



Australian Government
Department of Agriculture
and Water Resources

National Environmental Biosecurity Response Agreement (NEBRA) Five Year Review

Discussion Paper

Prepared by the NEBRA Administration group on behalf of the
National Biosecurity Committee



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Background

Australia's national biosecurity system aims to maintain our favourable pest and disease status and minimise the impact of pests and diseases on Australia's economy, environment and community. This system is underpinned by a number of national frameworks, including the Intergovernmental Agreement on Biosecurity (IGAB), which aims to strengthen the working partnerships between Commonwealth, state and territory governments and improve the national biosecurity system.

The [National Environmental Biosecurity Response Agreement \(NEBRA\)](#) sets out a framework for responding to national biosecurity incidents where there are predominantly public benefits. This includes incursions of exotic pests and diseases in terrestrial and aquatic environments. The NEBRA operates alongside the Emergency Animal Disease Response Agreement (EADRA) and the Emergency Plant Pest Response Deed (EPPRD). Exotic weed and aquatic disease response agreements are also in development. All agreements contribute to the first principle of the IGAB – that biosecurity is a shared responsibility – and help to achieve the second objective of the IGAB – to prepare and allow for effective responses to, and management of, exotic and emerging pests and diseases that enter, establish or spread in Australia.

Since it was signed in 2012, five nationally cost-shared eradication responses have been managed under the NEBRA. These include eradication programmes for three independent red imported fire ant incursions in Port Botany, Yarwun and Brisbane Airport, browsing ant in Darwin and Macao paper wasp on the Cocos (Keeling) Islands. The recent eradication of red imported fire ants at Yarwun was the first NEBRA programme to reach completion.

Part VIII of the NEBRA requires that a review of the agreement's implementation and effectiveness is conducted within five years of commencement and a report prepared for Commonwealth, state and territory ministers responsible for biosecurity matters. The objective of the NEBRA review is to assess the implementation and effectiveness of the national biosecurity incident response arrangements outlined in the agreement. Once completed, the NEBRA review will inform the future application of the agreement and maximise the capability of Australian governments and non-government stakeholders to manage nationally significant environmental biosecurity incidents.

More information about environmental biosecurity can be found on the websites of the [Department of Agriculture and Water Resources](#) and the [Department of the Environment and Energy](#).

Purpose of the review

The NEBRA review will:

- assess the implementation of the NEBRA
- assess the effectiveness of the NEBRA in the five years since commencement, and
- propose any recommendations for future application of the NEBRA.

Specific activities that will be undertaken as part of the NEBRA review are to:

- examine the appropriateness of the purpose and scope of the NEBRA
- assess signatory (i.e. Commonwealth, state and territory governments) and stakeholder (e.g. non-government organisations) understanding of their roles and responsibilities under the agreement
- review NEBRA decision making processes and governance structure
- review NEBRA notification requirements and processes for reporting and closure of responses
- investigate and assess the effectiveness of information sharing processes
- assess NEBRA requirements and guidance for ensuring preparedness of stakeholders in the event of an incursion
- examine current funding arrangements and investigate the scope for private beneficiary contributions to responses, and
- review management and administration procedures, as well as the consistency of the NEBRA with other emergency response deeds.

The following issues are considered out of scope for the review:

- an audit of operational activities for responses managed under the NEBRA
- aspects of the Australian biosecurity system that would not normally fall under the definition of a 'response'
- the effectiveness of other response arrangements, such as the EADRA and EPPRD
- challenges to decisions made by the National Biosecurity Management Group (as opposed to using outcomes of decision making processes to assess NEBRA policies and processes), and
- the written form or layout of the agreement.

Review process

This discussion paper is intended to be used as a guide for both targeted consultation and written submissions. Discussion points that are not included in this paper, but fall within the scope of the review, will still be considered as part of the review.

The review will be undertaken by an independent consultant, KPMG. The final report and its recommendations will be used by signatory parties to determine whether any amendments to the NEBRA are required.

The timeframes for the review are as follows:

- Targeted consultation will take place between mid-January and the end of February 2017.
- Written submissions will close at COB Friday 17 March 2017.
- A final report (including any recommendations) will be submitted to the NBC and Agriculture Senior Officials' Committee for approval.
- The final report will then be sent to ministers responsible for biosecurity via the Agriculture Ministers' Forum by the end of August 2017.

