

EADRA GUIDANCE DOCUMENT

Appointment of industry personnel in an EAD response

INTRODUCTION

This guidance document is provided to Parties to the Emergency Animal Disease Response Agreement (EADRA) to facilitate a common understanding of the principles and process used for appointing industry personnel to assist in mounting an EAD response.

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1. PURPOSE OF THIS GUIDANCE DOCUMENT

The purpose of this guidance document is to facilitate a common understanding of the specific principles and processes for the appointment of industry personnel in an EAD response.

This guidance document should be read in conjunction with the EADRA and the AUSVETPLAN Control Centre Management Manual.

2. BACKGROUND

Over a number of years there have been discussions about livestock industry participation in an EAD response in a number of different fora ([Appendix A](#)). Many of the matters have been comprehensively debated and solutions for most of the issues agreed.

There is a growing acknowledgment and agreement by both government and industry that many functions in an EAD response, particularly in planning and operations, may best be performed either by or in close consultation with industry personnel who have industry

specific knowledge, insight and skills, and that the effectiveness¹ and efficiency² of responses can be greatly enhanced and made more cost-effective by developing a genuine industry-government partnership, including involving industry in the planning and implementation of the response at the earliest opportunity.

The advantages of including industry in the planning and implementation of a response include:

- closer alignment of industry and government views on disease control measures
- improved government–industry communication and collaboration
- improved efficiency and effectiveness of decision making by CCEAD and NMG
- improved identification of available resources and logistics
- improved industry participation and integration in the response.

It is clear that the involvement of industry personnel in the planning and implementation of a response is advantageous. What is less clear is the precise mechanism and processes that would be used to accomplish this or clarify how suitably trained or skilled industry personnel should be identified, contracted, appointed, engaged/employed and insured/indemnified.

3. OVERVIEW

Industry personnel involved in EAD responses are divided into three broad categories:

- a) Representatives on National Committees
 - i. National Management Group (NMG)
 - ii. Consultative Committee on Emergency Animal Diseases (CCEAD)

- b) Industry liaison representatives
 - i. State Coordination Centre (SCC)
 - SCC Liaison Function
 - SCC Liaison – Livestock Industry
 - ii. Local Control Centre (LCC)
 - LCC Liaison function
 - LCC Liaison – Livestock Industry

- c) Industry personnel contributing to planning and other functions in SCC and LCC

¹ Effectiveness is about doing the right task, completing activities, achieving goals, and producing the intended or expected result.

² Efficiency is about doing things in an optimal way, for example doing it the fastest or in the least expensive way or performing or functioning in the best possible manner with the least waste of time, effort and resources.

- i. SCC
 - SCC Planning function
 - SCC Specialist Advice – Livestock Industry
 - Other functions within Planning
 - Other functions in Operations, Logistics and Public Information in SCC
- ii. LCC
 - LCC Planning function
 - SCC Specialist Advice – Livestock Industry
 - Other functions within Planning
 - Other functions in Operations, Logistics and Public Information in LCC
 - Field functions in Operations

4. AGREED PRINCIPLES AND MECHANISMS

a) Representatives on National Committees

- Industry Representatives on CCEAD and NMG are appointed, contracted, employed and insured by the industry they represent.
- They report to the industry they represent.
- AHA provides training as per **clause 12.3 (b) (ii)** of the EADRA (Appendix B).
- AHA maintains a database of trained industry CCEAD and NMG representatives
- At the request of the CCEAD and NMG Secretariats, AHA will contact Representatives of Relevant Industries to ascertain their availability for CCEAD and NMG meeting.
- AHA will also contact a Representative from an unaffected industry³ to participate in CCEAD meetings (but not NMG meetings). This Representative is appointed to ensure:
 - that decisions made by Affected Parties do not have negative or unintended consequences for any Party not represented on CCEAD
 - an impartial overview of the process.
- **Clause 12.3 (b) (v)** of the EADRA (Appendix B) requires Industry Representatives to NMG and CCEAD to sign a Confidentiality Deed Poll in the form of **Schedule 9** (Appendix C) of the Deed, prior to participation in any activities pursuant to the Deed.

