

ACCC FORUM - EQUESTRIAN AUSTRALIA NOTIFICATION

SUMMARY

PULLMAN BRISBANE KING GEORGE SQUARE

14 OCTOBER 2015, 2pm

Introduction

Commissioner Sarah Court introduced herself and the ACCC staff present and welcomed everyone to the forum.

Commissioner Court made a number of her own observations about the notified conduct and concerns raised by parties in submissions:

- there is a real question as to whether the conduct notified by Equestrian Australia (EA) is third line forcing conduct. (Commissioner Court noted, that the forum would proceed on the basis that it is.)
- the notified conduct is contained in nature. In particular, the notification does not seek to impose a policy of mandatory Hendra vaccination, as many parties appear to claim. Rather, the notification would allow organising committees to exercise their discretion to require that horses are vaccinated against Hendra as a condition of entry to an event, after undertaking a risk assessment.
- there are a range of issues raised in submissions, which Commissioner Court summarised, in broad terms and in no particular order, as follows:
 - the cost and impact of the vaccine and boosters
 - the practical impact/imposition of six monthly boosters
 - adverse reactions to the vaccine and boosters resulting in parties not wanting to continue to vaccinate their horses and resulting in horses being excluded from equestrian events
 - whether there are less intrusive methods available that would equally reduce the spread of the virus
 - other equestrian bodies do not require horses to be vaccinated against Hendra
 - there is negligible risk of transmission at equestrian events
 - a range of allegations including alleged conflicts of interest involving vets, EA and Zoetis.

Commissioner Court then:

- advised that she would invite EA, as the notifying party, to provide a brief summary on its rationale for lodging the notification, before she handed over to individuals to discuss their concerns
- noted the presence of representatives of organisations including the Equestrian Vets Association (EVA) and Australian Pesticides and Veterinary Medicines Authority (APVMA), who would be able to respond to issues, if they wished to do so.

Grant Baldock (CEO, EA) said that:

- he agreed with Commissioner Court's interpretation of the contained nature of the notification
- EA does not have a mandatory vaccination policy and does not intend to implement one
- EA is responsible for sanctioning competitions and the rules in Australia for riders to gain qualifications to national and international events such as the Olympics and World Games
- EA has lodged the notification to ensure legal protection for members and individual event organisers to determine whether to impose a condition requiring vaccination at particular events, based on a risk management plan and their assessment of biosecurity risk.

Christiana de Chaeney said that the cost of the vaccine is not the most important issue. The most important thing is the health of horses and the owners' rights to choose how to keep them healthy.

Christine Lee said that she is concerned that it has been suggested that insurance premiums might increase. In this context, she

- queried how EA or organising committees would be liable if a Hendra incident occurred, on the basis it would be put in government hands
- said that Hendra is a disease and is not relevant to insurance. She understands that all club members would be covered unless the Hendra by-law was reinstated
- said that insurance premiums are unlikely to increase unless mandatory vaccination is reinstated, so that numbers of event participants fall and costs go up. She noted that, in this situation, people who have vaccinated will wear the increased costs.

Ms Lee also noted that:

- the exclusion of unvaccinated horses is a higher order risk management strategy
- Qld Health, DPI, Department of Agriculture, WH&S all specify that a biosecurity plan should include personal protective equipment (PPE), good hygiene, good procedures for isolating horses and other things. They may encourage vaccination but they do not say that it is essential
- equestrian horses represent only one tiny segment of the Australian horse population. She queried how vaccination of these horses would make a difference and noted that it would not control the disease.
- Hendra is low risk in the sense that it is not considered highly contagious. There is no evidence of horse to horse transmission
- owners are being asked to vaccinate every six months. This has caused damage to horses and owners and achieves nothing in the end.

