



Introduction

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

As the principal union covering staff in the Australian Quarantine Inspection Service (AQIS), CPSU has considerable knowledge and experience of AQIS operations. This report has been guided by the experience and views of frontline AQIS members, and as such we believe it provides a unique and valuable insight into AQIS operations.

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Scope

The scope of this report is limited to AQIS, the inspection arm of the Department of Agriculture, Fisheries and Forestry (the Department) and the administration of the *Quarantine Act 1908*, the *Export Control Act 1982* and the *Imported Food Control Act 1992*.

CPSU is party to the Union Collective Agreements currently covering AQIS APS employees:

- The Department of Agriculture, Fisheries and Forestry Collective Agreement 2006 – 2009
- AQIS Meat Program Agreement 2007 – 2010

Summary of CPSU recommendations:

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

1. Quarantine functions being performed solely under the employment structure of the *Australian Public Service Act 1999* and the governance structure of the Australian Public Service.
2. Management practices that are more responsive to employee ideas and concerns.
3. Management structures and culture that are more clearly focused on ensuring rigorous and effective quarantine functions based on science driven decision-making.
4. Improved funding, training and resources.

1. Quarantine functions being performed solely under the employment structure of the Australian Public Service Act 1999 and the governance structure of the Australian Public Service.

Vital role of APS employment

AQIS employees are subject to the terms and conditions in the *Public Service Act 1999*. The *PS Act*:

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

While AQIS employees are both subject to and have the protections of the *PS Act*, contractors and labour hire workers do not. They do not have the protection of whistleblower legislation; they are not subject to the disciplinary processes in the Act, and they are more likely to work in a culture where quarantine concerns are swept under the carpet so that further contracts are provided.

CPSU has observed several cases of vet contractors who've "made waves" being given no further work from AQIS. *Note: Attachment 1. Example of termination letter sent from AQIS to contractor on-plant vet – the vet was not informed of any problem with performance, had no access to appeal or right of reply.*

It's worth bearing in mind that these vet contractors are called on to provide the assurances and certification required by Australia's Importing Customers on behalf of the Australian Government. Importing Nations require ante-mortem and post-mortem disposition for all meat exported from Australia, and require an audited system of inspection that can withstand rigorous review and deliver a high standard of product consistently. Government Veterinary certification is also required for the export of live animals and biologicals and Overseas Veterinary Reviewers conduct regular audits of Australia's Export Industries. *Note: Appendix I Supplementary Submission on the role of Government Veterinary Officers*

Cases such as the one outlined above have strengthened CPSU's view that staff working in enforcement roles must be *employees* who are subject to both the protections and the restrictions contained in the *PS Act* to ensure that Australia is optimally protected against introduced pests and disease. They must be AQIS employees, must be properly resourced both in training and in terms of staffing levels, and must be able to undertake their duties and raise concerns without fear of retribution.

CPSU submits that the use of labour hire and independent contractors in the delivery of frontline quarantine and inspection services should be reviewed urgently to determine whether it meets with existing legislative obligations, benchmarked standards of good governance, and to improve the accountability of the services to Parliament.

Labour hire and contractors

It is the long held position of CPSU that the delivery of quarantine functions should operate solely under the employment structure of *Public Service Act 1999* and under the governance structure of the Australian Public Service.

AQIS has a range of flexible employment arrangements available under the *PS Act* and the Collective Agreements – such as ongoing (permanent), non-ongoing (temporary), part-time or casual and their variable remuneration options.

CPSU regards labour hire and contractor arrangements as a means of bypassing the terms and conditions set out in the Collective Agreements and creating a secondary workforce on inferior terms to AQIS employees.

Labour hire and contractor arrangements also devolve employer responsibility for professional development and training; outsource accountability of service delivery outcomes; public liability; and potentially offload employer OH&S responsibilities to other parties.

The *Quarantine Act* and labour hire

At airports labour hire and contractors are rostered to work alongside Quarantine Officers to perform tasks such as; baggage handling; prescribed treatments such as cleaning and wrapping of goods like farm boots, cricket gear, golf shoes, and horse riding equipment; and checking airline freight containers for visible contamination.

At seaports labour hire and contractors are rostered to work alongside Quarantine Officers to physically examine the external surfaces of cargo containers and vehicles for visible contamination.

