

COMMONWEALTH OF AUSTRALIA
STATE OF NEW SOUTH WALES
STATE OF VICTORIA
STATE OF QUEENSLAND
STATE OF WESTERN AUSTRALIA
STATE OF SOUTH AUSTRALIA
STATE OF TASMANIA
NORTHERN TERRITORY OF AUSTRALIA
AUSTRALIAN CAPITAL TERRITORY

MEMORANDUM OF UNDERSTANDING

**NATIONAL RESPONSE TO A
FOOT AND MOUTH DISEASE (FMD) OUTBREAK**

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**MEMORANDUM OF UNDERSTANDING
NATIONAL RESPONSE TO AN FMD OUTBREAK**

BETWEEN

**COMMONWEALTH OF AUSTRALIA
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1. Background

If an outbreak of Foot and Mouth Disease (FMD) arises in Australia, the states and territories will provide frontline response measures. However, because of the significant impact an outbreak of FMD will have on livestock and related industries, the national economy and rural and regional Australia, the response to the outbreak will require national coordination.

This Memorandum of Understanding (MOU) is the result of an agreement by the Council of Australian Governments (COAG) that an outbreak of FMD and its consequences must be managed on a national basis. COAG agreed to a national coordination framework to ensure close integration of responsibilities and actions within and across jurisdictions which builds on existing animal disease and emergency management plans. This MOU outlines the arrangements agreed between governments for the national coordination framework, recognising that livestock industries have an important contribution to make to the national response. It also recognises the closely related Government and Livestock Industry Cost-sharing Deed in Respect to Emergency Animal Disease Response (EAD Response Agreement) under which government and signatory industries are committed to a range of matters including cost sharing and the use of the AUSVETPLAN.

2. Objectives

This MOU is intended as a peak level document to guide cooperative national measures for handling an FMD outbreak.

It establishes trigger points for activating the national coordination framework, defines roles and responsibilities and seeks to ensure close integration of actions within and across jurisdictions and effective communication with affected individuals and organisations, the Australian public and Australia's trading partners.

While this MOU primarily focuses on an outbreak of FMD, it could be adapted by agreement of the parties for handling other major animal disease emergencies such as Bovine Spongiform Encephalopathy (BSE).

This MOU does not impose binding legal obligations on any of the parties.

3. National coordination

Schedule 1 describes the framework (National Framework) to be used for national coordination of the control of an FMD outbreak and national responses to the economic and social consequences of the FMD outbreak. The National Framework establishes a mechanism for rapid and coordinated national decision making involving all levels of government. It augments arrangements under which the states and territories have the primary responsibility for combating disease outbreaks in accordance with the Australian Veterinary Emergency Response Plan (AUSVETPLAN), their own emergency animal disease plans and whole of government emergency management plans and recognises that states and territories will be activating their plans.

Schedule 2 describes the membership and responsibilities of bodies referred to in the National Framework.

The National Framework is intended to operate flexibly. The level at which national decisions are made within it will depend upon the extent of the disease outbreak and the particular issues to be faced. In practice it is expected that the main national decision making groups will be the High Level FMD Management and Recovery Group (HLFMRG) and the National Emergency Animal Disease Management Group (NMG), taking into account advice from supporting groups and interested parties. Only very high level matters will be referred to First Ministers and Agriculture Ministers.

4. Activating the national FMD framework

A response to an FMD outbreak will involve the activation of the national FMD framework as described in schedules 1 and 2 of this document and will progress in the following manner:

