

## **EXPOSURE RECOMMENDATIONS**

### **General**

1. The following are not recommendations that the Commissioner has yet decided to make. The draft recommendations are put forward for the purpose of obtaining submissions whether some or all of them should become the recommendations of the Commissioner. An explanation of a particular recommendation is sometimes provided in square brackets adjacent to the draft recommendation.
2. It will be proposed that all necessary statutory, regulatory, policy and administrative changes be made to give effect to such recommendations as ultimately the Commissioner makes.

### **Inspector General of Horse Importation – External Auditor**

3. An external auditor shall be appointed and known as the office of Inspector General of Horse Importations (“IG”).
4. The qualifications for a person holding the office of IG shall be:
  - (a) that the person hold a current certificate to practise within Australia as a veterinarian;
  - (b) that the person has had no fewer than five years of experience in practice, or in the teaching in a University, of equine diseases and equine health; and
  - (c) that the person is not at the time of appointment, and has not within the three years before it, been employed by or in the Federal, State or Territory Public Service.
5. The I.G. will be appointed, after public advertisement, by the Governor-General in Council for a term of five years for such remuneration and other benefits as are prescribed, initially by the Governor-General in Council, and thereafter as are fixed by the Remuneration Tribunal. The Minister responsible for quarantine in Australia may consult with such

persons and organisations knowledgeable in matters relating to horses and their use or breeding, as the Minister thinks fit in relation to the suitability of candidates for appointment as IG, before the appointment is made.

6. The functions of the IG will be:

- (a) to inspect at least once in every thirty months, each quarantine station outside Australia at which horses are regularly quarantined before importation into Australia;
- (b) to inspect on a frequent basis, either with, or without notice, each quarantine station, reception area at airports and other places in Australia at which imported horses may be, or are quarantined or held, all means of conveyance of and waste from them, laboratories at which samples taken from them are tested, and any other places or things affecting, or capable of affecting Australian biosecurity in relation to horses;
- (c) to inspect and give consideration to the activities and performance of persons working for, or paid by the Commonwealth of Australia for work in connexion with the importation and quarantining of horses;
- (d) to inspect and make recommendations at least annually to AQIS in relation to the preparation, content, training and dissemination of work instructions, standard operating procedures or other procedures used in connection with the importation and quarantining of horses;
- (e) to report in writing to Parliament at least once annually his or her findings and recommendations concerning the foregoing matters; and,

- (f) to report and make recommendations in writing from time to time on matters relating to the importation and quarantine of horses to the Minister responsible for those matters.
7. In addition to the functions stated above the IG shall have all of the powers of the GVH (see below).
  8. The position of IG may be a full-time or part-time position. If the position of IG is part-time, the IG shall not take other employment or consultancies which may give rise to an actual or perceived conflict of interest with his or her duties as IG.
  9. The office of IG may only be vacated:
    - (a) automatically,
      - (i) on bankruptcy, or upon an application to take the benefit of a law for the relief of bankruptcy or insolvent debtors, or when he or she compounds with his or her creditors or assigns remuneration or property for their benefit;
      - (ii) on conviction for an indictable offence; or
      - (iii) on loss or suspension of licence to practice as a veterinarian;
    - (b) by dismissal of the Governor-General in Council for proved misconduct in, or relating directly or indirectly to the performance of the IG's functions;
    - (c) by resignation in writing to the Minister responsible for quarantine of animals;
    - (d) on certification to the Minister responsible for quarantine, of mental or physical incapacity by two medical practitioners, of incapacity to perform the functions of IG.

10. The IG will be obliged to submit to any medical examination reasonably required by the Minister responsible for quarantine before or during the term of appointment.

### **Government Quarantine Veterinarian for Horse Importation**

11. [The so called system of matrix management (in an absolute form) is over-elaborate and has resulted in an absence of responsibility and accountability for and compliance with procedures concerning the importation of horses. A simplified hierarchical structure for equine importation is required]. A new section of AQIS will be created under the management of the Government Quarantine Veterinarian for Horse Importation ("**GVH**").
12. The GVH shall be a person who holds a current certificate to practise within Australia as a veterinarian and shall have no fewer than five years experience, in practice or in the teaching in a University, of equine diseases and equine health.
13. The GVH shall report directly to the Executive Director of AQIS.
14. [The current importation of horses is governed by several different programs within the AQIS structure]. All AQIS employees involved in the importation of horses shall work in the section of AQIS under the control of the GVH, including but not limited to those employees responsible for the certification of pre-export quarantine premises, the imposition of import conditions, the issuing of import permits, the management of certifications prior to embarkation to Australia, the clearance of horses and their handlers upon arrival at an Australian airport or port, the decontamination of horse stalls and biosecurity at the airport or port, the transfer of horses to the quarantine station, the supervision of horses within AQIS quarantine stations and the review and accreditation of private quarantine facilities. Although staff will follow a direction of the GVH in priority to any other direction, employees in the section of AQIS under the control of the GVH may

