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Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses

This version of the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses is current as at

September 6, 2011

You should note that this Deed can be varied with the approval of all the Parties (see clause 17). Please contact Plant Health Australia to confirm whether this document is the most current version before relying on the information contained.

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Table of contents

Parties 4

Operative provisions 6

1 Interpretation 6

2 Term of this Deed 12

3 Admission, withdrawal and removal of Parties and representation of a Crop, Crops or a sub-group of Crops 13

4 Reporting of Emergency Plant Pests 17

5 Phases of an Emergency Plant Pest Response 18

6 Developing a Response Plan 19

7 Categories of Emergency Plant Pests 20

8 Management of a Response Plan 22

9 Principles of Cost Sharing 22

10 Funding a Response Plan 27

11 Consultation 29

12 Accounting for a Response Plan 31

13 Biosecurity 33

14 Commitment of Government Party Resources to EPP Response Capacity 34

15 Obligations in respect of personnel 34

16 Amendment of Schedules 34

17 Variation or Termination 35

18 Severability 37

19 Waiver 37

20 Proper Law 37

21 Further Assurance 37

22 Counterparts 38

23 Agency 38

24 Entire Agreement 38

25 Mediation and Alternative Dispute Resolution 38

26 Exercise of Functions and Powers....39

27 Protection of Personal Information....39

28 Insurance....40

29 Confidentiality....40

30 Conflict of interest....41

31 Notices....41

32 Intellectual Property....42

TABLE OF SCHEDULES

Schedule 1 - Principles for interpretation of the Deed....1

Schedule 2 – Notices....3

Schedule 3 - Categories of Emergency Plant Pests....8

1 Categorisation of EPPs....8

2 Process for categorisation, re-categorisation or removal of an EPP and for review of Funding Weights....9

3 Guide to parties seeking categorisation/re-categorisation/removal....12

4 Guide to parties seeking review of Funding Weights....13

Schedule 4 - Development and Management of a Response Plan....14

1 Structure and content of an Emergency Plant Pest Response Plan ("Response Plan")....14

2 Key roles under the National EPP Training Program....17

Schedule 5 - PLANTPLAN Documentation....19

1 PLANTPLAN....19

2 Related Species specific Contingency Plans....19

Schedule 6 - Cost Sharing....20

1 Government Funding....20

2 Application of the formulae to determine Industry Party shares....21

The individual Industry shares....21

3 Determination of proportional shares....25

4 Determination of costs....27

Schedule 7 - Funding of Cost Sharing Obligations....38

1 Payment of Industry Party shares of Cost Sharing……..…...38

2 Mechanism for determination of the costs of a Response Plan……..42

3 Crop, Crops or sub-group of Crops Represented by Plant Health Australia Members……..44

Schedule 8 – Consultation…… ….49

1 National Emergency Plant Pest Management Group (“NMG”) in Consideration of Emergency Plant Pest Response Plan Issues……49

2 The Committee……..51

3 Membership of the Committee in respect of an EPP……..52

4 Categorisation Group……..……...53

Schedule 9 – Confidentiality Deed Poll……..……55

Schedule 10 – Accounting and reporting 58

1 Statement of Expenditure..... 58

2 Monitoring of expenditure..... 60

Schedule 11 – Auditing..... 61

1 Efficiency Auditing 61

2 Financial Auditing..... 61

Schedule 12 – Deed of Accession 63

Schedule 13 – Categories EPPs..... 66

Schedule 14 – Agreed Limits..... 71

Schedule 15 – Statements by Government and Industry Parties on Biosecurity Policies and Programs..... 73

Schedule 16 – Process for Variation or Termination of Deed 93

Schedule 17 – Guidelines for Owner Reimbursement Costs 95

Parties

Plant Health Australia Limited (ABN 97 092 607 997) of 5/4 Phipps Close, Deakin ACT 2600

Commonwealth of Australia (acting through its Department of Agriculture, Fisheries and Forestry ABN 24 113 085 695) of Edmund Barton Building, Barton ACT 2600

The State of Queensland (acting through its Department of Primary Industries and Fisheries ABN 78 342 684 030) of 80 Ann Street, Brisbane Qld 4001

The State of New South Wales (acting through its Department of Industry and Investment - Primary Industries and Energy ABN 72 189 919 072 - 002) of 161 Kite Street, Orange NSW 2800

The State of Victoria (acting through its Department of Primary Industries ABN 90 719 052 204) of 8 Nicholson Street, East Melbourne VIC 3002

The State of South Australia (acting through its Department of Primary Industries and Resources ABN 53 763 159 658) of Grenfell Centre, 25 Grenfell Street, Adelaide SA 5001

The State of Tasmania (acting through its Department of Primary Industries, Water and Environment ABN 58 259 330 901) of 1 Franklin Wharf, Hobart TAS 7001

The State of Western Australia (acting through the Department of Agriculture, Western Australia ABN 18 951 343 745) of 3 Baron-Hay Court, South Perth WA 6151

The Northern Territory of Australia (ABN 84 085 734 992, acting through its Department of Resources – Primary Industry) of Berrimah Farm, Makagon Road, Berrimah NT 0828

The Australian Capital Territory (acting through its Department of Urban Services ABN 37 307 569 373) of Level 5, 12 Wattle Street, Lyneham ACT 2602

Almond Board of Australia Inc. (ABN 31 709 079 099)

Apple and Pear Australia Limited (ACN 101 551 348)

Australian Banana Growers' Council Inc. (ABN 60 381 740 734)

Australian Cane Growers Council Ltd. (ABN 26 051 583 549)

Australian Dried Fruit Association Inc. (ABN 88 658 293 079)

Australian Honey Bee Industry Council Inc. (ABN 63 939 614 424)

Australian Macadamia Society Limited (ABN 19 010 689 415)

Australian Mango Industry Association Ltd. (ABN 50 713 775 301)

Australian Olive Association Ltd. (ABN 57 072 977 489)

Australian Onion Industry Association Inc. (ABN 26 558 335 296)

Australian Plantation Products and Paper Industry Council (ABN 40 005 904 898)

Australian Processing Tomato Research Council Inc. (ABN 33 014 204 969)

Australian Table Grape Association Inc. (ABN 69 953 034 946)

Australian Walnut Industry Association Inc. (ABN 26 468 336 213)

AUSVEG Ltd. (ABN: 25 107 507 559)

Avocados Australia Ltd. (ABN 87 105 853 807)

Canned Fruit Industry Council of Australia Ltd. (ACN 051 989 336)

Cherry Growers of Australia Inc. (ABN 77 797 945 686)

Citrus Australia Ltd. (ABN 75 130 238 792)

Cotton Australia Ltd. (ABN 24 054 122 879)

Grain Producers Australia Ltd. (ABN 66 675 415 182)

Nursery and Garden Industry Australia Ltd. (ABN 37 001 318 136)

Queensland Fruit and Vegetable Growers Ltd. (ABN 51 090 816 827)

Ricegrowers Association of Australia Inc. (ABN 65 191 537 636)

Strawberries Australia Inc. (ABN 53 635 363 679)

Summerfruit Australia Ltd (ABN 51 105 962 196)

Wine Grape Growers Australia Inc. (ABN 15 475 806 313)

Background

A. The Parties wish to establish a mechanism to facilitate the making of rapid responses to, and the control and eradication of, Emergency Plant Pests (**EPPs**) including:

(a) facilitating immediate reporting of suspected EPPs by providing financial disincentives for any failure to report;

(b) facilitating an early and comprehensive response to an EPP, in order to define the nature of the EPP and eradicate it;

(c) providing to parties which fund a response to an EPP a role in decision making about the response and its funding;

(d) defining funding responsibilities up to certain limits for each EPP including providing a framework wherein:

(i) the beneficiaries of the eradication of an EPP pay an appropriate and equitable proportion of the costs of mounting a response;

(ii) no one person or organisation is made better or worse off as a result of reporting an Incident or suspected Incident; and

(iii) there is appropriate accountability by each Party to all of the Parties which fund a response to an EPP.

B. The Parties wish to establish that mechanism in the manner set out in this Deed having regard to agreed principles for proportional funding and an agreed framework for Cost Sharing. In so doing, the Parties acknowledge:

(a) the responsibilities of the State and Territory agencies in managing the eradication of EPPs within their jurisdictions;

(b) the need for goodwill and cooperation between all Parties in the operation of the mechanism; and

(c) the fact that it is not intended that Cost Sharing principles apply to consequential loss suffered by a Party.

Operative provisions

1 Interpretation

1.1 Definitions

In this Deed, unless the contrary intention appears:

Affected means:

(a) In respect of Government Parties:
  (i) In relation to an EPP:
    A. the Australian Government;
    B. the State and Territory governments in the territory of which the EPP may arise; and
    C. the State and Territory governments which may be required to contribute to Shared Costs if the EPP arises in another territory.

  (ii) In relation to a Response Plan:
    A. the Australian Government;
    B. the State and Territory governments in the territory of which the Response Plan will be conducted; and
    C. the State and Territory governments which may be required to contribute to Shared Costs if the Response Plan is conducted in another territory.

(b) In respect of Industry Parties:
  (i) In relation to an EPP, the Industry Parties whose members' Crops are or may be affected by the EPP.
  (ii) In relation to a Response Plan, the Industry Parties whose members' Crops are or may be affected by the EPP(s) which are the subject of the Response Plan.

For the avoidance of doubt, 'Affected' in respect of Industry Parties does not include an Industry Party whose members are or may suffer financial or other consequences from the implementation of a Response Plan but whose members' Crops are not and will not be affected by the EPP for which the Response Plan is developed.

For the avoidance of doubt, an Industry Party is considered to be Affected by an Incident or an outbreak of an EPP relating to Bees if the Incident or outbreak will or may affect pollination of the Crops of the members of that Industry Party.

Agreed Limit has the meaning given by **clause 9.5.**

Bees are bees of a type commercially cultivated in Australia for the production of honey and/or provision of pollination services

Biosecurity means a set of measures designed to protect a Crop, Crops or a sub-group of Crops from EPPs at national, regional and individual farm levels.

Bioterrorism or **Bioterrorist Action** means the use of an EPP to endanger or disrupt Crop production, or the contamination or destruction of Crops to cause adverse human health, economic or trade consequences for Australia.

Categorisation Group (or **Emergency Plant Pest Categorisation Group**) means a group convened according to **Part 4** of **Schedule 8** that will advise on the categorisation, re-categorisation or removal from the categorised list of a Plant Pest or the Funding Weight of a categorised EPP.

Commencement Date means the date determined in accordance with **clause 2.1.2**.

Committee means the Consultative Committee on Emergency Plant Pests which is a committee of technical representatives of the Parties established in accordance with **clause 11.2**.

Confidential Information means all know-how and commercially valuable or sensitive information (in whatever form) disclosed by a Party to one or more other Parties for the purposes of this Deed, but does not include information that:

(a) is already in the public domain or, after the date of this Deed, becomes part of the public domain otherwise than as a result of an unauthorised disclosure by the receiving Party or its representatives;

(b) is or becomes available to the receiving Party from a third party lawfully in possession of that information and which has the lawful power to disclose such information to the receiving Party on a non-confidential basis; or

(c) was in the lawful possession of the receiving Party without restrictions as to its use or was developed independently by the receiving Party (as shown by its written record or other evidence) prior to the date of disclosure to it under this Deed.

Consensus means in respect of a decision that none of those parties present when an issue is considered are opposed to the decision (although some entitled to be present may not be present and some may abstain).

Cost Sharing is the process of government Parties and Industry Parties proportional funding of the Shared Costs arising from the implementation of a Response Plan, as described in this Deed.

CPHM means the individual holding the position of Chief Plant Health Manager, or his/her equivalent, of a State or Territory.

CPPO means the individual holding the position of the Chief Plant Protection Officer of the Commonwealth of Australia.

Crop, Crops or sub-group of Crops includes plants, plant products and forests, and also includes bees and their hives.

Cropping Sector means a Crop, Crops or a sub-group of Crops represented by an Industry Party.

DAFF means the Australian Government Department of Agriculture, Fisheries and Forestry or such other Australian Government Department as may, during the term of this Deed, have responsibility for the subject matter of this Deed.

Emergency Plant Pest or **EPP** is a Plant Pest that is included in **Schedule 13** or which is determined by the Categorisation Group to meet one or more of the following criteria:

(a) It is a known exotic Plant Pest the economic consequences of an occurrence of which would be economically or otherwise harmful for Australia, and for which it is considered to be in the regional and national interest to be free of the Plant Pest.

(b) It is a variant form of an established Plant Pest which can be distinguished by appropriate investigative and diagnostic methods and which, if established in Australia, would have a regional and national impact.

(c) It is a serious Plant Pest of unknown or uncertain origin which may, on the evidence available at the time, be an entirely new Plant Pest or one not listed in **Schedule 13** and which if established in Australia is considered likely to have an adverse economic impact regionally and nationally.

(d) It is a Plant Pest of potential economic importance to the area endangered thereby and not yet present there or widely distributed and being officially controlled, but is occurring in such a fulminant outbreak form, that an emergency response is required to ensure that there is not either a large scale epidemic of regional and national significance or serious loss of market access.

Emergency Response Phase has the meaning given in **clause 5.2**.

Farm Gate Value means the value of produce produced on farm and sold at the first point of sale (e.g. the local silo for grain) less the estimated or actual transport costs from farm gate to first point of sale. For the purposes of this Deed, Farm Gate Value is the equivalent of LVP.

Feral means a plant that is not native to a location, that has escaped from cultivation or domestication and that can reproduce in the wild without human intervention. For the avoidance of doubt, Feral plants do not include weeds.

Formal Notification to the Committee occurs when a State or Territory CPHM notifies the Chair of the Committee, either orally or in writing, that an Incident has occurred within that State or Territory. Written notification must be used to confirm oral advice and must be in the form agreed from time to time by the Parties.

Funding Weight means, where an EPP affects the members of more than one Industry Party, the proportional impact, expressed as a percentage of the total impact, of the EPP on each Affected Industry Party.

IIPS (Individual Industry Proportional Share) means an Industry Party's individual proportional share of LVP of all Crops in Australia for which growers are represented by all Industry Parties calculated as follows:

$$\frac{\text{LVP (Affected Industry Party)}}{\text{LVP (All Industry Parties)}}$$

Where:

LVP (Industry Party) means the LVP for the affected Crop, Crops or a sub-group of Crops (including forestry production for logs) for which the Industry Party is the representative body for growers, as at the applicable 1 July;

LVP (All Industry Parties) means the total LVP for all Crops (including forestry production for logs) for which all Industry Parties are representative bodies for growers, as at the applicable 1 July,

provided that:

(a) if there is more than one Industry Party representing growers of a particular Crop the LVP for that Crop will be apportioned between those Parties for the purposes of the above calculation by the Parties in their discretion; and

(b) for the purposes of this definition of IIPS, an Industry Party is deemed to represent the growers of a Crop or Crops if the Plant Health Australia register of members specifies that the Industry Party is a representative body for that Crop.

Incident means the occurrence of a confirmed or reasonably held suspicion of an EPP or of an uncategorised Plant Pest which is reasonably believed to be an EPP (not including a Plant Pest investigation where the provisional finding or diagnosis is that the Plant Pest is established).

Incident Definition Phase has the meaning given in **clause 5.1.**

Industry Party means any member of Plant Health Australia which represents a Cropping Sector and which is a signatory to this Deed. Any Cropping Sector represented by an Industry Party is deemed to be a national Cropping Sector.

Industry Party Representative means an appropriately accredited person who represents each Industry Party which is entitled to be represented at meetings of the NMG, Committee or Categorisation Group.

Industry Party Delegate means a person who represents each Affected Industry Party at an EPP control centre.

Lead Agency(s) means the agency(s) of the State(s) or Territory(s) which are responsible for leading the conduct of a Response Plan (because of the occurrence of an Incident within their State(s) or Territory(s)).

LVP or **Local Value of Production** means the Farm Gate Value of the Crop, Crops or sub-group (included in **Part 3.3** of **Schedule 6**) of Crops represented by a particular Industry Party as calculated at **1 July 2004** and every 12 months thereafter as based on a rolling three year average, using the Australian Bureau of Statistics (**ABS**) data for the most recent, and two preceding, years (or the most recently published Australian Bureau of Agricultural and Resource Economics (**ABARE**) data, if ABS data is not available). If data has not been published by either ABS or ABARE, a source of data determined by the Board of Plant Health Australia may be calculated in respect of the Crop, Crops or sub group of Crops represented by that Industry Party.

Meeting means participation in meetings which includes participation by:

(a) telephone;

(b) videoconference; or

(c) any other means of communication where all participants simultaneously participate and receive the participation of the other participants.

National Emergency Plant Pest Management Group or **NMG** means the group with the constitution and role set out in Part 1 of **Schedule 8** which will, in particular, approve or not approve a Response Plan and the consequent application of Cost Sharing (following advice from the Committee) and which will manage the national policy and resourcing needs of a Response Plan, on behalf of the Affected Parties.

National EPP Training Program means a program to be established by Plant Health Australia to train people who will participate in activities under this Deed.

Operative Date means the date determined in accordance with **clause 2.1.1**.

Owner means, as applicable, the owner(s) of a Crop, Crops or a sub-group of Crops, or a property, which is/are subject to a Response Plan, or their authorised representative(s).

Owner Reimbursement Costs has the meaning set out in **Part 4.4** of **Schedule 6**.

Party means an entity that:

(a) has executed this Deed, or has executed a Deed of Accession in accordance with clause 3; and

(b) has not withdrawn from or been removed from this Deed,

and **Parties** means two or more such entities, as determined by the context.

Plant Health means the health (including with respect to germination, growth and further reproduction) of living plants and parts thereof, including seeds and germplasm.

Plant Pest means any species, biotype or strain of invertebrate pest or pathogen injurious to **Plant Health**, **Unprocessed Plant Products or Bees** provided that it is

discrete, identifiable and genetically stable, but excludes Genetically Modified Organisms **(GMOs).**

Plant Pest Strategy is a published strategy for the management of a particular EPP or one developed in summary form for the purposes of this Deed set out or referred to in **Part 2** of **Schedule 5**.

PLANTPLAN means the Australian Emergency Plant Pest Response Plan the current version of which is, at the date of execution of this Deed, referred to in **Part 1** of **Schedule 5**.

PIMC means the Primary Industries Ministerial Council (PIMC) consisting of the Australian, State and Territory Ministers and the New Zealand Minister responsible for agriculture.

PISC means the Primary Industries Standing Committee consisting of the Chief Executive Officers or departmental heads of the relevant Australian, State and Territory and New Zealand agencies responsible for agriculture.

Proof of Freedom Phase has the meaning given in **clause 5.3**.

Quarantine means restraints upon activities on an affected property imposed pursuant to a Response Plan designed to prevent the spread of an EPP and includes restrictions on access to and removal of materials from an affected property, and movement controls on plants, plant products, people, machinery and other items except as approved pursuant to the Response Plan.

Quorum means more than 50% of the members of the group entitled to attend a meeting.

Relevant Parties means, in respect of the taking of a decision or action, the Parties which may be affected (or, where they are an Industry Party, the members of which may be affected) by the decision or action.

Representative means a person who a Party has notified Plant Health Australia in writing as being authorised to act on behalf of that Party in respect of a Response Plan (which in the case of Industry Parties means their Industry Party Representative).

Required Insurance means those insurances specified in **clause 28**.

Response Plan means an integrated plan for undertaking a response to an EPP that is, in accordance with **Part 1** of **Schedule 4**, developed by one or more State or Territory CPHM(s), endorsed by the Committee and approved by the NMG and which is subject to Cost Sharing in accordance with this Deed.

Shared Costs means those costs that are shared by the Parties as described in **Clause 9** and which are incurred in the course of implementing a Response Plan.

STPS means a State/Territory Party's proportional share of the LVP of the affected Crop, Crops or a sub-group of Crops in Australia calculated as follows:

$$\frac{\text{LVP (State/Territory Party)}}{\text{LVP (All State/Territory Parties)}}$$

Where:

LVP (State/Territory Party) means the LVP for the affected Crop, Crops or sub-groups of Crops (including forestry production for logs) produced in the State or Territory of that State/Territory Party, as at the applicable 1 July;

LVP (All State/Territory Parties) means the total LVP for affected Crop, Crops or a sub-group of Crops (including forestry production for logs) produced in the States and Territories that have representation by a State/Territory Party, as at the applicable 1 July.

Unanimous means all Parties or persons entitled to vote on an issue have voted in the same fashion in respect of that issue.

Unprocessed Plant Products means unprocessed material of plant origin (including grain) and are products where the biosecurity risk remains unchanged. For the purposes of this definition, a plant product is not considered to have been processed as a consequence of it having been harvested, sorted, transported or stored if those processes have occurred whilst the product remains owned by the grower of the plants from which the product is produced.

1.2 Interpretation

1.2.1 The principles set out in **Schedule 1** will apply to the interpretation and application of this Deed, unless the context requires otherwise.

2 Term of this Deed

2.1 Commencement Date, Operative Date and ending date

2.1.1 This Deed will commence, and will be legally enforceable in respect of matters other than the management of a particular EPP or Incident (**Operative Date**), when the Deed has been executed by:

(a) Plant Health Australia; and

(b) each of the government Parties

and will be binding in respect of those general matters on all Parties which are signatories following that date.

2.1.2 This Deed will commence, and will be legally enforceable in respect of its applicability to a particular EPP or Incident (**Commencement Date**), when the Deed has been executed by:

(a) Plant Health Australia;

(b) each of the Affected government Parties; and

(c) all of the Industry Parties which are Affected Parties in respect of that particular EPP or Incident

and will be binding in respect of all matters related to management of a particular EPP or Incident on all Parties which are signatories following that date.

2.1.3 This Deed will continue until the Parties agree to terminate the Deed in accordance with clause 17.2.

2.2 Review

2.2.1 The terms of this Deed will be reviewed by the Parties in light of experience of its operation. The review is to commence no more than five years from the Operative Date.

2.3 Continuing provisions

2.3.1 Where this Deed has ended either by termination, rescission or otherwise, the following provisions survive and the Parties will continue to be bound by them:

(a) clauses 3.3.1(a), 3.4.5, 3.5.3, 10, 12.1, 12.4, 17.3, 19, 20, 25, 27, 28 and 29; and

(b) such other provisions of this Deed as are necessary to give full force and effect to those clauses including (but not limited to) interpretational clauses and clauses containing definitions.

3 Admission, withdrawal and removal of Parties and representation of a Crop, Crops or a sub-group of Crops

3.1 Application for Admission

3.1.1 A body which is nationally representative of one or more Crops or sub-group of Crops and which is, or is becoming, a member of Plant Health Australia may, by application in writing to Plant Health Australia, apply to become a Party to this Deed. An application may not be conditional on amendment of the Deed. An application must identify the Crop, Crops or sub-group of Crops and provide details of the membership and purposes of the body. Plant Health Australia must:

(a) circulate the application to existing Parties;

(b) coordinate inquiries or discussion between the applicant and existing Parties; and

(c) advise existing Parties of the outcomes of any inquiries or discussions with an applicant representative body.

3.2 Admission

3.2.1 Admission of a party which is not an original Party to this Deed may occur if the existing Parties (other than any Party which is representative of the same Crop or Crops as the applicant), each of which is entitled to one vote, vote in favour of that admission in accordance with clause 3.2.1A:

(a) at a Meeting of the Parties to be convened by Plant Health Australia not more than 6 months after receipt of the application, or

(b) by circulation of a resolution issued by Plant Health Australia not more than 6 months after receipt of the application.

3.2.1A The resolution to admit a new Party to this Deed will be passed if both:

(a) all votes received at the Meeting or in response to the circulated resolution are in favour of the admission; and

(b) the votes received at the Meeting or in response to the circulated resolution include votes from all Government Parties and at least 75% of Industry Parties.

3.2.1B If a resolution referred to in clause 3.2.1(b) fails, the resolution must then be put to a Meeting of the Parties pursuant to clause 3.2.1(a) for further consideration. If the resolution is passed at the Meeting, then the new Party will be admitted in accordance with clause 3.

3.2.2 A body will become a Party upon its execution of a Deed of Accession to this Deed in the form of the Deed at Schedule 12.

3.3 Withdrawal of a Party from the Deed

3.3.1 Any Party other than Plant Health Australia may, by not less than 6 months' notice in writing to each other Party, withdraw from this Deed provided that where it does so:

(a) it will remain liable for:

(i) liabilities accrued to other Parties up to the date on which the notice takes effect (i.e. the date specified in the notice being a date not less than 6 months after the date of service of the notice on all Parties); and

(ii) any obligations in respect of Cost Sharing arising pursuant to a Response Plan which has been agreed prior to the date of which the notice is served; and

(b) the remaining Parties will continue to be bound by the Deed, to the extent that performance of their obligations is not rendered impossible by the withdrawal of the Party from the Deed.

3.3.2 Where a Party withdraws from the Deed, Plant Health Australia must, within 60 days of the date on which it receives the notice of withdrawal, convene a

Meeting of the remaining Parties to consider the implications for the Deed of the withdrawal of the Party.

3.4 Replacement of an Industry Party

3.4.1 An Industry Party which:

(a) is proposing to cease to exist; or

(b) has changed, or is proposing to change, its structure, nature or legal identity so that in either case it may no longer represent its Crop, Crops or a sub-group of Crops nationally

must, by written notice, advise Plant Health Australia of the relevant facts and of its withdrawal from this Deed. The Industry Party may, with the agreement of the body concerned, nominate a body that is or will shortly be capable of representing the Crop, Crops or a sub-group of Crops in respect of this Deed ('**Replacement Body**').

3.4.2 The Replacement Body may, by application in writing, apply to Plant Health Australia to become a party to this Deed to represent the Crop, Crops or a sub-group of Crops in place of the existing Industry Party. The Replacement Body must agree to:

(a) assume responsibility for the liabilities accrued by the existing Industry Party to the other Parties up to the date that the Replacement Body becomes a Party;

(b) meet the reasonable costs of Plant Health Australia in inquiring into the application; and

(c) accept any obligations in respect of Cost Sharing arising pursuant to a Response Plan for which the existing Industry Party may be liable.

3.4.3 Plant Health Australia must:

(a) circulate to existing Parties the written notice from the Industry Party and the application from the Replacement Body;

(b) inquire into or discuss the application with the existing Industry Party and the Replacement Body; and

(c) advise the existing Parties of the outcomes of any inquiries and discussions with the Industry Party and the Replacement Body.

3.4.4 The Replacement Body will become a Party, and the existing Industry Party will cease to be a Party, upon:

(a) the unanimous agreement of the Parties (other than the existing Industry Party) that the Replacement Body become a Party; and

(b) the Replacement Body and Plant Health Australia (on behalf of the other Parties) executing a Deed of Accession to this Deed set out

at **Schedule 12** in which the Replacement Body takes on the obligations and liabilities of the Industry Party.

3.4.5 The Industry Party being replaced will remain liable for any liabilities accrued to other Parties prior to the date of its withdrawal, except to the extent that they are met by the Replacement Body.

3.5 Removal

3.5.1 Where an Industry Party:

(a) fails to comply with the terms of this Deed; or

(b) in the view of all other Parties, is no longer representative of its nominated Crop, Crops or a sub-group of Crops,

the other Parties may remove that Industry Party from participation in this Deed by terminating it as a Party to the Deed, provided that the Industry Party is advised, in writing by Plant Health Australia, of the reasons for the proposed removal and is afforded the opportunity to make written submissions to, and to be heard by, the other Parties.

3.5.2 Termination of the Industry Party as a Party must be by unanimous agreement of all Parties other than the Industry Party, upon which agreement the Industry Party will cease to be a Party to this Deed.

3.5.3 The Industry Party terminated pursuant to clause 3.5.2 will remain liable for:

(a) liabilities accrued to other Parties up to the date on which it is terminated as a Party; and

(b) any obligations in respect of Cost Sharing arising pursuant to a Response Plan which has been agreed prior to its termination.

3.5.4 The other Parties will not be liable for any loss caused to or suffered by the Industry Party resulting from its termination as a Party pursuant to clause 3.5.2.

3.6 Representation of a Crop, Crops or sub-group of Crops

3.6.1 For the purposes of Cost Sharing, an Industry Party will be taken to represent the Crop, Crops or sub-group of Crops which it notified Plant Health Australia that it represented when becoming a Party to the Deed, as set out in Part 3 of Schedule 7.

3.6.2 An Industry Party may, by application in writing to Plant Health Australia, apply to represent a Crop, Crops or sub-group of Crops:

(a) that is not yet represented (whether a newly emerged Crop or not); or

(b) that is represented by an existing Industry Party.

3.6.3 An application must identify, and provide evidence of the applicant Industry Party's qualification to represent, the Crop, Crops or sub-group of Crops. Where the Crop, Crops or sub-group of Crops is represented by one or more existing Industry Parties, Plant Health Australia must give notice of the application to that Party or Parties and invite it or them to submit, within 2 months of the notice, a response to the application. Plant Health Australia must circulate the application and any response to all other Parties.

3.6.4 The applicant Industry Party will be taken to represent the Crop, Crops or sub-group of Crops if the other Parties (other than any Industry Party which represents the Crop, Crops or sub-group of Crops the subject of the application) unanimously vote in favour of the application at a Meeting of the Parties to be convened by Plant Health Australia not more than 6 months after receipt of the application.

3.6.5 If the application is approved, the name of the Party and the Crop, Crops or sub-group of Crops which it is to represent are to be added to the table setting out the Crop, Crops or sub-group of Crops represented by Industry Parties at Part 3 of Schedule 7.

3.6.6 An Industry Party may, by notice in writing to Plant Health Australia, state its intention to resign its right to represent a Crop, Crops or sub-group of Crops. Plant Health Australia must circulate the notice to all Parties. The resignation takes effect, unless withdrawn by notice in writing to Plant Health Australia, 6 months from the date on which the notice on intention was received by Plant Health Australia, which must amend the list of Crop, Crops or sub-groups of Crops represented by Industry Parties at Part 3 of Schedule 7.

3.6.7 An Industry Party which resigns its right to represent a Crop, Crops or sub-group of Crops will remain liable for any liabilities accrued to other Parties with respect to the Crop, Crops or sub-group of Crops prior to the date of effect of it ceasing to represent the Crop, Crops or sub-group of Crops.

4 Reporting of Emergency Plant Pests

4.1 Obligation to advise of an EPP within 24 hours

4.1.1 For the purposes of Cost Sharing under this Deed, each government Party undertakes:

(a) to give Formal Notification to the Committee within 24 hours of becoming aware of an Incident; and

(b) to take all reasonable steps to ensure that persons within their jurisdiction (including public and private plant health personnel and public and private laboratories) advise that government Party within 24 hours of becoming aware of an Incident, so that that government Party can give Formal Notification to the Committee in accordance with **clause 4.1.1(a)**.

4.1.2 Each Industry Party undertakes to take reasonable steps to advise its members and other participants (as considered appropriate by the Industry

Parties) in respect of their Crop, Crops or a sub-group of Crops to notify the applicable State or Territory authority within 24 hours of becoming aware of an Incident so that the applicable authority can notify the relevant CPHM who can give Formal Notification to the Committee in accordance with **clause 4.1.1(a)**.

4.2 Effect of failure of a State or Territory Party to advise of an EPP within 24 hours

4.2.1 Payment to a State or Territory Party pursuant to this Deed for action taken by that Party in accordance with this Deed ("**Claimant**") will not be made unless:

(a) the Claimant gave a Formal Notification to the Committee in accordance with **clause 4.1.1(a)**; or

(b) the NMG determines on the advice of the Committee that a Claimant has in particular circumstances acted appropriately and that, despite the requirements of **clause 4.1** (for notification within 24 hours of becoming aware of an Incident), payment should otherwise be made to the Claimant in respect of a period more than 24 hours prior to the Formal Notification to the Committee of the Incident.

5 Phases of an Emergency Plant Pest Response

5.1 Incident Definition Phase

5.1.1 This is the investigation period following Formal Notification to the Committee. It continues until:

(a) a Response Plan is agreed by the NMG, following:

(i) a determination by the Committee that the Incident relates to an EPP that is capable of being eradicated or contained; and

(ii) submission of the Response Plan to the NMG by the Committee; or

(b) the NMG, acting on a recommendation of the Committee, determines that:

(i) the Incident does not relate to an EPP; or

(ii) the Incident does relate to an EPP but the EPP is not capable of being eradicated or contained.

5.2 Emergency Response Phase

5.2.1 This is the period from agreement by the NMG of a Response Plan submitted by the Committee until the NMG determines (on advice from the Committee)

that the EPP has been eradicated or contained, or cannot be eradicated or contained. This is the period during which the Response Plan is performed.

5.3 Proof of Freedom Phase

5.3.1 This is the period following determination by the NMG (on advice from the Committee) that the EPP has been eradicated or contained. This period may include research and/or surveillance activities and will end when the NMG determines (on advice from the Committee) that the Response Plan has been successful or that the Phase should end.

5.4 New outbreaks

5.4.1 Where there is an Incident which cannot be directly linked to a previous Incident, it will be treated as a new Incident and the three Phases described above may apply.

6 Developing a Response Plan

6.1 Procedure

6.1.1 Where the NMG determines that a Response Plan should be developed, it must so advise the CPHM(s) of the Lead Agency(s) who must develop, in consultation with the Committee, a Response Plan in accordance with the following principles:

(a) the Response Plan development and approval process must not impede the initiation of a rapid response by the Lead Agency(s) to an outbreak of an EPP;

(b) the Response Plan must reflect the nature and circumstances of the EPP and Incident, including Feral, neglected, unmanaged and backyard Plant Pest control where the Committee advises that such measures are integral to the Response Plan;

(c) key strategies and core operational components of the Response Plan must be prepared by the CPHM(s) but some components will remain to be developed in accordance with a timetable to be agreed by the Committee;

(d) the Response Plan must clearly identify any proposed significant variations to or departures from the current version of PLANTPLAN; and

(e) any key strategies and core operational activities which are to be the subject of Cost Sharing must be clearly identified in the Response Plan.

6.1.2 Once agreed by the NMG, the Response Plan will commit the Lead Agency(s) to the key strategies and core operational activities contained in the Plan, subject to any variations which may be subsequently advised by the

Committee and agreed by the NMG or which may be required to comply with the legislation of a State or Territory in which the Incident occurs.

6.1.3 The content of the Response Plan must be prepared in accordance with **Part 1** of **Schedule 4**.

6.1.4 The CPHM(s) of the Lead Agency(s) must provide the proposed Response Plan to the Committee as soon as possible.

6.1.5 The Committee, once it agrees that the proposed Response Plan is in a suitable form, must submit the proposed Response Plan to the NMG for approval.

6.2 Standards

6.2.1 A Response Plan must (except as advised by the Committee and agreed by NMG) conform to:

(a) PLANTPLAN, referred to in **Part 1** of **Schedule 5**; and

(b) any applicable Plant Pest strategy, referred to in **Part 2** of **Schedule 5**.

7 Categories of Emergency Plant Pests

7.1 The four categories of EPPs

7.1.1 EPPs will be categorised into four categories in accordance with **Part 1** of **Schedule 3**.

7.2 Determination of applicable category and Funding Weight for an uncategorised EPP

7.2.1 Any Party may ask Plant Health Australia to obtain a categorisation of a Plant Pest which has not been categorised.

7.2.2 Upon receipt of such a request, Plant Health Australia must, if it is satisfied that it may be an EPP and once it has sufficient information to enable categorisation of the Plant Pest, refer the information to the Categorisation Group for categorisation.

7.2.3 In the circumstances set out in clause 7.2.2, Plant Health Australia must convene a Categorisation Group which must:

(a) where it has sufficient information to enable it to categorise the Plant Pest, determine whether it is an EPP and, if so, the category of EPP and the Funding Weight in accordance with the procedure at **Schedule 3**; or

(b) where it does not have sufficient information to enable it to determine if it is an EPP or to categorise it, request that information from Plant Health Australia or such Party(s) as may be able to supply it and, upon receipt of that additional information, determine

whether it is an EPP and, if so, the category and Funding Weight of the EPP in accordance with the procedure at **Schedule 3**.

7.2.4 Following categorisation of an EPP and determination of its Funding Weight pursuant to **clause 7.2.3**(a) or (b), the Relevant Parties must determine whether that EPP should be included in **Schedule 13**. Where they so determine, Plant Health Australia must amend **Schedule 13** accordingly and forward a copy to all Parties.

7.3 Re-categorisation, removal or review of Funding Weight of EPPs

7.3.1 Any Party which is dissatisfied with a determination of a category or the Funding Weight of an EPP, or which believes that it should be removed from the list of categorised EPPs, may request re-categorisation or removal, or review of the Funding Weight, by lodgement with Plant Health Australia of a request in the form of **Part 2.2** of **Schedule 3** ("**Request for Re-categorisation or Removal**") or Part 2.3 of Schedule 3 ("**Request for Review of Funding Weight**"). The Parties must follow the process for re-categorisation, removal or review of Funding Weight of an EPP set out at **Part 2** of **Schedule 3.**

7.3.2 Where Plant Health Australia determines that the request for re-categorisation or removal, or review of the Funding Weight, is in an appropriate form and includes sufficient information, it must within 30 days seek a review of the categorisation of Funding Weight by a Categorisation Group.

7.3.3 Where Plant Health Australia determines that the request for re-categorisation or removal, or review of the Funding Weight, is not in an appropriate form or does not contain sufficient information, it must so advise in writing the Party which lodged the request. That Party may seek reconsideration of the matter at a General Meeting of Plant Health Australia. Where a motion for reconsideration is passed by ordinary resolution, Plant Health Australia must, within 30 days of the resolution, seek reconsideration of the matter by a Categorisation Group.

7.3.4 The Categorisation Group must consider a request for re-categorisation, removal or review of Funding Weight received by it pursuant to **clause 7.3.2** or **7.3.3** in accordance with **Part 2** of **Schedule 3**. Where it has sufficient information to enable it to consider a re-categorisation, removal or review of Funding Weight of an EPP, it must consider that matter having regard to the criteria set out in **Parts 3 and 4** of **Schedule 3**. Where it does not have sufficient information to enable it to consider the matter, it must request the required information from Plant Health Australia or such Party(s) as may be able to supply it. Upon receipt of sufficient additional information, it must proceed to consider the matter having regard to the nature and impact of the EPP in accordance with the criteria set out in **Parts 3 and 4** of **Schedule 3**.

7.3.5 Where the Categorisation Group advises Plant Health Australia of the outcomes of its consideration, the Parties must follow the procedures set out in **Part 2** of **Schedule 3**.

8 Management of a Response Plan

8.1 Implementation

8.1.1 A Response Plan must be implemented by the Lead Agency(s) in accordance with:

(a) applicable legislation; and

(b) the terms of the Response Plan.

8.1.2 For the avoidance of doubt, the relevant Lead Agency(s) must, to the extent not inconsistent with applicable legislation, take action in accordance with the agreed Response Plan.

8.2 Qualification of Personnel

8.2.1 The Parties must:

(a) wherever possible, use personnel for the roles listed in **Part 2** of **Schedule 4** who are accredited pursuant to the **National EPP Training Program** managed by Plant Health Australia and listed on the national data base of accredited personnel; and

(b) take appropriate steps to have appropriate numbers of their personnel trained and accredited pursuant to the **National EPP Training Program**. Plant Health Australia may advise each Party of the number of persons it considers to be appropriate.

9 Principles of Cost Sharing

9.1 Cost Sharing - Incident Definition Phase

9.1.1 The State(s) and/or Territory(s) in which the Incident has occurred will meet the cost of the Incident Definition Phase except that once a Response Plan has been agreed, Cost Sharing principles will apply in respect of:

(a) Owner Reimbursement Costs from:

(i) the date of first notification of the Incident to the relevant State(s), Territory(s) or the Commonwealth, or

(ii) such earlier date as may be determined by the NMG on the advice of the Committee; and

(b) investigation and diagnostic costs if approved by the NMG as being relevant and reasonable.

9.2 Cost Sharing - Incident Definition, Emergency Response and Proof of Freedom Phases

9.2.1 Once a Response Plan has been agreed, the Parties must share the costs of the implementation of the Response Plan, as determined in accordance with this Deed, in the following proportions:

Category of EPP	Government Funding	Industry Funding
Category 1	100%	0%
Category 2	80%	20%
Category 3	50%	50%
Category 4	20%	80%

9.2.2 Cost Sharing will apply in respect of:

(a) salaries and wages;

(b) operating expenses;

(c) capital costs; and

(d) Owner Reimbursement Costs

determined in accordance with **Part 4** of **Schedule 6**.

9.2.3 The "Government Funding" referred to in **clause 9.2.1** will be shared between government Parties in the manner set out in **Part 1** of **Schedule 6**.

9.2.4 The "Industry Funding" referred to in **clause 9.2.1** will be shared between Industry Parties in the manner set out in **Parts 2 and 3** of **Schedule 6**.

9.3 Cost Sharing - Uncategorised Plant Pest

9.3.1 Where an Incident has been reported to the Committee in respect of an uncategorised Plant Pest believed by the NMG to be an EPP and the NMG determines that a Response Plan is to be implemented prior to the categorisation of the Plant Pest, the Parties will engage in Cost Sharing with respect to activities undertaken pursuant to that Response Plan as if it were a:

(a) Category 3 EPP, in the case of a previously unknown Plant Pest; or

(b) Category 3 EPP, in the case of a previously known Plant Pest which had not previously been categorised unless the NMG determines that there are significant public health issues, in which case the Plant Pest will be treated as Category 1,

until further determination by the NMG having regard to advice provided by the Categorisation Group.

9.3.2 If:

(a) the Categorisation Group subsequently determines that a Plant Pest in respect of which there is a Response Plan is an EPP and that it is of a category other than the category under which it has been treated pursuant to **clause 9.3.1;** and

(b) the Parties adopt that categorisation pursuant to clause 7.2.4,

the Parties will only make adjustments between them in respect of funds paid prior to the date of that final determination of category by the Categorisation Group if agreed by the NMG.

9.4 Changing Cost Sharing proportions

9.4.1 The Affected Parties may agree, in respect of any Response Plan, that the proportions for Cost Sharing will be different to those set out in **clause 9.2** provided that:

(a) a Party is not bound to meet any change in its liability through a change in the proportions of Cost Sharing until that change has been approved in writing by it or its Representative;

(b) a change in the proportions of Cost Sharing will only take effect in respect of a Party from the date of signature by it or its Representative (unless the document signed by it or its Representative provides otherwise); and

(c) a change in the proportions of Cost Sharing will only apply to that Response Plan (unless the document signed by the Parties or their Representatives provides otherwise).

9.5 Limits to Parties Cost Sharing obligations in respect of a Response Plan

Agreed Limit

9.5.1 The amount which may be eligible for Cost Sharing under a Response Plan may not exceed the Agreed Limit unless agreed in writing by the Affected Parties.

Agreed Limit where only one Affected Industry Party

9.5.2 In respect of a Response Plan where there is only one Industry Party which is an Affected Party (**Affected Industry Party**), the Agreed Limit which will apply to that Response Plan will be the lesser of:

(a) 2% of the LVP of the Crop(s) represented by the Affected Industry Party; or

(b) where the Parties have agreed to the inclusion in Part 3.3 of Schedule 6 of a sub-group of the Crops represented by the Affected Industry Party, 2% of the LVP of the Affected sub-group(s) of Crops; or

(c) $20 million; or

(d) the amount set out in Schedule 14 by the Operative Date or the amount:

(i) nominated to Plant Health Australia in writing by the Affected Industry Party in respect of the relevant Crop(s) ; and

(ii) approved by a general meeting of members of Plant Health Australia

every 12 months after the Operative Date,

or such other amount as may be agreed in writing by the Affected Parties.

Agreed Limit where more than one Affected Industry Party

9.5.3 In respect of a Response Plan where there is more than one Industry Party which is an Affected Party (**Affected Industry Parties**), the Agreed Limit which will apply to that Response Plan will be:

(a) 1% of the sum of the LVPs of the Crops represented by the Affected Industry Parties; or

(b) where the Parties have agreed to the inclusion in Part 3.3 of Schedule 6 of a sub-group of the Crops represented by any of the Affected Industry Parties, 1% of the sum of the LVP of the Crops represented by the Affected Industry Parties, but only using the LVP of the relevant sub-group(s) where applicable; or

such other amount as may be agreed in writing by the Affected Parties.

Proportional Share

Proportional Share where only one Affected Industry Party

9.5.4 For the purposes of Cost Sharing in respect of a Response Plan where there is only one Affected Industry Party, the maximum Proportional Share that each Party may be required to contribute to Cost Sharing will be:

(a) its share (as determined in accordance with Schedule 6) of the Agreed Limit determined under clause 9.5.2; or

(b) such greater amount as it has agreed in writing to contribute. Where that agreement in writing is contained within the Response Plan, it must be explicitly worded as an agreement to the increase of the Agreed Limit or Proportional Share for the purposes of clause 9.5.2 of this Deed.

Proportional Share where more than one Affected Industry Party

9.5.5 For the purposes of Cost Sharing in respect of a Response Plan where there is more than one Affected Industry Party, the maximum Proportional Share that each Party may be required to contribute to Cost Sharing will be:

(a) its share of the Agreed Limit determined under clause 9.5.3, which share is determined in accordance with the formula set out in Part 2.2 of Schedule 6, which takes into consideration the EPP, the aggregate LVPs of Crops represented by the Affected Industry Parties and the applicable Funding Weights; or

(b) such greater amount as it has agreed in writing to contribute. Where that agreement in writing is contained within the Response Plan, it must be explicitly worded as an agreement to the increase of the Agreed Limit or Proportional Share for the purposes of clause 9.5.2 of this Deed.

Trigger for review of Agreed Limit

9.5.6 In the determination of a Response Plan, the Committee must propose and the NMG must approve an expenditure point (**Trigger Point**) for review of the Agreed Limit which must not be more than 90% of the Agreed Limit.

9.5.7 When expenditure on the Response Plan reaches the Trigger Point, NMG must meet to determine whether the Agreed Limit will be revised or other action taken as set out in clause 9.5.8.

Where Agreed Limit may be exceeded

9.5.8 Where the NMG has reason to believe that the cost of a Response Plan will exceed the Agreed Limit, it must promptly determine whether:

(a) the Agreed Limit should be increased, in which case it must convene a Meeting of Affected Parties to consider the recommended increase;

(b) the Response Plan should be continued;

(c) the Proportional Shares of the Affected Parties should be altered;

(d) any other appropriate alterations should be made to the Response Plan; or

(e) the Response Plan should be transformed into a long term control program in which case the Response Plan will cease.

