



## **Deed Governance Group**

### **GIA Response Guide**

**A guide to managing biosecurity responses under the  
Government Industry Agreement for Biosecurity Readiness and Response**

**March 2016**

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# 1. Introduction

Industry organisations that sign the Government Industry Agreement for Biosecurity Readiness and Response (GIA) Deed are eligible to partake in joint decision-making during responses. From July 2017, they will also start to share related costs.

New Zealand's National Biosecurity Response System (NBRS) is used to manage all biosecurity responses. The NBRS is robust, well tested and consistent with the New Zealand Coordinated Incident Management System (CIMS), which implements international best practice, and is used in New Zealand to manage multi-agency responses to emergencies. However, the NBRS is a complex system for those that are not regular users.

This guide introduces the NBRS, explains the processes to manage biosecurity responses and make decisions, and explains the roles and responsibilities of those involved. It contains information to help Signatories prepare for their involvement in a biosecurity response. It will form the basis of future induction and training to develop the knowledge, skills and competencies of response participants.

In this guide:

- **Section 2** introduces the NBRS and the management of biosecurity responses in New Zealand
- **Section 3** explains the investigation and response phases, identifies responsibility for actions and decisions, and lists decision-making tools
- **Section 4** sets out agreed principles for biosecurity response management under the GIA Deed
- **Section 5** details the role and required skills and competencies of response decision-makers, and the types of decisions they will be expected to make

There are a number of aspects of the GIA operating model relevant to response decision-making that are still being worked through – by MPI, industry Signatories and potential Signatories. Footnotes identifying the work that needs to be done, including timeframes and approaches, have been included where possible.

## 1.1 Review

This response guide will be reviewed on a regular basis. Triggers for review could include review of the GIA Deed, lessons learned from close-out reports of major responses, a need for better alignment with CIMS, or completion of any significant work that is still underway, for example cost-share frameworks.

While the guide in its current form specifically targets a GIA audience, much of the content is equally applicable to strategic decision-making in responses outside the scope of GIA. The Ministry for Primary Industries (MPI) is currently embedding New Zealand's Coordinated Incident Management System (CIMS) to ensure consistent management of all MPI led responses across the Biosecurity, Food Safety, Primary Production and Trade Systems. As part of this process MPI intends to

standardise guidance material. This guide and GIA Signatories' experience jointly managing responses will inform the ongoing development of the NBRs.

The following table summarises key changes made in each review:

Version	Author	Comments
16 Dec 15	GIA Response Guide joint working group	As endorsed by the GIA TDGG.
16 Mar 16	Amelia Pascoe, GIA Team	<p>Largely 'cosmetic' change to better align with CIMS - no substantive content change.</p> <p>Changes include:</p> <p>Transitional Deed Governance Group (TDGG) amended to Deed Governance Group (DGG).</p> <p>Response terminology. Updated to align with CIMS. Response Strategic Leadership to Response Governance, Response Manager to Controller, Response Management Team to Incident Management Team, Response Plan to Incident Action Plan, response initiation to response activation.</p> <p>Response Structure (Figure 2.2) – updated to align with CIMS</p> <p>Appendix 4: Response Governance Terms of Reference (TOR) - updated to align with CIMS. Note: any GIA specifics removed from the TOR were added as narrative into the Response Guide, to ensure no content lost.</p> <p>Appendix 6: Confidentiality Deed updated to the last GIA Deed Governance Group endorsed version (October 2015)</p> <p>Appendix 7: Response Governance first meeting agenda – updated terms to align with CIMS</p> <p>Minor editorial changes to improve clarity.</p>

## 1.2 Terminology

The GIA Deed refers to Signatories in a range of different contexts relevant to responses, including 'Signatory', 'industry Signatory', 'relevant Signatory', 'relevant industry Signatory', 'potentially affected Signatory', and 'beneficiary'. The Deed also refers to 'industries that may be directly affected'. With the exception of beneficiary, these terms have not been defined in the Deed.

[Appendix 1](#) lists the key clauses of the Deed that refer to these terms and explains how they are used in this guide. It also explains acronyms and terms that have specific meanings in a response or under GIA.

### 1.3 Enquiries

For any enquiries about this guide please contact the GIA Secretariat.

- Email: [secretariat@gia.org.nz](mailto:secretariat@gia.org.nz)
- Tel: 04 894 0419
- 25 The Terrace, PO Box 2526, Wellington

### 1.4 Related documents

- [The Biosecurity Act 1993](#)
- [The GIA Deed](#)
- [Policy for MAF's Responses to Risk Organisms \(2008\)](#)
- [MPI's National Biosecurity Response System](#)
- [New Zealand Coordinated Incident Management System \(CIMS\)](#)

## 2. Management of biosecurity responses in New Zealand

Biosecurity responses are undertaken to manage unwanted pests and diseases that pose a threat to New Zealand's economy, environment, health, society or culture.

New Zealand's biosecurity response arrangements are managed by the Ministry for Primary Industries (MPI) using a model consistent with CIMS which implements international best practice.

Historically, MPI has been responsible for resourcing biosecurity responses and for making final response decisions in consultation with affected stakeholders. With the commencement of the GIA Deed on 20 May 2014, MPI and beneficiary Signatories will share costs and make response decisions jointly.

At any one time, MPI is managing multiple responses, many of which are outside the current scope of GIA. The scope of the Deed as it applies to biosecurity responses is limited to unwanted organisms. However, MPI will work in the spirit of partnership with Signatories for responses that extend beyond this scope.

### 2.1 National Biosecurity Response System

The NBRS sets out a consistent approach to manage responses through:

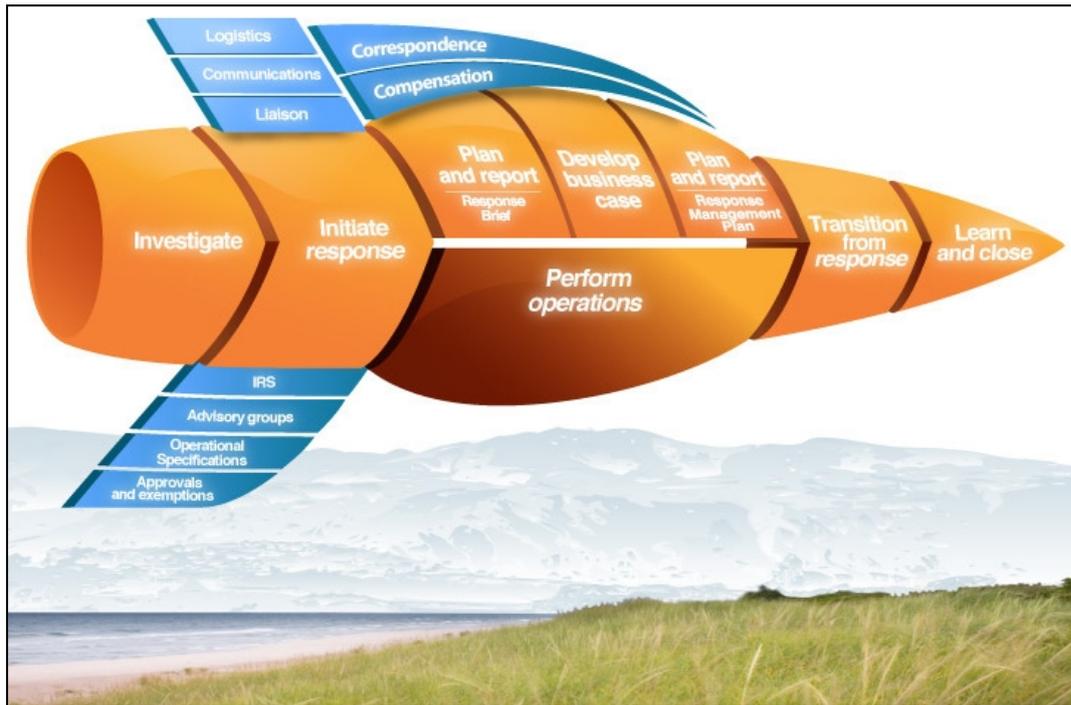
- Legislation, including the Biosecurity Act, Hazardous Substances and New Organisms Act, Official Information Act and Privacy Act
- Policy, including the Policy for MAF's Responses to Risk Organisms, 2008
- Resourcing networks, including the National Biosecurity Capability Network
- Processes and procedures
- People capability requirements
- Training

The NBRS is currently documented in MPI's web-based [Biosecurity Response Knowledge Base \(BRKB\)](#), also informally known as the 'rocket ship' (refer Figure 2.1).

The BRKB includes:

- An [overview of the response system](#)
- The [response project structure](#), including job cards and descriptions of what is expected of people filling these roles
- [Detailed procedures, procedures and tools](#)
- [Information on how to use and navigate through the BRKB system](#)

Figure 2.1: The Biosecurity Response Knowledge Base (BRKB) 'rocket ship'

