

**Draft Report - Review of the Intergovernmental Agreement on Biosecurity  
PORTS AUSTRALIA SUBMISSION**

Ports Australia welcomes this opportunity to provide additional comment to the Review Panel on potential improvements to Australia's biosecurity system. We have reviewed the draft report and endeavoured to focus on potential improvement that could be recommended to the Government by the Review Panel.

### **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](http://www.portsaustralia.com.au)

### **Comments**

#### *Shared Responsibility*

Ports Australia is supportive of the views put forward by the Panel on the issue of 'shared responsibility'. As indicated in our previous submission this concept has not been embedded into activities by the stakeholder because there clearly is a lack of support for how the concept is being implemented.

There is clear interest by industry to undertake shared responsibilities in its true sense. However, support for this concept is not the same as support for cost shifting to industry or undertaking quasi-regulator functions where this is clearly the statutory responsibility of government agencies.

Shared responsibility should encompass, as indicated in the Panel's draft report (pg. 13, first paragraph), "priority setting, decision making and funding, policy development and implementation, and on-ground activities, such as surveillance, monitoring and reporting". In action, this approach should allow non-government stakeholders such as industry to implement the high-level decisions agreed by stakeholders consistent with operational and commercial imperatives.

Governments prescribing implementation patronises the 'partnership' with non-government stakeholders. Governments do not have a detailed understanding of the capabilities and capacity of industry but put in place guidance, policy and regulations that force industry to undertake actions that are more often than not sub-optimal in meeting objectives. This view is echoed in the draft report (pg. 13, second paragraph) and therefore it is important that the Panel indicate in its recommendations to the Australian Government that shared responsibility also entails facilitating non-government stakeholders to fulfil their obligations in a consultative manner with governments, instead of the current prescriptive approach.

#### *Feedback on Table 1*

- Ports Australia agrees in-principle with the industry roles and responsibilities outlined in the table.
- We suggest that the responsibility of "maintaining capacity to prepare for, and respond to, exotic pests and diseases" include language which recognises that this approach be undertaken consistent with the risks posed for the industry's environment, location, social factors, etc. For example the biosecurity risks posed at Port Botany are very different to those faced by the Port of Portland or the Pilbara Ports.
- Consistent with our view on shared responsibility, indicated above, improved language needs to be incorporated in the point on "managing declared established pests and diseases on private lands", to allow industry autonomy in undertaking action consistent with agreements among stakeholders.
- An additional responsibility for governments could include facilitating sharing of leading practice on monitoring, contamination and eradication between governments and stakeholders.

### *Funding our national system*

This chapter of the report starts by pointing out that there are obvious funding pressures across the national system and shrinking budgets in resourcing biosecurity measures. It goes on to talk about state and federal treasuries managing competing priorities (health, immigration, etc.) and that it is appropriate for “...governments to continually question whether all participants are pulling their weight, and to be assured that governments are not being used as an automatic default funder”. Some of the solutions proposed include increased cost recovery arrangements and additional fee for services.

While it is appropriate for governments to question whether all participants are pulling their weight and that there are no ‘free-riders’, governments should also not lose sight of the fact that stakeholders such as industry pay various taxes for services their governments are to provide. In addition, these stakeholders also pay levies and fees, and comply with cost recovery arrangements. Proposing crude solutions such as increased cost recovery arrangements, additional fees or even cost shifting is effectively unfairly ‘double-dipping’ so as to deal with the issue of shrinking budgets. So, in considering whether stakeholders are pulling their weight, the broader view on various revenue generators that the government receives from industry should be a key part of the conversation.

As the report acknowledges, “Industries paying for these services generally recognise the benefits to them and the nation more generally, and acknowledge this as an appropriate means of their taking responsibility in biosecurity risk management”. The report also provides an example of “considerable contribution[s] from industry and demonstrates the overwhelming partnership between industry and government in emergency responses”. Industry is meeting its obligations in supporting approaches that improve the overall community benefit and in turn expects satisfactory government services.

However, this support should not be misinterpreted as acceptance that ports are risk creators. As a principle, ports do not accept this misinformed view. Ports act as gateways that facilitate trade, and accept that with this function there resides a level of biosecurity risk. Accordingly, ports undertake activities and support government operations to mitigate the risks. If one is to label ports as a risk creator then so is every aspect of the supply chain that provides goods to the Australian community starting from the ship that carries the cargo to Australia.

The Panel has outlined that one of the reason for the funding pressure is inefficient resource allocation (investments with low returns) by governments. Ports Australia would like to reiterate that a more collaborative approach with those in the field, based on a genuine sense of shared responsibility, can lead to better direction in allocating resources by governments. In addition, industry can contribute to easing the pressure on funding if governments leverage existing industry capabilities and capacity to undertake operations at a small cost in comparison to having its own separate operational arm. Effective auditing built into systems should ensure the veracity of approach by industry.

While Ports Australia acknowledges that sustainable funding is a genuine issue, the piece-meal approach proposed to this and other sectors of government operations is not the solution. It will only lead to disenfranchising non-government stakeholders. The effective solution which is obviously out of the Panel’s remit is fixing Australia’s tax system.

Ports Australia is happy to elaborate further on any of the above issue and thanks the Panel and the Department for their ongoing efforts in considering opportunities to improve the biosecurity system.

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