9.5.9 Cropping sectors with an LVP greater than $20 million that are not represented by Parties to this Deed are not covered by the Cost Sharing arrangements.

9.5.10 If a Cropping sector has an LVP valued at less than $20 million and is not represented by a Party to this Deed, Commonwealth and State/Territory government arrangements may eradicate the pest if it is economically feasible and cost effective, Owner Reimbursement Costs may be available to members of that Cropping sector but representatives of that Cropping sector will have no input into the decision making process.

9.6 Additional costs which are subject to Cost Sharing

9.6.1 The principles for Cost Sharing will also apply to:

(a) the costs of dealing with Feral, neglected and unmanaged plants and associated Plant Pest control measures forming part of a Response Plan where the Committee has advised that such measures are required as part of the Response Plan;

(b) the costs incurred by NMG pursuant to **clause 12.3**;

(c) the costs of a Financial Auditor incurred pursuant to **clause 12.4**; and

(d) other costs as agreed by the Relevant Parties.

9.7 Plant Health Australia costs of a Response Plan

9.7.1 While Plant Health Australia is neither a government Party nor an Industry Party, the principles of Cost Sharing will apply to costs incurred by it in respect of a Response Plan which are additional to its ordinary operating costs.

9.8 No litigation on Owner Reimbursement Costs

9.8.1 The Parties:

(a) noting that Owner Reimbursement Costs assessed in accordance with Part 4.4 of Schedule 6 may be reviewed under Part 4.4.5 of Schedule 6; and

(b) noting the importance for the operation of this Deed of finalising the costs of a Response Plan in a timely way to facilitate Cost Sharing,

agree, in the absence of manifest error, to be bound by the amount assessed and paid in accordance with Part 4.4 of Schedule 6.

10 Funding a Response Plan

10.1 General obligation of the Parties

10.1.1 Where a Response Plan which has been agreed by the NMG is implemented, each Affected Party must, in accordance with this **clause 10**, meet its Cost Sharing obligations as detailed in **clause 9**. Reimbursement (of net payments) between Parties is to be made on no less than a three monthly basis (or such other longer period as agreed by the NMG).

10.1.2 For the purposes of Cost Sharing, an Industry Party will be taken to represent each of the Crops identified as being represented by that Party at Part 3 of Schedule 7.

10.1.3 Any Industry Party may, by not less than 6 months' notice in writing to all other Parties, withdraw from representing a crop provided that where it does so:

(a) it will remain liable for:

(iii) liabilities accrued to other Parties up to the date on which the notice takes effect; and

(iv) any obligations in respect of Cost Sharing arising pursuant to a Response Plan which has been agreed prior to it giving the notice.

10.2 Initial funding by Parties

10.2.1 Where a Response Plan is implemented, each Party must initially meet its own costs arising from its involvement in the Response Plan.

10.3 Progressive Cost Sharing

10.3.1 During the course of implementation of a Response Plan, the Affected Parties must implement the Cost Sharing principles in the manner detailed in **Part 2** of **Schedule 7**.

10.4 Mechanism for Industry Party to meet its Cost Sharing obligations

10.4.1 Each Industry Party must take reasonable steps to ensure that its growers of the Crop, Crops or a sub-group of Crops of which it is representative meet the Cost Sharing obligations of that Crop, Crops or a sub-group of Crops.

10.4.2 Where the Industry Party is not able to meet its Cost Sharing obligations either directly, or from funds held on its behalf, the Commonwealth will initially meet that Industry Party's Cost Sharing obligations.

10.4.3 Each Industry Party will meet its Cost Sharing obligations to the Commonwealth, arising as a consequence of the Commonwealth meeting Industry Party obligations pursuant to **clause 10.4.2**, in the manner set out in **Part 1** of **Schedule 7**.

10.5 Mechanism for determining Response Plan costs

10.5.1 The manner of determining the costs of a Response Plan to which the principles of Cost Sharing will be applied will be as set out in **Part 2** of **Schedule 7**.

10.6 Determination of final costs of responding to an Incident

10.6.1 Following completion of the Proof of Freedom Phase or a decision by the NMG that the EPP cannot be eradicated following a Response Plan, all Affected Parties must, within 6 months of the completion of the Response

Plan, provide information to Plant Health Australia to enable it to determine the total cost of the implementation of the Response Plan and the wider costs incurred by them in responding to the Incident. Parties must provide available detailed information of all costs (including Shared Costs and non-Shared Costs) incurred by that Party associated with responding to that Incident being:

(a) salaries and wages;

(b) operating expenses;

(c) capital costs;

(d) Owner Reimbursement Costs; and

(e) estimated consequential losses (but only for the purpose of allowing the Parties to understand the wider cost of responding to the Incident).

10.7 GST

10.7.1 If GST is imposed on any supply under or in connection with this Deed by one Party (the "**Supplying Party**") to another Party (the "**Receiving Party**"):

(a) subject to subclause (b), the Receiving Party must pay the Supplying Party the amount of GST imposed on the Supplying Party (in addition to, and at the same time as, any other amount payable under this Deed by the Receiving Party to the Supplying Party in relation to the supply);

(b) the Supplying Party must issue to the Receiving Party a tax invoice in relation to the supply, in a form that would enable the Receiving Party to claim any input tax credits to which it may be entitled in relation to the amount of GST paid; and

(c) for the purposes of this **clause 10.7** the following terms have the meanings given in the *A New Tax System (Goods and Services) Tax Act 1999*: GST, supply, input tax credit and tax invoice.

11 Consultation

11.1 The NMG

11.1.1 The NMG is constituted, has the role, and must meet and conduct its affairs in the manner set out in **Part 1** of **Schedule 8** for consideration of EPP response issues.

11.2 The Committee

11.2.1 The Committee is constituted, has the role, and must meet and conduct its affairs in the manner set out in **Parts 2** and **3** of **Schedule 8**.

11.3 The Categorisation Group

11.3.1 The Categorisation Group is constituted, has the role, and must meet and conduct its affairs in the manner set out in **Part 4** of **Schedule 8**.

11.4 Industry Party representation

11.4.1 Where an Industry Party is an Affected Party, its Representative will be involved in all Meetings and consultation between the Affected Parties.

11.4.2 Industry Party Representatives must:

(a) in the case of the Committee, be nominated in writing by each Industry Party to Plant Health Australia by the Operative Date and every twelve months thereafter during the term of the Deed;

(b) where possible, complete a training program to be managed by Plant Health Australia as part of the National EPP Training Program, and receive accreditation, in respect of the principles of EPP responses;

(c) be authorised in writing by the Industry Party to represent that Industry Party in the manner contemplated by this Deed;

(d) report regularly to, and consult appropriately (to the extent that time permits) with, their Industry Party; and

(e) sign a Confidentiality Deed Poll in the form of **Schedule 9** prior to participation in any activities pursuant to this Deed.

11.4.3 The CPHM must invite the Affected Industry Party(s) to provide one or more (in the CPHM's discretion) Industry Party Delegate(s) to contribute to the operations and decision making process within EPP control centres. The Industry Party(s) must nominate one or more suitably qualified person(s) to contribute to the response. The Industry Party Delegate(s) must be authorised to provide an Industry Party view in the decision making processes of the EPP control centres. Industry Party Delegates must comply with **clauses 11.4.2(b)**, **(c)**, **(d)** and **(e)** and work as a part of the team at the EPP control centre.

11.5 Plant Health Australia

11.5.1 Plant Health Australia must monitor and report to its members on:

(a) resource usage in the implementation of a Response Plan

(b) Deed policy issues;

(c) the implementation of Biosecurity measures; and

(d) the implementation of the Guidelines for Owner Reimbursement Costs set out in **Schedule 17**.

11.5.2 In consultation with its members, Plant Health Australia will initiate a review of the Deed no more than five years from the Operative Date.

11.6 Representation of government Parties

11.6.1 Where a government Party is an Affected Party, its Representative will be involved in all Meetings and consultation between the Affected Parties.

11.6.2 Government Party Representatives must:

(a) in the case of the Committee, be advised in writing by each government Party to Plant Health Australia by the Operative Date and every twelve months thereafter during the term of the Deed;

(b) where possible, complete a training program to be managed by Plant Health Australia as part of the National EPP Training Program, and receive accreditation, in respect of the principles of EPP responses;

(c) be authorised in writing by their government Party to represent that government Party in the manner contemplated by this Deed;

(d) report regularly to, and consult appropriately (to the extent that time permits) with, appropriate agencies within that government Party; and

(e) confirm that they have signed an appropriate form of confidentiality Deed Poll (which may be in the form of **Schedule 9**) prior to participation in any activities pursuant to this Deed.

12 Accounting for a Response Plan

12.1 Keeping accounts

12.1.1 The Lead Agency(s) for each Response Plan must keep, in auditable form, details of financial expenditure in respect of each Response Plan for which it is/they are responsible and which constitute Shared Costs.

12.1.2 All Parties must be able to identify and provide substantiation of claims in respect of costs for which they seek Cost Sharing.

12.1.3 Each government Party must develop within 6 months of the date of execution of the Deed by it a financial management preparedness plan which details how accounting and reporting will be managed for the implementation of a Response Plan and the recording of costs which may become Shared Costs (including how normal costs will be distinguished). Once developed each Party must provide a copy of its plan to Plant Health Australia, which will review it for consistency with the plans of other Parties and advise of any inconsistencies or matters not in accordance with the Deed.

12.1.4 Plant Health Australia must coordinate and collate claims for reimbursement of money spent by any other Party in respect of the Response Plan, where that other Party has provided such information as required by Plant Health Australia, to satisfy it that the money has been spent by that other Party and that it constitutes Shared Costs.

12.1.5 Plant Health Australia must maintain records of funds receivable and payable by Parties by way of Cost Sharing pursuant to **clause 10** of this Deed.

12.2 Reporting

12.2.1 The Lead Agency(s) must provide a written report at each relevant Meeting of the Committee in the form of **Schedule 10** which sets out the budgeted, committed and actual expenditure on the Response Plan.

12.2.2 The Committee must promptly forward a copy of all reports received by it to the NMG.

12.3 Efficiency and effectiveness of a Response Plan

12.3.1 In pursuing its role during a Response Plan, the NMG may obtain, from independent sources of its choosing, advice about the efficiency of the Response Plan to assist its deliberations in accordance with **Part 1** of **Schedule 11**.

12.3.2 Plant Health Australia may develop a methodology for use by the NMG and any efficiency auditor to enable the conduct of cost/benefit analyses in respect of Response Plans.

12.4 Financial audit

12.4.1 The Lead Agency must arrange for external audit of the Response Plan ledger account following the completion of a Response Plan ("**Financial Audit**"). The Financial Auditor must be engaged to:

(a) report jointly to the Lead Agency and the NMG; and

(b) provide a formal sign off in respect of any claims for, or payments made in respect of, Cost Sharing

having regard to the matters set out in **Part 2** of **Schedule 11**.

12.4.2 Where there is more than one Lead Agency involved in respect of a Response Plan and they do not agree on an external auditor, Plant Health Australia will nominate the Financial Auditor to perform the tasks set out in **clause 12.4.1**.

13 Biosecurity

13.1.1 The Parties acknowledge the need for a program of risk reduction measures, complementary to the Deed, to reduce the risk of the entry and spread of EPPs including Biosecurity measures for implementation and maintenance at national, regional and individual premises levels.

13.1.2 The Parties commit to an on-going process of risk mitigation, recognising that all Parties are adversely affected by Incidents. The Parties recognise natural incursions may not be prevented but movements of materials, containers, machinery, mail or passengers are areas where incursion risks must be routinely examined and minimised.

13.1.3 Plant Health Australia is developing, and will manage, a National Plant Pest Risk Mitigation Program. It will include consultative mechanisms to facilitate government Parties and Industry Parties working together to develop and agree all aspects of the program including, and consistent with the Plant Health Australia Biosecurity Planning Guide:

(a) Crop Biosecurity statements that commit the members of each Industry Party to Biosecurity, that identify the current version of that Industry Party's Biosecurity plan or state when a plan will be in place, and describe how each Industry Party will promote improvements to existing Biosecurity measures used with respect to that Crop, including a commitment to on-farm Biosecurity (included at **Schedule 15**);

(b) statements by government Parties outlining Biosecurity policies and programs relevant to their responsibilities including Feral, neglected and unmanaged plants and Plant Pests, and public health and environmental policies (included at **Schedule 15**);

(c) application of legislative support where appropriate; and

(d) a national communications program that will raise community awareness of the importance of Biosecurity measures.

13.1.4 Each Party must report to Plant Health Australia in July of each year any material changes to the content of, or to the Party's commitment to, the Party's Biosecurity statement, and state any reduction in resources available for its implementation and identify any legislative obstacles to the operation of an Industry's Biosecurity measures.

13.1.5 The National Plant Pest Risk Mitigation Program will be reviewed annually by Plant Health Australia, in conjunction with the Parties, as part of Plant Health Australia's annual review process.

13.1.6 Progress in implementation of Biosecurity strategies for government Parties and Industry Parties will be reviewed by Plant Health Australia, in conjunction with the Parties, commencing in October 2005 and again commencing in October 2006.

13.1.7 The Parties agree that:

(a) substantial advantages may arise for both plant and animal industries from a mutual approach to Biosecurity and risk mitigation;

(b) separately from cost sharing arrangements, Plant Health Australia is to investigate with relevant animal industries, animal health authorities, and human health and environmental groups and agencies, options for a cooperative, holistic approach to Biosecurity and risk management and mitigation strategies, including alternative future sustainable funding mechanisms; and

(c) Plant Health Australia must report within 24 months of the Operative Date to the Parties on the feasibility and utility of a cooperative, holistic approach.

14 Commitment of Government Party Resources to EPP Response Capacity

14.1.1 The Parties agree that, for at least the first 12 months of operation of the Deed following the Operative Date, the manner of determination of the costs to be shared set out in **Part 4** of **Schedule 6** will be maintained.

14.1.2 During that period the Parties will work to determine existing and required resource commitments and to define the costs that a State or Territory consider to be “normal” and which should be considered as a baseline above which other costs are to be shared.

14.1.3 Any change to the interim arrangement set out in **Part 4** of **Schedule 6** may only be adopted with the agreement of all Parties.

14.1.4 The Parties note the development of performance standards for Australia’s plant health services will be required and agree that, once settled, these will apply to activities under this Deed.

15 Obligations in respect of personnel

15.1.1 Each Party must ensure that any of its personnel (including its officers, employees and contractors) who participate in the NMG, the Committee, a Categorisation Group or other functions under this Deed do so in accordance with the terms of this Deed.

16 Amendment of Schedules

16.1.1 If:

(a) a process is conducted pursuant to this Deed and the final step of the process requires Plant Health Australia to make an amendment to a Schedule; or

(b) a Party gives Plant Health Australia a notice pursuant to clause 31.1.1 and Plant Health Australia is satisfied that:

(i) the notice requires the making of an amendment to a Schedule; and

(ii) the making of the amendment will not concern or affect the rights or obligations of another Party,

Plant Health Australia may make the amendment by providing to all Parties a copy of the amended Schedule (version numbered and dated for identification purposes), together with a statement of the particulars of the process or notice.

16.1.2 A Party may lodge an objection to the amended Schedule by giving a notice pursuant to clause 31.1.1 which must:

(a) set out the reasons for the objection; and

(b) be received by Plant Health Australia no later than 30 days after the date of despatch of the amended Schedule by Plant Health Australia.

16.1.3 On receipt of an objection pursuant to clause 16.1.2, Plant Health Australia must:

(a) promptly notify all Parties of the objection; and

(b) submit the objection to the next meeting of the Board of Plant Health Australia, the decision of which in respect of the objection will be final.

16.1.4 Plant Health Australia must promptly notify the Parties of the decision of the Board and, if the Board upholds the objection, that the amended Schedule is withdrawn and has no effect.

16.1.5 If the Board of Plant Health rejects an objection to an amended Schedule, the amendment to the Schedule takes effect 30 days after the date of the decision by the Board of Plant Health Australia.

16.1.6 If there is no objection to a notification of an amendment to a Schedule, the amendment to the Schedule takes effect 30 days after the date of its despatch by Plant Health Australia pursuant to clause 16.1.1.

17 Variation or Termination

17.1 Varying or terminating Deed

17.1.1 Subject to **clause 2.3**, if at any time during the term of this Deed the Parties wish to vary or terminate this Deed, they must negotiate in good faith in regard to:

(a) that variation or termination; and

(b) the effect of that variation or termination upon the existence and operation of the EPP Program and any Response Plan being undertaken.

17.2 Variation or termination in writing

17.2.1 No variation or termination to this Deed will be of any force or effect unless the same is confirmed in writing, signed by each Party, and then such variation or termination will be effective only to the extent for which it has been made or given.

17.2.2 Each Party must advise Plant Health Australia, in a 'Nomination of Authorised Signatory' notice substantially conforming with **Part 1** of **Schedule 16**, the details of the person authorised by the Party from time to time to approve on behalf of the Party a variation or termination to this Deed.

17.2.3 The Parties may vary the Deed by the following process:

(a) Plant Health Australia is to serve a notice on each Party setting out the proposed variation(s) together with a brief statement of its purpose;

(b) each Party may signify its approval of the proposed variation(s) by returning a duly completed notice of 'Approval of Variation to Provisions' substantially conforming with **Part 2** of **Schedule 16**; and

(c) the variation(s) takes effect from the date on which Plant Health Australia gives notice to the Parties that it has received duly authorised Approval of the Variation to Provisions notices from all Parties.

17.2.4 The Parties may terminate the Deed by consent by means of a Deed of termination which they all execute.

17.3 Position of Plant Health Australia

17.3.1 In the event that any of the payments referred to in this Deed which should be made to Plant Health Australia are not made and the non-payment:

(a) materially affects Plant Health Australia’s ability to meet its obligations under the Deed; and

(b) is not due to the default of Plant Health Australia,

Plant Health Australia will not be required, nor liable in respect of any failure, to meet any obligation which would otherwise arise pursuant to this Deed, unless or until such time as Plant Health Australia receives the outstanding payment(s) in accordance with this Deed.

18 Severability

In interpreting a provision of this Deed, the provision must, to the extent possible, be read so as to ensure that it is not illegal, invalid or unenforceable. If any provision or part of it cannot be so read, the provision or part of it must be deemed to be void and severable and the remaining provisions of this Deed shall, provided that they can be applied in accordance with the spirit of the Deed, not in any way be affected or impaired.

19 Waiver

The failure, delay, relaxation or indulgence on the part of any Party in exercising any power or right given to that Party under this Deed does not operate as a waiver of that power or right, nor will it entitle a Party to claim that another Party is estopped from exercising the power or rights. A single exercise of a power or right will not be construed as precluding any other or further exercise of it or the exercise of any other power or right under this Deed. A power or right may only be waived in writing, signed by the Party or Parties to be bound by the waiver.

20 Proper Law

20.1 Jurisdiction of the Courts

20.1.1 This Deed and the transactions contemplated by it must be construed and take effect in accordance with and governed by the laws of the Australian Capital Territory, Australia and its form, execution, validity, construction and effect must be determined in accordance with the laws of the Australian Capital Territory and the Parties hereby submit themselves to the jurisdiction of the courts in and of the Australian Capital Territory and the Federal Court of Australia and the respective courts of appeal therefrom.

20.2 High Court of Australia

20.2.1 The submission to the jurisdiction of the courts of the Australian Capital Territory and to the Federal Court of Australia is exclusive except in so far as the High Court of Australia has jurisdiction to hear any matter involving the Commonwealth or any constitutional matter.

20.3 State and Territory Laws apply to the conduct of a Response Plan

20.3.1 Nothing in this Deed and nothing in this **clause 20** is to be construed as requiring the conduct of a Response Plan by a State or Territory agency in a manner contrary to the laws applying in that State or Territory.

21 Further Assurance

Each Party must, at its own expense, on the request of any other Party, sign and execute all deeds, documents, notices, instruments and schedules, and do and perform all acts and things which are reasonable and necessary in order to carry out and give

effect to the terms and conditions of this Deed and the transactions contemplated by it, whether before or after the execution of the Deed by all of the Parties.

22 Counterparts

This Deed may be executed in any number of counterparts and all of such counterparts when so executed will be an original but all of which taken together will be deemed to constitute one and the same instrument.

23 Agency

No Party to this Deed has, except as otherwise specified in this Deed, any right to act on behalf of, represent itself as agent for, or otherwise bind, any other Party.

24 Entire Agreement

This Deed constitutes the entire agreement between the Parties in relation to the subject matter of this Deed. Any prior arrangements, agreements, representations or undertakings are superseded and each Party acknowledges that it has not relied on any arrangement, agreement, representation or understanding which is not expressly set out in this Deed.

25 Mediation and Alternative Dispute Resolution

25.1 Notice of Disputes

25.1.1 In the event of any disagreement or dispute arising between any or all of the Parties as to the interpretation, implementation or enforcement of any term of this Deed, any Party concerned may send a notice to all of the Parties setting out the details of that dispute ("**Notice of Dispute**").

25.1.2 A Party which serves a Notice of Dispute may withdraw it by giving written notice to all Parties.

25.2 Resolution of Disputes

25.2.1 Following receipt of a Notice of Dispute each Party must enter into good faith discussions with other Parties with a view to resolving the dispute.

25.2.2 Where the Parties have not resolved the matter the subject of the Notice of Dispute within 28 days of the date of despatch of the Notice of Dispute to the Parties, any Party may require that the matter be referred for mediation or alternative dispute resolution by notice to all of the parties ("**Notice of ADR**"). Decisions reached by alternative dispute resolution should be final and binding on the Parties.

25.2.3 Each Party which receives a Notice of ADR which wishes to be involved in the dispute resolution process ("**Concerned Party**") must, within seven days of receipt of the Notice of ADR, so advise the sender in writing.

25.2.4 Where a Notice of ADR has been served by one of the Parties, the Concerned Parties must seek to agree on a suitably qualified person to undertake the mediation or alternative dispute resolution within fourteen days of the date of despatch of the Notice of ADR.

25.2.5 If the Concerned Parties are unable to agree unanimously on the selection of such person within fourteen days of the date of despatch of the Notice of ADR, the matter must be referred to the President of the Law Society of the Australian Capital Territory at that time, for that President or his or her nominee to appoint a suitably qualified person who has not previously acted for any of the Concerned Parties to conduct the mediation or alternative dispute resolution.

25.2.6 Any costs or expenses associated with the mediation or alternative dispute resolution must be paid by the Concerned Parties in equal shares unless recommended otherwise by the person conducting the mediation or alternative dispute resolution process.

26 Exercise of Functions and Powers

The obligations of the Commonwealth and the States and Territories under this Deed are subject to any statutory or common law requirements applying to the exercise of statutory or executive powers or duties which must be exercised in the performance of those obligations.

27 Protection of Personal Information

27.1 Use of Personal Information

27.1.1 Each Party agrees to:

(a) use Personal Information as defined in the *Privacy Act 1988* (the "**Act**") held or controlled by it in connection with this Deed only for the purposes of fulfilling its obligations under this Deed;

(b) take all reasonable measures to ensure that Personal Information in its possession or control in connection with this Deed is protected against loss and unauthorised access, use, modification or disclosure;

(c) comply with the Information Privacy Principles and, to the extent they provide additional coverage, any of the National Privacy Principles (jointly the **Principles**) contained in the Act to the extent that the content of those Principles apply to the types of activities the Party is undertaking under this Deed, as if the Party were an agency as defined in the Act;

(d) cooperate with any reasonable demands or inquiries made by the Commonwealth on the basis of the exercise of the functions of the Privacy Commissioner under the Act including, but not limited to, a

request from the Commonwealth to comply with a guideline concerning the handling of Personal Information;

(e) ensure that any person who has an access level which would enable that person to obtain access to any Personal Information is made aware of, and undertakes in writing to observe, the Principles and other obligations referred to in this **clause 27**;

(f) comply as far as practicable with any policy guidelines laid down by the Commonwealth or issued by the Privacy Commissioner from time to time relating to the handling of Personal Information; and

(g) comply with any reasonable direction of the Commonwealth to observe any recommendation of the Privacy Commissioner relating to any acts or practices of the Party that the Privacy Commissioner considers breaches the obligations in this **clause 27**.

27.2 Meaning of Personal Information

27.2.1 In this **clause 27**, '**Personal Information**' means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

28 Insurance

Plant Health Australia must:

(a) take out in respect of itself, its employees, contractors and agents all appropriate insurance (including any workers' compensation as required by law) and public risk insurance relating to the performance of its obligations under this Deed ("**Required Insurance**"); and

(b) promptly provide to any other Party on request proof of the currency of such insurance.

29 Confidentiality

29.1.1 A Party must not copy, reproduce, divulge, publish or circulate (or authorise or permit anyone else to copy, reproduce, divulge, publish or circulate) any of the Confidential Information disclosed or communicated to it by any other Party except:

(a) to or for such of its employees or Representatives as may require access to the Confidential Information on a strict need-to-know basis in the proper performance of the Deed; or

(b) to the extent necessary to permit the Commonwealth or a State or Territory to report to that Party's Parliament or its committees, or to such of the Party's government agency(s) or instrumentality(s) to which it is required to disclose such information; or

(c) as is reasonably necessary for the conduct of legal proceedings by a Party; or

(d) as required by law.

30 Conflict of interest

30.1 Plant Health Australia obligations

30.1.1 Plant Health Australia warrants that, to the best of its knowledge after making diligent inquiry, at the date of this Deed no conflict of interest exists or is likely to arise for the performance of its obligations under this Deed by itself or by its officers, employees, agents or contractors.

30.1.2 If during the term of this Deed a conflict of interest arises, or appears likely to arise, Plant Health Australia undertakes to notify the other Parties immediately in writing and to take such steps as the other Parties may reasonably require to resolve or otherwise deal with the conflict.

30.1.3 Plant Health Australia must not, and must ensure that its officers, employees, agents or contractors do not, engage in any activity or obtain any interest during the term of this Deed that is likely to conflict with or restrict the conduct of the Deed by Plant Health Australia fairly and independently.

31 Notices

31.1 Service of Notices

31.1.1 Any formal notice, request or other communication to be given or served by a Party or Parties on another Party or other Parties pursuant to this Deed must be in writing and addressed, as the case may be, to the contact officer of the Party or Parties at the address set out in **Schedule 2** or to such other person or at such other address as may be advised by a Party to the other Parties from time to time.

31.1.2 A notice, request or other communication which concerns or affects the rights or obligations of a Party or Parties under this Deed must be delivered by hand or sent by pre-paid post or facsimile, to the address of such a Party. Any other notice may be delivered by those means or by e-mail to the address of the Party to which it is sent.

31.2 Deemed time of service of Notices

31.2.1 A Notice will be deemed to have been duly served:

(a) if delivered by hand, upon delivery;

(b) if in the form of a letter sent by pre-paid ordinary post within Australia, upon the expiration of 2 business days after the date on which it was sent provided that deemed receipt of a Notice by letter may be rebutted by proof of non-receipt;

(c) if in the form of a letter posted to or from a place outside Australia, upon delivery;

(d) if by facsimile transmission, at 9:00a.m. on the next business day following the day on which the sender's facsimile machine records that the facsimile has been property transmitted to the recipient, provided that the deemed receipt of a Notice by facsimile may be rebutted by proof of non-receipt; and

(e) if sent by email, when the sender receives an acknowledgement from the human recipient (rather than an electronically generated message from the recipient's computer) that the email has been received.

32 Intellectual Property

This Deed will not affect the ordinary operation of principles of Intellectual Property. However, each Party which creates (or the personnel of which create) materials for the purposes of this Deed in which Intellectual Property rights subsist (including materials created for NMG, the Committee or the Categorisation Group) grants a royalty free, perpetual, irrevocable licence to the other Parties to use those materials for the purposes of undertaking the activities contemplated by the Deed.

EXECUTED as a DEED

Signed sealed and delivered on [insert date] by **PLANT HEALTH AUSTRALIA LIMITED** (**ABN 97 092 607 997)** in the presence of:	)))) EXECUTED
_____	_____
Director	(*name printed*)
_____	_____
Director/Secretary	(*name printed*)
Signed sealed and delivered on [insert date] by **THE COMMONWEALTH OF AUSTRALIA (ABN 24 113 085 695)** by its authorised officer in the presence of:	)))) EXECUTED_____
Witness: _____	
_____	
(*witness name printed*)	

Signed sealed and delivered on [insert date] by **THE STATE OF QUEENSLAND (ABN 78 342 684 030)** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE NEW SOUTH WALES DEPARTMENT OF PRIMARY INDUSTRIES (ABN 51 734 124 190-004) for and on behalf of THE STATE OF NEW SOUTH WALES** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE STATE OF VICTORIA (ABN 90 719 052 204)** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

The Common Seal of the **MINISTER FOR AGRICULTURE, FOOD AND FISHERIES** of the State of South Australia was affixed this _____day of _____ 2004 in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE CROWN IN RIGHT OF THE STATE OF TASMANIA (ABN 58 259 330 901)** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE STATE OF WESTERN AUSTRALIA (ABN 18 951 343 745)** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE NORTHERN TERRITORY OF AUSTRALIA (ABN 84 085 734 992)** by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **THE AUSTRALIAN CAPITAL TERRITORY (ABN 37 307 569 373**) by its authorised officer in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **APPLE AND PEAR AUSTRALIA LIMITED (ACN 101 551 348)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN BANANA GROWERS' COUNCIL (ABN 60 381 740 734)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN CANE GROWERS COUNCIL LTD. (ABN 26 051 583 549)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____
_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **CITRUS AUSTRALIA LTD. (ABN 75 130 238 792)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **COTTON AUSTRALIA LTD. (ABN 24 054 122 879)**

in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN HONEY BEE INDUSTRY COUNCIL INC. (ABN 63 939 614 424)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN MANGO INDUSTRY ASSOCIATION LIMITED (ABN 50 713 775 301)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN VEGETABLE AND POTATO GROWERS' FEDERATION INC (ABN 20 870 994 238)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AVOCADOS AUSTRALIA Limited (ABN 87 105 853 807)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **GRAINS COUNCIL OF AUSTRALIA INC. (ABN 66 675 415 182)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered by on [insert date] **NURSERY AND GARDEN INDUSTRY AUSTRALIA LTD (ABN 37 001 318 136)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **QUEENSLAND FRUIT AND VEGETABLE GROWERS LTD (ABN 51 090 816 827)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **RICEGROWERS ASSOCIATION OF AUSTRALIA INC. (ABN 65 191 537 636)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **STRAWBERRIES AUSTRALIA INC. (ABN 53 635 363 679)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **SUMMERFRUIT AUSTRALIA LTD (ABN 51 105 962 196)** in the presence of:

)
)
) EXECUTED
)_____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN MACADAMIA SOCIETY LIMITED (ABN 19 010 689 415)** in the presence of:

)
)
) EXECUTED
) _____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN PLANTATION PRODUCTS & PAPER INDUSTRY COUNCIL (ABN 40 005 904 898)** in the presence of:

)
)
) NOT EXECUTED
) _____

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **ALMOND BOARD OF AUSTRALIA INC. (ABN 31 709 079 099)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN DRIED FRUIT ASSOCIATION INC. (ABN 88 658 293 079)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN OLIVE ASSOCIATION LTD. (ABN 57 072 977 489)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIA PROCESSING TOMATO RESEARCH COUNCIL INC. (ABN 33 014 204 969)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN TABLE GRAPE ASSOCIATION INC. (ABN 69 953 034 946)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] **AUSTRALIAN WALNUT INDUSTRY ASSOCIATION INC. (ABN 26 468 336 213)** by in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **CANNED FRUIT INDUSTRY COUNCIL OF AUSTRALIA LTD. (ACN 051 989 336)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **CHERRY GROWERS OF AUSTRALIA INC. (ABN 77 797 945 686)**in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] by **AUSTRALIAN ONION INDUSTRY ASSOCIATION INC. (ABN 26 558 335 296)** in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

Signed sealed and delivered on [insert date] **WINE GRAPE GROWERS AUSTRALIA INC. (ABN 15 475 806 313)**by in the presence of:

)
)
) EXECUTED
)

Witness: _____

_____

(*witness name printed*)

TABLE OF SCHEDULES

Schedule 1 - Principles for interpretation of the Deed……1

Schedule 2 – Notices……3

Schedule 3 - Categories of Emergency Plant Pests……11

1 Categorisation of EPPs……11

2 Process for categorisation, re-categorisation or removal of an EPP and for review of Funding Weights……..12

3 Guide to parties seeking categorisation/re-categorisation/removal……15

4 Guide to parties seeking review of Funding Weights……..16

Schedule 4 - Development and Management of a Response Plan……17

1 Structure and content of an Emergency Plant Pest Response Plan (“Response Plan”)..17

2 Key roles under the National EPP Training Program……20

Schedule 5 - PLANTPLAN Documentation……...22

1 PLANTPLAN……22

2 Related Species specific Contingency Plans……22

Schedule 6 - Cost Sharing……23

1 Government Funding……23

2 Application of the formulae to determine Industry Party shares……24

The individual Industry shares……..24

3 Determination of proportional shares……..28

4 Determination of costs……...30

Schedule 7 - Funding of Cost Sharing Obligations……41

1 Payment of Industry Party shares of Cost Sharing……...41

2 Mechanism for determination of the costs of a Response Plan……..45

3 Crop, Crops or sub-group of Crops Represented by Plant Health Australia Members..47

Schedule 8 – Consultation……51

1 National Emergency Plant Pest Management Group (“NMG”) in Consideration of Emergency Plant Pest Response Plan Issues……51

2 The Committee……..53

3 Membership of the Committee in respect of an EPP……..54

4 Categorisation Group……...55

Schedule 9 – Confidentiality Deed Poll……57

Schedule 10 – Accounting and reporting 60

1 Statement of Expenditure 60

2 Monitoring of expenditure 62

Schedule 11 – Auditing 63
1 Efficiency Auditing 63
2 Financial Auditing 63
Schedule 12 – Deed of Accession 65
Schedule 13 – Categorised EPPs 68
Schedule 14 – Agreed Limits 73
Schedule 15 – Statements by Government and Industry Parties on Biosecurity Policies and Programs 75
Schedule 16 – Process for Variation or Termination of Deed 93
Schedule 17 – Guidelines for Owner Reimbursement Costs 95

Schedule 1 - Principles for interpretation of the Deed

(clause 1.2)

1.1 Words in the singular include the plural and words in the plural include the singular.

1.2 To the extent of any conflict between the terms and conditions contained in the clauses of this Deed and any provisions of the Schedules, the clauses will take precedence over the provisions of the Schedules.

1.3 All sums of money and all payments made under this Deed will be in Australian dollars, and the symbol "$" will be interpreted to mean Australian dollars.

1.4 Where the last day of any period prescribed or allowed by this Deed for the doing of any thing falls on a Saturday, on a Sunday or on a day that is a public holiday or a bank holiday in the place where that thing is to be done or may be done, then the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

1.5 A reference to this Deed means this Deed as modified, amended or varied in accordance with its provisions or any order of a court of competent jurisdiction or applicable law and a reference to another contract, deed, or similar instrument means that other contract, deed or similar instrument (as the case may be) as modified, amended or varied, including any modification, amendment or variation imposed or effected by a court of competent jurisdiction or by an applicable law.

1.6 A reference to an applicable law will mean any applicable statute, Act, code, ordinance, regulation, proclamation or any instrument of subordinate legislation.

1.7 A reference to a statute, Act, code, ordinance, regulation, proclamation or any instrument of subordinate legislation will mean that statute, Act, code, ordinance, regulation, proclamation or instrument of subordinate legislation (as the case may be) as amended, varied or modified from time to time, and will include a reference to any other instruments made under them and to any other statute, Act, code, ordinance, regulation, proclamation or instrument of subordinate legislation which replaces them.

1.8 ‘Person’ will be taken to include a body corporate, an unincorporated association, a firm or partnership (whether limited or unlimited) and an authority or organisation, notwithstanding that any of them may not be legal persons.

1.9 A reference to a thing (including a reference to an amount) is a reference to the whole and each part of the thing.

1.10 A reference to a group of persons is a reference to all of them collectively and to any two or more of them collectively and to each of them individually.

1.11 References to a person include the legal personal representatives, successors and permitted assigns of that person.

1.12 References to writing include any mode of representing or reproducing words in tangible and permanently visible form, and include telex, e-mail and facsimile transmissions.

1.13 An obligation of two or more Parties binds them jointly and severally.

1.14 If a word or phrase is defined, cognate words and phrases have corresponding definitions.

1.15 References to a body which has ceased to exist or has been reconstituted, amalgamated, reconstructed or merged, or the functions of which have become exercisable by any other person or body in its place, must be taken to refer to the person or body established or constituted in its place or the person or body by which its functions have become exercisable.

1.16 References to any matter or thing which is required to be agreed upon by the Parties must be taken to require the agreement of all the Parties to this Deed.

1.17 If a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.

1.18 A day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.

Schedule 2 - Notices

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Schedule 3 - Categories of Emergency Plant Pests

(Clause 7)

1 Categorisation of EPPs

1.1 Approach to categorisation

1.1.1 Where geographically a Crop is predominantly regionally based (i.e. the distribution of that Crop is limited to some regions of Australia), categorisation of an EPP affecting such a Crop should be undertaken as if that Crop has a broad national geographic distribution.

1.1.2 Categorisation of an EPP for a predominantly regionally based Crop should take into account, in the assessment of impacts of that EPP, significant regional impacts and give these due weighting in assessing national impact.

1.1.3 EPPs will be classified in the following manner:

Category 1

These are EPPs which if not eradicated would:

- cause major environmental damage to natural ecosystems; and/or
- potentially affect human health or cause a major nuisance to humans; and/or
- cause significant damage to amenity flora; and
- have relatively little impact on commercial crops.

This category also covers situations where the EPP has a wide range of hosts including native flora and there is considerable uncertainty as to the relative impacts on Crops. In short, it is almost impossible to properly determine which cropping sectors benefit from eradication and to what extent, and in any case the incursion primarily affects native flora and/or amenity plants, and/or is a major nuisance if not a health risk to humans.

The eradication of Category 1 EPPs would have very high public benefits.

Category 2

These are EPPs which if not eradicated would:

- cause significant public losses either directly through serious loss of amenity, and/or environmental values and/or effects on households, or indirectly through very severe economic impacts on regions and the national economy, through large trade losses with flow on effects through the economy; and

- impose major costs on the affected cropping sectors such that the cropping sectors would benefit significantly from eradication.

The eradication of Category 2 EPPs would have high public benefits.

Category 3

These are EPPs which if not eradicated would primarily harm the affected cropping sectors but there would also be some significant public costs as well (that is, moderate public benefits from eradication). The EPP could adversely affect public amenities, households or the environment, and/or could have significant, though moderate trade implications and/or national and regional economic implications.

The eradication of Category 3 EPPs would have moderate public benefits.

Category 4

These are EPPs which if not eradicated would:

- have little or no public cost implications and little or no impacts on natural ecosystems. The affected cropping sectors would be adversely affected primarily through additional costs of production, extra control costs or nuisance costs; and
- generally there would be no significant trade issues that would affect national and regional economies.

The eradication of Category 4 EPPs would have mainly if not wholly private benefits.

2 Process for categorisation, re-categorisation or removal of an EPP and for review of Funding Weights

2.1 Process

2.1.1 A concerned Party lodges a substantiated request with Plant Health Australia.

2.1.2 If Plant Health Australia agrees that the evidence presented supports categorisation, re-categorisation or removal, or review of the Funding Weight, of a Plant Pest, it must within 30 days of receipt refer the request to the Categorisation Group.

2.1.3 If Plant Health Australia advises the concerned Party that it will not, or does not within 30 days of receipt, refer a request for categorisation, re-categorisation or removal, or review of the Funding Weight, of a Plant Pest to the Categorisation Group, a Party may appeal that decision to Members at a General Meeting of Plant Health Australia.

2.1.4 Plant Health Australia must convene a Categorisation Group which must meet promptly after receipt of a request from Plant Health Australia and must consider and report on any matter referred to it.

2.1.5 The Categorisation Group must report its findings in respect of category and Funding Weight to Plant Health Australia within 30 days of receipt of the request from Plant Health Australia.

2.1.6 Plant Health Australia must refer the report of the Categorisation Group to the Relevant Parties.

2.1.7 The Relevant Parties must then determine if there is unanimous agreement between the Relevant Parties in respect of the report of the Categorisation Group by:

(a) voting at a Meeting;

(b) voting at a Meeting following pre-lodgement of votes by the Representative(s) of one or more of the Relevant Parties;

(c) voting at a Meeting subject to subsequent written ratification by the Representative(s) of one or more of the Relevant Parties who are not present at the Meeting;

(d) voting by circulated resolution; or

(e) any other method agreed to by all of the Relevant Parties.

2.1.7A If the Relevant Parties reach a unanimous agreement in respect of the report of the Categorisation Group by one of the means listed in paragraph 2.1.7, the Relevant Parties must advise Plant Health Australia of the agreement. Where that requires a variation to the Deed, Plant Health Australia must take steps to vary the Deed in accordance with the requirements of the Deed.

2.1.8 If the Relevant Parties do not reach a unanimous agreement in respect of the report of the Categorisation Group, the Board of Plant Health Australia must consider the advice of the Categorisation Group and the response from the Relevant Parties at its first Meeting following the receipt, and make a determination as to the appropriate course of action.

2.1.9 Plant Health Australia must advise the Parties of the Board's determination within 30 days.

2.1.10 The determination is final and a further submission in respect of the category or Funding Weight of the Plant Pest will not be accepted by Plant Health Australia unless further substantive information becomes available.

2.2 Form of request for categorisation (and determination of Funding Weight), re-categorisation or removal

Application for Plant Pest categorisation (including determination of Funding Weight), re-categorisation or removal of categorisation under **clauses 7.2** or **7.3** of the Deed for Government and Plant Industry Cost-Sharing of Emergency Plant Pest Responses

Chief Executive Officer
Plant Health Australia
Suite 1/1 Phipps Close

DEAKIN ACT 2600

[Name and address of Party to Deed] seeks:

categorisation and determination of Funding Weight of [name of Plant Pest] which is not presently included in **Schedule 13** of the Deed;

re-categorisation of [name of EPP], which under **Schedule 13** of the Deed, is categorised as a [Category xx] EPP; or

the removal from the Deed of [name of Plant Pest], which under **Schedule 13** of the Deed, is categorised as a [Category xx] EPP.

The basis for the request for categorisation/re-categorisation/removal is described below (or see Attachment).

It is noted that the procedure for consideration of a request for Plant Pest or EPP categorisation/re-categorisation/removal is as described in **Part 2** of **Schedule 3** of the Deed.

[INSERT TEXT OF BASIS OF REQUEST]

Yours sincerely

Signature of Party or Official Representative

2.3 Form of request for review of Funding Weight

Application for review of the Funding Weight under **clause 7.3.1** of the Deed for Government and Plant Industry Cost-Sharing of Emergency Plant Pest Responses

Chief Executive Officer
Plant Health Australia
Suite 1/1 Phipps Close
DEAKIN ACT 2600

[Name and address of Party to Deed] seeks:

review of the Funding Weight of [name of EPP];

The basis for the request for review is described below.

It is noted that the procedure for review of a Funding Weight is as described in **Part 2** of **Schedule 3** of the Deed.

[INSERT TEXT OF BASIS OF REQUEST]

Yours sincerely

Signature of Industry Party or Official Representative

3 Guide to parties seeking categorisation/re-categorisation/removal

3.1.1 The request needs to address the implications of the Plant Pest for:

(a) public health;

(b) domestic and international markets;

(c) national and regional economies;

(d) plant production;

(e) the environment; and

(f) damage to amenity flora.

3.1.2 The arguments presented should contain qualitative information and quantitative information (where this exists or can be reasonably generated).

3.1.3 In order for a categorisation/re-categorisation/removal request to be accepted by Plant Health Australia for consideration, applicants must demonstrate a reasonable basis for undertaking that categorisation/re-categorisation/removal having regard to:

(a) the nature of the Plant Pest, such as issues of:

(i) epidemiology/ecology – factors influencing the establishment and spread of the Plant Pest, such as life cycle, persistence of the organism, modes of transmission;

(ii) aetiology – ie information on the causal organism, such as its virulence;

(iii) susceptibility of plant varieties or plant species;

(iv) world distribution;

(v) resistance and immunity; and

(vi) manner and risk of introduction.

(b) the impact of the Plant Pest on:

(i) public health;

(ii) domestic and international markets for plants, plant products and other goods and services such as tourism;

(iii) national and regional economy(s);

(iv) plant production;

(v) the environment; and

(vi) amenity flora.

---

4 Guide to parties seeking review of Funding Weights

4.1.1 The request must address the relative impact of the EPP on the Affected Industry Parties.

4.1.2 The arguments presented should contain both qualitative and quantitative information (where it exists or can be reasonably generated).

4.1.3 Plant Health Australia will accept by for consideration a Review of Funding Weight request in which applicants demonstrate a reasonable basis for undertaking that review having regard to:

(a) the nature of the EPP, such as issues of:

(i) epidemiology/ecology – factors influencing the establishment and spread of the Plant Pest, such as life cycle, persistence of the organism, modes of transmission;

(ii) aetiology – ie information on the causal organism, such as its virulence;

(iii) susceptibility of plant varieties or plant species;

(iv) world distribution; and

(v) resistance and immunity.

(b) the relative impact of the EPP on the Affected Industry Party(s), such as issues of;

(i) plant production costs;

(ii) yield;

(iii) availability of cropping alternatives;

(iv) trade and market impacts.

Schedule 4 - Development and Management of a Response Plan

(Clauses 6 and 8)

1 Structure and content of an Emergency Plant Pest Response Plan ("Response Plan")

1.1 Overview

1.1.1 A GUIDE to the structure and content of a Response Plan follows. The sub-headings may be regarded as a checklist to aid in the development of the Response Plan and the Response Plan may not necessarily need to refer to all matters referred to in the sub-headings. The amount of detail will depend on the nature and extent of the EPP response, and the stage of the response.

1.1.2 However, a Response Plan submitted for initial approval by the NMG must address all of the following major headings marked with an asterisk. Other components may be developed, and their approval sought, in accordance with a timetable agreed by the Committee.