Glossary of terms

Table 1 Glossary

Term	Definition
Biosecurity	Mitigating the risks and impacts to the economy, the environment, social amenity or human health associated with pests and diseases
Biosecurity activities	Activities undertaken to manage biosecurity risks.
Combat jurisdiction	The jurisdiction with which the main responsibility for eradication lies. The combat jurisdiction typically leads operational response activities.
Consensus	In relation to decision making, consensus is reached when all of the parties that vote support a decision. Parties are entitled to abstain from consensus votes.
Disease	The presence of a pathogenic agent in a host and/or the clinical manifestation of infection that has an impact or poses a likely threat of an impact. It includes micro-organisms, disease agents, infectious agents and parasites.
Environmental biosecurity	Measures to protect the environment and social amenity from the impacts of invasive animals, plants and diseases.
IGAB	Intergovernmental Agreement on Biosecurity
National biosecurity incident response	An emergency response that is cost-shared between the Commonwealth and at least one state or territory government.
NBMCC	National Biosecurity Management Consultative Committee
NBMG	National Biosecurity Management Group
NEBRA	National Environmental Biosecurity Response Agreement
Outbreak	An instance of an exotic pest or disease crossing Australian borders and forming or infecting a viable population in our environment.
Pest	Any species, strain or biotype of the Kingdoms Animalia (excluding human beings), Plantae, Fungi, Monera or Protista that has had an impact (i.e. significant negative consequences), or poses a likely threat of having an impact.
Private beneficiary	A person, industry, entity or group that receives private benefit from a national biosecurity incident response, regardless of whether the benefit is economic or non-economic.
Risk creator	Those individuals, organisations, industry groups etc. that undertake activities that may result in a disease or pest entering, emerging, establishing or spreading in Australia. It does not include governments undertaking biosecurity activities as part of their regulatory responsibilities.
Shared responsibility	The shared responsibility of government and non-government stakeholders, as well as the general community, for biosecurity matters.
Signatory	The Commonwealth, state and territory governments that signed the NEBRA in January 2012.
State and territory governments	State and territory agencies responsible for biosecurity matters. This is typically the agriculture or primary industries portfolio.
Unanimous	All parties entitled to vote on a decision must vote in the same fashion for a decision to stand.

Key themes for discussion

1. Purpose of the NEBRA

The NEBRA review will consider whether response activities conducted under the agreement accurately reflect its aims and help to achieve its outcomes.

Part I of the NEBRA states that the purpose of the agreement is 'to establish national arrangements for responses to nationally significant biosecurity incidents where there are predominantly public benefits'. This includes reducing the impacts of pests and diseases on the environment, people (including social amenity and infrastructure), and business activity.

Environmental impacts may include the impact on nationally important and ecologically valuable species and places, as well as any extensive impacts on the environment, biodiversity, ecological communities, environmental amenity, and ecosystem functions and services. Impacts on people include human infrastructure, social amenity and any impact on local culture. Business impacts are defined as any impacts that affect business costs or profitability.

It also states that the agreement will achieve or promote a range of outcomes, including a reduction of the impacts of pests on the environment and social amenity and more efficient management of and response to pest and disease outbreaks. The NEBRA will promote cost-effective, science and risk-based biosecurity management in order to comply with Australia's international rights and obligations.

Guiding questions

- 1) Do you think the responses conducted under the NEBRA accurately reflect its purpose and help to achieve its outcomes?
- 2) Do you think the agreement is a suitable mechanism to respond to environmental biosecurity threat in the future (i.e. 10-20 years from now)?
- 3) Do you think that the definitions used in the NEBRA are clear and appropriate?

2. Roles and responsibilities under the NEBRA

The NEBRA review will consider whether the roles and responsibilities outlined in the agreement are appropriate and whether there is scope for an increased role for private beneficiaries.

State and territory governments

Prior to a response, state and territory governments must ensure they are well equipped to respond to significant biosecurity incidents. This involves implementing legislation and regulations that help reduce the impact of pests or diseases and being prepared to respond to any biosecurity emergencies.

During a response, state and territory government responsibilities are to participate in the NEBRA decision making process and contribute to agreed, national biosecurity incident responses. The latter includes financial and strategic contributions. The NEBRA also states that,

regardless of whether a pest or disease outbreak is subject to a national biosecurity incident response, state and territory governments have the responsibility to manage eradication within their borders, inform other jurisdictions and stakeholders of significant outbreaks and participate in joint management activities where an outbreak occurs across state and territory borders.

Commonwealth

The Commonwealth plays the lead role in determining national biosecurity policy and allowing for timely and effective responses to nationally significant biosecurity threats. The Commonwealth contributes 50 per cent of the funding for national biosecurity incident responses under the NEBRA and participates in decision making processes. The Commonwealth is also responsible for managing the eradication of pest and disease outbreaks on Commonwealth land and waters.