These tasks are listed under the *Sections 66AA and 66AB* of the *Quarantine Act* that define respectively *General powers of quarantine officers in relation to premises* and *The monitoring of premises*.

Labour hire workers enter premises for the purpose of assessing the need for prescribed measures to regulate containers and vehicles from leaving the area. The key difference is that they do not sign paperwork associated with those prescribed measures and therefore have no accountability as authorised officers for their actions under the Act.

Labour hire and contractors perform such duties under the authority of *Section 66AA (4) (b) prescribed measures of quarantine: (i) treating any person, premises or goods.*

AQIS regional management hires veterinary contractors to provide veterinary services in regional offices and perform such duties under the authority of *Section 66AA (4) (b) prescribed measures of quarantine: (iv) examining an animal for the purpose of determining whether it is infected with a disease or pest.*

In exercising these powers set out in *Section 66AA* above, labour hire and contractors are given access to high-security areas such as the ports of P&O and Patricks, and airside at International Airports and Australia Post under the authority of the *Quarantine Act Section 66AB The monitoring of premises.*

It is the opinion of CPSU that the use of labour hire and contractors to perform quarantine functions is inconsistent with the *Quarantine Act* which requires these functions only be performed by Officers engaged under the *PS Act*.

CPSU has publicly expressed this view for many years.

Labour hire – proposed legislative changes by the former Coalition Government

In March 2004, Federal Labor, the Greens and Democrats blocked proposed legislative changes that would have granted labour hire and contractors a suite of powers including the authority to enter, search and seize material under the *Quarantine Act*.

CPSU campaigned against the privatisation of these functions as it would have put the integrity and reputation of Australia's quarantine regime at grave risk. A CPSU petition signed by more than 1,000 Quarantine Officers opposed to the draft legislation was handed over to Labor Senator Kerry O'Brien.

In 2002 the Senate Rural and Regional Affairs Committee heard evidence and received written submissions from AQIS in support of its position that the legislation was needed to ensure protection under the law for the performance of the contractors in their present roles. *Note: Attachment 3: DAFF submission to Senate Standing Committee on Rural and Regional Affairs and Transport – Agriculture, Fisheries and Forestry Legislation Amendment Bill (No.1) 2002.*

Despite no legislative change to that effect eventuating, AQIS has continued to tender for labour hire services in airports, seaports, mail centres and quarantine stations. (According to Austender the most recent AQIS tender was DAFF 08/039 in October 2007.)

There is a total lack of transparency in the way AQIS reports its labour hire activities. The Department's Annual Report does not refer to temp agency staff, labour hire or independent contractors. The only workforce details provided are in terms of FTEs and consultants.

The Department's Annual Procurement Plan calls for labour hire services associated with the quarantine clearance of international passengers, international mail, international sea cargo containers, and international air cargo containers at various locations throughout Australia.

Of those labour hire services performed throughout Australia, only figures from Queensland have been made available under Senate Orders:

- Workforce International Pty Ltd – provision of contractors for Import Clearance at Fisherman Island \$500,000 for the period of January 2007 to June 2007
- Workforce – provision of contractors for Airport Program Cairns \$221,364 for Jun 06 - Jun 07

Labour hire and contractors do not perform duties under *Sections 66AC, 66AE or 66AF*, which are offences related to search and seizure and warrant powers.

By moving quarantine functions outside of Commonwealth Government employment, the framework of accountabilities that pertains to APS employees is also removed. CPSU is not aware of any controls or accountabilities included in the contracts entered into between the Government and contractors, such as background and security checks of individual workers.

Under the *PS Act*, breaches of the APS Code of Conduct may be addressed by the Agency Head through a variety of disciplinary actions. However, the only powers available to the Agency Head in relation to contractors are those specifically written into contracts, as well as remedies for breach of contract under common law.

AQIS has no control over outside employment of contractors, unlike APS employees who are required to notify AQIS of outside employment and determine conflict of interest between prospective AQIS duties and outside employment, and effectiveness to undertake duties safely and meet AQIS's operational shift schedule.

APS employees rely on the security of public service employment to remain independent from the pressures of enforcement and to carry out their duties with diligence.

Current Practice

AQIS appoints both APS employees and independent contractors as authorised officers under *Section 20 of the Export Control Act 1982* and *Section 40 of the Imported Food Control Act 1992*.