1.2 Status report on suspect Plant Pest*

1.2.1 Pest details: [Name of Pest: Common and botanical]

1.2.2 Affected host: [Affected plant: Common and botanical]

1.2.3 Diagnostic details: [How was pest detection confirmed?]

1.2.4 Description and effect: [The effect on the plant when infested, together with potential economic cost]

1.2.5 Extent of Incident: [The geographic area AND comment on severity - for example, minor outbreak]

1.2.6 Host range and epidemiology: [Spread potential, establishment potential]

1.2.7 Availability of control methods: [Can the pest be controlled (treatments/resistance)?]

1.2.8 Course of action: [Suggested methodology to eradicate an incursion]

1.2.9 Publicity: [Is the media involved? If so, how? Will the issue become public, and if so, when?]

1.2.10 Feasibility of eradication on technical and/or economic grounds

1.3 Proposed response activities (eradication strategies)*

1.3.1 Destruction of plant material

1.3.2 Destruction procedures for all infected plants and host plants within the quarantine area

(a) Any disposal issues

1.3.3 Quarantine and movement controls on plants, plant products, people, machinery and other items including details of the:

(a) Restricted area

(b) Control area

1.3.4 Decontamination and farm clean-up procedures

1.3.5 Diagnosis, tracing and surveillance

(a) Liaison between State and private laboratories

(b) Resources for surveillance and laboratory testing

1.3.6 Zoning

1.3.7 Destruction strategy

(a) Destruction protocols

(b) Priorities

(c) Processing of plants, and plant products, including by-products and waste

(d) End-use of any processed plants and plant products

1.3.8 Situation Reports production and dissemination

1.3.9 International notifications (DAFF responsibility)

1.4 Indicative budget (to be provided for each proposed response activity)*

1.4.1 Staffing

(a) Permanent staff (including accreditation to National EPP Preparedness Competency Standards)

(b) Volunteers/emergency services personnel

1.4.2 Operating

1.4.3 Capital

1.4.4 Owner Reimbursement Costs

1.5 Public Relations*

1.5.1 Industry and Community Liaison

1.5.2 Lead responsibility for liaison with media

1.6 Local Pest Control Centre (LPCC)

1.6.1 LPCC site

1.6.2 Equipment

1.6.3 Operations

(a) Diagnostic investigations

(b) Restricted area movement and security

(c) Infected premises operations

(d) Other field operations

1.6.4 Planning

(a) Epidemiology/ ecology/ taxonomy

(b) Public relations

(c) Technical specialists

(d) Liaison

1.6.5 Logistics

(a) Induction for incoming staff

(b) Administration (accommodation, meals, transport etc)

(c) Emergency services liaison

1.6.6 Infected premises operations teams

1.6.7 Forward command post (if necessary)

1.6.8 Industry Liaison

1.7 State Pest Control Headquarters (SPCHQ)

1.7.1 Structure, management and staffing

1.7.2 Planning

(a) Public relations

(b) Legal support

(c) Epidemiology/ecology, taxonomic and other specialist support

1.7.3 Operations

(a) Tracing, surveillance, movement controls and destruction

(b) Mapping and information management

1.7.4 Logistics

(a) Administration

(b) Emergency services liaison

1.7.5 Communications

1.7.6 Industry Liaison Coordinator

1.8 Information systems and management

1.8.1 Software to assist the management of EPP information;

1.8.2 Control centres information management

(a) Message forms and log sheets

(b) Files

(c) Personnel

(d) Information boards

(e) Staff information briefings

1.9 Additional research and information needs

1.10 Accounting procedures

1.11 Monitoring of cost-effectiveness of EPP Response Plan

2 Key roles under the National EPP Training Program

Chief Plant Health Manager

SPCHQ Director

LPCC Controller

LPCC managerial roles - Planning, Operations and Logistics

- Industry Liaison

SPCHQ managerial roles	- Planning, Operations and Logistics
	- Industry Liaison
	- Communications

Schedule 5 - PLANTPLAN Documentation

(Clause 6.2)

1 PLANTPLAN

PLANTPLAN (Version 1), as endorsed by Plant Health Australia members, is available on the Plant Health Australia web site. As changes are made to this document, endorsement will be obtained from Plant Health Australia members prior to replacing the outdated version on the web site.

If members wish, they may request to have an electronic copy sent via e-mail.

2 Related Species specific Contingency Plans

Species specific Contingency Plans are available from Plant Health Australia for certain of the EPPs listed at **Schedule 13**.

Schedule 6 - Cost Sharing

(Clause 9)

1 Government Funding

1.1 Determination of proportional split between the government Parties

1.1.1 The following formulae will be used to determine the share of each State and Territory of the total government Party funding.

1.1.2 The Commonwealth share is 50% of the total government Party share in each case.

Formulae explanation

1.1.3 A mean of three years is used, and updated at 1 July each year, using ABS source data (including preliminary data for most recent year if available); or if ABS data is not available, using source data provided by the Australian Bureau of Agricultural and Resource Economics, failing which an estimate agreed by the Relevant Parties. The 'Category 1' formula will use figures from the latest human population census.

1.1.4 Production and LVP data are converted to percentage terms to allow addition. The share of an individual State/Territory determined in the last column is divided by two to incorporate the Commonwealth's 50% share.

1.2 Category 1 formula

1.2.1 State/Territory proportions based on latest human population census

[a]	[b]
Human population % of national total	Share of total State/ Territory Government funding = [a] divided by 2

1.3 STPS formula

A State/Territory Party's proportional share of Local Value of Production of affected Crops in Australia is calculated as follows:

$$\frac{\text{LVP (State/Territory Party)}}{\text{LVP (All State/Territory Parties)}}$$

Where:

LVP (State/Territory Party) is the LVP for the affected Crop, Crops or sub-groups of Crops (including forestry production for logs) produced in the State or Territory of that State/Territory Party as at the applicable 1 July;

LVP (All State/Territory Parties) is the total LVP for the affected Crop, Crops or sub-groups of Crops (including forestry production for logs) produced in the States and Territories that have representation by a State/Territory Party as at the applicable 1 July.

1.4 Plant pest formula for proportional shares between State/Territory Parties

1.4.1 State/Territory shares based on LVP — Mean of three years

2 Application of the formulae to determine Industry Party shares

2.1 Industry Party Funding

2.1.1 The split of costs eligible for Cost Sharing between the Industry Parties where an EPP affects more than one Crop or concerns more than one Industry Party will be determined as follows:

2.2 Cost Sharing for EPP Responses where more than one Industry Party is Affected

2.2.1 Where an EPP affects more than one Industry Party, the contributions from the Affected Industry Parties will, subject to **clause 9.5.2**, be determined having regard to the LVP of the Crop(s) represented by each Industry Party subject to a weighting to reflect the importance of the EPP for that Crop, or Crops, and Industry Party ("**Weighted Proportional Contribution**"). The Weighted Proportional Contribution will be determined in accordance with the following formula:

The individual Industry shares (as %) = $\frac{LVP_i * W_i}{\sum LVP_i * W_i}$

where:

LVP_i = LVP of the Industry

W_i = the Funding Weights for each Industry Party set out in the table below; and

$\sum LVP_i * W_i$ = the sum of (the LVP x the applicable weighting) for each of the Affected Industry Parties

EPP Scientific Name	EPP Common Name	Almond Board of Australia	Apple and Pear Australia Ltd	Australian Banana Growers Council	Australian Dried Fruits Association Ltd	Australian Honey Bee Industry Council	Australian Macadamia Society Ltd	Australian Mango Industry Association	Australian Olive Association Ltd	Australian Processing Tomato Research Council I Inc	Australian Table Grape Association	Australian Walnut Industry Association	AUSVEG	Avocados Australia Ltd	CANEGROWERS	Canned Fruit Industry Council	Cherry Growers of Australia Inc	Citrus Australia Ltd	Cotton Australia Ltd	Grain Producers Australia Ltd	Queensland Fruit and Vegetable Growers (Growcom)	Nursery and Garden Industry Australia	Onions Australia	Rice Growers Association	Strawberries Australia Incorporated	Summerfruit Australia Ltd	Wine Grape Growers Australia
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Adoxophyes orana	**Summer fruit tortrix**		47.6																			4.8				47.6	
Amyelois transitella	**Navel orangeworm**																	23.1									
Bactericera cockerelli	**Tomato/potato psyllid**									0.04			98.8									1.2					
Bactrocera dorsalis	**Oriental fruit fly**		16.7	16.7									16.7					16.7			16.7					16.7	
Bactrocera papayae	**Papaya fruit fly**		16.7	16.7									16.7					16.7			16.7					16.7	
Bactrocera philippinensis	**Philippine fruit fly**		16.7	16.7									16.7					16.7			16.7					16.7	
***Candidatus* Liberibacter psyllaurous**	***Candidatus* Liberibacter psyllaurous**									0.02			39.5									0.5					
Cryphonectria parasitica	**Chestnut blight**																					2.9					
Cryptophlebia leucotreta	**False codling moth**		17.8										5.3					17.8	17.8	0.5	17.8					17.8	

EPP Scientific Name	EPP Common Name	Almond Board of Australia	Apple and Pear Australia Ltd	Australian Banana Growers Council	Australian Dried Fruits Association Ltd	Australian Honey Bee Industry Council	Australian Macadamia Society Ltd	Australian Mango Industry Association	Australian Olive Association Ltd	Australian Processing Tomato Research Council I Inc	Australian Table Grape Association	Australian Walnut Industry Association	AUSVEG	Avocados Australia Ltd	CANEGROWERS	Canned Fruit Industry Council	Cherry Growers of Australia Inc	Citrus Australia Ltd	Cotton Australia Ltd	Grain Producers Australia Ltd	Queensland Fruit and Vegetable Growers (Growcom)	Nursery and Garden Industry Australia	Onions Australia	Rice Growers Association	Strawberries Australia Incorporated	Summerfruit Australia Ltd	Wine Grape Growers Australia
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Erwinia amylovora	**Fireblight**		75.2			22.6															—	2.3					
Fusarium oxysporum f.sp. cubense	**Panama disease Tropical race 4**			97.1																	—	2.9					
Liberobacter asiaticus	**Huanglongbing/ Citrus Greening**																	97.1			—	2.9					
Liriomyza sativae	**Vegetable leafminer**									20.0									20.0	20.0	—	20.0	20.0				
Lygus hesperus	**Western plant bug**										0.2		12.3						7.3	55.3		3.9			1.0		
Mythimna unipuncta	**Armyworm**												31.3		3.1					31.3	—			31.3	3.1		
Nepovirus Cherry leaf roll virus	**Blackline**																				—					50.0	
Peridroma saucia	**Variegated cutworm**												97.1						2.9		—						
Phymatotrichopsis omnivorum	**Cotton root rot** **Texas root rot**		11.1															11.1	11.1	11.1	—	11.1				11.1	11.1

EPP Scientific Name	EPP Common Name	Almond Board of Australia	Apple and Pear Australia Ltd	Australian Banana Growers Council	Australian Dried Fruits Association Ltd	Australian Honey Bee Industry Council	Australian Macadamia Society Ltd	Australian Mango Industry Association	Australian Olive Association Ltd	Australian Processing Tomato Research Council I Inc	Australian Table Grape Association	Australian Walnut Industry Association	AUSVEG	Avocados Australia Ltd	CANEGROWERS	Canned Fruit Industry Council	Cherry Growers of Australia Inc	Citrus Australia Ltd	Cotton Australia Ltd	Grain Producers Australia Ltd	Queensland Fruit and Vegetable Growers (Growcom)	Nursery and Garden Industry Australia	Onions Australia	Rice Growers Association	Strawberries Australia Incorporated	Summerfruit Australia Ltd	Wine Grape Growers Australia
		%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Potyvirus Plum pox virus	**Plum pox virus/sharka**																					23.1				76.9	
Ralstonia solanacearum race 2	**Moko**			97.1																		2.9					
Tetranychus piercei	**Spider mite**			16.5									59.8							21.5		2.4					
Tribolium castaneum	**rust red flour beetle (resistant)**																			50.0				50.0			
Trogoderma granarium	**Khapra beetle**																			50.0				50.0			
Xanthomonas axonopodis pv. citri	**Citrus Canker**																	97.1				2.9					
Xylella fastidiosa	**Pierce's disease Almond leaf scorch**																					25.0				25.0	25.0

2.2.2 The resultant Weighted Proportional Contributions will be determined, and published, annually by Plant Health Australia, using LVP 3-year moving averages, and circulated to the Parties.

2.2.3 An Industry Party may appeal its Weighted Proportional Contribution by lodging a request for review within 28 days of their publication by Plant Health Australia. If a request for review is not lodged within that time, the Weighted Proportional Contributions are binding on the Industry Parties. A request for review must be referred by Plant Health Australia to a General Meeting of the Members of Plant Health Australia. Where the Weighted Proportional Contributions are varied by the General Meeting of Members, the variations take effect from the date on which the request for consideration by Members was notified to Plant Health Australia.

2.2.4 Where the Funding Weights for each Industry Party are not agreed within 5 days of the commencement of a Response Plan, the costs for the EPP Response are to be shared equally by the Affected Industry Parties until the Funding Weights are determined by Plant Health Australia in consultation with the Affected Industry Parties. If agreement cannot be reached within 15 days of the commencement of the Response Plan the Funding Weights must be determined by Plant Health Australia. An Affected Industry Party may appeal the relative Funding Weights to a General Meeting of the Members of Plant Health Australia. Where the Funding Weights and thus proportional shares are varied by the General Meeting of Members, Weighted Proportional Contributions will be varied from the date on which the request for consideration by Members was notified to Plant Health Australia.

2.3 Cost Sharing where more than one Industry Party represents a Crop

2.3.1 Where more than one Industry Party represents a Crop, where a Response Plan has been approved, the manner of Cost Sharing between those Industry Parties will be determined amongst them. Where they have not advised Plant Health Australia of their manner of apportionment for Cost Sharing, they will be equally responsible for meeting costs for which their Crop is liable under this Deed.

3 Determination of proportional shares

3.1 Determination of proportional dollar shares of an aggregate Agreed Limit where there is more than one Industry Party Affected by an EPP

In order to determine the amount each Affected government Party and Industry Party may be required to contribute to Cost Sharing if the Agreed Limit is reached in circumstances where there is more than one Industry Party Affected by an EPP (**"Proportional Share"**), the calculations set out below may be followed.

3.1.1 Determine the LVP for each of the Crops represented by the Relevant Industry Parties.

3.1.2 Calculate the aggregate LVP for the Relevant Industry Parties.

3.1.3 Calculate the percentage set out in **clause 9.5.3** (or such other percentage agreed in writing by the Affected Parties) of the aggregate LVP.

3.1.4 Determine the dollar shares of the government Parties (in total) and Industry Party(s), using the percentages applying to each Category of Plant Pest as described in **clause 9.2.1**.

3.1.5 Determine the dollar shares of:

(a) each of the government Parties, using the percentages obtained from the relevant formula described in **Part 1** of **Schedule 6**; and

(b) each of the Industry Parties (in the case of an EPP affecting more than one Crop, or in the case where more than one Industry Party represents a Crop), using the percentages described in **Part 2** of **Schedule 6**.

3.2 Changes in LVP

3.2.1 The cost sharing arrangements in place at the adoption of a Response Plan will, unless agreed in writing by all Affected Parties, remain for the period of the Response Plan, notwithstanding any changes in the LVP in the course of the Response Plan.

3.3 Sub groupings of Crops represented by an Industry Party

3.3.1 For the purposes of determination of Agreed Limits and Proportional Shares under clause 9.5, the following sub groupings apply:

Party: Australian Vegetable and Potato Growers Inc

Sub groupings:
1. Potatoes (includes all forms of potatoes)
2. Vegetables (includes all vegetable Crops represented by AUSVEG other than those covered by sub grouping 1)

Party: Grain Producers Australia Ltd

Sub groupings:
1. Wheat
2. Barley
3. Canola
4. Pulses
5. Other coarse grains

6. Other oilseeds

Party: Apple and Pear Australia Ltd

Sub groupings: 1. Apples

2. Pears

3.3.2 Where more than one Industry is Affected by an EPP and one or more of those Industries represent multiple Crops, the Proportional Shares must be determined using the LVP of the Affected Crops.

4 Determination of costs

4.1 Salaries and Wages

4.1.1 Salary or consultancy fees of staff/consultants who are, or would be, engaged by a government Party or Industry Party, irrespective of the implementation of the Response Plan, are not eligible for Cost Sharing.

4.1.2 Salaries or consultancy fees for staff/contractors engaged by the Party to assist directly with eradication and for staff/contractors engaged to backfill positions of existing permanent staff who are assisting directly with eradication will be eligible for Cost Sharing, subject to the guidelines detailed in PLANTPLAN and the formal approval of the National Management Group.

4.1.3 Salaries or wages of staff seconded across State or Territory borders will not be eligible for Cost Sharing but salaries or wages of staff/contractors engaged to backfill positions of seconded staff will be eligible for Cost Sharing subject to the guidelines detailed in PLANTPLAN and the formal approval of the National Management Group.

4.1.4 Allowances for staff/consultants engaged in the implementation of a Response Plan will be eligible for Cost Sharing. These will include meal allowances, district allowances, penalty rates and accommodation assistance.

4.1.5 Payroll tax, workers' compensation, superannuation and leave for staff especially recruited as a result of the implementation of a Response Plan will be eligible for Cost Sharing.

4.1.6 Overtime incurred directly as a result of the implementation of a Response Plan will be eligible for Cost Sharing.

4.1.7 Fees and allowances of contractors engaged by the government Parties to implement a Response Plan will be eligible for Cost Sharing up to the level of a fees and allowances structure approved by Plant Health Australia, or such other relevant fee structure.

4.2 Operating Expenses

Operating expenses directly incurred by a Party undertaking activities required by a Response Plan will be eligible for Cost Sharing subject to the following conditions:

4.2.1 For activities provided internally by a State/Territory Government agency, the cost of additional staff and operating costs incurred as a result of undertaking activities required by the Response Plan will constitute Shared Costs.

4.2.2 For laboratory services provided to a State/Territory Government by an external source to assist in the implementation of a Response Plan, the costs which may become Shared Costs will be:

(a) when the specified contracted level of service is exceeded, an amount equivalent to the marginal cost incurred in 4.2.1 by a comparable government laboratory for that additional service; and

(b) where there is no specified contracted service level, an amount not exceeding the full price that would be charged by a comparable government laboratory for those services.

4.2.3 Stores and equipment purchased for the implementation of a Response Plan for which the cost is eligible for Cost Sharing will be valued:

(a) at the time the Proof of Freedom Phase ends and will be sold within 60 days, or

(b) if disposed of prior to the end of the Proof of Freedom Phase, at the time of disposal.

4.2.4 The proceeds of any sale, or equivalent valuation, will be distributed to the Parties in the same proportions as their Cost Sharing obligations.

4.2.5 Any variation from this procedure can only be made with the approval of the Parties.

4.2.6 Costs payable to volunteer emergency services and defence personnel may be eligible for Cost Sharing but are limited to operational, out-of-pocket or incidental expenses and do not include personal expenses.

4.3 Capital Costs

4.3.1 Capital expenditure on major items such as motor vehicles or buildings will not be eligible for Cost Sharing. The working life of such capital items would normally be expected to extend far beyond any eradication effort funded under the Response Plan and there is every possibility they could be utilised in other ongoing programs.

4.3.2 Essential equipment required for the immediate servicing needs of a Response Plan will be eligible for Cost Sharing.

4.3.3 Any equipment purchased with funds which have subsequently been subjected to Cost Sharing will be dealt with as in Operating Expenses paragraph 4.2.3 above.

4.4 Owner Reimbursement Costs

4.4.1 This **Part 4.4** of **Schedule 6** sets out which payments by a government Party to an Owner (**Owner Reimbursement Costs**) may be eligible for Cost Sharing pursuant to the Deed. Owner Reimbursement Costs may relate to:

(a) direct eradication costs incurred by the Owner that are additional to ordinary operating costs;

(b) the value of Crops destroyed; and

(c) costs and losses resulting from an order being given that a property lie fallow for a period specified in paragraphs 4.4.11, 4.4.12, 4.4.13 and 4.4.14 (**Fallow Period**)

where that is done under a Response Plan for the purpose of eradication or prevention of the spread of an EPP.

4.4.2 Owner Reimbursement Costs may be payable to an Owner in accordance with this **Part 4** of **Schedule 6** in respect of the period during which the Owner's property is subject to a Response Plan.

4.4.3 Owner Reimbursement Costs are payable only to the 'Owner', which includes every person other than a mortgagee not in possession, having or claiming any right, title or interest in any plants or plant product or land.

Note: Payments in respect of some actions taken by an Owner under a Response Plan may be Operational Costs of the Lead Agency payable under that cost centre rather than as Owner Reimbursement Costs.

Claims, valuations and payments

4.4.4 A claim for Owner Reimbursement Costs must be made to the Lead Agency by, or on behalf of, the Owner within 90 days after:

(a) the date of destruction of the Crops or other property; and/or

(b) the date on which an Owner as part of a Response Plan receives an order for a Fallow Period.

4.4.5 The value of Owner Reimbursement Costs will be assessed in accordance with the provisions of this **Part 4** of **Schedule 6** by a person nominated in a Response Plan or, if no person is so nominated, by Plant Health Australia. An appeal against a valuation must be made in writing by, or on behalf of, the Owner within 30 days of receipt of notification:

(a) of the valuation of destroyed plant or plant products; or

(b) in respect of a Fallow Period, that the property is eligible to be re-sown or replanted.

4.4.6 Owner Reimbursement Costs must be paid to an Owner by the applicable State/Territory within 60 days of the completion of the valuation pursuant to paragraph 4.4.5.

Relevant date for purposes of valuation

4.4.7 The estimated Farm Gate Value of Crops for the purposes of Owner Reimbursement Costs will be determined as at:

(a) the date of destruction of the plants and/or plant products in accordance with a Response Plan (but on the basis set out in paragraph 4.4.8); or

(b) the date of destruction of the Plant Pest affecting (and which destroys the economic value of) the Crops in accordance with a Response Plan, which date may be retrospective; or

(c) the date of imposition of a Quarantine order relating to the land subject to a Response Plan requiring a Fallow Period, and

where more than one date is applicable, whichever is the earlier.

Inclusion in Owner Reimbursement Costs

4.4.8 Owner Reimbursement Costs includes:

(a) direct eradication costs incurred by the Owner that are additional to ordinary operating costs;

(b) the estimated Farm Gate Value of a Crop destroyed, or of a Crop the economic value of which is destroyed, as a consequence of the implementation of a Response Plan in accordance with this Deed (with that Farm Gate Value being determined as at the date referred to in paragraph 4.4.7(a));

(c) the loss of the estimated Farm Gate Value of Crops foregone, less the costs of production, resulting from a requirement under a Response Plan that, for a specified period, land be left fallow (with that Farm Gate Value being determined as at the date referred to in paragraph 4.4.7(a)); and

(d) costs above normal operating costs resulting from the Response Plan such as additional pest control measures, and special cleaning of machinery and equipment,

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Exclusions from Owner Reimbursement Costs

4.4.9 No Owner Reimbursement Costs (or any such part of the Owner Reimbursement Costs otherwise payable as the Committee thinks reasonable) is payable under this Deed to any Owner if the Owner has been convicted of an offence under any Act or regulations which is directly related to the eradication of the EPP to which the claim for Owner Reimbursement Costs relates.

4.4.10 Owner Reimbursement Costs will not include:

(a) the difference in Farm Gate Value between the Owner's preferred Crop and an alternative Crop or agricultural use as a result of action taken under, or a Quarantine requirement of, a Response Plan; and

(b) the actual cost of replanting a replacement Crop, except in respect of Perennial Tree/Vine/Nut Crops and Broadacre Perennial Crops.

Valuation methodology in respect of Crop destruction and post-host destruction Crop strategies

4.4.11 **Annual Broad Acre Crops**

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – B) + C + D + E – F + G

where:

A = Estimated farm gate value of the Crop(s) destroyed which would otherwise have been harvested, where the timing of valuation is normal harvest time.

= a * y * p

where:

a = area of Crop destroyed

y = estimated yield of the Crop destroyed

$$= \frac{\text{regional average yield in year t} \ * \ \text{Claimant's yield in year t–1}}{\text{regional average yield in year t–1}}$$

Where the whole district is seriously affected by the pest being eradicated and regional yields are clearly distorted, the yield (y) for the determination of Owner Reimbursement Costs paid by the applicable State/Territory will be taken as the regional average for the five years to year t–1.

Yields protected by insurance policies would be protected under this Method of Valuation (to the extent that the Owner is not able to recover under the insurance policy) and any insurance premiums are not to form part of Owner Reimbursement Costs.

p = estimated farm gate price (local silo cash price less transport costs between farm gate and silo) at the time of harvest. Specifically, the

average price for the two calendar months over which the bulk of regional harvest takes place. Where no cash prices are posted, prices are to be taken as the estimated pool return for the type and quality of Crop which was destroyed. In the event that an Owner has taken out a forward contract to deliver grain at a specific price, assessment of 'p' is to be based on this contract price rather than the cash silo price. Price is to reflect the quality of product that would otherwise have been delivered. Owners would need to demonstrate quality by way of variety sown and/or recent farm history.

In the event of there being no obvious local delivery point where cash prices are posted, the average district price (based on deliveries to closest end users or port) is to be used as the basis for payment.

B = 'Best practice' harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and harvest.

Such costs are to be standardised for the region based on estimates by State/Territory departments of agriculture.

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of profits from fallow land in subsequent years where land is required to be fallowed as part of the Response Plan.

Owner Reimbursement Costs are to be restricted to loss of profits for a maximum of three years. Methods of estimating loss of profits are the same as for the year in which the Crop is destroyed and include deductions for ground preparation and planting costs normally associated with Crop production. Such costs are to be standardised, based on 'best practice' and estimated by State/Territory departments of agriculture. Any payment of Owner Reimbursement Costs by the applicable State or Territory is to be made after harvest in that region each year.

F = Profits that could be earned from the next best alternative enterprise, produced with the same resources, on the land where the Crop is destroyed and permitted by the Response Plan.

Unless the Response Plan requires the land to be fallow, deductions are to be made on the assumption that the Owner chooses the next most profitable enterprise that could be undertaken with existing capital equipment. Gross margins for these alternative enterprises are to be standardised, based on 'best practice' and estimated by State/Territory departments of agriculture. This applies only in the year in which the Crop is destroyed. Where a strict fallow in subsequent years is not required under the Response Plan — that is, any alternative enterprise can be undertaken except production of the Crop concerned in the Response Plan, Owner Reimbursement Costs are not to include the difference in profits for the Crop in question and any alternative enterprise.

G = Value of any stored grain or other produce on-farm destroyed as part of the Response Plan. The value is to be in-silo value based on local market values less transport and handling costs at the time of destruction of the stored grain.

Where a Crop has to be destroyed shortly after planting and there is a

reasonable opportunity to plant an alternative Crop, the Owner may choose to be reimbursed for the costs of destroying the Affected Crop and planting the alternative Crop. Otherwise, the above formula will apply.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

4.4.12 **Annual Short Rotation Crops (Vegetables/Strawberries/Nursery Seedling Producers/Nursery Wholesale)**

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – B) + C + D + E – F + G

where:

A = Estimated farm gate value of the Crop(s) destroyed.

= a * y * p

where

a = area of Crop destroyed

y = yield

or a and y might refer to number of units expected to be sold, such as a number of punnets of seedlings.

The yield estimate is to take into account the type of Crop destroyed. Strawberries, for example, have a high yield in the first year, but a much lower yield in the second year.

p = farm gate price

= either:

- the average market price for the season in the region or marketplace where normal sales take place; or
- where there are signed contracts with the price stipulated on the contract, the contract price

less any transport or selling costs.

B = Harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and selling or harvesting. This is to include normal treatment or packaging and handling costs on farm for some harvested produce (for example washing or dipping of products).

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense — including cleaning of equipment or glasshouses etc.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of profits from a Response Plan requirement to fallow land or keep glasshouses empty.

These ORC are only available where the Response Plan requires a fallow period that exceeds ten weeks and are to be restricted to loss of profits for a maximum of three years. Profits are to be based on

standardised gross margins data from State/Territory departments of agriculture, based on 'best practice'. However, in some cases, for example where glasshouses are involved, profit estimates may need to be based on documentation of profits from previous years.

F = Profits that could be earned from the next best alternative enterprise, produced with the same resources, on the land where the Crop is destroyed and permitted by the Response Plan - as determined in accordance with the definition of 'F' in clause 4.4.11.

G = Value of any stored produce on farm destroyed as a directive of the Response Plan — as for annual broadacre Crops.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

4.4.13 **Perennial Trees/Vine Crops/Nut Crops/Nursery Bare Root Stock production/Large Bare Rooted Plants**

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – B) + C + D + E + F + G + H + I

where

A = Loss of profit from the current Crop destroyed.

= a * y * p

where

a = area of tree Crop destroyed

y = expected yield based on Owners' past records, taking into account any biennial bearing patterns. In particular, Owners claiming above average yields (and prices) must produce auditable records of above average returns in previous years to justify additional amounts in Owner Reimbursement Costs.

If the Owner has no records, the regional average for that Crop is to be used.

p = market price at farm gate at harvest time

B = Harvesting costs based on 'best practice' as estimated by State/Territory departments of agriculture, plus any other costs (such as watering or pruning costs) normally associated with Crop production between the time of tree destruction and harvest.

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of net profits for any fallow period required by a Response Plan.

Net profit is to be standardised based on regional gross margins calculations for the Crop in question by State/Territory departments of agriculture.

F = Tree destruction costs 'depreciated' depending on the age of the orchard in relation to a standardised period of rotation for the tree Crop in question.

Depreciation is to be based on a straight line method between full cost reimbursement at the beginning of commercial production of the rotation and the end of the rotation.

G = 'Depreciated' tree replanting costs as for tree destruction costs.

H = 'Depreciated' loss of profit during the non-bearing period of immature trees.

I = Value of any stored produce on farm destroyed as a directive of the Response Plan including seed or nuts — as for annual broadacre Crops.

If there is an opportunity following the Response Plan for modernising or upgrading the orchard — for example, closer tree plantings, more expensive varieties, or trellis plantings, the level of Owner Reimbursement Costs is to be related strictly to replacing the asset that was there. If an Owner wants to introduce more technology or better infrastructure, for example, the Owner must cover any additional costs.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

4.4.14 **Broad Acre Perennial Crops**

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A-H) + B + C + D + E + F + G
where

A = Value of the Crop destroyed

= a * y * p

where

a = Area of Crop destroyed.

y = Yield which depends on the type of Crop destroyed — for sugar, for example, whether it is a plant Crop or ratoon Crop as yields vary from year to year. For this reason, yield *y* is to be based on distinct average yields for the type of Crop destroyed — for example, ratoon or plant Crop.

p = Market price of the product.

= The average regional market price over the previous 12 months valued at farm gate.

B = Any costs of Crop destruction 'depreciated' in the same way as for perennial tree Crops.

C = Any other costs incurred by the Owner as a direct result of the Response Plan and not normally incurred as a production cost.

D = 'Depreciated' Crop replanting costs as for perennial tree Crops.

E = Loss of net profit from compulsory fallow, where fallow would not normally be part of the rotation cycle. Net profit to be standardised and based on regional gross margin estimates by State/Territory departments of agriculture averaged over the rotation cycle. A maximum of three years fallow is to be included.

F = Replacement value of any capital items destroyed as part of the Response Plan.

G = Value of any stored produce on farm destroyed as a directive of the Response Plan — as for annual broadacre Crops.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

H = 'Best practice' harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and harvest. Such costs are to be standardised for the region based on estimates by State/Territory departments of agriculture.

4.4.15 **Nursery Root Stock Production and Nursery large rooted plants**

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = A + B + C + D

where:

A = Market value or estimated market value of the plants at the time of their destruction.

B = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense. This includes tree destruction costs.

C = Replacement value of any capital items destroyed as part of the Response Plan.

D = Any stocks on hand which are destroyed due to the Response Plan.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

4.4.16 **Nurseries, Retail**

No Owner Reimbursement Costs will be paid under this category.

4.4.17 **Bees, hives, honey and associated products**

Bees and their hives are defined as included under Crops. However for the avoidance of doubt, costs which may be paid as Owner Reimbursement Costs to the owners of bees and their hives are to be calculated as follows:

ORC = A + B + C + D + E + F + G

where:

A = Value of the particular hive destroyed.

B = Value of the queen bee destroyed.

C = Value for the bee colony component.

D = Replacement value for any other capital items destroyed.

E = Any other costs incurred by the beekeeper as a direct result of the Response Plan and not normally incurred.

F = Value of any honey stocks destroyed.

G = the loss of the estimated Farm Gate Value of products foregone, less

beehive operating costs, resulting from a requirement under a Response Plan that for a specified period bees be quarantined in, or excluded from, a specified area, if applicable.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

4.4.18 The calculation of the value of the Crops or property must be undertaken upon the basis of a sale at the place at which the Crops were, or property was, when it was destroyed.

4.4.19 Plant Health Australia must consult with the Relevant Parties in varying the guidelines referred to at Part 4.4.8, and Parts 4.4.11 to 4.4.17 inclusive. The issue of guidelines must be approved by the Board of Plant Health Australia. Any Party which seeks to amend an issued guideline may have the matter determined by Members at a General Meeting of Plant Health Australia.

4.5 Certification of claims

4.5.1 All claims for Cost Sharing of costs under the Agreement must be certified by the Senior Accounting Officer and Chief Plant Protection Officer of the State, Territory or Commonwealth organisation involved or the senior accounting officer of an Industry body.

4.6 False statements

4.6.1 Any person who is:

(a) suspected of having acted with intent to mislead or defraud any of the Parties for the purpose of obtaining Owner Reimbursement Costs for himself/herself/itself or any other person under this Deed,

(b) suspected of having knowingly made a statement which is in any respect false or misleading; or

(c) suspected of fraudulent practices or of being concerned in any fraudulent act

must be reported by any Party which becomes aware of that information to the relevant authorities for appropriate action.

Schedule 7 - Funding of Cost Sharing Obligations

(Clause 10)

1 Payment of Industry Party shares of Cost Sharing

1.1.1 In this Part of this Schedule 'Industry' means an Industry the Cost Sharing obligations of which have been met by the Commonwealth under **clause 10.4.2**.

1.2 Industry obligations - repayment of Commonwealth

1.2.1 The Industry Party must ensure that the Industry repays the Commonwealth within a reasonable period (generally expected to be no longer than 10 years), having regard to the amount paid by the Commonwealth on behalf of the Industry. Repayment must be on the basis of preserving the net present value of the amount paid by the Commonwealth. In that regard, interest on each amount outstanding will accrue from the date on which it was paid by the Commonwealth and is payable at a rate equivalent to the annual inflation rate in respect of each year (or part) during which the amount remains outstanding.

1.2.2 Repayment by an Industry Party may be through statutory levy arrangements or voluntary means. The obligations on Industry Parties which decide on repayment by statutory levy arrangements are outlined in **Parts 1.3.1** and **1.4.1(a) and (b)** of this Schedule.

1.2.3 In the case of an Industry Party deciding to nominate a voluntary means of repayment, the Industry Party must provide written advice to the satisfaction of the Commonwealth, outlining the proposed voluntary repayment means. Such written advice must be provided to, and agreed to, in advance of the Commonwealth agreeing to underwrite the Industry contribution on such a basis. The Commonwealth reserves the right to refuse to agree to accept a voluntary means of repayment until it is satisfied that the Industry Party has arrangements in place that will ensure the voluntary means will enable the Industry Party to meet its repayment obligations. The Commonwealth reserves the right to seek such supporting evidence and/or written guarantees of an Industry Party as it considers necessary to satisfy itself as to the suitability of a voluntary means of payment.

1.2.4 Regardless of the agreed method of repayment, in the event an Industry is unable to meet the agreed repayment schedule the Commonwealth may, at any time, by written notice to the Industry Party, notify the Industry Party of the amount outstanding. On receipt of such a notice the Industry Party is required to enter into negotiations with the Commonwealth, by such date as is specified in the notice, to establish a new repayment schedule. A new repayment schedule may include, if deemed necessary, a new repayment methodology. Should a new repayment schedule not be agreed within two

months of the commencement of negotiations, the Commonwealth reserves the right to initiate arrangements to recover the amount outstanding, together with interest, through statutory levy arrangements.

1.3 Industry obligations - levy arrangements

1.3.1 Each of the Parties listed in the following table intends to fund its obligations in the manner indicated in the table.

Party	**Emergency Plant Pest (EPP) Response Levy**	
	Levy initially set at zero rate	**Levy set at operative rate**
Almond Board of Australia	☑	
Apple & Pear Australia Limited.	☑	
Australian Banana Growers' Council Inc.	Funding sourced through alternate means	
Australian Cane Growers Council. Ltd.	☑	
Australian Dried Fruits Association Ltd		
Australian Honey Bee Industry Council Inc		☑ Levy collected through AHA
Australian Macadamia Society Limited	☑	
Australian Mango Industry Association Limited	☑	

Australian Olive Association Ltd		
Australian Processing Tomato Research Council Inc		
Australian Table Grape Association	☑	
Australian Walnut Industry Association		
AUSVEG		
Avocados Australia Limited	☑	
Canned Fruit Industry Council		
Cherry Growers of Australia Inc	☑	
Citrus Australia	☑	
Cotton Australia	☑	
Grain Producers Australia Ltd.	☑ (Maize)	☑ (All Crops except Maize)
Nursery & Garden Industry Australia Ltd.		
Onions Australia		

Queensland Fruit & Vegetable Growers Ltd. (Growcom)	☑	
Ricegrowers Association of Australia Inc.	☑	
Strawberries Australia Inc.	☑	
Summerfruit Australia Ltd	☑	
Wine Grape Growers Australia	☑	

1.3.2 A Party may elect to adopt a funding mechanism different from that indicated in the table should it wish to do so following consultation with levy payers.

1.3.3 A Party will use its best endeavours to ensure that, within 6 months after it executes this Deed, it has concluded the process required under the Commonwealth Government's Levy Principles and Guidelines relating to the new Emergency Plant Pest (EPP) Response Levy or utilisation of the Plant Health Australia levy to include an Emergency Plant Pest (EPP) component. Should an Incident affecting the Party occur before that process has been concluded, the Party will use its best endeavours to accelerate conclusion of that process.

1.3.4 Following the conclusion of that process, the Commonwealth will take the necessary steps to introduce the legislation or subordinate legislation to give effect to the levy or other arrangements.

1.4 Industry obligations - Response Plan

1.4.1 If a Response plan is implemented:

(a) an Affected Industry Party in respect of the Crop, Crops or sub-group of Crops of which the levy was initially set at zero rate, must take steps in accordance with the Commonwealth Government's Levy Principles and Guidelines to ensure that the rate of levy is increased to such operative rate as will enable the Party to meet its repayment obligations to the Commonwealth as set out in section (1) above;

(b) an Affected Industry Party in respect of the Crop, Crops or sub-group of Crops of which the levy was set at an operative rate, must:

(i) review the amount held in reserve as a result of the levy receipts; and

(ii) if that amount, together with other amounts reasonably expected to be received as a result of future levy receipts, is reasonably considered to be insufficient to enable the Party to meet its repayment obligations to the Commonwealth as set out in section (1) above, the Party must take steps, in accordance with the Commonwealth Government's Levy Principles and Guidelines, to ensure that the rate of levy is increased to such rate as will enable the Party to meet those obligations; and

(c) an Affected Industry Party in respect of the Crop, Crops or sub-group of Crops of which a voluntary means of repayment was agreed with the Commonwealth, must review those arrangements to ensure that the Party can meet its obligations to the Commonwealth as set out in section (1). If those arrangements are deemed to be insufficient to meet its obligations, the Industry Party must ensure alternative arrangements are established to meet those obligations.

2 Mechanism for determination of the costs of a Response Plan

2.1.1 The Lead Agency(s) must keep financial details of the Response Plan in accordance with **clause 12.1.1**. The Lead Agency(s) must arrange for external audit of their financial statements relating to the Response Plan in accordance with **clause 12.4**.

2.1.2 The Lead Agency(s) and each Affected Party that has incurred costs which qualify for Cost Sharing should submit to Plant Health Australia, as soon as possible after the end of each three month period, a claim in the format provided by Plant Health Australia to the relevant financial officer of the Affected Party. Plant Health Australia may seek such information as it considers necessary to enable verification of claims.

2.1.3 Plant Health Australia will coordinate and collate claims for Cost Sharing in accordance with **clause 12.1.4** and will maintain records of funds paid by or to Parties in accordance with **clause 12.1.5**.

2.1.4 Plant Health Australia will sum the claims, together with any costs it has incurred in accordance with **clause 9.7**, to determine the aggregate amount for Cost Sharing.

2.1.5 Using the cost-share proportions determined in accordance with **Parts 1, 2** and **3** of **Schedule 6**, Plant Health Australia will determine the gross amounts payable by each of the Affected Parties.

2.1.6 The amounts (if any) claimed for Cost Sharing are then deducted from the respective gross amounts to determine a net amount payable. Note: For the Lead Agency(s) this net amount can be expected to be negative.

2.1.7 Plant Health Australia will then advise the Affected Parties of the amount payable or amount receivable (if the net amount in the previous paragraph is negative) on a no more than 3 monthly basis (unless otherwise agreed by NMG). If there is more than one Affected Party with an amount receivable, Plant Health Australia will advise the amount payable to them by each of the remaining Affected Parties. In the case of Industry Affected Parties that have an agreed arrangement with the Commonwealth for meeting their obligations pursuant to **clause 9.2** retrospectively, the amount payable by those Affected Parties will be added to the share of the amount payable by DAFF.

2.1.8 The Affected Party(s) with an amount receivable will invoice the other Affected Parties, with payment terms 30 days from the date of invoice.

2.1.9 Where a Response lasts in excess of 6 months, Plant Health Australia must put in place processes (and other Parties must assist it to undertake those processes) to enable interim invoicing and payment of Shared Costs.

3 Crop, Crops or sub-group of Crops Represented by Plant Health Australia Members

Representing Party	Crop Name
Almond Board of Australia Inc	Almonds
Apple and Pear Australia Ltd	Apples
	Pears (excluding Nashi)
Australian Banana Growers' Council Inc	Bananas
Australian Cane Growers Council Ltd	Sugar Cane
	Sugar Cane (cut for plants)
Australian Dried Fruit Association Inc.	Grapes - Dried
Australian Honey Bee Industry Council Inc	Beeswax
	Honey
Australian Macadamia Society Limited	Macadamias
Australian Mango Industry Association	Mangoes
Australian Olive Association Ltd.	Olives
Australian Onion Industry Association Inc.	Onions
Australian Plantation Products and Paper Industry Council	Tree plantations for wood product and pulp/paper production
Australian Processing Tomato Research Council Inc.	Tomatoes - Canning
Australian Table Grape Association Inc.	Grapes – Tables
Avocados Australia Ltd.	Avocados
Australian Walnut Industry Association Inc.	Walnuts
Australian Vegetable and Potato Growers' Federation Inc	Beans - French and Runner
	Beans - French and Runner (for processing)
	Beetroot
	Broccoli
	Brussels sprouts

Cabbage

Cabbage (for seed)

Capsicums, Chillies and Peppers

Carrot

Carrot (for seed)

Cauliflower

Cauliflower (for seed)

Celery

Chinese Cabbage

Cucumber

Eggplant

Leek

Lettuce

Marrows and Squashes

Parsley

Parsnips

Peas - Green

Peas - Green (for processing)

Peas - Green (for seed)

Peas - Snow

Potatoes (fresh and processing)

Potatoes (for seed)

Pumpkins, Triambles and Trombones

Swede

Sweet Corn

Zucchini

Grains Producers Australia	Barley
	Canary Seed
	Canola
	Cereal Rye
	Chick Peas
	Cow Peas
	Faba Beans
	Field Peas
	Grains (oilseed) - Linseed, Flax, Linola
	Legumes (grain)
	Lentils
	Lupins
	Maize
	Millet
	Mung Beans
	Navy beans
	Oats
	Peanuts
	Pigeon Peas
	Safflower
	Sorghum
	Soybeans
	Sunflower
	Triticale
	Vetches (for seed)
	Wheat

Canned Fruit Industry Council of Australia Ltd.	Apricots – Canning
	Peaches - Canning
	Pears – Canning
	Plums - Canning
Cherry Growers of Australia Inc.	Cherries
Citrus Australia Ltd	Citrus (other)
	Grapefruits
	Lemons and Limes
	Mandarins
	Oranges (Navel)
	Oranges (other)
	Oranges (Valencia)
Cotton Australia Ltd.	Cotton
Nursery and Garden Industry Australia Ltd	Nursery crops
Queensland Fruit and Vegetable Growers Ltd	Pineapples
Ricegrowers' Association of Australia Inc	Rice
Strawberries Australia Ltd	Strawberries
Summerfruit Australia Ltd	Apricots
	Interspecific Prunus hybrids
	Nectarines
	Peaches
	Plums
	Stone Fruits
Wine Grape Growers Australia Inc.	Grapes - Wine

Schedule 8 - Consultation

(Clause 11)

1 National Emergency Plant Pest Management Group ("NMG") in Consideration of Emergency Plant Pest Response Plan Issues

1.1 Composition

1.1.1 The NMG, when considering Response Plan issues, will be comprised of a representative of each of the Affected Parties who should be:

(a) the Secretary of DAFF (Chair);

(b) the Chief Executive Officer of the State and Territory Government Parties;

(c) the President, Chairman (or officer who is properly authorised in writing to bind the Party) of each of the Affected Industry Parties; and

(d) the Chairman of Plant Health Australia (non-voting).