In its role as custodian of the NEBRA, the Commonwealth provides coordination for the NEBRA decision making forums and develops the cost sharing arrangements for nationally cost shared responses.

Shared responsibilities

It is the shared responsibility of the Commonwealth and state and territory governments to increase the awareness and engagement of government agencies, industries and communities about outbreak management and biosecurity-related issues. This includes encouraging the cooperation and engagement of industry and private beneficiaries in cost sharing arrangements, in accordance with clause 7.9 of the NEBRA. In addition, all parties must act in accordance with Australia's international rights and obligations.

Private beneficiaries

Private beneficiaries under the NEBRA include people, industry and non-government organisations that have an interest in environmental biosecurity and who benefit from national biosecurity incident responses. This may include private landowners, conservation groups that manage land, and businesses, such as those in the tourism industry, for example.

Although the NEBRA allows for financial contributions by private beneficiaries to national biosecurity incident responses, it does not specify their roles or responsibilities in such a situation. In contrast, the EPPRD and EADRA both define the reporting and cost sharing obligations of affected parties, which include industry representative bodies.

Guiding questions

- 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?
- 5) Are these roles and responsibilities compatible with recent changes in Australian (Commonwealth, state and territory) biosecurity legislation?
- 6) How could an increased, but accountable, role for private beneficiaries and non-government stakeholders be incorporated into the NEBRA?

3. Decision making and governance

The NEBRA review will consider the role and function of decision making bodies under the NEBRA, as well as whether NEBRA decision making processes are practical and efficient.

National Biosecurity Management Group

The National Biosecurity Management Group (NBMG) is the peak, national decision making forum for national biosecurity incident responses managed under the NEBRA. The NBMG is made up of a single representative from each signatory party and a non-voting Chair. The Australian Government is represented by the (non-voting) Chair of the NBMG and a single voting member. The decisions made by the NBMG include whether an outbreak is of national significance, whether a national biosecurity incident response is in the national interest and whether a national biosecurity incident response plan should be approved.

Part V of the NEBRA specifies the key steps that must be undertaken when deciding whether or not a response will be managed under the NEBRA. Schedule 7 ('National Biosecurity Management Group') defines the terms of reference and meeting protocols for the NBMG.

National Biosecurity Management Consultative Committee

The National Biosecurity Management Consultative Committee (NBMCC) is a technical committee made up of one representative from each signatory party and a non-voting Chair. The Australian Government is represented by the (non-voting) Chair of the NBMCC and a single voting member. Part V (clause 6.6) briefly outlines the role of the NBMCC in the decision making process. The terms of reference and NBMCC meeting protocols are articulated in Schedule 8 ('National Biosecurity Management Consultative Committee').

The NBMCC provides advice to the NBMG on whether an outbreak is nationally significant, whether there is a cost benefit, whether it is technically feasible to eradicate an outbreak and whether a national biosecurity incident response is in the national interest.

Decision making process

The NBMCC provides technical advice to guide the NBMG when making decisions related to national biosecurity incident responses. In preparing consolidated advice for the NBMG, the NBMCC must reach decisions by consensus. This means that all voting parties support a decision. Consensus voting also allows parties to abstain from involvement in a determination. If a party abstains, a decision can pass based on the votes of the remaining parties. The NBMCC then present their final advice to the NBMG.

The NBMG make the final decisions related to national biosecurity incident responses. Where applicable, it considers advice from the NBMCC in making its determinations. NBMG decisions must be made by consensus. The only exceptions are decisions related to cost-sharing, which must be unanimous. In order for a unanimous decision to stand, all eligible parties must support the decision. Unanimous votes do not allow for abstention of eligible voting parties. In the event that there is no agreement, the status quo remains.

Closure of an incident

A NEBRA incident may be closed:

- prior to a response being mounted, if the NBMG agrees that the outbreak is not nationally significant or that eradication is not technically feasible or cost-beneficial
- during a response, if the NBMG agrees that eradication is no longer technically feasible, or
- after a response, if the NBMG agrees the pest or disease has been eradicated.

At present, there are no criteria for which outbreaks should be progressed to the NBMCC and which ones should be closed prior to NBMCC consideration.

Guiding questions

- 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?
- 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?

4. Delivery of response activities

The NEBRA review will consider whether processes and requirements for bringing a response under the NEBRA are clear and equitable for all jurisdictions and whether processes for transition to management should be incorporated into the NEBRA.

