

## FORUM DISCUSSION PAPER

### A guide to managing responses under GIA (GIA Response Guide)

February 2014

#### Purpose

This paper proposes a piece of work – the development of *A guide to managing responses under GIA (GIA Response Guide)*.

The purpose of the *GIA Response Guide* is to help ensure joint decision-makers in biosecurity responses managed under GIA:

- have a shared understand of how responses are managed, and
- know what is expected of them both in the lead up to and during a response.

#### Recommendation

The participants at the forum are asked to consider this discussion paper and provide feedback and advice to the Interim Governance Board (IGB) on:

- i. The proposal for MPI to lead a process to develop a *GIA Response Guide* using a Joint Working Group of MPI and industry representatives
- ii. The requirements for a *GIA Response Guide* (section 6)
- iii. The proposed process to develop and deliver the *GIA Response Guide* (section 7)
- iv. The draft Terms of Reference for the Joint Working Group (*GIA Response Guide*) (Attachment 3)
- v. Recommendations on suitable participants for the Joint Working Group (*GIA Response Guide*). Note: Nominations (including justification) to be submitted to the Secretariat by Monday 10 March – final membership to be determined by the IGB

Potential signatories that are not able to attend the Forum, and potential signatories wishing to provide their feedback in writing, are asked to send any comments to the Secretariat ([secretariat@gia.org.nz](mailto:secretariat@gia.org.nz)) by 19 March 2014.

#### Background

The Deed has now been finalised and is ready for signing by interested parties that have been Gazetted by the Minister. By signing the Deed primary industries organisations will be able to have a direct say in managing biosecurity risk. In responses this will be through joint decision-making and cost-sharing.

The Deed provisions that set out the requirements and commitments of Signatories for response management and decision-making can be viewed in [Attachment 1](#).

New Zealand has an existing system for managing biosecurity responses which is administered by MPI – refer [Attachment 2](#). It is robust, effective, well practiced and based on the New Zealand Coordinated Incident Management System (CIMS) [www.en.wikipedia.org/wiki/Coordinated\\_Incident\\_Management\\_System](http://www.en.wikipedia.org/wiki/Coordinated_Incident_Management_System)). CIMS

underpins and enables responses to an incident involving multiple responding agencies to be managed – ensuring the flexibility to respond to all hazards using the same framework.

Given the imperative for signatories to participate in response decision-making from the time they sign the Deed, and the likelihood that we will have our first signatories to the Deed within the month, it is proposed that the first priority in adapting existing response arrangements to operate under the Deed is to establish and implement joint decision-making processes.

These changes are best achieved through a managed transition process to ensure that biosecurity risks continue to be effectively handled.

### **Biosecurity response decision-making**

Under New Zealand's national biosecurity response system, MPI is responsible for making final response decisions, with the legal authority for action provided by the Biosecurity Act 1993. Under the Deed strategic decisions will be made jointly by the authorised decision-makers of affected industry Signatories and MPI at the response governance body known as Response Strategic Leadership (RSL).

In the early phases of a response there are a number of significant decisions that need to be made that set the foundation for ongoing response activities. It is critical that they are made in an effective and timely manner as any delays can have irreversible impacts on the response outcome. Effective decision-making is dependent on decision-makers having a common understanding of the response process, knowing what is expected of them, and competently filling their role.

### **Establishing a joint decision-making framework for biosecurity responses**

The decision-making roles and responsibilities of parties involved in responses managed under the GIA partnership need to be accurately described, consistent with the requirements and intent of the Deed.

Consistent with its role to facilitate the implementation of the GIA partnership, the Secretariat is proposing that MPI and industry jointly develop and test a *Guide to managing responses under GIA (GIA Response Guide)*. The *GIA Response Guide* would be a reference document for decision-makers in biosecurity responses and clearly set out the things that they need to know in order to operate effectively in a GIA response and to meet their organisation's Deed commitments. It would include:

- An introduction to the existing National Biosecurity Response System
- An overview of how responses are managed under the Deed
- Critical decisions which need to be made jointly
- Roles and responsibilities of decision-makers defined in Terms of Reference
- Principles for joint and consensus decision-making that reflect the expectations of Signatories.