1.2 Terms of Reference

1.2.1 The NMG will:

(a) receive advice from the Committee on technical issues relating to an EPP or a Response Plan;

(b) receive regular reports from the Committee, including budgeted, committed and actual expenditure on a Response Plan;

(c) have responsibility for the key decisions in a Response Plan, including:

(i) the approval of a Response Plan, which includes an indicative budget;

(ii) the review of a Response Plan where the NMG believes the cost may exceed the Agreed Limit;

(iii) having regard to the advice of the Committee and pursuant to **clause 9.1.1(b)**, the determination of the relevant and reasonable investigation and diagnostic costs of the Incident Definition Phase;

(iv) the setting of an upper limit on expenditure from time to time, at a level less than the Agreed Limit, below which

Response Plan expenditure may be committed by the Lead Agency(s) without reference to the NMG;

(v) the determination of whether a Party or other person has acted appropriately in the matter of reporting of an EPP;

(vi) a determination that an EPP has been eradicated (acting on advice from the Committee);

(vii) an endorsement of a determination by the Committee that an EPP is not capable of eradication by means of a Response Plan; and

(viii) the consideration of efficiency audit reports and the financial audit report;

(d) refer relevant issues arising out of a Response Plan to members of Plant Health Australia for consideration;

(e) report as necessary to PIMC in regard to a Response Plan; and

(f) where NMG rejects the advice of the Committee on matters under sub-paragraphs (i) to (vii) of this Part, report its reasons in writing to PIMC.

1.3 Meetings in respect of Response Plans

1.3.1 The NMG will meet as necessary to consider policy and financial issues associated with the implementation of a Response Plan and to ensure its effective management. The NMG may meet face to face, by teleconference or by video link.

1.3.2 Members may be represented at Meetings by a delegate identified by the member to the Chair at the commencement of the Response Plan.

1.3.3 Decisions must be made by Consensus with the exception of Cost Sharing decisions which must be unanimous.

1.3.3A Only the Chief Executive Officers of the State and Territory Parties and Industry Party/s President, Chairman or other authorised officer which will, or may, be required to contribute to Shared Costs in relation to a Response Plan have a right to vote in respect of that Response Plan.

1.3.4 Members may be accompanied by advisers who have specific expertise but these persons will not be a party to decisions.

1.3.5 Members of the NMG or their delegates need to be available at short notice (less than 24 hours).

1.3.6 The Committee will communicate with the NMG via the Chair of the Committee.

1.3.7 Whichever Party provides the Chair of NMG will provide its Secretariat services, and will provide reports of Meetings to each of the Affected Parties.

1.3.8 Where NMG does not:

(a) meet to consider a proposed Response Plan within 30 days of its receipt from the Committee; or

(b) approve or reject the proposed Response Plan within 30 days of its receipt from the Committee,

the proposed Response Plan will be deemed to be rejected.

1.3.9 If a proposed Response Plan has been deemed to have been rejected under paragraph 1.3.8, the Committee may resubmit the proposed Response Plan, or an amended proposed Response Plan, to the NMG at a later date.

2 The Committee

2.1 The Committee's role in respect of an EPP

2.1.1 To effectively and efficiently co-ordinate the national technical response to EPPs, and to advise Meetings of the NMG on EPP issues in accordance with this Deed.

2.2 Terms of reference

2.2.1 The Committee is the key technical coordinating body providing the link between the Commonwealth, States/Territories, Industry, Plant Health Australia and the NMG for Plant Pest emergencies.

2.2.2 Under this Deed, the Committee has specific responsibilities that include to:

(a) receive formal notifications from government Parties on Incidents;

(b) determine if the Incident concerns an EPP;

(c) advise the NMG if a Response Plan is required;

(d) make recommendations to the NMG in respect of the detail of a Response Plan;

(e) consider regular reports on progress of a Response Plan and develop a Consensus on further actions required;

(f) having regard to any baselines agreed pursuant to **clause 14.1.2**, advise the NMG in respect of **clause 9.1.1(b)** as to the investigation and diagnostic costs that are relevant and reasonable in the circumstances of the Incident Definition Phase of the Response Plan;

(g) provide regular consolidated reports to the Affected Parties, and to the NMG, on the status of a Response Plan;

(h) in circumstances where rapid eradication of an EPP is judged no longer feasible, provide advice and recommendations to NMG on when Cost Sharing should no longer apply and on options for alternative arrangements;

(i) determine and advise the NMG when an EPP has been eradicated under a Response Plan; and

(j) recommend when proof of freedom has been achieved following the successful implementation of a Response Plan.

3 Membership of the Committee in respect of an EPP

3.1 Chairperson

3.1.1 The Chief Plant Protection Officer DAFF convenes and chairs Meetings of the Committee. The chairperson has the right to vote.

3.2 Standing representatives of Commonwealth, State and Territory plant health agencies

3.2.1 All State and Territory CPHMs or equivalent (or their nominees).

3.2.2 One representative from each of Biosecurity Australia and AQIS (non-voting).

3.2.3 A representative of Plant Health Australia (non-voting).

3.3 Members representing Relevant Industry Parties

3.3.1 In advance of the determination of a Response Plan, the Industry Parties will each provide to the Committee's secretariat two nominees who will join the Committee immediately in an emergency affecting their Crop, Crops or sub-group of Crops and they will have the right to vote. The nominees will comprise:

(a) a representative nominated in advance by the Industry Parties collectively but drawn from an organisation that is a member of Plant Health Australia; and

(b) a technical representative nominated by the Relevant Industry(s).

3.4 Observers/resource persons

3.4.1 Members may be accompanied by advisers who have specific expertise but these persons will not be party to decisions. A person with relevant health, environment and amenity flora expertise may also be invited to attend Committee meetings if appropriate to the emergency. However, the number of observers/resource persons must be kept to the essential

minimum. All attendees must be announced and recorded as 'present' in the minutes. Members are responsible for ensuring that the observers that they invite abide by the requirements of the Committee's Operating Guidelines.

3.5 Meetings

3.5.1 Decisions must be taken by Consensus.

3.5.2 Whichever Party provides the Chair of the Committee will provide its secretariat services, and will provide reports of Meetings to each of the Affected Parties.

3.5.3 The Committee may meet face to face, by teleconference, by video link or by email.

4 Categorisation Group

4.1 Procedure

4.1.1 The Categorisation Group must meet by teleconference, videoconference or face-to-face and to report its findings to Plant Health Australia within 30 days of being convened by Plant Health Australia.

4.1.2 Decisions of the Categorisation Group will be made by Consensus.

4.1.3 In the event that Consensus cannot be reached, the matter will be referred to the Board of Plant Health Australia.

4.1.4 Costs associated with Categorisation Group operations will be met by Plant Health Australia out of its EPP Program budget.

4.2 Terms of Reference

4.2.1 Taking into account relevant scientific and other knowledge and experience, the Categorisation Group must consider requests for categorisation, re-categorisation or removal from categorisation of an EPP.

4.2.2 Taking into account relevant scientific and other knowledge and experience the Categorisation Group must determine, and where requested review, the Funding Weight for an EPP.

4.3 Membership

4.3.1 As a minimum the Categorisation Group will comprise:

(a) An independent chair from Plant Health Australia;

(b) one standing member representing Industry Parties nominated by the Board of Plant Health Australia;-

(c) 3 technical experts (people with specific expertise in the relevant areas of plant pathology or entomology), 1 nominated by the Commonwealth, 1 nominated by the States and Territories, and 1 nominated by the Industry Party(s);

(d) a person with relevant economic expertise, including in social, trade and regional and national impact assessment nominated by the Chairman of Plant Health Australia; and

(e) a nominee from each Industry Party Affected by the EPP being categorised.

4.3.2 Where appropriate, a Categorisation Group may seek advice from:

(a) a person with public health expertise, if a public health risk may exist;

(b) a person with amenity flora expertise, if an amenity flora risk may exist;

(c) a conservation representative; and/or

(d) other relevant members determined by the independent chair.

4.4 Observers/resource persons

4.4.1 Advisers who have specific expertise may accompany members but these persons will not participate in decision making. Health and Environment Department staff may also be invited if appropriate to the emergency. However, the number of observers/resource persons must be kept to the essential minimum. All attendees must be announced and recorded as 'present' in the minutes. Members are responsible for ensuring that the observers that they invite abide by the requirements of the Categorisation Group's Operating Guidelines.

4.5 Decisions by the Categorisation Group

4.5.1 Decisions of the Categorisation Group must be made by Consensus agreement at a Meeting held in accordance with part 4.1.1 of this Schedule 8 at which a quorum is present. A quorum of the Categorisation Group is present if each of the persons listed in subparts 4.3.1(a), (b) and (c) of this Schedule 8 are present, together with:

(a) if there are six or less Affected Industry Parties, the nominees of all of those Parties; and

(b) if there are seven or more Affected Industry Parties, the nominees of at least half of those Parties.

Schedule 9 – Confidentiality Deed Poll

(Clause 11.4.2(e))

The Emergency Plant Pest Deed (the "**EPP Deed**") provides for Industry Representatives to be involved in consultations in the Emergency Response Phase and Proof of Freedom Phase of Incidents relevant to their cropping sector. Consequently, there is potential for information to be available to or received by these Representatives that is of a confidential nature. This information may include:

(a) commercial in confidence information relating to a third party

(b) sensitive information relating to government policies or financial interests

(c) information which attracts to legal professional privilege

(d) internal working documents

(e) information relating to national security or international relations

(f) personal information.

It is therefore intended that Industry Representatives sign a Confidentiality Deed Poll before receipt of confidential information. The Deed Poll is intended to be enforceable against the signatory by any Party to the EPP Deed that has disclosed, or has an interest in, confidential information, even though no other party has executed the document.

The confidentiality undertakings made by Industry Representatives under each Deed Poll are in addition to the confidentiality undertakings made by the Relevant Parties under the EPP Deed.

The Deed Poll will be in the following, or a similar, format – to be determined by Plant Health Australia from time to time.

DRAFT CONFIDENTIALITY DEED POLL

I, [ ] of [ ], undertake and represent as follows:

1. In this Deed Poll unless the contrary intent appears, words and phrases have the same meaning as given in the Emergency Plant Pest Deed (the "**EPP Deed**").

2. I am participating in consultations and activities relating to the Emergency Response Phase and the Proof of Freedom Phase of an Emergency Plant Pest response forming part of an Emergency Plant Pest Response Plan (**Response Plan**) conducted under the Deed as a Representative of one of the Parties to the Deed.

3. In the context of those activities, I will receive Confidential Information which I understand to include information acquired or produced by or available to me arising out of or in connection with my participation in Meetings, teleconferences and other activities forming part of a Response Plan under the Deed.

4. I understand **Confidential Information** to include information which a Party indicates to be confidential or which I should reasonably be aware is confidential, other than information which:

   (a) is already in the public domain or, after the date of this Deed Poll, becomes part of the public domain otherwise than as a result of an unauthorised disclosure by a Party or its Representatives;

   (b) is or becomes available to me from a third party lawfully in possession of this information and who has the lawful power to disclose such information to me on a non-confidential basis;

   (c) was in my possession without restrictions as to its use or was developed by me (as shown by my written record or other competent evidence) prior to the date of disclosure to me under this Deed Poll; or

   (d) I am required by law to disclose.

5. I hereby undertake to each Party:

   (a) subject to paragraph 5(f), to comply with the requirements notified to me by Plant Health Australia Limited or the Consultative Committee on Emergency Plant Pests regarding use of Confidential Information;

   (b) not to disclose or use Confidential Information for purposes other than those for which it is provided to me;

   (c) to only make Confidential Information available to those persons who have a “need to know” for the proper performance of the Response Plan;

   (d) to ensure that Confidential Information is stored with or protected by appropriate security, having regard to the nature of the Confidential Information and the medium in which it is found;

   (e) to ensure that Confidential Information is used only in accordance with any conditions or limitations advised by the disclosing Party or Parties or by any of their clients with whose material or verbal information I am working; and

   (f) to ensure that Confidential Information is not, except as required by law, disclosed to any other party or made public without the prior approval in writing of the disclosing Party or Parties as the case may be.

Executed as a DEED POLL

Signed by:

_____

in the presence of :

Witness: _____

_____

(*witness name printed*)

Date: _____

[**Notes for completion of this Deed Poll**:

Form of execution and attestation clause will need to comply with any requirements of the jurisdiction in which this Deed Poll is made.]

Schedule 10 – Accounting and reporting

(Clause 12.2)

1 Statement of Expenditure

A guide to the structure and content of the report to be submitted to each relevant Meeting of the Committee follows. The sub-headings may be regarded as a checklist to aid in the development of the report and the report may not necessarily need to refer to all matters referred to in the sub-headings. The amount of detail will depend on the nature and extent of the Response Plan, and the stage of the Response Plan**.**

1.1 EPP Response Plan (Response Plan)

1.1.1 Approved expenditure limit: $_____

1.2 Staffing

Agency *Salary and wages of staff employed* Eligible staff directly employed with the Response Plan (x persons @ $/day @ y days) - salary and wages - on-costs (eg payroll tax, superannuation, insurance)	$
Private [plant health, health, environment and amenity flora experts] Private plant health, health, environment and amenity flora experts engaged under contract to assist directly with the Response Plan: fees and allowances at rates approved by the Committee or other relevant fee structure	$
Volunteers	$

Allowances	$
Meal allowances for all persons assisting directly with the Response Plan, where meals not provided. - x persons @ $/day @ y days penalty and overtime payments for eligible staff - x persons @ $/day @ y days	

1.3 Operating expenses

Accommodation	$
- x persons @ $/day @ y days Meals - x persons @ $/day @ y days Travel expenses (a) group - bus hire x buses @ $/day (rate depends on size) (b) individuals x motor vehicles @ y cents/km (rate depends on size) x airfares @ $y (return economy) Contractor services - earthmoving x days @ $/day @ y days - security x days @ $/day @ y days - transport and courier x days @ $/day @ y days - other (specify) Plant and equipment Chemicals/pesticides for destruction/decontamination Consumables	

Communications (installation, hire charges etc) Laboratory - State labs ($/test @ x tests) - Private labs ($/test @ x tests)	

Capital Items

Depending on the scale of the Incident, purchase of capital equipment would be ineligible. Most items may be able to be hired or leased.	$

Owner Reimbursement Costs – for development purposes only

See Part 4.4 of Schedule 6.	$

2 Monitoring of expenditure

2.1 The NMG will set an upper limit on expenditure by reference to the indicative budget that forms part of the approved Response Plan and to the willingness of the Parties to commit to that limit having regard to the Cost Sharing principles. The upper limit may be less than but no more than the **Agreed Limit** determined under **clause 9.5.1**. The Lead Agency(s) and the Committee may commit expenditure without reference to the NMG whilst the budgeted and actual expenditure reported to NMG from time to time under **clause 12.2.2** is less than the upper limit and within the conditions set by the approved Response Plan**.** The upper limit should be regularly reviewed by the NMG and communicated to participants in the Response Plan. Expenditure by the Lead Agency(s) in excess of the upper limit applying from time to time may not be approved by the NMG for Cost Sharing.

Schedule 11 – Auditing

(Clause 12)

1 Efficiency Auditing

The efficiency audit should form a systematic and independent examination to determine whether eradication activities and any related activities comply with the approved Response Plan, and whether the Response Plan is implemented effectively and is suitable to achieve its objectives.

The efficiency auditor must have regard to the following matters:

(a) whether the response activities detailed in the Response Plan are being implemented as described;

(b) whether the response activities of the Lead Agency are conducted in an effective and efficient manner;

(c) whether the expenditures made by the Lead Agency or other Affected Party under the Response Plan and for which the Lead Agency or other Affected Party seek to be subject to Cost Sharing, are valid, accurate and in accordance with **Part 4** of **Schedule 6** of the Deed; and

(d) to recommend on corrective action to modify the Response Plan where necessary.

Progressive audit reports will be required during the course of the implementation of the Response Plan as required by the Affected Parties, and in particular at the end of each six months (or other agreed period) referred to in **Schedule 7**.

A final audit report must be provided to the NMG within 60 days of completion of the Proof of Freedom Phase.

The audit must be conducted in accordance with Australian Auditing Standards.

2 Financial Auditing

The financial auditor must have regard to the following matters:

(a) attestation of financial data incorporated in prescribed financial statements prepared by the Lead Agency (and by other Parties seeking payment of Shared Costs), including the expression of an opinion as to whether the financial statements fairly present the financial position and the results of financial operations in terms of the Deed, accounting standards and other administrative guidelines;

(b) examination of financial systems and transactions including an evaluation of compliance with the Deed;

(c) reporting of observations or suggestions about any matters arising from audits that the auditor considers should be brought to the attention of the Parties;

(d) where they become apparent in the course of the audit, the identification of any potential claims or litigation matters which may involve any Parties, whether jointly or individually, and the extent of any exposure to such claims or litigation; and

(e) any other activities and issues that the Affected Parties may require.

For the purpose of conducting any audit within the auditor's mandate, the auditor is entitled at all reasonable times to full and free access to all documents, records and property relevant to the audit and necessary co-operation from auditee personnel to aid in accomplishing the audit task.

A final audit report will be provided to all Affected Parties within 60 days of completion of the Proof of Freedom Phase (or such other date as agreed by the Affected Parties).

The audits must be conducted in accordance with Australian Auditing Standards.

Schedule 12 – Deed of Accession

(Clause 3.4)

THIS DEED IS MADE ON 20[xx]

PARTIES

PLANT HEALTH AUSTRALIA LIMITED (ABN 97 092 607 997) of Unit 1, 1 Phipps Close, Deakin on behalf of Parties to the Emergency Plant Pest Deed.

(**Plant Health Australia**)

AND

[REPLACEMENT BODY]

[(Name)]

BACKGROUND

A The Party representing the [name of Crop, Crops or sub-group of Crops] (**Existing Party**) as a Party to the Emergency Plant Pest Deed (**EPP Deed**) a copy of which is annexed to this Deed has advised that it has ceased or will shortly cease to be representative of its Crop, Crops or sub-group of Crops.

B [Replacement body], a body nationally representative of that cropping sector, has applied to become a Party to the EPP Deed.

C The Parties to the EPP Deed have agreed unanimously that [Replacement Body] should become a Party to the EPP Deed.

AGREEMENT

1 Accession

1.1 [Replacement body] agrees from the date of execution of this Deed by both Parties to this Deed ('**Effective Date**') to be become a Party to and to be bound by and accept the obligations and liabilities arising under the EPP Deed from the Effective Date.

2 Existing Party ceases

2.1 The Parties acknowledge that pursuant to **clause 3.3.1** of the EPP Deed [Existing Party] ceases to be a Party to the EPP Deed from the Effective Date.

3 Existing Party liability and obligations

3.1 The Parties also acknowledge that pursuant to **clause 3.3(a)** of the EPP Deed the Existing Party will remain liable for any liabilities accrued to other Parties to the EPP Deed prior to the Effective Date except to the extent that [Replacement Body] has agreed in this Deed to meet those obligations.

3.2 Replacement Body has agreed in this Deed to meet the following obligations:

[ ]

4 Counterparts

4.1 This Deed may be executed in a number of counterparts and if so executed, the counterparts taken together constitute one Deed.

5 Further assurance

5.1 Each Party must, at its own expense, promptly execute all documents and do all things that another Party from time to time reasonably requests to give effect to the terms and conditions of this Deed and the transactions incidental to it.

6 Agency

6.1 No Party to this Deed has, except as otherwise specified in this Deed, any right to act on behalf of, represent itself as agent for, or otherwise bind, the other Party.

7 Entire Agreement

7.1 This Deed, read in conjunction with the EPP Deed, constitutes the entire agreement between the Parties in relation to the subject matter of this Deed. Any prior arrangements, agreements, representations or undertakings are superseded and each Party acknowledges that it has not relied on any arrangement, agreement, representation or understanding which is not expressly set out in this Deed.

8 Governing law and jurisdiction

8.1 This Deed is governed by and must be construed in accordance with the laws of the Australian Capital Territory.

EXECUTED as a DEED on [insert date]

Signed sealed and delivered by **PLANT HEALTH AUSTRALIA LIMITED (ABN 97 092 607 997)** in the presence of:)
)
)
)

_____ _____

Director (*name printed*)

_____ _____

Director/Secretary (*name printed*)

Signed sealed and delivered by **[REPLACEMENT BODY]** in the presence of:)
)

_____

Witness: _____

_____

(*witness name printed*)

Schedule 13 – Categorised EPPs

Updated Version, 29 September, 2010.

(Clause 7.2.4)

The EPPs which have been classified are set out below.

Scientific Name	Common Name	Formal Category 22/3/04
Category 1		
Ceratocystis ulmi	Dutch elm disease	**1**
Phytophthora ramorum	Sudden oak death	**1**
Uredo rangelii	Myrtle rust	**1 (13/8/10)**
Category 2		
Adoxophyes orana	Summer fruit tortrix	**2**
Bactrocera dorsalis	Oriental fruit fly	**2**
Bactrocera papayae	Papaya fruit fly	**2**
Bactrocera philippinensis	Philippine fruit fly	**2**
Blood Disease Bacterium	Blood Disease	**2**
Candidatus Liberibacter psyllaurous	*Candidatus* Liberibacter psyllaurous	**2 (29/9/10)**
Conotrachelus nenuphar	Plum weevil	**2**
Cryphonectria parasitica	Chestnut blight	**2**
Cryptophlebia leucotreta	False codling moth	**2**
Erwinia amylovora	Fire blight	**2**

Scientific Name	Common Name	Formal Category 22/3/04
Fusarium oxysporum f.sp. cubense	Panama disease Tropical race 4	**2**
Liberobacter asiaticus	Huanglongbing/Citrus Greening	**2**
Magnaporthe grisea	Rice blast	**2**
Mycosphaerella fijiensis	Black Sigatoka	**2**
Phymatotrichum omnivorum	Texas root rot	**2**
Pomacea canaliculata	golden apple snail	**2**
Potyvirus Plum pox virus	Plum pox virus/sharka	**2**
Ralstonia solanacearum race 2	Moko	**2**
Sesamia grisescens	stem borer	**2**
Tilletia indica	Karnal bunt	**2**
Trogoderma granarium	Khapra beetle	**2**
Unknown	Ramu Stunt	**2**
Xanthomonas axonopodis pv. citri	Citrus Canker	**2**
Xylella fastidiosa	Pierces disease	**2**
Category 3		
Aleurolobus barodensis	Sugarcane whitefly	**3**
Amyelois transitella	Navel orangeworm	**3**
Anisogramma anomala	Hazelnut blight	**3**
Anthonomus bisignatus	Strawberry bud weevil	**3**
Anthonomus grandis	boll weevil	**3**
Apiosporina morbosa	Black knot	**3**

Scientific Name	Common Name	Formal Category 22/3/04
Bactericera cockerelli	Tomato/potato psyllid	**3 (29/9/10)**
Banana Bract Mosaic Virus	Banana Bract Mosaic Disease	**3**
Begomovirus Cotton leaf curl virus	Cotton leaf curl disease	**3**
Ciborinia camelliae	Camellia petal blight	**3**
Clavibacter michiganensis subsp. sepedonicus	Ring rot	**3**
Daktulosphaira vitifolii	Grape Phylloxera Type B	**3**
Diaphorina citri	Citrus psyllid	**3**
Diuraphis noxia	Russian wheat aphid	**3**
Globodera rostochiensis	Potato cyst nematode	**3**
Guignardia bidwellii	Black rot	**3**
Guignardia musae	freckle	**3**
Leptinotarsa decemlineata	Colorado potato beetle	**3**
Liriomyza sativae	Vegetable leafminer	**3 (3/2/09)**
Lissorhoptrus oryzophilus	Rice water weevil	**3**
Mayetiola destructor	Hessian fly	**3**
MLO	European stone fruit yellows	**3**
MLO	Peach X disease	**3**
Monilinia fructigena	Brown rot	**3**
Nepovirus Cherry leaf roll virus	Blackline	**3**
Noorda albizonalis	Red banded borer	**3**

Scientific Name	Common Name	Formal Category 22/3/04
Numonia pirivorella	Pear fruit moth	**3**
Otiorhynchus rugosostriatus	Rough strawberry weevil	**3**
Peronosclerospora sacchari	Sugarcane downy mildew	**3**
Phakopsora euvitis	Grapevine leaf rust	**3**
Phoma tracheiphila	Mal Secco	**3**
Phytopthora fragariae var. fragariae	Phytophthora	**3**
Potato spindle tuber viroid	Potato spindle tuber viroid	**3**
Roesleria subterranea	Grape root rot	**3**
Scirtothrips aurantii	South African citrus thrips	**3**
Stagonospora sacchari	Leaf scorch	**3**
Sternochetus frigidus	Mango pulp weevil	**3**
Sugarcane White Leaf Phytoplasma	White leaf	**3**
Tilletia barclayana	Kernel smut of rice	**3**
Tribolium castaneum	rust red flour beetle (resistant)	**3**
Verticillium dahliae	Verticillium wilt (defoliating strain)	**3**
Xanthomonas axonopodis pv. malvacearum	Bacterial blight Bacterial blight, angular leaf spot	**3**
Xanthomonas fragariae	Angular leaf spot	**3**
Category 4		
Acleris comariana	Strawberry tortrix	**4**

Scientific Name	Common Name	Formal Category 22/3/04
Erionota thrax	banana skipper butterfly	**4**
High plains virus	High plains virus	**4**
Lygus hesperus	Western plant bug	**4 (13/8/10)**
Mythimna unipuncta	Armyworm	**4**
Peridroma saucia	Variegated cutworm	**4**
Puccinia asparagi	Asparagus rust	**4**
Sugarcane streak mosaic virus	Streak mosaic sugarcane streak mosaic	**4**
Tetranychus piercei	Spider mite	**4**
Wheat spindle streak mosaic virus	Wheat spindle streak mosaic virus	**4**

Schedule 14 – Agreed Limits

(Clause 9.5.2(d))

The following are the Agreed Limits notified by Industry Parties as at the Operative Date and as approved by the Parties:

Industry Party	Agreed Limit
Apple and Pear Australia Limited (ACN 101 551 348)	2% of the LVP of the Affected subgroup of Crops identified in Part 3.3.1 of Schedule 6 in relation to the relevant Industry Party
Australian Banana Growers' Council Inc. (ABN 60 381 740 734)	$20 million
Australian Cane Growers Council Ltd. (ABN 26 051 583 549)	
Citrus Australia Ltd. (ABN 75 130 238 792)	2% of the LVP
Cotton Australia Ltd. (ABN 24 054 122 879)	
Australian Honey Bee Industry Council Inc. (ABN 63 939 614 424)	Zero
Australian Macadamia Society (ABN 19 010 689 415)	2% of LVP
Australian Mango Industry Association Ltd. (ABN 50 713 775 301)	
Australian Nut Industry Council Ltd. (ACN 075 338 108)	
Australian Vegetable and Potato Growers' Federation Inc. (ABN 20 870 994 238)	
Avocados Australia Ltd. (ABN 87 105 853 807)	2% of the LVP
Australian Plantation Products & Paper Industry Council (ABN 40 005 904 898)	
Grain Producers of Australia Ltd (ABN 66 675 415 182)	2% of the LVP of the Affected subgroup of Crops identified in Part 3.3.1 of Schedule 6 in relation to the relevant Industry Party

Nursery and Garden Industry Australia Ltd. (ABN 37 001 318 136)	2% of the LVP of the affected crop
Queensland Fruit and Vegetable Growers Ltd. (ABN 51 090 816 827)	2% of LVP
Ricegrowers Association of Australia Inc. (ABN 65 191 537 636)	2% of the LVP
Strawberries Australia Inc. (ABN 53 635 363 679)	$1 million
Summerfruit Australia Ltd (ABN 51 105 962 196)	$5 million

Schedule 15 – Statements by Government and Industry Parties on Biosecurity Policies and Programs

Government Statements

15.1 Australian Government

15.2 State of Queensland

15.3 State of New South Wales

15.4 State of Victoria

15.5 State of South Australia

15.6 State of Tasmania

15.7 Western Australian Government

15.8 The Northern Territory of Australia

15.9 The Australian Capital Territory

Industry Statements

15A Banana Industry

15B Cotton Industry

15C Strawberry Industry

15D Australian Mango Industry

15E Sugar industry

15F Citrus industry

15G Grains Industry

15H Tropical Fruits Industry

15I Rice Industry

15J Viticulture Industry

15K Summerfruit

15L Nursery and Garden Industry

15.1

AUSTRALIAN GOVERNMENT STATEMENT ON BIOSECURITY FOR THE GOVERNMENT AND PLANT INDUSTRY COST-SHARING DEED IN RESPECT OF EMERGENCY PLANT PEST RESPONSES

1. Overview

The plant biosecurity responsibilities of the Australian Government are delivered principally through the Agriculture, Fisheries and Forestry portfolio. This includes the Department of Agriculture, Fisheries and Forestry (DAFF), Biosecurity Australia (BA), Research and Development Corporations, and the Australian Pesticides and Veterinary Medicines Authority. In addition, the Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Australian Customs Service, the Department of Environment and Water, the Department of Defence, and the Office of the Gene Technology Regulator contribute to Australia's plant biosecurity.

The principal areas within DAFF that conduct biosecurity-related activities are:

- the Australian Quarantine and Inspection Service;
- the Product Integrity, Animal and Plant Health Division;
- the Bureau of Rural Sciences; and
- the Australian Bureau of Agriculture and Resource Economics.

The freedom from pests and diseases of Australia's agricultural industries and the environment is of utmost importance to the nation. For this reason, successive Australian Governments have maintained a conservative but not a zero-risk approach to the management of biosecurity risks. This approach is consistent with the World Trade Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) and is evident in the range of biosecurity related activities, including policies on imported commodities, procedures at the border, and operations against incursions of pests and diseases.

Australia's approach to the management of the threat of pest and disease incursion is based on risk analysis underpinned by science. This approach allows issues of substance to be identified and essential response and risk mitigation measures to be implemented as required.

Plant (and animal) health is protected through a continuum focussed on pre-border, border and post border activities.

- Pre-border, the Australian Government is engaged with its trading partners and regional neighbours to counter diseases and pests aimed at reducing the likelihood of their spread. This cooperative approach boosts Australia's ability to actively monitor and reduce the risk of disease crossing our borders. Significant effort is also invested in gaining intelligence and promoting Australia's interests in the evolution of trade rules, codes and standards.
- At the border, the system is designed to screen people, goods and mail entering the country in order to intercept and mitigate potential threats to Australian agriculture and public health.

- Post border, the effort is targeted at the early detection and effective response to pest and disease threats, whether foreign or endemic. Response systems and plans are well developed and tested to combat outbreaks. At each stage of the continuum, success is dependent on a partnership between governments, industry and the community.

2. Pre-border

The aim of the Australian Government's pre-border activities is to actively reduce the threat of exotic pests and diseases emerging domestically. Seven principles are applied in the development of offshore activities:

- Identify pest and disease threats;
- Increase Australia's knowledge of pest and diseases that may enter;
- Implement appropriate preventative and control measures;
- Develop appropriate preparedness and response strategies;
- Undertake research on pest and diseases of concern, with mutual benefit to Australia and countries where they are endemic; and
- Increase offshore awareness of Australia's quarantine arrangements.

These principles are reflected in the Australian Government's cooperation with regional neighbours, participation in trade standard setting forums, undertaking import risk assessments, offshore quarantine arrangements and protection of our northern borders from pest and disease incursions.

2.1 Regional biosecurity

Strong ties with neighbouring countries are important in assisting them to enhance their own biosecurity arrangements, and through this, minimise the risk of diseases reaching Australia.

The Australian Government, through DAFF, is involved in developing international networks to better enable the identification of potential exotic plant pest and disease threats. This aids in developing appropriate mitigation strategies, serves Australian interests in developing appropriate international plant health standards, and facilitates trade. This is accomplished through promoting plant health issues in international forums and through regional aid programs such as the AusAid regional capacity building program.

2.2 International trade standard setting

In international forums, the Australian Government by its membership and active participation, pursues the development and adoption of fair, science-based SPS standards applying to international trade.

The Australian Government's participation in forums such as the International Plant Protection Convention, APEC, Asia and Pacific Plant Protection Commission, Asia Pacific Forestry Commission, Pacific Plant Protection Organisation and bilateral and multilateral agreements enhances Australia's capacity to conduct appropriate surveillance, diagnostics and response programs for exotic plant pest and disease threats.

2.3 Biosecurity policy development and implementation

Australia's conservative approach to development of biosecurity policy requires that the Government comprehensively communicate about our biosecurity regime, in order to demonstrate its fairness, science-base and efficacy to our trading partners. As a corollary, communication with domestic stakeholders is important, to ensure that they are fully informed of all the steps the Government is taking and that they can give useful and meaningful feedback on biosecurity issues.

Biosecurity Australia has an ongoing role in researching, developing and evaluating plant (and animal) biosecurity strategies and methodologies for mitigating the risks associated with imports. Import Risk Analysis conducted by Biosecurity Australia identifies the pests and diseases relevant to an import proposal, assesses the risks posed by them and, if those risks are unacceptable, specifies what measures should be taken to reduce those risks to an acceptable level.

In keeping with the scope of the *Quarantine Act 1908* and Australia's obligations as a member of the WTO, economic considerations are taken into account only in relation to matters arising from the potential direct and indirect impact of pests and diseases that could enter, establish or spread in Australia as a result of importation. Such risk management measures may include those that are carried out before the goods reach Australia.

2.4 Offshore quarantine activities

The Australian Quarantine and Inspection Service (AQIS) is continuously involved in a wide range of pre-border quarantine functions, including offshore pre-inspections of military personnel and equipment and offshore pre-inspection of agricultural and mining machinery in several countries.

2.5 Northern Australia Quarantine Strategy

The Northern Australia Quarantine Strategy (NAQS):

- assesses quarantine risks in Northern Australia; and
- provides early warning of incursion of exotic pests and diseases.

The program operates in a coastal strip (with inland high-risk areas), which stretches from Cairns to Broome, and includes the Torres Strait Islands, Papua New Guinea, Indonesia and Timor-Leste. NAQS scientists regularly survey risk areas across northern Australia for signs of new plant (or animal) pests, diseases and weeds. NAQS staff also carry out joint survey and monitoring activities in Papua New Guinea and Indonesia. Activities designed to increase the probability of detecting disease incursion, such as public awareness and research into better testing methods, are also carried out.

3. Border

3.1 Australian Quarantine and Inspection Service (AQIS)

AQIS is responsible for the administration of the *Quarantine Act 1908* and its related legislation. The Act provides powers for quarantine officers to deal with quarantine matters, sets out the legal basis for controlling the importing of goods, animals and plants and determines the offences for breaches of the Act. Failure to comply with legislative requirements may, in serious cases, result in heavy fines or terms of imprisonment. All serious breaches of

quarantine laws are investigated by specialist investigators and prosecution can be expected where evidence of a breach of the quarantine laws is established.

AQIS provides quarantine inspection services for the arrival of international passengers, cargo, mail, animals and plants or their products into Australia, and inspection and certification for a range of plant and animal products exported from Australia.

AQIS ensures:

- protection of Australia's agricultural production, consumers and environment through efficient inspection systems;
- protection of human health and the health of the Australian flora and fauna through effective quarantine systems; and
- market access worldwide for Australian exports through international negotiations and efficient certification systems.

Plant Programs: Within AQIS, the Plant Programs area implements import protocols for plants and plant material intended for propagation. The system of quarantine implementation involves the following activities:

- screening all imported plant material for quarantine diseases;
- examining plants and planting material after arrival;
- examining health certification accompanying consignments for compliance with the import permit conditions;
- managing the risk associated with variations of the import permit conditions to ensure equivalence;
- liaising with overseas certifying authorities to ensure the certification is consistent with the permit conditions;
- formulating standards for private quarantine stations;
- inspecting, monitoring and auditing private and state operated quarantine stations;
- managing the imports of high-risk plant material through the State government operated facilities through Compliance Agreements; and
- ensuring compliance with environmental regulations.

Education and awareness: Communication, education and awareness of quarantine issues at the border are integral parts of the quarantine continuum. The *AQIS Bulletin* is published several times a year and provides a range of information on activities of relevance to industry clients and the community. The Incoming Passenger Card (IPC), which must be completed by all passengers arriving in Australia, is published in a number of languages. Quarantine awareness brochures are provided in a range of languages in pamphlet form, and via the Internet. The national and international quarantine awareness campaign, *Quarantine Matters!*, is aimed at a range of audiences, including international travellers to Australia (both returning Australians and visitors), cargo importers, international mail recipients, students, the travel industry and rural industries such as those dealing with animals and horticulture.

3.2 The Australian Customs Service

The Australian Customs Service processes all imported cargo, mail and personal goods. In the border environment Customs responsibilities are broad ranging, including enforcing Australian law on behalf of other agencies such as AQIS.

Customs intercepts prohibited or restricted items including wildlife, quarantine items and goods which breach intellectual property rights. To improve passenger processing, some Customs checks are done before an aircraft leaves for Australia. Airlines provide Customs with advance notice of passenger details, which are analysed to identify risk factors. Customs officers are also trained to risk assess passengers and identify those individuals who may be of interest. Passengers may have their baggage searched or x-rayed to identify goods of interest to border control agencies. Customs provides similar processing for ships' passengers.

Customs Coastwatch has a fleet of fixed and rotary wing aircraft. Coastwatch has the ability to respond quickly to incidents and adapt its surveillance program as operational conditions demand. It can coordinate response activities by Customs own fleet of ocean going vessels or Royal Australian Navy vessels.

The Customs National Marine Unit plays a significant role in border security by maintaining a strategic presence around the Australian coast and responding to known or suspected border incidents. Joint patrols are also conducted within the territorial seas of neighbouring countries including Papua New Guinea. The National Marine Unit also provides an enforcement presence on fisheries patrol vessels in the Southern Ocean.

3.3 Department of Defence

The Australian Defence Force conducts surveillance and regional operations in support of other government agencies such as AQIS and the Australian Fisheries Management Authority. These activities involve biosecurity matters such as disease monitoring and the protection of natural resources.

4. Post-border

Australia’s post-border focus is to have in place pest and disease prevention and response plans and procedures that are up to date, well resourced, and supported by flexible legislative capability.

4.1 Department of Agriculture, Fisheries and Forestry (DAFF)

Product Integrity, Animal and Plant Health Division (PIAPH): This Division provides a coordinated national approach to issues related to animal health and welfare, plant health and protection, and residues and food safety that affect Australian agriculture, fisheries and forestry. The Office of the Chief Plant Protection Officer is located within PIAPH.

DAFF has responsibility for the national coordination of responses to agricultural emergencies. This includes the chairing of the Consultative Committee on Emergency Plant Pests and the

National Management Group, and associated meetings and the provision of secretariat support to these; ensuring linkages to other Australian Government agencies including through a National Communications Network; coordination of trade strategies; and communication to the public. To ensure that DAFF performs these responsibilities in an effective manner, a Departmental coordination plan (Critical Incident Response Plan) is in place. The CIRP is a generic response plan that describes the Department's coordination and support arrangements for any incidents involving a plant, animal, or aquatic animal health emergency or an animal welfare, food residues or other food safety incident. The plan is maintained by PIAPH, which also provides training to DAFF personnel and oversees the availability of suitable Departmental systems and facilities.

To ensure that Australian Government agencies coordinate effectively in the event of an agricultural emergency, PIAPH has developed the Australian Government Agricultural Emergency Plan. It lists the agencies most likely to be involved in a response, describes notification arrangements and roles and responsibilities. It provides a mechanism by which a cohesive whole of government position on policy, trade, resource and communication issues can be agreed and input to national response groups. These coordination arrangements permit up to date, comprehensive and ongoing advice to the Australian Government on all facets of the response (for example plant health, trade, human health, socio economic and budgetary impacts and options). This is of particular importance in larger scale emergency responses.

PIAPH also has responsibilities in the post-border area for

- working with state and territory governments and industry in the development of plant health policies and programs of national significance;
- enhancing Australia's ability to maintain and further develop its plant health status by promoting and supporting improvements in plant health capacity and infrastructure.

Bureau of Rural Sciences (BRS): BRS provides scientific advice to support policy development and decision making, such as spatial analysis of land use and land management.

Australian Bureau of Agriculture and Resource Economics (ABARE): ABARE undertakes economic research and provides economic advice to support the Department's aim of improving the profitability, competitiveness and sustainability of these industries, while enhancing the natural resource base on which they rely. It also provides advice on incursion management decisions.

ABARE's Exotic Incursion Management (EIM) model provides the Department with an additional tool for analysing the economic impact of potential plant incursions. The simulation framework enables analysis of a range of strategic and tactical responses in the event of an exotic plant incursion. These responses include:

- incentives to increase self-reporting of incursions on-farm;
- improvements in the level of detection elsewhere in the production chain; and
- the establishment of quarantine regions.

The model also generates estimates of the direct and indirect costs associated with plant diseases or pest incursions, analysing the impact not only on the agricultural industries directly affected, but the resulting flow-on effects to the surrounding rural and regional communities.

The estimation of these longer term economic effects on the industry and wider community can be used to assist in determining categorisation for cost sharing arrangements.

4.2 Department of Environment and Water

The Department of Environment and Water (DEW) advises the Australian Government on policies and programs for the protection and conservation of the environment, including both natural and cultural heritage places.

DEW has an interest in the development and implementation of national measures and agreed programs to control and manage invasive species. Reflecting these roles and in partnership with DAFF, it undertakes a broad range of activities to regulate and control invasive species.

4.3 CSIRO

CSIRO Entomology undertakes research on insects, related arthropods and terrestrial invertebrates, and provides support and independent scientific advice to DAFF on invasive species and their management.

It operates high-level containment facilities suitable for plant health research in Brisbane and Canberra and maintains the Australian National Insect Collection (ANIC). The ANIC serves as a national and regional reference collection for pest insects and plant-parasitic nematodes and provides diagnostics services in support of incursion management.

4.4 Research and Development Corporations

In the rural sector, Research and Development Corporations (RDCs) are responsible for meeting the research and development (R&D) needs of industry and the broader community. The Government is effectively a partner with industry in the funding and subsequent delivery of R&D outputs through the corporations. The basis of this partnership is the Government's commitment to match industry R&D contributions on a dollar-for-dollar basis up to an amount equivalent to 0.5% of the industry's gross value of production.

The RDCs are expected to integrate industry and Government research priorities in developing their strategic and annual operating plans. These rural R&D priorities include maintaining confidence in the integrity of Australia's food, fish and forestry products and protecting Australia from invasive diseases and pests.

4.5 Plant Health Australia

The Australian Government is the largest single stakeholder in Plant Health Australia Limited (PHA), the peak national coordinating body for plant health in Australia. PHA is a public company limited by guarantee whose members are the Australian Government, all State and Territory Governments and 25 plant industry organisations. It was formed to identify and coordinate activities to address current and emerging national plant health issues that impact on Australia's plant industries.

4.6 Australia's Biosecurity System for Primary Production and the Environment (AusBIOSEC)

The enhancement of AusBIOSEC is being progressed as a whole-of-government project under the leadership of a joint Natural Resource Management and Primary Industries Standing Committee (NRMSC/PISC) Steering Group. The Australian Government is providing the secretariat for this process, which aims to integrate the existing elements of Australia's

Biosecurity System under an overarching framework of common principles and guidelines so biosecurity arrangements can more efficiently be implemented consistently across sectors and jurisdictions. AusBIOSEC will address situations that are not covered by existing arrangements, such as an outbreak of a plant pest or disease with primarily social or environmental impacts.

5. Other Biosecurity elements

5.1 APVMA

The Australian Pesticides and Veterinary Medicines Authority (APVMA) administers the National Registration Scheme for Agricultural and Veterinary Chemicals.

The APVMA operates the national system which evaluates, registers and regulates agricultural and veterinary chemicals. Before an agricultural or veterinary chemical product can enter the Australian market, it must go through the APVMA's rigorous assessment process to ensure that it meets high standards of safety and effectiveness. An emergency use permit for an off-label use of a registered product or for the supply and/or use of an unregistered product may be granted to control a pest or disease outbreak for which there is no registered product.

5.2 Office of the Gene Technology Regulator

The *Gene Technology Act 2000*, which came into force on 21 June 2001, introduces a national scheme for the regulation of genetically modified organisms in Australia, in order to protect the health and safety of Australians and the Australian environment by identifying risks posed by or as a result of gene technology, and to manage those risks by regulating certain dealings with genetically modified organisms.

(Clause 13.1.3)

15.2

Statement on Plant Biosecurity Policies and Programs

Department of Employment, Economic Development and Innovation

Queensland

for the

Plant Health Australia Emergency Plant Pest Deed

Table of Contents

Scope of Statement **2**

Plant Biosecurity in Queensland **2**

Strategy 3
Service Delivery 4
Legislation 4
Biosecurity Queensland Ministerial Advisory Council 4

Plant Biosecurity Program **5**

Sub-program 1 - Policy leadership and business improvement 5
Sub-program 2 – Preparedness and Response 5
Sub-program 3 – Market Protection 6
Sub-program 4 – Market Access 7
Plant Biosecurity and Product Integrity Operations 8
Plant Biosecurity and Product Integrity Science 8
Biosecurity Queensland Control Centre 8
Forest Health 9

Scope of Statement

This statement outlines Queensland's plant biosecurity policies and programs, delivered by the Department of Employment, Economic Development and Innovation (DEEDI), that form the basis for Queensland's commitment to the Emergency Plant Pest Response Deed ('the Deed'). The Deed is a mechanism to facilitate the making of rapid responses to, and the control and eradication of, Emergency Plant Pests[1] (EPPs), which in general terms are harmful plant pests of regional and national significance that are either not present in the country, or restricted in distribution and under active and official control. Seventy-eight of the most significant quarantine pests have been classified as EPPs.

This statement, as required by the Deed[2], outlines Queensland's "…*Biosecurity policies and programs relevant to (its) responsibilities including Feral, neglected and unmanaged plants and Plant Pests, and public and environmental policies."*

The scope of this statement is limited to EPPs and to their host plants. Feral, neglected and unmanaged plants in Queensland are defined as 'volunteer' plants[3]. This statement does not refer to weeds, which the Deed excludes from the definition of 'feral' plants.

A state is required[4] to report in July of each year any material changes to the content of, or to its commitment to, its Biosecurity Statement, and state any reduction in its resources available for its implementation and identify any legislative obstacles to the operation of an industry's biosecurity measures.

Plant Biosecurity in Queensland

Plant production industries make significant contributions to the national, state and local economies. Key cropping industries in Queensland include grains, cotton, tropical fruit, vegetables, amenity horticulture and forestry. Crop production is worth over $5 billion annually to Queensland. Some 40 percent of the state-wide value is exported, with major markets including Asia, the United States of America, the Middle East and New Zealand. Queensland's location gives it production advantages over other states for tropical and sub-tropical crops and for early-season production of temperate crops, so that interstate markets are very important.

