

Rural and Regional Affairs and Transport  
Answers to Questions on Notice  
**Agriculture, Fisheries and Forestry Portfolio**

**Hearing:** Additional Estimates  
**Question No:** Not given  
  
**Outcome:** Agency  
**Division/Agency:** Plant Health Australia A16  
**Topic:** PHA as Custodian of the EPPRD  
  
**Hansard Page:** #  
**Question Date:** 22 March 2024  
**Question Type:** Written

**Senator Glenn Sterle asked:**

The EPPRD is an agreement between the federal and state governments and national plant industry bodies including Plant Health Australia. Similarly, the Emergency Animal Disease Response Agreement (EADRA) is between federal and state governments and industry groups including Animal Health Australia. But the National Environmental Biosecurity Response Agreement (NEBRA), which covers invasive ants, is an agreement solely between federal and state governments, and the custodian is the Department of Agriculture and Fisheries.

1. Based on Plant Health Australia's involvement with the EPPRD, do you believe the NEBRA could benefit from including an industry body as a custodian or signatory, particularly in relation to Fire Ants?

**Answer:**

**Plant Health Australia (PHA) as custodian of the Emergency Plant Pest Response Deed (EPPRD)**

Plant Health Australia (PHA) is a not-for-profit, Member based company that was established in the year 2000. Our Members are all Australian governments (Commonwealth, State and Territory) and 38 peak plant industry bodies. PHA also has 11 Associate Members, these are organisations that hold an interest in plant health and Australian plant industries and are admitted by the Members.

PHA is neither a government agency nor an industry organisation. This is key to the company's ability to effectively implement its role as the independent national coordinator of the government-industry partnerships, which is critical to the strength and success of the Australian plant biosecurity system.

PHA is the custodian of the Emergency Plant Pest Response Deed (EPPRD). The EPPRD, the principles of which were negotiated and agreed over two decades ago, formed foundational partnerships between plant industries and government in respect of preparing for and responding to emergency plant pests.

As the independent custodian, PHA has been central to the evolution and success of the partnership model within Australia's national biosecurity system, working hard to ensure the partnership agreement remains current, contemporary and responsive to the needs of the signatories and

Australia's biosecurity system. PHA is viewed as the central point for truth in its role in building and maintaining the knowledge base related to the EPPRD and the wider Australian biosecurity system.

As custodian, and on behalf of the signatories, PHA:

- progresses biosecurity response and partnership policy matters
- provides advice, training and support to the signatories
- acts as an arbitrator, facilitator and coordinator within the biosecurity system.

PHA is a non-voting participant in all biosecurity incidents under the EPPRD, contributing to deliberations through providing guidance and advice.

The success of PHA as custodian is linked strongly to its independence and focus that is separate from those of signatories that are the decision makers and funders within any response.

### **National Environmental Biosecurity Response Agreement (NEBRA) custodial role and industry involvement**

The Commonwealth Department of Agriculture, Fisheries and Forestry (the Department) is and has been the custodian of the NEBRA since its inception, facilitating the partnership between the Commonwealth and State and Territory Governments on biosecurity incidents that primarily impact Australia's environment and/or social amenity. The Commonwealth is also a voting participant in all biosecurity incidents managed under the NEBRA.

*A review of the NEBRA completed in 2017 recommended that "The Commonwealth Department of Agriculture and Water Resources should remain as the custodian of NEBRA. If, following the IGAB Review, a new entity is created with responsibility for environmental biosecurity, consideration should be given to the role the entity should play in relation to NEBRA custodianship."*

The National Biosecurity Committee (NBC) supported the recommendation in part and agreed for the Commonwealth to go to market for the services of a NEBRA custodian and this body would be contracted for a five-year period and this would be cost shared by the signatories of NEBRA. It is PHA's understanding that this did not eventuate.

The NEBRA (version 2.0, released in 2022) allows for Non-Government Entities to participate in incidents on a case-by-case basis, so long as the entity meet certain requirements and its involvement is approved by unanimous decision of all the government members of the National Biosecurity Management Group. PHA is not aware of any instances where these provisions of the agreement have been implemented.

### **PHA's views on the custodial role of the NEBRA and industry partnerships in RIFA (and other biosecurity incidents impacting the environment and social amenities)**

#### Independent custodian

PHA believes there is substantial merit in establishing an independent custodian to support the operation and evolution of the NEBRA. This is not to reduce the value nor negatively reflect on the significant work and guidance that the Department has provided over multiple years as custodian, but rather contemplate on the future opportunities and value that an independent custodian may

bring. As outlined earlier, the success of PHA as custodian to the EPPRD is founded on our independence, dedicated resourcing, and focus on the EPPRD. An appropriately funded independent organisation, as the custodian of the NEBRA, could build upon the groundwork established by the Department:

- provide impartial advice and support to all government signatories
- act as an independent arbitrator and facilitator during responses and in evolving policy underpinning the NEBRA
- develop and implement training and guidance materials supporting implementation of the agreement
- connect with other ‘custodians’ and the broader biosecurity networks established through government, industry and non-government entities
- drive collaborative communication and engagement amongst government, industry and non-government entities in relation to NEBRA responses and policy matters.

Engaging and including industry partners and other non-government stakeholders to the agreement will ensure all affected parties to responses such as red imported fire ant, are included in considerations and potentially decision-making, and offer the ability for a true national campaign for eradication.

#### Industry partnerships in NEBRA responses

PHA also believes that Australia’s primary production industries should be an instrumental element supporting any solution to any biosecurity matter that impacts them. As mentioned in PHA’s submission on the National RIFA Eradication Program (the Program), *“there are opportunities for the Program to be better connected to national efforts to build a stronger and more resilient biosecurity system and leverage off current investment. This would include better connections with PHA as the national coordinator for plant biosecurity and custodian of the EPPRD.”*

PHA would note that debriefs and reviews undertaken for responses under the EPPRD have consistently highlighted that responses run better when there is early, authentic and ongoing engagement of industry (by government) in a true partnership at the national (as defined through the EPPRD) and local levels (as guided by the EPPRD and PLANTPLAN and informed by the culture and leadership within government agencies).

In considering potential non-government signatories to the NEBRA, it would be pertinent to note the ‘legal status’ of the NEBRA. Whereas the EPPRD is a legally binding document, the NEBRA is not (refer clause 1.5 – Intention of the parties not to contract), and this would have implications as to the nature of the partnerships should the signatory base of the NEBRA widen.

As to whether non-government entities and/or industry should be offered ‘signatory status’ to the NEBRA or remain as an ‘ad-hoc’ partner during incidents, PHA does not have a firm view other than to reflect that the former is more reflective of a true partnership model, whereas the latter may be potentially viewed as cost ‘shifting’. In the former there is also opportunities to develop relationships outside of a response, drawing on them when needed during a response. It is critical to acknowledge that industry and other non-government entities have strengths and insights that would benefit any response, and a partnership model should not simply be premised on whether a non-government entity can ‘pay to have a say’. This diminishes the value and authenticity of potential partnerships.