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The Chairman,
Quarantine and Biosecurity Review Panel.
Department of Agriculture, Fisheries and Forestry.
GPO Box 858,
Canberra, ACT., 2601.

Dear Sir,

Please receive the attached document entitled "Governance: Notes on the Relationship of Biosecurity Policy, Strategy and Operations" as a submission to your Review.

Yours faithfully,

Anthony Thomas

GOVERNANCE:
NOTES on the RELATIONSHIP of
BIOSECURITY POLICY, STRATEGY and OPERATIONS

1. *Introduction*

This paper outlines a number of suggestions which need to be developed, to improve the arrangements for governance of the institutions charged with the delivery of biosecurity, quarantine and export certification services in Australia.

A dozen years ago, the following recommendations were received by the Commonwealth Government:

“Recommendation 1: The Review Committee recommends that the vision for quarantine be 'that Australia will maintain its relative freedom from unwanted pests and diseases while fulfilling national and international obligations in a responsible manner'.

“Recommendation 2: The Review Committee recommends that the goal of national quarantine should be to prevent the establishment and spread within Australia of exotic pests and diseases that are deemed to have a significant deleterious effect on humans, animals, plants or the natural environment.

“Recommendation 3: The Review Committee recommends that the goal of quarantine be achieved through a nationally coordinated, consistent and transparent quarantine system using pre-border, border and post-border measures.“ (Nairn *et al.* 1996)

Since that time, there have been numerous changes in the structure, strategy and operations deemed necessary to achieve this vision and these goals. Despite this effort, there have been a significant number of incursions of serious exotic diseases and pests. A number of these have now become endemic.

How might the present review make a difference, and avert the continuing degradation of lifestyle and environment from incursions which become endemic? Is it possible to draw the line in the sand, which seems to be implied in Recommendation 1, above? It will be recalled that Nairn *et al.* identified the need “to engage industry, government and the general public in a partnership approach.....” (p. 5). Will it be enough to make further changes in the structure of the public sector agencies? If attempts are made to also make changes to the culture of the public sector institutions, how might these changes be sufficient to overcome the tendency for institutions to remain silos of decision-making? How might the public sector agencies better engage private industry and the general public?

What is not in doubt is the concern of the agricultural sector that better performance and greater security is to be achieved.

2. *The Arena of Biosecurity*

This submission is based upon the assertion that biosecurity consists of *public services*, which are delivered by activities in all sectors: the household sector and the private sector, as well as the public sector. Moreover, each of these sectors has a role in the biosecurity continuum from pre-border measures, through border measures to post-border

measures, both in producing and consuming these services. A simplified representation of the arena is a nine-cell table:-

	Pre-border	Border	Post-border
Public Sector			
Private Sector			
Household Sector			

In Australia, the public sector includes the three levels of government as well as the country's important international obligations.

The complexity of the task facing those in the public sector, charged with the administration of biosecurity, is evident from a superficial examination of Commonwealth administration. Treasury and Finance, Foreign Affairs and Trade, Health, Environment and Heritage and the Australian Federal Police all have an interest in biosecurity, as does the ministry at present having primary responsibility. Indeed, if smuggling has been a factor in any of the recent incursions, the relationship with the Australian Federal Police would seem to be very significant. There is also a significant relationship of biosecurity with foreign policy as well as trade policy. As this country continues to expand its knowledge and skill base in the prevention, control and eradication of pests and disease, so this information should form part of our foreign aid programme. This reflects a more active role compared with other international obligations, such as avoiding sending endemic pests and diseases overseas.

In principle there seems little to distinguish between the performance objectives of sanitary activities relating to exports and imports. Australia has similar obligations to its citizens as to those overseas. The argument that there might be a different standard applied to exports and to imports would mean that one of the standards is wrong and *prima facie* inconsistent with WTO agreements

It does not seem possible that a *public service* such as biosecurity might be supplied to the community, without the significant involvement of the public sector in its delivery and administration.