AQIS uses the *Independent Contractors Act* to engage workers for the Export Meat Program as either meat inspectors or on-plant vets; as veterinarians in the Live Animal Export Program; and as grain and horticulture inspectors for the Grain and Horticulture Export programs.

Regional management controls the use of labour hire, contracting and outsourcing of the delivery of export inspection services. For example, AQIS SA engaged Skilled Engineering Ltd to provide grain inspection services from December 2003 to December 2006 at a cost of \$800,100. This is despite the fact that the Acts covering grain inspection do not appear to allow labour hire to perform these functions. There is also no transparency as to whether the practice takes into account importing country requirements for government inspection and certification import conditions.

Contractor arrangements

Days and hours of work are determined by AQIS. Contractors are rostered to perform the same duties as an AQIS employee. They are paid a flat hourly rate; do not receive overtime or shift penalties; are required to perform duties away from their regular workplace; and undertake AQIS training. In some cases, they may not receive remuneration for travel expenses, travel time or training time.

The fee for service applied by AQIS outside core hours includes overtime penalty rates even when the penalty rate does not apply to the individual performing the out-of-hours work. In this regard, AQIS appears to be charging exporters for a service that is not provided.

The contract documents signed by independent contractors attempt to duplicate the accountability of public service employment by requiring that the contractor answer questions and provide records up to six years after the termination of services. *Note: Attachment 3.A copy of a contract for services on-plant vet.*

The terms of engagement also include:

- 9% superannuation contributions paid by AQIS to a fund of choice.
- Comcover public liability insurance paid by AQIS
- a clause restricting contractors from sub-contracting, which states services must be provided personally by the contractor
- on-plant vets are prohibited from contracting outside of AQIS. They must not provide veterinary services to animals that may be processed at the Meat Export Establishment. The United States Department of Agriculture has specific prohibitions to avoid conflicts of interest that can arise between the requirements of running a veterinary practice and delivering an independent service.

The contracts are offered up annually and contain no increases to reflect the cost of living. The average increase is once every five years or more depending on the Program. AQIS refuses to recognise CPSU as representatives for independent contractors, despite the fact that many contractors have appointed CPSU as such in writing.

As independent contractors, these individuals have the ability to appoint representatives on their behalf and this should be recognised by AQIS management. It should be immaterial to AQIS whether a contractor wants a lawyer, accountant or CPSU to represent him or her in contract negotiations.

2. Management practices that are more responsive to employee ideas and concerns.

The culture of AQIS is such that employees are discouraged from raising concerns about work practices. CPSU has observed examples of disciplinary processes being commenced against those who have spoken out. Attempts by CPSU to represent the concerns of members have largely been ignored by AQIS management.

Staff rotation

It is the view of CPSU members in both AQIS and Biosecurity Australia that AQIS's persistence with a compulsory staff rotation policy has contributed to increased biosecurity risk, organisational risk, reduced operational efficiency, a weakening of standards in field operations, and a loss of expertise.

CPSU members report problems such as receiving only 1.5 hours notice of rotation to another program, limited hand-over time and no training. Decision-making about staff deployment is made within a policy framework that has no regard for biosecurity risk or efficient allocation of resources or expertise. This management framework operates beyond the reach of individual employee review mechanisms and without consideration of employee's work/life balance or personal circumstances. (See attachment detailing AQIS NSW rotation committee voting process).

One of the busiest and technically most difficult areas of AQIS frontline services is the commercial freight clearance/documentary assessment section, Front Counter - NSW Region. The complexity of work on the front counter demands the very best in standards of processing.

CPSU members have voiced concern about the large numbers of new recruits fresh from training who rotate straight into 'pivotal' frontline positions. There are many examples of shipments not meeting import permit conditions for high risk products like bananas or bulbs being accidentally released (as has occurred over the last twelve months).

On another occasion dairy products from the UK were declared non-dairy because the fat content had been removed and therefore didn't contain 'products of animal origins' according to the customs broker.

AQIS needs to employ and retain skilled Officers in technical areas to prevent such incidents.

AQIS has even pursued compulsory rotation in areas where it acknowledges the practice is counterproductive. The AQIS staff rotation policy dated 11 September 2005 states that a "loss of effectiveness" would occur with the implementation of a rotation policy for Quarantine Detector Dog Unit QDDU – the most effective protection against serious pests and diseases entering airports and mail centres.