b) Industry Liaison Representatives

- **Clause 12.3 (c)** of the EADRA states that;
“The CVO of an affected jurisdiction must invite the Affected Industry Party(s) to provide one or more (at the CVO’s discretion) representatives of their

³ EADRA Schedule 8 section 4.3 states that “a representative from a pool of people nominated in advance by the industry Parties collectively”. However in practice this has been interpreted to mean a Representative from an unaffected industry.

industry to contribute to the development and implementation of the response. The Industry Parties(s) must nominate one or more suitably qualified person(s) to contribute to the response...”

- It is thus compulsory for CVOs to invite Industry Liaison Representatives and also compulsory for Industry Parties to provide them. The number of Industry Liaison Representatives is at the discretion of the CVO.
- Industry Liaison Representatives (i.e. the SCC Liaison — Livestock Industry function and the LCC Liaison – Livestock Industry function) are responsible for providing the official conduit between the SCC Coordination Management Team (CMT) and the LCC Incident Management Team (IMT) and the Affected livestock industry Party(s).
- Industry Liaison Representatives provide information on industry-specific factors that may affect the response at the state, territory or local level.
- Industry Liaison Representatives provide an industry perspective and viewpoint on the strategic direction of the CMT and IMT.
- Industry Liaison Representatives ideally operate from the SCC or LCC
- Industry Representatives carrying out the liaison function at both SCC and LCC will ideally be appointed, contracted, employed and insured by the industry they represent⁴.
- Industry Liaison Representatives report to the industry Party they represent⁵.
- There may be differences in functions between SCC Liaison – Livestock Industry and LCC Liaison – Livestock Industry with respect to the organisation appointing them⁶, their authority for decision making or commitment of resources and/or funding.
- Representatives from industry performing the function of SCC Liaison — Livestock Industry function and the LCC Liaison – Livestock Industry will be required to sign a Confidentiality Deed Poll in the form of **Schedule 9** (Appendix C) of the Deed, prior to participation in any incident specific activities pursuant to the Deed.

c) Industry personnel contributing to planning and other functions in SCC and LCC

⁴ It is acknowledged that some industry Parties may not be able to meet the above employment and insurance recommendations in all responses affecting their industry; alternative arrangements may be required following consultation with the SCC Coordinator / LCC Controller of the affected jurisdiction(s)

⁵ If industries wish to confirm nationally consistent alternative arrangement for the appointment of liaison representatives, prior to a response, they should seek endorsement of their alternative through the Animal Health Committee

⁶ SCC Liaison – Livestock industry will most likely be appointed by the peak industry council for that industry but LCC Liaison – Livestock industry may be appointed by a local industry body

i. Industry personnel in SCC and LCC

- The SCC Specialist Advice — Livestock Industry function and the LCC Specialist Advice — Livestock Industry function is responsible for providing livestock industry advice and guidance about matters relating to the EAD response.
- Other functions within the SCC and LCC, especially in Planning, Operations, Logistics or Public Information may also be performed by industry personnel that have the requisite industry specific knowledge, insight and skills.
- Industry personnel carrying out the industry specialist advice or other function at both SCC and LCC will be appointed, contracted, employed and insured by the affected jurisdiction.
- They report to the appropriate SCC and LCC Management function
- These functions and their reporting lines are separate from the SCC Liaison — Livestock Industry function and the LCC Liaison — Livestock Industry function, and their duties should not be confused⁷.
- Industry personnel performing functions within the SCC or LCC will be required to sign a Confidentiality Deed Poll in the form of **Schedule 9 (Appendix C)** of the Deed, prior to participation in any activities pursuant to the Deed, unless their employment or contractual agreement with the affected jurisdiction already contains a confidentiality clause.

d) Development of the Emergency Animal Disease Response Plan (EADRP)

- The development of the EADRP is the responsibility of the affected CVO and falls under the planning function of the SCC with contributions from the SCC Liaison — Livestock Industry.
- The lead agency should, where possible, and at the CVO's discretion, invite readily available representatives of affected industry Parties (Emergency Animal Disease Response Agreement Signatories) to participate in the initial preparation or subsequent review and updating of the EADRP at the earliest opportunity⁸.

