

NATIONAL ENVIRONMENTAL BIOSECURITY RESPONSE AGREEMENT

PORTS AUSTRALIA SUBMISSION

Ports Australia welcomes the opportunity to comment on the current review of the National Environmental Biosecurity Response Agreement (NEBRA).

Ports Australia appreciates the initial engagement on this matter facilitated by KPMG where we took the opportunity to voice our views on the key areas that the NEBRA could be improved. We have further elaborated on these matters below, responding to the specific questions asked in the department's discussion paper.

Ports Australia – Representation

Ports Australia is the peak industry body representing all port authorities and corporations, both publicly and privately owned, at the national level. Ports Australia is a constituted company limited by guarantee with a Board of Directors, comprising the CEOs of 11 member ports. Our website is at www.portsaustralia.com.au

Ports Australia consulted closely with all its Members in developing its views on the NEBRA review.

Responses to 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)?

In response to question 1 and 2, an accurate analysis of the effectiveness of the agreement is not possible due to the lack of transparency around the agreement's decision making by government bodies. Accordingly, for a non-government stakeholder it is impossible to make judgment on whether the response conducted accurately reflects its purpose. This clearly reflects an area of improvement. Incorporating the private and community sector and/or sharing greater knowledge with them will improve the ownership of the agreement, its accountability and lead to an improved evaluation of the agreement.

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

Privately leased ports do not appear to fit any clear definition outlined in the agreement other than private beneficiaries. Our concern with this definition is that a port does not receive significant attributable private benefit from a national biosecurity incident response. A port is a trade gateway that does not create risk, but inherits it from ships coming in to port or from exporters. Simply put, ports facilitate trade. The beneficiaries of incident response are the exporters, importing businesses and consumers.

Review of the agreement may wish to consider how to better categorise ports in the definitions list.

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?

The roles and responsibilities outlined in the NEBRA appear to be clear in relation to both, the State and Commonwealth. It is unclear however, whether the roles and responsibilities of other bodies (e.g. corporatised government bodies) come under the State's jurisdiction – for example Port Authorities. The document could be improved by stating that the role such bodies and their responsibilities as part of the State party in the agreement.

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

Ports are more than ever mindful of the Government's shrinking budget and the trend of cost shifting to industry. While we are supportive of strengthening Australia's biosecurity preparedness and operations we are not looking to inherit some of the roles and responsibilities of the regulator.

However, we consider that there are opportunities for the regulator to leverage industry's existing systems for monitoring and surveillance thereby reducing costs for the regulator. While Port Authorities may have limited influence directly on biosecurity pathways, their role as a trade gateway interface also allows unique opportunities to formalise surveillance programs and offer benefits in coordinating preparedness and response actions.

Additionally, ports would be happy to engage in sharing leading practices and learning how to improve their systems so that they can implement approaches better aligned with the regulator or implement approaches on behalf of the regulator, while being consistent with the port's commercial objectives.

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?

As outlined in responses to question 1 and 2, there are significant concerns with the transparency of the agreement's decision making. Improving transparency leads to improved accountability and facilitates better decision making.

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

See response to question 6.

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?

Yes. See response to question 6. Partnerships between government and non-government bodies should be further developed to improve the ownership of the biosecurity management model.

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?

While a list could be developed through the assistance and access of state databases, this list would generally be retrospective. Some emphasis should be better placed on analysing the pathways of incursion and the management of these pathways.

Government's should also tap into the resources of universities and other research bodies, as well as the private sector in developing an exhaustive list.

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

See response to question 6.

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