The rotation policy planned to split dog handlers from their dogs by rotating officers out of the QDDU, targeting handlers with more than three years experience as the first to be separated from their canine partners. The policy document openly acknowledged:

"...loss of effectiveness until new teams reach proficiency... loss of expertise within units and the program... the replacing of experienced staff with staff who have not reached the peak of their capabilities... cost of training additional handlers and dogs."

At the time CPSU members expressed concern that the policy document contained no stated benefit to improve border controls or quarantine integrity. An AQIS management email replied that dog handlers were no different to Officers who operate x-ray machines.

AQIS has provided some evidence on its staff rotation policy to Senate Estimates:

"... we usually work with people, identify those who might be interested in a rotation and discuss the issue with those who perhaps only want to work in one particular area."

"We do training in advance where it is possible to do so to ensure we have some overlap in the delivery of the services."

Executive Manager, Quarantine and Plant Programmes
Senate Rural and Regional Affairs And Transport, Legislation Committee
Estimates, 1 November 2005

This evidence is inconsistent with the experience of union members working in quarantine operational areas.

CPSU members have sought various avenues through which to represent the concerns of Quarantine Officers about the rotation policy, such as obtaining a position on the AQIS regional management Rotation Committee, but they have been refused. The Rotation Committee considers employee appeals against rotation on personal or professional grounds, or requests for employees to swap with another employee. Currently the Committee's decision-making is not transparent. *Note: Attachment 4. example of AQIS NSW rotation committee consideration of employee request to swap shifts*

CPSU has previously sought a joint review to examine alternative models that may include voluntary moves only, different time frames, and assessment of benefit to employees' careers, consideration of

personal needs, professional expertise or possible exemption to rotation. There has been no response to this approach.

Lack of respect for employee rights in the workplace

AQIS's recalcitrant and uncooperative approach to employees and their representatives have presented persistent difficulties for CPSU in its attempts to address a range of issues, such as:

Application of the terms of the Collective Agreement: CPSU members report difficulty in accessing allowances, overtime payments, payment for work-related travel and widespread difficulty accessing family friendly conditions such as personal leave for caring purposes.

In October 2007, the Merit Protection Commissioner found in CPSU's favour and overturned the Department's decision to refuse access to leave entitlements to a Quarantine Officer. The Department held the view that the officer was not entitled to emergency carers' leave to look after his eight year-old child for one day, as his wife could choose to stay home and forgo income for the day.

The Department has not adjusted the approval process for family friendly entitlements accordingly, leaving CPSU to seek a review of decisions on a case-by-case basis.

The experience of CPSU members raises questions about the Agency's commitment to retain their most highly skilled and qualified Officers in frontline services.

For example, leave without pay to care for sick family members is routinely denied forcing resignation. There is no access to job share arrangements; mothers returning to work after having children are not offered family friendly part-time hours; and the only part-time hours on offer are seven day straight management-initiated part-time rotating shifts.

Consultation and employee rights to representation: AQIS management provides for individual employee feedback directly to supervisors, but not for union members to seek collective representation on industrial or professional issues.

As a matter of course AQIS refuses CPSU requests for information to address member concerns at both the local level and the National Consultative Committee level. AQIS does not recognise the role of union delegates in the development or review of work practices, or in the application of the terms of the Collective Agreement.

CPSU sought information from AQIS on the rationale behind the rotation policy for QDDU and the impact on quarantine integrity at the National Consultative Committee meeting on 23 September 2005. This request for information was refused by the Chair.

Both the Department and AQIS continue to refuse CPSU's requests to place items on the Committee's agenda, right up until the most recent National Consultative Committee in February 2008. CPSU believes that AQIS management's refusal to engage its employees and their representatives in a constructive dialogue about work practices and its disregard for their professional opinions has undermined Australia's quarantine integrity and consequently its biosecurity.

3. Management structures and a culture that are more clearly focused on ensuring rigorous and effective quarantine functions.

Need to review AQIS organisational Structure

CPSU supports a review of the organisational structure in AQIS with a view to moving towards a hierarchical structure of regulatory and enforcement agencies such as Customs. The current matrix management structure and regional autonomy make it difficult to have employee concerns addressed or resolved in a timely manner.