also perform other duties within AQIS additional to those required by the GVH.

15. The GVH and his or her section of AQIS will be adequately funded to formulate and ensure the implementation of proper biosecurity measures at all stages of the importation of horses into Australia.
16. The GVH shall ensure that all AQIS employees are aware of the AQIS work instructions or standard operating procedures to be performed by them in relation to the importation of horses into Australia, that there is compliance with all work instructions and standard operating procedures, and that adequate training is done in those procedures.
17. The part of quarantine stations that are dedicated to horse imports shall be staffed and operated (whether full or part-time) by the section of AQIS under the control of the GVH.
18. The GVH shall:
  - (a) list all non-AQIS persons (by category) involved in the activity of importing live horses (from countries other than New Zealand) including PAQ;
  - (b) set out clearly in writing and from time to time orally as necessary, the requirements in respect of biosecurity that AQIS has of those persons;
  - (c) set out those requirements [eg import permit conditions, informal agreement with AQIS, legislation, compliance agreement under s.66B];
  - (d) assess whether compliance with those requirements can be, and is being, adequately enforced. If not, establish and maintain measures to rectify that [eg ensure those requirements are adequately informed to those persons, carry out audits to test compliance and enter into compliance agreements].

## **Pre-Export Quarantine**

19. The Interim Equine Influenza Quarantine Measures for the Importation of Horses (other than from New Zealand) and their amendments (DAFF.INQ.003.0001 – DAFF.INQ.007.0013) (the “**Import Conditions**”) are generally appropriate subject to the following changes which are recommended:
- (a) all necessary amendments shall be made where appropriate to accommodate the creation of the offices of IG and GVH and their responsibilities;
  - (b) each horse can only serve a period of PEQ in premises which have been approved by the GVH after taking advice from Biosecurity Australia (**BA**). Such premises are **not** to be approved by the GVH unless:
    - (i) there are adequate biosecurity measures in place which are the subject of documented procedures capable of being audited;
    - (ii) any deficiencies identified at the PEQ premises by a previous inspection by the IG have been rectified; and
    - (iii) full access to the PEQ premises has previously been given to the IG during an inspection of the premises;
  - (c) that in relation to the movement of the horse from PEQ premises to an aircraft or ship for carriage to Australia and the loading of the horse onto that ship or aircraft, there shall be compliance with such biosecurity measures as are determined by the GVH after taking advice from BA on what measures are necessary to eliminate or reduce any biosecurity risks to acceptably low levels. These conditions are to be reviewed by the GVH after taking advice from BA at least annually;

- (d) that inspections and audits of the approved PEQ premises and the conditions applying to the movement of the horse from PEQ to the vessel or aircraft are permitted at any time to be performed by the IG or GVH;
- (e) that there be available for inspection at the port of loading and produced on the arrival of the horse into Australia, a certificate from a testing laboratory confirming a negative test result, such test having been performed within 60 hours of departure using a real time polymerase chain reaction (“PCR”) or ELISA test;
- (f) that whilst a horse is in PEQ, a sample of its blood (of a volume determined by the GVH) is to be taken and divided into two. Part of the sample (of a volume determined by the GVH) is to be frozen and stored for a period of six months in the country of PEQ with an undertaking that the importer produce that sample to AQIS in Australia upon its written request. The other part of the blood sample (of a volume determined by the GVH) is to be stored in a fashion determined by the GVH and brought with the horse as it is imported into Australia [Nunn T3303; Martin T2960; Gilkerson WIT.INQ.003.0011] and thereafter lodged in the national serum bank of AAHL for future reference;
- (g) each horse is to be vaccinated using a specified equine influenza vaccine (or one of a number of such specified vaccines) containing the most up to date circulating strains of the EI virus and approved by the GVH after taking advice from BA or one or more of the OIE reference laboratories [Nunn T3312, T3317; Martin T2902, T2903, T2904, T2906-T2010, T2960];
- (h) the primary and booster vaccines used on the horse in the six months prior to export to Australia is to be the same (specified) equine influenza vaccine for each course of vaccine and the vaccine is to be administered in accordance with the

manufacturer's recommendations [Gilkerson WIT.INQ.003.0005];