Vanessa Cornish said that:

- organising committees would be covered by insurance, just as in the case of any other disease/illness
- Department of Agriculture guidelines state that it is important for organisations to implement a biosecurity plan. This includes nine steps but does not mention vaccination

- new biosecurity laws coming in next year. Organising committees need to do what is reasonable and practical to protect people at events.
- she is a member of an EA organising committee (Northern Districts Dressage Club). This committee has done a lot of work in considering what steps they need to take to protect people at their events, having regard to the WH&S and Biosecurity Queensland guidelines (which she addressed in detail)
- good biosecurity and hygiene are key. Vaccination is not a 'silver bullet'. No one vaccine can be 100% effective for all diseases all of the time in all animals
- over reliance on the vaccine may mean that other preventative measures would be overlooked/not taken seriously enough.

Donald Bridgeman (Silkbridge Warmblood) said that the biggest killer of humans at events is the horse, and the biggest killer of horses is humans. Horses kill more humans than Hendra with 3000 – 4000 people hospitalised each year from horse related injuries.

Brian Kennedy said that:

- he is also on an organising committee
- it is hard to understand why EA wants immunity to mandate vaccination when no government departments think it is necessary
- there are no proven cases of horse to horse transmission of the virus. Nor has there ever been an infection at any event (thousands of events over some 40 to 50 years). How can mandatory vaccination improve a 0% risk?
- how the virus is transmitted has not been proven. More research is needed
- for there to be a problem there needs to be a history of evidence of a risk factor and there aren't any. There is no risk
- PPE must be worn by vets when treating relevant horses – vaccinated or not
- vaccination may hide the symptoms of the disease. How can anyone know if a horse has the disease?
- EA claims they have lodged the notification at the request of a number of people on organising committees, but he is not aware that anyone has requested this.

Christine Lee said that:

- the condition would lock out competitors who are unwilling or unable to vaccinate their horses
- if vaccination is due at event time, a horse may not be able to compete due to the side effects/reactions, even where these are minor
- EA says it does not intend to introduce mandatory vaccination. EA has said this before. People do not believe that they will not resurrect the by-law requiring vaccination. There is a lack of trust
- it is not fair to penalise some competitors because of where they live
- some horses can't be vaccinated because of pre-existing conditions or reactions to the vaccine
- owners should get to make decisions about their own horses' health.

Saskia Kempener said that:

- she is also concerned that EA will reimpose the mandatory vaccination requirement if the notification stands
- if it is such an important issue, a risk assessment should have been done. Such an assessment has not been shared with EA members, despite requests to see it
- vets have to attend events, but there are only a limited number of approved vets. These vets will not attend where horses are unvaccinated, and therefore hold committees to ransom.

Vanessa Cornish said that, in response to concern about horses which are unable to be vaccinated, the previous EA by-law contained a provision that dealt with exceptions to the vaccination requirement which included that horses would be exempt if their titre levels were sufficient.

Naomi O'Farrell said that trust levels need to be improved. She provided 2 examples where parties had issues when seeking that their horses be exempt from vaccination under the previous by-law.

Ulrich Klatte said that he had entered horses in an event in Tamworth, but due to a late policy change requiring vaccination, they were not allowed to compete. The imposition of the vaccination requirement was supported by EA.

Gary Kairn (Harness Racing Australia) said that:

- HRA has a published policy under which vaccination is an owner's decision
- HRA deals with a mobile horse population. Event by event decision making could affect visiting horses
- there are also trade issues – difficulties in exporting vaccinated horses, as some countries will reject horses that have Hendra antibodies
- HRA considers that owners best understand the hygiene, health and stabling environment of their horses and are therefore best placed to make decisions about vaccination
- there is no risk of horse to horse transmission
- there should be strong PPE requirements for vets.

Jeffrey Wilkinson (Executive Director, Equine Veterinary Association) noted that:

- there are only three countries in the world that will not accept vaccinated horses: China, Malaysia and the United Arab Emirates
- he is not aware of many harness racing horses being exported to these countries anyway.

Lynette Kajewski said that:

- there is a longer list of countries that will not accept vaccinated horses
- need to consider the impact of vaccination on the export of horses. Would come back to the racing industry in terms of cost
- one rider who was up for Olympic selection but was unable to compete (at EKKA – a mandatory Hendra vaccination event) because the horse (worth millions of dollars) was not vaccinated. That is restrictive trade for the rider, in circumstances where the risk is low anyway

Gary Kairn (HRA) in response to comment about the low number of harness racing horses exported to China, UAE and Malaysia, noted that horses are exported to China and entry of three horses was prevented because they had been vaccinated for Hendra.

