursion response phase to a management phase can be very drawn out and require significant resources to assess. There would be value in streamlining this process, and perhaps have stronger better defined criteria that trigger the shift.

Interpretive guides for NEBRA exist each for plants and animals as well as an overarching guide. They provide information on how NEBRA operates and what is required in terms on initiating a response. However, it is not clear that these guides are being maintained or widely circulated, which they should be.

11) How could private beneficiaries and non government stakeholders be engaged more effectively in response activities?

In general this probably needs to occur at the jurisdictional level for state-based organisations. Such consultations need to be strategic and targeted as this could become a time & resource consuming task. Those organisations operating nationally could be engaged through national committees such as IPAC and MPSC. The MPSC already engages with industry prior to its national meetings. Care should be taken not to overload the NBMG and NBMCC – as it is those groups can become quite large.

NGO's can play an important part in providing expert advice and engaging with the community during a response but, generally, will not be able to provide significant financial support to a response. Depending on the scale of a response, or the matters the incursion affects, the NGO's may become disenfranchised with the decision-making process. Management of these issues places an additional cost on the response agency.

12) Do you think existing information sharing networks are utilised effectively for NEBRA-related matters? If not, how do you think this might be addressed?

NEBRA provides good incentive to establish information and data sharing between jurisdictions. Cross-sectional sharing at times can be a different matter – i.e. between agencies within jurisdictions; or between bodies such as Plant Health or Animal Health Australia. Importance of sharing goes beyond information and needs to include access to facilities and specialist resources.

13) What untapped sources of information may be useful in preparing for and responding to environmental biosecurity emergencies?

In general, the representatives on the NBMCC and NBMG as well as within the affected jurisdictions bring together a broad enough set of networks to cover environmental biosecurity emergencies. One issue to consider is that many primary industry-based agencies are often separated in some way from the conservation and environmental based agencies. There can be even greater separation in relation to reserve land managers. Agencies responsible for NEBRA need to consider this and ensure communication occurs. This requirement could also be strengthened within the NEBRA procedures. This will also ensure that experts from different fields other than biosecurity can bring a fresh perspective to the problem.

Sources of information and expertise also occur outside of Government and Academic institutions, ie. within industry and consultants. Scope needs to exist to be able to utilize these resources and recognize that there will be an associated cost.

14) Do you think that the sharing of training and resources among jurisdictions and non-government stakeholders would help to increase preparedness for environmental biosecurity threats? If so, how might this be achieved?

Agree

The National Biosecurity Emergency Preparedness Group is currently looking at the issue of training and competencies.

The models in existence in the Plant and Animal Biosecurity sectors are applicable to this area. The revised national Rapid Response Team should be encouraged to ensure environmental biosecurity is within its scope and made available. Whilst the AUSVETPLAN and PLANTPLAN frameworks are invaluable and have some merit for this sector, the resource commitments to develop and maintain such documents are immense and without specific tied funding unlikely to be progressed. There are resources applicable from other sectors that should be adapted to this sector.

15) What role could the non-government sector play in preparing for environmental biosecurity incidents? How could their involvement be facilitated?

Direct beneficiaries, such as Industry, should be making a stronger investment in environmental biosecurity matters. This doesn't have to be just dollars, but could also occur through resources, skills, information sharing and training of their staff in environmental emergency response. The non-government sector, that is not a direct beneficiary, such as environmental NGO's and research institutes can be a resource for knowledge and expertise. The NBMCC has the capacity to invite relevant experts to participate. Jurisdictions similarly have the capacity to involve experts from

across all sectors. There may be a cost of engaging these non-government experts and therefore cost-sharing arrangements need to be able to accommodate this.

Workshops during various parts of the response could also provide the opportunity to involve broader cross-sections of the scientific and technical groups as well as NGO's.

16) Do you think it is feasible to develop a list of Australia's priority environmental pests and diseases? If so, how might this be achieved?

Yes – however, considerable resources may be required if significant numbers of species require risk assessments to be undertaken. Quite a deal of progress has been achieved nationally in identifying priority pests for plants, vertebrates and marine pests. Such lists can provide an important foundation for streamlining the commencement of a NEBRA response. However, listing species should not be seen as absolute, there will always be the chance of incursions involving species not identified that will potentially require a NEBRA response. The results of multiple listing exercises over the past few years should also be used and built on.

17) Do you think current cost sharing arrangements under the NEBRA are appropriate and equitable?

In general, yes. Comments about potentially unfunded activities are covered in (9).

18) How might private beneficiaries be engaged in cost sharing arrangements?

Firstly, the benefits to industry and other beneficiaries need to be identified, including the costs that impact on the interests of those beneficiaries in both the short and longterm. Part of this could be facilitated by identifying up front high priority threats that would most likely be dealt with through NEBRA and undertaking risk assessments that also accommodate relevant industries (where known). This information would help industry prepare for potential incursions as well as have a much better understanding of potential threats to their commercial interests.

19) How important is it that the NEBRA is consistent with other biosecurity response deeds and agreements? Are there any particular inconsistencies that should be addressed? For example, do you think that transition to management provisions should be incorporated into the NEBRA?

NEBRA has a much greater reliance on the Jurisdictions to provide technical and scientific support as there are no equivalent structures such as Plant Health Australia (EPPRD) and Animal Health Australia (EADRAr). Whilst having consistent Deeds won't necessarily change this, it would better ensure a consistent approach across all deed arrangements. The development of a body such as "Environmental Health Australia" would potentially help break down silos between plant, animal and environmental biosecurity matters, including sharing knowledge and resources.

See comments above (10) in relation to management phase. The transition to management phase needs to be more clearly defined than is existing case and that could be spelt out in the NEBRA agreement. It is also important that the process is objective, transparent and independent. Officers from different jurisdictions have been involved in undertaking reviews

regarding in relation to transitioning to management and this puts pressure on those officers from a resourcing perspective and there may be a conflict of interest perception.

20) Do you think the requirement for an ongoing NEBRA administrative group is practical?

Currently the Commonwealth provide secretariat support for NEBRA, however, there has been quite a deal of staff turnover since these arrangements have been in place which affects continuity of service and corporate knowledge. Certainly there is a need to maintain an administrative group to support the NBMG and NBMCC as well as maintain the Interpretive Guides for the NEBRA and sectoral areas (plants & animals).

21) How efficient and appropriate are the NEBRA custodian processes? How might they be improved

As identified in roles and responsibilities, appropriate. However, as Governments change, or as Departments, especially at the Commonwealth level change or are restructured there is a risk that either priorities will change, corporate knowledge lost or resources decreased. Consequently there is a need to ensure minimum requirements for the effective operation of the NEBRA are maintained. As mentioned above, in the environmental sphere, there are resources that Plant Health Australia and Animal Health Australia may be able to contribute.

NEBRA in effect appears to fall in between two custodians, the Australian Government CVO and the Australian Government CPHO, and may at times become their secondary focus to their core duties (with regard to EADRA and EPPRD respectively). It appears at times that NEBRA lacks the defined 'single point of reference' of a custodian; whether that be a factor of using the CVO and CPHO as the primary referral point, the lack of industry involvement as per what occurs with EADRa and EPPRD, or due to the rate of staff changes in both the Australian Government Department of Environment and Department of Agriculture.