It will also form the basis of any future training material that may be developed for decision-makers involved in GIA responses.

One of the most pressing pieces of work is an agreed Terms of Reference for Response Strategic Leadership that accurately reflects joint decision-making commitments and requirements.

It is proposed that a Joint Working Group of MPI and representatives of potential Deed Signatories from industry is established to develop and test the *GIA Response*

*Guide*. A range of reference material would be used to assist this process including the Deed, government's biosecurity response policy, and the National Biosecurity Response System ([Attachment 2](#)). The Joint Working Group would also agree a prioritised plan for development and delivery of the *GIA Response Guide*. Proposed Terms of Reference for the Joint Working Group (*GIA Response Guide*) are in [Attachment 3](#).

It is proposed that MPI lead this activity, given its statutory role and experience of both the CIMS and biosecurity response arrangements.

The Joint Working Group (*GIA Response Guide*) would ensure that:

- Industry are fully involved in the process as potential partners
- Both MPI and industry perspectives are taken into account
- The final GIA Response Guide meets the needs of all parties.

### **Proposed requirements for a GIA Response Guide**

The following requirements are proposed for the *GIA Response Guide*.

The *GIA Response Guide* would use the Deed, Government's Response Policy and the National Biosecurity Response System as a starting point to ensure a solid and tested foundation with clearly defined decision points from which to work from.

The *GIA Response Guide* would be a reference document designed to:

- Ensure a common understanding of how biosecurity responses are managed in New Zealand
- Help MPI and industry Signatories meet their response commitments under the Deed
- Ensure a common understanding of the critical response decision points, who is responsible for making them and how they are made
- Meet the needs of both industry Signatories and MPI
- Continue to develop over time to reflect any relevant amendments to the National Biosecurity Response System
- Be accessible through the internet
- Form the basis for training material and processes for decision-makers involved in future GIA responses.
- Support consistency with other partnership arrangements for biosecurity responses involving joint decision-making (e.g. with Regional Councils)

It would prioritise content related to joint decision-making in the early phases of a response, and include:

- Essential information for decision-makers involved in a response
- The process for establishing Response Strategic Leadership
- Terms of Reference and critical competencies for Response Strategic Leadership –including roles and responsibilities of government and industry Signatories
- An outline of investigation processes that precede response initiation
- An agreed process for MPI to rapidly notify potentially affected Signatories when a suspected unwanted organism is detected in New Zealand and MPI has identified a biosecurity risk

**Proposed process and time line for developing the GIA Response Guide and other supporting material**

<b>Step</b>	<b>Activity</b>	<b>Responsibility</b>	<b>Completion Date (2014)</b>
1	Gather information – Includes (but is not limited to) Biosecurity Act requirements, Deed requirements, relevant sections of the Response Policy, relevant National Biosecurity Response System processes and tools, existing decision steps that under GIA will need be made jointly, a working list of critical issues that will need to be resolved and strawman answers for further discussion	MPI	End February
2	Plan - Agree Joint Working Group participants (IGB), convene a meeting (MPI), confirm Joint Working Group TOR (JWG), develop a plan for delivering against this brief including priorities and timeframes (JWG)	IGB, MPI and JWG	Week ending 28 March
3	Develop and test - Priority guidance material and supporting tools, in line with the agreed plan. Noting: the urgent requirement for an agreed Response Strategic Leadership Terms of Reference that accurately reflects joint decision-making commitments and requirements.	Develop: JWG (with subject matter experts as required) Test: JWG with selected MPI and industry reps	In accordance with the plan
4	Compilation - collate relevant material into a <i>GIA Response Guide</i>	JWG	In accordance with the plan
5	Consult on the <i>GIA Response Guide</i> with wider MPI and industry	GIA Secretariat	In accordance with the plan
6	Publish, communicate and socialise the <i>GIA Response Guide</i> .	GIA Secretariat, MPI and industry	In accordance with the plan

Note: While the Joint Working Group (*GIA Response Guide*) would be responsible for delivery of the work, the above process requires use of subject matter experts where needed, and broader consultation with and MPI staff to ensure that wider perspectives are also considered and can be taken into account.