The regional structure appears to be a remnant of the previous state government delivery of AQIS services as agents for the Commonwealth. This type of arrangement remains divisive within AQIS and appears to enable regional management control over information, procedure and policy.

AQIS stands out in the Commonwealth Public Sector as one of the few agencies with both a central office and regionally-based human resources management units. This means in addition to the Department's HR branch, there are nine additional HR units in AQIS all doing things differently based on regional and central office policies.

CPSU members report a variety of inconsistent work practices from region to region despite operating as national quarantine programs. Until the Equine Influenza outbreak and review, the SOPs were poorly drafted with no standardised system of recording version numbers or dates, and there was a complete absence of OH&S references.

It would seem that the reason work practices and SOPs vary from region to region is because AQIS regional management controls the implementation of biosecurity measures, resources and training. As a CPSU member and former supervisor of the busiest freight clearance section in Australia reported:

"I find it staggering that I was not allowed to contact Canberra for clarification of issues and instead, I was expected to go out on a limb and make decisions without the backing of senior staff in Canberra".

This type of direction is completely at odds with statements made to the EI Inquiry where regional management said they expected subordinate staff to go direct to program management in Canberra rather than seek advice through their own regional management.

CPSU believes that the blurring of roles and responsibilities has been demonstrated in contradictory statements given to the EI Enquiry by regional and central office management¹. Such statements are a clear illustration example of AQIS management's lack of leadership, ownership or understanding of the quarantine role entrusted to it and highlights the decline in scientific understanding of the role.

Lack of rigour in managing quarantine functions

CPSU has been alerted to several examples of practices inconsistent with preserving biosecurity and public safety.

Fumigation of feather pillows and doonas from Asia with ethylene oxide. AQIS has chosen knowingly to ignore its own science-based policy that "EtO is the treatment of last resort." This came about because a broker applied pressure by complaining that he was being "singled out" for special

¹ transcript of AQIS NSW Regional Manager before The Hon Ian Callinan AC, held at Level 5, 55 Market Street, Sydney, Monday, 18 February 2008, at 10am (Day 34)
[http://www.equineinfluenzainquiry.gov.au/www/inquiry/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)-EI1080218.PDF/\\$file/EI1080218.PDF](http://www.equineinfluenzainquiry.gov.au/www/inquiry/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)-EI1080218.PDF/$file/EI1080218.PDF)

treatment. As a result, AQIS now renders these products toxic to the consumer by directing that they be treated against the label requirements of EtO (as administered by APVMA). This decision was made on the basis that people (notably children) sleeping on and in these commodities would not be affected by breathing in residual toxins among the feathers because the quilts and pillows would be covered with doona covers and pillow cases, thereby preventing direct contact by the feathers with the consumers' skin. Part of the problem here is that, rather than observe its duty of care in the application of quarantine treatments, AQIS has opted to shift the responsibility to APVMA, which trusts AQIS to act responsibly or to treatment providers who simply follow directions issued by AQIS.

Inadequate transit measures for pre-inspection containers. Shipping containers can be sent anywhere in Australia without a rural tailgate as long as the stated destination is a metropolitan postcode. For example a container of coffee, corn or rice can be sent from Port Botany to Adelaide for unpacking and inspection. The risk of spillage in transit is not taken into account, and there is no AQIS check on seal numbers, etc.

Inadequate infrastructure and staffing at airports: Quarantine Officers do not accept stakeholder complaints that the 81% screening target is the cause of delays at international airports. Recent passenger congestion has occurred because of management decisions to abolish the Red and Green gates, reduce AQIS staff numbers and outdated airport infrastructure that can't cope with the increase passenger numbers through Sydney airport (such as enough x-ray machines).

It is these management decisions that need to be reviewed against quarantine integrity and the screening target should remain to protect against the spread of pest and disease.

Implementation of Express Card and Express Gate systems Frontline officers at SKSA are concerned about the removal of the Red (declared) and Green (undeclared) gate channels at Airports, the work practices associated with the "D Gate" overflow, and the introduction of the Express Card and Express Gate system with no consultation or apparent consideration to the negative effects on biosecurity.

The Red and Green gates allowed for some passenger self assessment which assisted border agencies by separating passengers. By abolishing this system all passengers have to queue together creating the congestion and bottlenecks. Quarantine Officers report being under significant pressures to remedy passenger congestion instead of focusing on Quarantine matters.