Markets interstate and overseas are acutely sensitive to the threat of pests and potentially will close access to Queensland produce should there be a significant pest incident, even if the incident was in another state. These impacts tend to cascade throughout the plant industry environment. Ongoing market access depends on being able to demonstrate the favourable health status of Queensland's plant industries. This reality means that Queensland must maintain its commitment to national preparedness, surveillance and response programs.

Plant health is also a key determinant of the viability, productivity and sustainability of Australia's crop industries. Many pests, irrespective of their market and human health impacts, may devastate industries or production systems at state, district or farm levels.

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1 Definition of an EPP is in the Deed s1.1.

2 s13.1.3(b)

3 Schedule 2, Plant Protection Act 1989. The Act provides power (s15) to an inspector to direct owners to destroy volunteer plants, or to destroy them, if it is necessary to prevent, control or remove an infestation of a declared pest.

4 S13.1.4

Strategy

The Queensland Government recognises the importance of biosecurity to the State's economy, environment and people, and has demonstrated its commitment to building its biosecurity system by the development of the Queensland Biosecurity Strategy. The Queensland Biosecurity Strategy sets out the strategic directions all biosecurity stakeholders will be working towards from 2009-2014. The Strategy sets out the high level goal and strategies for biosecurity in Queensland, The goals are to:

- prevent exotic pests and diseases from entering, spreading or becoming established in Queensland
- ensure significant pests and diseases already in Queensland are contained, suppressed or managed
- contribute to the maintenance of Australia's favourable national and international reputation for freedom from many pests and diseases, market access for agricultural commodities, product safety and integrity, and diverse ecosystem sustainability.

These goals are to be achieved through government, industry and the community working together to improve biosecurity systems and build biosecurity capability and capacity, through the following mechanisms:

<u>Improving biosecurity systems:</u>

- build leadership and good governance within Queensland and nationally to underpin an effective biosecurity system
- take a more preventative approach to biosecurity risk
- pursue early detection of new pests and diseases and demonstrate our favourable status through better coordinated and designed surveillance systems
- be more prepared for and mount more efficient and timely emergency responses to incursions of pests and diseases
- improve the ongoing management of established pests and diseases and reduce their impacts
- take a particular focus on tropical biosecurity to account for the unique climatic and demographic conditions that exist in Queensland.

<u>Building biosecurity capability and capacity</u>

- prioritise biosecurity resources and investment to areas of greatest biosecurity risk and impact
- take a more strategic approach to the science that underpins biosecurity through stronger partnerships, better linkages with biosecurity priorities and better extension
- increase awareness of biosecurity to get more people involved and help them understand the role they play
- provide a contemporary legislative framework and reduce the regulatory burden and compliance costs facing Queenslanders when they manage pests and diseases

- build the capability of Queenslanders to undertake biosecurity activities and deliver biosecurity services.

Service Delivery

Biosecurity Queensland, a service of DEEDI, is responsible for leading the initiatives that seek to achieve the Queensland Biosecurity Strategy's goals. Other DEEDI business groups also contribute significantly to the Biosecurity output. Linkages with other DEEDI units, other Queensland Government agencies, interstate government agencies, Australian government agencies and foreign collaborators provide access to a range of relevant expertise across all plant production sectors, including native and plantation forestry. Key linkages are with:

- DEEDI's Agri-science Queensland, which provides science, innovation and associated services including diagnostics, risk analysis, surveillance, commodity hygiene, pest control and policy development and carries out relevant RD&E.

- The Queensland Department of Environment and Resource Management, which plays a role in management of the natural environment and environmental pests.

- The Australian Quarantine and Inspection Service (AQIS), Biosecurity Australia (BA) and the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF)

- Plant Health Australia (PHA), a company formed by the Commonwealth, states and plant industries to coordinate and develop a national approach to plant biosecurity and

- Plant industry peak bodies and key representative bodies, that promote plant biosecurity amongst their membership.

Legislation

Biosecurity powers for plants (other than timber species) in Queensland are provided in the *Plant Protection Act 1989*[5] (and the *Plant Protection Regulation 2002*), the main objectives of which are to:

- Prevent, control or remove pest infestation of plants in Queensland

- Help other jurisdictions prevent, control or remove plant pests, diseases, pest infestations, infection or conditions and

- Facilitate the movement of plants into and out of Queensland.

Forest pests are dealt with under the *Diseases in Timber Act 1975* and the *Diseases in Timber Regulation 1997*.

The entirety of Queensland's biosecurity legislation is currently under review, and it is expected that new legislation, in the form of a single Biosecurity Act, will commence in the next few years.

Biosecurity Queensland Ministerial Advisory Council

The Biosecurity Queensland Ministerial Advisory Council (BQMAC) is an initiative of Biosecurity Queensland and was established in June 2010. The role of the BQMAC is to provide independent strategic advice to the Minister for Primary Industries, Fisheries and Rural and

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[5] Queensland legislation is available on-line at http://www.legislation.qld.gov.au/OQPChome.htm

Regional Queensland on Queensland's biosecurity. It includes representatives from industry, resource management, local government and animal welfare groups.

Plant Biosecurity Program

The Plant Biosecurity and Product Integrity (PB&PI) Program, within Biosecurity Queensland, mitigates the risks and impacts to the economy, the environment, social amenity and human health that are associated with product quality and safety, as well as plant pests and diseases. The strategic objectives of the Program area for plant biosecurity are:

- Business, Trade & Investment and Innovation ~ Lead plant biosecurity prevention, response and recovery efforts to maintain and expand market access and liveability.

- Positioning Queensland for the Future ~ Lead plant biosecurity prevention, response and recovery efforts to protect Queensland's natural environment.

Biosecurity Queensland has structured its plant biosecurity program into four key sub-programs, below which sit projects and activities designed to deliver outputs that accord with Biosecurity Queensland's annual business plan.

Sub-program 1 - Policy leadership and business improvement

National and State Policy and Legislation

The objective of this project is to ensure that there is a strategic policy and legislative framework in place that manages the risks to Queensland's plant health status, and minimises the impact of plant pests and diseases on industry, the environment and the community.

It seeks to align plant biosecurity policy and direction with Queensland Government, departmental, and national priorities. The Program area is responsible for developing, implementing and reviewing policy and legislation to ensure it meets emerging needs. In doing so, we participate in national plant biosecurity policy forums and maintain professional networks to access expertise. We aim to engage and consult with our stakeholders, and ensure they have input into the development of state and national plant biosecurity policies, strategies, priorities and objectives.

Program Leadership and Transformation

This project aims to improve the system in which the plant biosecurity business must operate. This includes improving planning, management and reporting systems as well as budgetary and financial management systems. We aim to prioritise, resource, manage, deliver and continually improve the outcomes of the plant biosecurity program, within resource constraints. This will ensure that resource allocation is aligned with business priorities, and that program planning and performance management is both effective and efficient.

Sub-program 2 – Preparedness and Response

Planning and Response Preparedness

Government and industry each have roles and responsibilities in the management of biosecurity risks and maintaining the favourable health status of Queensland's plant industries. A more integrated approach by the relevant government and industry agencies in preparedness and response to plant biosecurity threats will minimise the risk and impact of emergency plant pest (EPP) incursions in Queensland.

The purpose of the Biosecurity Planning and Response Preparedness project is to enhance the preparedness and response capacity of government and industry in the event of an EPP incursion in Queensland. This project will facilitate the development of a planned, agreed and consistent prevention and preparedness framework for EPP incursions, with principles and specifications (e.g. risk identification and management systems) that can be incorporated in government, industry and individual level plans.

The project will engage with plant industry and other government organisations to effectively mitigate biosecurity risks through shared responsibility and sound risk management principles. It also aims to ensure an effective response capability for plant pest incursions to reduce the risk and impacts of biosecurity incidents and emergencies on Queensland's plant industries. Biosecurity Queensland maintains a core of staff that is trained and capable in dealing with incursion responses in accordance with PLANTPLAN.

Scientific Support and Risk Analysis

The purpose of the Plant Biosecurity Scientific Support and Risk Analysis project is to provide science and risk-based decision support across the Plant Biosecurity program. It addresses issues and risks at the pre-border, border and post-border levels of the biosecurity continuum. It seeks to:

- Ensure decision making in the Plant Biosecurity and Product Integrity program is underpinned by sound scientific knowledge and information, and effective risk assessment and management.

- Ensure plant health diagnostic capacity is available to the Plant Biosecurity and Product Integrity program for rapid and accurate detection and identification of plant biosecurity threats.

A strong scientific and risk analysis capability is necessary to ensure decisions are based on sound scientific evidence and information and enable effective management of biosecurity risks.

Maintaining an appropriate level of scientific and technical skills, expertise and knowledge in plant health diagnostics is also necessary to manage current plant biosecurity threats and respond to new pest incursions in Queensland.

The Project area also performs a coordinating role in accessing and compiling state-wide technical comment on domestic and international market access proposals. These extend to formal input into the Commonwealth's Import Risk Analysis process.

Sub-program 3 – Market Protection

Surveillance

As a signatory to the International Plant Protection Convention, Australia has a responsibility to monitor and report its domestic pest status. Queensland also has similar responsibilities in respect to its domestic trading partners

The purpose of the Plant Biosecurity Surveillance project is to implement surveillance that provides evidence to support claims about Queensland's plant health status. Surveillance aims to detect emergency plant pests prior to establishment in production areas, delimit infestations of emergency plant pests and substantiate claims of area freedom to support market access for Queensland produce. Biosecurity works with various other agencies such as AQIS to broaden the area freedom and response surveillance network.

The Project also includes planning and prioritising surveillance activities, working with community and industry to capture passive surveillance data, implementation of training, assessment and auditing programs for surveillance, and maintaining information management systems for surveillance.

Torres Strait Fruit Fly Strategy

The purpose of the Torres Strait Fruit Fly Strategy project is to protect Queensland industries from the threat of exotic fruit fly (Bactrocera spp) which annually enter Torres Strait. Preventing the establishment of exotic fruit fly species on the Queensland mainland ensures that Queensland trade status is protected.

The project is delivered according to a defined national funding arrangement and a technical strategy that is delivered jointly by both Biosecurity Queensland at the Australian Quarantine and Inspection Service. It includes participation in national technical advisory panel meetings and discussion, completion of national reporting and invoicing requirements, and maintaining the Long Term Containment Strategy for Exotic Fruit Fly in Torres Strait.

Sub-program 4 – Market Access

Market Access Systems

The purpose of the Market Access Systems Project is to facilitate market access for plants and parts of plants into and out of Queensland while preventing the spread and introduction of pests and diseases of quarantine concern. Activities under the Project include;

- negotiating market access conditions,
- planning and prioritising market access activities,
- developing, implementing and maintaining up to date information management systems for certification and accreditation systems; and
- investigating new and innovative systems that support access for plants and plant produce to markets with quarantine restrictions.

This Project area seeks to retain/gain market access for Queensland's plant and plant product industries, and ensure product traceability requirements are met.

Certification & Accreditation Services

The purpose of the Certification and Accreditation Services Project is to provide a certification and accreditation service that verifies consignments of plants and products and other restricted items meet specified intrastate, interstate and international quarantine or market access requirements. In doing so, the Project facilitates the movement of plants and plant products into and out of Queensland, and helps other jurisdictions prevent, control or remove plant pests and diseases. Activities include:

- Government Inspection and Certification Services (GIS);
- Interstate Certification Assurance (ICA) Scheme accreditation and certification;
- area and property freedom accreditation and certification;
- other statements or declarations relating to plant health required by another state or territory government or the quarantine authority of another country; and

Market Access Solutions – Dimethoate and Fenthion project

The purpose of the Dimethoate and Fenthion Market Access Solution Project is to develop and implement contingency plans to minimise the impact on the interstate and overseas export of Queensland fruit and vegetables in the event of any changed conditions or withdrawal of dimethoate and/or fenthion following the APVMA review.

Plant Biosecurity and Product Integrity Operations

Plant Biosecurity and Product Integrity Operations play a key role across the state in coordinating regional biosecurity planning, community engagement, compliance and the operational aspects of biosecurity prevention, preparedness, surveillance, response and ongoing management of the programs functions.

Plant Biosecurity and Product Integrity Operations is the state-wide operational arm of the Program which is divided into three zones (see map for Zone boundaries):

1. Northern Tropics (comprised of two districts, Whitsundays and Far North Queensland)
2. Capricornia
3. South-East Queensland Rangelands

Plant Biosecurity and Product Integrity operations staff are led by a State-wide Manager Operations supported by Zone Leaders in each Zone. Staff in the zones are the frontline in Queensland's defence against disease and pests and responses to animal welfare incidents.

Operations staff work across the Plant Biosecurity and Product Integrity State-wide Operations Team; other program operations teams, and with policy, science and Biosecurity Queensland Control Centre staff to deliver projects and services and assist with policy development.

Plant Biosecurity and Product Integrity Science

Biosecurity Queensland Science provides world class science to underpin Queensland's biosecurity system and support decision making and solutions. Biosecurity Queensland has established internationally recognised centres of excellence in biosecurity science and seeks to establish linkages with cooperative research centres, Universities and the Health sector.

The Chemical Residues Laboratory provides diagnostic/analytical services, and undertakes research and development including chemical and contaminant detection and predictive modelling. It has an excellent reputation in antibiotic residue detection and is NATA accredited.

Biosecurity Queensland also has a natural toxins unit, which is the only unit of its kind remaining in Australia.

Science staff work across the Plant Biosecurity and Product Integrity science team; other program science teams, and with policy, operations and Biosecurity Queensland Control Centre staff to deliver projects and services and assist with policy development.

Biosecurity Queensland Control Centre

Biosecurity Queensland has built a strong emergency response capability and expertise and now has a dedicated eradication and emergency response centre – the Biosecurity Queensland Control Centre (BQCC). BQCC oversees Biosecurity Queensland's emergency preparedness, capacity building, emergency response operations and eradication functions. PB&PI emergency responses and incidents are delivered by the emergency management model and systems developed by BQCC.

During 'peacetime', BQCC works with the PB&PI program to improve and further develop the PB&PI emergency preparedness capacity and system. During a PB&PI emergency or incident response, the PB&PI program is responsible for managing the response and providing PB&PI policy and technical direction, whilst BQCC is responsible for providing emergency management technical expertise and guidance.

The PB&PI program has two response preparedness projects and these project leaders work closely with BQCC. Both PB&PI sectors have enhanced emergency response capability through an active working relationship with BQCC's Emergency Management Unit (EMU). A high percentage of PB&PI staff members have been trained to nationally accepted levels in biosecurity emergency management following the training continuum established by the EMU. Staff expected to fill emergency operations centre positions at local and state level control have been targeted in this training. Additionally, a number of PB&PI officers are members of the First Response Unit. A strong feature of the EMU & BQCC is to ensure there is continuous improvement in biosecurity emergency and incident response procedures and progressive resolution of chemical issues affecting emergency response capability.

Forest Health

Queensland has a dedicated forest health unit within the Horticulture and Forestry Science group, with expertise in entomology and pathology. As well as its responsibilities with endemic pests, the unit carries out biosecurity-related activities including:

- Forming the basis of any response to an EPP incursion concerning the forestry sector, in conjunction with Biosecurity Queensland
- Undertaking various monitoring programs for EPPs and other exotic and endemic quarantine pests. EPP monitoring is carried out in ports, plantations and other high-risk sites. Fee-for-service surveillance is provided for forest owners
- Supporting containment programs for pests of restricted distribution including Sirex wasp (not in Queensland but approaching), Ips (restricted to southern Queensland) and West Indian drywood termite (under long-term containment in Queensland)
- Making input to national policy and forest health activities through Research Working Group Seven Forest Health, which reports to Plant Health Committee and the Forestry & Forest Products Committee
- Participating in regional international research projects that support biosecurity objectives
- Providing diagnostic services to the forest industry for pests and diseases.

15.3

NSW GOVERNMENT STATEMENT ON PLANT BIOSECURITY FOR THE GOVERNMENT AND PLANT INDUSTRIES COST-SHARING AGREEMENT IN RESPECT OF EMERGENCY PLANT PEST RESPONSES

1. OUTLINE

The principal agency responsible for plant biosecurity in New South Wales is the NSW Department of Primary Industries primarily through its Division of Biosecurity, Compliance and Mine Safety. The NSW Department of Primary Industries is also the agency responsible for commercial forests through its division, Forests NSW. The agency responsible for conservation forests in New South Wales is the NSW National Parks and Wildlife Service (a division of the department of Environment and Conservation.

The Department of Environment and Conservation (DEC) is the primary agency responsible for the protection and conservation of natural and cultural heritage in New South Wales.

The New South Wales Government is committed to plant biosecurity and its lead agencies have policies, procedures and management in place to minimise the impact of existing, invasive and emergency diseases, pests and weeds. By adopting rapid response mechanisms for these, one of the principal outcomes is maintaining trade and market access, resource protection, regional economies and the environment.

The NSW Department of Primary Industries commitment to plant biosecurity is reinforced through its published Corporate Goals, Divisional Strategies and maintenance of a comprehensive network of plant protection management, research Centres of Excellence, accredited diagnostic laboratories, scientific collections, regulatory officers and regional agricultural and forestry extension officers.

The Weeds sub-program of the Department of Primary Industries is responsible for policy and risk assessment, delivery of weed control and research and development of biological control.

NSW Department of Primary Industries achieves this through:

- existing response mechanisms
- inter- and intra-state quarantine measures
- development of pest and weed information systems
- a comprehensive agricultural plant and forest health diagnostic service
- development of new diagnostic techniques for plant pests and diseases
- promotion of quality assurance systems for interstate trade
- development of weed management strategies
- forest health surveys
- targeted pest and disease monitoring and surveillance

The Department of Environment and Conservation has rangers, field officers and specialist pest management officers in each of the 18 regions within its Parks and Wildlife Division. Each DEC

Region has developed a regional pest management strategy which identifies priority pest problems to be targeted i.e. invasive species. Field officers are supported by a Pest Management Unit and threatened species officers in Head Office. Among other functions, the Head Office units are responsible for providing technical advice, developing and coordinating the implementation of Threat Abatement Plans and Recovery Plans to protect threatened biodiversity.

3. LEGISLATION

The current legislation which underpins the NSW Government's biosecurity activities are the *Plant Diseases Act 1924, No.38* and the *Plant Diseases Regulation 2003*, the *Noxious Weeds Act 1993, No.11* and the *Noxious Weeds Regulation 2003* of the New South Wales Parliament, all of which are administered by the NSW Department of Primary Industries.

The legislation is continuously updated to reflect changes in pest, disease and weed status and has been shown to have the appropriate powers to provide the necessary legal framework for response to exotic incursions, containment and eradication of pests, diseases and weeds.

Immediate legislative response is by ministerial Orders and Proclamations under both Acts.

Other Acts of legislation which have minor regulatory impact on plant biosecurity for specific industries are the *Banana Industry Act 1987 No. 66* and the *Seeds Act 1982 No. 14* with the *Seeds Regulation 1994*.

The Department of Environment and Conservation administers the *National Parks and Wildlife Act 1974* (NPW Act) and the *Threatened Species Conservation Act 1995* (TSC Act). The NPW Act vests the care of national parks and other conservation areas with the Director General of the National Parks and Wildlife Service (now part of the Department of Environment and Conservation). Pest control is one of a number of management objectives which are achieved through the preparation and implementation of reserve Plans of Management. Plans of Management identify the introduced pest species present and desired outcomes. Regional pest management strategies identify pest priorities and the management strategies to be used for their control.

The main objective of the TSC Act is to conserve biological diversity. The TSC Act provides for the listing of threatened species, populations and ecological communities (threatened biodiversity). Also the Act provides for the preparation and implementation of recovery plans for threatened biodiversity and the designation of areas as habitat critical for their survival. The TSC Act also provides for the listing of key threatening processes and the preparation of threat abatement plans.

4. BIOSECURITY CAPABILITY

Both the NSW Department of Primary Industries' Divisions of Biosecurity Compliance and Mine Safety and Forests NSW maintain a comprehensive network of regional officers, research staff and comprehensive diagnostic and identification services capable of rapid emergency response. In addition, active surveillance programs operate to provide both market assurance and information on existing pests and diseases on an on-going basis.

5. DIAGNOSTIC SERVICES

- NSW Department of Primary Industries Plant Health Diagnostic Service and Forest Health services operate throughout the state at seven locations and cover all agricultural crop groups and commercial forest species.

- The Scientific Collections Unit offers the capability for rapid specialist identification of most plant pathogenic fungi, bacteria, insects and mite pests.

- The Collections Unit also maintains comprehensive databases of pests and disease organisms recorded in New South Wales.

6. SURVEILLANCE

The NSW Department of Primary Industries operates active and passive surveillance programs to assist in market access and providing assurance of area freedom from some pests.

- In general, passive surveillance is carried out for diseases, principally through the comprehensive network of extension officers, diagnostic laboratories and research centres however, resources are allocated for emerging and “new” pest and disease problems.

- Active surveillance via trapping and monitoring is carried out for exotic Fruit Flies, Queensland Fruit Fly, Red Imported Fire Ant, Asian Gypsy Moth and Western Flower Thrips.

- The NSW Department of Primary Industries has Regional Coordinators (Weeds) which provide technical support to Local Control Authorities and community groups involved in noxious and priority weed control. The Coordinators also audit outcomes of weed control programs including biological control agents.

- Forests NSW undertake active surveys for forest health through the Forest Health Officers for both native and exotic plantations by both aerial and ground checks.

Over the last 20 years, the Department of Environment and Conservation has undertaken detailed vegetation surveys, based on IBRA (Interim Biogeographic Regionalisation of Australia) bioregions. During the 1990’s, the scope and frequency of the surveys increased significantly to provide information for the Regional Forest Agreements for Eastern NSW and the Western Regional Assessments for Western NSW.

7. PREPAREDNESS/RESPONSE

- Movement of plant product into and out of New South Wales is governed by Interstate Certification Assurance (ICA) Agreements where business undertakes inspection and treatment procedures to meet plant health requirements. These Agreements incorporate quality assurance principles to guarantee adequate protection against the introduction of pests and diseases. The NSW Department of Primary Industries monitors these arrangements through continual auditing.

- The NSW Department of Primary Industries conducts Pest Risk Assessments on an “as needs basis” usually as a response to incursions outside New South Wales which may impact on intra- or inter-state trade requiring such action at State level eg. Red Imported Fire Ant and Black Sigatoka.

- The NSW Department of Primary Industries has identified key positions and personnel within the organisation who would have a role in managing any new incursion.

- The NSW Department of Primary Industries has developed or has assisted in the development of diagnostic and identification protocols for several exotic organisms of concern including fire blight, glassy-wing sharpshooter and Karnal bunt, by both morphological and molecular techniques.

- A generic incursion management plan is currently in operation based on identification, notification and co-ordinated response. Management of the response is based on perceived impact with higher impacting incursions having a higher level of management.

- Forests NSW has its response based on the Generic Incursion Management Plan for the Australian Forest Sector released in 2000.

- The NSW Department of Primary Industries is developing integrated weed management plans and undertakes technical assessment and review of state and regional plans including noxious weed declarations. (Note: the coordination and management of weed management in NSW is currently under Government Review).

- The Department of Environment and Conservation has a large number of field staff (Rangers, field officers and specialist pest management officers) in each of the 18 regions within its Parks and Wildlife Division. These officers work closely with multi-agency bodies dealing with pests e.g. regional weeds advisory committees. In the future, DEC staff will be also working with catchment management authorities to support natural resource management initiatives.

8. INFORMATION/DATABASES

- The NSW Department of Primary Industries is committed to developing information systems for traceability of agricultural produce and is currently establishing a Property Event Management System (PEMS) in conjunction with a state-wide Laboratory Information Management System (LIMS) which will be a critical component of outbreak management and plant movement. The NSW Department of Primary Industries is also a major contributor to the development of the national Surveillance Quarantine Control and Recovery (SQCR) protocol.

- The NSW Department of Primary Industries has developed the system “Pestmon” for its current pest monitoring programs and is developing “Pestwatch” which is a general surveillance database for pests and diseases.

- The Scientific Collections Unit of the NSW Department of Primary Industries contributes its data on pests and diseases to the national Australian Plant Pest Database. This data is used for conducting both Pest Risk Assessments and Import Risk Assessments.

- The Department of Environment and Conservation is the custodian of large volumes of vegetation data and mapping e.g. the Biodiversity Survey System part of the Wildlife Atlas. Also the Botanic Gardens Trust manages the most comprehensive collection of living and preserved plant life e.g. the collection at the National Herbarium of NSW.

10. AWARENESS/EDUCATION

- The NSW Department of Primary Industries is involved in publicity programs for domestic quarantine issues such as the movement of fruit and vegetables into the Fruit Fly Exclusion Zone and the movement of grapevine material out of Phylloxera infected areas.

- The Weeds program assists in the funding of publicity for such campaigns as the “Weed Busters” and Weeds Week in addition to distributing information through local government bodies and providing information to local government for their production of information on noxious and, other weeds of concern.

- The comprehensive network of regional officers and researchers undertake extension activities designed to increase awareness of pests, diseases and weeds.

- The NSW Department of Primary Industries' external web site provides up to date information on existing, emerging and quarantine pests, diseases and noxious weeds as well as the "Travellers Guide to Interstate Quarantine" covering the risks in intra-and inter-state movement of fruit, vegetables and other plant materials.

The Department of Environment and Conservation runs many education and awareness programs aimed at conserving biodiversity. For example the *National Parks Discovery Program* reaches over 86,000 people every year. This program conducts activities focussing on key conservation management themes for schools and the broader community which includes pest management e.g. *Feral Peril* – weeds and feral animals that are a threat to biodiversity.

November 2004

15.4

Statement of biosecurity policies and programs for plant industries in the State of Victoria

Prepared by the Department of Primary Industries Victoria, pursuant to the *Government and Plant Industry Emergency Plant Pests Response Deed*

July 2010

Victoria
The Place To Be

DEPARTMENT OF PRIMARY INDUSTRIES | biosecurity

STATEMENT OF BIOSECURITY POLICIES AND PROGRAMS FOR PLANT INDUSTRIES IN THE STATE OF VICTORIA

1. INTRODUCTION

The Victorian Government, through the Department of Primary Industries (DPI) and with collaboration from the Department of Sustainability and Environment (DSE), has comprehensive biosecurity policies, legislation, procedures and programs aimed at maintaining Victoria's freedom from pests and diseases, which could adversely impact on trade, public health and food safety, market access, the economy and the environment.

The Government maintains infrastructure and provides resources to identify, prevent, detect, respond and manage serious plant pests and diseases. Victoria also has in place an emergency management framework that enables a whole-of-government response to outbreaks of emergency pests and diseases that have evaded Australia's quarantine barrier or which are newly emerged.

Plant biosecurity programs for pests and diseases are managed by the Biosecurity Victoria (BV) Division of DPI. BV is responsible for the development of state plant biosecurity policy and legislation and the delivery of systems, standards and services to Victoria's food and agriculture sector as well as the natural and built environment. This covers plant based primary industries, amenity and native vegetation on both private and public land. BV adopts risk management as the key strategy for the planning, development and delivery of these services.

The Victorian Biosecurity Strategy outlines a number of themes and actions that support the state's plant biosecurity services. The Strategy seeks greater collaboration between government, industry and community in biosecurity and is articulated through six themes: partnership development; strengthening sectoral coverage; sound decision making and investment; building capability and capacity; smarter surveillance; and effective response to incursions. Additional funding is being sought to implement the Strategy and build upon the considerable resources that have already been invested to provide ongoing biosecurity risk management for plant industries and the wider plant sector in Victoria.

Businesses within DPI cover grains, horticulture, amenity and private plantation forestry, whilst agencies within DSE assist DPI to prevent, respond and manage new and emerging pests and diseases of natural forests and parks, including public land in Victoria.

The capability and capacity of Victoria to meet national obligations of the Emergency Plant Pest Response Deed (EPPRD) are covered under the following functions.

2. POLICY

BV is responsible for developing state biosecurity policies, which is done in collaboration with other internal government agencies and within the national biosecurity framework. Victoria contributes to national policy development through the PIMC/PISC/NBC process, and contributes membership and resources to Plant Health Committee and its associated working groups such as the Domestic Quarantine and Market Access Working Group, the

Surveillance Reference Group, the Forest Health - Research Working Group 7 and the Sub-committee on Plant Health Diagnostic Standards.

Victoria is committed to providing policy and technical expertise to assist Plant Health Australia (PHA) with the review and implementation of the EPPRD and PLANTPLAN, through attendance of relevant staff at PHA general meetings and forums and providing policy and technical representation on national Consultative Committees, emergency pest and disease Categorisation Groups and Scientific Assessment Panels convened to help manage incursions of Emergency Plant Pests (EPP).

3. LEGISLATION

The management of plant biosecurity issues under the EPPRD requires the effective and timely use of a suite of tools that includes legislative and non-legislative measures.

The *Plant Health and Plant Products Act 1995* (the Act) provides powers for the authorisation of inspectors and other staff to enable timely and effective responses to emergency incidents. The Act can apply to all plants and plant products, including fruit, vegetables, nuts, seeds and grains, forest and timber, native flora, ornamental plants, flowers, but not weeds (pest plants), which are covered under the *Catchment and Land Protection Act 1994*

In practice, the Act provides a broad range of powers to address biosecurity risks. It provides the legislative backing for border security programs, which control the importation of plant materials, used packages and agricultural machinery and soil that may host pests and diseases.

The Act also provides for post-border security through powers to declare areas to contain, monitor, control or eradicate a pest or disease and to specify prohibitions, restrictions and other requirements on the treatment and movement of host material. Critically it allows the Minister or delegate to declare a pest or disease, including a suspect organism, as exotic in advance of or following detection to allow for the declaration of restricted areas and quarantine (infected) places. It includes provisions that require persons to report a suspect EPP, powers of entry, product movement controls and powers to seize and destroy infected, suspect and at risk host materials.

To support border and post-border biosecurity powers, the Act provides for traceability of plant products, requirements for used packaging and certification for market access, co-regulation arrangements (compliance agreements and accreditation) and sanctions and enforcement powers. More specific regulatory requirements are detailed in the *Plant Health and Plant Products Regulations 2006 for specified pests such as* potato cyst nematode and grape phylloxera.

The Act allows for surveillance to validate area and property freedom from specified pests and disease and inspection and certification to meet various quarantine conditions or restrictions imposed by interstate and some international markets. Inspectors or third parties authorised under the Act provide certification services on a fee-for-service basis or

DPI accredits businesses to issue certification under national certification assurance arrangements.

Compliance, including education, monitoring and enforcement is carried out under the provisions of the Act by authorised inspectors and trained investigators. Matters under investigation may be resolved either through an Official Warning, Infringement Notice, or through the Magistrate's court.

4. SCIENTIFIC AND DIAGNOSTIC CAPABILITY

DPI maintains extensive scientific in-house expertise in plant pathology, entomology, nematology, risk assessment, risk modelling and epidemiology. BV can call upon staff from the Biosciences and Research Division (BRD) of DPI to provide more specific capability and capacity as required.

BDR maintains an extensive State Reference Collection of insect pests and disease organisms, which are catalogued and linked to the Australian Plant Pest Database. DPI provides resources to maintain and develop the Collection and for on-going database development of the Collection.

BRD also operates the Crop Health Services (CHS) laboratory at Knoxfield for the diagnosis of a range of endemic pests and diseases and EPPs. Limited plant pest and disease diagnoses are also carried out at research institutes located at Irymple, Tatura, Horsham and Rutherglen.

Additional services are purchased by BV from CHS during incursions, including diagnostic support for surveillance programs. In the event that CHS does not have the capability to diagnose a specific EPP or the capacity to diagnose large numbers of EPP samples, CHS would be responsible for co-ordinating the processing of these through the national diagnostic network under the direction of SPHDS.

5. PREVENTION

Movement of plants and products, which are prescribed hosts, is regulated to protect various plant based sectors from pest and disease threats, which occur elsewhere in Australia or from overseas. Regulation is achieved through:

- Declaration of Importation Orders, which set out specific quarantine conditions for prescribed host material, agricultural machinery and other vectors entering Victoria;
- Verification/inspection of prescribed material on arrival in Victoria by DPI inspectors or businesses accredited by DPI under a Compliance Agreement made pursuant to the Act;
- Implementing communication and awareness programs to alert commercial operators and the public to regulatory requirements and compliance monitoring patrols and roadblocks to target commercial operators and travellers moving into the State or pest free areas within the State; and

- Conducting ad hoc inspections on prescribed material at high risk premises, distribution centres and wholesaler and retail markets.

6. PREPAREDNESS

Victoria maintains the capability to plan and prepare for incidents and allow for response requirements outlined in PLANTPLAN.

Staff participate in the development and review of industry specific biosecurity plans and from these BV develops and reviews the state list of priority EPPs. BV also maintains a documented Generic Rapid Response Plan and a number of specific contingency plans such as Fire Blight and Dutch Elm Disease, which are reviewed periodically.

BV runs regular simulations as part of plant (and animal) emergency preparedness training and uses these to review and document capability and capacity requirements under a state Model of Cover for high, intermediate and low level emergency responses as well as more long term project-based priority response. DPI maintains a range of staff who have obtained firsthand experience of responding to biological emergencies such as fruit flies, locusts and animal disease incidents

BV invests considerable resources into preparedness training and covers training in various PLANTPLAN roles including Incident Management Team Manager: State Pest Control Headquarters Director, SPCHQ Manager in Planning, Operations, Logistics, Communications, and Industry Liaison Officer. Training is developed and delivered in the following roles at the Local Pest Control Centre: Incident Controller, Managers in Planning, Operations, Logistics, Industry Liaison, Surveillance team leader, and Infected Premises Operations Team.

Staff training is assisted through simulation exercises, which are rotated annually so as to cover various agriculture industries and include industry liaison officers.

7. SURVEILLANCE

BV staff plan and conduct a suite of surveillance activities according to an annual surveillance plan to provide evidence that enables early detection and response to EPPs; validates pest free status for market access purposes; and provides justification for imposition of import restrictions.

Plant pest and disease surveillance programs include:

- Monitoring of extensive permanent trapping grids for quarantine pests such as Queensland and Mediterranean fruit fly:
- Surveys of crops and forest plantations for EPPs and other regulated pests and diseases such as phylloxera and PCN;
- Targeted surveys for high impact pests at high risk locations including Asian Gypsy Moth and exotic fruit flies; and
- General surveillance across all agricultural sectors including commercial forestry.

DPI has recently enhanced its general surveillance program in the Victorian grains industry and through its CropSafe program trains departmental and commercial agronomists to conduct surveillance for exotic grain pests and diseases as part of their routine crop health inspections. Samples exhibiting unusual symptoms are collected and sent to a DPI plant health diagnostic laboratory for identification. The plan is to extend this or a similar surveillance system to other crop sectors

Paper based surveillance records are stored in a RECFIND archive system and reported quarterly through the federal NPSRT system. Selected surveillance records are also transcribed into BIOWEB (a BioSIRT compliant format) for subsequent analysis.

8. AWARENESS AND REPORTING

BV expends considerable resources in communication to increase awareness of regulatory and technical requirements at the commercial, community and farm level.

This includes facilitating reporting of EPPs using the national Freecall 1800 telephone number, DPI's Customer Service Centre and through a network of plant biosecurity officers around Victoria. For the wider community, the Department encourages reporting using its website and through distribution of printed information, media releases and other educational material for a range of pests and diseases including fruit flies and grape phylloxera.

The Act requires a person, who knows or has reason to suspect that an exotic pest is present in any plant or plant product, to report the fact without delay by the quickest means of communication available. Reporting of suspect EPPs by industry is specifically encouraged through projects promoting biosecurity in the grains and viticulture industries and by targeted industry updates and pest alerts to affected industries, including nurseries. In the grains industry, DPI participates in the PHA Grains On-farm Biosecurity Program and the Department's CropSafe project facilitates early detection and reporting of pests using a network of agronomists. Crop Health Services also has a commitment to report all potential EPPs to the state Chief Plant Health Manager.

In preparation for an EPP detection in Victoria, DPI has a generic communication plan and specialist support to maximise its effectiveness with the appropriate communities and/or industries.

9. BIOSECURITY RESEARCH

DPI supports a biosecurity research program, which is largely delivered by BRD to:

- develop rapid diagnostic probes for the detection of endemic and high priority EPPs;
- develop surveillance tools and protocols for improving early detection and validation of pest and disease freedom, eg phylloxera;
- understand the biology and management of pests and diseases such as PCN;
- understand the impact of climate change on endemic and exotic pest and disease threats; and

- develop improved detection and diagnosis of fruit fly

10. IT MANAGEMENT

Biosecurity Victoria has developed and proven a web-based incident management application, Bioweb, which has features such as client information, surveillance and sample information capture and mapping. Bioweb can be used for recording trace information, logging phone enquiries, property status, visits and treatments. Bioweb is proven to be flexible and new instances of plant emergency response are developed rapidly.

The long term aim is to build on the current animal health Property Identification Code system and compile property identification registers and databases, which will enable more effective tracing systems for the key Plant Industries. BV is also planning to migrate it's Plant Health Management Systems, "Minerva" and "Flybase" to the Bioweb application and integrate the database for the issuing of Plant Health Certificates.

BV has made a commitment to develop systems to enable Bioweb to interface with BioSIRT to allow collating of surveillance and response information nationally.

11. RESPONSE

The Victorian Government through DPI has high level emergency management capability to deal with EPPs. The response framework is based on the Australasian Inter-service Incident Management System (AIIMS) structure, which reflects PLANTPLAN. Each year BV, through the Consultative Committee and National Management Group framework, deals with or assists other jurisdictions to deal with a range of plant emergency incidents. BV can call upon assistance from other divisions within DPI, DSE and other state government agencies. These arrangements are being formalised under the state Biosecurity Strategy.

The State's ability to effectively respond in a timely manner to a range of EPPs is enabled by a high level of preparedness, capability and capacity, the key elements of which include:

- Detailed pre-agreed response plans to enable an immediate, coordinated response to several serious plant pests and diseases;
- Early warning surveillance and reporting systems to detect and respond promptly to plant pest and disease incursions;
- A legislative framework to enact the necessary control measures to detect, and eradicate or contain an exotic incursion;
- Emergency management arrangements that can ensure a multi-agency response involving all relevant agencies (if necessary, the State Emergency Service, Police and local government);
- Diagnostic services available within DPI to support response programs;
- Key operational plant health staff participation in annual emergency response training and simulations under the AIIMS framework;

- Availability of staff, who have previous experience in handling biological emergency responses such locusts, Fire Blight, Potato Cyst Nematode, Potato Virus Y, Wheat Streak Mosaic Virus, phylloxera and fruit fly; and
- Ongoing review and upgrade of information technology, mapping and information systems, which complement national programs and provide readily available data to support the response.

12. ENDEMIC PLANT PEST CONTROL PROGRAMS IN VICTORIA

DPI has provision within the Act to effectively deal with the containment and management of pests and diseases, which cannot be eradicated but which require containment or management, whether on private and public lands. These include major programs to control and manage fruit fly, phylloxera and PCN.

Importantly the Act provides for powers to require owners or occupiers of land to manage or otherwise control or destroy feral or neglected plants affected by prescribed plant pests and diseases. Such powers are exercised in accordance with well documented policies and procedures. DPI is proactive in maintaining industry awareness and compliance with infested land management in the State and provides legislative support to ensure compliance where required.

13. KEY STATE CONTACTS

PHA Representative - Dr Hugh Millar (Executive Director Biosecurity Victoria) – (03 9658 4716)

Chief Plant Health Manager - Dr Patrick Sharkey (03 9210 9393)

PLANTPLAN Representative - Mr Martin Mebalds (03 9210 9439)

DQMAWG representative - Mr Gary D'Arcy (03 5258 0230)

Surveillance Reference Group Co-ordinator - Mr Craig Murdoch (03 9210 9449)

Sub-committee Plant Health Diagnostics Standards (Chair) - Ms Jane Moran (03 9210 9210)

Forest Health RWG 7 – Mr Nick Collett (03 92109388) & Mr David Smith (03 9210 9322)

14. SUMMARY STATEMENT

Victoria, as a signatory to the Emergency Plant Pest Response Deed, is committed to a whole- of-government approach to maintain base level capability for threat identification, prevention and detection, capacity and infrastructure to efficiently and effectively respond and manage incursions of Emergency Plant Pests and meet it's legal and operational

obligations according to the requirements, processes and procedures outlined in the EPPRD and PLANTPLAN.

Signed: Dr Hugh Millar ……  . Date: 6 / 9 / 2010

15.5

Statement on Plant Biosecurity Policies and Programs – South Australia

July 2010

1. INTRODUCTION

The South Australian Government maintains and provides infrastructure and resources to prevent, detect, manage and respond to declared plant pests (and diseases). The State has in place an emergency management framework that ensures an effective whole-of-government response to outbreaks of emergency plant pests that have evaded Australia's quarantine barrier or are newly emerged.

Biosecurity programs are underpinned by legislation that provides an appropriate range of specific and general legislative measures and powers to deal with prevention, monitoring, control and eradication of emergency/declared plant pests, and the management of declared plants.

The Government, through Biosecurity SA, a Division within Primary Industries and Resources SA (PIRSA), has in place comprehensive biosecurity policies, programs and procedures aimed at maintaining South Australia's freedom from pests that could adversely impact on trade, market access, public health and food safety, the rural economy and the environment.

Plant biosecurity programs for emergency plant pests within South Australia are the responsibility of Biosecurity SA. This Division has primary responsibility for the development of and implementation of plant health policy within the State, contribution to national plant health policy development, contribution to the national response processes against emergency plant pests and administrating the *Plant Health Act 2009*.

The Program's policies and operational activities are aimed at supporting a sustainable and internationally competitive South Australian plant and plant products industry and facilitating market access through minimising the impact of emergency plant pests.

Technical and scientific advice and diagnostic capability is provided by the South Australian Research and Development Institute (SARDI), a Division of PIRSA.

In South Australia, the eight regional Natural Resources Management (NRM) Boards have responsibility for the management of plants declared under the *Natural Resources Management Act 2004.* Within Biosecurity SA, the NRM Biosecurity Group coordinates statewide programs in response to incursions and management of existing declared plants to minimise their impacts on the environment, primary industries, or the community. The group conducts research on control techniques, provides policy advice and support to regulatory activities and has input into the State Natural Resource Management (NRM) Plan, which outlines the policies and priorities for weed management in South Australia.

NRM Boards are responsible for management of declared plants within their regions and have the power to enforce control of some declared plants on private and public property in accordance with their regional plans.

The Department of Environment and Natural Resources (DENR) is responsible for the administration of the *National Parks and Wildlife Act 1972* and *Natural Resources Management*

Act 2004. DENR has a primary role in biodiversity conservation, environment policy and planning, and environmental sustainability. This includes delivery of the *No Species Loss: A Nature Conservation Strategy for South Australia 2007-2017* and the State Natural Resource Management (NRM) plan.

DENR manages the State's public land – land held in the conservation reserve system, state forests, botanic gardens and as crown lands. It administers private land through the *Natural Resources Management Act 2004*. DENR is a major custodian of information and knowledge about the State's environment, conducting systematic biological surveys of the vegetation of South Australia. Through the State Herbarium, DENR is the major provider of data, information and identification of plants, macrophytes, algae and fungi.

ForestrySA has responsibility for South Australian responses to emergency plant pests affecting cultivated forests in conjunction with Biosecurity SA. ForestrySA has involvement with forest biosecurity at the national level.

2. EMERGENCY PLANT PESTS, DISEASES AND WEEDS - PREVENTION AND SURVEILLANCE PROGRAMS

Prevention

Fruit flies are key pests from a market access perspective. Prevention activities include quarantine stations at strategic border entry points, signage and host produce disposal pits at other border entry points, early detection trapping, a fruit fly reporting and advisory hotline, the provision of an annual SA community awareness and public relations program, and an on-going commitment to the Tri-State Fruit Fly Strategy.

The SA Fruit Fly Standing Committee was established in 2002 to provide a forum for dialogue between Biosecurity SA and key stakeholders on fruit fly activities across the State. The Committee includes representatives of PIRSA media and communications, Biosecurity SA, the Australian Quarantine and Inspection Service (AQIS), horticultural industries, local government and the community.

The Horticulture Plant Health Consultative Committee was established in 2004. Key aims of the Committee include oversight of national developments in plant health, identification and recommendation of strategies for risk management in South Australia, ensuring that the legislative framework meets current and future needs for plant health, and identification of other issues likely to impact on plant health within the State.

South Australia has established a network of signs and disposal bins for travellers entering the State and the Riverland, maintains permanent roadblocks on four key roads entering the State and also operates random roadblocks on other key entry points. Biosecurity SA contracts the AQIS Detector Dog Unit to provide screening of domestic passengers arriving at the Adelaide Airport, and maintains signage and disposal bins at the State's interstate rail and bus terminals.

Imports of horticultural produce into South Australia are subject to an import verification process to minimise the potential for introduction of declared plant pests. The new *Plant Health Act 2009* has strengthened plant biosecurity arrangements by establishing requirements for importers of plant and plant material which are risk based, as well as providing importers with a more flexible and cost effective system.

The Phylloxera and Grape Industry Board of South Australia (P&GIBSA) has established an extensive system of grower awareness across the State. Although principally concerned with grape phylloxera, awareness information is distributed on a range of emergency plant pests affecting the grape industry. Annual three day training workshops are provided to industry and government on grape phylloxera identification and management. SA contributes to the National Vine Biosecurity Committee (NVBC) process via membership of both the Committee and of the Technical Reference Group.

SARDI has established a Compliance Agreement with AQIS for the operations of the post-entry plant quarantine facilities at the Plant Research Centre.

SARDI has also established a memorandum of understanding with the University of Adelaide that establishes a Quarantine Manager position at the Waite Precinct. This officer oversees the operational needs of quarantine management for the Campus, acts as the day-to-day contact for all quarantine matters, and provides leadership and guidance on quarantine matters to the researchers to ensure coordination and legislative compliance of plant quarantine activities across the Precinct. Such activities relate to imported plant materials, restricted seed, soils and other biological materials.

SARDI has also been involved with the implementation of key recommendations of the Radcliffe Review into Australia's cereal breeding programs.

ForestrySA has developed best practice guidelines for industry to minimise the risk of entry and spread of pests and diseases when obtaining forest planting stock for use within South Australia. Specific import requirements are prescribed under the *Plant Health Act 2009*.

Surveillance Programs

Early detection is essential to ensure that the impacts of outbreaks of emergency plant pests and pest plants (weeds) are minimised.