Peter Toft also noted that numerous harness racing horses have been exported to UAE.

Lloyd Raleigh said that:

- he competes in equestrian events, including residential events where he stays with horses
- there is no way for him to assess the risk to him of nearby horses. It may be only a small risk, but the outcome is very serious
- EA has the ability to mandate rules over many things to manage risk at events. For example, EA requires riders to wear helmets (even though the government does not)
- every event organiser has a duty of care to minimise risks at an event. Event organisers should be able, if they think there is a risk, to require vaccination.

Lynette Kajewski said that:

- event organisers can manage the risk – for example, by separating vaccinated and unvaccinated horses
- it is unfair to competitors if they can't compete or travel through countries because of vaccination
- vaccinated or not, horses can still be infectious and pass the virus on.

Vannesa Cornish said that:

- the ACCC has said that it will rely on the APVMA in terms of the vaccine's safety and efficacy. (She referred to statements on the vaccine's label.)
- the vaccine does not need to meet the same requirements as a human vaccine
- horses can still shed the virus
- a horse in a study she referred to was euthanased at day 8 and Ms Cornish queried whether it had had an opportunity to develop a full blown case of the virus.

Amanda Clifford:

- said that she owns horses and her children compete, but they were banned from competing recently because their horses cannot be vaccinated
- said that she would like to see EA's risk assessment, if it exists, and has been requesting it since the EA introduced the Hendra by-law in 2014. She asked if the ACCC has seen it. She asked where are the experts who say that the risk is too high unless EA moves to mandatory vaccination
- asked how biosecurity measures/prevention measures would be different at a event requiring vaccination compared to one where it was not required.

Dawn Blackwell said that she has two main concerns:

1. Hendra is not an airborne disease but rather is spread by copious amounts of bodily fluids. Therefore if horses are vaccinated there may be a high level of complacency about other diseases. There should be a requirement that you don't touch any horses other than your own
2. there is already a situation where horses are suffering/dying because vets will not treat them because they are not vaccinated. She does not believe that EA will not

make vaccination mandatory in the future. This will also put pressure on the industry more generally and more vets will refuse to treat unvaccinated horses if this policy is given more weight by the notification.

Nathan Anthony (President, EVA) said that:

- the EVA supports EA's notification for organising committees to decide whether to require vaccination at particular events
- vaccination is available from over 1200 vets around Australia. These vets are free to set their own vaccination fees
- there has been lots of discussion about the level of risk, but just because there has never been an Hendra incident at an event does not mean that there is no risk. Government agencies, including AVA, DPI, Queensland Health, WH&S Queensland have come to the opinion that a horse at an equestrian event could become ill at a multiple day event or could be sick on arrival
- people 'live' with their horses at these events. For example, they often sleep in floats/trucks which have not been adequately sanitised and prepare food near horses.
- Hendra is a rare disease with only seven people infected, four of whom died. However, there have been 60 spill over events since 1994, three quarters of which have occurred in the last 5 years. It is not a rare event for a vet to treat a horse with Hendra
- last year 6 people had sufficiently high exposure to Hendra affected horses to be treated with experimental drugs in hospital. None of these people were vets
- biosecurity protocols/management plans provide a minimum standard, whether vaccination is required or not. It is indisputable that including vaccination gives a higher level of protection. The opinion of all key government agencies is that vaccination against Hendra is the single most effective way of reducing the risk of Hendra infection. There is a significant public health benefit to vaccination
- There are currently three WH&S actions against vets in respect of Hendra management. Vets cannot insure against fines or legal fees if they lose these kinds of cases
- some event organisers have obligations under the same legislation. Event organisers should be able to mandate vaccination if their risk assessment warrants it and they want to do it
- studies by Deborah Middleton and the CSIRO have not shown evidence of vaccinated horses shedding the virus
- it is a fact that no vaccine is 100% effective, but when you compare this vaccine to other vaccines administered to horses, it is a particularly effective one
- in relation to exemptions – the protective level of titre has been researched by Deborah Middleton and has been set at 16 on the basis of that research
- the effect of vaccination on the 'national herd' is not relevant. Vaccination is about protecting people rather than horses. If it was only an issue of horse health, there would probably not even be a vaccine
- claims that vets are holding guns to the head of organising committees are not true
- confirmed that only China, UAE and Malaysia will not directly accept Hendra vaccinated horses. Noted that indirect entry into these countries via residency in third countries may be possible, but expensive