Quarantine Officers have reported that an undeclared high risk passenger was missed and waived through the "D" gate express overflow because of the high passenger workload pressures. The passenger was overflowed with a kayak and equipment from a Didymo algae (*Didymosphenia germinata*) infected country and AQIS had to retrieve the untreated goods days later at the passenger's home.

Quarantine Officers are also concerned about the self assessment for first and business class passengers and airline staff through a system called the Express Card and Express Gate. Quarantine Officers believe the systems were implemented because of passenger congestion at Sydney Airport over the Christmas Peak period that was reported in the media. The Express Gate was introduced overnight without notice or any clear work instructions.

Express Card holders are waived through the Express Gate and Quarantine Officers have reported cases in which non-compliant high risk passengers are using the Express path to get out the door fast. The gate is not staffed all of the time by AQIS even when there are high risk flights due to a lack of staff. (A non-compliant farmer returning to Wagga Wagga in NSW after the EI outbreak had been contained was waived through the Express Gate at SKSA on return from the USA with horse riding equipment etc).

There is no mechanism in place to address CPSU delegates concerns about high risk passengers being waived through without quarantine inspection. The overflow procedure involves a simple numbered green stamp on Incoming Passenger Cards with both declared and non-declared goods to proceed through the express gate without being subject to inspection. Quarantine Officers have issued numerous Quarantine infringement notices at the Express path and AQIS is not auditing this data, AQIS management does not analyse or audit documents from passengers being allowed through the Express gate and D gate express overflow systems. *Note: Attachment 5. copies of express cards distributed to first/business class passengers by various airlines which state this is a trial.*

Concerns in other programs and workplaces

Seaports: Levels of supervision are also inadequate in many areas such as ECIR where entry-level officers work without a supervisor on site, but with access to a mobile phone and instructions to call a supervisor at home if there's a problem. In general, work level standards, degrees of responsibility and employee supervision differ for similar work performed across regions.

Animal Quarantine: In January 2003 CPSU called a meeting with AQIS to discuss significant changes in work procedures at Eastern Creek Quarantine Station. *Note: Attachment 6. minutes of meeting 21 Jan 2003 re Eastern Creek between CPSU and AQIS regional management.*

CPSU members at ECQS were concerned that new procedures contradicted previous segregation of staff duties not allowing cross-over between animals in quarantine and the QDDU kennels. AQIS minutes of the meeting recorded:

“...expressed the concern that staff felt quarantine would be compromised by staff now working and rotating through two areas.”

AQIS did not respond to staff concerns, no biosecurity pathways assessment was undertaken on site, and no documentation was provided to staff. The changes in work practices went ahead at ECQS despite regional management agreement and guarantees. The irony was not lost on CPSU members when regional management pointed to this example in the EI Inquiry as demonstrating a dynamic decision – a decision with no scientific basis.

CPSU members report little or no review of the impact on biosecurity risk of AQIS decisions across all programs.

Import Clearance: Quarantine Officers working in the Import Clearance Air Cargo Unit have raised a number of issues over the years. At an Air Cargo Unit meeting with the Assistant regional manager and AQIS Vet just prior to the EI outbreak a number of issues were raised about changes to Airport work practices. Quarantine Officers have also complained about AQIS management allowing the sharing of passwords in the Customs ICS database. The CPSU wrote to DAFF in 2006 outlining staff concerns regarding this practice.

Organisational priorities

CPSU members report situations where AQIS regional management discourages employees with particular knowledge, skills or expertise from using their initiative. Quarantine Officers in the Front Counter NSW are pressured to have the minimal amount of scrutiny of shipments, told not to ‘over-service’ documents, criticised for asking too many questions about shipments even when information provided by importers is vague.

As far back as September 2002 CPSU intervened in the case of a Quarantine Officer who held back the export of a shipment of live animals which had anomalies in the paperwork. There were no work

instructions or SOP and a vet was not contactable at the time of the incident. The Officer was threatened by AQIS regional management with having to personally compensate the client for lost earnings and suffer a drop in salary as punitive action for exercising too much authority.

In 2007 an off-duty Quarantine Officer was demoted after calling the AQIS redline to report a suspect shipment of goods from China. AQIS regional management has a history of commencing investigations for breaches of the code of conduct and/or performance improvement plans to discourage Officers who “rock the boat”.