- (i) there must be available for inspection at the port of loading and produced on the arrival of the horse into Australia, a certificate or certificates verifying that the horse has been vaccinated, has given a blood sample during PEQ and passed a PCR or ELISA test within 60 hours prior to export to Australia in accordance with the previous conditions;
- (j) the GVH is to verify before a horse is loaded for carriage to Australia that the importer has each of the health, vaccination and equine influenza testing certificates required by the conditions of its import permit and that it complies with those conditions. That verification may be done by AQIS officers or authorised private certifiers present at the port of departure or by way of facsimile or email communications with AQIS officers in Australia [Brown T2706].

### **Airport Facilities**

- 20. There shall be provided in an area at Kingsford Smith Airport, securely fenced and supervised, and within it two padded boxes and or stalls, reasonably sound proofed, in which horses may be tested, examined and treated, or held in the event that a horse presents upon arrival in Australia with symptoms consistent with suspected equine influenza and such other facilities to ensure biosecurity as are recommended by the GVH in consultation with BA and such other experts as the GVH thinks fit. [Separation at that time of any such horse or horses from the consignment they are travelling with is desirable to limit any spread of disease. Sick horses may be separately transferred to the quarantine station and put in an isolation stall].
- 21. Tullamarine Airport shall cease to be a place where the import of live horses may be landed unless a facility is constructed at that airport for the transfer of live animals (specifically horses) which enables the

adequate implementation of biosecurity measures and all necessary Occupational Health and Safety and animal safety requirements. That facility should be provided in the same way and on the basis of the consultations referred to in the previous paragraph.

### **Quarantine Stations**

22. The role of quarantine with regard to the importation of horses is an important policing role which should not as a general proposition be privatised.
23. Within three months, AQIS must decide whether to renew the options on the leases at Eastern Creek and Spotswood, providing that their exercise does not prevent the construction of fixtures or further fixtures or the alteration of existing ones in such a manner to satisfy the following recommendations.
24. [The separation of horses at Spotswood between mares and stallions (as well as conscientious application by staff there) appears to have limited the spread of equine influenza when introduced into that quarantine station in August 2007]. Steps must be immediately taken to ensure that wherever horse quarantine stations are located, they are conformed (or re-conformed) so that they contain two or three separate horse compounds which are no closer than 35 metres from the nearest point to each other. Each compound shall produce a continental separation of horses within the same quarantine intake so that horses from America, Europe and Asia are quarantined in a separate compound from each other. [eg if only two compounds are available in a quarantine station then horses from no more than two continental areas may be permitted in a single intake].
25. The separate horse compounds within a quarantine station shall each have the following characteristics:
  - (a) they will be completely secure with a separate 24 hour security guard whenever quarantined horses are in the compound;

- (b) there will be only one pedestrian exit and entrance to each compound;
- (c) at the pedestrian exit and entrance there shall be a separate shower and toilet, laundry and changing area for any person entering and leaving the quarantine compound (including veterinarians, farriers, grooms or other permitted visitors);
- (d) there will only be one vehicle entrance and exit to each compound with appropriate disinfection facilities;
- (e) all points of access to and from each horse compound shall be furnished with adequate footbaths for disinfection;
- (f) entry and exit to each compound will be regulated by the use of a swipe card;
- (g) pedestrian exit from the horse compound will not be possible unless a shower at the point of exit has been operated for at least three minutes;
- (h) CCTV's will be located at all hazard points and all vision recorded on the CCTV will be retained for at least 12 months;
- (i) each compound will contain a secure and separate building for the storing of chemicals, drugs, instruments and equipment for the use of visiting veterinarians and farriers;
- (j) each compound shall contain two isolation horse stalls for sick animals which shall be at least 30 metres away from the other horse stalls within the compound.