Before an outbreak is brought under the NEBRA

Part V of the NEBRA outlines the steps that must be undertaken for a response to be managed under the NEBRA. This includes:

- Initial containment activities: a combat jurisdiction must use all reasonable endeavours to contain an outbreak. If the response it brought under the NEBRA, eligible costs (clause 7.3) may be cost-shared.
- Verification of the outbreak: the nature and extent of the outbreak must be verified by utilising personnel with appropriate scientific expertise and experience.
- Conduct a risk assessment: risk assessments (Schedule 2) must consider the potential economic, environmental and/or social amenity impacts.
- Notification to the reporting point: the reporting point (clause 6.3(c)) must be notified within 24 hours of detection.
- An assessment of the national significance of an outbreak, technical feasibility of eradication and cost-benefit of eradication: Schedule 3 and 4 set out the criteria that the NBMCC must take into account for providing advice to the NBMG on these matters. If these criteria are not met, a nationally cost-shared response will not be mounted.

Guidelines for the technical components of pre-response requirements are outlined in the schedules of the NEBRA.

Schedule 2 provides the guidelines for undertaking a risk assessment to assess the likelihood of a pest or disease establishing and spreading. Considerations include the potential economic, environmental and social amenity impacts of the pest or disease.

Schedule 3 details the criteria for assessing whether or not an outbreak is of national significance. These criteria take into account the potential impacts of an outbreak on the environment, people (including social amenity and human infrastructure) and business activity.

Schedule 4 provides criteria for assessing technical feasibility and the framework for undertaking a benefit:cost analysis. Technical feasibility criteria include the capability to accurately identify the pest or disease, effectiveness of control options, the known area of infestation and legislative impediments to undertaking a response. The purpose of a benefit:cost analysis is to determine whether undertaking a response will deliver benefits exceeding the costs incurred.

After an outbreak is brought under the NEBRA

A response may be brought under the NEBRA through the agreement of the Commonwealth NBMG representative and at least one other state or territory NBMG representative. Once an outbreak is brought under the NEBRA, the response activities may include:

- **Surveillance:** surveillance refers to the ongoing investigation of a population or area to collect data about the presence, incidence, prevalence or geographic extent of an outbreak.
- **Treatment:** the activities that are specifically intended to reduce the size of an outbreak population or treat diseased populations. Examples of treatment activities include the application of insecticides and fungicides and the physical removal or destruction of a pest.
- **Reporting:** reports on the progress of a response must be submitted to the NBMCC (clause 7.13).

Guiding questions

- 9) Do you think the pre-response requirements of the NEBRA are clear and appropriate? Are they practical for smaller jurisdictions?
- 10) Could the guidelines and criteria for the technical requirements of initiating a response be made more clear and appropriate? If so, how?
- 11) How could private beneficiaries and non government stakeholders be engaged more effectively in response activities?

5. Information sharing

The NEBRA review will consider how information relevant to NEBRA responses is shared and what information would be useful to share, and with whom, when responding to exotic pest and disease outbreaks.

The sharing of information is vital for the effective operation of Australia's national biosecurity system. This includes information sharing between governments, between governments and relevant stakeholders and throughout the biosecurity continuum (i.e. pre border, border, post border).

Clause 5.4(c) of the NEBRA stipulates that the Commonwealth, state and territory governments must contribute to capacity building in outbreak management, including the development of information systems. Information about a national biosecurity incident response is disseminated

to states and territories via progress reports and agenda papers submitted to the NBMCC and NBMG.

The Biosecurity Incident National Communications Network provides communications and community engagement advice to the NBMCC and NBMG and produces nationally consistent public information during pest and disease outbreaks. In addition, the NBC is responsible for guiding improved cooperation between governments and industry in the collection, collation, analysis, storage and sharing of biosecurity information.

Guiding questions

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

6. Preparedness

The NEBRA review will consider whether the preparedness of stakeholders for environmental biosecurity emergencies could be increased through the identification of high priority risks and cross jurisdictional collaboration and training.

The NEBRA sets out the arrangements to respond to nationally significant biosecurity incidents that threaten Australia's environment and social amenity. The scope of the agreement is limited to response activities and preparedness is considered the responsibility of the signatories and stakeholders.

In contrast, the [EPPRD](#) and the [EADRA](#) contain information on high priority pests and diseases. These lists have been used to develop simulation exercises and training activities aimed at increasing preparedness of government and non-government stakeholders to nationally significant biosecurity incursions.

Guiding questions

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

7. Funding arrangements

The NEBRA review will consider the cost-sharing structure and formula in the NEBRA, whether these are equitable for all jurisdictions and when or how private beneficiaries may be included in cost shared responses.