⁷For some industries and in small scale responses the same person may be responsible for the Liaison-Livestock Industry function, Specialist Advice-Livestock Industry function and perhaps be responsible for or contribute to other functions (e.g. Valuation and Compensation, Surveillance or Disposal functions). The affected jurisdiction(s) in consultation with Industry Parties will determine the most appropriate allocation of functions within control centres and field activities

⁸ Industry has indicated a strong desire to at least be afforded the opportunity to participate in the initial development and subsequent review and updating of the EADRP recognising that the initial EADRP is developed in very tight time frames. Industry should be invited to contribute to the development of the initial EADRP and subsequent amendments/iterations.

- Industry Parties should provide an appropriate contact point and a backup which can be provided to CVOs to facilitate rapid communication at the start of a response, for the purpose of involving industry as early as possible⁹.
- EADRA **clause 7.1(a)(i)** states that “the EADRP development and approval process must not impede the initiation of a rapid response to an EAD”
- Industry Representatives to contribute to the development of the initial EADRP will be invited/requested by the affected CVO and identified by the Affected Industry Party(s)
- The SCC Liaison – Livestock Industry reports to the Industry Party(s) it represents and liaises with the appropriate SCC Management function. The SCC Planning functions report to the appropriate SCC management function.
- Industry Representatives taking part in the development and review of the EADRP will be required to sign a Confidentiality Deed Poll in the form of Schedule 9 (Appendix C) of the Deed, prior to participation in any incident specific activities pursuant to the Deed.

5. APPENDICES

Appendix A: *Timeline of discussions on industry participation in response*

Appendix B: *Relevant Excerpts from the EADRA*

Appendix C: *Schedule 9 of the EADRA – Confidentiality Deed Poll*

⁹ This list can be coordinated by AHA and kept up to date by adding it as a standing agenda item of Industry Forum.

Appendix A: Timeline of discussions on industry participation in response

- EADRA Workshop 21 March 2012 - Meeting report
 - Agenda item 2C) Proposed guidance document: appointing industry liaison officers and coordinators during an EAD response
- EADRA Workshop XII 21 March 2013
 - Meeting report - Agenda item 6.a Guidance document: Appointing industry representatives during an EAD response
 - EADRA guidance document: appointing Industry Representatives during an EAD response - NOT ENDORSED
- Industry – Government Roundtable - Industries role in emergency animal disease response — 27 September 2013
- AHA EAD Reference Group - 13 February 2014
 - Minutes of meeting – Agenda item 5 - Role of industry in an EAD response – Next steps
- AUSVETPLAN Technical Review Group – 25-27 February 2014
 - Meeting record – Agenda item 9 - Industry involvement in an EAD response
 - Paper – Agenda item 9 – Industry - Industry involvement in an EAD response
- Industry Forum – 18 March 2014
 - Minutes of Meeting – Agenda item 7 - Industry involvement in an EAD response
 - Paper – Agenda item 7 - Industry involvement in an EAD response
- EADRA workshop – 20 March 2014
 - Report of meeting – Agenda item 7A – Outcomes of the Roundtable on industry involvement in an EAD response and next steps
 - Paper – Agenda item 7.a - Outcomes of the roundtable on industry involvement in an emergency animal disease response and next steps
- NMG
 - LPAI in ducks in Victoria – NMG OOS 3-2013
- AHC
 - AHC26OOS05 paper – Industry involvement in the development of an initial EADRP - submitted 11 March 2014 – resolution 15 July 2014
 - AHC26OOS22 – Outcomes of the roundtable on industry involvement in an EAD response and next steps - 27 May 2014
 - AHC26TC01 paper – 31 July 2014– Agenda item 07-AI lessons learned workshop-NOT ENDORSED
 - AHC26OOS26 paper-AI lessons learned workshop – submitted 4 August 2014 – resolution 31 October 2014
- The Joint Industry-Government workshop to identify lessons learned from the HPAI incidents in NSW – 4 June 2014
 - Lessons learned from the HPAI incidents in NSW
- Industry forum – 17 March 2015