- (a) **Alerting the national framework:** If, following veterinary advice, the Chief Veterinary Officer (CVO) in a state or territory reasonably suspects that FMD has broken out in the state or territory, whether or not the CVO has yet sent sample material to the Australian Animal Health Laboratory (AAHL) for testing, the CVO will immediately advise the Commonwealth CVO (CCVO). The CCVO will convene the Consultative Committee on Emergency Animal Diseases (CCEAD). If in the judgement of CCEAD there is a reasonable likelihood of FMD being present, the CCVO will immediately advise the Secretary of the Department of Agriculture Fisheries and Forestry – Australia (AFFA) that the national FMD framework should be placed on alert. The Secretary of AFFA will then notify the Secretary of the Department of the Prime Minister and Cabinet. Upon receipt of this advice, the Secretary of the Department of the Prime Minister and Cabinet will inform all HLFMRG representatives that the national FMD framework is now on alert.
- (b) **Activating the national response:** The national FMD framework will be activated upon the CCEAD determining a presence of FMD, usually following receipt of a positive test result from AAHL. Each of the CVOs will advise the heads of their departments who will in turn advise the heads of the relevant first minister departments. Ministers will be informed by their departments. The chairs of the HLFMRG, the NMG and the Commonwealth-State Policy Taskforce will convene their groups.
- (c) **Standing down national arrangements:** . The CCEAD will determine when the outbreak has been controlled or eradicated and will advise the NMG. The NMG will be responsible for determining the extent of national FMD control stand down and each jurisdiction will advise its ministers accordingly. The NMG will advise the HLFMRG. As relief and recovery activity will need to continue after disease control and eradication operations have wound down, the HLFMRG will determine the timing of the stand down for national relief and recovery.

5. Cooperation

In the event of an FMD outbreak, the parties to this MOU will:

- (a) cooperate and liaise with each other to ensure consistency as far as practicable of action in disease control and relief and recovery;

- (b) ensure optimum national use of existing resources (such as veterinary and logistical resources) to control and eradicate the disease incursion and, wherever possible, assist with the provision of such resources to the state(s) or territory(ies) principally affected;
- (c) ensure a consistent media response; and
- (d) communicate information and decisions to each other quickly and clearly.

6. Government and industry cost sharing arrangements

In the event of an FMD outbreak, the cost sharing arrangements under the EAD Response Agreement will apply.

7. Further national coordination arrangements

The parties to this MOU agree to the further arrangements for national coordination set out in Schedules 3 to 6.

8. Testing of FMD emergency management plans

Each party to this MOU will, on an ongoing basis:

- (a) regularly review its whole of government FMD emergency management plans in order to maintain their currency;
- (b) ensure that the requisite number of staff have achieved relevant competencies under the National EADP Training framework in the handling of an FMD emergency;
- (c) regularly test its whole of government FMD emergency management plans, with a view to refining and improving those plans as required; and
- (d) participate in regular testing of national whole of government FMD emergency management plans.

9. Review of this MOU

This MOU may be amended at any time by agreement in writing of all the parties.

Amendments may extend to substituting another schedule for an existing schedule, amending an existing schedule or adding a further schedule.