Biosecurity SA maintains a significant fruit fly monitoring program across the State. Queensland fruit fly and Mediterranean fruit fly are considered as key pests of concern for market access both nationally and internationally. Fruit fly trapping grids are maintained in the Riverland, the Northern Adelaide Plains and Adelaide Hills production areas, metropolitan Adelaide, the Iron Triangle (Port Pirie, Whyalla and Pt Augusta), Port Lincoln, Ceduna and at Mypolonga. The current monitoring program includes traps that are capable of detecting a range of exotic fruit fly species.

Biosecurity SA cooperates with the Commonwealth (through the Office of the Chief Plant Protection Officer) as part of the national pest surveillance program.

The South Australian Government contributes financially to the Australian Plague Locusts Commission and maintains a capacity to monitor and respond to locust activity across key parts of the State.

The PGIBSA undertake an annual aerial surveillance and “ground truthing” program to provide an early warning system and to demonstrate continued freedom from grape phylloxera across the key vineyard regions of the State.

SARDI provides diagnosis of plant diseases and pests to clients on a fee for service basis. SARDI maintains an extensive arthropod and nematode reference collection. Strong links exist between the SARDI diagnostic teams (Soil and Plant Health, and Entomology) and the Biosecurity SA plant health program to ensure timely reporting and identification of suspect emergency plant pests and diseases.

ForestrySA conducts annual forest health surveys of the whole government plantation estate with aerial surveillance and follow-up ground inspection of suspect areas. This service is also offered to commercial forest growers.

3. EMERGENCY PLANT PESTS, DISEASES AND WEEDS - PREPAREDNESS AND RESPONSE PROGRAMS

Biosecurity SA provides a key capability for both the management and operational response to detections of emergency plant pests within the State. The emergency response capability is being enhanced, in accordance with the National Biosecurity Emergency Management Strategy, through the establishment of a Biosecurity SA First Response Team. This team will lead an emergency response during the initial two weeks.

Biosecurity SA also contributes to the national preparedness and response processes via Plant Health Committee (PHC), the Consultative Committee on Emergency Plant Pests (CCEPP), the Consultative Committee on Exotic Plant Incursions (CCEPI), and the Domestic Quarantine and Market Access Working Group (DQMAWG).

Biosecurity SA has and will continue to be involved in the PHA National Biosecurity Planning processes, pest categorisation, etc.

PIRSA further contributes to the national program through membership on the National Biosecurity Committee (NBC), Primary Industries Standing Committee (PISC) and the National Management Group (NMG).

The Emergency Plant Pest Response Deed (EPPRD) and PLANTPLAN provide the basis of an agreed response process following the detection of an Emergency Plant Pest (EPP) or a suspect EPP within the State.

The Biosecurity SA - Emergency Management Unit maintains up todate emergency response plans for plant health in line with the national EPPRD requirements and PLANTPLAN. These plans are reviewed annually and updated as necessary. A range of training activities, both of a general and a specific nature, are provided for key potential respondents within the State.

SARDI provides a high level technical and scientific capability in the areas of horticultural and field crop pathology and entomology. This capability provides advice, diagnostic support and diagnostic test development eg DNA based tests, as well as a unique high throughput testing capability for soil. SARDI has an active role in the Cooperative Research Centre for National Plant Biosecurity (CRCNPB).

SARDI provides scientific input into international (International Plant Protection Convention) and national (Plant Health Australia, Biosecurity Australia) policies and plans, including industry Biosecurity Plans, Import Risk Assessments, Risk analysis for release of Biological Control Agents, Disease and Pest Threat Categorisations, the EPPRD and PLANTPLAN. SARDI provides input as needed on Consultative Committees on Emergency Plant Pests, including the associated Scientific Advisory Panels.

SARDI holds the South Australian plant pest databases. These records contribute to the national contingency planning process and underpin scientific advice for phytosanitary certification for market access.

SARDI also provides training, on a needs basis, for survey and response personnel. SARDI is a participant in the National Grains Biosecurity Initiative, coordinated by Plant Health Australia.

The NRM Biosecurity Unit in Biosecurity SA works closely with the Natural Resources Management (NRM) Boards to manage declared weeds across the State. The *Natural Resources Management Act 2004* empowers the Minister for Environment and Conservation to declare weeds (declared plants).

The NRM Biosecurity Unit provides training to NRM Board officers on identification of declared weeds and is developing a database that provides the location and density of these plants throughout the State.

The Group also provides input to the Australian Weeds Committee (AWC).

The NRM Biosecurity Group manages the national eradication response to branched broomrape (*Orobanche ramosa*), a parasitic declared plant present in the Murray Mallee region of South Australia. The Ministerial Advisory Committee for Branched Broomrape advises the Minister for Agriculture, Food and Fisheries on operational and policy aspects of the eradication program. The Commonwealth and all states contribute to funding under national cost sharing.

There are two forest health committees in SA – Pine Growers Forest Health Group and the Industry Pest Management Group (Green Triangle). ForestrySA is a member of both groups.

4. LEGISLATION

The *Plant Health Act 2009* enables the State to rapidly respond to the detection of emergency plant pests. Key elements of the Act necessary to minimise the risk of the spread of declared plant pests include provision for the appointment of inspectors and for powers of entry, inspection, movement control, treatment application, emergency actions, the declaration of plant pests or diseases to be "pests" under the Act, the establishment of quarantine areas, and the adoption of codes and standards.

The new legislation also allows for the establishment of an import verification compliance system and has been designed to ensure compliance with national emergency plant pest response requirements, including potential payment of owner reimbursement costs (ORC's).

The *Natural Resources Management Act 2004* provides a legal framework for the implementation of the Government's declared plant management policies.

The *Agricultural and Veterinary Products (Control of Use) Act 2002* constrains the use of chemical treatments to those approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA) through registration or permit approval. Such approvals are based on consideration of risks to public health, occupational health and safety, food safety, the environment and trade.

5. ENVIRONMENTAL

The impact of declared plants on the environment is managed by eight regional Natural Resources Management (NRM) Boards. These Boards were established under the *Natural Resources Management Act 2004*.

The requirement for planning approval under the *Development Act 1993* where establishment of a new crop represents a change in land use may be used to control the location of olive groves and other crops that are considered to have weed potential.

No specific controls relate to feral / neglected / unmanaged plants and to plant pests and diseases generally unless they are covered by specific legislation ie are affected by a declared pest, or are a declared plant.

15.6

GOVERNMENT OF TASMANIA'S STATEMENT ON BIOSECURITY POLICIES AND PROGRAMS FOR TASMANIA IN RESPECT OF EMERGENCY PLANT PEST RESPONSES

Prepared by the Department of Primary Industries, Parks, Water and Environment, Tasmania, in accordance with the *Government and Plant Industry Emergency Plant Pest Response Deed*

July 2011

Biosecurity and Product Integrity Division

Department of Primary Industries, Parks, Water and Environment

Tasmania
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GOVERNMENT OF TASMANIA'S STATEMENT ON BIOSECURITY POLICIES AND PROGRAMS FOR TASMANIA IN RESPECT OF EMERGENCY PLANT PEST RESPONSES

This statement of plant biosecurity policy and programs is provided in accordance with Schedule 15 of the Government and Plant Industry Cost Sharing Deed in Respect of Emergency Plant Pest Responses.

1. INTRODUCTION

The Tasmanian Government through the Department of Primary Industries, Parks, Water and Environment, has comprehensive biosecurity policies, legislation, procedures and programs aimed at protecting the State's favourable biosecurity status. The strategic framework for all government biosecurity actions and decision-making processes are outlined in the Tasmanian Biosecurity Policy and the Tasmanian Biosecurity Strategy, which details policy implementation actions (www.dpipwe.tas.gov.au/biosecurity). The Strategy was publicly released by the Minister for Primary Industries and Water in February 2007.

The Tasmanian Government's biosecurity policy objective is to "protect and enhance Tasmania's biosecurity status for the benefit of Tasmania's industries, environment and public well-being, health, amenity, and safety". To achieve the policy objective the Tasmanian government has in place a strong well-developed system of border security via quarantine, along with surveillance and response mechanisms for exotic pest, disease and weed incursions. Post-barrier initiatives, including the development of appropriate response plans for incursions, formal processes to address biosecurity communications with the Australian government and the community, and the facilitation of scientifically sound biosecurity policy, are all a priority for the Tasmanian Government. Each of these activities is underpinned by science and evidence based risk analysis, is consistent with international trade and other obligations, and promotes biosecurity as a shared responsibility.

Biosecurity matters of significance to Tasmania are addressed via Committee structures. The Tasmanian Biosecurity Committee (TBC) has responsibility for broad policy directions in relation to biosecurity. It is a whole-of-government committee comprising representatives from all Government agencies with some biosecurity responsibility, and is led by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). The Deputy Secretary of DPIPWE chairs the committee. The TBC has a sub-committee, the Biosecurity Technical Group (BTG), which addresses the technical aspects of biosecurity matters in Tasmania. The BTG is comprised of senior technicians from DPIPWE, the Department of Health and Human Services, Forestry Tasmania and the Australian Antarctic Division of the Department of Sustainability, Environment, Water, Population and Communities. The BTG is chaired by the General Manager (Biosecurity and Product Integrity Division) of DPIPWE. The BTG is able to form government-industry working groups to address specific biosecurity issues of particular interest or concern to industry and/or environment sectors.

The Government maintains infrastructure and provides resources to prevent, detect, respond to, and manage serious plant pests and diseases[6]. Tasmania's Biosecurity Emergency Preparedness Program has been developed to address animal health emergencies, plant pest and disease biosecurity emergencies, and threats to the environment. Through the Program DPIPWE personnel are trained to ensure that, if there is a plant biosecurity emergency in Tasmania, the response will be effective, efficient, and in accordance with PLANTPLAN.

By implementing effective quarantine policy, Tasmania has capitalised on its island status to restrict the entry of plant pests and diseases. As an island, the natural movement of plant pests and diseases into the State is limited. The limited number of ports ensures that entry of product that may carry plant pests and diseases can be monitored and supervised. In recent years, tourism has increased with more frequent ferry services and an increase in air travel, thereby increasing the importance of biosecurity measures at ports of entry.

Plant biosecurity in Tasmania is underpinned by legislation[7] that has been shown to provide an appropriate range of specific and general legislative functions and powers to deal with prevention, monitoring, eradication and control of plant pests and diseases. With the development of State biosecurity systems and national agreements such as the Emergency Plant Pest Response Deed, the relevant legislation will be reviewed and amended as, and when, necessary to ensure an ongoing commitment to the Deed and biosecurity emergency preparedness.

DPIPWE's Biosecurity and Product Integrity Division manage biosecurity programs for plant pests and diseases. Branches within this Division are responsible for facilitating the development and implementation of policies on barrier control, emergency plant pest and disease preparedness and response planning, and pest and disease control and communications. Biosecurity decision making processes are governed in part by the Sate's import risk analysis framework[8] that aligns with State policy, national and international requirements. The Division also manages diagnostic services for pests and diseases. The management of weed incursions is managed by the Weed Management Section, Resource Management and Conservation Division, DPIPWE. This section is responsible for the implementation of a State plan to ensure a rapid and informed response to new or exotic weed incursions into Tasmania.

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6 The Deed defines "plant pests" to include any species, biotype or strain of invertebrate pest or pathogen injurious to plants or plant health provided that it is discrete, identifiable and genetically stable, but excludes Genetically Modified Organisms. The Tasmanian legislation refers to plant pests and diseases separately. The plant pests listed under the *Plant Quarantine Act 1997* include invertebrate pests, but also includes many species of plants. In this document the terminology "plant pests and diseases" will be used, consistent with the Tasmanian legislation. Those species of plants that are listed as pests under Tasmanian legislation, but would not fit the definition of a plant pest under the Deed, will be referred to as weeds to avoid confusion.

7 Tasmanian legislation specified in this document can be accessed on the web at: www.thelaw.tas.gov.au.

8 DPIPWE (2010) *Import Risk Analysis: A Framework of Context, Concepts, Methods, and Administrative Procedures.* ISBN-978-0-7246-6523-5

The Resource Management and Conservation Division also oversee the Tasmanian Threatened Species Strategy. Weeds, pests and diseases are identified as major threats to native flora and fauna in the Strategy, which promotes the development and implementation of threat abatement plans to address key threatening processes.

2. LEGISLATIVE INSTRUMENTS

There are several legislative instruments relevant to plant pest and disease biosecurity in Tasmania. The primary legislation is the *Plant Quarantine Act 1997* underpinned by the *Plant Quarantine Regulations 2007.* There are several other pieces of legislation that are also relevant, such as the *Seeds Act 1985* and the *Weed Management Act 1999*.

2.1 *Plant Quarantine Act 1997*

The *Plant Quarantine Act 1997* provides for the quarantine of plants and the control of pests and diseases. It enables the Secretary of DPIPWE (or delegate) to declare, via public notice, any organism to be a pest, and any disease that may affect plants or plant products to be a disease for the purpose of the Act. Plant pests and diseases of significance to Tasmania are declared as List A or List B pests and diseases under the *Plant Quarantine Act 1997*. These lists are reviewed and published annually. List A is comprised of significant plant pests and diseases that are not present in Tasmania. List B is comprised of plant pests and diseases that are present in Tasmania, but subject to a control or monitoring programs.

A person who suspects that a List A or List B pest or disease may be present in any plant or plant product must report this as soon as possible to a quarantine inspector. Additionally the *Plant Quarantine Act 1997* requires the reporting of a new or unknown pest or disease, other than a List A or List B pest or disease, which the person believes does not normally occur in Tasmania. A person must not be in possession of a List A or List B pest or disease without written permission of the Secretary (DPIPWE).

The Act allows the placement of controls on the importation of plants and plant products, the quarantine and treatment of those materials, and has provisions for setting other relevant procedures and conditions in relation to importation. The requirements and procedures for the import of plants, plant products and other prescribed matter for the purpose of the *Plant Quarantine Act 1997* are detailed in the *Plant Quarantine Manual Tasmania* (www.dpipwe.tas.gov.au/quarantine).

The Act provides for the appointment of inspectors with the following functions:

(a) to detect and investigate pests and diseases;
(b) to prevent the introduction into Tasmania of pests and diseases;
(c) to control the spread of pests and diseases;
(d) to carry out surveillance for the presence of pests and diseases;
(e) to eradicate pests and diseases;
(f) to ensure that persons comply with the Act;
(g) to determine whether any person may have contravened the Act.

Inspectors have powers of search and entry, seizure, and treatment of materials or sites considered at risk of infestation or infection.

The Act enables appropriate control actions to be undertaken in the event of an incursion of a pest or disease. These actions include the application of import restrictions, the declaration of Quarantine Areas, limitations on the movement and possession of prescribed matter, and the ability for the government to assume control of a Quarantine Area. The Act also provides for the declaration of Restricted Areas and Control Areas, and provides for actions to be undertaken to effectively manage a declared pest or disease in those areas. Protected Areas may also be declared if it is necessary to prevent the introduction into that area of any pest or disease. Control programs are recognised in the legislation and can be initiated by industry and/or government.

The *Plant Quarantine Regulations 2007* specify fees and charges associated with quarantine requirements. The regulations also detail offences and penalties under the Act.

2.2 *Weed Management Act 1999*

The *Weed Management Act 1999* provides for the control and eradication of weeds having regard to the need to minimise the deleterious effects of weeds on the sustainability of Tasmania's productive capacity and natural ecosystems. The *Weed Management Act 1999* is based on a prohibited list approach. It provides for a process of declaring certain plant species as weeds by placing quarantine controls on their entry into Tasmania, and requires compliance with statutory management plans for declared weeds in Tasmania. In some cases this can enhance biosecurity by preventing the entry of plant pests that may be associated with weed species, or by preventing the entry of weed species that are parasitic.

2.3 *Seeds Act 1985*

The S*eeds Act 1985* is the principal legislation to regulate and control the production, supply and sale of seeds. The Act contains quarantine restrictions relating to prohibited seeds in imported seeds. Like the *Weed Management Act 1999,* this legislation indirectly enhances biosecurity in terms of plant pests and diseases associated with those prohibited seeds.

2.4 *Threatened Species Protection Act 1995*

The *Threatened Species Protection Act 1995* is the primary legislation used for declaring native flora and fauna in Tasmania in the interests of protecting it from threatening processes including weeds, pests and diseases. The legislation is implemented via the development and implementation of threaten species recovery plans and threat abatement plans.

3. PLANT PEST PREVENTION AND SURVEILLANCE PROGRAMS

The DPIPWE implements a number of policies and programs that are primarily aimed at reducing the risk of incursions of plant pests and diseases, including programs of barrier control, prevention of high risk activities, and plant pest and disease surveillance.

3.1 Quarantine Tasmania

This program is responsible for the quarantine barrier controls at all of the points of entry into the State and is implemented by the Quarantine Services Branch within the Biosecurity and Product Integrity Division of DPIPWE. It includes the clearance of passengers, cargo, mail, plants/plant products, and animals/animal products, aircraft and ships waste. These clearance and inspection activities are supported by the use of detector dogs and x-ray machines located at various points of entry throughout the State. Inspection and surveillance is undertaken at the barrier to ensure compliance with legislation such as the *Plant Quarantine Act 1997, Animal Health Act 1995, Inland Fisheries Act 1996, Genetically Modified Organisms Control Act 2004* and *Nature Conservation Act 1997*. The Quarantine Services Branch also delivers Australian Quarantine and Inspection Service (AQIS) programs in addition to the State based services. This statement refers primarily to State activity of the Quarantine Services Branch.

Quarantine inspection operations in Tasmania are supported by facilities such as the Kingston Post Entry Plant Quarantine Station (KQS). This establishment is fully accredited by AQIS for post entry quarantine of plant material. The Station has been operating for many years and has handled a wide range of temperate plant species. Secure, insect proof facilities are available for housing disease-free nuclear plant stock. Re-testing of nuclear stock is routinely performed by DPIPWE laboratories, as are regular inspections of plant material by pant pathologists. Propagation of early generations can be completed on the Station while the plant material is under post-entry quarantine. This ensures that extra plants are ready for release as soon as disease assessments have been completed and plants are declared free from exotic diseases. There is opportunity to experiment with new propagation methods for imported material as specialised importers and skilled personnel may be permitted restricted access to KQS facilities to assist in the development of a new venture. A tissue culture laboratory is available for de-flasking and multiplying disease free imports.

Quarantine Services Branch also undertake a range of duties on behalf of the Australian Antarctic Division to ensure that no non-native biota or diseases are introduced to the Antarctic and sub-Antarctic Islands as a result of the Australian Antarctic Program. This work is considered particularly important by the Australian Antarctic Division of the Department of Sustainability, Environment, Water, Population and Communities, and is also a high priority for the State government.

3.2 Surveillance Programs

Early detection is essential to ensure that the impact of any plant pest or disease incursion is minimised. Plant pest and disease surveillance programs are delivered primarily by the Quarantine Services and the Biosecurity and Plant Health Branches of the Biosecurity and Product Integrity Division. Under the area freedom program, a range of post barrier pest and disease surveys are undertaken. These surveys provide technical data for international market access applications, contribute to maintaining established markets, and provide data that supports the State's quarantine legislation.

There are a wide range of pest and disease surveys conducted in Tasmania at various times throughout the year for legislative and market access requirements. The fruit fly surveillance program, for example, uses a network of fruit fly traps distributed throughout the state that are inspected weekly during spring, summer and autumn and fortnightly during winter.

Tasmania also undertakes additional surveillance activities under the National Surveillance Program, including trapping for Asian Gypsy Moth at ports. As part of the program, Quarantine Services and Forestry Tasmania run a trapping program to detect exotic bark beetles. The initiative also involves entering fruit fly trapping data into BioSIRT.

3.3 Pest Diagnosis and Control

Crop protection activities are undertaken throughout plant industries in Tasmania. Agronomic advice on the management of plant pests and diseases is provided primarily by DPIPWE entomologists and plant pathologists, the private sector and the Tasmanian Institute of Agricultural Research (TIAR), which is a joint venture between the DPIPWE and the University of Tasmania. TIAR and the private sector also provide research and development support. Many government programs are developed in conjunction with industry. These include the development and extension of farm hygiene codes of practice (e.g. codes of practice for agricultural contractors), and the management of new crop industries (e.g. olives, wasabi).

Plant health diagnostic services are provided through the Biosecurity and Plant Health Branch of DPIPWE. The TasAg ELISA and Pathogen Testing Service is a NATA accredited laboratory based at New Town and provides a service principally in the area of virus detection and identification. The plant pathology laboratory provides diagnostic and control advice for plant diseases in all areas of agriculture, horticulture and quarantine situations and addresses household and home garden inquiries on a cost recovery basis. Invertebrate pest identification services are provided by entomologists based in laboratories in Hobart, Devonport and Launceston.

3.4 Communications

Communication programs are an essential component of Tasmania's Biosecurity Strategy. The communication program contributes to prevention by raising awareness of biosecurity amongst both visitors and residents. The Biosecurity Communications Unit based located in the Biosecurity and Plant Health Branch is staffed by a Biosecurity Communications Officer and two part-time communications support staff and has the responsibility for developing and delivering a State biosecurity communications program. This is a listed action in the Tasmanian Biosecurity Strategy. This program consolidates and builds on existing biosecurity communication activities. It is designed to enhance people's understanding of the importance of biosecurity and Australia's international

obligations in relation to World Trade Organisation (WTO) treaties and agreements. In particular, the need to base biosecurity policy development on sound science is highlighted through this program.

The DPIPWE operates a biosecurity stakeholder register that any stakeholder can register with via the internet. There are currently 620 stakeholders on the advisory database, and many organisations on-send the information to their members through their newsletters etc. This provides direct contact with stakeholders for provision of advice on anything of a biosecurity nature. This network was used to inform stakeholders during an animal health emergencies in Tasmania in 2008 and 2011, and would form an important role in communication in the event of a plant pest or disease emergency response. In addition, a biosecurity articles are produced for Tasmanian newspapers and TasRegions, a State government publication.

Quarantine Services Branch operates a very successful awareness program for many years with quarantine officers regularly delivering presentations to various sectors of industry and the community. Displays and distribution of quarantine information occurs through several avenues including regional agricultural shows and exhibitions. This program is coordinated and delivered by a quarantine Communications Officer. A quarantine update newsletter is provided to stakeholders on an occasional basis.

Crop protection training is provided to industry with a focus on Integrated Pest Management approaches. This training is delivered via industry specific workshops or via accredited training programs operated by TAFE or the University of Tasmania. DPIPWE provides input to this training by providing specialist presenters to courses where quarantine or biosecurity matters are being discussed.

The Tasmanian Government also contributes to general awareness programs. For example, the State Weed Alert Network increases awareness and encourages passive surveillance by growers and their industry providers such as field advisers and agronomists.

4. PLANT PEST PREPAREDNESS AND RESPONSE PROGRAMS IN TASMANIA

The *Plant Quarantine Act 1997* provides a broad range of specific and general measures and powers to deal with the prevention, monitoring and eradication of both endemic and emergency plant pests and diseases. Tasmania's emergency management legislation, the *Emergency Management Act 2006*, provides a framework for a whole-of-government approach to prevention, preparedness, response and recovery.

The Tasmanian Government maintains a capability to manage biosecurity emergencies through DPIPWE, which is identified in the Tasmanian Emergency Management Plan as the management authority for biosecurity emergencies including plant pest and disease emergency responses. The DPIPWE Biosecurity Emergency Preparedness Program is an on-going effort to build capability for response to animal diseases, plant pests and diseases, and environmental pests that potentially threaten Tasmania's biosecurity. Preparedness efforts centre on developing generic emergency management capability that can be applied to any type of biosecurity emergency with the intention that the

relevant specialists will be integrated into response management processes as appropriate. Planned outputs of this Program are:

- a reserve of competent personnel forming a 'first response team' able to mount and manage a response operation;
- contingency plans, enabling legislative provisions and work instructions; and
- a series of relationships with stakeholders.

The Program has been developed having regard to national arrangements, ensuring that the preparedness activities are consistent with PLANTPLAN and other Plant Health Australia initiatives. Tasmania has a developing capability in this area with several elements already in place. For example, Tasmania's preparedness arrangements include the following:

- Tasmanian Biosecurity Committee;
- Biosecurity Technical Group;
- Enabling legislation;
- Plant health diagnostic facilities;
- High level quarantine expertise;
- A State Special Emergency Management Plan for Biosecurity Emergencies
- A developing Biosecurity Emergency Response Team; and
- Related incursion mechanisms such as State response plans for new weed incursions.

The Biosecurity Emergency Response Team is a group of staff from across DPIPWE and TIAR who make themselves available to train for and respond to biosecurity emergencies. There are 120 people who have undertaken emergency response training through this Program and who maintain response currency.

5. ENVIRONMENTAL POLICY

While originally developed with an emphasis on the production sector, biosecurity programs in Tasmania are equally applicable to the natural environment. In fact, the State definition of biosecurity explicitly includes the environment within the scope of biosecurity activities. The BTG provides for core membership of senior staff in DPIPWE's Divisions dealing with environmental management. In addition, weed, pest and disease issues of concern to the environment can be addressed through the establishment of an issue based working group with relevant environmental expertise represented. Regional Natural Resource Management (NRM) bodies in the State are also addressing biosecurity issues in relation to both the natural environment and sustainable agricultural production, via strategic planning. DPIPWE provides assistance to the three NRM bodies in Tasmania as required.

6. PUBLIC HEALTH

Agricultural and horticultural production in Tasmania is regulated by a number of legislative instruments that govern how food is produced. These include the *Agricultural and Veterinary Chemicals Act 1994*, the *Food Act 2003*, the *Dairy Industry Act 1994*, the

Meat Hygiene Act 1985, the *Egg Industry Act 2002*, and the *Animal Health Act 1995*. The past few years have seen a progressive uptake of formal quality assurance programs in both the production and processing sectors. These programs are based on market driven self-regulation and are subject to regular external audit. Many of the programs incorporate Hazard Analysis Critical Control Point (HACCP) systems. Auditing processes are generally undertaken by private providers, with some government financial support. In terms of plant products, most of the production volume is processed or packed as fresh produce and sold domestically or exported.

7. Summary

Tasmania, as a signatory to the Emergency Plant Pest Response Deed, is committed to maintain capability for threat identification, prevention and detection, and capacity and infrastructure to efficiently and effectively respond to and manage incursions of Emergency Plant Pests according to the legal and operational requirements outlined in the Emergency Plant Pest Response Deed and PlantPlan.

DPIPWE Tasmania
July 2011

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15.7

Western Australian Government Statement on Plant Biosecurity Policies and Programs

BACKGROUND

PLANT BIOSECURITY PROGRAMS

PRE-BORDER BIOSECURITY
Biosecurity Policy
Legislation underpinning Plant Biosecurity in Western Australia
Risk Analysis

BORDER BIOSECURITY
Quarantine and Inspection Service

POST-BORDER BIOSECURITY
Pest Surveillance
Industry and Farm Biosecurity
Pest Management

PLANT BIOSECURITY POLICIES AND PROGRAMS IN WESTERN AUSTRALIA

BACKGROUND

Due to its geographical isolation from the rest of Australia, Western Australia continues to be free of many pests, weeds and diseases that impact on the rest of the country. The State's pest free production environments are a significant marketing advantage to the State's producers and exporters of agricultural produce. The continued demonstration of product freedom from specified pests and diseases and contaminants has become increasingly important to gaining market premiums under evolving international trading policies and consumer expectations, and is one of the key objectives of the plant biosecurity programs of the Department of Agriculture and Food.

The Department of Agriculture and Food implements a number of policies and programs, which are primarily aimed at reducing the risk of incursions of exotic diseases, pests and weeds and managing the incursion, should one occur. The specific biosecurity programs are underpinned by effective information management systems that enable recording and reporting of pest and disease occurrences.

PLANT BIOSECURITY PROGRAMS

The mission of Western Australia's plant biosecurity programs is to safeguard plant resources from exotic and endemic pests and pathogens. The biosecurity policies and operations facilitate safe trade, tourism and goods movement whilst reducing exposure of the State's plant resources to exotic biological risks. This is achieved via pre-border, border and post-border strategies that are targeted to reduce the risk of introduction, establishment and spread of biological threats.

The biosecurity programs implement science based quarantine policies and phytosanitary measures in the least trade restrictive manner necessary to maintain the appropriate level of biosecurity protection in accordance with the obligations under the Memorandum of Understanding on Animal and Plant Quarantine Measures.

The biosecurity programs emphasise that management of biological risks to market access, product safety and quality, productivity and sustainability is a shared responsibility and can be managed synergistically and cost-effectively by means of an active partnership of industry, community and the Government.

Biosecurity programs focus on the following key strategies:

- Threat identification;
- Risk assessment;
- Pre-border and border biosecurity measures;
- Post border surveillance;
- Incident management;
- Eradication and containment;
- Product integrity;
- Supply chain biosecurity; and
- Risk reduction treatments for market access, and training and communications.

PRE-BORDER BIOSECURITY

Biosecurity Policy

The plant biosecurity policies followed in Western Australia are based on our national and international obligations under the World Trade Organisation and in particular the International Sanitary and Phytosanitary Measures. One of the key elements is the principle of official control, in particular the principles of non-discrimination, transparency, equivalence and risk analysis.

The principle of non-discrimination between domestic and overseas import requirements is of fundamental importance. In particular, an exporting country must be assured that requirements for imports are not more stringent than the effect of official control in an importing country.

There must therefore be consistency between overseas import and domestic requirements. Specialists from the Department's entomology, plant pathology, biometrics, socio-economics and modelling disciplines provide the scientific basis for the biosecurity policies developed by the plant biosecurity programs.

Legislation underpinning Plant Biosecurity in Western Australia

Plant Diseases Act 1914

Agriculture and Related Resources Protection Act 1976

Plant Diseases Regulations 1989

Plant Pests and Diseases (eradication Funds) Act 1974

All legislation administered by the Department of Agriculture and Food is in the process of being consolidated into one Act and Regulations, the *Biosecurity and Agricultural Management Act 2007*. The Act will establish a flexible and consistent regulatory framework for the management of agricultural risks.

Risk analysis

Threat identification and risk assessment are significant components of Western Australia's approach to plant biosecurity.

Economic modelling is used to assess and prioritise new threats and incursions of quarantine significance. These models are currently undergoing refinement and further development, as part of a research activity on biosecurity risk assessment.

In order to protect the State's area-freedom from many significant quarantine pests and diseases, comprehensive Pest Risk Assessments (PRAs) are carried out for quarantine pests associated with specific commodities proposed for import from interstate. Where necessary, Plant Disease Regulations are developed to provide effective phytosanitary controls that meet national and international standards.

BORDER BIOSECURITY

Quarantine and Inspection Service

Quarantine Western Australia (QWA) provides state-level border biosecurity services. The primary aims of QWA are:

- to minimise the likelihood of entry of quarantine plant pests, diseases and weeds through operation of effective quarantine surveillance measures consistent with our national and international obligations;
- to facilitate the safe interstate trade in plants and plant products through the provision of inspection and certification services; and
- to implement statutory obligations arising from relevant Acts and Regulations.

QWA provides import and export inspection services both under Western Australian and other States' and Territories' legislation. Inspections are carried out on plants, plant products and other quarantine risk material (QRM) such as fresh fruit and vegetables, flowers, seeds, honey, vehicles and machinery and any other possible carriers of QRM, imported into and exported from Western Australia. This includes surveillance programs to detect and identify QRM at border checkpoints, airports, freight depots, post offices and other entry points. QWA has recently undergone a major review of its operations, staffing and structure and has begun implementing the recommendations.

POST-BORDER BIOSECURITY

Pest Surveillance

The Department of Agriculture and Food runs major targeted and passive (including community surveillance where specimens are actively solicited from the public) surveillance programs for national and key interstate plant pests and diseases, to document their absence or level of containment in the State.

Information gained is used to confirm the State's on-going area-freedom of targeted pests and diseases of quarantine significance. Surveillance results also monitor the status of pests and diseases that are under official control programs.

The Department of Agriculture and Food has increased public awareness at transport end points (road, rail, air and sea) so that people living around these areas know that a Pest and Disease Information Service (PDIS) is available to handle any unusual sightings in this and other areas.

The effectiveness of the surveillance program is illustrated by the early detection of many incursions, which have been successfully eradicated or dealt with by the use of incursion management plans.

Industry and Farm Biosecurity

To further reduce the risks of incursions of pests and diseases and other risks to markets, the plant industries in Western Australia have implemented industry specific biosecurity plans under the HortGuard and GrainGuard initiatives. These initiatives bring together all sectors of Western Australia's plant industries to develop strategies to minimise the pest risks. The Guard initiatives complement existing biosecurity initiatives of the government and the industry and provide a coordinated industry-wide approach to identify issues and recommend management options.

The industry biosecurity plans represent a holistic system to pro-actively identify the key threats to productivity, sustainability and marketability and outline preventive and response strategies including the emergency incident management.

The farm biosecurity approach adopted by Western Australia emphasises farm hygiene needed to prevent introduction of plant and animal diseases into the farm from anywhere. It is based on the assessment that prevention is cheaper than cure. This also promises marketing of quality assured produce. Farmers can have a major impact on the future of their own farm output and also at a wider level by implementing biosecurity measures on their farms.

Farm biosecurity is considered as essential to preventing establishment of pests, diseases and weeds. Inside the front gate farmers can take common sense, achievable steps to be assured that threats new to the state and those already here will be less likely to arrive and are more likely to be found at an early and manageable stage. Farm biosecurity aims to keep land, crops and stock free of unwanted pests, diseases and weeds by managing the movements of stock, produce and equipment most likely to carry pests, diseases and weed seeds and ensuring early detection of threats. This includes containing existing problems to the infested part of the farm. Specific information packages have been developed for contractors that may access rural properties and for particular industries such as tourism.

Pest Management

The Department of Agriculture and Food has a specific program on plant pest management. The Invasive Species Program is primarily responsible for the management of feral, neglected and un-managed plants and plant pests in Western Australia, by means of declared plants policies and regulations.

The Invasive Species Program operates under the *Agriculture and Related Resources Protection Act 1976* (ARRPA) and the *Plant Diseases Act 1914*. It is responsible for:

- development of policy on declared plants in Western Australia;
- implementation of declared plant policy in Western Australia through awareness raising activities, property inspections and non-compliance management;
- coordination of Western Australia inputs into national weed strategies;
- research into improved management techniques for declared plants in Western Australia;
- assisting regional communities to prioritise and effectively manage declared weed and other environmental weed issues;
- development and implementation of the State Weed Plan aimed at facilitating the management of weeds at all levels in Western Australia;
- delivery of technical, planning and field operational services to industry where funds are provided for the eradication of serious production weeds e.g. skeleton weed, bedstraw;
- carrying out surveillance for new weed incursions; and
- development and maintenance of early detection and rapid response capability to manage new weed incursions.

15.8

PLANT BIOSECURITY POLICIES AND PROGRAMS IN THE NORTHERN TERRITORY

A statement by the Northern Territory Government for Schedule 15 of the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses

Prepared by the Biosecurity and Product Integrity Division
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July 2010

NORTHERN TERRITORY GOVERNMENT STATEMENT ON PLANT BIOSECURITY POLICIES AND PROGRAMS

3. Overview

Plant biosecurity policies and programs of the Northern Territory Government (NTG) are delivered through the Department of Resources (DoR).

The NTG's biosecurity activities include the development of policies and administration of legislation to assist the trade of pest-free commodities from and within Australia and the maintenance of the Territory's relative freedom from injurious pests and diseases. At the operational level, surveillance for established and emergency plant pests, responses to pest incursions, and research and extension programs all aim to maintain and improve plant health, crop production and the environment.

Within DOR these responsibilities are managed by the Division of Biosecurity and Product Integrity (BPI), within the Primary Industries Group. They are supported in this role with the provision of identification services and advice on plant health for plant production systems, extension, surveillance and research programs by the Plant Industries Division.

The NTG also works closely with the Australian Government's Department of Agriculture, Fisheries and Forestry (DAFF), agencies within the Australian States and Territories, and national industry organisations to maintain freedom from primary industry and environmental pests and diseases. In the Northern Territory (NT) and across Australia the plant industries and the environment are protected through a continuum focussed on pre-border, border and post-border activities. At each stage of the continuum, success is dependent on a partnership between governments, industry and the community.

At the State/Territory borders, reduced carriage of pests relies on creating a public conscience about the detrimental impact of plant pests, regulated inspection and by certification to gain market access for commercial shipments of pest-free plant products.

Post-border efforts are targeted at the early detection and effective response to pest threats, whether foreign or endemic. National and Territory response systems and plans for plant pest and disease incursions are in place and regularly utilised to combat outbreaks.

4. Policies and legislation

Policies and planning statements relating to plant biosecurity in the NT are included within the BPI Business Plan. Some aspects of these statements relate to Emergency Plant Pest Responses.

In the NT, biosecurity events have reinforced the need for strong border and post-border strategies. The rapid movement of travellers and cargo presents a constant challenge to maintain the NT's freedom from major emergency plant pests and diseases that could severely damage our primary industries and the environment.

Legislation relevant to plant biosecurity in the Northern Territory

The *Plant Diseases Control Act 1979* is administered by DOR. It is aimed at minimising the establishment and spread of plant pests and diseases and has provisions to control the importation of plants and plant products. The Act also provides for declaration of quarantine areas, declaration of pests and diseases and notifiable pests and diseases, accreditation of production areas, and powers of inspectors in emergency and other plant pest responses. New legislation is being finalised to replace the *Plant Diseases Control Act.*

The above legislation can be found at: www.nt.gov.au/dcm/legislation/current.html

5. Plant biosecurity programs

Pre-border

The Australian Government, through DAFF, has the prime responsibility to actively reduce the threat and to prevent the entry of emergency pests and diseases into the country. The NTG supports these activities through close cooperation with our trading partners and the Australian Government.

The Australian Government, through Biosecurity Australia, consults with the NT when processing import risk assessments. DOR assists neighbouring countries to understand and comply with Australian quarantine arrangements, and works closely with the Northern Australia Quarantine Strategy (NAQS) and other Australian agencies in the surveillance and protection of our northern borders from plant pest incursions.

The NAQS program in the NT comprises pre-border and post-border surveys and awareness programs. It operates along a coastal strip and inland high-risk areas, stretching across northern Australia and including the Torres Strait Islands. Pre-border surveys in Papua New Guinea, Indonesia and East Timor are an important part of their brief. Activities designed to increase the probability of detecting pest incursions, such as public awareness and research to develop better testing methods, are also carried out.

When a pest incursion is detected, it is reported to DAFF and the NTG for action, as further surveys and control are generally outside NAQS' jurisdiction.

Borders

International

The Australian Quarantine Inspection Service (AQIS) provides these quarantine services in the NT. Inspection services are carried out for arriving international passengers, cargo, mail, aircraft and shipping.

Interstate

Prevention of movement of plant pests across the State/Territory borders relies on creating a public conscience about the detrimental impact of plant pests and diseases. This is supplemented with action by the various DOR Divisions as well as through publicising the relevant legislation and import or export conditions.

An inspection and certification service enables primary products from the NT to access interstate markets through Interstate Certification Assurance arrangements. Officers inspect premises, cargo and undertake quality assurance auditing. A screening process is also provided on imported plant material for the presence of pests and diseases. Detection of local and exotic fruit flies is accomplished through a monitoring program in all urban and horticultural areas.

The NT relies upon the travelling public to be aware of plant pests and diseases in order to help protect the NT from interstate threats. An ongoing program is maintained at florists, nurseries and fresh produce importers to inspect produce from risk areas of Australia. Pests of importance that have not established in the NT include red imported fire ant, some fruit flies, western flower thrips, citrus canker, phylloxera, bunchy top virus and black Sigatoka in bananas. Conditions for the introduction of plants and plant material are outlined in gazettal notices under the *Plant Diseases Control Act*. The conditions are publicised through the Internet and in hard copy form available to importers, the general public and relevant interstate regulators. These specify the target plants, relevant plant pests or diseases and the conditions for entry into the NT.

BPI has the responsibility for interstate quarantine services, surveillance for endemic and emergency pests and diseases, maintenance of a list of targeted pests and diseases and managing the protection across Territory borders including responding to any incursion of a new plant pest or disease. In the event of an interstate incursion BPI are the NT's representative on the Consultative Committee on Emergency Plant Pests. It maintains liaison with interstate counterparts through committees and working groups. The Plant Industries Division provides the identification service for the above activities.

Post-border

The focus of Australia's post-border biosecurity strategy is to detect pests and diseases and implement relevant response plans, with procedures that are timely, adequately resourced and supported by flexible legislative capability.

The NT is at risk from many significant tropical plant pests and diseases due to the growth in travel and tourism and trade in commodities. This increases the potential for incursions to occur through either new or busier pathways and the potential introduction and establishment due to the NT's similar crop types and climate.. Climate change is also potentially extending the range of organisms and those that might pose a risk to the NT.

However the low human population density, relative to the vast geographic area, and lack of intensive land management over much of that area, present particular difficulties for detection surveys and the management of plant pests and diseases in the NT. Conversely, the geographic isolation of intensive agriculture or horticulture may assist in pest management.

Response plans

The current DOR response plan for plant pests and diseases is documented as the "Biosecurity Emergency Management Response Plan" and has an all hazards approach.

DOR has been actively involved with Plant Health Australia in the development of industry specific biosecurity plans. These are pre-emptive planning processes to ensure the industry is better placed to maintain domestic and international trade, negotiate access to new overseas markets and reduce the social and economic costs of pest and disease incursions on both the industry and the wider community. Current industry biosecurity plans for NT industries includes banana, mango, tropical fruit, plantation timber and nursery and garden.

Surveillance

Surveys are conducted across the main urban and plant production areas of the NT to detect any emergency plant pests or diseases. These surveys also target at identified high risk locations such as the harbour and associated trade areas. Monitoring is carried out for exotic and interstate fruit flies that are not endemic to the NT. The ongoing monitoring and screening of imported products is conducted for plant diseases and the development of management systems occurs for targeted high priority endemic pests and diseases. Pest detections also occur through interstate agencies, industry notifications and responding to public enquiries received through the Exotic Plant Pest Hotline.

Services

Diagnostic services are a key component of any biosecurity system. In the NT these services are provided by a number of different service providers including the Plant Industries Division, which also maintains the NT Economic Insect and Plant Disease Reference Collections and associated on-line national databases. Also providing services in the Territory are the Charles Darwin University, Department of Natural Resources, Environment, The Arts and Sport, through their Museum and Herbarium groups, CSIRO (Darwin), interstate jurisdictions with recognised specialities and industry service providers. Research is carried out into improved management practices for key plant pests and diseases, such as those affecting perennial tree crops, vegetables and termite control.

Education

Because of the low human population density, the NTG recognises that effective public education is a valuable tool for detecting and managing emergency plant pests in the post-border sphere. Community and industry knowledge and the ability to recognise new organisms can facilitate detection of incursions economic crops, urban situations and in remote areas. The NTG maintains a range of extension programs and provides advice on economic and household pests through the print media, radio and television, the internet, directly to the primary industry sectors by personal advice. An extensive communication and education process will occur to all stakeholders, in support of the new *Plant Health Act* and regulations.

4. Cooperation in biosecurity

The NTG seeks cooperation from various sectors for detection and responses in emergency plant pest responses. In particular, cooperation with industry sectors and the general public is crucial for the detection of new incursions and their eradication or management.

Ready access to information and other resources has enabled the NTG to remain abreast of biosecurity issues at the local, national and international levels and to improve its ability to develop emergency plant pest responses. Specialist advice is sought from DAFF, CSIRO, AQIS, NAQS, interstate primary industry departments and overseas institutions to address particular biosecurity issues.

15.9

Statement on Plant Biosecurity Policies and Programs Australian Capital Territory

Prepared by the Department of Territory and Municipal Services pursuant to the *Government and Plant Industry Cost Sharing Deed in Respect of Emergency Plant Pest Responses*

February 2007

INTRODUCTION

The ACT is 236,000 ha in area. 54% is reserved for environmental conservation, 16% is held under rural lease. The remainder is primarily urban, institutional or broad acre open space managed for public use/environmental conservation. All privately occupied Territory land is leasehold.

The plant industry sector in the ACT is small by any measure – its annual value of production is about $3.5M. Broad acre pastoral enterprises make up the bulk of the primary industry sector - cropping is uncommon and stock feed is often imported. There is a small horticultural element, mainly fruit trees, vines and olives. Retail nurseries are a prominent feature. Niche industries such as truffles, lavender and herbs are an area of potential development. There is an evident trend in lifestyle or hobby farming on rural lands, particularly for smaller blocks. There is a growing 'farmers' market' sector where regional producers sell direct to the public.

Administrative arrangements

The Australian Capital Territory operates essentially as a city-state with an integrated local government and territory government arrangement.

ACT Government responsibilities for plant biosecurity matters rest primarily with the Department of Territory and Municipal Services (TAMS). The Department is the principal land manager for the Territory, although management responsibility for defined National Land, comprising national institutions, defence lands and the central parliamentary core area of Canberra, resides with the Australian Government.

Land management within TAMS embraces all relevant operational sectors, including: urban parks, gardens and places; the nature conservation estate; vacant crown land; and the rivers, streams and wetlands contained therein. Native vegetation management, amenity management and plantation management (urban and non-urban, native and exotic) are areas of vegetation management focus. Functions relevant to plant biosecurity include pest plant and animal management, fisheries management, biodiversity conservation, veterinary, horticultural, and arboricultural services, agricultural extension services and related policy, legislative and regulatory support.

There is no dedicated biosecurity resource. Government biosecurity responsibilities and functions are integrated with general primary industries, natural resource management and urban amenity policy and operational arrangements and programs. Although integration of local government and territorial functions enables comprehensive coverage of the plant industry sector in general terms, the diseconomies of scale that necessarily apply in a small jurisdiction

preclude provision of some of the more specialised biosecurity services (such as pathology/diagnostics) and some of the more resource-intensive activities (such as broad-spectrum programmed surveillance).

In this context, the ACT is dependent upon and promotes a cooperative regional approach to biosecurity issues with relevant NSW Government agencies. A recent example is a collaborative approach to accrediting ACT vineyards as being Phylloxera-free that has recently been completed by NSW. Active membership of national biosecurity forums is also important to maintaining currency with trends, developments and issues arising.