3. *Administrative Challenges*

If the delivery of biosecurity services is to be effective in achieving the outcomes dictated by the agreed policy, a number of issues should be reviewed:-

- Ÿ A clear identification of the activities which are needed at each stage of the pre-border, border and post-border continuum (including an evaluation of smuggling as well as the other pathways identified in the Issues Paper),
- Ÿ The strategy and structure which allocates to each sector the necessary pre-border, border and post-border activities so they are provided as efficiently as possible,
- Ÿ The facilitation of multilevel interactions between and within sectors,
- Ÿ Building capacity to develop and manage a 'learning organisation', so that the possibility of failure, due to uncertainty and turbulence, is lessened and the likelihood is increased of outcomes being sustainable (Boisot, 1995),
- Ÿ Developing a strategy and structure which provides clear and open reporting and accountability, consistent with the needs of a 'learning organisation', as well as

allowing for competing process goals, such as accuracy, timeliness and economy to be reconcilable, and

- Y Identifying measures to recruit and train executive, administrative and operational personnel, as well as determining appropriate career structures and remuneration, which complement the preferred strategy and structure.

It has been suggested that improvements to the delivery of public services might be achieved by reconnecting those who develop policy, with those who make strategy and those who deliver the services at the front line (Wilkinson & Pedler, 1995). While the complexity of the biosecurity arena, itself, presents as a significant hurdle to achieving this outcome, it was a clear recommendation of Nairn *et al* (e.g. Recommendation 9). Moreover, some of the tenets of New Public Management, such as the conscious separation of policy from operations and the neglect of strategic thinking are due for review. At present, there is a separation of policy and operations in different organisations, *viz.* Biosecurity Australia and Australian Quarantine and Inspection Service.

The Committee will need to consider advice on the legal considerations of possible organisational forms. At present, biosecurity is delivered by the widest possible range of forms, from departmental administrative arrangements through to public companies. There appears a case for some simplification? If so, should there be a single form within the public sector? Might it be possible for such a form to be a creature of, not only the Commonwealth, but also all states and territories? The answers to these and similar questions will depend on the powers that may be delegated by the legislators and how the legislatures might require the exercise of these powers to be accounted for. A related question is what is to be the role of the courts?

It is suggested that biosecurity has become of such importance to significant sections of the electorate, that in each jurisdiction, it should be afforded a status and structure similar to the police services. In summary, this means a statutory authority, headed by a commissioner who would report to a minister of the crown. Moreover, if there is such a lack of confidence by rural people in state and Commonwealth legislatures dominated by city folk, there would be a strong case for the appointment of an advisory board with an independent chairman.

4. *Draft Biosecurity Policy*

It is suggested that the vision and the first goal recommended by Nairn *et al.* 1995, be confirmed as the initial statement of the draft policy:

“that Australia will maintain its relative freedom from unwanted pests and diseases while fulfilling national and international obligations in a responsible manner, and

“that the goal of national [biosecurity] should be to prevent the establishment and spread within Australia of exotic pests and diseases that are deemed to have a significant deleterious effect on humans, animals, plants or the natural environment”.

5. *Some Aspects of Strategy*

In the context of this paper, 'strategy' is seen as the process by which all levels of administration guide the work of their units. The emphasis is on how each team continues to learn to acquire and allocate its resources to produce the outputs which contribute outcomes to the whole programme. 'Strategy' is the link between policy and operations. Moreover, there is merit in extending the meaning of strategy to include the choice of goals as well as the plans and other measures for attaining those goals.

A simplified articulation of one of the strategic goals might be 'the informed voluntary compliance with procedures and activities necessary for biosecurity'. As one moves through the biosecurity continuum, the strategy needs to be consistent and mutually supportive. Within the public sector, the jurisdictional issue is likely to impede this outcome. The effective engagement of the private and domestic sectors faces another set of challenges. Is it possible to adapt the HACCP process to guide the activities in all sectors, in order to facilitate 'informed voluntary compliance'? In all probability, the strategy for community engagement should benefit from attitudinal surveys, so that targeted measures can be developed by the public sector to reduce the costs of change and promote compliance.