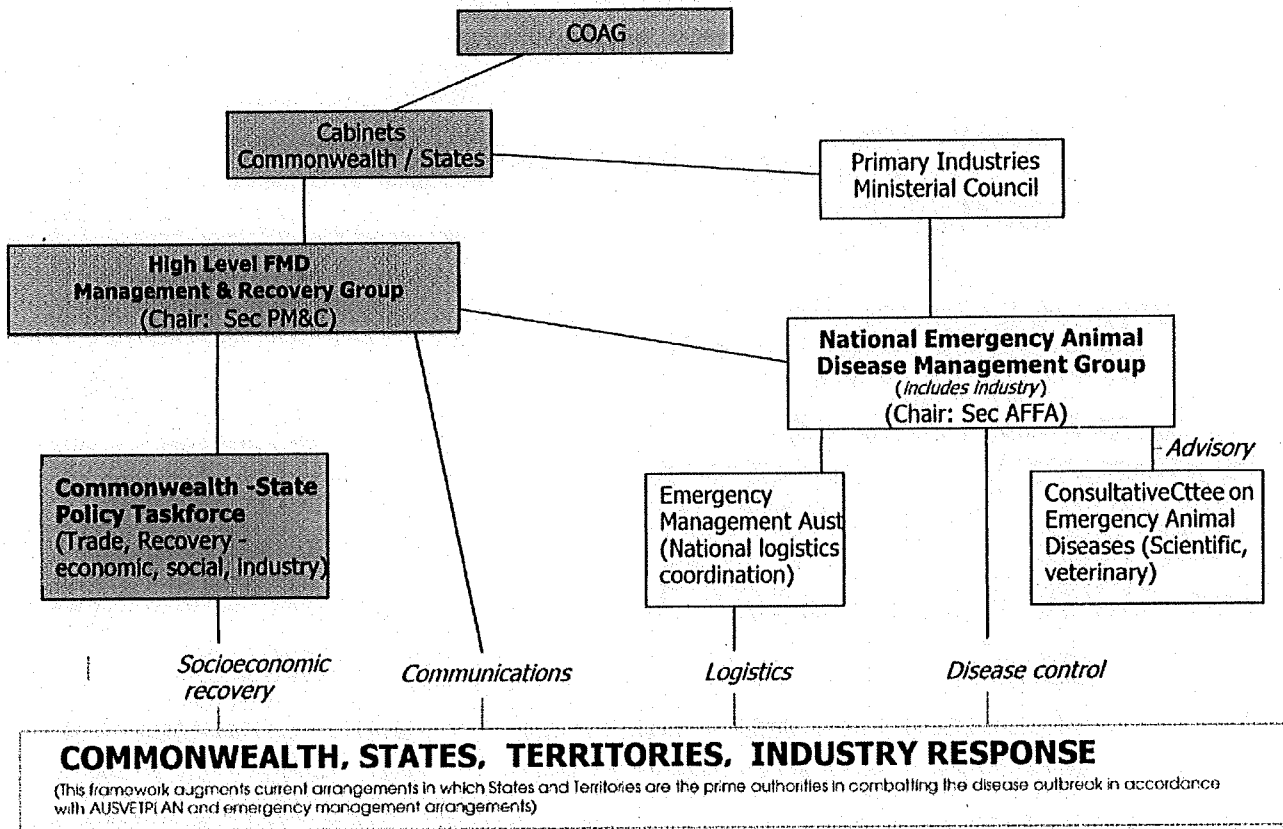
10. Dispute Resolution

Where any dispute arises under this MOU all parties agree that they will take all necessary steps to resolve the dispute expeditiously by mutual agreement, using the following procedures:

- (a) initial discussions between relevant officials
- (b) if not resolved, then discussions between heads of relevant departments;
- (c) if not resolved, then discussions between relevant ministers; and
- (d) if not resolved, then discussions between first ministers.

Despite the existence of a dispute, each party will continue to perform its obligations under this MOU.

SCHEDULE 1 – NATIONAL FMD COORDINATION FRAMEWORK



1. The framework as presented covers FMD. With BSE, State emergency services would not be used to the same extent; health authorities would have an important role.
2. Local Government Authorities would be linked in to the Commonwealth-State Policy Taskforce
3. The Government and Livestock Industry Cost sharing Deed in Respect of Emergency Animal Disease Responses (EAD Response Agreement,) the National Emergency Animal Disease Management Group is referred to as "National Management Group"
4. The shaded boxes represent additions to current emergency animal disease management frameworks.

SCHEDULE 2 - NATIONAL COORDINATION FRAMEWORK – MEMBERSHIP AND KEY RESPONSIBILITIES OF THE MAJOR GROUPS

Group	Membership	Key Responsibilities
Council of Australian Governments (COAG)	Prime Minister (Chair) State/territory Premiers/Chief Ministers President ALGA.	<ul style="list-style-type: none"> • Endorse any changes to the agreed response frameworks • As required, make the high level strategic policy decisions on matters arising from disease eradication and social/economic recovery
Primary Industries Ministerial Council (PIMC)	Commonwealth Agriculture Minister (Chair), State/territory Agriculture Ministers	<ul style="list-style-type: none"> • Consider regular situation reports from the National Emergency Animal Disease Management Group on key agricultural issues arising from the outbreak including progress with disease eradication • As required, make high level strategic policy decisions concerning animal disease control and eradication. Significant resource decisions would need to be referred to Commonwealth and state/territory Cabinets. • Report to Cabinets and COAG as required
High Level FMD Management and Recovery Group (HLEFMRG)	<p><i>Membership – Head of department level:</i></p> PM&C (Chair) State/territory First Ministers' Departments ALGA Cwth – AFFA (Chair NMG), DTRS, FACS, Finance, Treasury, DFAT, AGs (legal advisers and EMA) Co-opt others as required (eg DOHA if human health concerns)	<ul style="list-style-type: none"> • Consider recommendations from the Cwth-State Policy Taskforce • Consider advice/recommendations from NMG on major disease control issues that may require Cabinet/COAG consideration • Resolve policy and strategic resourcing issues for the national whole of government response to disease control and social/economic recovery • Report to and make recommendations as required to COAG on national whole of government matters arising from the outbreak • Make strategic decisions to ensure a whole of government approach on communications, especially to the media/public • High level oversight of social, community and business recovery programs and policies
Commonwealth-State Policy Taskforce	PM&C (Chair) States/territory – First Ministers' Departments ALGA	<ul style="list-style-type: none"> • Report and make recommendations to HLEFMRG on social, community, industry, business and economic recovery programs and policies