- Paper – Agenda item 08 - An update on Industry involvement in EAD responses and the development of the EADRP
- EADRA workshop - 19 March 2015
 - Minutes of meeting – Agenda item 9 - Guidance document: Appointing industry representatives during an EAD response: the next steps
- The AUSVETPLAN Control Centre Management Plan writing group – March 2014 – May 2015
 - CCMM – Part 1
 - CCMM – Part 2

Appendix B: Relevant Excerpts from the EADRA

7 DEVELOPING AN EADRP

7.1 Procedure

- a) Where, pursuant to **clause 6.1**, the NMG determines that an EADRP should be developed, the CVO(s) of the Lead Agency(s) must develop in consultation with CCEAD, an EADRP in accordance with the following principles:
- i. the EADRP development and approval process must not impede the initiation of (a) a rapid response to an outbreak of an EAD;
 - ii. the EADRP must reflect the nature and circumstances of the EAD and Incident, including feral and/or wild animal control where CCEAD advises that such measures are integral to the EADRP;
 - iii. key strategies and core operational components of the EADRP must be prepared by the CVO but some components will remain to be developed in accordance with a timetable to be agreed by the CCEAD;
 - iv. the EADRP must clearly identify any proposed significant variations to AUSVETPLAN;
 - v. any key strategies and core operational activities which are to be the subject of Cost Sharing must be clearly identified in the EADRP; and
 - vi. once agreed by the NMG the EADRP will commit the Lead Agency(s) to the key strategies and core operational activities contained in the Plan, subject to any variations which may be subsequently advised by the CCEAD and agreed by the NMG or which may be required to comply with the legislation of a State or Territory in which the Incident occurs.
- b) The content of the EADRP must be prepared in accordance with **Part A of Schedule 4**.
- c) The CVO of the Lead Agency(s) must provide the EADRP to CCEAD as soon as possible.

12 CONSULTATION

12.1 NMG

The NMG is constituted, has the role, and will meet and conduct its affairs in the manner set out in **Part 1 of Schedule 8** for consideration of EAD response issues and as set out in **Part 2 of Schedule 8** for consideration of general issues.

12.2 CCEAD

The CCEAD is constituted, has the role, and will meet and conduct its affairs in the manner set out in **Parts 3 & 4 of Schedule 8**.

22.3 Industry representation

- a) Industry Representatives will be involved in all meetings and consultation between Affected Parties concerning their Industry.
- b) Industry Representatives must:
 - i. in the case of CCEAD, be nominated by each Industry Party to Animal Health Australia by the Operative Date and every twelve months thereafter during the term of the Deed;
 - ii. where possible, complete a training program to be conducted by Animal Health Australia as part of the National EAD Training Program, and receive accreditation, in respect of the principles of EAD responses;
 - iii. be authorised in writing by their Industry Party to represent that Industry in the manner contemplated by this Deed;
 - iv. report regularly to, and consult appropriately with, their Industry; and
 - v. sign a Confidentiality Deed Poll in the form of **Schedule 9** prior to participation in any activities pursuant to this Deed.
- c) The CVO of an affected jurisdiction must invite the Affected Industry Party(s) to provide one or more (at the CVO's discretion) representatives of their industry to contribute to the development and implementation of the response. The Industry Party(s) must nominate one or more suitably qualified person(s) to contribute to the response. The ILC(s) and ILO(s) must be authorised to provide an Industry perspective to the response. ILC(s) and ILO(s) must comply with **clauses 12.3(b) (ii), (iii) and (iv)** and work as part of the team at the respective EAD response centre.