## **Next Steps**

- Mon 10 March: MPI and industry nominations for Joint Working Group (GIA Response Guide) members to be submitted to the Secretariat
- Fri 14 March: IGB to confirm Joint Working Group membership
- Fri 14 March: Secretariat to consider and incorporate relevant forum feedback into the proposed process, requirements and Joint Working Group (GIA Response Guide) Terms of Reference
- Mon 24 March (week starting): First meeting of Joint Working Group (GIA Response Guide)

## **Biosecurity response in the Deed**

The Deed contains a number of provisions relevant to how responses are to be managed.

### **Scope - Section 2.3**

The Deed states that:

- responses apply to unwanted organisms (clause 2.3.2)
- a response begins when decision-makers agree it should commence and ends when the organism is eradicated, a long term management plan has been developed or the decision-makers agree to no action or no further action (clause 2.3.3)

### **Definitions - Section 7**

The Deed defines:

- a decision-maker as “the individual nominated by a Deed Signatory, who will make decisions jointly with other Signatories”
- an unwanted organism - as defined in the Biosecurity Act, 1993

### **Deed Principles - Section 2.2**

The GIA Deed sets out a number of principles that define how MPI and industry Signatories will work together in responses.

Three of these specifically relate to decision-making:

- Partnership between Signatories will involve joint decision-making and cost-sharing for biosecurity readiness and response activities (clause 2.2.2)
- Decision-making under this Deed will treat all Signatories consistently and will be by consensus except as otherwise agreed by the Signatories (clause 2.2.3)
- Joint decision-making will commence for response as soon as the Deed has been signed by MPI and relevant industry Signatories (clause 2.2.5)

Other response specific principles relate to use of Operational Agreements (clauses 2.2.4 and 2.2.6) and to cost-sharing (clauses 2.2.7 and 2.2.8). Operational Agreements and cost-sharing have been excluded from further discussion here for the following reasons:

- Cost-sharing will not begin until 2017 and the GIA Secretariat is running a separate process to establish a framework and process for this
- Agreeing default response decision processes is the priority. While Operational Agreements may include specific pre-agreed arrangements to support response decision-making, default processes will apply where no Operational Agreement exists, and will also underpin any specifics that may be negotiated under an Operational Agreement.

### **Minimum Commitments in relation to responses - Section 3.2**

In addition, the Deed commits MPI to:

- Maintaining a core competency to deliver effective response and readiness activities, including diagnostic and investigation capability, and to negotiate market access (clause 3.2.2a)
- Rapidly notifying potentially affected Signatories when a suspected unwanted organism is detected in New Zealand (clause 3.2.2b)
- Urgently establishing preliminary response arrangements consistent with Deed requirements and any Operational Agreements that may be in place, including initiating decision-making, cost sharing and impact/risk analysis processes (clause 3.2.2c)
- Managing trade and market access issues arising from the detection of the unwanted organism, and meeting international reporting obligations (clause 3.2.2d)
- Representing the interests of non-Signatories and other stakeholders, including Maori (clause 3.2.2e)
- Facilitating access for industry Signatories to Crown loans, as a last resort, to fund response commitments under this Deed (clause 3.2.2f)

The Deed commits industry Signatories to:

- Working with MPI to integrate industry into response delivery programmes and processes (clause 3.2.3c)
- Raising awareness of response arrangements described in the MPI response procedures and policies (clause 3.2.3d)
- Promoting early reporting of unwanted organisms to MPI (clause 3.2.3e)
- Securing appropriately skilled and committed people to engage in readiness and response activities, including technical and operational experts (clause 3.2.3f)

## **Managing Biosecurity Responses in New Zealand**

Part of MPI's core business is to manage a biosecurity system that protects New Zealand's economy, environment and human health from pests and diseases. Managing systems to detect and respond to incursions is a key component of this (MPI Statement of Intent 2013-18).

