

Review of the Intergovernmental Agreement on Biosecurity PORTS AUSTRALIA SUBMISSION

Ports Australia acknowledges the commitment made by the Department of Agriculture and Water Resources to engagement on the development of strategies and the implementation of the regulations. Ports Australia welcomes this opportunity to provide comment to the Review Panel on potential improvements to Australia's biosecurity system. We have reviewed the discussion paper drafted by the Review Panel and endeavoured to respond to questions which we consider Ports Australia can make a meaningful contribution.

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 10 member ports. Our website is at www.portsaustralia.com.au

Response to Questions

The Intergovernmental Agreement on Biosecurity

Ports Australia considers that the Intergovernmental Agreement on Biosecurity (IGAB) is a suitable mechanism to underpin Australia's national biosecurity system. However, the emphasis is clearly on a national system, which currently excludes Tasmania. It is unclear why there is no resolution between the jurisdictions in finding agreement on agreed approaches to prevent, prepare for, detect, mitigate and respond to biosecurity risks. It goes without saying that having inconsistent systems nationally potentially weakens the overall biosecurity framework, but also creates unnecessary and expensive complications for industry in complying with the requirements of different jurisdictions. While to some this latter point might not appear significant, when included in the suite of various regulations that industry complies with, it adds up to erode Australia's competitive advantage in the global marketplace and it is at odds with Government's mantra to decrease the cost of regulation.

In regards to the structure of the IGAB, Ports Australia appreciates being included in the lower level consultation forum that feeds into the key advisory bodies to the Agriculture Ministers' Forum. These consultation forums are run well, are useful to reaching an understanding of the key issues at play, generate active dialogue in shaping views to sectoral committees, and indicate the collaborative effort between jurisdictions and industry in developing potential solutions. However it is our view that advice from these forums is not fully owned by industry. This is due to the fact that even though industry is consulted, the final advice / potential direction provided to Ministers is not collaboratively agreed to by industry, but is left in the hands of senior government officials (e.g. Marine Pest Sectoral Committee) at higher level forums to deem what is the best advice / direction for Ministers to consider. This approach:

- is not consistent with the principle of 'shared responsibility' that the Government has as a cornerstone of its new biosecurity legislation
- runs the significant risk of leaving industry out of the final implementation approach

Embedding shared responsibilities

A truly collaborative effort would see industry as a 'joint partner' on these matters. An integrated approach with industry should see some industry representation on all the committees / forums including the National Biosecurity Committee. Some of the benefits to such an approach include, but are not limited to:

- improved understanding by all parties on government directions and industry operations
- early compliance
- cost-sharing given the greater buy-in and understanding of benefits to all parties

- ownership of agreed implementation
- carriage of specific implementation
- industry champions on government regulations
- greater two-way and pre-emptive cooperation.

Agreeing to risk, priorities and objectives

In Ports Australia's view the goal of the national biosecurity system is achievable. Not overtly focusing on prevention is pragmatic but does not encapsulate a comprehensive strategy. We consider that there should be articulation of undertaking preventative activities that assists with the main goal. This could be in the form of a new objective or articulating one of the existing objectives to include this focus. A good example of a preventative activity is research as outlined in the discussion paper, *CSIRO's Australia's Biosecurity Future: preparing for future biological challenges*. Additionally, articulating a level of focus on prevention allows to build a comprehensive strategy that facilitates appropriate resource allocation, including funding.

We also consider that one of the objectives supporting the goal of the national biosecurity system should be to implement strategies that give a balanced consideration to the commercial activities of industry. Effective but complex and expensive measures will limit commercial activities and lead to significant economic downturn given that each day \$1.2 billion worth of trade flow through Australia's ports. It would be an unfortunate situation to not require effective measures because the measures themselves have led to a termination of business activity and a loss of jobs. It is therefore imperative that objectives supporting the goal of the national biosecurity system take into consideration a holistic, environmental and economic approach.

