



Equine Influenza Inquiry

POSSIBLE ISSUES FOR SUBMISSIONS AND FURTHER TENTATIVE TIMETABLE

Counsel assisting the Commissioner have identified issues of relevance to the Inquiry, in respect of which they invite submissions. Parties should not consider themselves bound to follow the outline appearing below and should consider themselves free to make submissions on such matters as they see relevant to the Terms of Inquiry namely:

- (a) the circumstances that have contributed to the outbreak of equine influenza in Australia; and
- (b) the need for any strengthened biosecurity procedures for quarantine management of imported horses.

Counsel assisting are of the opinion that having regard to the evidence that has emerged, consideration ought be given to at least the issues set out below.

A timetable is proposed as follows. It should be possible for the parties to complete their written outlines in fewer than 50 pages.

- (a) Counsel Assisting expect to make written submissions publicly available by 4pm, 17 March 2008;
- (b) written submissions from parties and the public should be made publicly available by 4pm, 26 March 2008;
- (c) oral submissions may be made on 1 and 2 April 2008.

RELEVANT ISSUES

1. The Equine Influenza Virus

- (a) The nature of the virus including reference to:

- (i) the carriage of the virus by vectors;
- (ii) how the virus spreads within vaccinated and unvaccinated equine populations;
- (iii) conditions in which the virus is favoured, and in which it is effectively destroyed and the risk of its spread minimised;
- (iv) detecting the virus in vaccinated horses before importation;
- (v) the effect and benefits of vaccination in respect of the import of live horses into Australia;
- (vi) vaccination and the selection of vaccines as protection (whole or partial) against equine influenza.

2. DAFF/AQIS Procedures Concerning the Importation of Horses to ECQS and Spotswood – SOPs and Work Instructions.

- (a) The status of the “Work Instruction, Clearance of Live Horses”, the “Operations Manual for Horses at Government Post-Arrival Quarantine Station” and any other directions or procedures said to be relevant to the importation of live horses, as at August 2007;
- (b) procedures (as they were immediately before the occurrence of equine influenza) in place for the distribution, implementation and checking or audit of such documents;
- (c) whether those documents and procedures met, wholly or partially, the biosecurity risk to Australia posed by the importation of live horses in August 2007, including by reference to comparable procedures at Sandown and Canterbury;
- (d) whether those procedures and the “Clearance and Quarantine of Live Horses Standard Operating Procedure” of 5 December 2007 ought be strengthened and if so, how?

3. DAFF/Biosecurity Australia (BA) Policies for the Importation of Horses – PEQ, biosecurity policy and Import Conditions

- (a) Documents and procedures in place relevant to the imposition of Import Conditions in August 2007 and the checking of adherence to them;
- (b) whether those procedures met the biosecurity risk to Australia posed by the importation of live horses in August 2007;
- (c) whether any failures in those procedures contributed to the outbreak of equine influenza;
- (d) the procedures in place for the approval of PEQ premises and whether they are properly enforced;
- (e) whether BA ought have a role in the ongoing authorisation of PEQ premises;
- (f) whether those procedures, as they applied in August 2007 or currently, ought be strengthened and if so, how?

4. AQIS/BA Organisation Structure

- (a) Analysis of the organisational structure and its impact upon the development, communication and enforcement of biosecurity related policy, practices and procedures;
- (b) whether any matter set out in sub-paragraph (a) above contributed to the outbreak of equine influenza.

5. Consignments 1 to 6

- (a) The circumstances in which PEQ, including transport to the airport and travel by air to Australia, was undertaken by each consignment;
- (b) whether the PEQ and subsequent importation of each consignment was in accordance with relevant Import Conditions;

- (c) whether DAFF/AQIS procedures concerning the importation of horses and relevant to activities at Sydney Kingsford Smith Airport (**SKSA**) were observed in respect of each consignment;
- (d) the circumstances of the arrival of each consignment at the Livestock Transfer Facility including:
 - (i) the presence and activities, or absence, of AQIS airside officers;
 - (ii) the presence and activities, or absence, of AQIS veterinary officers;
 - (iii) the presence and activities of grooms (whether arriving with the consignment or otherwise);
 - (iv) the presence and activities of transport drivers;
 - (v) the presence and activities of other people attending at SKSA at the reception of horses airside.
- (e) the transport of each consignment from SKSA to ECQS;
- (f) whether the activities of any person referred to in sub-paragraph (d) above or any other person involved in activities at SKSA contributed to the outbreak of equine influenza;
- (g) whether any of the matters referred to in sub-paragraphs (a), (b), (c), (d) and (e) above contributed to the outbreak of equine influenza;
- (h) whether events relevant to the arrival of horses at Melbourne airport contributed to the outbreak of equine influenza;
- (i) whether biosecurity measures regulating:
 - (i) PEQ;
 - (ii) SKSA;
 - (iii) the transport of horses from SKSA to ECQS and Spotswoodought be strengthened and if so, how?

