



## **EQUINE INFLUENZA INQUIRY**

### **OUTLINE OF SUBMISSIONS**

**NSW Master Farriers Association, Sydney Horse Transport,  
Goldner's Horse Transport, Hawkesbury Racehorse Transport,  
Prestige Racehorse Transport, RV Horse Transport Pty Ltd**

#### **Introduction**

1. The above-named farriers and transport companies ("MFA") are in general agreement with and adopt the submissions of counsel assisting. This submission is divided into three parts:
  - 1.1 A summary of the MFA's position in respect of the circumstances that contributed to the outbreak and how the outbreak occurred;
  - 1.2 General comments on the evidence and suggested findings of counsel assisting;
  - 1.3 Comments on the specific recommendations in respect of import conditions in PAQ<sup>1</sup>, arrival procedures at the Australian Airport<sup>2</sup>, cleaning of road transport vehicles at PAQ<sup>3</sup> and the standard operating procedures and operations at PAQ<sup>4</sup>.
2. The MFA will supplement this submission with oral submissions on 2 and 3 April 2008. The oral submissions will include a response, if any, to submissions of other parties.

#### **Circumstances of Outbreak**

3. The evidence is relatively clear that the virus was transported into Australia in the consignment of horses aboard Cathay Pacific cargo

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<sup>1</sup> Paragraph 16.38 – 16.44.

<sup>2</sup> Paragraph 16.45 – 16.50.

<sup>3</sup> Paragraph 16.51.

<sup>4</sup> Paragraph 16.52 – 16.57.

flight CX023<sup>5</sup>. 13 horses from Japan arrived by air in Melbourne on 8 August 2007. Four of those horses were carried by air to Sydney on the same day and transported to ECQS.

4. The virus is then likely to have been transported to ECQS. The virus escaped from ECQS on the person, clothing or equipment of a groom, vet, farrier or some other person who had contact with the horses and who then left the quarantine station without undertaking adequate decontamination procedure, whether that be cleaning or disinfecting clothing or equipment.<sup>6</sup>
5. It is not possible to identify with precision, at this point in time, the identity of a specific individual or individuals likely to have transported the virus through ECQS and passed it on to the community. Counsel assisting identifies a number of grooms, farriers and vets who may have been responsible for the transportation of the virus. Without doubt, the virus was transported unintentionally from ECQS to the community.<sup>7</sup>
6. The inquiry can conclude, with a sufficient degree of certainty that the virus escaped from horses infected within ECQS via contaminated persons or equipment leaving ECQS and coming into contact with a horse in the general horse population.<sup>8</sup>
7. As to the cause of the escape, the MFA expressly adopts paragraphs 16.28-16.30 of the submissions of counsel assisting and repeat them for convenience:

**16.28 If there were in place at Eastern Creek, and being properly implemented in August 2007, even the most rudimentary bio-security measures, it is most unlikely that there would have been any escape of equine influenza from the quarantine station.** Such measure would have included at a minimum that people having contact with the horses in the equine enclosure be required to shower and change their

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<sup>5</sup> Known as Consignment 6, page 116, Submissions of Counsel Assisting.

<sup>6</sup> Paragraph 16.21, Submissions of Counsel Assisting.

<sup>7</sup> See paragraph 16.22 to 16.26, Submissions of Counsel Assisting.

<sup>8</sup> Paragraph 16.27, Submissions of Counsel Assisting.

clothes before exiting the equine enclosure and to leave contaminated clothing and equipment in the quarantine station.

16.29 **That such a measure was not being implemented within the quarantine station in August 2007 is a serious failure by those within DAFF and AQIS who were responsible for the management of quarantine risks and in particular the management of post entry quarantine arrangements.** The persons who ultimately must take responsibility for that failure include the secretary of DAFF as a Director of Animal and Plant Quarantine and the person who, under the Minister, is charged with the execution of the *Quarantine Act*, the Executive Director of AQIS and the Executive Manager of the Quarantine and Plant Programs within AQIS.

16.30 That such a measure was not being implemented within the quarantine station in August 2007 was the consequence of a number of acts and omissions on the part of various employees and officers of AQIS occurring at different levels of that organisation and over a period of time from at least 2003.

#### **Further Comment on Aspects of the Evidence**

8. The MFA adds that the seriousness of this failure is underscored by the obviousness of the risk of the disease being transported into the community and the serious consequences should that risk materialise. The evidence from several AQIS witnesses acknowledged the serious risk that this might occur and the catastrophic consequences that would follow<sup>9</sup>.
9. Any expectation that contractors, particularly non-medically qualified persons such as farriers, grooms and transporting personnel (including drivers) would observe quarantine procedures required that strict procedures be in place. If strict procedures were not formulated, recorded, communicated and enforced, the prospect of those adequate and proper procedures being observed was remote. Most of the contractors who attended at ECQS had little or rudimentary knowledge of any quarantine procedures. This is not surprising, as at

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<sup>9</sup> For example, Dr Martin acknowledged the huge cost to the Australian community should Equine Influenza escape in to the equine population: Transcript Day 28 Page 2981

no time was the detail of any procedures of any substance communicated to them:

- a. It is noted there has been no suggestion from any AQIS officer, either at the LTF at SCKS airport or at the ECQS that there had been any instances of non-compliance with quarantine procedures requested of those farriers and drivers;
  - b. Ms R. E Christesen (AQIS officer at ECQS) confirmed she was not making farriers aware of post arrival quarantine requirements during attendances at ECQS;<sup>10</sup>
  - c. By way of example, Mr S. K. Barlow (farrier) attended ECQS over a seven year period, prior to the EI outbreak, without at any stage being provided with any quarantine procedures or rules by any officer of AQIS.<sup>11</sup>
10. It is submitted that instances of the most serious failures by AQIS in relation to the implementation of effective quarantine procedures were:
- a. The failure to finalise the operating procedures formulated in draft in 2004 and to implement the same;
  - b. The failure by Mr Hankins at ECQS to act to remedy the situation after learning that staff were not operating pursuant to any particular work instruction or operating procedure to ensure that such instructions and/or procedures were designed, identified and implemented in a timely manner;<sup>12</sup>
  - c. The failure by Mr Ironside of the LAI programme in Canberra to design and provide instructions and operating procedures on being

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<sup>10</sup> T 1418 (lines 36 – 43).

<sup>11</sup> T 1795 (line 4 - 40) and T 1798 (line 42) – 1799 (line 3).

<sup>12</sup> T 1977 (line 21) – 1978 (line 6).

advised by Mr Hankins of the ECQS operating without reference to such instructions and procedures.<sup>13</sup>

**Comments of MFA to Recommendations by Counsel Assisting**

11. The MFA will make oral submissions in respect of specific recommendations.

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<sup>13</sup> Submissions Counsel Assisting [10.25] – [10.29].