Penalties for willful neglect of essential biosecurity should enjoy higher credibility, if informed voluntary compliance is at a high level. Consideration could be given to the need for forensic services, to ensure that cases of willful neglect or smuggling have the best chance of being successfully brought to justice.

6. *Structure*

'Structure' includes the formal and informal relationships, both vertical and horizontal, by which the units acquire and share information essential to their operational success, as well as fulfilling accountability. The suggestions in this section have assumed that administrative arrangements, based on the constitutional responsibilities of the Commonwealth and the states will remain in place. The assumption is that the structure which might be adopted by the Commonwealth is reflected by a similar structure in each of the states and territories. These suggestions are an outline only, based upon some of the suggestions made in Sections above

For the Commonwealth's role, a simple structure, based upon a statutory authority, similar to that used for the Australian Federal Police, would seem to have a number of advantages over the present system. Such a structure could give effect to a clarity of purpose and, providing senior staff were to adopt measures to create a 'learning organisation' there should be the potential for the Commonwealth Authority to take the lead in community engagement, which is seen as essential to success. This simpler structure should facilitate communication within the public sector, both within and between levels.

In all probability there might be questions about the delegation of rule-making powers, by the legislature, to such a body. The possibility of using a new act of parliament and associated regulations to resolve this issue should be investigated. This device could also be used to avoid the possibility of 'professional capture' reducing the overall effectiveness. Not only might the operational rules be set forth in the regulations, but also the broad policy objectives. The annual report to and review by parliament could include a formal assessment of the continuing applicability of the policies. In this way, the policies can be sensitive to any changes suggested by the needs of field officers, but at the same time be subject to the advice and consent of the government and parliament.

An advisory board, with an independent chairman, could also serve as an important channel of communication from citizens, particularly from regional areas. The relationship to the Ombudsman's Office would need to be clarified.

Even if the structure uses separate Commonwealth and state controlled units, consideration should be given to co-locating field officers, especially in regional areas

7. *Some Comments on Operations*

'Operations' includes activities, such as risk assessment, certification, compliance auditing, physical security, detainment and release.

In the post-border arenas, the following table provides a simplified analysis of activities in relation to the different targets:-

Target	Activity:				
	Treatment	Isolation & Vaccination	Vector & Fomite Control	Destruction	Biological Control
Human	X	X	X		
Animal		X	X	X	
Plant			X	X	X
Natural Environment			X	X	X

In the post-border control of animal disease, supplies of vaccine and the capacity to administer its delivery are critical elements. In the post-border control of plant pests and agents affecting the natural environment, biological control is an important activity. Preparedness for these activities could be usefully linked to research and foreign aid delivery in the control of the exotic disease in countries where such diseases are endemic.

There is a significant public benefit in the positive laboratory confirmation of a presumptive field diagnosis of plant and animal pests and disease. The cost of this service is increasingly being forced upon the private sector and households. A case can be mounted for diagnostic laboratory services to be more adequately funded through taxation and for the establishment of a national database to record the prevalence animal and plant pest and disease. Such a measure would be a significant aid to both public and private field staff (e.g. agronomists, veterinarians) and should develop essential social capital, especially in regional areas.

8. *Acronyms*

HACCP: Hazard Analysis Critical Control Point

WTO: World Trade Organisation

9. *Sources and Biographical Notes*

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This paper also draws upon the experience of the author in the 1980s. The appointment as a senior executive in the Northern Territory Public Service presented the challenge to lead a small group of officers from the Commonwealth, Queensland and Western Australian public services, to prepare the plan for the eradication of brucellosis and tuberculosis, north of the Tropic of Capricorn. Later appointments provided experience in changing the strategy and structure of a statutory corporation and the development of national regulatory policy following extensive community consultation.