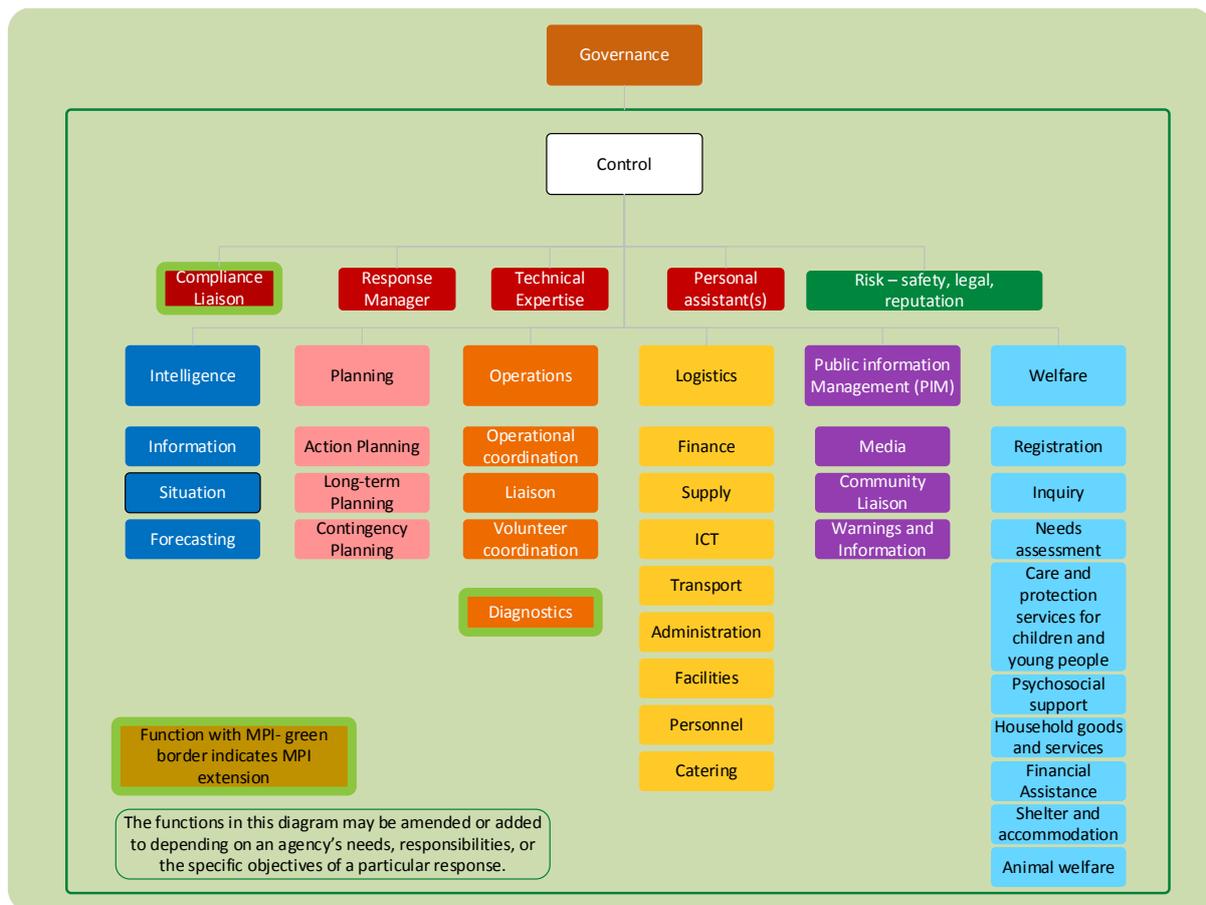


## 2.2 Response structure

The NBRS applies the CIMS Response Management Structure (refer CIMS 2<sup>nd</sup> Edition p26). Consistent with CIMS, MPI has added two functions (Compliance Liaison and Diagnostics) to meet specific MPI needs.

The scope and scale of the biosecurity risk will determine the nature and size of the response management structure. Consistent decision-making processes are used irrespective of the size of the response.

Figure 2.2: The response structure as documented in CIMS with MPI added functions highlighted in green.



Note: Trade issues are managed within the range of standard response functions set out in the diagram above.

### 3. Investigation and response phases

This section should be read in conjunction with [Appendix 2](#), which contains a high level process diagram for investigation and response decision-making under the GIA Deed.

The BRKB describes five key phases. These are summarised below, contextualised for GIA:

1. *Investigation* – MPI receives a notification of a possible unwanted organism through the 0800 Pest and Disease Hotline, assesses the potential risk, undertakes any urgent management action and notifies potentially affected Signatories.
2. *Initiate response* – if affected Signatories agree that a joint response should be activated, MPI establishes a response structure and convenes Response Governance that sets response outcomes, objectives and resourcing levels.
3. *Incident action planning, reporting and implementation* (includes performing operations) – led and managed by the Controller in accordance with the Response Governance approved incident action plan, and following BRKB processes and procedures.

4. *Transition from response* – led and managed by the Controller in accordance with the Response Governance approved transition plan, and following BRKB processes and procedures.
5. *Learn and close* – led and managed by the Controller following BRKB processes and procedures.

### **3.1 Response phase 1 – investigation**

Refer to the high level process diagram for investigation and response decision-making under the GIA Deed in [Appendix 2](#).

#### **3.1.1 What triggers an investigation?**

An investigation can only be triggered by a report to the MPI 0800 Pest and Disease Hotline. This holds true regardless of where the report comes from, for example, from the public, a veterinarian, a diagnostics laboratory, a grower, an industry organisation, an industry Signatory or an MPI staff member.

#### **3.1.2 What happens in this phase?**

MPI investigates the report, manages any immediate risks and makes a recommendation on whether a response should be activated.

The length of the investigation phase depends on its complexity and the availability of diagnostic tools. The investigation phase is closed if no biosecurity risk is identified (refer to Decision 1 in [Appendix 2](#)) or the risk has been effectively managed through investigation activities (refer to Decision 2 in [Appendix 2](#)).

#### **3.1.3 Who is responsible?**

MPI is responsible for all activities, decisions and costs in this phase. It may consult and/or seek assistance from potentially affected Signatories and other stakeholders.

MPI acknowledges that specialist knowledge lies within industry, and is committed to working closely with industry to ensure integration of this knowledge into both investigation and response practices.

Industry Signatories are responsible for:

- Reporting any suspected unwanted organisms to the 0800 Pest and Disease Hotline
- Advising and helping MPI investigators, if requested

#### **3.1.4 Urgent measures**

MPI investigators may undertake urgent measures to manage any immediate risks. Urgent measures will be put in place as quickly and effectively possible, and where feasible and practical. These actions are situational dependent and tend to be relatively low cost (usually less than \$5000). The risk and urgency of the situation will also dictate measures.

Examples of urgent measures during an investigation include:

- Trace back and treatment (methyl bromide) of risk goods, such as woodware, dunnage, inanimates (for example, car)

- Pesti-gas treatment of risk goods
- Pulled auctions from online auction listings for goods such as plant weeds
- Precautionary withdrawal and/or recall of risk goods, for example, fresh produce
- Issue directions under the Biosecurity Act, for example, direct someone to stop movement of goods off a property

Urgent measures will be reviewed and can be amended by MPI and affected Signatories as soon as a joint decision to activate a response is made (refer Decision 3 in [Appendix 2](#)).

### 3.1.5 Associated communication activities

#### 3.1.5.1 Investigation communications (refer to Communications 1 in [Appendix 2](#))

MPI investigators may communicate directly with stakeholders, including potentially affected Signatories, during an investigation as part of activities to assess and manage risks. Stakeholder communication will occur for a number of reasons (see Table 3.1).

**Table 3.1:** Examples of stakeholder communications that may occur during an investigation

Category	Possible circumstances
To get information	Where stakeholders may hold information that could help determine the nature and level of biosecurity risk/issue and inform management options
To seek support	Where stakeholders may have resources such as subject matter experts, personnel, equipment, records or databases to help carry out the investigation or urgent measures
To direct action	Where MPI investigators need someone to stop movement of risk goods as part of urgent measures during an investigation
To inform	Where MPI investigators need to inform owners or occupiers of investigation progress or outcomes
To manage communication risks	Where investigation activity may attract public attention and queries, or an industry organisation may need early notification to enable it to manage its own risks [Note: this could trigger an early heads up to industry representatives to advise them that an investigation is underway and that more information will be available soon and/or in some circumstances could trigger rapid notification requirements]

#### 3.1.5.2 Rapid notification (refer to Communications 2 in [Appendix 2](#))

Under the Deed:

- MPI must rapidly notify potentially affected Signatories if a suspected unwanted organism is detected in New Zealand (refer Deed clause 3.2.2)
- MPI will notify industries that it considers may be directly affected by an unwanted organism and for which there is no Operational Agreement, and it has determined that there is a biosecurity risk (refer Deed clause 6.3.1)

##### 3.1.5.2.1 General principles underpinning rapid notification

The following principles will guide Signatories' approach to rapid notification:

1. MPI will rapidly notify in a planned, timely and structured manner to meet the needs of the Minister, industry Signatories, trading partners, international bodies and other stakeholders.

2. The level of detail (quantitative and qualitative) contained in a rapid notification will depend on the complexity and urgency of the investigation and any associated risks.
3. The primary purpose of an investigation is to identify, assess and manage any immediate biosecurity risks. MPI will meet its rapid notification commitments in a way that will not compromise this.
4. MPI will work from a position of no surprises - for the Minister of Primary Industries and for industry Signatories.
5. When in doubt as to who may be affected, MPI will consult with industry Signatories.
6. Rapid notification will not contravene the requirements of the Privacy Act, or compromise MPI's ability to undertake possible criminal investigation. To comply with New Zealand privacy laws, when rapidly notifying a potentially affected Signatory, MPI cannot divulge specific property or location information without express consent of the property owner.
7. Industry Signatories will keep MPI informed of any specific high priority pests and diseases that they would expect to be notified about.

#### *3.1.5.2.2 What is the purpose and intended outcome of rapid notification?*

The purpose of rapid notification is for MPI to provide potentially affected Signatories with a situation report, including:

- Information on the suspected unwanted organism
- Geographic information
- Critical detail of the investigation
- Potential risks
- Urgent measures to manage these risks (if any)
- Recommendations on next steps

Based on this information and associated conversations, MPI and potentially affected Signatories can start to understand and prepare to manage their own risks.

This information and these conversations will also help inform:

- Which industry Signatories are in fact affected
- Subsequent decisions on whether a response should be activated
- Identification of other potentially affected industry Signatories and stakeholders, including those that may be affected by response action, that should be kept informed of progress and/or consulted should a response be activated.

#### *3.1.5.2.3 How will MPI identify potentially affected Signatories for the purposes of rapid notification?*

MPI will refer to any Operational Agreements that exist for the suspected unwanted organism under investigation.

Where there is no Operational Agreement, MPI will consider an industry Signatory to be potentially affected where the suspected unwanted organism (or disease symptoms) under investigation is likely to have a direct and negative impact on:

- an animal or plant species that is a host and underpins the sector's business or livelihood

and

- the sector's ability to produce, move, sell or export animals, crops or products – either domestically or internationally

An industry Signatory will be confirmed as affected when:

- an unwanted organism has been confirmed
- and
- likely impacts of the unwanted organism have been confirmed.

#### *3.1.5.2.4 Where does MPI get its information on which to make this assessment?*

MPI uses a wide range of sources to assess the biosecurity risk posed by an organism. These sources will be used alongside Operational Agreements (where one exists) to help inform which industry Signatories and other stakeholders should be notified.

Sources include:

- Priority pest lists (for example those held on the GIA website)
- Scientific publications
- Risk assessments and analyses – includes existing risk analyses and rapid risk assessments developed under urgency
- Consultation with industry representatives
- Institutional knowledge based on past experience

#### *3.1.5.2.5 How will rapid notification occur?*

Rapid notification could occur through email, text or phone call – depending on the urgency. Signatories may agree a preferred method of notification as part of Operational Agreement negotiations. Rapid notification will be followed up with a documented record of discussions, including any associated decisions.

#### *3.1.5.2.6 What are the triggers for MPI to rapidly notify a potentially affected Signatory?*

MPI will rapidly notify a potentially affected Signatory upon confirmation or strong suspicion of the detection of an unwanted organism that meets the criteria in section 3.1.5.2.3. While there are exceptions, this generally coincides with the end of the investigation phase.

