To Whom it may concern,

I am writing to you today to express my concerns over EA’s application requesting permitted use of third line forcing.

EA is Australia’s national body overseeing equestrian sports, they control events and impose rules which affect both human and equine competitors. As our national body, they are leaders and their influence trickles through the equine community, who often follow suit. This is usually a good thing as it gives the equine community some continuity, however I am greatly concerned that the current push to mandate compulsory Hendra vaccinations.

I am greatly concerned that the only interest to be served should the ACCC grant this application is Zoetis (Pfizer).

From a OH&S perspective, the risk is negligible. Given that around 100 horses have been know to be infected and from those cases there have been 7 humans affected which has resulted in 4 deaths. These human deaths occurred when the virus was first discovered and transmission paths were unknown. Diagnostic procedures involving contact with copious amounts of the patients bodily fluids without PPE is for the most part responsible for the human infections. As members of the public, volunteers and the majority of competitors are highly unlikely to come into contact with the bodily fluids of a sick equine I dont believe them to be at risk. It is disingenuous to suggest that vets as trained professionals are at risk as they understand PPE requirements and are able to properly protect themselves in the unlikely case of an outbreak.

There has never been an outbreak of Hendra at any equine event, equine events run in very state every day of the year and to date not one single event has been affected. While this is no guarantee that it will not happen, it does set a precedent that indicates how unlikely this is. If I may also note that horse racing has not introduced such a policy and this is an industry that employs many more personnel and involves much greater numbers of horses.

Concerns over insurance premiums rising are unfounded, as the risk has not changed due to a vaccine. At around $180 twice a year per competing horse (this number will be greater than members as most members have more that one ride) seems a little extreme to offset a potential rise in insurance.

Horses have been travelling interstate since before Archer won the Melbourne cup, and to date not one equine has transmitted this virus to another area. Give the very low infection rate in horses 100 horses over a 20 year period there is an even smaller chance of this virus being transmitted to another area.

While the vaccination has now been approved, however this doesn’t mean it is fully tested. Appendix 2 of the Hendra Vaccine label sets out that the vaccine may not stop horses shedding the virus, and its effect on breeding stock is not known. As a competition stallion and mare owner, I am left with no choice, either I vaccinate and potentially risk my horses breeding future or I stop them competing, or only send out geldings. There is of course a 3rd option which is to go racing which is beginning to look appealing.

EA is the governing body of our Olympic athletes and we are forcing them to vaccinate risking a loss of form - and in some cases death of our equine athletes to mitigate a possible insurance increase or to protect personnel from a risk that is tiny (< .0001).

I am appealing to the ACCC to consider whether this application is really in the public interest, or perhaps there is a background push by a very big drug company to recoup their investment.

Warm Regards
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au  

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please  

Dear Mr Chadwick,  

PUBLIC CONSULTATION SUBMISSION - AGAINST EQUESTRIAN AUSTRALIA (EA)  
NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST  

I wish to take part in the Public Consultation process regarding the EA Notification application which conferred immunity on EA for exclusive dealing third line forcing on 13 August 2015 and which permits EA to prescribe mandatory Hendra (Hev) vaccination at equestrian events. This is my second submission as the first one was hurried and did not meet ACCC protocols and I received no notification it was accepted.  

For the following reasons, I strongly believe that mandatory HeV vaccination is not in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.  

My reasons for making this submission are as follows:  

One of my concerns is that Equestrian Australia (EA) are the only body that offers high level competition, to riders. If your pursuing Olympic selection it is the only pathway available to you. This very real lack of competition means we vaccinate or we move out of high level equine activities. These activities include the Olympic disciplines of Dressage, Show Jumping, Eventing & Para Equestrian, along with Carriage Driving, Reining, Vaulting, Show Horses, Interschool (junior riders), and Endurance. There no other equine pursuits left, apart from horse racing.  

While the vaccine is approved it is not fully tested and breeding stock are most at risk. As a horse breeder and stallion owner, I am concerned about this. Our breeding stock need to be performance tested in order to prove their breeding worth, but to do this we have to risk a breeding future.  

As a performance horse enthusiast I have to wonder why EA is the only national body subjecting competitors to this. All codes of horse racing are not following this path, they would expose far more people on any given race day compared with a EA comp which have low spectator numbers, excluding the big events. Neither the Queensland DPI or Worksafe recommend mandatory vaccinations - why then for elite competitors. There is a miniscule risk with around 100 horses and 7 persons contracting this virus in 20 years. Not only is it difficult to catch, it is difficult to
transmit, and we know with PPE, and good hygiene this virus is contained. Could this is why government has not mandated on vaccination?

Given there is a very big Pharmaceutical company with a investment to recoup we are concerned that offers of donations or gifts may be a reason for this push by EA. The membership is against this and EA have gone to extraordinary lengths to try enforce this decision.

I am greatly concerned that the only interest to be served should the ACCC allow the decision to granting EA immunity stand is Zoetis (Pfizer).

On these grounds, I therefore strongly urge the ACCC to revoke the immunity granted by the ACCC to EA for this form of exclusive dealing.