*MPI's Policy for Responses to Risk Organisms (July 2008)* sets out how government manages biosecurity responses. The National Biosecurity Response System gives effect to this policy and describes in detail the processes, procedures and people capability requirements for effective response management.

### **Government Policy for Responses to Risk Organisms (July 2008)**

The *MPI Policy for Responses to Risk Organisms (July 2008)* sets out how government manages biosecurity responses.

This response policy is publicly available and can be accessed from the following location: <http://www.biosecurity.govt.nz/files/biosec/policy-laws/response-policy-risk-organisms.pdf>

The policy contains a number of statements of direct relevance to response decision-making (paragraphs 64 – 72), and includes a Decisions Framework (refer Appendix Two of the Policy). This Decisions Framework is a generic decision-making tool capturing best practice to guide response decision-making for all biosecurity responses, including those managed in partnership with other agencies.

While the policy is due for review, it was written with GIA in mind and was designed to be adapted and used for other agencies leading responses to risk organisms.

### **MPI's National Biosecurity Response System**

This National Biosecurity Response System supports a consistent approach to response management, requires risk-based decision-making and can be used on very small to large responses. It is internationally recognised, is backed by New Zealand legislation and is based on the same model (CIMS) used by other government agencies, for example civil defence and police, to manage large scale emergency incidents

The System gives effect to the *Policy for Responses to Risk Organisms*. It describes in detail MPI's process for investigating and responding to pests and diseases that pose a new biosecurity risk.

This system is publicly available and can be viewed at: [brkb.biosecurity.govt.nz](http://brkb.biosecurity.govt.nz)

This system includes:

- an overview of the system [brkb.biosecurity.govt.nz/response-system/overview](http://brkb.biosecurity.govt.nz/response-system/overview)
- a description of the different response work streams and structure – including job cards, descriptions of what is expected of people filling these roles [brkb.biosecurity.govt.nz/response-system/response-structure-and-workstreams](http://brkb.biosecurity.govt.nz/response-system/response-structure-and-workstreams)
- the critical skills and competencies required of individuals filling response roles [brkb.biosecurity.govt.nz/people-capability/manage-response](http://brkb.biosecurity.govt.nz/people-capability/manage-response)
- detailed processes, procedures and supporting tools [brkb.biosecurity.govt.nz/processes-and-procedures/manage-response](http://brkb.biosecurity.govt.nz/processes-and-procedures/manage-response), and

- information on how to use the system [brkb.biosecurity.govt.nz/using-the-knowledge-base/introduction](https://brkb.biosecurity.govt.nz/using-the-knowledge-base/introduction)

## **Terms of Reference for Joint Working Group (GIA Response Guide)**

*Note: This Terms of Reference will need to be reviewed and agreed by the Joint Working Group at their first meeting.*

### **Background**

The GIA Deed entitles signatories to participate in responses as a joint-decision makers for any new responses to unwanted organisms that are initiated after they have signed. This includes the decision on whether or not to initiate a response.

It is possible that we may have our first signatories to the Deed within the next few months.

Timely and effective decision-making is critical to what a response can be expected to achieve.

The Deed sets out a number of provisions relevant to response management. Most of these relate to joint decision-making and cost-sharing. Ensuring that MPI and industry are able to meet their obligations for decision-making will be the top priority.

MPI has an existing biosecurity response system that is well tested, and sets out clearly defined decision steps. It is proposed that this system continue to guide all biosecurity responses. However, will be critical to ensure all decision-makers understand the system, and know what's expected of them and are competent to fill their roles.