Cooperative land management

Government land management agencies collaborate with rural landholders on common matters such as weed and pest animal management where a sub-catchment or landscape scale approach is required for an effective outcome.

A rural extension service provides an avenue for engaging the primary industry sector in biosecurity matters such as standards and protocols for detecting, reporting and responding to incursions of pest plants and diseases. There is a range of community-based NRM programs, typically supported by NHT or NAP funding. They address both urban and non-urban issues and provide a useful network for community engagement more generally.

Rural leases require a Land Management Agreement with the Territory on how the land is to be managed. Particular issues, such as weed and fire management may be specifically addressed. Advice is provided on natural resource values and other environmental assets and their management requirements.

LEGISLATION:

Legislative authority for plant biosecurity lies principally with:

Plant Diseases Act 2002

Outlines measures for the control of diseases and pests including provisions for:

- declaring pests and diseases;
- imposing quarantines;
- prohibiting entry of material that could spread disease; and
- dealing with outbreaks of plant diseases or pests.

Pest Plants and Animals Act 2005

Provides for the declaration and management of pest plants through inter alia:

- controls over movement, introduction and disposal;
- controls over sale and propagation;
- declaration of notifiable pest plants; and
- directions in relation to management of pest plants.

Animal Diseases Act 2005

Regulates the keeping and management of honey bees.

Nature Conservation Act 1980

Provides for inter alia:

- declaration of prohibited or controlled organisms and the control of related activities;
- directions in relation to the treatment of native plants suffering from disease; and
- declaration of ecologically threatening processes and the preparation of Action Plans setting out how the process is to be managed.

Emergencies Act 2004

Establishes the Emergencies Management Committee whose main function is to provide liaison between entities in relation to emergency management. The Committee is responsible for the development of the ACT Emergency Plan, which may contain a number of issue-specific response sub-plans.

Land (Planning and Environment) Act 1991

Allows conditions to be placed on a lease that may address particular environmental or agricultural concerns.

ACT legislation is available at http://www.legislation.act.gov.au/.

PREVENTION AND RESPONSE

Surveillance

The Department of Territory and Municipal Services undertakes both passive and active surveillance programs for pest plants and pests of plants to: protect environmental values and community assets; assist with the maintenance of a viable rural sector; and to respond to ad hoc issues arising from new incursions that may extend to the ACT, or as a partner in a national program.

Longer-term targeted programs are limited because of resource and expertise constraints and are generally confined to particular areas of investment such as turf or plantation assets or where national arrangements are in place. Examples of continuing programs include Fruit Fly and Syrex Wasp

Structured monitoring programs are in place for selected environmental pest plants as part of weed management programs and surveys of native vegetation collect related information.

Programmed monitoring and surveillance programs provide a mechanism for general assessment of plant health and vegetation condition and anomalies that may be attributed to pests or diseases are investigated.

Quarantine

Plants leaving the ACT that are subject to inspection requirements by the receiving jurisdiction are inspected upon request and issued with plant health certificates if appropriate. Prescribed prophylactic treatment is undertaken.

There is no legislated requirement for routine screening of import or export of plants. Pest plants or plant pests and diseases may be declared as such and movement controls can then be applied. Quarantine areas may be declared in response to a declaration to facilitate control of plant movements and pest/disease management.

Response mechanisms and capacity

The Department of Territory and Municipal Services (TAMS) has a core of officers who handle plant biosecurity matters as part of their duties. There is no dedicated biosecurity resource, although there is some capacity to identify and manage established pests and diseases impacting on the natural environment, primary industries and urban amenities. Invasive weed management is a major, continuing area of investment. A research and diagnostic capacity is generally unavailable within government.

Land management staff have a general capacity to respond to emergencies in terms of experience, skills and equipment. Many have delegate authority under relevant legislation. They provide the majority of resources available for an emergency response to a plant pest or disease incursion. Supporting legislation for management of pest incursions is current and authoritative. The Emergencies Act allows a whole-of-government response to be initiated.

TAMS participates in national forums for plant biosecurity and the ACT is a Party to the Emergency Plant Pest Response Deed.

Key ACT policy documents that guide plant biosecurity arrangements include:

- ACT Weeds Strategy
- ACT Nature Conservation Strategy
- Action Plans for threatened species and communities

Awareness raising and education

The Department of Territory and Municipal Services has a comprehensive community engagement, education and information program that is diverse in content and dynamic in nature. Particular elements are directed at natural resource management, primary industry and urban amenity. Tailored strategies are developed in response to particular issues. Links with community and industry stakeholders are established.

These resources and programs form the basis for responding to potential or actual incursions of plants pests and diseases.

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15A

Banana Industry Biosecurity Statement

Australian Banana Growers' Council is strongly committed to ensuring the Australian banana industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact production, marketability including intra- and interstate trade, regional and national economies and the environment.

The Australian banana industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The Australian banana industry has had a significant amount of experience in dealing effectively with exotic pest and disease incursions including an outbreak of black Sigatoka in the Tully valley in 2001 that was subsequently eradicated.

INDUSTRY BIOSECURITY PLAN

The Australian banana industry, through the Australian Banana Growers' Council, has worked with Plant Health Australia, a range of government agencies (including the Australian Government Department of Agriculture, Fisheries and Forestry, Queensland Department of Primary Industries and Forestry, NSW Department of Primary Industries and the NT Department of Business, Industry and Resource Development) to develop a comprehensive national approach to managing biosecurity risks in the banana industry.

The National Banana Biosecurity Plan was officially launched on Tuesday the 24th of February, by Plant Health Australia Chairman, Mr Andrew Inglis, and Australian Banana Growers' Council Chairman, Mr Patrick Leahy. Copies of the plan have been made available to key government and industry representatives, including all state and regional banana industry bodies.

The National Banana Industry Biosecurity Plan is comprised of an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of 183 exotic pests and 31 exotic pathogens. Pest Risk Reviews will be added that provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN will be included as an attachment in the next version of the National Banana Industry Biosecurity Plan. The National Banana Industry Biosecurity Plan presently includes a template that will be used to develop contingency plans for high priority pests. These Contingency Plans will underpin, and will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan will include pest or industry specific details relating to the management/control/eradication of particular pests.

Nine diagnostic standards are being developed for banana leaf diseases of concern, including Fusarium oxysporum f.sp. cubense, Ralstonia solanacearum, Ralstonia solanacearum race 2, Mycosphaerella fijiensis (complete), Mycosphaerella eumusae, Guignardia musae,

Mycosphaerella musae, Banana Bunchy Top Virus and Banana Bract Mosaic. These will be slotted into future biosecurity plans.

The awareness section identifies a range of existing fact sheets or other sources of information for the eight high priority pests identified in the priority pest list. Sources of existing fact sheets on these priority pests have been identified. For three of the pests where no existing fact sheet was available new fact sheets were developed and these are included in the document.

Australian Banana Growers' Council will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The next review of the plan is due to be conducted in February 2004

PEST CATEGORISATION

Of the pests identified in the pest list of the National Banana Industry Biosecurity Plan, eight have been categorised for inclusion in the Emergency Plant Pest Response Agreement.

Australian Banana Growers' Council commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

Australian Banana Growers' Council has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

Australian Banana Growers' Council will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. Australian Banana Growers' Council will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

Australian Banana Growers' Council has been involved in promoting biosecurity within the banana industry via participation in Plant Health Australia's National Plant Health Awareness Campaign, through the inclusion of biosecurity awareness sessions at its biannual industry Congress as well as through its regular industry publications and website.

OTHER ACTIVITIES

The Australian banana industry maintains:

- an active pest and disease surveillance program to detect exotic pest and disease incursions in Cape York Peninsula before they could become established in the main production areas.
- an approved tissue culture accreditation program that ensures that banana growers have access to clean planting material as required.
- an active involvement in the promotion of farm chemical accreditation, food safety and environmental management accreditation programs.

15B

COTTON AUSTRALIA

COTTON INDUSTRY BIOSECURITY STATEMENT **2011-12**

Cotton Australia recognises the need for the cotton industry to work with the federal and state governments to help reduce the potential for incursions of emergency plant pests that could adversely impact on production, domestic and international trade and the regional economy and environment. The cotton industry is committed to ensuring effective responses to pest incursions as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The cotton industry through Cotton Australia is working with Plant Health Australia (PHA) to develop a comprehensive national approach to managing biosecurity risks in the cotton industry. Valuable assistance is received from researchers and staff from CSIRO, NSW Department of Primary Industries (NSW DPI), Queensland Department of Employment, Economic Development and Innovation (QDEEDI), Biosecurity Queensland, Cotton Research and Development Corporation (CRDC), Cotton Cooperative Research Centre (Cotton CRC), Cotton Seed Distributors (CSD) and the Australian Government Department of Agriculture, Forestry and Fisheries.

Solenopsis mealybug (*Phenacoccus solenopsis*)

On 17th February, 2010 the Consultative Committee on Emergency Plant Pests determined that a mealybug infesting cotton and weeds in the central highlands and Burdekin regions of Queensland was *Phenacoccus solenopsis* and that an eradication response was not feasible.

Cotton Australia, QDEEDI and Biosecurity Queensland implemented a regional farm machinery hygiene protocol into and out of the central highlands and between farms within this region. The cotton industry, with the assistance QDEEDI and supported by researchers from other agencies such as CSIRO and NSW I&I also commenced pest management research into this new pest.

CRDC has funded further research projects that aim for the integrated pest management of Solenopsis mealybug in a new QDEEDI project to commence in July 2011.

Cotton Industry Biosecurity Plan

The National Cotton Industry Biosecurity Plan, consistent with PHA's National Industry Biosecurity Planning Guidelines, was launched in November, 2006. A major review of the National Cotton Industry Biosecurity Plan (Version 2.01) was released in January 2010.

The awareness section identifies a range of existing industry processes, fact sheets and other sources of information for the 12 high priority identified pests that can be used to promote awareness of these.

Cotton Australia will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and biennial review of this plan.

On-farm biosecurity

The cotton Best Management Practices (BMP) program has undergone a major review by Cotton Australia and the new version, *my*BMP, was launched during the 15th Australian Cotton Conference in August 2010. The second generation *my*BMP program includes a "farm biosecurity module".

CRDC funding enabled Cotton Australia, PHA and Biosecurity Queensland to develop the Cotton Farm Biosecurity Manual to support the *my*BMP biosecurity module. The Version 1 of this manual was also released at the 15th Australian Cotton Conference in August 2010. Printed copies (2,000) of the manual were subsequently distributed to cotton growers and consulting agronomists. Copies of the on-farm manual are also distributed at various trade shows and meetings for new growers.

Pest Categorisation

Of the 20 pests identified in the priority pest list of the Cotton Industry Biosecurity Plan, six have been categorised for inclusion in the Emergency Plant Pest Response Deed. Industry researchers, facilitated by Cotton Australia, have developed a priority ranking for the remaining uncategorised priority pests during (2010) in preparation for future categorisation.

Cotton Australia will, as far as it is within its power to do so, ensure that appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts. Cotton Australia has participated in all relevant categorisation group meetings.

National Decision Making Processes/PLANTPLAN

Cotton Australia will endeavour to ensure that senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters in the event of an incursion. Cotton Australia will also endeavour to ensure that all delegates participate in relevant competency and noncompetency based training, which is being delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

During 2011 Cotton Australia will review training requirements for member's representatives and explore opportunities for training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program in collaboration with the CRDC.

Enhanced cotton biosecurity capacity and awareness

Cotton Australia is the representative organisation for the cotton industry to the Cotton Research and Development Corporation (CRDC) and as such has a strong role in advising industry priorities for the Corporation's R&D budget. Cotton Australia is committed to supporting proposed projects that enhance our industry's biosecurity expertise.

Biosecurity research capacity for cotton was leveraged through scientific exchanges in 2010/11 supported by Grains RDC and DAFF. QDEEDI researcher Murray Sharman travelled to India in 2010 to work with Tobacco Streak Virus in grain crops and QDEEDI researcher Dr. Cherie Gambley travelled to Egypt to undertake a diagnostics training scholarship where she gained field experience with viral diseases, including cotton leaf curl disease, in a range of vegetable crops.

Dr Linda Smith of QDEEDI spent several weeks in the USA becoming familiar with the defoliating strains of Verticillium wilt under an Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) Training Scholarship in Diagnosing Exotic Plant Pests funded through the Office of the Chief Plant Protection Officer (OCCPO) in August 2010 and Karen Kirkby of NSW Industry & Investment at the Australian Cotton Research Institute in Narrabri spent 3 weeks in the USA receiving training on Bacterial Blight and developing capacity to identify the hypervirulent strains of the pathogen in July 2011.

Dr Murray Sharman, QDEEDI also received a DAFF Diagnostic Training Scholarship from OCCPO to travel to Brazil in February 2012 to gain skills in field and lab diagnostics for Cotton blue disease (Cotton leafroll dwarf virus). Dr Sharman has approved funding from CRDC for scientific exchange to Thailand in August, 2011 to meet researchers and learn more about Cotton leaf roll disease in situ and potentially collect reference material for validation of diagnostic assays.

Dr Lewis Wilson (CSIRO) spent a week visiting Dr John Adamczyk at Weslaco the south-west of Texas and gain an understanding of the Boll Weevil Eradication Program an the threat that cotton ratoons and volunteers pose to the success of this program. In a report to the Cotton CRC he highlight that if this pest were to enter Australia, the generally poor management of cotton volunteers and ratoons, both on farms and other areas, would severely hamper any local eradication strategy and greatly facilitate establishment of this pest.

The Cotton Catchment Communities CRC Development and Delivery Team have conducted extension activities under Farm Hygiene and Disease and Cotton Pest Management leads in relation to on-farm biosecurity.

Presentations on the risk of exotic Begomoviruses to the cotton industry were delivered at the Cropping Solutions Seminar day held in Moree on the 3-4th May 2011 and at the Northern Farming Systems IPM Researchers' Forum held in Toowoomba on the 27th July 2011. The presentations also included photographs and descriptions of disease symptoms to improve awareness and increase likelihoods of early detections.

Several key industry publication that are widely used by industry now include specific sections to raise awareness of biosecurity risks. These include the Cotton Pest Management Guide, which is updated each year and delivers to every cotton grower and pest adviser, as well as the updated 'Pests and Beneficials in Australian Cotton Landscapes' which is due for publication in August 2011.

Pest Surveillance

Numerous pest surveys and crop monitoring activities are undertaken each season by cotton industry and State government researchers. Formal alignment of monitoring protocols for high priority exotic pests by all researchers now enables the collection widespread surveillance data throughout NSW and Queensland annually during routine benchmarking of endemic diseases (NSW DPI and QDEEDI early and late season disease surveys). Since monitoring for exotic diseases began in 2008 there has been no positive identification of any high priority exotic disease.

In addition most cotton growers employ consulting agronomists who generally conduct twice weekly crop inspections for pests.

CRDC has approved two new QDEEDI projects commencing in July 2011 for the surveillance and monitoring for endemic and exotic virus diseases of cotton and cross-industry preparedness for cotton leaf curl disease. Projects will increase capacity for both disease and vector surveillance.

Greg Kauter

Research Direction & Stewardship Policy Manager

Cotton Australia Ltd.

15C

STRAWBERRIES AUSTRALIA Inc

INDUSTRY BIOSECURITY STATEMENT

Strawberries Australia Inc. is strongly committed to ensuring that the Australian strawberry industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact on regional and national market access and international trade. The Strawberry industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimize costs to growers, the industry, other plant industries, government parties and the wider community.

The Australian strawberry industry produces 40,000 tonnes per year with a farm gate value of $200M and growing. Strawberries are grown throughout Australia in states and regions of WA, SA, VIC, QLD, NSW and Tasmania and are important to the economy of those regions.

Growers of strawberries throughout Australian rely on the Strawberry Runner Grower Industry to provide high quality, disease and pest free material. Currently about 44 million strawberry runners are purchased annually that are grown on for strawberry fruit production.

An emergency plant incursion within the strawberry runner plant industry could have potential to impact severely on the strawberry fruit grower and the economies that support the regions where strawberries are grown. Therefore to identify potential threats that affect both the runner and strawberry fruit industries is important.

STRAWBERRY INDUSTRY BIOSECURITY PLAN

The strawberry industry through Strawberries Australia is working with Plant Health Australia, the Australian Government Department of Agriculture Fisheries and Forestry, Queensland Department of Primary Industries and Fisheries, Primary Industries and Resources South Australia, Agriculture Western Australia, Department of Primary Industries Victoria to develop a comprehensive national approach to managing biosecurity risks to the strawberry industry.

Through the Industry Biosecurity Group (IBG), the strawberry industry has begun development of the National Strawberry Industry Biosecurity Plan, consistent with Plant Health Australia's National Industry Biosecurity Planning Guidelines. The first meeting of the IBG was held in August 2004, and identified emergency pest and disease threats to the strawberry industry and planned the development of the remainder of the biosecurity plan.

An important outcome from the initial meeting is that angular leaf spot is spreading globally. It was suggested that the consequent increased exposure to this serious pathogen of strawberries and the increased levels of international fresh strawberry trade may warrant re-consideration of import conditions

The National Strawberry Industry Biosecurity Plan is expected to be completed early in 2005.

The National Strawberry Biosecurity Plan will comprise an introduction and four other key sections

The threat identification section has involved the development of TSTs identifying 16 key exotic/emergency pathogens and 11 key exotic/emergency invertebrate pests. The TSTs are currently being finalized by consultation with other parties and experts on potential threats that should be included. Pest Risk Reviews will be developed for identified priority pests identified from the TSTs that provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels. Key issues to be addressed in the risk mitigation section have been identified by the IBG and is subject to ongoing development to ensure the exclusion of serious plant pests.

The awareness section identifies a range of existing fact sheets or other sources of information for the high priority pests identified in the priority pest list. Where no existing fact sheets or information is available on particular pests, fact sheets will be developed.

The National Strawberry Industry Biosecurity Plan also includes details of other relevant information that may increase preparedness such as quarantine maps, legislative analysis and details of planting areas.

Strawberries Australia will work with Plant Health Australia and provide appropriate resources/input to the ongoing maintenance and at least yearly reviews of the plan.

PEST CATEGORISATION

Four EPPs that are present in the TSTs have been formally categorized and included in Schedule 13 of the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses.

AND/OR

Strawberries Australia commits to nominating appropriate industry technical experts to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

Strawberries Australia has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

Strawberries Australia will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. Strawberries Australia will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

Strawberries Australia has been involved in promoting biosecurity within the strawberry industry via participation in Plant Health Australia's National Plant Health Awareness Campaign by distributing "Look, Be alert, Call an Expert" postcards to strawberry growers.

Regular articles have appeared in the Strawberries Australia newsletter known as "Wild about Strawberries". Articles have been in relation to the Emergency Plant Pest Deed and identification of potential pests that offer a serious risk to the Australian Strawberry Industry that are not present in Australia as yet.

Invitations were extended to all State agriculture departments AQIS, BA, Plant Health Australia, DAFF to participate in Strawberry Biosecurity Planning workshops.

When completed the Strawberry Industry Biosecurity Plan will be presented to industry via the Strawberries Australia website when it is up and running. Initially industry will be aware of the plan via "Wild about Strawberries" and Strawberry Annual General meetings. Biosecurity awareness and the IBP will be promoted at future Strawberry Industry conferences.

OTHER RISK MITIGATION ACTIVITIES

Annual surveillance and monitoring are conducted by Department of Primary Industry and Fisheries in Tasmania for detection of Angular leaf spot – Xanthomonas fragarie a serious disease of strawberry that is listed in strawberry plant health legislation throughout the world.

Regular QA and Accreditation programs are provided by Strawberry Grower Associations or undertaken by individual growers.

Many individual growers employ professionals for monitoring and surveillance activities in strawberry crops for the detection of pest and disease that can occur throughout any strawberry fruit season and are prepared to identify anything unusual occurring within that crop.

CONCLUSION

Biosecurity awareness to industry will be undertaken by Strawberries Australia as the Peak Industry Body, to be a continuing strategy to reduce the risk of an emergency plant pest incursion.

15D

Mango Industry Biosecurity Statement

The Australian Mango Industry Association is strongly committed to ensuring the mango industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact on the viability of the mango industry domestically and internationally. The mango industry has worked hard over recent years to further develop a strong domestic and export industry through development of new technologies which extend the season and marketability of the Australian mango crop. The Australian Mango Industry Association is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The Australian mango industry is currently worth $120 million with anticipated increases in production increasing this to $150 million by 2010. The industry sees the development of export markets as an area of high importance and in conjunction with a number of organisations is actively working on expanding market access.

INDUSTRY BIOSECURITY PLAN – MANGO INDUSTRY

The mango industry through the Australian Mango Industry Association is working with Plant Health Australia, and the Australian and State and Territory Government agencies to develop a comprehensive national approach to managing biosecurity risks for the mango industry.

The mango industry has negotiated with Plant Health Australia to develop a national Industry Biosecurity Plan for the mango Industry. The industry has also committed industry Research and Development funds through HAL to assist Plant Health Australia develop the industry biosecurity plan. Work on the plan has commenced in July 2004 and is expected to be in an advanced stage of development by June 2004. The industry has adopted the Plant Health Australia's *National Industry Biosecurity Planning Guidelines* as a template to develop the plan.

The National Mango Industry Biosecurity Plan will comprise an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of exotic pests. An initial meeting of the Industry Biosecurity Planning Group has been held and once the list of priority pests has been finalised Pest Risk Reviews will be developed that provide more detailed information of the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling

providers. PLANTPLAN will be included as an attachment in the Mango Industry Biosecurity Plan. The Mango Industry Biosecurity Plan will also include contingency plans. The number and type of contingency plans will be determined once the priority pests have been clarified. These Contingency Plans will underpin, and will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan includes pest or industry specific details relating to the management/control/eradication of individual pest threats.

The awareness section identifies a range of existing fact sheets or other sources of information for all the high priority pests identified in the priority pest list. Where no existing fact sheets or information was available on particular pests, fact sheets will be developed.

The National Mango Industry Biosecurity Plan will also includes details of other relevant information that may increase preparedness – e.g. quarantine maps, legislative analysis, details of plantings databases etc. The industry biosecurity planning group will assist Plant Health Australia determine which details are included in the final plan.

In addition, one national diagnostic standard for fruit flies is being developed and in the future it is planned that diagnostic standards for all the high priority pests will form part of the biosecurity plan.

The Australian Mango Industry Association will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan.

PEST CATEGORISATION

For the mango industry 4 high priority pests have been categorised for inclusion in the Emergency Plant Pest Response Agreement.

The Australian Mango Industry Association commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

The Australian Mango Industry Association has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

The Australian Mango Industry Association will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. The Australian Mango Industry Association will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

The Australian Mango Industry Association has been involved in promoting biosecurity within the mango industry via participation in Plant Health Australia's National Plant Health Awareness Campaign.

AMIA through its publications (Mango Matters, AMIA Activities, Blush) will alert industry to the biosecurity planning process and raise grower awareness of activities that are occurring on a

national or regional level. AMIA has established an industry website and this site is already undergoing further expansion to enable it to be a central information source for the Australian mango industry. This site will be used to provide further information to industry on industry Biosecurity planning and issues related to biosecurity. AMIA also holds regular national conferences and events and biosecurity planning and awareness will be highlighted during these events. The industry is funding research into exotic pests, such as Red Banded Mango caterpillar and will continue to support research in this field. The industry works closely with both Biosecurity Australia and the Australian Quarantine & Inspection Service in reviewing applications for both imports and exports.

OTHER ACTIVITIES

Industry, through agencies such as the Queensland Department of Primary Industries and Fisheries, and the Northern Territory Department of Business, Industry and Resource Development is also working on a range of pests and disease management issues that impact both locally and internationally. Research in these areas will assist the Australian industry be more prepared to manage issues of Biosecurity and are a further indication of industry working in partnership to build a sustainable future.

15E

Sugar Industry Biosecurity Statement

The sugar industry is a major part of the economy in coastal Queensland, northern New South Wales and in the Ord Irrigation Area of Western Australia. Sugar is one of Australia's major crop exports, the sugar industry is Queensland's second largest primary industry and sugar is the lifeblood of many rural communities from Mossman to Yamba.

CANEGROWERS and BSES Limited are strongly committed to ensuring that the Australian sugar industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact sugar production, regional and national economies and the environment. The Australian sugar industry is also strongly committed to ensuring that responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

INDUSTRY BIOSECURITY PLAN – SUGAR INDUSTRY

The sugar industry, through CANEGROWERS and BSES Limited have worked with Plant Health Australia and a range of government agencies (including the Australian Government Department of Agriculture, Fisheries and Forestry, QLD Department of Primary Industries and Fisheries, NSW Department of Primary Industries, WA Department of Agriculture and NT Department of Business, Industry and Resource Development) to develop a comprehensive national approach to managing biosecurity risks to the industry.

The National Sugar Industry Biosecurity Plan was officially launched on July 21st 2004 by the Honourable Warren Truss MP, Minister for Agriculture, Fisheries and Forestry, Mr Andrew Inglis, Plant Health Australia (PHA) Chairman, and Mr Alf Cristaudo, CANEGROWERS Chairman. Copies of the plan have been made available to key industry representatives, to all CANEGROWERS offices, to all BSES centres and to individual cane growers on request.

The National Sugar Industry Biosecurity Plan is comprised of an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of 38 exotic pests and 69 exotic pathogens.

Pest Risk Reviews are included for all of the high priority pests as well as a number of lower-ranked threats. These provide more detailed information on the biology of individual pests, their potential hosts, overseas distributions, symptoms, entry/establishment/spread potentials and likely economic and environmental impacts.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN will be included as an attachment in the next version of the National Sugar Industry Biosecurity Plan. The Sugar Industry Biosecurity Plan presently includes six BSES Limited contingency plans covering five genera of sugarcane borers, as well as the fungal disease sugarcane smut *(Ustilago scitaminea)*. The Contingency Plans will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan includes pest- and industry-specific details relating to the diagnosis, management, control and eradication of particular pest threats. Diagnostic standards have been developed and are included in the contingency plans.

The awareness section identifies sources of fact sheets and other awareness resource materials for the pests identified in the priority pest list.

The National Sugar Industry Biosecurity Plan also includes details of quarantine area maps and references to detailed dossiers on high-importance pests.

CANEGROWERS will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The next review of the plan is due to be conducted in July 2005.

PEST CATEGORISATION

Of the 19 pests/pest groups identified in the priority pest list of the National Sugar Industry Biosecurity Plan, eight have already been categorised for inclusion in the Emergency Plant Pest Response Agreement.

CANEGROWERS commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

CANEGROWERS has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

CANEGROWERS will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. CANEGROWERS will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program. BSES Limited will have a significant role in most of these activities.

BIOSECURITY AWARENESS

CANEGROWERS and BSES Limited have been involved in promoting biosecurity within the sugar industry via participation in Plant Health Australia's National Plant Health Awareness Campaign. BSES Limited has actively worked with federal and state agencies to develop and test response capabilities and an industry understanding of the importance of biosecurity and the roles and responsibilities of all industry organisations. *Spotted Anything Unusual* material, appropriately targeted to cane growers, has been sent to each member of CANEGROWERS and ongoing advertising material has been incorporated in the *Australian Canegrower*.

OTHER ACTIVITIES

BSES Limited has been active in developing Pest Incursion Management Plans and Pest Risk Analyses for insect pests and pathogens threatening the Australian sugar industry. BSES has a significant breeding program aimed at the development of smut-resistant varieties with screening programs in cooperation with the Indonesian Sugar Research Institute. BSES also has developed significant capability for the identification of threat species by morphological and molecular techniques; it is the only organisation registered to import and quarantine sugarcane germplasm. With funds from ACIAR and in cooperation with partners in Papua New Guinea and Indonesia, BSES has surveyed sugarcane pests and diseases in Papua New Guinea, eastern Indonesia and northern Australia. BSES also has strong links with sugar R&D groups in overseas countries to understand exotic pests and diseases. The Sugar R&DC and the CRC for Biotechnology in the Sugar industry also have roles in research and research funding in this area.

15F

Citrus Industry Biosecurity Statement

The Australian citrus industry is the largest fresh fruit exporting industry, with annual exports valued at $200 million annually. Citrus is grown in every mainland State and Northern Territory with the majority harvested in SA (Riverland), VIC/NSW (Murray Valley), NSW (Riverina) and QLD (Central Burnett & Emerald).

Australian Citrus Growers Inc. is strongly committed to ensuring the Australian citrus industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact on domestic and international trade, market access, public health, food safety, regional and national economies and the environment. The Australian citrus industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

INDUSTRY BIOSECURITY PLAN – CITRUS INDUSTRY

The citrus industry, through Australian Citrus Growers Inc., has worked with Plant Health Australia, a range of government agencies (including the Australian Government Department of Agriculture, Fisheries and Forestry, and the various state and territory agriculture departments), and Horticulture Australia Ltd. to develop a comprehensive national approach to managing biosecurity risks in the citrus industry.

The National Citrus Industry Biosecurity Plan was officially launched on the 19th of April 2004 by the Honourable Warren Truss MP, Australian Government Minister for Agriculture, Fisheries and Forestry, and copies of the plan have been made been made widely available.

The National Citrus Industry Biosecurity Plan comprises an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of 96 exotic pests and 29 exotic pathogens. Six high priority pathogens of concern were short-listed. A workshop will be held to further prioritise insect pests. There are Pest Risk Reviews included that encompass 68 exotic pests and 25 exotic pathogens. These provide more detailed information on the biology of individual priority pests, potential hosts, overseas distributions, symptoms, entry/establishment/spread potentials and likely economic and environmental impacts.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property/nursery levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN will be included as an attachment in the next version of the National Citrus Industry Biosecurity Plan. The National Citrus Industry Biosecurity Plan presently includes a draft citrus canker contingency plan and a citrus greening (huanglongbing) contingency plan is currently being prepared. These Contingency Plans will underpin, and will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan includes pest or industry specific details relating to the management, control and eradication of individual pest threats. PLANTPLAN and the Citrus Canker Contingency Plan were used to manage the eradication of Citrus Canker when it was detected in QLD earlier this year.

The awareness section identifies sources of existing fact sheets for the six high priority pathogens identified in the priority pest list as well as fact sheets and other information sources for citrus pests currently under official control in Australia. Where no existing fact sheets were available on particular pests, fact sheets were developed. The plan contains five new fact sheets, including fact sheets on; industry biosecurity for growers, Citrus Stubborn Disease, Citrus Tristeza Virus (exotic strains), Mal Secco and Sweet Orange Scab.

The National Citrus Industry Biosecurity Plan also includes details of other relevant information that may increase preparedness, such as Australian citrus pest quarantine area maps, analysis of quarantine legislation for management of citrus pests, mapping citrus variety distribution though the National Plantings Database, and availability of pathogen-tested citrus budwood.

In addition, diagnostic standards are being developed for *Candidatus 'Liberibacter asiaticus'* (Huanglongbing / Citrus Greening) and *Xanthomonas axonopodis* p.v. *citri* (Citrus Canker) and will form part of future biosecurity plans.

Australian Citrus Growers Inc. will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The next review of the plan is due to be conducted in March 2005.

PEST CATEGORISATION

Of the pests identified in the priority pest list of the National Citrus Industry Biosecurity Plan, eight have been categorised for inclusion in the Emergency Plant Pest Response Agreement.

Australian Citrus Growers Inc. commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

Australian Citrus Growers Inc. has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

Australian Citrus Growers Inc. will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. Australian Citrus Growers Inc. will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

Australian Citrus Growers Inc. has been involved in promoting biosecurity within the citrus industry via participation in Plant Health Australia's National Plant Health Awareness Campaign.

Australian Citrus Growers Annual Conference includes Plant Health Australia and other experts in order to discuss plant health, quarantine and biosecurity issues. In 2002 the Darwin conference featured Australian experts discussing the threat and implications of incursions of exotic pathogens found just north of our borders. In 2003 Australian Citrus Growers was, again, invited to present a paper at the Quarantine and Market Access Conference in Canberra outlining the balance between facilitating trade and quarantine risk.

Australian Citrus News, the industry's flagship publication, regularly features stories on biosecurity and factsheets on exotic pests.

OTHER ACTIVITIES

Australian Citrus Growers Inc. contributes a significant portion of its national research and development program through Horticulture Australia Ltd to plant health and biosecurity issues. For example incursion management for huanglongbing (citrus greening) and its vector (Asiatic citrus psyllid) is currently being undertaken by University of Western Sydney and CSIRO. This project is part of a larger project funded by the Australian Centre for International Agricultural Research including Vietnam, Indonesia and Australia.

The program also supports the internationally recognised Australian citrus improvement program,

an essential industry resource which provides high health, true-to-type planting material for nurseries and growers.

Australian Citrus Growers Inc. also works closely with Biosecurity Australia on its import risk assessments and liaises with the Australian Quarantine and Inspection Service on post-entry quarantine issues.

Australian Citrus Growers

15G

GRAINS INDUSTRY BIOSECURITY STATEMENT

BACKGROUND

The grains industry is the largest of the Australian plant industries worth around $9.0 – $10.0 billion annually.

Burgeoning international trade, tourism and mail exchange increases the possibly of emergency plant pest (EPP) incursions, posing an on-going challenge to the maintenance of Australia's favourable quarantine status.

The Grains Council of Australia (GCA), on behalf of its members, strongly supports the notion that responsibility for maintaining a robust quarantine continuum must be shared between Australian Governments, industry and the entire community.

The grains industry is committed to improving Australian biosecurity arrangements. Decision making frameworks and operational mechanisms for responding to EPP incursions when they do occur must be in place. The GCA seeks to minimise EPP occurrences by encouraging early detection and reporting to increase the probability of successful eradication, decrease containment costs and maintain access to important export markets.

GRAINS INDUSTRY BIOSECURITY PLANNING

The Grains Council of Australia, and its members, is collaborating with Plant Health Australia (PHA), the Commonwealth Government and Australian States/Territories to develop a comprehensive national approach to managing biosecurity risks in the grains industry.

The National Grains Industry Biosecurity Plan is expected to be completed by July 2005 and will be comprised of four key sections: Threat Identification, Risk Mitigation, Contingency Planning and Biosecurity Awareness.

The Threat Identification section involves the drafting of a priority pest list through the identification and analysis of exotic grain pests and pathogens. Pest lists have thus far been devised for 14 different grain crops and the prioritisation of these pests has commenced via a web-based Pest/Disease Threat Questionnaire system.

Pest Risk Reviews (PRR) have been completed for Karnal bunt and wheat streak mosaic virus and further PRRs are being developed for a number of other priority grains pests providing more detailed information on the biology of individual priority pests, potential hosts, overseas distributions, symptoms, entry/establishment/spread potentials and likely economic and environmental impacts.

The Risk Mitigation section will outline a range of pre-emptive strategies that can be employed at the national, state, regional and property levels to help ensure the exclusion/management of serious plant pests.

The Contingency Plans and Response Management Procedures section will include details relating to the management, control and eradication of specific grain pest threats. These Contingency Plans will underpin, and will be used in conjunction with, the general

management structures of PLANTPLAN, a nationally consistent pest response framework. In addition, diagnostic standards, which will form part of future biosecurity plans, are currently being developed for over 30 priority grain pests.

The Biosecurity Awareness section will identify existing fact sheets or other sources of awareness material for high priority pests identified during the planning process. Where fact sheets or other awareness materials are not available, these will be developed. Awareness materials promoting practical on-farm biosecurity measures will also be drafted and circulated throughout the grains industry.

The GCA and its member states will continue to work with Plant Health Australia in establishing a comprehensive Grains Industry Biosecurity Plan and will endeavour to ensure that resources necessary for the development, maintenance and yearly review of the Biosecurity Plan remain available.

PEST CATEGORISATION

Seven exotic grains pests have already been categorised for inclusion in the *Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Responses*. The GCA, on behalf of its member states has committed to providing appropriate industry technical experts necessary to participate in future meetings of the Categorisation Group, which also considers funding weight calculations.

PLANTPLAN: A NATIONALLY CONSISTENT RESPONSE FRAMEWORK

The GCA, on behalf of its member states, has endorsed PLANTPLAN, a nationally consistent framework for responding to emergency plant pests and diseases, and will use this document to work with government parties and other industry stakeholders in managing agreed EPP responses.

The GCA, on behalf of its member states, will ensure qualified senior industry delegates are available to participate in all meetings of the Consultative Committee on EPPs or the National Management Group, and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. The GCA will also ensure that these delegates participate in relevant competency (and non-competency) based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

The members of GCA promote the importance of plant health via the GCA website and provide comprehensive annual written overviews of plant health developments (including biosecurity and quarantine) affecting the grains industry during Grains Week.

The GCA and its members are also involved in promoting grains industry biosecurity initiatives via participation in Plant Health Australia's National Plant Health Awareness Campaign. Regular articles relating to exotic grain pests and potential risk mitigation techniques are featured in the Australian grains industry magazine *Ground Cover* and promotional material has been distributed via GCA members and rural media.

OTHER ACTIVITIES

The Grains Research and Development Corporation (GRDC) is active in developing and promoting solutions for minimising the prevalence of impacts of EPPs and diseases within

the production environment. While targeted solutions would normally be pest specific, the grains industry promotes the following generic risk mitigation techniques:

- use of pathogen free planting material
- sowing of pest resistant crop varieties
- tillage practices that reduce the potential spread of pests and disease
- use of dedicated equipment in high risk areas
- reporting the presence of diseased plants or unusual pests
- control of alternative hosts and weeds
- chemical pest control technologies
- integrated pest management
- destruction of crop residues
- crop rotation
- decontamination of vehicles, machinery, tools, recycled bins and clothing
- restricted movement of equipment, people and vehicles where appropriate
- application of quality assurance systems
- warning and information signs
- quarantine/biosecurity education of personnel

The GCA is supportive of the establishment of a Cooperative Research Centre for National Plant Biosecurity (CRCNPB) and has provided written support for this endeavour.

The proposed CRCNPB embodies the shared responsibility for Australian plant biosecurity and will enhance the capacity of Australia's plant industries in areas such as preparedness/prevention, diagnostic technologies, novel surveillance systems and pre-emptive impact management.

The establishment of a dedicated Grains Industry Biosecurity Fund (GIBF) will enable industry to actively enhance the quarantine status of Australian grains where concerns impinge on continued market access or the reputation of Australian grain exports.

The GCA has proposed the establishment of an industry managed GIBF such that industry would have a capacity to collate baseline pest data, build up a prevalence profile for endemic diseases, increase the likelihood of early EPP detection and respond to emergency situations.

The GCA and its members remain committed to providing input into Commonwealth quarantine reviews, import risk analyses, prohibited/permitted plant lists, import/export conditions, inspection procedures, risk mitigation protocols, the structure of the national quarantine framework and other grains related biosecurity issues as they arise.

In addition, the GCA will, through the National Farmer's Federation, continue to provide input with regard to Australia's international biosecurity obligations under WTO agreements.

15H

Attachment: Growcom Biosecurity Statement

Background

Growcom is strongly committed to ensuring the tropical fruits industry effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact on the viability of the summerfruit domestically and internationally. Growcom has worked hard with the tropical fruits industry over the last decade to develop a strong domestic and export industry based on new varieties and through development of new technologies which extend the season and marketability of the crops covered by this industry.

The tropical fruits industry in Australia is an emerging industry which has potential to provide an exciting new range of fruits to the Australia consumers and has potential to develop exciting export markets within Asia and other areas as Australia is able to produce these fruits counter season to the major international growing areas.

The tropical fruits industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

Industry Biosecurity Plan – Tropical Fruits Industry

The tropical fruits industry through Growcom is working with Plant Health Australia, and the Australian and State and Territory Government agencies, to develop a comprehensive national approach to managing biosecurity risks in the tropical fruits industry.

The tropical fruits industry has negotiated with Plant Health Australia to develop a national Industry Biosecurity Plan for the tropical fruits Industry. The industry has also committed industry Research and Development funds through HAL to assist Plant Health Australia develop the industry biosecurity plan. Work on the plan has commenced in July 2004 and is expected to be in an advanced stage of development by June 2004. The industry has adopted the Plant Health Australia's *National Industry Biosecurity Planning Guidelines* as a template to develop the plan.

The national tropical fruits industry Biosecurity Plan will comprise an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of exotic pests. An initial meeting of the Industry Biosecurity Planning Group has been held and once the list of priority pests has been agreed to Pest Risk Reviews will be developed that provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms,

entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN will be included as an attachment in the tropical fruits Industry Biosecurity Plan. The tropical fruits Industry Biosecurity Plan will include contingency plans. The number and type of contingency plans will be determined once the priority pests have been clarified. These Contingency Plans will underpin, and will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan includes pest or industry specific details relating to the management/control/eradication of individual pest threats.

The awareness section identifies a range of existing fact sheets or other sources of information for all the high priority pests identified in the priority pest list. Where no existing fact sheets or information was available on particular pests, fact sheets will be developed.

The national tropical fruits Industry Biosecurity Plan will also include details of other relevant information that may increase preparedness eg quarantine maps, legislative analysis, details of plantings databases etc. The industry biosecurity planning group will assist Plant Health Australia in determining which details are included in the final plan.

In addition, a national diagnostic standard for fruit flies is being developed and in the future it is planned that diagnostic standards for all the high priority pests will form part of future biosecurity plans.

Growcom will work with Plant Health Australia to ensure that appropriate resources are available for the ongoing maintenance and at least yearly reviews of the plan.

Pest Categorisation

Five high priority pests have been categorised for inclusion in the national tropical fruits Emergency Plant Pest Response Agreement.

Growcom commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

National Decision Making Processes/PLANTPLAN

Growcom has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

Growcom will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. Growcom will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

Biosecurity Awareness

Growcom has been involved in promoting biosecurity within the tropical fruits industry via participation in Plant Health Australia's National Plant Health Awareness Campaign.

We have issued invitations for relevant government agencies and, other experts to provide information on plant health, quarantine and biosecurity for publication and presentation at industry forums. Information on the tropical fruits Industry Biosecurity Plan is being extended to growers via research project reports and activities, workshops, industry events and through our web page and newsletters.

Growcom is also promoting awareness of biosecurity and the biosecurity planning process through industry training and accreditation programs, Integrated Pest Management and chemical/pesticide courses, and Farmcare, Freshcare and other quality assurance programs.

15 I

RICE INDUSTRY BIOSECURITY STATEMENT

"Australia has been growing rice for 80 years."

Rice was first grown in the early 1920's - near the townships of Leeton and Griffith in the New South Wales Riverina. Today the rice industry contributes to supporting 63 regional towns – mostly located in the temperate climate of southern NSW – creating around 8,000 jobs. There are approximately 2,000 rice farms in Australia producing around 1.2 million tonnes of rice per year. Most rice farms are owned and operated by Australian families.

"Australian rice feeds up to 40 million people daily"

Rice production is one of the most important agricultural activities on the planet as it is the main source of nutrition for more than half the world's population. Australia produces enough rice to feed almost 40 million people a meal a day for 365 days

"Australian rice yields are among the highest in the world"

Australian growers surpassed the current overseas average production of 5.4 tonnes per hectare 45 years ago and today average close to 11 tonnes per hectare

"The Australian rice industry is the most efficient in the world"

Australian rice growers have improved their water use efficiency by 60% over the last 10 years. They now grow more rice with less water. Overseas rice growers can use up to 5 times more water to grow a kilo of rice compared to Australian growers.

"Outstanding worldwide reputation"

Australian rice is recognised worldwide for its high quality and is demanded by the higher priced international markets. SunRice is Australia's major processor and marketer of high quality rice food products and by-products. Each year the industry earns around $800 million in revenue, which includes nearly $500 million from value-added exports. The industry operates without any production or export subsidies.

THE RICEGROWERS' ACCOCIATION

The Ricegrowers' Association of Australia Inc. (RGA) is the collective voice of rice growers' in Australia. The RGA represents over 1500 voluntary members by leading growers on issues affecting the viability of their business and communities. The RGA was formed in the face of adversity in 1930 to unite the small group of pioneer rice growers into an effective and cohesive force. The legacy is to organise a profitable long-term future for individual rice growers and their industry.

The RGA is strongly committed to ensuring that there is a mechanism in place, Rice Biosecurity Plan, which effectively reduces the potential for incursions of emergency plant pests and diseases that could adversely impact on over 2,000 rice growers, industry employees, regional communities and our International brands. The RGA is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

INDUSTRY BIOSECURITY PLAN – RICE INDUSTRY

The rice industry through the RGA worked with Plant Health Australia, NSW Department of Primary Industries (now Industry and Investment NSW), the Australian Government Department of Agriculture Fisheries and Forestry, SunRice, the Rice Cooperative Research Centre for Sustainable Rice Production and the Rural Industries Research and Development Corporation to develop a comprehensive national approach to managing biosecurity risks in the rice industry.

The National Rice Industry Biosecurity Plan, Version 1, was released in 2005. This Plan was reviewed and updated and Version 2 was released in March 2009. The plan has been developed, consistent with PHA's *National Industry Biosecurity Planning Guidelines*, through a series of meetings of Industry and Government representatives and technical experts. At the meetings of the Industry Biosecurity Group threats to the industry were systematically identified and strategies devised to minimise the risks posed to the industry.

The National Rice Industry Biosecurity Plan comprises an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of a large number of potential emergency pest threats to the industry. There are 7 completed Pest Risk Reviews for key pests. These provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the priority pests identified in the plan two other key pests.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests. A specific package for on-farm biosecurity has been developed for growers and consultants to use in increasing biosecurity at the farm gate level. It is expected that this package will be utilised in promoting good biosecurity practice to rice growers.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN isincluded as an attachment in the Rice Industry Biosecurity Plan. The Rice Industry Biosecurity Plan also includes a generic industry contingency plan which outlines, amongst other things, pest contingency plans to assist the management of specific categories of pest should they arrive. This Contingency Plan links with, and is used in conjunction with the general management structures of PLANTPLAN.

Through the Rice Industry Biosecurity Group, the rice industry has formalised an Incursion Management Taskforce to manage industry specific issues in the event of an incursion. This is described in the Contingency Plan section, and participants were nominated in the first version of the plan and in the future will meet to determine a Terms of Reference and Operating Guidelines as appropriate.

In addition, diagnostic standards have been developed for seven key pests of concern to the rice industry, and are included in the biosecurity plan..