Yours sincerely,

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@acc.gov.au

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please

Dear Mr Chadwick,

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (Hev) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

- Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes many millions of people to contracting Hendra each and every time they attend a race meeting? Cordonning off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.

- The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc. and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000's of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.

- I am already unable to take my valuable team of show horses to certain events and equine competitions by virtue of the fact I refuse to vaccinate them, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational &
competitive horse industry.

- many vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood for Hendra testing & await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary invasive treatment. If blood is taken on a Friday afternoon, it can be Tues/Wed before results are known. Colic can & does kill within hours.

- the negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events, or races, ever) whereas the risks of horses having violent & often deadly reactions are increasing by the day as more are vaccinated, and more particularly upon receiving their 3rd & onwards booster. It must not be overlooked that violent adverse reactions & death have occurred even after the initial vaccine.

- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

- With this vaccine clearly being unpredictable in the way it reacts to individual horses/ponies & not 100% effective against the Hendra virus, the decision to vaccinate should be left to the owner of the animal & not a group of people who have no personal dealing with that animal.

- The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA: http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely,

Private & Confidential - Name, Phone Number or Email Address NOT For Publication please.
Dear Mr Chadwick,

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (Hev) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

*Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes many millions of people to contracting Hendra each and every time they attend a race meeting? Cordoning off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.

*The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc. and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.

*Adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000's of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.

*I am already unable to take my valuable show horses to certain events and equine competitions by virtue
of the fact I refuse to vaccinate them with the current Hendra Vaccine, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational & competitive horse industry.

*Many vets are refusing to treat unvaccinated horses. This conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood for Hendra testing and await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary treatment. If blood is taken on a Friday afternoon, it can be Tues/Wed before results are known. Colic can & does kill horses within hours.

*The negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events, or races, ever) whereas the risks of horses having violent and often deadly reactions to the current Hendra vaccine are increasing by the day as more are vaccinated, and more particularly upon receiving their 3rd and onwards booster. It must not be overlooked that violent adverse reactions and death have occurred even after the initial vaccine has been given.

*The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

*No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g; The Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

*The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA: http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to object to EA's Notification and prevent immunity for this form of exclusive dealing from being conferred on EA, and then the horse owning population in general.

Yours sincerely,
Private & Confidential - Name and Email Address NOT For Publication Please
Dear Mr Chadwick

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N88418 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing that line forcing by permitting mandatory Hendra (HNV) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HNV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

INSERT YOUR GROUNDS HERE - SEE LIST OF EXAMPLES BELOW OF POSSIBLE GROUNDS TO INCLUDE. COPY OR AMEND WHICH ARE NOT EXHAUSTIVE. PLEASE SELECT WHAT YOU BELIEVE IS RELEVANT. WE ARE NOT DICITATING WHAT YOU SHOULD WRITE. ONLY PROVIDING AND HIGHLIGHTING POSSIBLE SUGGESTIONS.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely
Dear Mr Chadwick,

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) EXCLUSIVE DEALING NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above above EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in the exclusive dealing conduct of third line forcing by requiring mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory Hendra vaccination is in the public interest, and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis)

- I am already unable to take my valuable team of show horses to certain events and equine competitions, and this will extend to further Associations & Show Societies if mandatory HeV vaccination is required,

- vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted – I recently had 2 occasions within a week whereby 2 of my show horses required a vet. It is virtually impossible to locate a Vet who will attend and treat a horse with colic and I believe many horses are dying because Vets MAY attend but they will only take blood for Hendra testing & await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary invasive treatment.

- HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that a vaccinated horse may not pass on the virus anyway, in which case, what is the purpose of mandating vaccination without such certainties?
- the negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events ever) as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine

- I believe there may well be a conflict of interest relating to several Committee Members of EA and Zoetis.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely,

[Redacted] (NOT for publication)

[Redacted] (NOT for publication)

[Redacted] (Not for publication)

[Redacted] (Not for publication)
From:                      
Sent: Monday, 10 August 2015 11:05 AM
To:                        
Subject: SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION
                         APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST
Categories:   Forwarded, Submission

10/08/2015

Mr Richard Chadwick

General Manager of Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601
C/- email address: adjudication@accc.gov.au

Dear Mr Chadwick

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (Hev) vaccination to be prescribed at equestrian events.
I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct:

1) I am unwilling to attend (and/or organise) equine competitions if mandatory HeV vaccination is required based on the fact that there is such a low risk of Hendra being caught at an event (and the fact that it has never happened in the history of equestrian events ever) as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine.

2) HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that
a vaccinated horse may not pass on the virus anyway, in which case, I would prefer to know that my horse is ill and take appropriate precautions and action. What is the purpose of mandating vaccination without such certainties?

3) The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

4) The ACCC should not consider that the Notification application to them is on behalf of EA’s members. In fact the members were not consulted regarding this application.