Other triggers include:

- Where MPI must alert the Minister for Primary Industries<sup>1</sup>
- The potential for media interest

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<sup>1</sup> MPI must alert the Minister where there is a moderate to high risk of impact to any of the following - human health, health and safety, economic and/or trade, environment, trust and confidence in NZ regulatory systems, MPI service delivery, Crown-Maori relationship, or MPI financial position. Where MPI needs to notify the Minister, this must happen prior to any external communications to potentially affected Signatories. However, rapid notification can happen immediately afterwards.

- Where MPI has identified a potential biosecurity risk, but further investigation is required to determine if this is an actual risk and this may take some time – this would be to avoid surprises at a later date.

It is possible that an industry Signatory may become aware of an investigation through channels other than a rapid notification from MPI. For example, a grower or farmer may send information about a suspected unwanted organism or disease symptoms to its industry body at the same time or before they notify MPI. In such a situation, the industry Signatory should contact MPI to discuss any questions or concerns. Where MPI has not been notified of the suspicion of a suspected unwanted organism detection, then the industry Signatory should ensure that a report is lodged through the 0800 Pest and Disease Hotline.

#### *3.1.5.2.7 Urgent measures as a trigger for rapid notification*

Urgent measures, including common examples, are described in section 3.1.4.

Generally, urgent measures are small, low-cost activities that happen at a property level and would not trigger rapid notification requirements.

Rapid notification triggers would be met should MPI investigators need to take more extreme action, such as putting in place regional or national movement controls. However, actions of this significance would generally happen as part of a response (through consensus decision-making) and not as part of an investigation.

### **3.1.6 Supporting tools**

Each year MPI receives up to five thousand calls to the 0800 Pest and Disease Hotline - of which approximately two thousand are notifications of possible unwanted organisms. Therefore, MPI has developed the following series of tools to ensure consistent, robust and risk-based decision-making in the investigation phase:

- Risk assessment tools
- MPI default hierarchy for rapid notification
- Signatory contacts lists

[Appendix 3](#) contains further information about these tools.

## **3.2 Response phase 2 - initiate response**

Refer to the high level process diagram for investigation and response decision-making under the GIA Deed in [Appendix 2](#).

### **3.2.1 What happens in this phase?**

This phase sets the foundation for future response action. It is triggered by MPI advising potentially affected Signatories that a suspected unwanted organism has been detected and risks have been identified that cannot be managed during the investigation phase.

MPI will provide potentially affected Signatories with background information, a situation report and a recommendation on whether a response should be activated.

Where there is more than one potentially affected Signatory, then this briefing is likely to happen jointly, for example, via teleconference. The decision on whether a response should be activated will be made by consensus (refer Decision 3 in [Appendix 2](#)).

If MPI and affected Signatories agree that a response should not be activated, the incident will be stood down. In some cases MPI may agree to remain in the investigation phase until agreed triggers are met for standing down the investigation or for reviewing the decision to activate a response.

If MPI and affected Signatories consider that some form of response action is appropriate, MPI will appoint a Controller (and may stand up a response team) and convene Response Governance to make all strategic response decisions. MPI and affected Signatories may also agree on the need for interim measures that should be put in place immediately, to mitigate risks and preserve response options, prior to the first Response Governance meeting (refer Decision 3a in [Appendix 2](#)). In the first Response Governance meeting, the Controller tables a rapid assessment report and/or response brief, Response Governance confirms the decision to activate a response (refer Decision 4 in [Appendix 2](#)), and agrees outcomes, objectives and resourcing, for example people and funds (refer Decision 5 in [Appendix 2](#)). Response Governance then directs the Controller to develop and implement an incident action plan to achieve the objectives and outcomes. Note: In some circumstances finalising response outcomes, objectives and resourcing may happen over the initial few Response Governance meetings as opposed to being fully worked through in the first.

#### **3.2.1.1 Implications of activating a response**

Activating a response means establishing a structure and process by which response outcomes and objectives can be assessed and decisions made. It also commits MPI and affected Signatories to any interim measures agreed to prior to the first Response Governance meeting. From July 2017, costs associated with these interim measures will be shared. A decision to activate a response does not commit MPI and affected Signatories to any additional course of action as this will be agreed in the first Response Governance meeting. Response Governance can also decide that no further action is necessary and the response can be stood down.

#### **3.2.2 Who is responsible?**

Signatories are jointly responsible for:

- Ensuring that their response decision-makers understand their roles, are prepared, and have the mandate to make any necessary decisions
- Deciding if a response should be activated (refer to Decisions 3 and 4 in [Appendix 2](#))
- Agreeing to and sharing the costs of interim measures that should be put in place prior to the first Response Governance meeting (refer to Decision 3a in [Appendix 2](#))
- Providing a decision-making member to Response Governance
- Strategic direction, outcomes, objectives and resourcing levels (refer to Decision 5 in [Appendix 2](#))

MPI is responsible for:

- Communicating to potentially affected Signatories its initial assessment of biosecurity risk represented by a suspected unwanted organism, including recommendations on whether response action is appropriate

- Appointing a Controller
- Standing up a response team to manage the risk, preserve options and collect information to support Response Governance decision-making
- Convening the first Response Governance meeting
- Unless otherwise agreed, fulfilling the role of Response Governance chair. Note: in some cases the MPI person performing the role of chair will also be MPI's decision-maker. In other cases, these functions will be separated
- Representing the interests of non-Signatories and other stakeholders, including Maori<sup>2</sup>

An industry Signatory is responsible for:

- Ensuring that its response decision-maker can be contacted at short notice (the person filling this role will be identified at the time of signing up to the GIA Deed)

### 3.2.3 Disagreement over activating a response

If MPI and affected Signatories cannot reach consensus on whether a response should be activated (refer to Decision 3 in [Appendix 2](#)), a Response Governance will be convened as soon as possible and may opt for one of the following outcomes:

- Jointly agree to activate a response
- Jointly agree to stand down the incident
- Affected Signatories decide that response action is not a priority - in this situation MPI may decide to respond and will make all decisions and cover all costs, or recover an appropriate share from non-Signatory beneficiaries<sup>3</sup>
- MPI may decide that response action is not a priority - in this situation beneficiary Signatories may decide to undertake and fund any management action

MPI will continue to take any action it deems necessary to preserve options until Response Governance is convened and final joint decisions made on future response direction.

### 3.2.4 Response Governance membership

Joint decisions in responses are made through consensus by decision-making representatives at Response Governance. Response Governance will include one decision-maker from MPI and each beneficiary Signatory. Beneficiary Signatories are affected Signatories who benefit from response actions (refer explanation of beneficiary Signatory, [Appendix 1](#)).

Operational Agreements will identify beneficiary Signatories.

Where there is no Operational Agreement and beneficiary status is unknown, affected Signatories will be treated as beneficiary Signatories, until their status as beneficiary Signatories is confirmed through impact assessment for establishing cost-shares. This means they will have decision making rights on Response Governance.

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<sup>2</sup> MPI has initiated discussions with the Environmental Protection Agency (EPA) Te Herenga network to determine how it can best ensure Maori interests are represented in biosecurity response management and decision-making

<sup>3</sup> A framework for cost-recovery from non-Signatory beneficiaries will be in place by July 2017 when response costs will start to be shared.

It is expected that in most cases, affected Signatories will be confirmed as beneficiary Signatories. Where this is not the case, Response Governance membership will be amended to reflect any changes.

Because Response Governance needs people who can make the most informed decisions, membership may extend to individuals who have an advisory role with no decision-making responsibilities.

The Response Governance Chair makes the final decision on wider Response Governance membership, in consultation with beneficiary Signatories.

### **3.2.5 Interim measures**

Once MPI and affected Signatories have agreed that a response should be activated (refer Decision 3 in [Appendix 2](#)) they will also discuss and agree any immediate activities (interim measures) that should be put in place to preserve options until the first Response Governance is convened (refer to Decision 3a in [Appendix 2](#)). Interim measures may include agreement to the continuation or amendment of any urgent measures put in place during the investigation phase. Costs associated with agreed interim measures will be shared.

In general, the time between the decision to activate a response (Decision 3 in [Appendix 2](#)) and the first Response Governance meeting will range between two to 48 hours – depending on the level of risk and urgency for response decision-making.

In the first Response Governance meeting, members will confirm the decision to activate a response (refer to Decision 4 in [Appendix 2](#)). The next decision (refer to Decision 5 in [Appendix 2](#)) includes confirmation or amendment of any interim measures that were jointly agreed by MPI and affected Signatories prior to the Response Governance being convened.

### **3.2.6 Cost sharing**

MPI will cover all costs associated with investigation activities, including urgent measures, to the point where a decision has been reached to activate a joint response (refer Decision 3 in [Appendix 2](#)).

Costs associated with all agreed activities (including interim measures) will be shared from this point.<sup>4</sup>

The share each Signatory pays will be recorded in an Operational Agreement. Where no Operational Agreement exists, then one needs to be developed as soon as possible ([refer section 5.7.6](#)).

### **3.2.7 Associated communication activities**

#### **3.2.7.1 Rapid notification (refer to Communication 2 in [Appendix 2](#))**

Refer description of rapid notification, [section 3.1.5.2](#).

#### **3.2.7.2 Response Governance communications (refer to Communication 3 in [Appendix 2](#))**

At the end of each Response Governance meeting, members will agree key messages that can be communicated about the group's discussions and decisions. This ensures consistency of

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<sup>4</sup> True from 1 July 2017, when cost-sharing is applied.

communications. Members should restrict any public comment to high level, strategic matters they discussed and agreed.

Response management and operational communications are managed within the Incident Management Team, and via nominated spokespeople (refer to Communication 4 in [Appendix 2](#)).

### **3.2.8 Supporting tools**

The following tools support strategic decision-making in the initiate response phase:

- Response Governance terms of reference (TOR), including confidentiality deed and conflict of interest declaration form
- Response Governance first meeting agenda template
- Rapid assessment report
- Operational Agreements (pre-negotiated)
- Rapid Operational Agreement template and guidelines
- Response brief

[Appendix 3](#) contains further information about these tools.

## **3.3 Response phases 3 to 5 - incident action planning, reporting and implementation, transition from response, and learn and close**

Refer to the high level process diagram for investigation and response decision-making under the GIA Deed in [Appendix 2](#).

These three phases of response are described in detail in the BRKB. However, the role of Response Governance to provide governance and oversight remains largely the same. Therefore, for the purposes of this guide these phases are considered together.

### **3.3.1 What happens in these phases?**

During phase 3 – planning, reporting and implementation, the Controller leads development and implementation of an incident action plan to achieve the agreed response outcomes and objectives within agreed timeframes and budget. The incident action plan (along with any subsequent amendments) is approved by Response Governance. It is an evolving document that guides all activities, and includes triggers to review and exit the response. It reflects any relevant and pre-agreed contingency plans, and contains all necessary details to make it relevant for the specific response. Depending on the nature and complexity of the response, a more detailed response business case may be required to support strategic decision-making. In these cases, the incident action plan will also cover activities and resources required for delivery of the response business case.