Group	Membership	Key Responsibilities
National Emergency Animal Disease Management Group (NMG)	Cw/ith – DTRS, FACS, DOFA, Treasury, AFFA, DFAT, EMA Co-opt others as required (eg AGs for legal matters) AFFA Secretary (Chair) States/territory agriculture CEO's Officer decision maker from Peak livestock industry bodies AHA observer Chair CCEAD ex-officio Chief veterinary officer of affected state/territory ex-officio	<ul style="list-style-type: none"> • Collate and provide regular national situation reports on relief and recovery management • Consider a national policy response to any legal issues that arise • Advise communications network on policy matters for purposes of media briefings • Provide secretariat for HLFMRG <p>(note: operational responsibility for control/eradication of an animal disease rests with the state(s)/territory(ies) in which the disease occurs)</p> <ul style="list-style-type: none"> • Undertake responsibilities in accordance with the EAD Response Agreement, including making key decisions on disease control/eradication policy matters concerning national aspects of an outbreak taking into account technical advice provided by CCEAD • Collate and provide regular national situation reports to Commonwealth/state/territory/local governments/industry and international organisations (as appropriate) on key developments in disease control/eradication • Make recommendations to PIMC on national level animal disease control policy matters that cannot be resolved by NMG • Report to PIMC • Provide advice/recommendations to HLFMRG on any disease control issues that may require Cabinet/COAG consideration
Emergency Management Australia		<ul style="list-style-type: none"> • Manage the EMA National Emergency Management Coordination Centre which receives reports from and liaises with state/territory emergency operations centres • Coordinate provision of Commonwealth logistic support to states/territories for disease control activities • Advise Commonwealth-State Policy Taskforce on disease control logistical or other emergency management matters, in so far as they affect recovery issues

Consultative Committee on Emergency Animal Disease (CCEAD)	Commonwealth CVO (Chair) State/territory CVOs Livestock Industry representatives AAHL	<ul style="list-style-type: none"> • Undertake responsibilities in accordance with the EAD Response Agreement, including provision to NMG of scientific/technical advice and recommendations (eg on vaccination, zoning) on disease control and eradication
Communications Network of designated media managers	AFFA (Convenor) Commonwealth departments State/territory Industry organisations (eg MLA and other major livestock product marketing agencies) AAHL AAHL AHA	<ul style="list-style-type: none"> • Maintain close liaison with HLFMRG, NMG, CCEAD and other national groups and, through them, governments and industry • Prepare, coordinate, and encourage consistency of messages between jurisdictions for key spokespersons and information for the media and public using a range of communication tools including websites, press releases, telephone information lines • Report to HLFMRG
Trade/Market Access Group	AFFA (Chair) DFAT Austrade MLA and other major livestock product marketing agencies Affected agricultural industry organisations AFFA	<ul style="list-style-type: none"> • Ensure effective communication between Commonwealth/state/territory governments and affected agricultural industries • Ensure effective coordination of domestic and international trade strategies between industry groups. • As necessary, report and make recommendations to NMG and CSPTF.
Other support groups to be formed as required	To be determined by the Commonwealth-State Policy Taskforce	<ul style="list-style-type: none"> • To be determined by the Commonwealth-State Policy Taskforce

NOTE: To encourage national coordination, the general principle of communication between the different groups in the national coordination framework is that a group will provide advice/reports to the next group 'up the line' as depicted in Schedule 1 and the 'higher' group will, as required, inform the 'lower' group of the outcome and/or request further advice. For example, the HLFMRG will receive advice/reports from the Commonwealth-State Policy Taskforce and NMG. HLFMRG will make its own decisions and inform the Taskforce or NMG. As required, the HLFMRG will refer issues to Cabinets and/or COAG for decision. This principle does not preclude a particular group receiving information from other sources as necessary.