The goal and objectives of the national biosecurity system are clear to all stakeholders and are easily understood. The failing is in the implementation. In discussion with our Members it is clear that there is not a consistent approach among jurisdictions in implementing measures that meet the objectives of the national biosecurity system. While industry is against prescriptive measures high level consistency is essential for uniform success. Implementation failings vary from duplicative efforts between the Commonwealth and state / territories to a lack of effective implementation due to funding constraints. In addition, some jurisdictions are using advanced and effective methods of fulfilling their obligation while others lag. One can only draw the conclusion that duplicative efforts from the Commonwealth at times occur because of the inconsistent approaches. There may also be a need to clarify each party's roles and responsibilities in improving and coordinating an efficient implementation strategy.

Funding Biosecurity & Market Access

Investment / funding principles are key in a period when the pool of funds to work with is limited. The ports sector is supportive of the principles which focus on cost effective, science-based and risk management approaches. This is the same principles applied by the ports in its activities and we are keen to see greater practice of this by governments.

Given that we live in an environment of constrained and finite government resources it is essential the different jurisdictions:

- leverage off cost effective and efficient systems being applied by other jurisdictions
- disseminate key information or best practice.

For example, some jurisdictions have effective smartphone apps that provide useful biosecurity information and allow for two way communication in managing risks. This mechanism does not require duplication across jurisdictions and can be leveraged by the Commonwealth Government in requiring all personnel working at ports to report biosecurity risks / threats, instead of devising alternative education channels to ensure compliance with the new *Biosecurity Act 2015*. While this is only one example it demonstrates that there is a breakdown in communication between the jurisdictions on effectively using limited funds to achieve a shared purpose.

In terms of leveraging existing systems, processes and tools, governments could also consider discussing with various industry stakeholders fee for service opportunities to undertake monitoring or inspection activities that would result in reduced government operations and costs. This approach is consistent with the Government's Smaller Government agenda. This potential approach would create greater integration between the two sectors and allow governments to improve on their monitoring and inspection capabilities because industry quite often is at the forefront of best practice evidence based methodologies.

Veracity of any such potential arrangement between industry and governments could be recognised by auditing, spot checking or undertaking industry certification schemes to ensure activities were being run as required. This approach is consistent with the funding principles of being cost effective and risk based.

Role of research and innovation & Measuring the performance of the national biosecurity system

Greater integration with industry should not be limited to potential opportunities mentioned above. The ports sector is a valuable part of the community and conducts its operations with conscience and social awareness. It has a strong suite of environmental specialists that undertake many scientific exercises to inform commercial and environmental actions taken by the ports. These professionals are at the forefront of implementing effective and world leading approaches.

Bodies such as CSIRO and other government and independent bodies are key data and expert knowledge holders in the national biosecurity system. However, there is significant potential to leverage industry specialists early on in government consultations. Industry is often a consideration given well down the track in this space (e.g. the current revision of the ANZECC/ARMCANZ Sediment Quality Guidelines process). Greater and early collaboration with industry can only lead to significant data and resource sharing, improved research capacity and implementation capabilities, and a shared understanding aimed at successfully achieving the goal of the national biosecurity system.

It is in the best interest of governments, industry and the broader community to achieve success of the national biosecurity system. While the clear indicator of this success is the reduced impact of pests and diseases to Australia, other key indicators we consider that warrant focus include:

- efficient and effective government processes in undertaking tasks, including
 - effective coordination between regulatory bodies and with industry in applying the regulatory framework, potentially resulting in greater sharing of knowledge, effective use of resources, reduced disruption to industry, and pre-emptive cooperation by industry
 - educated government officials that consistently apply the correct / appropriate response nationally
- minimal level of disruption to commercial activities
- educated industries which should result in improved reporting, response capabilities, and pre-empting issues to assist governments in minimising the biosecurity risk to Australia
- dynamic processes that evolve to the changing biosecurity environment.

Ports Australia hopes that the above responses to questions posed in the discussion paper provide a meaningful contribution to the Review Panel. We have endeavoured to be as constructive as possible in our submission and to highlight that greater and equal partnership between government and industry can potentially result in improving efforts to achieve the goal of the national biosecurity framework.



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