Where a response review or exit trigger is reached and it is clear that the response will not meet desired outcomes, Response Governance may decide to stand down the response or to transition to alternative management arrangements. In this case, Response Governance may require the Incident Management Team to prepare a plan to assist with any transitions.

During phase 4 – transition from response, Response Governance is responsible for ensuring an effective transition from the response to the agreed future state. What this means in practice will

vary on a case-by-case basis. Implementation of the transition plan may happen as part of the existing response or under a revised management structure once the response has closed.

In phase 5 – learn and close, a response debrief is held to discuss and document lessons learned and recommendations made for improving the system.

### **3.3.2 Who is responsible?**

Response Governance is responsible for:

- Confirming appointment of the Controller
- Setting response outcomes, objectives and resourcing levels (people and funds)
- Providing strategic guidance and high level support to the response
- Making strategic, rather than operational and technical, decisions
- Ensuring the response is appropriately resourced
- Approving the incident action plan and other strategic documents, including amendments
- Monitoring progress towards outcomes
- Removing any impediments to the response as necessary
- Supporting the Controller
- Approving the declaration, extension or ending of the response
- Providing a spokesperson, if not performed by the Controller
- Depending on the scale of the response, liaising with other levels of governance outside of the response
- Maintaining two-way feedback with the organisations that individual members represent
- Acting in good faith in the interests of all stakeholders, including Maori as Treaty partners, and not limited to the Crown, industries and members of the public

The Controller is responsible for:

- Informing, advising and making recommendations to Response Governance
- Leading and managing the Incident Management Team
- Management and operational decisions
- Leading development and implementation of an incident action plan to address agreed outcomes, objectives and resourcing (during phase 3)
- Leading development of a response business case and/or transition plan, if required, including any working papers (during phase 3), implementation of any transition plan (during phase 4) and development of response assessment and close out reports (during phase 5)
- Performing the role of response spokesperson, unless specified otherwise by Response Governance

### **3.3.3 What's the difference between an incident action plan and a contingency plan?**

A contingency plan is developed to coordinate the response to a situation that has yet to occur. The contingency plan may contain policy, principles, factual information and/or process information, as determined by the needs of end-users.

An incident action plan is developed by the Incident Management Team during a response. It is an evolving document that sets out the plan for implementing Response Governance decisions and guides all subsequent activities. It reflects any pre-agreed contingency plans and contains the

necessary details to make it relevant for the specific response, such as incursion circumstances and geographical information.

### **3.3.4 Associated communication activities**

3.3.4.1 Response Governance communications (refer to Communication 3 in [Appendix 2](#)) Refer description of Response Governance communications, [section 3.2.7.2](#)

#### **3.3.4.2 Response communications and liaison (refer to Communication 4 in [Appendix 2](#))**

Response Governance approves communication and liaison strategies, including key messages. The Incident Management Team is responsible for operational planning and delivery of these functions.

### **3.3.5 Supporting tools**

The following tools support strategic decision-making in the three phases 3-5:

- Incident action plan (phase 3)
- Response business case (phase 3)
- 'Transition from response' plan (phases 3 and 4)
- Response assessment report (phase 5)
- Response close-out report (phase 5)

[Appendix 3](#) contains further information about these tools.

## **4. Guiding principles for GIA response decision-making**

The following agreed principles underpin strategic decision-making arrangements in a response.

1. The scope of the GIA Deed, as relevant to response, will not be reviewed until after Signatories have been actively involved in responses to test the Deed. There is an expectation that the Deed will continue to evolve based on experience gained by Signatories.
2. Signatories will use MPI's NBRS to manage responses.
3. The NBRS will continue to evolve to fully reflect participation by industry Signatories and to capture improvements identified through response experience.
4. Signatories commit to working everything through established NBRS processes, including response management, use of Response Governance and project structures, reporting lines and issue resolutions processes.
5. The biosecurity response system, in its widest sense, must be functional at every point in time. There can be no delay if it would negatively impact the response outcome or restrict options.

### **The government's role during a biosecurity response**

6. MPI will act in the interest of the New Zealand public and will preserve options in this interest until a joint decision on specific actions is made.

### **Response Governance**

7. An industry Signatory that is affected by an unwanted organism and a beneficiary of the response has the right to be represented on Response Governance.
8. Response strategic decisions start and stop with Response Governance, where decisions are within industry fiscal caps and MPI financial appropriations.<sup>5</sup>
9. Response Governance will contain people with the skills needed to make the most effective decisions.
10. Response Governance membership numbers will not be capped.
11. Response Governance membership will generally start wider and narrow as appropriate.
12. All Response Governance members will have access to the same information to ensure the most informed decisions.
13. Continuity of Response Governance members is critical for a response, however, membership can evolve. For example, there may be escalation or de-escalation of members based on the biosecurity risks to be managed and/or to accommodate the delegated authority required for the strategic decisions to be made.
14. Response Governance members are responsible for providing relevant and appropriate information to their organisation and its members at an appropriate time, and in accordance with confidentiality provisions. They are also responsible for tabling any relevant feedback from their organisations back to Response Governance.
15. Cost-shares and fiscal caps for a biosecurity response will be pre-agreed and documented in an Operational Agreement. Where cost-shares and fiscal caps have not been pre-agreed, they will be negotiated in a separate process outside of the response.<sup>6</sup>

#### **Response Governance Chair**

16. Representing the interests of the New Zealand public, MPI will fill the role of the Response Governance Chair, unless otherwise agreed.
17. The Chair will determine attendance of observers and advisers (for example, non-decision making representatives from other industries, regional councils) in consultation with Signatory decision-makers represented on Response Governance.
18. The Chair will ensure Response Governance members are well informed prior to meetings.
19. The Chair will develop strategies to effectively manage strategic governance of large Response Governance groups.

#### **Controller and Incident Management Team**

20. All response information feeds and recommendations will flow to Response Governance through the Controller.
21. In addition to governance roles, MPI may ask beneficiary Signatories to provide resources to support a response. For example, industry advisors to the Incident Management Team and work streams to ensure that industry knowledge and perspectives are appropriately considered and reflected in recommendations to Response Governance.

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<sup>5</sup> In a response where MPI's financial appropriations, or an industry Signatory's fiscal cap is likely to be exceeded then approval and additional funding will need to be sought from Cabinet or Boards respectively.

<sup>6</sup> Guidelines for establishing cost-shares will be in place by July 2017, which is when response costs will start to be shared.

## Incident action plan

22. Developed by the Incident Management Team and approved by Response Governance during a response, the incident action plan is an evolving document that sets out the plan for implementing Response Governance decisions and guides all subsequent activities. The incident action plan reflects any pre-agreed strategies or contingency plans that have been documented in an operational agreement, and will include response review and exit triggers.

## 5. Role of the Response Governance decision-maker

Refer to [Appendix 4](#) for the Response Governance terms of reference.

This section details the role of Response Governance decision-makers, the types of decisions they will be expected to make, and the skills and competencies they will need.

While this section focuses on Response Governance, it equally applies to those involved in the first joint decision to activate a response (refer Decision 3 in [Appendix 2](#)). In most cases this same person will become the decision-maker on Response Governance.

### 5.1 What skills and experience do Response Governance decision-makers need?<sup>7</sup>

A governance team member, along with other members of the governance team, is ultimately responsible for the outcome of the response. A governance team works well when every member of the team is comfortable with leading and managing from a distance. It is sometimes tempting to get into the detail, particularly when you have technical expertise, but it is the role of this group to give direction and delegate, not to intervene in the operation of a response.

Good judgement is the most important skill that Response Governance decision-makers bring to the table. They need a combination of strategic abilities and people skills to exercise this judgement in a complex and high pressure environment.

Skills and experience also matter. Typically Response Governance decision-makers on large-scale responses are senior representatives. Just as the scale and scope of responses vary, so does the complexity of decisions required. It is recommended that, if possible, Response Governance decision-makers participate in smaller responses before using that experience in a more complicated scenario.

Response Governance members require the following competencies:

- Strategic agility
- Decision quality
- Political savvy

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<sup>7</sup> MPI is currently reviewing competencies to align with CIMS. Once complete, this section will be updated to reflect.

Other desirable competencies are:

- Dealing with paradox
- Negotiating
- Priority setting
- Learning on the fly
- Timely Decision Making
- Integrity and trust

## **5.2 What types of decisions is Response Governance expected to make?**

Response Governance is expected to make decisions that set a response's strategic direction, objectives and resourcing.

Other responsibilities of Response Governance are set out in the Terms of Reference (refer Appendix 4). While not stated explicitly in the Terms of Reference they also include:

- Confirming appointment of the Controller
- Monitoring progress towards outcomes
- Removing any impediments to the response as necessary
- Acting in good faith in the interests of all stakeholders, including Maori as Treaty partners, and not limited to the Crown, industries and members of the public.

## **5.3 How will these decisions be made?**

Response Governance make decisions by consensus.

The decision-making process must be inclusive for all Response Governance decision-makers.

In making decisions on response outcomes and objectives, Response Governance needs to consider the following questions:

- Is this something MPI and beneficiary Signatories jointly care about?
- Is the technical evidence about feasibility to eradicate robust?
- Do the benefits of taking a course of action outweigh the costs?

All subsequent decisions must align back to response outcomes and objectives.

## **5.4 What level of authority do Response Governance decision-makers need?**

Decision-makers on Response Governance need to operate within their mandate.

Occasionally decisions may need to be made that extend beyond an individual's mandate, and they will need to elevate the decision within their organisation and have the processes in place to enable this to happen. However, this should be the exception, rather than the rule. If the need to defer decisions becomes a frequent occurrence then the Response Governance decision-making role should be assigned to someone at a higher level in the organisation, in a timely manner.

Note: There will still be a role for industry Boards when fiscal caps are insufficient and for Cabinet when MPI needs additional funding.

### **5.4.1 What is meant by 'mandate'?**

To demonstrate eligibility to sign the Deed and to become a Signatory, an industry organisation must clearly define the sector that it represents. The industry organisation must also have consulted with and have the support of this sector on how the organisation will represent the sector's needs under GIA and fund any associated commitments.

Any industry Signatory decision-maker on Response Governance must:

- Operate within this agreed mandate
- Have the necessary authority and financial delegation in order to make decisions on behalf of their sector

## **5.5 Role of the Controller and relationship to Response Governance**

The Controller is the sole linkage and point of accountability between Response Governance and the Incident Management Team.