GLOSSARY

AAHL	Australian Animal Health Laboratory
AFFA	Department of Agriculture Fisheries and Forestry – Australia (Commonwealth)
AGs	Attorney-Generals Department
AHA	Animal Health Australia Ltd
ALGA	Australian Local Government Association
CCEAD	Consultative Committee on Emergency Animal Diseases
CEO	Chief Executive Officer
COAG	Council of Australian Governments
CVO	Chief Veterinary Officer
DFAT	Department of Foreign Affairs and Trade (Commonwealth)
DOHA	Department of Health and the Ageing
DTRS	Department of Transport and Regional Services (Commonwealth)
EMA	Emergency Management Australia
FACS	Department of Family and Community Services (Commonwealth)
Finance	Department of Finance and Administration (Commonwealth)
FMD	Foot and Mouth Disease
HLFMRG	High Level FMD Management and Recovery Group
MLA	Meat and Livestock Australia
NMG	National Emergency Animal Disease Management Group
PIMC	Primary Industries Ministerial Council
PM&C	Department of the Prime Minister and Cabinet (Commonwealth)
Treasury	Department of the Treasury (Commonwealth)

SCHEDULE 3 - INFORMATION MANAGEMENT SYSTEM

1. The parties endorse the development and implementation of a national information management capability that uses nationally consistent data relating to the control and eradication of an outbreak (hereafter referred to as the national information management system).
2. Animal Health Australia will develop and implement the information system in consultation with each of the parties to this MOU as soon as practicable but within 2 years of the date of this MOU.
3. When the national information system is developed all parties agree to use it for disease management.

Disease controllers at Local Disease Control Centers (LDCC) will provide regular reports to State Disease Control Headquarters (SDCHQ). State/territory SDCHQs will provide regular reports to the National Disease Control Headquarters (NDCHQ) using data collected through the information management system including, but not limited to:

- extent of disease
- control measure being implemented in that jurisdiction
- actual and possible consequences of outbreak (where known)

Consistent reporting will be imperative for decision making under the national framework.

4. Until a national information system is available, jurisdictions will use the Animal Emergency Management Information System (ANEMIS4W) as the basis for disease information management and will ensure a suitable number of personnel are fully trained in its use.
5. The information to be provided will be consistent with relevant privacy principles applying in the jurisdiction.
6. Given the need for timely and accurate information in the event of an FMD outbreak, each party to this MOU undertakes to share information quickly with other parties.

SCHEDULE 4 - PUBLIC COMMUNICATION

1. Each jurisdiction will identify (in readiness) a key media manager for their jurisdiction, who must have, or have access to, veterinary or scientific expertise. The person must also have access to staff with expertise in relief and recovery.
2. Once a diagnosis of the presence of FMD is confirmed, each party will advise the Commonwealth Chief Veterinary Officer of the name/position/contact details of the media manager in its jurisdiction
3. The establishment of a network of key media managers is intended to ensure consistency of the content and timing of media information and will be one source of advice on the disease outbreak to key spokespersons, drawing on the national Information Management System (see Schedule 3).
4. The parties will identify key spokespersons in their jurisdictions (eg, First Ministers, Agriculture Ministers, Departmental Heads, Chief Veterinary Officers and relief and recovery agency heads or their suitably qualified nominee). The following table sets out primary areas of responsibility of key spokespersons.

Person	Area of Responsibility
Prime Minister	National, international and trade
Premiers/Chief Ministers	State/territory aspects of FMD outbreak for the relevant jurisdiction
Agriculture Minister (Cth)	National aspects of FMD control/eradication
Agriculture Ministers (state and territory)	State/territory aspects of FMD control/eradication for the relevant jurisdiction
Commonwealth CVO	National and international technical aspects of FMD control/eradication
State/territory CVOs	State/territory technical aspects of FMD control/eradication for the relevant jurisdiction
State/territory Ministers responsible for emergency services and relief and recovery	Emergency services and relief and recovery issues in their state/territory

Note: Health Ministers and Chief Medical Officers will be responsible for public comment on any human health issues.

