



Hon Mr Ian Callinan
Commissioner
Equine Influenza Inquiry
By Email: eii@ag.gov.au
And Facsimile: 02 9267 8709

Dear Hon Mr Callinan,

Re: Exposure recommendations of the Equine Influenza Inquiry

The Community and Public Sector Union PSU Group (CPSU) welcomes the opportunity to provide this response to the Exposure Recommendations of Counsel Assisting the Inquiry.

The PSU Group of the Community & Public Sector Union (CPSU) represents workers in the Australian Public Service, ACT Government, the Northern Territory Public Service, the telecommunications sector, call centres, employment services and broadcasting.

As the principal union covering staff in the Australian Quarantine Inspection Service (AQIS), CPSU has considerable knowledge and experience of AQIS operations. This submission has been informed by the experience and views of our members, and we therefore believe that we are uniquely placed to provide a valuable insight into AQIS operations.

Context of CPSU response

AQIS plays a critical role in the protection of Australia's economy and environment. The ability of AQIS to ensure rigorous and effective quarantine functions would be enhanced through;

- Improved funding.
- Quarantine functions being performed solely under the employment structure of the *Australian Public Service Act 1999* and the governance structure of the Australian Public Service.
- Management practices more responsive to employee ideas and concerns.
- Management structures and culture more clearly focused on ensuring rigorous and effective quarantine functions.

CPSU response to Exposure Recommendations;

1 Naming of AQIS employees

- The CPSU has serious concerns about the naming of particular employees in the draft document while others, generally more senior and with higher levels of responsibility and accountability, remain unnamed.
- This is inconsistent and unfair and must be remedied in the final document.
- Given the systemic failures within AQIS that have been acknowledged in the Exposure Recommendations, it is our preference that all references naming individuals be removed.

- AQIS Officers in operational areas who have been named in the Inquiry should be clearly and publicly absolved of any responsibility and protected from any legal action that may result from the findings of the Inquiry.

2 Vital role of APS employment

Employees of AQIS are subject to the terms and conditions in the *Public Service Act 1999*. The *PS Act*;

- Allows all potential AQIS employees be subject to a police check for prior convictions and pending charges.
- Provides that breaches of the APS Code of Conduct may be addressed by the Agency Head through a variety of disciplinary actions.
- Provides some protection for whistleblowers. This protection is vital for officers engaged in the important role of ensuring that Australia remains pest and disease free.

While AQIS employees are both subject to and have the protections of the *PS Act*, contractors and labour hire workers do not. They do not have the protection of whistleblower legislation; they are not subject to the disciplinary processes in the Act; and, they are likely to work in a culture where concerns are swept under the carpet so that further contracts are provided. There is evidence that when contractors “make waves” they are given no further work from AQIS.

In practice, the culture of the organisation is such that AQIS employees are also discouraged from raising concerns about work practices and there are examples of disciplinary processes being commenced against those who have spoken out. Attempts by the CPSU to represent the concerns of members have also been ignored by AQIS management.

It is our view that the only way to ensure that Australia is protected against pests and disease is to ensure that those working in enforcement roles are *employees* who are subject to both the protections and the restrictions contained in the *PS Act*. They must be AQIS employees, must be properly resourced both in training and in terms of staffing levels and must be able to undertake their duties and raise concerns without fear of retribution. Therefore;

- In regard to Section 25(a) CPSU could only support the use of a 24 hour security guard if they were employed under the *PS Act*. It would not be appropriate to expect a private security guard to ask quarantine related questions without any such authority under the *Quarantine Act*.
- CPSU supports Section 17 regarding adequate staffing under the control of GVH but again believes that employees must be engaged under the *PS Act*.

3 Government Quarantine Veterinarian for Horse Importation.

The Exposure Recommendations suggest that a Government Quarantine Veterinarian for Horse Importation (GHV) be employed. This position would report directly to the Executive Director of AQIS if it is not accompanied by other changes in AQIS organisational structures. The staff working for the GHV would also have broader AQIS duties. The reporting lines for these staff are unclear. This proposed structure may lead to further confusion in reporting lines, responsibilities and accountabilities.

The Exposure Recommendations also suggest;

“... 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.”

There are potentially complex implications, arising from this recommendation, for Officers in regard to pay, work load, performance and supervision.

4 Review of AQIS Organisational structure

CPSU supports a review of the organisational structure in AQIS against the hierarchical structure of regulatory and enforcement agencies such as Customs.
A review should also note the structure that exists within the AQIS Meat Export program including employee consultative processes.

5 New Powers

Employees engaged under the *PS Act* can be readily investigated by AQIS and disciplinary or termination measures taken without the need for the additional powers, as suggested at Section 41, to apply to APS employees
It is our view that when properly applied the mechanisms that currently exist under the *PS Act* are sufficient

6 Privatisation

CPSU strongly endorses Quarantine Stations section 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.”

CPSU believes this principle applies to all quarantine functions:

I trust that the views of CPSU are of assistance to the Inquiry's valuable work.

Yours Sincerely
Michael Tull

CPSU Deputy Secretary
Monday March 31 2008.