6. PAQ – ECQS and Spotswood

- (a) The circumstances of the arrival, unloading and quarantining of each consignment including:
 - (i) the presence and activities (including entry and exit) of horses;
 - (ii) the presence and activities (including entry and exit) of drivers;
 - (iii) the presence and activities (including entry and exit) of quarantine staff and the providers of contracted services, and their agents;
 - (iv) the presence and activities (including entry and exit) of grooms;
 - (v) the presence and activities (including entry and exit) of veterinarians;
 - (vi) the presence and activities (including entry and exit) of farriers;
 - (vii) the presence and activities (including entry and exit) of other visitors;
- (b) whether the PAQ period up to 17 August 2007 was conducted in accordance with relevant DAFF/AQIS procedures;
- (c) the facilities and equipment available for use by grooms, veterinarians, farriers and other entrants to the quarantine area;
- (d) the administration and operation of ECQS;
- (e) whether the activities of any person referred to in sub-paragraph (a) above, or any other person involved with or participation in activities at ECQS contributed to the outbreak of equine influenza;
- (f) whether any of the circumstances referred to in sub-paragraphs (b), (c) and (d) above contributed to the outbreak of equine influenza;
- (g) whether biosecurity procedures regulating activities at ECQS ought be strengthened, and if so, how?

7. The Maitland Event

- (a) The circumstances of the outbreak of equine influenza at the Maitland event;
- (b) the carriage of the virus to Centennial Park.

8. Hypotheses/Conclusions

- (a) Identification of the means by which the virus entered Australia;
- (b) how the virus came to infect the general horse population.

9. Possible Findings in Relation to:

- (a) DAFF/AQIS/BA, including by specific reference to the management thereof, the airside operations, and ECQS and Spotswood;
- (b) studs (including the employees, contractual providers of services and the agents thereof), specifically Darley, Coolmore and Arrowfield;
- (c) veterinarians, specifically the Randwick Equine Centre veterinarians and Dr Argyle;
- (d) farriers, particularly Mr Hinze and Mr Barlow;
- (e) international horse transport companies (including the employees, contractual providers of services, and agents thereof) particularly IRT, CBIHT and New Zealand Bloodstock;
- (f) local horse transport companies (including the employees and agents thereof), specifically LTG and Sydney Horse Transport;
- (g) others, including but not limited to airlines, air crews, ground crews, Aerocare, SITA, DUMPEX and other organisations involved in the operation and management of SKSA or of the supply of goods and services to SKSA, ECQS and AQIS;

10. Further Issues:

- (a) Whether there was dysfunction or departure from good administrative practice in the administration of AQIS including in training, risk

assessment, statements of duties, the promulgation, acceptance of responsibility, division of responsibility, advising of the Minister and the maintenance of clear lines of accountability:

- (b) the resourcing of AQIS/DAFF/BA, including recovery of expenses by AQIS and calculation and adequacy of charges made:
- (c) whether BA should remain a prescribed agency under the *Financial Management and Accountability Act 1997* or whether all or some, and if so, which, of its functions should be performed within AQIS:
- (d) whether BA:
 - (i) kept itself abreast of currently available vaccines and their efficacy;
 - (ii) kept itself abreast of currently available tests for detecting equine influenza (whether rapid tests or laboratory based and whether specific or screening tests);
 - (iii) kept AQIS informed of the matters referred to in subparagraphs (d)(i) and (ii) above and if so, how, and, with what frequency;
 - (iv) acted reactively only, in relation to risks relating to live horse importation;
- (e) any act or omissions or failures in public administration that may have contributed to the outbreak of equine influenza on the part of:
 - (i) any manager responsible for the operations of AQIS during the period from 1 January 2001 to August 2007 relating to live horse importation or quarantine;
 - (ii) any manager responsible for the operations of DAFF relating to live horse importation or quarantine during the period from 1 January 2001 to August 2007;
 - (iii) any other person whose conduct is said to have contributed to the outbreak of equine influenza in August 2007;

- (f) when and what acts or omissions (if any) contributed to the outbreak of equine influenza in Australia;

11. Recommendations

- (a) Comments and submissions on possible recommendations circulated by Counsel Assisting;
- (b) matters the subject of possible recommendations not otherwise referred to or circulated.