Appendix C: Schedule 9 of the EADRA – Confidentiality Deed Poll

SCHEDULE 9 – Confidentiality Deed Poll (Clause 12.3(b)(v))

The Government and Livestock Industry Cost Sharing Deed in Respect of Emergency Animal Disease Responses (the “**Emergency Animal Disease Response Agreement or EADRA**”) provides for Industry Representatives to be involved in consultations in the Incident Definition Phase, Emergency Response Phase and/or Proof of Freedom Phase of outbreaks relevant to their industry. Consequently, there is potential for information to be available to or received by these Representatives that is of a confidential nature. This information may include

- commercial in confidence information relating to a third party
- sensitive information relating to government policies or financial interests
- information that attracts legal professional privilege
- internal working documents
- information relating to national security or international relations
- personal information.

It is therefore intended that Industry Representatives sign a Confidentiality Deed Poll before receipt of Confidential Information. The Deed Poll is intended to be enforceable against the signatory by any Party to the EADRA that has disclosed, or has an interest in, Confidential Information, even though no other party has executed the document.

The confidentiality undertakings made by Industry Representatives under each Deed Poll are in addition to the confidentiality undertakings made by the relevant Parties under the EADRA.

The Deed Poll will be in the following, or a similar, format – to be determined by Animal Health Australia from time to time.

**GOVERNMENT AND LIVESTOCK INDUSTRY COST SHARING DEED IN RESPECT OF
EMERGENCY ANIMAL DISEASE RESPONSES**

CONFIDENTIALITY DEED POLL

I, _____

of _____
(address)

representing

(industry)

1. In this Deed Poll unless the contrary intent appears, words and phrases have the same meaning as given in the Government and Livestock Industry Cost Sharing Deed in Respect of Emergency Animal Disease Responses (the *Emergency Animal Disease Response Agreement*).
2. I am participating in consultations and activities relating to the Incident Definition Phase, Emergency Response Phase and/or the Proof of Freedom Phase of an emergency animal disease response forming part of an Emergency Animal Disease Response Plan (EADRP) conducted under the Emergency Animal Disease Response Agreement as a representative of one of the Parties to the Deed.
3. In the context of those activities, I will receive confidential information which I understand to mean information acquired or produced by or available to me arising out of or in connection with my participation in meetings, teleconferences and other activities forming part of an EADRP under the Emergency Animal Disease Response Agreement.
4. I understand that Confidential Information to include information that a Party indicates to be confidential or that I should reasonably be aware is confidential, other than information that:
 - a. is already in the public domain or, after the date of this Deed Poll, becomes part of the public domain otherwise than as a result of an unauthorised disclosure by the receiving Party or its Representatives;
 - b. is or becomes available to me from a third party lawfully in possession of this information and who has the lawful power to disclose such information to me on a non-confidential basis;

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- c. was in my possession without restrictions as to its use or was developed by me (as shown by my written record or other competent evidence) prior to the date of disclosure to me under this Deed Poll; or
 - d. I am required by law to disclose.
5. I hereby undertake to each Party:
- a. subject to paragraph 5(f), to comply with the requirements notified to me by Animal Health Australia or the Consultative Committee on Emergency Animal Diseases or the National Management Group regarding use of Confidential Information;
 - b. not to disclose or use Confidential Information for purposes other than those for which it is provided to me;
 - c. to only make Confidential Information available to those persons who have a need to know for the proper performance of the EADRP;
 - d. to ensure that Confidential Information is stored with or protected by appropriate security, having regard to the nature of the Confidential Information and the medium in which it is found;
 - e. to ensure that Confidential Information is used only in accordance with any conditions or limitations advised by the disclosing Party or Parties or by any of their clients with whose material or verbal information I am working; and
 - f. to ensure that Confidential Information is not, except as required by law, disclosed to any other party or made public without the prior approval in writing of the disclosing Party or Parties as the case may be.

Executed as a DEED POLL Signed by:

Name of signatory (print)

Signature

Name of witness (print)

Signature

Date:

[Notes for completion of this Deed Poll:

Form of execution and attestation clause will need to comply with any requirements of the jurisdiction in which this Deed Poll is made.]