The awareness section identifies sources of information for the high priority pests identified in the priority pest list. Where no existing fact sheets or information was available on particular pests, fact sheets are being developed, and fact sheets on farm biosecurity and overseas travel are also included.

RGA worked with Plant Health Australia and provided appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The second version of the plan was released in March 2009.

PEST CATEGORISATION

There are 7 priority pests identified in the Rice Industry Biosecurity Plan have been categorised for inclusion in the Emergency Plant Pest Response Agreement.

The RGA is committed to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

The RGA has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

The RGA will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. The RGA will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

The RGA has been involved in promoting biosecurity within the Rice industry via participation in Plant Health Australia's National Plant Health Awareness Campaign. The RGA has also increased industry awareness of biosecurity issues through regular grower meetings, publications and on-line facilities. An awareness campaign was conducted in association with the launch of the Biosecurity Plan to the rice industry in early 2005.

OTHER ACTIVITIES

The incursion of exotic weeds into Australian has been identified by the steering committee as a major threat to the Australian rice industry, similar to the pests and diseases already identified in the current biosecurity plan. Therefore it is planned to include weeds in the Rice Industry Biosecurity Plan in the future.

15J

Viticulture Industry Biosecurity Statement

The past decade has seen unprecedented growth in the international trade in wine. Since 1991, wine trade has grown at a compounding rate of 5.2%, with Australia emerging as an important player in the world wide market. Although still a small player in international trade terms representing around 5% of the world market in trade wine, Australian exports have grown spectacularly in the past decade, accounting for around $2.6 billion over the past twelve months.

Australia is now the sixth biggest wine producer in the world with an annual sales turnover of $5.25 billion and a direct employer of almost 13,000 people – most in rural and regional Australia. Australia's wine industry is forecast to continue to grow, with double digit export growth on major export markets.

The Winemakers Federation of Australia and Wine Grape Growers Australia are strongly committed to ensuring the industry effectively reduces the potential for incursions of plant pests and diseases. Any incursion could potentially adversely impact the quality and quantity of grapes produced and/or add to the costs of production. Not only will the introduction of a plant pest or disease have the potential to severely impact the profitability of the grape and wine industry at a national level, but the potential impacts at a regional level may have devastating consequences for rural and regional Australia where viticulture contributes significantly to regional economies.

Any emergency plant pest incursion/outbreak will also impact directly on the fresh table grape and the dried grape industries.

The viticulture and wine industry is strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

INDUSTRY BIOSECURITY PLAN – VITICULTURE INDUSTRY

The Viticulture industry, through initially the Winemakers Federation of Australia and the (former) Winegrape Growers Council of Australia has worked with Plant Health Australia, a range of government agencies including DAFF and all the state and territory Agricultural agencies to develop a comprehensive national approach to managing biosecurity risks in the Viticulture industry.

The National Viticulture industry Biosecurity Plan is expected to be completed by November 2004.

The National Viticulture industry Biosecurity Plan follows the Plant Health Australia template and comprises an introduction and four other key sections.

The threat identification section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation 18 exotic pests. There are 18 completed Pest Risk Reviews that provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN is included in the Viticulture Industry Biosecurity Plan. The Viticulture Industry Biosecurity Plan presently includes no pest specific contingency plans but it is envisaged these will be considered and developed when the plan undergoes its first review.

The awareness section identifies a range of existing fact sheets or other sources of information for some of the high priority pests identified in the priority pest list. Where no existing fact sheets or information was available on particular pests, fact sheets will be developed.

The National Viticulture Industry Biosecurity Plan also includes details of the viticulture areas in Australia.

In addition, 2 diagnostic standards have been/are being developed for Pierces Disease and Glassy Winged Sharpshooters and will form part of future biosecurity plans.

The Winemakers Federation of Australia and Wine Grape Growers Australia will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The next review of the plan is due to be conducted in October 2005.

PEST CATEGORISATION

Of the 18 pests identified in the priority pest list of the Viticulture Industry Biosecurity Plan, 6 have been categorised for inclusion in the Emergency Plant Pest Response Agreement. The Winemakers Federation of Australia also commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

The Winemakers Federation of Australia has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

The Wine Makers Federation of Australia will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. The Wine Makers Federation of Australia will use its best endeavours to ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

The Winemakers Federation of Australia has been involved in promoting biosecurity within the Viticulture industry via participation in Plant Health Australia's National Plant Health Awareness Campaign.

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SUMMERFRUIT INDUSTRY BIOSECURITY STATEMENT

Summerfruit Australia Limited is strongly committed to ensuring the Summerfruit Industry effectively reduces the impact of incursions of emergency plant pests and diseases that could adversely impact on the viability of the industry domestically and internationally. The Summerfruit Industry has worked hard over the last decade to develop a strong domestic and export industry based on new varieties and through development of new technologies which extend the season and marketability of the crops covered by this industry. The Summerfruit Industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The industry produces approximately 110,000 tonnes of fresh fruit annually and around 15,000 tonnes are exported around the world. The farm gate value of the industry is around $240 million. It is mainly located in subtropical and temperate Australia and is considered a major regional and rural employer.

INDUSTRY BIOSECURITY PLAN – SUMMERFRUIT INDUSTRY

The Summerfruit Industry through Summerfruit Australia Limited is working with Plant Health Australia, and the Australian and State and Territory Government agencies to develop a comprehensive national approach to managing biosecurity risks in the Summerfruit Industry.

The Summerfruit Industry has negotiated with Plant Health Australia to develop an Industry Biosecurity Plan (IBP) for the Summerfruit Industry and a Farm Biosecurity Manual for the Summerfruit Industry. The industry has also committed Research and Development funds through HAL to assist PHA develop the IBP. Work on the plan recommenced in July 2010 and is expected to be completed by June 2011.

The Summerfruit IBP will comprise an introduction and three other key sections. The threat identification section includes development of a priority pest list, developed through the identification, analysis and prioritisation of exotic pests.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests. The response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. The Summerfruit IBP will contain fact sheets and links to PLANTPLAN and some contingency plans. Contingency Plans will be used in conjunction with the general management structures of PLANTPLAN. Each contingency plan includes pest or industry specific details relating to the management/control/eradication of individual pest threats.

The Summerfruit IBP will also include details of other relevant information that may increase preparedness – e.g. quarantine maps, legislative analysis, details of plantings, databases etc.

Summerfruit Australia Limited will work with Plant Health Australia and provide appropriate assistance for future reviews of the plan.

PEST CATEGORISATION

Summerfruit Australia Limited commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

Summerfruit Australia Limited has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

Summerfruit Australia Limited will ensure senior and qualified industry delegates are available to participate in meetings of the Consultative Committee on Emergency Plant Pests (CCEPP) or the National Management Group (NMG) and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. Summerfruit Australia Limited will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia‘s Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

Summerfruit Australia Limited has been involved in promoting biosecurity within the Summerfruit industry via participation in Plant Health Australia‘s National Plant Health Awareness Campaign. Regular sessions are held at industry conferences to inform growers and to improve communication. The industry technical magazine will continue to contain relevant in depth information regarding plant health matters. The Industry newsletter is also used to promote awareness of Plant Health Issues.

OTHER ACTIVITIES

Summerfruit Australia Limited funds through the statutory levy projects aimed at improving the industry’s ability to deal with plant heath issues such as Integrated Pest Management, Area wide freedom and the National Strategic Fruit Fly program.

15L

Nursery & Garden Industry

Nursery Industry Biosecurity Statement

Nursery & Garden Industry Australia (NGIA) is the peak industry body representing the nursery and garden industry in Australia and in partnership with state peak industry bodies is responsible for overseeing the national development of the Australian nursery industry. Nursery production is a significant member of the horticultural sector growing more than 10 000 individual plant species supplying greenlife to the Australian food, fibre and foliage industries.

NGIA, with the state and territory associations, represents all sectors of the industry including producers (growers), wholesalers, retailers, allied traders and consultants. This close association with the entire supply chain allows NGIA to lead and educate industry on the importance of biosecurity as well as contribute to the development of risk management strategies along the entire biosecurity continuum.

The industry is estimated to be valued nationally at $5.5 billion and employs some 45,000 FTE in more than 20,000 small to medium sized businesses. The production sector is broad based and established in every state/territory with many and varying target markets that have an estimated national annual value exceeding $14 billion including:

Nursery Production Horticultural Markets

Production Nursery	Horticultural markets	Economic value
Container stock [1]	Ornamental/urban horticulture	$2 billion retail value
Foliage plants [1]	Interior-scapes	$87 million industry
Seedling stock [2]	Vegetable growers	$3.3 billion industry
Forestry stock [3]	Plantation timber	$1.7 billion industry
Fruit and nut tree stock [2]	Orchardists (citrus, mango, etc)	$5.2 billion industry
Landscape stock [1]	Domestic & commercial projects	$2 billion industry
Plug and tube stock [4]	Cut flower	$319 million industry
Revegetation stock [1]	Farmers, government, landcare	$109 million industry
Mine revegetation	Mine site rehabilitation	Value unknown
	Total Horticultural Market Value	**$14.5 billion**

1 Data sourced from Market Monitor, 2 Data sourced from Horticultural Handbook 2004, 3 Data sourced from ABARE 2008 & **4** Data sourced from industry

NGIA is strongly committed to ensuring the nursery industry effectively reduces the potential for incursions of emergency plant pests (EPP's) that could adversely impact on domestic and international trade, the regional and national economy and the Australian environment through information, education and risk reduction strategies. The nursery industry is also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as rapidly and effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The Australian nursery industry has a creditable and long history of engagement and cooperation with both national and state biosecurity agencies across Australia. NGIA is committed to the on-going development of a harmonised national biosecurity system that is capable of protecting Australia from EPP's, operates with the principle of 'shared responsibility' and is aimed at facilitating trade through appropriate market access instruments.

INDUSTRY BIOSECURITY PLAN – NURSERY INDUSTRY

The nursery industry through NGIA has worked with Plant Health Australia and a range of government agencies to develop a comprehensive national approach to managing biosecurity risks associated with nursery production.

The National Nursery Industry Biosecurity Plan was initially completed in May 2005 and announced to industry. The plan was reviewed in 2007/2008 and the National Nursery Industry Biosecurity Plan Version 2 was released to industry in March 2008. Copies of the plan have been made available to key industry representatives including the State Peak Industry Bodies and the Nursery Industry Development Officer network.

The National Nursery Industry Biosecurity Plan comprises an introduction and four other key sections.

The **Threat Identification** section has involved the development of a priority pest list, developed through the identification, analysis and prioritisation of 36 exotic invertebrate pests listed under 6 separate headings and 64 exotic pathogens grouped within 6 individual categories.

There are also 7 completed Pest Risk Reviews that provide more detailed information on the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The **Risk Mitigation** section outlines a range of pre-emptive strategies at the national, state, regional and individual nursery level to ensure the exclusion/management of serious plant pests. The plan describes the industry's robust and well structured on-farm risk management program that includes a Best Management Practice scheme (NIASA) and the rigorous grower applied biosecurity instrument (BioSecure *HACCP*).

BioSecure *HACCP* is the on-farm biosecurity program developed for production nurseries in Australia. The program validates many of the Best Management Practice strategies employed under the Nursery Industry Accreditation Scheme Australia (NIASA). The program seeks to identify internal and external threats to the integrity of a business's biosecurity preparedness.

BioSecure *HACCP* is a set of protocols and procedures that enables a business to manage biosecurity risks, establishing an effective internal quarantine process for both imported and exported plant material.

The BioSecure *HACCP* risk management system encourages a business to maintain the strictest internal quarantine procedures possible and record the actions taken at critical control points. With improved hazard analysis and control measures in place the business is better protected in the event of a biosecurity threat or impact. Importantly, the process will support future market access both domestically and internationally. BioSecure *HACCP* is a key component of the industry wide risk mitigation strategy designed to operate at a grower level addressing issues such as monitoring and surveillance, traceability, access restrictions, importing and treating plant material.

The **Contingency Plans** and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. This has been recently updated to reflect changes in NGIA and State Associations personnel.

The Nursery Industry Biosecurity Plan presently includes a general contingency plan. NGIA has developed eight threat specific Emergency Plant Pest Contingency Plans for a number of key threatening pests, as itemised below, which will put the industry in a strong position to effectively react to and manage a potential incursion of any one of these pests. On-going development of threat specific contingency plans will be an activity that the industry will continue to fund under its national R&D program.

Threatening Pest Contingency Plans

Common Name	Biological Name
Sudden Oak Death	*Phytophthora ramorum*
Guava or Eucalyptus Rust	*Puccina psidii*
Longicorn beetles	*Anolophora chinensis* and *A. malasiaca*
Glassy Winged Sharp Shooter	*Homalodisca coagulate*
Gypsy moth	*Lymantria dispar dispar*
Poinsettia thrips	*Echinothrips americanus*
Serpentine leaf miner	*Liriomyza huidobrensis*
Whitefly transmitted viruses	*Bermisia tabaci*

The Threat Specific Contingency Plans described above will underpin, and be used in conjunction with, the general management structures of PLANTPLAN. Each contingency plan includes pest or industry specific details relating to the management/control/eradication of individual pest threats.

The **Awareness Material** section identifies a range of existing sources of information for the high priority pests identified in the priority pest list. Where no existing fact sheets are available on particular pests, these were developed and published via the nursery industry 'Nursery Papers' series. The plan currently contains references to pest specific nursery papers on Fire Ants, Western Flower Thrips, Southern Red Mite, Ahs Whitefly, Silver Leaf Whitefly, Chalara, and one on controlling downy mildew.

NGIA will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and annual reviews of the plan. The next review of the plan is due to be conducted in 2010/2011.

During 2010 NGIA has worked with Plant Health Australia to develop a "Biosecurity Manual for the Nursery Production Industry" that can be used to introduce the fundamentals of biosecurity to growers across Australia. The manual identifies the basic ways to protect a production nursery, introduces the on-farm program BioSecure *HACCP*, and discusses particular issues around pests, product and water management, people, equipment and vehicles. The document closes with Fact sheets covering 6 key threatening pest species and examples of important recording templates such as Visitor, Materials Import Inspection, Vehicle Inspection and Crop Monitoring records.

In early 2010 NGIA launched a Biosecurity page on the NGIA website www.ngia.com.au that has a range of industry specific information including the Nursery Industry Biosecurity Plan, Nursery Papers, EPPRD and the on-farm program BioSecure *HACCP*. By the end of 2010 the 8 Pest Contingency Plans will also be lodged on the site.

PEST CATEGORISATION

Of the 100 pests and diseases identified in the priority pest list of the Nursery Industry Biosecurity Plan, 21 have been categorised for inclusion in the Emergency Plant Pest Response Deed under Schedule 13.

NGIA commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

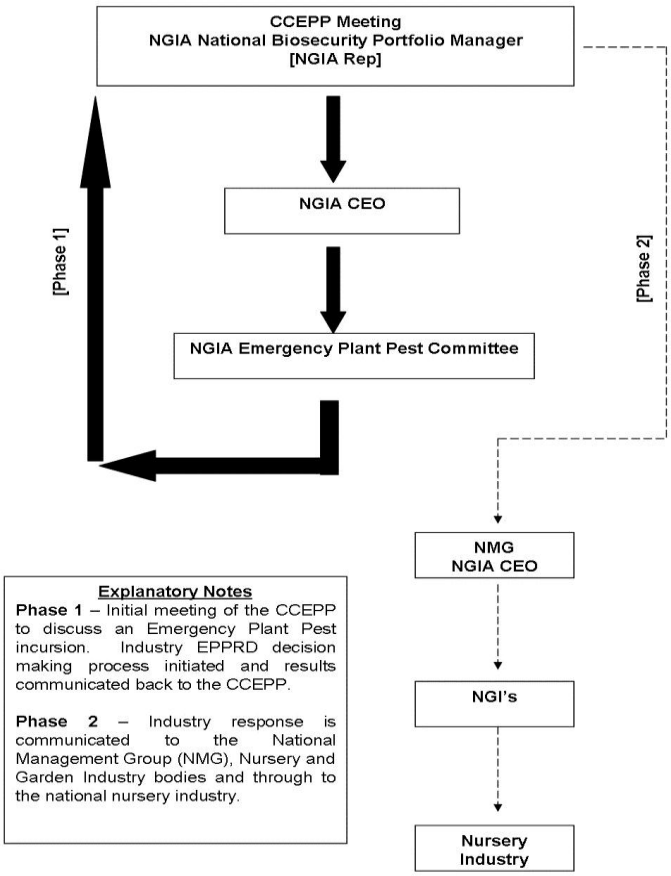
NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

NGIA has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP. NGIA will encourage all stakeholders to initiate PLANTPLAN at the initial stage of an emergency response and apply the principles at all levels and throughout the eradication phase.

NGIA will endeavour to ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. NGIA will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

NGIA has defined and established an internal biosecurity decision making process, as outlined in the Contingency Plans and Response Management Arrangements section, that aims to engage at all levels of the industry and provide timely advice in an emergency situation.

In the 2008 review of the Industry Biosecurity Plan NGIA clearly defined its internal biosecurity structure and reporting processes as demonstrated in the flow diagram below:



BIOSECURITY AWARENESS

NGIA has been involved in promoting biosecurity within the nursery industry via participation in Plant Health Australia's National Plant Health Awareness Campaign. This includes issuing invitations for state agriculture departments, AQIS, BA, PHA, DAFF, and other experts to make presentations on plant health/quarantine/biosecurity issues at events such as national and state conferences, industry field days, and as part of industry pest and disease workshops. NGIA also includes regular Biosecurity and plant health updates, as well as information on specific threats or incursions in industry newsletter 'Clippings' and on the industry website www.ngia.com.au .

NGIA has established a National Biosecurity Portfolio and assigned a portfolio manager to this critical area. The manager is involved in a range of areas associated with the national biosecurity continuum including; technical expertise and management advice to NGIA in the implementation of the IBP, on-farm program development and implementation, state and national preparedness and incursion management, biosecurity R&D needs plus pre and post border strategy review. The National Biosecurity Portfolio Manager represents the nursery industry on a number of committee's forums and groups including IBP working group, the EPPRD Categorisation Group, PHA liaison and the CCEPP plus will undertake the role of Industry Liaison Coordinator when required.

OTHER ACTIVITIES

NGIA continues to invest in the inclusion of relevant and up to date plant health and Biosecurity information within the Nursery Production Farm Management System as seen in the addition of a stand alone biosecurity certification program (BioSecure *HACCP*). This includes the development and review of industry training in relevant areas including Integrated Pest Management, Chemical Handling and BioSecure *HACCP*. In mid 2008 NGIA released the BioSecure *HACCP* training module with a pilot training event conducted in Queensland with 20 individual businesses.

A significant activity that has been progressed since 2008 has been the commitment to have a third market access instrument accepted nationally that will facilitate interstate trade in greenlife. Since 2008 NGIA has presented, at a range of forums, the on-farm program BioSecure *HACCP* and has asked the jurisdictions to consider this farm based program as a suitable market access instrument. The Domestic Quarantine & Market Access Working Group (DQMAWG) decided in December 2009 to give in principle support to this approach and has formally notified NGIA to further develop BioSecure *HACCP* particularly in the areas of program administration and governance that will allow it to be comprehensively evaluated by DQMAWG.

NGIA continues to be involved in various committees, workshops and teleconferences related to the implementation of the Nursery Industry Biosecurity Plan and the EPPRD. Since 2006 this has included participating either directly or indirectly in 16 Pest Categorisation Group Meetings for relevant pests being reviewed by other industries. Further activities include participation in more than 16 biosecurity workshops and forums plus over 38 Consultative Committee on Emergency Plant Pest (CCEPP) meetings.

In addition, during September 2006 the Industry Development Officers were provided with specific training in the EPPRD and the Nursery Industry Biosecurity Plan by Plant Health Australia. This ensures that the key technical support personnel in each state have an up to date understanding of the Industry Biosecurity Plan and the EPPRD and that they are each capable of performing the role of Industry Liaison Officer in their respective state.

The Nursery & Garden Industry Queensland, in partnership with HAL, initiated a project in 2008 to convert paper based pest & disease identification resources into an electronic format suitable for use on portable handheld computers/devices (e.g. PDA’s, notebooks and mobile phones). NGIQ will continue to provide additions/updates to this product including information on EPP that threaten our borders thereby supporting industry wide surveillance.

15M

Vegetable and Potato Industry Biosecurity Statement

AUSVEG is strongly committed to ensuring the vegetable and potato industries effectively reduce the potential for incursions of emergency plant pests and diseases that could adversely impact on domestic trade, international trade, market access and the environment.

The vegetable and potato industries are also strongly committed to ensuring responses to any pest incursions that may occur are undertaken as effectively as possible to minimise costs to growers, the industry, other plant industries, government parties and the wider community.

The vegetable and potato industries make a sizeable contribution to the Australian economy and combined they represent one of the largest horticultural industries.

The vegetable and potato industries are worth $3.2 billion at the farm-gate, with retail sales of fresh vegetables valued at $5.83 billion annually and processed vegetables sales valued at $1.22 billion annually.

INDUSTRY BIOSECURITY PLAN – VEGETABLE AND POTATO INDUSTRIES

The vegetable and potato industries through AUSVEG as the national peak industry body are working with Plant Health Australia, a range of government agencies, including DAFF, DEEDI, DPI Victoria, DPI Tasmania, Department of Agriculture and Food WA, Industry & Investment NSW, PIRSA, and others, to develop a comprehensive national approach to managing biosecurity risks in the vegetable and potato industries.

AUSVEG is currently in discussions with Plant Health Australia regarding the development of a National Industry Biosecurity Plan for the vegetable and potato industries, which would update the current biosecurity plan for the industry. Work on the plan is expected to commence in mid-2010 and it will be consistent with PHA's National Industry Biosecurity Planning Guidelines.

The National Vegetable and Potato Industry Biosecurity Plan will comprise an introduction and several other key sections.

The threat identification section will involve the development of a priority pest list, developed through the identification, analysis and prioritisation of exotic pests and exotic pathogens.

Initial meetings to advance updates to the Industry Biosecurity Plan will provide more detailed information regarding the biology of individual priority pests, potential hosts, overseas distribution, symptoms, entry/establishment/spread potential and likely economic and environmental impacts of the pest.

The risk mitigation section outlines a range of pre-emptive strategies at the national, state, regional and property levels to ensure the exclusion/management of serious plant pests.

The contingency plans and response management procedures section details key industry contacts and communication procedures, relevant counselling and financial counselling providers. PLANTPLAN will be included as an attachment in the next version of the Vegetable and Potato Industry Biosecurity Plan.

The Vegetable and Potato Industry Biosecurity Plan will include a number of contingency plans and AUSVEG will work with Plant Health Australia, involving the Biosecurity Working Group to provide direction and feedback, to ensure that the plan is updated in accordance with an appropriate and comprehensive review by the industry.

AUSVEG will work with Plant Health Australia and provide appropriate resources to the ongoing maintenance and at least yearly reviews of the plan. The next review of the plan is due to commence in mid-2010 and the new Industry Biosecurity Plan will be developed over the course of the following 12-month period.

PEST CATEGORISATION

AUSVEG commits to ensuring appropriate industry technical experts will be available to participate in future meetings of the Categorisation Group to consider either pest categorisation or funding weight calculations for Emergency Plant Pests with multi-industry impacts.

NATIONAL DECISION MAKING PROCESSES/PLANTPLAN

AUSVEG has endorsed PLANTPLAN (Australian Emergency Plant Pest Response Plan) and will use this document to work effectively with government parties to manage any agreed responses to an EPP.

AUSVEG will ensure senior and qualified industry delegates are available at short notice to participate in meetings of the Consultative Committee on Emergency Plant Pests or the National Management Group and to take up roles in Local Pest Control Centres or the State Pest Control Headquarters. AUSVEG will also ensure all delegates participate in relevant competency and non-competency based training to be delivered through Plant Health Australia's Emergency Plant Pest Preparedness Training Program.

BIOSECURITY AWARENESS

AUSVEG has been involved in promoting biosecurity within the vegetable and potato industries via participation in Plant Health Australia's National Plant Health Awareness Campaign.

AUSVEG holds regular meetings with DAFF and a range of other Government departments including Biosecurity Australia and the PHA to ensure that the industry is informed and capable of making decisions quickly and effectively.

Through the industries' flagship magazines, Vegetables Australia and Potatoes Australia, and through weekly updates to the industry, workshops, and online, AUSVEG ensures that growers and key industry stakeholders are well briefed on biosecurity matters affecting them, as well as any plant health related issues on the national agenda.

AUSVEG regularly publicises any plant health related events that may be of particular benefit to the broader industry and AUSVEG participates in stakeholder consultations with AQIS, the PHA

and other Government bodies on a regular basis to ensure it is involved and engaged on the key issues affecting the vegetable and potato industries when it comes to biosecurity and plant health.

Plant Health Australia was invited to make a presentation at the AUSVEG National Convention in May 2010 - an example of the greater industry involvement and dialogue which AUSVEG has been promoting. This included PHA's involvement in an industry trade show featuring 70 trade displays, with 650 delegates in attendance.

AUSVEG is committed to promoting awareness of biosecurity and biosecurity planning processes through industry training and accreditation programs, Integrated Pest Management and chemical/pesticide course, its own EnviroVeg program, Freshcare and other quality assurance programs.

Schedule 16 – Process for Variation or Termination of Deed

(Clause 17)

Part 1 – Form for Nomination of Authorised Signatory

Chief executive Officer
Plant Health Australia
1/1 Phipps Close
DEAKIN ACT 2600

Date:

Dear Chief executive Officer,

Variations to the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Reponses – Notice of Nomination of Authorised Signatory

I certify that _____ [name/position of authorised person] whose signature is appended at the foot of this notice and signed in my presence, is authorised from the date of this notice until _____ [insert date or "further notice"] as the representative of _____ [name of Party] to sign on its behalf 'Approval of Variation to Provisions' of the Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Reponses (**EPPRD**).

By virtue of this notice, Plant Health Australia and each other Party to the EPPRD can rely on an 'Approval of Variation to Provisions' duly signed by this authorised person as evidence of _____'s [name of Party] agreement to the variations of the EPPRD which are set out in the Approval of Variations to Provisions form.

_____

(Signature of Authorised Person)

Signed in my presence:

Yours faithfully

_____

(Minister/President)

Part 2 – Approval of Variations to Provisions

Chief Executive Officer
Plant Health Australia
1/1 Phipps Close
DEAKIN ACT 2600

Dear Chief Executive Officer

Government and Plant Industry Cost Sharing Deed in respect of Emergency Plant Pest Reponses (EPPRD) –Approval of Variations to Provisions

As the representative of [**name of Party**] duly authorised to confirm on its behalf the Party's approval of the Variations to Provisions of the EPPRD set out in Attachment A *"Background Oaoer on Proposed Variations to the Emergency Plant pest response Deed"* (enclosed), I hereby confirm the approval of [**name of Party]** of the scheduled variations to the EPPRD as follows (tick the appropriate box):

Proposed variation number	**Issue**	**Approve**	**Reject**

_____ _____

(Signature of Authorised signatory)

(Signature of Witness to Authorised signatory's signature)

_____ _____

(Title of Authorised signatory)

(Full name of Witness)

_____ _____

(Date)

(Date)

Schedule 17 – Guidelines for Owner Reimbursement Costs

The following is the Executive Summary for the Guidelines for Owner Reimbursement Costs under the Government and Plant Industries Cost Sharing Deed in respect of Emergency Plant Pest Responses (**Guidelines**).

The Guidelines provide a basis for consistent legislation in the States and Territories with respect to the payment to Owners of Owner Reimbursement Costs. For this Deed, the Guidelines serve the separate purpose of providing the basis for assessment of Owner Reimbursement Costs for the purposes of Cost Sharing.

The complete Guidelines document is available from the Plant Health Australia web site.

EXECUTIVE SUMMARY

The main objective in providing Owner Reimbursement Costs (ORC) is to provide incentives for growers to report suspicious pests or pathogens[9] under the basic principle of no one being worse off or better off as a result of reporting a suspected exotic pest incursion. A companion objective is to provide social justice to those growers who, through no fault of their own, are seriously affected by a Response Plan to eradicate an exotic pest.
As a general guideline, Owner Reimbursement Costs should be equal to the previous or pre-Response Plan value of the assets in question less the current or post Response Plan value of the damaged assets, plus the response costs incurred by the owner. Where the assets are destroyed, the post Response Plan value will, of course, be zero. Thus,

Owner Reimbursement Costs = (Previous asset value – Damaged asset value) + Response costs

In general, the time of valuation should be as close as possible to the time of destruction of the Crop or imposition of a quarantine order. However there are circumstances where more practical options are available, particularly for immature annual Crops, or short rotation Crops.

The challenge in establishing guidelines is in determining appropriate values of assets, especially in situations where there are no established markets. The concept applied is, at the time of Crop destruction where the Crop is immature or it is a perennial Crop, what price would an owner and a person wishing to lease the Crop/land agree on under normal circumstances. This is equal to the discounted net present value of the income/cost stream that can be earned from taking on the lease and continuing the same line of production. For annual broad-acre Crops, the conceptual lease time would be from the time of Crop destruction until harvest, as there is no need to consider subsequent largely independent Crops. For perennial Crops the conceptual lease time may spread over several rotations.

Establishing guidelines involves taking into account several factors and finding an acceptable balance between them.

- Guidelines should be consistent with the basic principles.
- They should be relatively simple and easy to understand.
- They should be easy to administer with administration costs kept to a minimum.
- They should be aimed at providing owners with an incentive to report suspected exotic pest incursions — owners should be no better or worse off.
- Yet the costs of providing Owner Reimbursement Costs to owners affected by a Response Plan should not be so high as to frequently make the benefits of eradication less than the costs, and no eradication attempted.

[9] The term 'pests' will be used throughout this report to refer generally to pests and pathogens of plants.

Annual Broad Acre Crops

Based on the general guideline outlined above, the time of valuation should be at the time the Crop is destroyed. This presents no difficulties if the Crop is destroyed shortly before harvest, but there is no effective market value for an immature Crop which is destroyed as part of the Response Plan. Owner Reimbursement Costs could be based on long term average prices and yields, but this would mean that the partners to cost sharing (governments and industry) would take much of the risk in production from the time of Crop destruction to harvest. There would be inequities, for example, if the year turned out to be a drought year and the growers affected by the Response Plan received average yields whereas all other growers in surrounding areas achieved drought yields, and affected growers would undoubtedly also have otherwise achieved drought yields.

Consequently, the approach adopted is to delay Owner Reimbursement Costs until harvest time and base payments on the actual outcomes on prices and yields for the district at that time. The value of the immature Crop destroyed is taken as an estimate of the final Crop value at farm gate less harvesting costs, less any production costs that would normally have been incurred between the time of Crop destruction and harvest. Growers would not normally receive payment for their Crop until harvest anyway so this approach would leave them no better or worse off.

Farm gate value is here defined as the value of produce produced on the farm and sold at first point of “sale”(for example the local silo for grains) less the estimated or actual transport cost and selling costs from farm gate to first point of sale.

Recommendation for Annual Broad Acre Crops

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

$$ORC = (A - B) + C + D + E - F + G$$

where:

A = Estimated farm gate value of the Crop(s) destroyed which would otherwise have been harvested, where the timing of valuation is normal harvest time.

$$= a * y * p$$

where:

a = area of Crop destroyed

y = estimated yield of the Crop destroyed

$$= \frac{\text{regional average yield in year t}}{\text{regional average yield in year t–1}} * \text{Claimant's yield in year t–1}$$

Where the whole district is seriously affected by the pest being eradicated and regional yields are clearly distorted, the yield (y) for the determination of Owner Reimbursement Costs paid by the applicable State/Territory will be taken as the regional average for the five years to year t–1.

Yields protected by insurance policies would be protected under this Method of Valuation (to the extent that the Owner is not able to recover under the

insurance policy) and any insurance premiums are not to form part of Owner Reimbursement Costs.

p = estimated farm gate price (local silo cash price less transport costs between farm gate and silo) at the time of harvest. Specifically, the average price for the two calendar months over which the bulk of regional harvest takes place. Where no cash prices are posted, prices are to be taken as the estimated pool return for the type and quality of Crop which was destroyed. In the event that an Owner has taken out a forward contract to deliver grain at a specific price, assessment of 'p' is to be based on this contract price rather than the cash silo price. Price is to reflect the quality of product that would otherwise have been delivered. Owners would need to demonstrate quality by way of variety sown and/or recent farm history.

In the event of there being no obvious local delivery point where cash prices are posted, the average district price (based on deliveries to closest end users or port) is to be used as the basis for payment.

B = 'Best practice' harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and harvest.

Such costs are to be standardised for the region based on estimates by State/Territory departments of agriculture.

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of profits from fallow land in subsequent years where land is required to be fallowed as part of the Response Plan.

Owner Reimbursement Costs are to be restricted to loss of profits for a maximum of three years. Methods of estimating loss of profits are the same as for the year in which the Crop is destroyed and include deductions for ground preparation and planting costs normally associated with Crop production. Such costs are to be standardised, based on 'best practice' and estimated by State/Territory departments of agriculture. Any payment of Owner Reimbursement Costs by the applicable State or Territory is to be made after harvest in that region each year.

F = Profits that could be earned from the next best alternative enterprise, produced with the same resources, on the land where the Crop is destroyed and permitted by the Response Plan.

Unless the Response Plan requires the land to be fallow, deductions are to be made on the assumption that the Owner chooses the next most profitable enterprise that could be undertaken with existing capital equipment. Gross margins for these alternative enterprises are to be standardised, based on 'best practice' and estimated by State/Territory departments of agriculture.

This applies only in the year in which the Crop is destroyed. Where a strict fallow in subsequent years is not required under the Response Plan — that is, any alternative enterprise can be undertaken except production of the Crop concerned in the Response Plan, Owner Reimbursement Costs are not to include the difference in profits for the Crop in question and any alternative enterprise.

G = Value of any stored grain or other produce on-farm destroyed as part of the Response Plan. The value is to be in-silo value based on local market values less transport and handling costs at the time of destruction of the stored grain.

Where a Crop has to be destroyed shortly after planting and there is a reasonable opportunity to plant an alternative Crop, the Owner may choose to be reimbursed for the costs of destroying the Affected Crop and planting the alternative Crop. Otherwise, the above formula will apply.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Annual Short Rotation Crops (Vegetables/Strawberries/Nursery Seedling Producers/Nursery Wholesale)

These Crops include vegetables, strawberries and nursery seedlings. While in some cases an annual Crop is produced, a general characteristic of these Crops is that several ‘harvests’ are made during the growing season and growers will organise their business to have a constant turnover. A lettuce grower, for example, will have Crops at different stages to produce commercial quantities of fresh produce at regular intervals.

The basic principles and formula for Owner Reimbursement Costs applying to annual broadacre Crops should also apply in this case, even though harvests are made at different intervals throughout the growing season rather than at the end.

Recommendations

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – B) + C + D + E – F + G

where:

A = Estimated farm gate value of the Crop(s) destroyed.

= a * y * p

where

a = area of Crop destroyed

y = yield

or a and y might refer to number of units expected to be sold, such as a number of punnets of seedlings.

The yield estimate is to take into account the type of Crop destroyed. Strawberries, for example, have a high yield in the first year, but a much lower yield in the second year.

p = farm gate price

= either:

the average market price for the season in the region or marketplace where normal sales take place; or

where there are signed contracts with the price stipulated on the contract, the contract price

less any transport or selling costs.

B = Harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and selling or harvesting. This is to include normal treatment or packaging and handling costs on farm for some harvested produce (for example washing or dipping of products).

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense — including cleaning of equipment or glasshouses etc.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of profits from a Response Plan requirement to fallow land or keep glasshouses empty.

These ORC are only available where the Response Plan requires a fallow period that exceeds ten weeks and are to be restricted to loss of profits for a maximum of three years. Profits are to be based on standardised gross margins data from State/Territory departments of agriculture, based on ‘best practice’. However, in some cases, for example where glasshouses are involved, profit estimates may need to be based on documentation of profits from previous years.

F = Profits that could be earned from the next best alternative enterprise, produced with the same resources, on the land where the Crop is destroyed and permitted by the Response Plan — as determined in accordance with the definition of 'F' in clause 4.4.11.

G = Value of any stored produce on farm destroyed as a directive of the Response Plan — as for annual broadacre Crops.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Perennial Trees/Vine Crops/Nut Crops/Nursery Bare Root Stock Production/Large Bare Rooted Plants

This category of plants includes all commercial fruit trees such as citrus and stone fruits, pome fruits, nut trees, all vine Crops, longer-term nursery bare root stock production and large bare rooted nursery plants including trees.

Orchard tree Crops

All these Crops have in common a normal rotation cycle which is more than one year. For example, apples generally have a rotation cycle of around 25 years with a first Crop at around two to three years and first commercial Crop at around year seven.

When a Response Plan involves the destruction of an orchard or vineyard, the normal rotation cycle is interrupted. Tree replacement is brought on sooner, sometimes with a fallow period to control the pest. Apart from reimbursement for destruction of the fruit in the year the orchard is destroyed as part of a Response Plan, the issue is how growers should be reimbursed for destruction of the trees. Reimbursement is for loss in value of the orchard/land asset. Conceptually, the orchard's value is equal to the sum of the discounted stream of net profits which could in future be earned from the orchard/land — including account taken of future tree replacements. This is the price a person wanting to lease the orchard under normal conditions would agree to pay the owner to lease the asset.

If growers are reimbursed for the full cost of pulling out the trees and replanting them, then some will be better off depending on how old the orchard or vineyard is. If it is at or near the end of its rotation then, in effect, governments and industry would be paying for the removal and replanting costs when under normal circumstances, the owner would meet these costs anyway. The owner would be much better off.

Two methods have been examined that address this issue.

The first method is to apply a 'depreciation' factor to all costs associated with a change in the rotation — tree removal, replanting costs and the period of lost income when trees are immature. Thus, if the orchard had only just reached commercial production and had to be destroyed, the full costs of replanting the orchard would be included plus any lost income during the immature period. However, if the orchard, when destroyed, was in the year when it would have been destroyed and replaced under normal circumstances, then costs of replacement would not be included in Owner Reimbursement Costs. A straight-line depreciation schedule would be applied between these two extremes.

The second method is where replacement payments would be based on the difference between the sums of two discounted net profit/cost streams. One stream would be the normal rotation cycle over several cycles — three cycles are suggested. The other stream would be the new set rotation cycles caused by the Response Plan. All tree replacement costs would be brought forward in the discounting procedure.

The Second method is perhaps the more theoretically correct of the two, but Owner Reimbursement Costs are somewhat sensitive, in some cases to the length of time over which discounting takes place. This may be a source of uncertainty for many Crops. The calculations are quite straightforward but the method is likely to be harder for growers to understand. For this reason it may be better to adopt method one. In both cases, information will be needed on a

standard rotation pattern for each Crop. This could be agreed upon by industry associations for purposes of calculating Owner Reimbursement Costs.

For some nut tree Crops, vines and also pears, the rotations are very long, in some cases approaching 100 years. Method one could still be applied. It would mean, however, that for most commercial vineyards which have relatively recently been planted, owners would receive virtually full replanting costs.

Recommendations

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – B) + C + D + E + F + G + H + I

where

A = Loss of profit from the current Crop destroyed.

= a * y * p

where

a = area of tree Crop destroyed

y = expected yield based on Owners' past records, taking into account any biennial bearing patterns. In particular, Owners claiming above average yields (and prices) must produce auditable records of above average returns in previous years to justify additional amounts in Owner Reimbursement Costs.

If the Owner has no records, the regional average for that Crop is to be used.

p = market price at farm gate at harvest time

B = Harvesting costs based on 'best practice' as estimated by State/Territory departments of agriculture, plus any other costs (such as watering or pruning costs) normally associated with Crop production between the time of tree destruction and harvest.

C = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense.

D = Replacement value of any capital items destroyed as part of the Response Plan.

E = Loss of net profits for any fallow period required by a Response Plan.

Net profit is to be standardised based on regional gross margins calculations for the Crop in question by State/Territory departments of agriculture.

F = Tree destruction costs 'depreciated' depending on the age of the orchard in relation to a standardised period of rotation for the tree Crop in question.

Depreciation is to be based on a straight line method between full cost reimbursement at the beginning of commercial production of the rotation and the end of the rotation.

G = ‘Depreciated’ tree replanting costs as for tree destruction costs.

H = ‘Depreciated’ loss of profit during the non-bearing period of immature trees.

I = Value of any stored produce on farm destroyed as a directive of the Response Plan including seed or nuts — as for annual broadacre Crops.

If there is an opportunity following the Response Plan for modernising or upgrading the orchard — for example, closer tree plantings, more expensive varieties, or trellis plantings, the level of Owner Reimbursement Costs is to be related strictly to replacing the asset that was there. If an Owner wants to introduce more technology or better infrastructure, for example, the Owner must cover any additional costs.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Broad Acre Perennial Crops

This group of plants includes sugar cane, bananas and other such Crops. Owner Reimbursement Costs can be calculated in exactly the same way as for orchard trees. Generally, the broadacre perennial Crops have a shorter rotation cycle, but the principles are the same.

Recommendations

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = (A – H) + B + C + D + E + F + G

where

A = Value of the Crop destroyed

= a * y * p

where

a = Area of Crop destroyed.

y = Yield which depends on the type of Crop destroyed — for sugar, for example, whether it is a plant Crop or ratoon Crop as yields vary from year to year. For this reason, yield *y* is to be based on distinct average yields for the type of Crop destroyed — for example, ratoon or plant Crop.

p = Market price of the product.

= The average regional market price over the previous 12 months valued at farm gate.

B = Any costs of Crop destruction ‘depreciated’ in the same way as for perennial tree Crops.

C = Any other costs incurred by the Owner as a direct result of the Response Plan and not normally incurred as a production cost.

D = ‘Depreciated’ Crop replanting costs as for perennial tree Crops.

E = Loss of net profit from compulsory fallow, where fallow would not normally be part of the rotation cycle. Net profit to be standardised and based on regional gross margin estimates by State/Territory departments of agriculture averaged over the rotation cycle. A maximum of three years fallow is to be included.

F = Replacement value of any capital items destroyed as part of the Response Plan.

G = Value of any stored produce on farm destroyed as a directive if the Response Plan — as for annual broadacre Crops.

H = ‘Best practice’ harvesting costs plus any other costs normally associated with Crop production between the time of Crop destruction and harvest. Such costs are to be standardised for the region based on estimates by State/Territory departments of agriculture.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Nursery Root Stock Production and Nursery Large Rooted Plants

For these enterprises, the returns to the owner accrue when the root stock or trees are sold and, in most cases, they can be sold at any stage past an initial juvenile stage. There is no annual production as in the case of orchard trees. Also in most cases, there will be a market value for the trees at nearly all stages. Hence, Owner Reimbursement Costs should be based on the market value of the trees or root stock less any production costs.

Recommendations

Costs which may be paid as Owner Reimbursement Costs are to be calculated as follows:

ORC = A + B + C + D

where:

A = Market value or estimated market value of the plants at the time of their destruction.

B = Direct costs associated with the Response Plan incurred by the Owner but not normally incurred as a production expense. This includes tree destruction costs.

C = Replacement value of any capital items destroyed as part of the Response Plan.

D = Any stocks on hand which are destroyed due to the Response Plan.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Nurseries, Retail

No Owner Reimbursement Costs will be paid under this category.

Bees, Hives, Honey and Associated Products

The beekeeping industry has several sectors. The most common is that sector which uses normal hives to produce honey, bees wax and several other minor products. Specially adapted hives are used by some producers to produce pollen in addition to honey. A third sector derives income by providing pollination services for orchardists. Other specialist beekeepers produce queen bees, while others maintain nucleus hives.

Owner Reimbursement Costs following an exotic pest incursion necessitating destruction of hives should be based on the value of the asset destroyed. That is, the value of the hive plus queen bee plus colony. Owner Reimbursement Costs would therefore amount to replacement value for the particular colony destroyed. There are recognised market values for these.

Where beekeepers lose income, for example, because they can no longer provide pollinating services to orchardists, Owner Reimbursement Costs should not include this loss of income as it is a consequential income loss. To the extent that this may cause particular hardship to some beekeepers, other welfare or adjustment programs may be considered. But the principles of underlying Owner Reimbursement Costs under the plant deed, based on change in asset values, should not be compromised.

Owner Reimbursement Costs would not include loss of product (say honey) value as a result of contamination resulting from a Response Plan action for another industry. For example, if a Response Plan for apples involved spraying trees with insecticide and as a result pollen became contaminated and rendered the honey produced unsaleable, beekeepers would not receive Owner Reimbursement Costs. There are several reasons for this. First, this is a consequential income loss. Second, in this example, beekeepers would not be contributing to the overall costs of the Response Plan relating to apples. And third, in most cases, there would be considerable uncertainty and dispute about the source of any contamination of the honey.

Recommendations

Bees and their hives are defined as included under Crops. However for the avoidance of doubt, costs which may be paid as Owner Reimbursement Costs to the owners of bees and their hives are to be calculated as follows:

ORC = A + B + C + D + E + F + G

where:

A = Value of the particular hive destroyed.

B = Value of the queen bee destroyed.

C = Value for the bee colony component.

D = Replacement value for any other capital items destroyed.

E = Any other costs incurred by the beekeeper as a direct result of the Response Plan and not normally incurred.

F = Value of any honey stocks destroyed.

G = the loss of the estimated Farm Gate Value of products foregone, less beehive operating costs, resulting from a requirement under a Response Plan that for a specified period bees be quarantined in, or excluded from, a specified area, if applicable.

with such costs and values being determined in accordance with guidelines issued by Plant Health Australia as set out in Schedule 17.

Properties with multiple enterprises

Many properties have multiple enterprises and cases may arise where properties are placed under quarantine, which may prevent any produce leaving the property. This may necessitate produce being destroyed on the property even though it is not directly attacked by the exotic pest that is being eradicated. But this other produce may act as a transmission agent for the pest. The question is, should grower Owner Reimbursement Costs be made for the produce not directly affected by the pest but made unsaleable as a direct result of the quarantine order?

Recommendation

In the case of multiple enterprises, produce not directly affected by the pest being eradicated but which is rendered valueless, say, because it is a perishable commodity that cannot be sold because of quarantine restrictions should be eligible for Owner Reimbursement Costs. The principle underlying the amount of Owner Reimbursement Costs should be the same as for produce which is susceptible to the pest and must be destroyed as part of the eradication program.