The Controller has a pivotal role with dual responsibility to both Response Governance and response staff through three key areas:

- To identify, prioritise, articulate and manage the implementation of response objectives, or tactics, that realise response outcomes. Includes decision-making at response management and operational levels
- To ensure appropriate intelligence is collected, evaluated and provided to Response Governance to enable strategic decision-making
- To create, sustain and effectively lead the Incident Management Team by:
  - Managing and supporting work stream leads
  - Leading activities with courage and composure
  - Accepting accountability for actions and decisions
  - Challenging Response Governance to make strategic decisions required for the response to proceed

## **5.6 How to prepare for participating in a response**

The following checklist covers the tasks to be undertaken in advance of attending the first Response Governance meeting.

### **Critical administration**

- Read and understand the Response Governance terms of reference
- Possess the appropriate skills, experiences and competencies to be an effective decision-maker on Response Governance
- Have the time and ability to participate in and commit to the response
- Signed a confidentiality agreement
- Declared, or are ready to declare, any potential conflicts of interest

## **Situational awareness**

- Received and considered the rapid assessment report, or had a verbal situational briefing from either MPI or senior members of your industry organisation
- Received and considered the response brief, if one exists
- Received and considered the Response Governance meeting agenda and any associated documents, are aware of the sorts of decisions that you will need to make, and are prepared to actively engage in associated discussions
- Discussed in confidence the issue with senior members of your organisation, and are aware of their perspectives as relevant to response decision-making

## **Authority and financial delegation**

- Have the mandate and authority to make decisions on behalf of the Signatory that you represent
- Have the appropriate financial delegations to make decisions with potential cost implications, within industry fiscal caps and Government approved funding
- Familiarity with any relevant pre-negotiated Operational Agreements, including fiscal caps and cost-share commitments<sup>8</sup>
- From July 2017, are aware of default arrangements where no relevant Operational Agreement exists, including fiscal cap and cost-share commitments

## **5.7 Frequently asked questions**

### **5.7.1 Who is eligible to take part in a Response Governance meeting?**

The appropriate people must take part in Response Governance to enable quality decisions that support biosecurity outcomes. Participants always include:

- The Chair – provides leadership to the group, ensures discussion is focused towards strategic matters, that all members are treated fairly, and that members are encouraged and enabled members to contribute
- Decision-makers – the individuals who have the authority and the delegations to make decisions on behalf of the organisation that they represent. Under GIA, there will be one decision-maker for MPI and each beneficiary Signatory
- Controller – the Controller identifies, prioritises, articulates and manages the implementation of the response objectives that lead to the response outcomes being realised. The Controller reports to Response Governance and attends Response Governance meetings, but is not an Response Governance decision-maker
- Secretarial support – provides for minute taking and dissemination of relevant information for the Response Governance

Participants may also include non-decision makers. For example:

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<sup>8</sup> MPI (representing the Crown) will pay 100% of response costs until July 2017

- Advisors – to provide information and advice to Response Governance to support informed decision-making. Any advisors will only be present at the meeting for the specific agenda item(s) for which their presence is required.
- Observers – the role of an observer is to sit and observe. An observer may contribute to discussion at discretion of the Chair.

All participants taking part in Response Governance must have signed a confidentiality agreement.

### **5.7.2 How will Response Governance get consistent, informed, timely and accurate technical advice?**

Response Governance’s role is to focus on strategic decisions and avoid being involved in management, technical and operational detail. However, where necessary the Controller may bring in members of the response team to provide specialist advice to Response Governance. The Controller may also establish an independent technical advisory group to ensure recommendations are based on the best possible technical advice.

### **5.7.3 What is the trigger for cost-sharing within a response?**

From July 2017, cost-sharing commences when MPI and affected Signatories agree that a response should be commenced (refer Deed clause 6.3.2). This correlates with Decision 3 in [Appendix 2](#).

### **5.7.4 How will Signatories know what their financial commitments are in a response?**

At the first Response Governance meeting, the Controller will present a rapid assessment report and/or response brief, including high level response options and cost estimates. Based on this information, Response Governance will agree response outcomes for the immediate and/or long term and the Controller will work with the response team to develop management options. If necessary, the Controller will also lead a more comprehensive assessment of technical feasibility, costs and benefits.

Response Governance will agree a preferred response option based on a review of this assessment and conduct a regular review of actual against expected spending.

After July 2017, these response costs will be shared between MPI and beneficiary Signatories according to financial splits documented in the relevant Operational Agreements. Where no relevant Operational Agreements exists, then it is likely that default cost-shares will apply until response specific cost-shares have been agreed.<sup>9</sup>

### **5.7.5 What happens if consensus cannot be reached?<sup>10</sup>**

Non-consensus must be the exception. Signatories have an obligation to work together to resolve issues to a satisfactory conclusion.

Timely decision-making is critical and a delayed decision is effectively a decision taken as response options can rapidly decrease over time.

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<sup>9</sup> Guidelines for establishing cost-shares will be in place by July 2017, which is when response costs will start to be shared.

<sup>10</sup> Signatories and potential Signatories (for example, through the Interim Fruit Fly Council) are currently exploring options for managing stalemate non-consensus. Any workable options will eventually be captured in operational agreement templates for consideration and possible use by others.

If there are disagreements, parties should make decisions where they can agree, identify points of disagreement for getting consensus, and agree timeframes and an approach for resolving.

To explain the relevant terms:

- Joint decision-making involves all parties in the decision
- Consensus decision-making is where no party disagrees with the decision
- Unanimous decision-making is where all parties agree

#### **5.7.6 What is the process for agreeing a rapid Operational Agreement where none exists?**

A rapid Operational Agreement template (likely to be a subset of the standard Operational Agreement template), and the process for negotiating in a timely fashion during a response, will be developed, tested and agreed prior to July 2017, when cost-sharing for responses commences. The rapid Operational Agreement template is likely to include default financial arrangements that will apply until specific arrangements have been agreed.

#### **5.7.7 What induction, training and support will new Response Governance members receive?**

Once an industry organisation becomes a Signatory to the Deed, MPI will lead a session with the Signatory's response decision-maker, senior managers and board members as appropriate, to ensure they:

- have received, read and understood the guide, including the purpose and scope of their organisation's role, and the role of their response decision-maker and the types of situations and decisions they are likely to face
- have completed all administration associated with their response roles, including conflict of interest and confidentiality declarations
- have access to the online GIA Shared Workspace (managed by the Secretariat)

MPI will also create opportunities for Signatory response decision-makers to attend Response Governance meetings as an observer, for responses that do not affect them.

MPI will also run at least two desktop exercises per year - one for the animal sector and one for the horticultural sector. These exercises will be held in conjunction with the GIA Biosecurity Forum or other industry events. The purpose of these exercises is to give industry Signatories more tangible experience of the response process, including their role as decision-makers.

On activation of a new response, MPI will send potential Response Governance members a copy of the Response Governance terms of reference and confirm that they have signed confidentiality and conflict of interest forms. MPI will also follow up with a phone call to make sure all information has been received and they understand what will be required of them. Potential new Response Governance members will have an opportunity to ask questions and discuss any associated issues or concerns.

## Appendix 1: Abbreviations and definitions

This appendix defines terms used in this guide. The first section explains the terms that refer to Signatories and industries that have not signed up to GIA. The second section explains acronyms and terms that have specific meanings in a response or under GIA.

### Definition and use of GIA Deed terms relating to Signatories

#### Background

The GIA Deed refers to 'Signatories' in a range of different contexts relevant to responses, including 'Signatory', 'industry Signatory', 'relevant Signatory', 'relevant industry Signatory', 'potentially affected Signatory', and 'beneficiary'. The Deed also refers to 'industries that may be directly affected' (refer Deed clause 6.3.1).

With the exception of beneficiary, these terms have not been defined in the Deed.

The key clauses of the Deed that use Signatory-related terms relevant to responses are:<sup>11</sup>

- Clause 2.2.5 - Joint decision-making will commence for response as soon as the Deed has been signed by MPI and **relevant industry Signatories**.
- Clause 2.2.6 - Specific joint readiness and response activities agreed between **Signatories** will be recorded in Operational Agreements
- Section 3.3, Explanatory Note - The Signatories agree in principle, that responsibility for biosecurity readiness and response costs should be shared between those undertaking risky activities (exacerbators) and **those benefiting** from the mitigation of risk delivered through readiness and response activities.
- Clause 6.3.2 - All **relevant Signatories** will meet as soon as possible to determine whether a response will be activated under the GIA. If Signatories agree that a response should be activated, an Operational Agreement for the newly detected unwanted organism should be agreed as soon as possible. Cost sharing commences when the **relevant Signatories** agree that a response should be commenced.
- Clause 3.2.2 - MPI must rapidly notify **potentially affected GIA Signatories** if a suspected unwanted organism is detected in New Zealand.
- Clause 6.3.1 - MPI will notify **industries** that it considers **may be directly affected** by an unwanted organism and for which there is no operational agreement, and it has determined that there is a biosecurity risk.

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<sup>11</sup>The definitions and use of these terms in this response guide were agreed by the GIA Response Guide joint working group (JWG). The JWG has recommended that the use and definitions of these terms are tightened up during the first review of the GIA Deed. It is recommended that this review takes place before July 2017 when costs will start to be shared in responses.

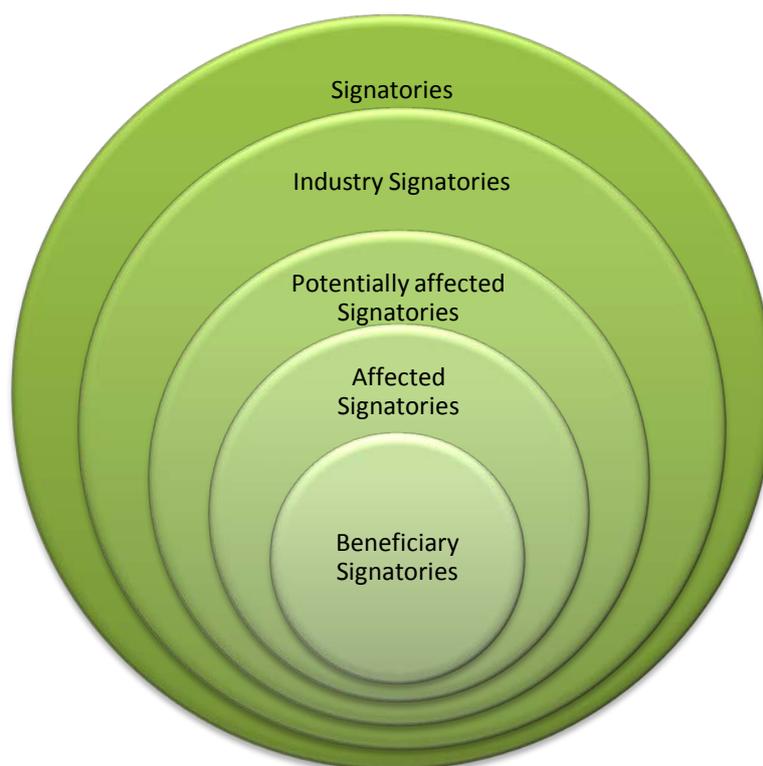
## Definition of terms that refer to Signatories

Table A1.1 explains the Signatory-related terms used in this guide and their relationship to strategic response decision-making. Figure A1.1 provides a visual representation of how the terms relate to each other. In essence, each term defines a group that is a subset of the immediately preceding group.