5) There have never been any recorded incidences of transmission of Hendra virus from horse to human during normal day to day contact. The only documented human infections were found to have been as a result of bad hygiene and workplace health & safety practices whilst performing invasive procedures on infected horses. Please refer to the Redlands Report; http://www.vsb.qld.gov.au/rvc-investigation-report.pdf and the Ombudsman’s Report; http://www.ombudsman.qld.gov.au/.../Hendra_Virus_Report.

6) There have been no documented cases of horse to horse transmission of Hendra virus. The only case of multiple horses in the one area contracting Hendra, was the Redlands Clinic incident, and the spread of the disease was ascertained to have most likely been due to human intervention via the use of uncleaned and un-sterilised equipment on multiple horses.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely

Name and contact details to be kept confidential please
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please

Dear Mr Chadwick,

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

- Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes millions of people to contracting Hendra each and every time they attend a race meeting? Cordonning off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.

- The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc, and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000’s of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.

- I am already unable to take my valuable team of show horses to certain events and equine competitions by virtue of the fact I refuse to vaccinate them, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational & competitive horse industry.

- many vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood for Hendra testing & await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary invasive treatment. If blood is taken on a Friday afternoon, it can be Tues/Wed before results are known. Colic can & does kill within hours.

- the negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events, or races, ever) whereas the risks of horses having violent & often deadly reactions are increasing by the day as more are vaccinated, and more particularly upon receiving their 3rd & onwards booster. It must not be overlooked that violent adverse reactions & death have occurred even after the initial vaccine.

- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.; the Department of...
Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

- The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA; http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely,

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please
11 August 2015

Mr Richard Chadwick
General Manager of Adjudication
Australian Competition and Consumer Commission GPO Box 3131 CANBERRA ACT 2601 c/-email address: adjudication@acc.gov.au

Dear Mr Chadwick

RE: SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly request against the granting of Notification to EA, which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing, by permitting mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I wish to strongly state that I do not believe that mandatory HeV vaccination is in the public interest, and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

Such a proposal will decimate the equine industry, in particularly in the area of competitions, which at the moment is increasing in participants yearly.

A case of Hendra, has never been reported at an EA event.

If the racing industry is not adopting this mandatory vaccination, why should EA?

Many, many horses have reacted very badly to this vaccine, in varying degrees, many can't be ridden anymore, and many have been put down because of ongoing health issues since vaccinations.

What elite horserider would want to risk the very possible chance of their very expensive horse becoming unrideable, or needing to be put-down, because of a mandatory vaccine that many people believe should be a 'choice'? Some of our elite riders are speaking out about this with lots of valid concerns. Many would consider re-locating to another country, which would be a real shame.

On these grounds, and the many other grounds that many people are putting forward, I therefore strongly urge the ACCC to object to EA's Notification, and prevent immunity for this form of exclusive dealing from being conferred on EA.

your sincerely
Would you please keep my details CONFIDENTIAL
Mr Richard Chadwick
General Manager of Adjudication
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601
C/- email address: adjudication@accc.gov.au

Dear Mr Chadwick

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notifed conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

- It would result in us not being able to attend equine competitions if mandatory HeV vaccination is required, thus affecting our business Wilkens Estate Performance Horses. We compete to campaign and sell stock, some of these go on to be breeding stock and most are of high value. By forcing mandatory Hendra vaccination it cuts us out of the market and makes our business unsustainable. We live in a very low risk area and vaccinating would be a high risk venture for our stock - due to side effects, and remains very expensive!

- vets are refusing to treat unvaccinated horses in some areas, which conduct may increase if immunity to third line forcing is granted. There has been some dishonest behaviour from some vets and some blatant profiteering at the expense of horses. Vets in our area (Orange Vet Hospital) are placing fear in the community and using strong encouragement to increase vaccination numbers when we are in a very low risk area.

- HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that a vaccinated horse may not pass on the virus anyway. In which case, what is the purpose of mandating vaccination without such certainties?

- the low risks of Hendra being caught at an event (and the fact that it has never happened in the history of equestrian events ever) as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine
- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely

[Redacted]

Please keep my details confidential.
11 August 2015

Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au

Dear Mr Chadwick

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

As a owner of 4 horses which have been vaccinated against the Hendra virus, I feel compelled and obliged to comment. On the 3rd vaccination, 1 of my horses became extremely depressed, would/could not move nor eat for over 24 hours. Treatment with Bute was advised and she did recover. I reported this to Zoetis and my vet. Zoetis said I must have a vet administer antihistamines prior to the next booster and Bute for a week prior, my vet advised to stretch out the booster to as close to 12 months as possible. Another of my horses developed Laminitis around this time which was rather suspicious as at age 15 he had never showed any signs or symptoms of this previously (owned since age 4) and not particular change in circumstances.

In addition:

- HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that a vaccinated horse may not pass on the virus anyway, in which case, what is the purpose of mandating vaccination without such certainties?
- The low risks of Hendra being caught at an event (and the fact that it has never happened in the history of equestrian events ever) as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine.
The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

The risk of reaction for the HeV vaccine increases exponentially due to the requirement for boosters to be administered every six (6) months, as currently stipulated by the APVMA. My own horses have experienced adverse reactions to the HeV vaccine which now leaves them unable to continue the vaccination program and thus would be ineligible to compete in a proposed Hendra Mandatory event.