Part V of the NEBRA sets out the arrangements to cost share nationally significant biosecurity incident responses. Although the costs of initial response activities are covered by the combat jurisdiction, these may be cost shared if NEBRA reporting requirements are met and the response is brought under the NEBRA.

Clause 7.9 of the NEBRA states that private beneficiary contributions to national biosecurity incident responses should be determined on a case-by-case basis. However, there have been no private beneficiary contributions to a NEBRA response to date and there is no framework for determining what such contributions would be.

In contrast, frameworks for industry contributions to a response exist in the EPPRD and the EADRA. Diseases are categorised into four categories (1 – 4), each of which have a different split of government-to-industry funding, ranging from 100:0 to 20:80. Contributions from private beneficiaries are sought on the basis that there may be groups that receive significant attributable benefit from eradication responses. There are, however, inherent difficulties in estimating the benefit that private beneficiaries receive from the eradication of environmental pests. This is mainly because the dollar value of benefits received as a result of eradication of environmental pests are difficult to estimate. If private beneficiaries are to be engaged in cost shared NEBRA responses, an appropriate framework and payment mechanism must be considered.

Guiding questions

- 17) Do you think current cost sharing arrangements under the NEBRA are appropriate and equitable?
- 18) How might private beneficiaries be engaged in cost sharing arrangements?

8. Managing the NEBRA

The NEBRA review will consider the dispute resolution process, custodian processes, whether all parts of the agreement are still relevant and the consistency of the NEBRA with other deeds.

Administration of the NEBRA

Clause 10 requires that a representative from each party be nominated to administer the agreement on their behalf. This representative is the main contact within each agency for NEBRA related matters and ensures that their party's policies and practices are consistent with the agreement.

As custodians of the NEBRA, the Australian Government Department of Agriculture and Water Resources undertakes regular administrative activities, including secretariat roles for the NBMCC and NBMG and coordinating financial reimbursement claims.

Dispute resolution

Clause 11 sets out the process for resolving disputes between parties relevant to NEBRA responses. Attempts to resolve disputes should initially be undertaken by the NBMG and, failing this, be subject to a mediation process with an agreed and suitably qualified independent mediator.

Consistency with other deeds

In order to operate efficiently and effectively, national biosecurity response deeds and agreements should, where possible, have consistent processes. This may include pest and disease notification requirements and processes, decision making processes and bodies, and processes to close down incidents or transition to a management phase.

Inconsistencies have the potential to cause confusion and delay response activities. For example, the EPPRD contains a transition to management phase, which sets out the arrangements to be put into place when eradication is deemed no longer technically feasible. The transition to management framework allows a response to 'wind down' over a period of up to 12 months so that appropriate plans and infrastructure can be implemented for ongoing management of a pest or disease. At present, the NEBRA does not provide a mechanism for transition to ongoing management practices.

Guiding questions

- 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?
- 20) Do you think the requirement for an ongoing NEBRA administrative group is practical?
- 21) How efficient and appropriate are the NEBRA custodian processes? How might they be improved

How can I get involved?

All stakeholders are encouraged to make a written submission. Please read this discussion paper and consider the questions posed before making a submission. In your response, include detailed answers to any of the questions that are relevant to you and provide examples if appropriate.

The written submission period will open in January 2017 and close at 5pm AEDST on 17 March 2017.

There are two ways that you can make a submission to the NEBRA Five Year Review.

- 1) [Email submissions](#), and
- 2) Online submissions (up to 500 words) using an [online submission box](#).

When the written submission period opens, the [department's website](#) will be updated with further information about the submission process.

For further information, please contact the [NEBRA Five Year Review Secretariat](#).

Publication of submissions

Submissions will be published on the Department of Agriculture and Water Resources website, unless you request otherwise. If you wish your submission to be treated as confidential, in full or in part, please indicate this clearly on the front page.

The Australian Government reserves the right to refuse to publish submissions, or parts of submissions, which contain offensive language, potentially defamatory material or copyright infringing material. A request may be made under the Freedom of Information Act 1982 for a submission marked confidential to be made available. Such requests will be determined in accordance with provisions under the Act.

Personal information provided by you in your submission will be used for the purposes of the review. Your contact information, other than your name and organisation (if applicable) will not be published. Your name and organisation will be included on the Department of Agriculture and Water Resources website to identify your submission. See the Department of Agriculture and Water Resources' [privacy policy](#) to learn more about how the department collects, uses and stores personal information.

Where you provide personal information about an individual other than yourself, you must ensure that you notify the individual that you have provided their personal information to the NEBRA review, make that person aware of this privacy notice and draw their attention to the Department of Agriculture and Water Resources' privacy policy.