Table A1.1: Signatory related terms

Term	Explanation
Signatory	A party that has signed the GIA Deed. This includes MPI and industry organisations.
Industry Signatory	An industry organisation that has signed up to the GIA Deed. In other words, all Signatories except MPI.
Potentially affected Signatory	<p>An industry Signatory that is likely to be affected by a suspected unwanted organism (or disease symptom), due to the organism's (or symptom's) direct and negative impact on:</p> <ul style="list-style-type: none"> <li>• an animal or plant species that is a host and underpins the sector's business or livelihood</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• the sector's ability to produce, move, sell or export animals, crops or products – either domestically or internationally.</li> </ul> <p>MPI must rapidly notify potentially affected Signatories if a suspect organism is detected in New Zealand.</p>
Affected Signatory	<p>A potentially affected Signatory will be confirmed as affected when:</p> <ul style="list-style-type: none"> <li>• a suspected unwanted organism has been confirmed</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• likely impacts of the unwanted organism have been confirmed</li> </ul>
Beneficiary Signatory	<p>A beneficiary Signatory is an affected Signatory that obtains value from avoiding, delaying or reducing the impact of an unwanted organism. For the purposes of this guide, this definition excludes MPI. For a given response, MPI and beneficiary Signatories have decision-making rights on Response Governance and share the costs of that response.</p> <p>Operational Agreements will identify beneficiary Signatories. Where there is no Operational Agreement in place, in the early phases of a response beneficiary status generally won't be known. Therefore, affected Signatories will be assumed to be beneficiary Signatories until their status is confirmed through impact assessment for cost-sharing.</p> <p>The term 'beneficiary' is used as per the definition in the GIA Deed (refer Glossary p20). That is: Any person or party that obtains value from avoiding, delaying or reducing the impact of an unwanted organism. These impacts include:</p> <ul style="list-style-type: none"> <li>• Increased costs of managing the unwanted organism</li> <li>• Additional costs of production</li> <li>• Production losses</li> <li>• Costs of creating new production systems</li> <li>• Environmental</li> <li>• Social/cultural including human health</li> <li>• Macro-economic</li> <li>• Market demand</li> <li>• Market access including preferred access from pest freedom status</li> </ul>

Figure A1.1: Relationship between Signatory terms



### Non-Signatories

MPI represents non-Signatories' interests on Response Governance. MPI will consult with non-Signatories, but non-signatories will not have joint decision-making rights on Response Governance. Table A1.2 explains the terms used to refer to non-Signatory industries.

Table A1.2: Non-Signatory related terms

Term	Explanation
<b>Non-Signatories</b>	Primary industry organisations that may be eligible to sign the GIA Deed, but have not done so.
<b>Industries that may be directly affected</b>	<p>This phrase refers to industries that have not signed the GIA Deed and that are likely to be affected by a suspected unwanted organism (or disease symptom), due to the organism's (or symptom's) direct and negative impact on:</p> <ul style="list-style-type: none"> <li>• an animal or plant species that is a host and underpins the sector's business or livelihood</li> <li>and</li> <li>• the sector's ability to produce, move, sell or export animals, crops or products – either domestically or internationally.</li> </ul> <p>The definition of this term definition is equivalent to the definition of a 'potentially affected Signatory', but applies to non-Signatories.</p>
<b>Non-Signatory beneficiary</b>	A non-Signatory that is a beneficiary of a response activity.

	The definition of this term definition is equivalent to the definition of a ‘beneficiary Signatory’, but applies to non-Signatories. Non-Signatory beneficiaries do not get decision-making rights on Response Governance. MPI may cost recover from them.
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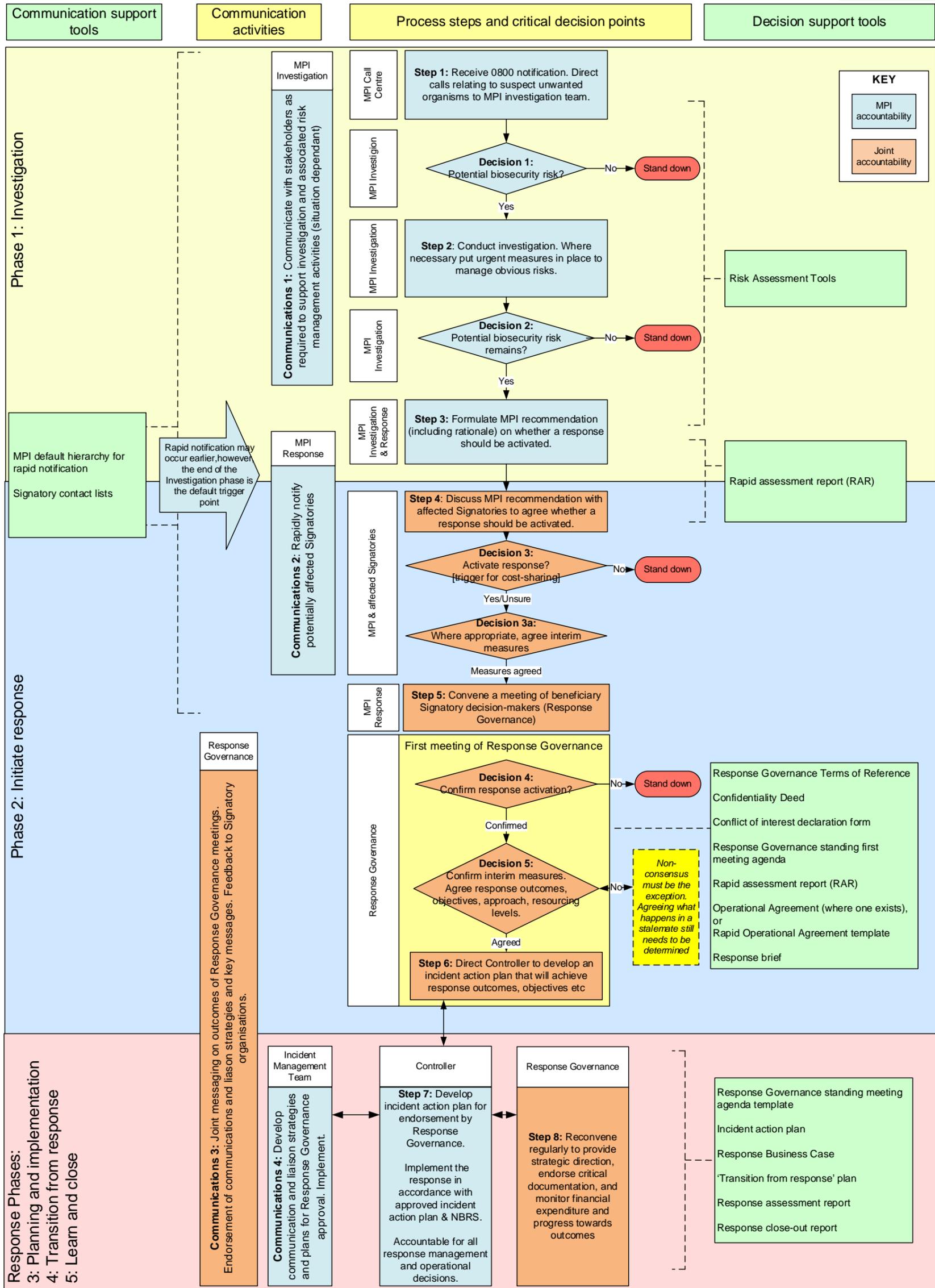
## Abbreviations and definitions of other terms

<b>BRKB</b>	Biosecurity Response Knowledge Base – a web-based collection of information, policies, tools, processes, procedures and training resources about New Zealand’s biosecurity system. Owned and managed by MPI.
<b>CIMS</b>	Co-ordinated Incident Management System – a framework tool to manage emergency situations used by a range of New Zealand government agencies and corporate organisations, including MPI.
<b>Cost sharing</b>	Division of costs associated with specific biosecurity readiness and response activity. Refer to page 20 of the <i>GIA Deed</i> for the full definition.
<b>GIA</b>	Government Industry Agreement for Biosecurity Readiness and Response. Refer to page 20 of the <i>GIA Deed</i> for further detail.
<b>Initiate response</b>	The second of five phases defined in the BRKB. In this phase, if all eligible decision-makers agree that joint response action is warranted, a response project structure is established to make decisions on outcomes, objectives and resourcing.
<b>Interim measures</b>	Actions that are jointly agreed to by MPI and affected Signatories and put in place immediately following a decision to activate a response, and before response outcomes and objectives have been agreed by Response Governance. Includes any urgent measures that MPI and affected Signatories agree should continue beyond the investigation phase.
<b>Investigation</b>	The first of five phases defined in the BRKB. In this phase, MPI receives notification of a potential pest or disease, then assesses potential risks and undertakes any urgent actions.
<b>JWG</b>	The GIA Response Guide joint working group.
<b>MPI</b>	Ministry for Primary Industries – the government agency responsible for whole of system leadership of New Zealand’s biosecurity system.
<b>NBCN</b>	The National Biosecurity Capability Network is an MPI initiative managed by AsureQuality New Zealand. The NBCN provides MPI with timely access to operational capability.
<b>NBRS</b>	National Biosecurity Response System – supports the management of all biosecurity responses in New Zealand. Consistent with the CIMS model, the NBRS comprises legislation, policy, resourcing networks, processes and procedures, people capability requirements and training. The system is documented in the BRKB.

<b>Response</b>	The actions taken immediately before, during or after an unwanted organism has been confirmed (or is strongly suspected), and where management of the risks posed by that organism is considered appropriate.
<b>Response Governance</b>	A high-level, decision-making group assembled to mitigate potential biosecurity risk to New Zealand’s human health and/or environmental, economic and social-cultural values.
<b>TOR</b>	Terms of reference – a document describing the purpose, structure, scope and operating principles of a group working together on a shared goal.
<b>Urgent measures</b>	Immediate actions put in place during the investigation phase to manage any immediate risks and/or to preserve options until joint decisions are made on whether to activate a response.
<b>Unwanted organism</b>	Any organism a chief technical officer believes capable of causing unwanted harm to any natural and physical resources or human health. This includes any new organism the Environmental Protection Authority has declined approval to import, or any organism specified in the Second Schedule of the <i>Hazardous Substances and New Organisms Act 1996</i> . Refer to the <i>Biosecurity Act 1993</i> for the full definition.