There have never been any recorded incidences of transmission of Hendra virus from horse to human during normal day to day contact. The only documented human infections were found to have been as a result of bad hygiene and workplace health & safety practices whilst performing invasive procedures on infected horses. Please refer to the Redlands Report: http://www.vsb.qld.gov.au/rvc-investigation-report.pdf and the Ombudsman’s Report; http://www.ombudsman.qld.gov.au/.../Hendra_Virus_Report....

There have been no documented cases of horse to horse transmission of Hendra virus. The only case of multiple horses in the one area contracting Hendra, was the Redlands Clinic incident, and the spread of the disease was ascertained to have most likely been due to human intervention via the use of uncleaned and un-sterilised equipment on multiple horses.

EA seeks to usurp the right of the owner to decide what is in the best interests of their horses health.

EA board members have previously been found to have vested interests in the AVA, EVA and Zoetis which were not in keeping with their elected positions, and sort to mandate vaccination for all EA events without consultation with their members whilst the vaccine was under a Minor Use Permit.

The more common adverse reactions known to occur with the vaccine, leading to localised swelling and stiffness, lethargy and inappetence would leave many owners being unable to compete their horses at critical times thus unfairly eliminating them from events where they had a fair expectation of competing successfully.

The more severe reactions that have been experienced can lead to long term severe and costly health issues and even death. This would be extremely detrimental to the owners who have invested considerable time, money and effort into their horses.

Members of the horse community are currently experiencing incidences of veterinary practices refusing to treat unvaccinated horses. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity.

The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA; http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely
(I would prefer my details be kept confidential)
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission GPO Box 3131 CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au  

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please  

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I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.  

My reasons for making this submission are as follows:  

- Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes many millions of people to contracting Hendra each and every time they attend a race meeting? Cordon off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.  

- The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc. and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.  

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000’s of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.  

- I am already unable to take my valuable team of show horses to certain events and equine competitions by virtue of the fact I refuse to vaccinate them, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational & competitive horse industry.  

- many vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood
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- the negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events, or races, ever) whereas the risks of horses having violent & often deadly reactions are increasing by the day as more are vaccinated, and more particularly upon receiving their 3rd & onwards booster. It must not be overlooked that violent adverse reactions & death have occurred even after the initial vaccine.

- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

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- Why are other animals allowed to compete ie cattle etc at shows with no proof of any vaccination nor restrictions from the general public. These animals can also pass diseases on to the general public ie Q Fever, Leptospirosis.

- As a committee member of a local showjumping club if mandatory vaccinating was enforced, the costs to the club and time involved etc would be a nightmare. We struggle to get volunteers now, let alone making it more costly and harder for clubs. Not to mention the fact that in our area, it would not be worth holding any events, therefore no need for clubs to exist.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely,

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I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct:

1) I am unwilling to attend (and/or organise) equine competitions if mandatory HeV vaccination is required based on the fact that there is such a low risk of Hendra being caught at an event (and the fact that it has never happened in the history of equestrian events ever) as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine.

2) HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that a vaccinated horse may not pass on the virus anyway, in which case, I would prefer to know that my horse is ill and take appropriate precautions and action. What is the purpose of mandating vaccination without such certainties?

3) The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

4) The ACCC should not consider that the Notification application to them is on behalf of EA’s members. In fact the members were not consulted regarding this application.
5) There have never been any recorded incidences of transmission of Hendra virus from horse to human during normal day to day contact. The only documented human infections were found to have been as a result of bad hygiene and workplace health & safety practices whilst performing invasive procedures on infected horses. Please refer to the Redlands Report; http://www.vsb.qld.gov.au/rvc-investigation-report.pdf and the Ombudsman’s Report; http://www.ombudsman.qld.gov.au/.../Hendra_Virus_Report.

6) There have been no documented cases of horse to horse transmission of Hendra virus. The only case of multiple horses in the one area contracting Hendra, was the Redlands Clinic incident, and the spread of the disease was ascertained to have most likely been due to human intervention via the use of uncleaned and un-sterilised equipment on multiple horses.

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

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[Name and contact details to be kept confidential please]
Mr Richard Chadwick  
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My reasons for making this submission are as follows:

- Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes many millions of people to contracting Hendra each and every time they attend a race meeting? Cordonning off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.

- The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc. and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000's of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.

- I am already unable to take my valuable team of show horses to certain events and equine competitions by virtue of the fact I refuse to vaccinate them, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational & competitive horse industry.

- many vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood for Hendra testing & await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary invasive treatment. If blood is taken on a Friday afternoon, it can be Tues/Wed before results are known. Colic can & does kill within hours.
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- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

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[Redacted]

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First, copy & paste ACCC's email address into the address bar of a NEW email, namely adjudication@accc.gov.au

Now, copy & paste the text below into the body of an email - review the dot points making sure they are applicable to you, add or delete as you see fit and add your own personal experience, if any, with adverse reactions.