### **Standard Operating Procedures**

26. The Clearance and Quarantine of Live Horses, Live Animal Imports, Standard Operating Procedure of 5 December 2007 (DAFF.0001.780.0003-61) (the "SOP") is generally appropriate subject to the following changes which are recommended:

- (a) all necessary amendments shall be made where appropriate to take into account the offices of the IG and GVH;
- (b) the GVH will have all of the responsibilities of the regional manager, assistant regional manager, AQIS veterinary officer, quarantine station manager and national manager live animal imports program in paragraph 9 of the SOP document;
- (c) the GVH or a qualified veterinarian as part of his staff is to be present at the time of the disembarkation of every consignment of horses arriving in Australia and shall make (with the IG if he or she requires) such examinations and inspections of the horses as he or she thinks fit with a view to ensuring that each horse is free of any infectious or contagious disease;
- (d) all farriers, veterinarians, grooms, AQIS employees or other persons shall not have contact with a horse in the general horse population during the period of 12 hours after contact with a quarantined equine;
- (e) it be imposed as a condition of entry of any non-AQIS personnel to the LTF or equine enclosure within a quarantine station that the person has an obligation to report breaches or suspected breaches (by that or any other person) of quarantine procedures applicable within that LTF or equine enclosure and the person may be excluded from future entry to such premises in the event of breach of such procedures by that person or of a failure of that person to report a suspected breach by any other person;
- (f) all samples taken by a nasopharyngeal swab (as required by the Standard Operating Procedure) in PAQ shall be divided (in a volume determined by the GVH) and be subject to both a real time PCR test as required under the existing procedures and the other part of the sample (in a volume determined by the GVH) shall be tested by a rapid Directigen/ESPLINE type test for an immediate indication of the horse's health status [Watson, T

3913, Gilkerson, T4225-6, O'Callaghan T2803] (the Import Conditions should also be changed to include this requirement);

- (g) a nasopharyngeal swab and both a PCR and a Directigen/ESPLINE type test are also to be taken as close as practicable to the completion of PAQ and negative EI results must be available prior to a horse being released into the general horse population (the Import Conditions should also be changed to include this requirement);
- (h) at each quarantine station there shall be prepared each day reports by the GVH or another responsible person similar to the daily reports completed at Sandown, together with a record of any matters of non-compliance. If the daily quarantine reports are not prepared by the GVH, then they shall be submitted daily to him or her;
- (i) the SOP shall contain special recognition of the critical position of the security guard in relation to the entry and exit by persons to each horse compound at the quarantine station. Provision for appropriate training shall be made. [If this person is a non-AQIS officer, it is critical to ensure that appropriately trained persons only ever work in this position];
- (j) a manual or manuals shall be prepared for AQIS officers responsible for verifying compliance with import conditions or for persons working on airport biosecurity or in the quarantine station which:
  - (i) identifies the matters which should specifically be checked;
  - (ii) has advice as to what should be done if there are problems with documentation/operating or adherence to procedures;

- (iii) describes the potential hazards and risks with sufficient detail to enable a quarantine officer to understand why particular acts or processes are required and to appreciate what acts or circumstances might give rise to biosecurity issues;
- (iv) describes what is to be done by a quarantine officer to understand what he or she is to do without supplementary instructions [eg describe what “disposable protective clothing” is, identify matters to be considered when reviewing health certificates];
- (v) fully informs quarantine officers of the powers available to them (under legislation and otherwise) in particular places and particular circumstances to ensure adequate biosecurity measures are followed, including through the provision of documents setting out those powers and necessary training;
- (vi) for the purposes of operating the quarantine station, the forms and manual used at Sandown [SAND.0001.001.0012-0124] are a useful model.

## **Charges**

27. The charges for and in respect of the importation and quarantining of stallions for temporary importation into Australia shall be urgently reviewed and fixed having regard to the following factors:
- (a) the cost of the drafting, preparation, printing, distribution, publishing, collection, checking, recording and filing of all documents, questionnaires, certificates and forms touching or concerning the importation and quarantining of horses;
  - (b) the true cost of employing all persons paid by the Commonwealth of Australia engaged in work touching or

concerning the importation and quarantining of horses, including the offices of the IG and GVH and his or her staff;