# Appendix 2: Process for investigation and response decision-making under the GIA Deed

Version: March 2016



## Appendix 3: Critical investigation and response decision support tools

### Response phase 1 – investigation

Tool	Purpose	Where to find	Comment
Risk assessment tools	To ensure consistent and robust assessment of biosecurity risk in the investigation phase.	<a href="#">Biosecurity Response Knowledge Base (BKRK)</a>	Some of these tools are held on the MPI system and cannot be accessed directly from the BRKB. However, MPI is able to provide any of these on request.
MPI default hierarchy for rapid notification	To ensure a consistent process for timely and informative notification by MPI to Signatories potentially affected by the detection of a suspected unwanted organism.	To be developed	
Signatory contacts lists	To ensure Signatories have quick and ready access to contact details for response decision-makers and other response role-holders.		The GIA Secretariat holds register of Signatories that includes contact details for people who will fill critical response roles.

### Response phase 2 – initiate response

Tool	Purpose	Where to find	Comment
Response Governance terms of reference	To define the roles, responsibilities and expectations of Response Governance members.	<a href="#">GIA Handbook</a>	This ‘terms of reference’ (TOR) is aligned with CIMS and has been developed to meet the needs for all MPI led-responses
Confidentiality deed	To ensure the Response Governance are aware of their commitments to maintain confidentiality during a response and have committed to uphold these.	<a href="#">GIA Handbook</a>	This confidentiality deed has been developed to meet the needs of all GIA related activities – an individual working on GIA related activities only needs to sign one confidentiality deed in order to be covered for all scenarios where they may need to receive confidential information.  <a href="#">Confidentiality deed guidelines</a> are in the GIA Handbook.
Conflict of interest declaration form (including guidelines)	To ensure that any potential conflicts of interest faced by Response Governance members are explicitly discussed, and agreement reached on how these can be best managed.	<a href="#">GIA Handbook</a>	The <a href="#">conflict of interest guidelines</a> cover the nature of conflicts that may need to be declared. The Response Governance Chair can provide further guidance on the ‘significance’ triggers. However, the general rule is where a particular decision or set of decisions may impact (positively or negatively) on personal gain.
Response Governance first meeting agenda template	To ensure all critical discussions take place and strategic decisions are made.	<a href="#">GIA Handbook</a>	
Rapid assessment report	To provide an initial situation report, assessment of risk, options analysis and recommendations from an investigation where further action may be required to manage a biosecurity risk.  Supports decision-making by MPI and potentially affected Signatories as to whether a response should be activated.	The <a href="#">rapid assessment report template</a> can be found on the BRKB.	The rapid assessment report is often developed under urgency. This working document is purely to capture the critical information required in order to support early decision-making on whether or not to activate a response. It is not intended for wider circulation/distribution, and will not have gone through rigorous editorial review.

Operational Agreement (pre-negotiated)	To describe arrangements to achieve outcomes related to: <ul style="list-style-type: none"> <li>• Specific unwanted organisms</li> <li>• Groups of unwanted organisms</li> <li>• Activities that improve biosecurity readiness and/or response</li> </ul> The Operational Agreement ensures that the Response Governance is aware of any pre-agreed financial commitments (cost-share, fiscal cap, in-kind contributions) relevant to the response that could influence strategic decisions, as well as any pre-agreed response strategies or contingency plans.	Copies of the signed Operational Agreements will be held by each party to the agreement.  The GIA Secretariat will maintain a register of signed Operational Agreements, which will include high level summary information for quick reference. This register will be held in the <a href="#">GIA Handbook</a> in the section on <a href="#">Operational Agreements</a> .	Operational Agreements are documents confidential to parties to the agreement. However, the register maintained by the GIA Secretariat will contain sufficient information to enable easy identification of Operational Agreements that may be relevant to the suspect detection of an unwanted organism.
Rapid Operational Agreement template and guidelines for populating	To support rapid development of an Operational Agreement where none already exists. To set out the default arrangements (including cost-shares and fiscal caps) that will apply until more formal arrangements have been negotiated.	To be developed. <sup>12</sup> Once developed the guidance and template will be stored in the <a href="#">GIA Handbook</a> .	
Response brief	To summarise the risk to be managed and to recommend the response outcomes, approach and resources to be approved by Response Governance.	The <a href="#">response brief template</a> can be found on the BRKB.	A response brief will be developed for every new response to clearly document proposed response outcomes, objectives, approach and resourcing, including Response Governance approvals. However, it may not always have been drafted in time for the first Response Governance meeting. For example, where an urgent Response Governance meeting is held in quick succession following rapid notification. In these circumstances, at a minimum a RAR will be presented, and initial decisions made on the basis of the information captured there.

### Response phase 3 – planning, reporting and implementation

Tool	Purpose	Where to find	Comment
Incident action plan	To set out the approach, tactics and resourcing to deliver agreed response outcomes and objectives.	The <a href="#">incident action plan template</a> can be found on the BRKB.	The incident action plan is an evolving document that guides all activities, and includes triggers to review and exit the response. It reflects any relevant and pre-agreed strategies and contingency plans, and contains all necessary details to make it relevant for the specific response.  The Controller is responsible for the development and implementation of the incident action plan, and Response Governance approves it.
Response business case	To provide Response Governance with sufficient rigour around decisions that have significant financial impact (ie, may require specific Cabinet appropriation). The business case provides the merits, risks, constraints, assumptions and costs of each potential response option and provides advice on the most appropriate option.	The <a href="#">response business case template</a> can be found on the BRKB.	Response Governance will provide guidance on when a response business case is required. Note: There are a range of different working papers access on the BRKB developed to support development of the business case, including the response options working papers, options impact assessment, options resource requirements, and options cost-benefit analyses.

<sup>12</sup> A rapid Operational Agreement template (likely to be a subset of the standard operational agreement contract), and the process for negotiating in a timely fashion during a response will be developed, tested and agreed prior to July 2017 when response costs will start to be shared.

'Transition from response' plan	To document approach, tactics and resourcing required for any transition from response to alternative management arrangements.	<i>Template to be developed.</i> This template will stored on the <a href="#">BRKB</a> .	Once approved by Response Governance, this document will guide all activities in phase 4 during the transition from response
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#### Response phase 4 – transition from response

Tool	Purpose	Where to find	Comment
'Transition from response' plan	To guide the transition from response to alternative management arrangements.	<i>Template to be developed.</i>  This template will stored on the <a href="#">BRKB</a> .	This document, which is developed and agreed during phase 3 (incident action planning, implementation and reporting), sets out the approach, tactics and resourcing required for any transition from response to alternative management arrangements.

#### Response phase 5 – learn and close

Tool	Purpose	Where to find	Comment
Response assessment report	To identify lessons learned from the response and suggest improvements to the NBRIS.	The <a href="#">response assessment report template</a> can be found on the BRKB.	The Controller is responsible for the response assessment report and Response Governance approves it.
Response close-out report	To capture what the response has achieved against agreed outcomes, objectives and resourcing.	The <a href="#">response close-out report template</a> can be found on the BRKB.	The Controller is responsible for the close-out report and Response Governance approves it.

# Appendix 4: Response Governance Terms of Reference

## Terms of Reference – Response Governance (Response Governance Board)

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### 1. Application

This information should be read in conjunction with the Governance section of CIMS (2nd edition, Governance p. 27). It has been developed to meet Governance needs common across responses led by the Ministry for Primary Industries (MPI)<sup>13</sup>.

### 2. Context

The Response Governance Board has the ultimate responsibility for the response, but delegates authority and operational control to a Controller. The use of the word *strategic* in this document describes the oversight required to protect organisational strategy and government priorities within the context of the response.

### 3. Response Governance Responsibilities

The Response Governance Board is accountable for the strategic direction of the response, setting strategic response objectives and outcomes, as well as ensuring these remain appropriate. Specific responsibilities include:

- Providing the response with directives that;
  - set over-arching response objectives,
  - detail the resources available to the response,
  - set any constraints<sup>14</sup> on the response,
- ensuring the response has appropriate resources throughout,
- endorsing the incident action plan (which sets out the plan for implementing the strategic decisions and guides all subsequent response activities),
- endorsing the declaration, extension, or ending of the response,
- providing a 'spokesperson' (if not performed by the Controller),
- liaising with other levels of governance outside of the response,
- cooperate with other relevant Response Governance Boards where these exist,
- endorsing any special funding arrangements

### 4. Membership

Response Governance Board members must have the delegated authority to make strategic decisions and commitments that can be met by the organisations they represent.

a. The Response Governance Board Membership shall include, as a minimum:

- Chair – An MPI representative will chair the Response Governance Board

The Response Governance Board Membership may also include:

- Leaders with organisational accountabilities relating to the scale and type of response

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<sup>13</sup> *Lead agency* as defined in CIMS (2nd edition, Glossary p. 65). Note a response led by MPI may include joint decision making with potentially affected industries.

<sup>14</sup> *Constraints* are restrictions that the response has to work within, such as financial, time-bound or organisational limitations.

- b. The Response Governance Board Chair will:
- Confirm the Board membership for the particular response; and
  - Ensure the size of the Board is sufficient to provide expertise and authority without becoming too large to function efficiently or effectively
  - Determine the attendance of other participants.

## 5. *Decision Making*

- Only Response Governance Board Members have the authority to make decisions
- The Response Governance Board makes decisions by consensus
- Non-decision making participants may be invited at the discretion of the Chair. (The Controller reports to the Response Governance Board, but is not a decision-maker.)
- A quorum shall be at least half the total membership, one of whom must be the Chair
- Response Governance Board Members and non-decision making participants are entitled to provide alternates, at the discretion of the Chair.

## 6. *Code of Ethics*

The Response Governance Board is committed to the adoption of ethical conduct in all areas of its responsibilities and authority.

### **Response Governance Board Members will:**

- a. Act honestly, with integrity and in good faith at all times in the best interests of the response as a whole.
- b. Declare all conflicts of interests (personal and organisational) at the beginning of the response and on an on-going basis that could potentially compromise the delivery of response objectives and outcomes.
- c. Exercise diligence and care in fulfilling the role of being a member of the Response Governance Board.
- d. Maintain sufficient knowledge of relevant areas to make informed strategic decisions.
- e. Attend Response Governance Board meetings and devote sufficient time to preparation for meetings to allow for full and appropriate participation in the decision making process.
- f. Not disclose to any other person confidential information other than as agreed by the Response Governance Board or as required under law.
- g. Abide by Response Governance Board decisions.
- h. Not to make, comment, issue, authorise, offer or endorse any public criticism or statement having or designed to have an effect prejudicial to the best interests of the Response Governance Board.
- i. Make every reasonable effort to ensure that the response does not raise community, supplier or stakeholder expectations that cannot be fulfilled.
- j. Carry out meetings in such a manner as to ensure fair and full participation of all Response Governance Board Members.