Before hitting "Send" be sure have put your name & contact details at the end!!!

Mr Richard Chadwick
General Manager of Adjudication
Australian Competition and Consumer Commission GPO Box 3131 CANBERRA ACT 2601
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Yours sincerely,

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please

[Redacted]
From: Saturday, 15 August 2015 7.39 PM
Sent: Adjudication
To: Hendra Vaccine
Subject: 

Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au

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Dear Mr Chadwick,  
PUBLIC CONSULTATION SUBMISSION - AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST  
I wish to take part in the Public Consultation process regarding the EA Notification application which conferred immunity on EA for exclusive dealing third line forcing on 13 August 2015 and which permits EA to prescribe mandatory Hendra (Hev) vaccination at equestrian events.

For the following reasons, I strongly believe that mandatory HeV vaccination is not in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

1. The risk of reaction for the HeV vaccine increases exponentially due to the requirement for boosters to be administered every six (6) months, as currently stipulated by the APVMA. My own horses have experienced adverse reactions to the HeV vaccine which now leaves them unable to continue the vaccination program and thus would be ineligible to compete in a proposed Hendra Mandatory event.
2. There have never been any recorded incidences of transmission of Hendra virus from horse to human during normal day-to-day contact. The only documented human infections were found to have been as a result of bad hygiene and workplace health & safety practices whilst performing invasive procedures on infected horses. Please refer to the Redlands Report; http://www.vsb.qld.gov.au/rvc-investigation-report.pdf and the Ombudsman’s Report; http://www.ombudsman.qld.gov.au/.../Hendra_Virus_Report....
3. There have been no documented cases of horse to horse transmission of Hendra virus. The only case of multiple horses in the one area contracting Hendra, was the Redlands Clinic incident, and the spread of the disease was ascertained to have most likely been due to human intervention via the use of uncleaned and un-sterilised equipment on multiple horses.
4. EA seeks to usurp the right of the owner to decide what is in the best interests of their horses health.
5. EA is not a veterinary organisation and cannot perform “recommended” health assessments on horses prior to vaccination.
6. EA does not have the ability to assess individual horses to ensure they fall within the acceptable criteria documented by the APVMA to ensure horses are suitable for vaccination.
7. EA has not consulted with its members on its aforementioned application to ascertain their wishes.
8. EA board members have previously been found to have vested interests in the AVA, EVA and Zoetis which were not in keeping with their elected positions, and sort to mandate vaccination for all EA events without consultation with their members whilst the vaccine was under a Minor Use Permit.
9. The ongoing costs associated with this vaccine would prevent many from being able to continue in the sport.
10. The more common adverse reactions known to occur with the vaccine, leading to localised swelling and stiffness, lethargy and inappetence would leave many owners being unable to compete their horses at critical times thus unfairly eliminating them from events where they had a fair expectation of competing successfully.
11. The more severe reactions that have been experienced can lead to long term severe and costly health issues and even death. This would be extremely detrimental to the owners who have invested considerable time, money and effort into their horses.

12. Members of the horse community are currently experiencing incidences of veterinary practices refusing to treat unvaccinated horses. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity.

13. The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA;http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to revoke the immunity granted by the ACCC to EA for this form of exclusive dealing.

Yours sincerely,

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601  
C/- email address: adjudication@accc.gov.au

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please

Dear Mr Chadwick,

SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (Hev) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

My reasons for making this submission are as follows:

- Why would this be permitted to be allowed in the competitive/hobby equine industry yet the Racing Industry exposes many millions of people to contracting Hendra each and every time they attend a race meeting? Cordonning off stable areas etc will have no effect as horse saliva, sneezing, snorting, urine & faeces can easily become airborne.

- The vast majority Race horse breeders, stables & trainers alike refuse to vaccinate their breeding mares and stallions, and very rarely their geldings, as we horse owners know only too well the number of unrecorded deaths & permanent maiming of vaccinated horses, their newborn foals etc. and the deaths of horses that have occurred as a result of Veterinary Surgeons refusing to treat unvaccinated horses, albeit unvaccinated race horses are indeed treated.

- adverse reactions and equine DEATHS from this vaccine have been experienced in very high numbers with, I believe, only a small proportion of those being duly reported to the statutory authority (as opposed to the manufacturer, Zoetis). There have been known cases of Vets declining to report reactions based solely on their opinion and I have no doubt they have failed to report many 1,000's of adverse reactions based on their desire to see a marked increase in uptake of this proven unsafe vaccine.

- I am already unable to take my valuable team of show horses to certain events and equine competitions by virtue of the fact I refuse to vaccinate them, and this will extend to further Associations & Show Societies all over Australia if mandatory HeV vaccination is required, thereby decimating the recreational & competitive horse industry.
- many vets are refusing to treat unvaccinated horses which conduct may increase if immunity to third line forcing is granted. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity. I believe many horses are possibly dying already because Vets MAY attend, but they will only take blood for Hendra testing & await the result before agreeing to actually treat an unseen illness, or wound etc. Therefore, in the case of colic, chances are extremely high that the horse will die a very long and agonising death due to lack of necessary invasive treatment. If blood is taken on a Friday afternoon, it can be Tues/Wed before results are known. Colic can & does kill within hours.