This piece of work to develop a *A Guide for managing responses under GIA* is designed to help deliver against this.

### **Purpose and Scope of the Group:**

To develop and test a reference document (the *GIA Response Guide*) for joint decision-makers in biosecurity responses that clearly set out the things that they need to know in order to operate effectively in a GIA response and to meet their organisation's Deed commitments. It will include:

- An introduction to the existing response system
- An overview of how responses are managed under the Deed
- Critical decisions which need to be made jointly
- Roles and responsibilities of decision-makers defined in Terms of Reference
- Principles for joint and consensus decision-making that reflect the expectations of signatories.

### **Requirements for a GIA Response Guide**

The *GIA Response Guide* will be a reference document designed to:

1. Align with Governments Response Policy and National Biosecurity Response System
2. Ensure a common understanding of how biosecurity responses are managed in New Zealand
3. Help MPI and industry Signatories meet their response commitments under the Deed
4. Ensure a common understanding of the critical response decision points, who is responsible for making them and how they are made

5. Meet the needs of both industry Signatories and MPI
6. Continue to develop over time to reflect any relevant amendments to the National Biosecurity Response System
7. Be accessible through the internet
8. Form the basis for training material and processes for decision-makers involved in future GIA responses.
9. Support consistency with other partnership arrangements for biosecurity responses involving joint decision-making (e.g. with Regional Councils)

It will prioritise content related to joint decision-making in the early phases of a response, and include:

10. Essential information for decision-makers involved in a response
11. The process for establishing Response Strategic Leadership
12. Terms of Reference and critical competencies for Response Strategic Leadership –including roles and responsibilities of government and industry Signatories

While content to support joint decision-making in responses will be the first priority, the *GIA Response Guide* will also:

13. Outline of investigation processes that precede response initiation
14. Describe an agreed process for MPI to rapidly notify potentially affected Signatories when a suspected unwanted organism is detected in New Zealand and MPI has identified a biosecurity risk

## **Membership**

The Joint Working Group (*GIA Response Guide*) will be a skills-based group made up of MPI and potential industry Signatory representatives. A representative from the Secretariat will also be invited to attend.

Core skills and experience that need to be represented on the Joint Working Group (*GIA Response Guide*) include:

- Behavioural - constructive, pragmatic, solutions focused, listening skills
- Experienced in strategic decision-making (e.g. on governance groups)
- Familiarity with CIMS and/or existing MPI biosecurity response systems
- Direct experience of working in responses (biosecurity and/or CIMS)
- Facilitation skills
- Writing skills
- Planning skills

To support an efficient and effective process the core membership for the Joint Working Group (*GIA Response Guide*) will be kept to the minimum required to ensure core skills and perspectives are represented. However, the Joint Working Group (*GIA Response Guide*) may invite subject matter experts to specific meetings where additional knowledge or skill sets are required to support informed discussions and decisions.

## **Working Methods**

The Joint Working Group (*GIA Response Guide*) will report to the Interim Governance Board.

The Joint Working Group (*GIA Response Guide*) will nominate a Chair from within its membership to keep meetings on track. MPI will be responsible for secretarial duties, including writing up and circulating discussions and any agreed actions.

Meetings (preferably face-to-face) will be held at regular intervals as required to expedite the development of the *GIA Response Guide* in a structured and planned manner. Given the urgent nature of some the deliverables, it is expected that the Joint Working Group will initially need to meet once a week.

The Joint Working Group (*GIA Response Guide*) use the Deed, Government's Response Policy and the National Biosecurity Response System as a starting point to ensure a solid and tested foundation with clearly defined decision points from which to work from.

Joint Working Group (*GIA Response Guide*) participants will be responsible for actioning items that they have agreed to, and within agreed timeframes.