- he is an FEI accredited vet and one of four vets to the Australian Olympic equestrian team and can confirm that vaccination would not have limited any horse attending at the World Equestrian Games or in Rio next year.

Amanda Clifford queried how the risk increases with longer events and where horses are in closer proximity.

Dr Peter Reid (in response to Ms Clifford's question) said that:

- he is an equine vet with clinical experience of Hendra since 1994. He was the AVA representative on the Queensland Hendra Virus Interagency Technical Advisory Board which developed the *Hendra Virus Infection Prevention Advice* so has some technical expertise
- he would like to make two points:
 1. it is a myth that the virus cannot be transmitted from horse to horse
 2. infection occurs by small droplets. The longer you are in contact with an infected horse, the greater the chance of infection via these droplets.

Christiana de Chaeney said that:

- most people at the forum would not agree with Dr Anthony's assessment of the risks/benefits of vaccination, as they have personally observed adverse reactions
- adverse reactions are often not reported
- government bodies only say that vaccination is a good thing, but even in saying this they do not take into account adverse reactions
- vets are being sued because they didn't use appropriate PPE. Why should horse owners risk the health of their horses because vets are not using appropriate equipment/acting appropriately?

Sharon Bridgeman said that:

- she empathises with vets. They are a group at high risk of zoonosis. They should use PPE to protect themselves from risk. No vet should have to suffer for treating animals
- she is an acupuncturist and must take precautions with every patient. A similar approach is needed here.
- if nothing else increased awareness of PPE would be a good thing.

Carole Lok said that:

- she owns a horse on the Queensland elite squad
- her horse had a severe reaction to the Hendra booster and she will not vaccinate her horse again. However, they need to attend certain events to qualify for other events. However, her horse is a valuable riding and breeding mare and she is not prepared to take the risk. She will no longer be a member of EA
- she spent \$34 000 on the care of her horse last year just on competing. People withdrawing from competitions will have a flow on effect to the rest of the economy.

Dr John Glazebrook said that:

- he is an equine vet. He attended a Hendra incident a few years ago where three horses housed in close proximity died, as did the treating vet

- the closer the proximity to an affected horse, the greater the risk of transmission. Owners and vets are particularly at risk, given their physical closeness to horses
- this is a very serious issue.

Alan Norden (APVMA) said that:

- this has been a good conversation and he had learnt a lot from listening to peoples' views
- in deciding whether to register a vaccine, the APVMA makes an assessment based on the research provided and materials presented by the company. The APVMA does not make decisions on what products would be desirable in the market. It simply assesses the products that are presented to it
- the information given to APVMA shows that the vaccination should be six monthly. However Zoetis is in discussions with the APVMA about what can be done to extend this period
- he encouraged parties to continue to report adverse reactions to this product (and other products) to the APVMA
- the APVMA does not apply a zero risk when assessing registration, but must be satisfied to a certain level that the product is both safe and effective
- there is great difficulty in generating the data in relation to this vaccine, because of the nature of the disease. This is a challenge for the APVMA when considering products.

Lynette Kajewski said that other horse events put horses in closer proximity to each other and people than equestrian events, yet those organisations are not concerned about Hendra like EA.

Kent Wells (Queensland Horse Industry Alliance) said that:

- he supports/encourages vaccination by individual owners. He does not support mandatory vaccination at events
- he encourages event organisers to talk to vets to decide a plan for that event.
- mandatory vaccination will significantly reduce the number of horses coming to events. This will have an economic impact
- there is a need to educate the whole industry. EVA needs to promote PPE more to its membership. There needs to be biosecurity plans at home and at events
- mandatory vaccination at events will not stop incidents.