- the negligible risks of Hendra being contracted at an event (and the fact that it has never happened in the history of equestrian events, or races, ever) whereas the risks of horses having violent & often deadly reactions are increasing by the day as more are vaccinated, and more particularly upon receiving their 3rd & onwards booster. It must not be overlooked that violent adverse reactions & death have occurred even after the initial vaccine.

- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions, especially without consulting its paying membership numbering in the many thousands!

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions

- The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA: http://apvma.gov.au/node/12881.

On these grounds, I therefore strongly urge the ACCC to object to EA's Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely,

[Name Redacted]

Private & Confidential - Name, Phone Number or Email Address NOT For Publication Please
Mr Richard Chadwick  
General Manager of Adjudication  
Australian Competition and Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

Dear Mr Chadwick  
RE: SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) EXCLUSIVE DEALING NOTIFICATION APPLICATION NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST

With reference to the above EA application I wish to make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in the exclusive dealing conduct of third line forcing by requiring mandatory Hendra (HeV) vaccination to be prescribed at equestrian events.

I do not believe that mandatory Hendra vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct. My reasons for this are as follows;

1. The risk of reaction for the HeV vaccine increases exponentially due to the requirement for boosters to be administered every six (6) months, as currently stipulated by the APVMA.
2. There have never been any recorded incidences of transmission of Hendra virus from horse to human during normal day to day contact. The only documented human infections were found to have been as a result of bad hygiene and workplace health & safety practices whilst performing invasive procedures on infected horses. Please refer to the Redlands Report: http://www.vsb.qld.gov.au/rvc-investigation-report.pdf and the Ombudsman’s Report: http://www.ombudsman.qld.gov.au/.../Hendra_Virus_Report....
3. There have been no documented cases of horse to horse transmission of Hendra virus. The only case of multiple horses in the one area contracting Hendra, was the Redlands Clinic incident, and the spread of the disease was ascertained to have most likely been due to human intervention via the use of bad basic hygiene and uncleaned and un-sterilised equipment on multiple horses.
4. EA seeks to usurp the right of the owner to decide what is in the best interests of their horses health. Do they believe they know my horses better than I or my Vet, to decide whether this vaccine is for them or not?
5. EA is not a veterinary organisation and cannot perform “recommended” health assessments on horses prior to vaccination.
6. EA does not have the ability to assess individual horses to ensure they fall within the acceptable criteria documented by the APVMA to ensure horses are suitable for vaccination.
7. EA has not consulted with its members on its aforementioned application to ascertain their wishes.
8. EA board members have previously been found to have vested interests in the AVA, EVA and Zoetis which were not in keeping with their elected positions, and sort to mandate vaccination for all EA events without consultation with their members whilst the vaccine was under a Minor Use Permit.
9. The ongoing costs associated with this vaccine would prevent many from being able to continue in the sport.
10. The more common adverse reactions known to occur with the vaccine, leading to localised swelling and stiffness, lethargy and inappetence would leave many owners being unable to compete their horses at critical times thus unfairly eliminating them from events where they had a fair expectation of competing successfully.
11. The more severe reactions that have been experienced can lead to long term severe and costly health issues and even death. This would be extremely detrimental to the owners who have invested considerable time, money and effort into their horses let alone the emotional impact on family members from the loss or damage to their beloved animals.
12. Members of the horse community are currently experiencing incidences of veterinary practices refusing to treat unvaccinated horses. Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity.
13. The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore
enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA: http://apvma.gov.au/node/12881.

14. Department of primary industries have a workable and reasonable guideline to running events that does not require but ‘recommends’ vaccination as one of the last items on their list, but lists appropriate biosecurity measures that are achievable for all events. Why does EA feel they can justify this action to Mandate this vaccine in the future? Is simple hand hygiene and education with a basic plan for every club to follow seem to hard? This should be our first line of defence regardless of any transmissible disease.

15. It should be my choice to vaccinate or not vaccinate my horses against a rare and highly fragile disease that still does not have a transmission vector that is proven.

16. I have breeding stock that will not be vaccinated due to the unknown side effects of this vaccine as the effects have not been tested in the field. I will however wish to continue to compete on these horses and not be told I cannot.

17. I have a high level dressage horse that has Cushings disease and my Vet has recommended not to vaccinate him. How will I continue to compete him if EA are allowed to mandate this vaccine?

18. There are no exemptions at present to allow non-vaccinated horses or those with a reaction, to attend Hendra vaccinated events. Therefore this is anticompetitive activity at its finest.

19. This immunity will allow EA to destroy the horse industry by imposing mandatory Hendra event policies. Competitors are walking away from the sport in droves… this will finally be the nail in the coffin of the sport horse industry if it is allowed.