5. Each party will endeavour to ensure that public comment on the disease outbreak and on progress with control and eradication and relief and recovery is made only by the key spokespersons.

6. Each party will endeavour to ensure that the spokespersons in their jurisdiction are conveying the same message as spokespersons in the other jurisdictions.
7. The parties will establish a regular pattern of media briefings for the duration of the emergency.

SCHEDULE 5- AUTHORISATIONS UNDER SECTION 3 OF QUARANTINE ACT

1. The parties recognise that the first line of responsibility for animal disease control and eradication rests with the states and territories. They have the expertise and resources to implement the necessary quarantine measures.
2. Commonwealth quarantine powers are, however, available to enhance the legislative authority of the states and territories where their own legislation has gaps or is inadequate to deal with the circumstances of a particular animal disease emergency. Accordingly, section 3 of the *Quarantine Act 1908* (Cth) enables state and territory agencies to be authorised to take measures under that Act to deal with the emergency.
3. If an FMD outbreak occurs, the states and territories will first have recourse to their own powers to control and manage the outbreak. A state or territory may seek an authorisation under section 3 of the Quarantine Act in order to effect timely quarantine measures.
4. If powers under the Quarantine Act are used, the national response agencies will act in accordance with the emergency management plan in their jurisdiction. Those agencies will also ensure that, when their staff take action, they understand whether they are acting pursuant to Commonwealth or state or territory power and are clear about any conditions governing the exercise of the power.
5. All jurisdictions will regularly review, and as necessary amend, their legislation to ensure it provides the necessary powers to act in an FMD emergency.

SCHEDULE 6 - INTERNATIONAL TRADE AND ZONING

1. An outbreak of FMD has the potential to impact severely on Australia's national trading interests. It may be that the disease outbreak could be physically confined to a particular location, within one state for example, but that its international trade impact is national.
2. In the circumstances where a national response to an FMD outbreak is triggered, the parties to this MOU agree that their international trade response, including zoning, will be coordinated through the National Framework. When the CCEAD is reasonably confident that the outbreak is confined within a defined area, it will recommend a zoning strategy to the NMG, taking into account requirements under the International Animal Health Code of the Office International des Epizooties (OIE). Because of the broad ranging national implications extending beyond the industry(ies) concerned, the NMG will advise the HLFMRG of the strategy which will decide whether to proceed with development of a zoning application to the OIE.
3. A zoning regime requires the establishment of zoning controls at the borders of infected zones to enable other zones to be recognised as disease free for international trade purposes. If a decision is made to pursue a zoning application, the Commonwealth will take the lead role having regard to its responsibilities in matters of international trade, but will work with the states and territories in the making of the zoning application. The parties will implement relevant controls to support the establishment and policing of the zones, if necessary making use of powers under the Quarantine Act.

SIGNED by the Hon JOHN WINSTON HOWARD MP, PRIME MINISTER OF AUSTRALIA)
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John Howard

SIGNED by the Hon ROBERT JOHN CARR MP, PREMIER OF NEW SOUTH WALES)
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Robert Carr

SIGNED by the Hon STEPHEN PHILLIP BRACKS MP, PREMIER OF VICTORIA)
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Steve Bracks

SIGNED by the Hon PETER DOUGLAS BEATTIE MP, PREMIER OF QUEENSLAND)
)
)

P Beattie

SIGNED by the Hon DR GEOFF GALLOP MLA, PREMIER OF WESTERN AUSTRALIA)
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Geoff Gallop

SIGNED by the Hon MICHAEL DAVID RANN MP, PREMIER OF SOUTH AUSTRALIA)
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Mike Rann

SIGNED by JAMES ALEXANDER BACON MHA, PREMIER OF TASMANIA)
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James Bacon

SIGNED by JONATHON DONALD STANHOPE MLA, CHIEF MINISTER OF THE AUSTRALIAN CAPITAL TERRITORY)
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Jon Stanhope

SIGNED by the Hon CLARE MARTIN MLA, CHIEF MINISTER OF THE NORTHERN TERRITORY)
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Clare Martin

DATED: 6 December 2002