- (c) the notional fair cost of insuring, (whether the Commonwealth actually affects insurance or not), against all risks to the Commonwealth, its employees, contractors and all other persons, things and animals, arising out of, or such as could arise out of, any act or omission for which the Commonwealth might be held liable, touching upon or concerning the importation and quarantining of horses;
  - (d) the full and true costs of all drugs, implements, tools, laboratories, establishments, lands, places, building and things used or held, or licensed or leased or owned by the Commonwealth, for or in respect of the importation or quarantining of horses, depreciation, amortisation, holding and all other costs should be taken into account in calculating these;
  - (e) costs and fees of other persons (if any) undertaking the same or similar work as AQIS;
  - (f) any costs of auditing, reviewing, checking, or training in relation to the work instructions or standard operating procedures;
  - (g) an additional and reasonable cost for contingencies of not less than ten per cent of the sum of all other costs.
28. Until such time as the costs are calculated, received and charges set on the basis of the previous paragraph, the charges and fees for the importation and quarantining of thoroughbred stallions for temporary importation into Australia for each and every day shall be charged at an amount of \$165.00 plus GST (SAND.0001.003.0001 and O'Callaghan T2828-T2833).
29. The charges in respect of other horses shall be \$65.00 plus GST for each and every day.

30. The charges per horse per day above shall not be discounted by reason of the reception of a consignment of ten or more horses. [The discount provides a financial incentive for intermingling horses who have performed PEQ in different locations].

### **Ongoing Review**

31. The IG and GVH and the two most senior officers of BA shall meet at least twice a year to review and report promptly to the responsible Minister on the need for any changes, measures or concerns with respect to the biosecurity of horses imported into Australia.
32. That the GVH cause BA to review the SOP and Import Conditions together with the changes required by these recommendations to ensure that they adequately and significantly identify and manage the risk of entry and spread of equine influenza associated with the importation of live horses into Australia. That review should be conducted within six months and be the subject of a written report and recommendations from the Chief Executive of BA to the GVH. Upon receipt of that report the GVH should make a determination whether any, and if any, which changes should be made to those operating procedures and import conditions [Nunn T3285-3289, 3299, 3205; Martin T2941, 2961].
33. BA is to review and report to the GVH as to the adequacy and sufficiency of the standard operating procedures and import conditions relating to horses on each and every occasion that they are amended, each time there is a notification of an outbreak of equine influenza to the World Organisation for Animal Health (OIE) by a country from which horses are imported into Australia and in any event at least twice annually [Nunn T3287, 3296, 3305-3307].
34. The GVH shall review the adequacy of staffing at each stage of the process of importation of live horses and the training of staff having regard to these recommendations. The budgets for the section of AQIS under the control of the GVH should then be prepared and

funded on a basis which is sufficient to fund fully the activities required by these recommendations without adversely affecting in any way the performance of any other activities and functions of AQIS.

35. BA shall produce to the GVH within six months a risk analysis in relation to the importation of live horses from the countries from which Australia currently permits such importation. That risk analysis should be undertaken as a non-regulated analysis of existing BA policies [see clause 4.1 Import Risk Analysis Handbook 2007; Nunn T3307; Martin T2897-2899, 2934].
36. That the Chief Executive of BA provide that risk analysis and any recommendations for any revision of policy or procedures to the GVH [clause 5.11 Import Risk Analysis Handbook 2007].
37. Upon receipt of that risk analysis the GVH make a recommendation as to Australia's policy with respect to the importation of live horses from countries from which it currently permits such importation [clause 6 Import Risk Analysis Handbook 2007].
38. The Chief Executive of BA shall cause that risk analysis to be reviewed at least annually taking into account any changes and developments in scientific knowledge (specifically testing methods, vaccines, vaccination procedures and other matters which might effect biosecurity measures taken or to be taken) [Nunn T3287, T3305-3307].
39. The Chief Executive of BA shall provide a report of each such annual review and any recommendations for any revision of policy to the GVH.

#### **Powers of GVH and IG**

40. The GVH and any veterinarian on his or her staff shall have power to make, and every person shall comply with, all such reasonable directions and requests whether as to movement, presence or exclusion of animals, objects, things, persons or otherwise, as they think prudent to make.

41. New legislation shall be introduced to make it an offence punishable by a fine of \$20,000 or imprisonment for three months:
- (a) unreasonably to refuse or fail to follow or obey a direction or requirement, or a request for co-operation, made by the GVH or a veterinarian in his or her staff or by the IG; or
  - (b) for a person to have contact with another equine in the general horse population within 12 hours of contact with a quarantined equine.