In conclusion, to grant Notification to EA would severely jeopardise members of the horse owning public in their chosen sports and potentially their businesses where they are involved in professional horse sports and the breeding and selling of bloodstock.

I respectfully ask that the application for Immunity be refused on the grounds that it is not in the best interest of members of the public.

Please listen to the public and do not assist in the ruin of our sport,

Yours sincerely,
SUBMISSION AGAINST EQUESTRIAN AUSTRALIA (EA) NOTIFICATION APPLICATION
NO: N98410 AS NOT BEING IN THE PUBLIC INTEREST.

10th August, 2015

Dear Mr Chadwick

I refer to the above mentioned EA application and wish to strongly make the following submissions against the granting of Notification to EA which, if granted, would confer immunity on EA to engage in exclusive dealing third line forcing by permitting mandatory Hendra (Hev) vaccination to be prescribed at equestrian events.

I wish to strongly state that having regard to the following reasons, I do not believe that mandatory HeV vaccination is in the public interest and that the likely benefit to the public from the notified conduct would not outweigh the likely detriment to the public resulting from EA engaging in the conduct.

- As an organiser at various Agricultural events, I believe this mandatory HeV vaccination will be detrimental to all Agricultural Show Societies and similar events as is already attested with low numbers not supporting events already requiring vaccination this year. eg Brisbane RNA / Esk Agricultural Society to name a couple.

- The fact vets are refusing to treat unvaccinated horses is a disgrace and hypocritical. These particular vets bully patrons into the vaccination prior to the procedure and ten minutes later happily treat the animal because it has been vaccinated.

- Should EA be permitted to mandate HeV vaccination at events, this could lead to more veterinary practices refusing treatment and thereby creating “welfare” issues for horses who cannot be vaccinated due to age or infirmity.

- HeV vaccination product registration (on 4/8/15) registered label states that it cannot be guaranteed that the vaccine will not mask the Hendra virus symptoms and/or it cannot be guaranteed that a vaccinated horse may not pass on the virus anyway, in which case, what is the purpose of mandating vaccination without such certainties?

- The low risks of Hendra being caught at an event and the fact that it has never happened in the history of equestrian events ever as opposed to the increasingly growing higher risks of a horse having an adverse reaction to the vaccine.

- The Government medicine licensing authority, the APVMA, itself states that mandatory HeV vaccination is not an APVMA requirement which supports the argument that if the Government licensing authority does not believe the HeV vaccine should be mandatory, it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

- No Australian Government regulatory body has required or recommended mandatory HeV vaccination (e.g.: the Department of Primary Industries, Workplace Health and Safety etc) therefore it is inappropriate for a non-government private membership equestrian organisation such as EA to dictate that it should be and bind its members to such as a condition of participating in equine competitions.

- The ACCC should not consider that the Notification application to them is on behalf of all equestrian owners. Many owners are not members of EA.
• The ongoing costs associated with this vaccine would prevent many from being able to continue breeding and competing in the sport.

• It is of interest to note the Thoroughbred and Standard Bred industries are not involved this mandatory vaccination program.

• The more severe reactions in horses that have been experienced can lead to long term severe and costly health issues and even death. This would be extremely detrimental to the owners who have invested considerable time, money and effort into their horses.

• The APVMA clearly states “The potential for a vaccinated horse to pass on the Hendra virus cannot be ruled out”, therefore enforcing mandatory vaccination has no justification as the same “exclusion” protocols still have to take place regardless of whether the horse is vaccinated or not. See APVMA; http://apvma.gov.au/node/12881

• Other vaccines for HeV / NiV could developed in the near future that could prove to be more stable and reliable.

• What happened to the vaccine for HeV developed by James Cook University, July 2011? See attachment Townsville Bulletin.

• Until a full investigation as to how a bio secure country like Australia suddenly develops a new novel virus in flying fox colonies and camps located on the coastal areas of Qld and Northern NSW. Flying foxes are still considered a major pest (as are rabbits) and financially devastating to several interest groups. See attachment - Taking Control: a national approach to pest animals Inquiry into the impact on agriculture of pest animals House of Representatives Standing Committee on Agriculture, Fisheries and Forestry November 2005 Canberra

On these grounds, I therefore strongly urge the ACCC to object to EA’s Notification and prevent immunity for this form of exclusive dealing from being conferred on EA.

Yours sincerely

[Redacted]

NOTE: I require the ACCC to keep details of my name and address CONFIDENTIAL.
Townsville Bulletin

Hendra breakthrough at JCU

KELLY BURNS | July 30th, 2011

JAMES Cook University scientists are on the verge of developing a groundbreaking vaccine that protects horses from three viruses, including the deadly Hendra virus.

However, the only thing holding the vaccine back is a lack of funding.

The vaccine is yet to be trialled but the scientists were confident it would "pass with flying colours" and be an attractive alternative for horse owners.

JCU's Dr Graham Burgess said the vaccine would protect against equine herpesvirus 1 and 4 and Hendra in a single shot.