## **Outputs**

1. A reference document (the *GIA Response Guide*) that clearly sets out what MPI and industry need to know in order to operate effectively in a GIA response and to meet their commitments under the Deed.
2. Critical supporting tools to help Signatories understand and fulfil their Deed obligations. At a minimum this will include:
  - Response Strategic Leadership Terms of Reference
  - Critical competencies required of Response Strategic Leadership decision-makers
  - Standing agendas for Response Strategic Leadership meetings
  - Process for rapidly notifying potentially affected Signatories when a suspect unwanted organism has been identified in New Zealand and where MPI has identified a biosecurity risk
  - Criteria and process for identifying potentially directly affected signatories (for the purposes of rapid notification, and for determining Response Strategic Leadership membership)
3. A list of any questions or issues that have arisen during the process, including recommendations for resolving these (if appropriate) and justification.
4. Recommendations on where to publish and how to socialise the *GIA Response Guide*.
5. Recommendations on other actions to facilitate enhanced collaboration between Deed signatories in GIA responses, but that may be out of scope for this group.

## **Process and Timeframes**

The table below sets out the key steps that need to be undertaken to deliver an agreed *GIA Response Guide*.

The plan developed by the Joint Working Group (*GIA Response Guide*) in the first meeting will establish priorities, including agreed timeframes.

It is expected that key deliverables should be completed within three months of establishing the Joint Working Group (*GIA Response Guide*). If the Joint Working Group (*GIA Response Guide*) believes after their first planning meeting that these

timeframes are not realistic, then they will report back to the IGB with recommendations on more realistic timeframes.

Points to note:

The top priority deliverable for the *GIA Response Guide* that needs to be completed with some urgency is an agreed Terms of Reference for Response Strategic Leadership that accurately reflects requirements for joint decision-making.

Step	Activity	Responsibility	Completion Date (2014)
1	Gather information – Includes (but is not limited to) Biosecurity Act requirements, Deed requirements, relevant sections of the Response Policy, relevant National Biosecurity Response System processes and tools, existing decision steps that under GIA will need be made jointly, a working list of critical issues that will need to be resolved and strawman answers for further discussion	MPI	End February
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3	Develop and test - Priority guidance material and supporting tools, in line with the agreed plan. Noting: the urgent requirement for an agreed Response Strategic Leadership Terms of Reference that accurately reflects joint decision-making commitments and requirements.	Develop: JWG (with subject matter experts as required) Test: JWG with selected MPI and industry reps	In accordance with the plan
4	Compilation - collate relevant material into a <i>GIA Response Guide</i>	JWG	In accordance with the plan
5	Consult on the <i>GIA Response Guide</i> with wider MPI and industry	GIA Secretariat	In accordance with the plan
6	Publish, communicate and socialise the <i>GIA Response Guide</i> .	GIA Secretariat, MPI and industry	In accordance with the plan

**Resources and budget**

It is expected that the main cost associated with participation in the Joint Working Group (*GIA Response Guide*) will be related to attendance at meetings and carrying out any associated actions e.g. time, travel, accommodation. Any of these Costs are to be met by the member organisations.

Wherever possible, member organisations will provide in-kind contribution (e.g. staff time) to complete any work assigned by the Joint Working Group in order to keep costs down.

The Joint Working Group (*GIA Response Guide*) will not commit to any additional expenditure without the express agreement of the Interim Governance Board.

## References

1. The Deed [www.gia.org.nz/Portals/79/Content/Documents/Key finals/Deed-Final-2013.pdf](http://www.gia.org.nz/Portals/79/Content/Documents/Key%20finals/Deed-Final-2013.pdf)
2. MPI Response Policy [www.biosecurity.govt.nz/files/biosec/policy-laws/response-policy-risk-organisms.pdf](http://www.biosecurity.govt.nz/files/biosec/policy-laws/response-policy-risk-organisms.pdf)
3. MPI's National Biosecurity Response System [brkb.biosecurity.govt.nz](http://brkb.biosecurity.govt.nz)
4. The Biosecurity Act 1993 [www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html](http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html)