Amanda Clifford said that:

- work place health and safety rules require vets to take precautions when treating potentially affected horses. Any threat of prosecution comes from failure to follow procedures rather than relating to vaccination
- government agencies are supporting owners to make their own decisions. They are not saying that vaccination should be mandatory. If the notification stands this choice will be taken out of their hands
- in relation to the incident referred to by Dr John Glazebrook, queried whether there was evidence to show that the two other horses were not infected from the original source.

Melinda Rechichi said that:

- she is a member of Equestrian Queensland
- many owners would vaccinate if they knew the vaccine was safe, but six monthly boosters means that horses are over vaccinated
- there is a conflict of interest, with it being in the vets' best interest, financially, to vaccinate.

Celia Dodd said that:

- she is a horse owner, FEI approved vet, event organiser and rider
- what is being missed is that EA is not suggesting vaccination is required for every event
- as a vet, she knows both sides of the story and chooses to vaccinate her own horses
- if she has vaccinated her own horse, she should not have to be at risk of being infected by nearby unvaccinated horses at an event
- owners have a duty of care to vets attending their property to make sure that the property is safe. Owners can choose not to vaccinate their horse but as a vet it is also her choice whether or not to treat an unvaccinated horse (although she has not chosen not to treat an unvaccinated horse)
- biosecurity measures and PPE have their place, but vaccination is by far the best option
- event organisers need to be able to make decisions about their own events. There are events where it is appropriate to require vaccination
- in 2011, an event was cancelled because the risk of holding it was too high. Vaccination against Hendra was not available at that time
- an owner can choose whether or not to vaccinate their horse, but that choice should not be inflicted on others. An owner can choose not to attend an event if they do not want to vaccinate their horse
- she would support extending the duration of vaccination
- vets make limited money from vaccinating horses. Vets are trying to ensure that people are safe. They are not just here to make money
- People say there is a low risk of infection, but should understand that when it happens to you, it is very, very real.

Peter Reid:

- queried whether there would be these kinds of public submissions if we were talking about the vaccination of children
- noted that biosecurity is too important to be compromised by competition legislation.

Peter Sinclair had a question for Dr Anthony, being whether, since the notification, he has treated any unvaccinated horses without using PPE.

Dr Anthony agreed to answer Peter Sinclair's question and said:

- he will see any sick horse in the field and will wear full PPE if the horse has particular symptoms

- at his hospital, there is not a blanket requirement of vaccination, but the hospital will not admit horses which are showing relevant symptoms
- as a vet, he is more worried about owner safety than his own risk of infection
- managing the risks around a sick horse at an event is challenging, given that there are lots of people around, lots of horses and a general lack of hygiene (with people 'living with' their horses). The vet needs to isolate the horse, identify all in contact horses and isolate them and then notify all people who have been involved. All this must be maintained for a day or two until the Hendra test results come back
- there are no clinical signs of the Hendra virus and infected horse can have a diverse range of symptoms, any sick horse could potentially have Hendra. Vets need to assume a horse has Hendra unless there is evidence to contrary.

Lynette Kajewski said that:

- she works as a nurse and is aware that, while today the concern is Hendra, tomorrow it could be something else
- it is important to look at event management. Systems can be developed to manage the risk and this is what we should be looking at. For example, notification, identification, isolation are all important. Everyone is more educated now.

Brian Kennedy said that:

- there have been no infections when appropriate PPE has been used
- vets need to make sure that they are looking after themselves
- vaccination at EA or any other events should never be forced.

Conclusion

Commissioner Court brought the forum to an end. She thanked everyone for attending and advised that:

- the ACCC will prepare a high level summary of the issues raised, a copy of which will be provided to all participants
- the ACCC will consider the issues raised today, as well as the written submissions provided, in making a decision
- participants should feel free to provide any further information if they so wished within the next seven days
- she would convey views raised during the forum to the other ACCC Commissioners.

The forum concluded at approximately 4.10pm.