Now JCU scientists are calling on the State Government to fund the clinical trials and invest in research programs in North Queensland. They have also asked if the current Hendra outbreak could have been averted as research opportunities for the vaccine had been available for nearly two decades.

Since June, 15 horses have died in 12 Hendra virus outbreaks from the Far North to New South Wales.

Four people have died since the virus carried by bats emerged in 1994 but now, for the first time, a dog has been infected which raises new concerns.

Dr Burgess had been collaborating with researchers in Germany for a year to develop the vaccine now ready for testing.

"Vaccines against Hendra infection in horses are a high priority. The most desirable is one that is relatively inexpensive, attractive to a range of horse owners and able to produce lifelong protection with a single dose," Dr Burgess said.

He said the next step was to secure funding for clinical trials at the Australian Animal Health Laboratory in Geelong to prove the vaccine was safe for horses and that the vaccinated horses not only produced an immune response to the herpesvirus but also produced a protective response to Hendra.

"We are very confident the virus will pass these tests with flying colours," he said.

Last year the government committed $300,000 to the Geelong laboratory to develop a horse vaccine unveiled in May, and on Wednesday the Premier announced $6 million to accelerate Hendra research.
Dr Burgess said JCU would seek funding of its own.

"We believe it's a viable alternative, we think we deserve equal opportunity to try it out," he said.

Meanwhile Professor Wayne Hein, head of school of veterinary and biomedical science at JCU, praised the rapid response to the outbreaks by authorities to the latest Hendra outbreak.

But he added that he regretted more money had not been pumped into vaccine research in the 17 years since the virus was first found.

Prof Hein said that while all Hendra research was done in Geelong, many staff and resources at JCU had been available to help health officials identify risks and to develop suitable diagnostic tests and vaccines.

His colleague Dr Leo Foyle said the public needed more information on emerging viruses to protect themselves, their livestock and pets from diseases that could transfer from wildlife to domestic animals and then to humans.

He said antibodies to Hendra virus had been found in over 20 per cent of flying foxes in eastern Australia.

When you see how many droppings are on your car and on your driveway in the morning, it makes you wonder who and what is potentially at risk," he said.

He said he wanted to see more investment by government and animal industry on research programs and said JCU had a lot of professional expertise.

"It is essential that the work currently being undertaken is utilised and that proposals in this field are supported."

Biosecurity Queensland chief veterinary officer Dr Rick Symons said his department was not aware of JCU's research but said it should liaise with AAHL.

He said the $6 million of recently announced funding from Queensland and NSW governments would be focused on studying the virus spill-over from flying foxes, how horses and other animals are exposed to the virus and why there had been a spike this year.

He added that vaccine research could also be funded. "Additional funding will not expedite the development process," he said.

"There are no short-cuts in getting a safe and effective vaccine into the market - more funding will not make this happen any faster."
Professor Martyn Jeggo, director of CSIRO's Australian Animal Health Laboratory, said that while he was unaware of the vaccine, if it were a scientifically sound possibility, then CSIRO would be happy to do testing.

**The vaccine: how it works**

DR Burgess said the vaccine was produced using an innovative approach.

A herpes virus that causes respiratory disease, encephalitis and abortion in horses had been modified so that it no longer produced disease. However, it protected horses against two of the important equine diseases.

"The vital component of the Hendra virus has been inserted into this vaccine virus and there is good evidence that cells infected with this virus are producing the protective antigen from Hendra," Dr Burgess said.

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Grey-headed flying fox

2.97 A submission received from Mr Ed Biel of Oakdale in New South Wales discussed the impact of the grey-headed flying fox. The grey-headed flying fox is a native species which attacks deciduous trees and tropical fruit plantations.

2.98 Mr Biel’s submission indicates that where the region around Oakdale, Camden, Wedderburn and Thirlmere in New South Wales once supported in excess of 100 orchards, there are now only 10 or 11 orchards operating in the region, due largely to problems caused by the grey-headed flying fox. Levels of damage to crops in the vicinity of 20 to 40 percent are common.

2.99 Mr Biel’s evidence was supported by the New South Wales Farmers’ Association (NSWFA), which reported that grey-headed flying foxes damaged between 10 and 60 percent of New South Wales’ east coast fruit industry crops and caused an estimated $32 million loss in 2002-03. Other submissions supported the argument that grey-headed flying foxes are a pest to fruit growers and orchardists.

2.100 Humane Society International emphasised that populations of grey-headed flying foxes are at low levels, and that culling of the species is therefore unacceptable.

9.41 CSIRO’s submission to the committee included references to a number of ongoing research projects including development of biological control methods for rabbits, foxes, cane toads, mice and carp; population modelling and epidemiology of vertebrate pests; genetic control of insect pests; and development of biologically based products to replace chemical pesticides in horticulture.

9.53 Mr Ed Biel, of Wanaka Orchard, gave evidence that research is needed into methods of deterring grey-headed flying foxes from attacking fruit crops. The only method currently available to farmers is exclusion netting, which is prohibitively expensive.