## Appendix 5: Response Governance conflict of interest form

Refer to the [GIA Handbook](#) for guidance on [declaring conflicts of interest](#). Note: This form was accurate at the time of publishing, however, any subsequent amendments will be captured in the version available in the Handbook.

SECTION 1: CONFLICT OF INTEREST DECLARATION			
<input type="checkbox"/> (✓) I declare that, to the best of my knowledge, there is no actual, perceived or potential current conflict of interest that will or may arise as a result of my involvement in GIA activities.			
or			
<input type="checkbox"/> (✓) I declare that I do have an actual, perceived or potential current conflict of interest.			
The following conflict(s) exist:			
<input type="checkbox"/> (✓) Should I become aware of an actual, perceived or potential conflict during the period in which I am involved in GIA activities, I will make a further declaration and inform my organisation and relevant Deed partners.			
SIGNED:			
Name	Organisation	Signature	Date

IF A CONFLICT OF INTEREST IS DECLARED SECTION 2 MUST BE COMPLETED BY YOUR ORGANISATION			
SECTION 2: ASSESSMENT AND MANAGEMENT OF ANY CONFLICT OF INTERESTS DECLARED			
<i>Consider whether the declared conflict is remote, significant, manageable or unmanageable. Refer to the GIA Handbook – Conflicts of Interest - for guidance</i>			
The following steps have been agreed to avoid/mitigate the conflict(s):			
APPROVED ON BEHALF OF [INSERT ORGANISATION] BY:			
Name	Position	Signature	Date

The completed form should be retained by the Signatory's organisation and a summary provided in a Conflict of Interest Return to the GIA Secretariat.

A copy of this completed form must be provided to the GIA Secretariat on request.

## Appendix 6: Response Governance confidentiality deed template

Refer to the [GIA Handbook](#) for guidance on confidentiality. Note: This form was accurate at the time of publishing, however, any subsequent amendments will be captured in the version available in the Handbook.



### Confidentiality Deed template (October 2015)

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#### Background

The Government Industry Agreement Deed (**GIA Deed**) for biosecurity readiness and response, dated 20 May 2014, between the Ministry for Primary Industries (**MPI**) and industry organisations listed in Schedule 1 of the GIA Deed, establishes the basis for government and primary industries jointly sharing decisions and costs to prepare for and effectively respond to biosecurity risks.

In order to implement the GIA Deed, the parties and potential industry parties to the GIA Deed will exchange Confidential Information with me acting in my role (and where relevant, representing the organisation) stated in clause 12.

Not all the information exchanged will be confidential, and this Deed does not restrict any of its Signatories from carrying out legitimate duties required of their employment. This Deed is designed to ensure that any information that is confidential is managed appropriately and that all its Signatories can have assurance their confidential information will be managed with due care. It also provides an avenue for recourse should confidentiality be breached.

#### Definitions

In this Deed:

**Appropriate Authority** means the party that provided the Confidential Information, or the person or governance body with decision rights over that information in carrying out the Purpose.

**Authorised Recipient** is either someone who has signed the GIA Confidentiality Deed who requires the information for the Purpose, or someone that an Appropriate Authority has authorised to receive Confidential Information for the Purpose, with any appropriate conditions on the use of the Confidential Information.

**Confidential Information** means confidential, non-public, or commercially sensitive information, provided to me directly from my participation in GIA Deed activities (including for example, activities relating to Operational Agreements, early notification of unwanted organism investigations, Responses and Engagement across the biosecurity system activities), **and identified as confidential by the provider of that information**, regardless of how the information is stored or what format it is in, and whether or not the information is owned by a third party.

**Purpose** means working to deliver GIA Deed and Biosecurity Act outcomes in accordance with the obligations under the GIA Deed and in the Biosecurity Act 1993:

**Signatories** means any person who has signed a GIA Confidentiality Deed.

#### General Provisions

1. **Effective Date of Deed and Term.** This Deed, effective as of the date I sign it, continues indefinitely.

2. **Previous Confidentiality Deed.** If I have signed a previous version of the GIA Confidentiality Deed, the previous version remains in force and covers the period of time from the date the previous version was signed to the date this agreement is signed.
3. **No disclosure obligation.** This Deed does not create any obligation for Signatories to provide any information to me or for the Signatories to enter into any further contract with each other.
4. **Confidentiality.** Except as otherwise agreed by an Appropriate Authority I will:
  - (a) not disclose the Confidential Information to anyone other than an Authorised Recipient;
  - (b) not use the Confidential Information except for the Purpose;
  - (c) not use the Confidential Information to gain any personal advantage, or for the benefit of any person or organisation other than in the carrying out of the Purpose.
  - (d) subject to clause 9, store and keep all Confidential Information in appropriately secure custody;
  - (e) without limiting the above obligations, exercise the same standard of care in the treatment and protection of the Confidential Information as I exercise or ought reasonably exercise for my organisation's own confidential information of a similar nature and sensitivity; and
  - (f) on discovery of any breach of this Deed, promptly notify the GIA Secretariat of the breach and co-operate with Signatories in every reasonable way to help regain possession of the Confidential Information and prevent its further unauthorised use or disclosure.
  - (g) determine the confidentiality status of information before making any disclosure.
5. **Exclusions.** My obligations under this Deed do not apply to the extent that the Confidential Information:
  - (a) is not intended to be confidential, noting the obligation on me to determine this in clause 4(g); or
  - (b) is required to be disclosed by law, court order, regulatory authority, Ministerial request, or Parliamentary Rules and Conventions having jurisdiction over me, provided I have:
    - (i) given the Appropriate Authority as much written notice as possible and discussed and considered their views in relation to the intended disclosure, prior to making the disclosure;
    - (ii) given the Appropriate Authority full particulars of the request or requirement for disclosure, to the extent the I am permitted to do so and to the extent that the timeframes applicable to the request or requirement for disclosure allow; and
    - (iii) if the proposed disclosure is because of the Official Information Act, discussed with the Appropriate Authority to whom the request might have been transferred, the decision not to transfer the request in accordance with that Act; or
  - (c) is already public knowledge (otherwise than as a result of a breach of this confidentiality Deed); or
  - (d) has been independently developed or has been independently supplied to me or is independently known by me, and is not information only received by me from Signatories for the Purpose.
6. **Proprietary Interest.** Under this Deed I acquire no rights in other Signatories' Confidential Information, except the limited rights necessary to carry out the Purpose.

7. **Warranty.** I warrant that as a Signatory, I have the right to disclose my Confidential Information under this Deed. No other warranties are made in relation to the Confidential Information.
8. **Official Information.** Regardless of any other provision of this Deed, I acknowledge that the Confidential Information may be official information under the Official Information Act 1982 and, in accordance with that Act, such information may be released to the public.
9. **Records.** I will take all reasonable steps to ensure that only one copy of Confidential Information is kept for legal, regulatory and record keeping purposes. It is acknowledged that the same Confidential Information may be held in more than one format.
10. **Destruction of documents.** Subject to clause 8, at the request of the Appropriate Authority I will promptly and securely destroy, or return, all copies (including electronic) of the Confidential Information in my possession.
11. **Miscellaneous.**
  - a) I acknowledge that any breach of this Deed may result in harm, loss or damage for which monetary compensation may not be an adequate remedy and that Signatories are entitled to specific performance and injunctive relief in addition to all other remedies at law or in equity.
  - b) I will not make public announcements about Confidential Information without an Appropriate Authority's agreement.
  - c) It is acknowledged that disclosure of Confidential Information may sometimes be necessary to meet my individual employment agreement obligations. In such circumstances disclosure of Confidential Information is subject to the approval of the Appropriate Authority.
  - d) This Deed may not be amended except in writing signed by me.
  - e) This Deed does not create any agency or joint venture relationship.
  - f) This Deed may not be assigned.
  - g) No failure, delay or indulgence on the part of a party in exercising any right under this Deed will constitute a waiver of such right. All waivers must be in writing by the party giving it.
  - h) If any provision of this Deed is held by a court of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.
  - i) This Deed and its formation will be governed by the laws of New Zealand and the parties submit to the non-exclusive jurisdiction of the New Zealand courts.
  - j) For the purposes of the Contracts (Privity) Act 1982, this Deed is for the benefit of and is intended to be enforceable by the Signatories as well as parties to the GIA Deed..

12. Execution. This is executed as a Deed by:

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Signature

Full Name (printed):

Title/Position:

Organisation:

Date:

In the presence of:

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Witness signature

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Witness name (printed)

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Occupation

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Location

## Appendix 7: Response Governance first meeting agenda template

### Response Governance [Name of Response, Year]

[Meeting Date]

<b>Attendees</b>	<b>Chair</b>	[Name, organisation]
	<b>Decision-makers</b>	[Name, organisation]
	<b>Controller</b>	[Name, organisation]
	<b>Non-decision makers</b>	[Name, organisation]
	<b>Secretarial support</b>	[Name, organisation]
<b>Apologies</b>	[Name, organisation]	
<b>Venue</b>	[Venue]	
<b>Items Under Discussion</b>	<ol style="list-style-type: none"> <li>1) Administrative issues [Chair] <ol style="list-style-type: none"> <li>a) Confirm all members have read and understood TOR</li> <li>b) Confirmation all members have signed confidentiality agreement</li> <li>c) Declaration of potential conflicts of interest</li> <li>d) Identify any critical people may need to be invited to subsequent meetings</li> </ol> </li> <li>2) Situation report [Controller] <p>(consider operations, planning &amp; intelligence, communications, liaison, trade/market access)</p> </li> <li>3) Approve response outcomes [Chair] <ol style="list-style-type: none"> <li>a) Agree response outcomes, objectives and escalation triggers</li> <li>b) Identify risk, issues and mitigation measures</li> <li>c) Review and confirmation of interim measures</li> </ol> </li> <li>4) Confirm appointment of Controller, discuss and agree response resourcing [Chair]</li> <li>5) Public information management [Chair] <ol style="list-style-type: none"> <li>a) Set communications direction</li> <li>b) Agree response spokesperson</li> </ol> </li> <li>6) Summary of actions and decisions [Chair]</li> <li>7) Response Governance communiqué [Chair] <ol style="list-style-type: none"> <li>a) Agree key messages for use by Response Governance members regarding discussions and decisions</li> </ol> </li> <li>8) Next meeting [Chair]</li> </ol>	
<b>Meeting Papers</b>		