NSW regional management policy defines the technical capability for quarantine and export inspection in NSW to Level 4 or below. Officers in supervisory roles are Level 5 and above with little or no technical ability. The process of upward referral where an officer has a question relating to quarantine integrity fails at this point, when the supervisor may be reluctant to make a decision.

4. Improved funding, training and resources

Under the Coalition Government low staffing levels across most AQIS programs has characterised the ‘post-Foot and Mouth Disease’ (FMD) period after 2002.

Staff allocations have decreased in a number of programs. State Government planning decisions have shifted more port activity to Newcastle and Port Kembla at the same time these outports have not had vacancies filled or adequate resourcing.

Cost-cutting is impacting on quarantine integrity with CPSU members expressing concern that there are not enough resources. Despite an increased number of incoming passengers at SKSA there has been a reduction of 15 full-time Officers and 32 part-time Officers per shift from passenger clearance from 2004 levels to 2008.

There are three shifts operating at SKSA, each shift currently has 23 full-time and 46 part-time down from 2004 levels of 38 full-time and 78 part-time. There are no longer Quarantine Officers rostered on duty or on-call at SKSA between 12 midnight and 4am. During that time Medivac flights and other flight arrivals are self-regulated. Quarantine clearance used to be performed by an overnight shift in the Air Cargo unit.

Quarantine Officers believe that the Air Cargo midnight shift was abolished by AQIS management because of OH&S complaints of having to work the overnight shift with only one officer when they previously always had two officers to screen ICS imports in the office and respond to medivac flights at Sydney airport.

Equine Influenza Inquiry

In CPSU submission addressing *Counsel Assisting’s Submission* AQIS Officers in operational areas such as Dr Widders should be clearly and publicly absolved of any responsibility and protected from any legal action that may result from the findings of the Inquiry as they have clearly demonstrated through their actions and notifications to line managers that quarantine integrity issues existed.

In this regard ownership of the faults identified and highlighted throughout the EI inquiry must rest with the most senior levels of the organisation².

1. ² transcript of AQIS NSW Regional Manager before The Hon Ian Callinan AC, held at Level 5, 55 Market Street, Sydney, Monday, 18 February 2008, at 10am (Day 34)
[http://www.equineinfluenzainquiry.gov.au/www/inquiry/rwpattach.nsf/VAP/\(084A3429FD57AC0744737F8EA134BACB\)~EI1080218.PDF/\\$file/EI1080218.PDF](http://www.equineinfluenzainquiry.gov.au/www/inquiry/rwpattach.nsf/VAP/(084A3429FD57AC0744737F8EA134BACB)~EI1080218.PDF/$file/EI1080218.PDF)

CPSU supports an increase in budget to address staffing levels, training, facilities and skills development of all Quarantine Officers.

Conclusion

CPSU has an important role in the airing of staff concerns. We provide a voice of balance and review.

AQIS senior management will not raise the issues that are outlined in this submission. While some staff might feel confident enough to make individual submissions to this Review the general feeling among members is that AQIS will ignore these, in the same way it ignores submissions to its weblink suggestion box.

AQIS has failed to demonstrate on any level that the concerns of staff have been not only listened to but incorporated into its decision-making process.

CPSU is concerned that the Review Panel might wrongly assume that Quarantine Officers have been passive or detached observers, calmly watching mistake after mistake being made by senior management. To the contrary, a significant number of active union members have tried to act responsibly by raising issues as best they could in difficult circumstances, often to the detriment of their careers.

CPSU does not share the narrowly vested interests of AQIS management. Its interest in raising these concerns lies solely in getting the Australian Government to act on the legitimate concerns of its members in their attempts to protect Australia's borders.

Appendix I

Supplementary Submission on the role of Government Veterinary Officers

Government Veterinary Officers deliver an open and transparent, professional and independent service for Australia's Food Industries in a field where the dangers of market failure through the entry of exotic disease are real and potentially catastrophic. The vital importance of this work should be at the forefront of the Government's mind as it considers this Review in the wake of the recent E1 outbreak.

GVOs are the key to quick eradication of such diseases as their role is essential in the early recognition and reporting of disease. Of particular importance are the ante-mortem and post-mortem examinations GVOs perform as the basis for export certification (health certificate) necessary for international trade of meat and animal products. It was a meat plant vet in Essex in 2001 which reported the suspicion of vesicular disease in pigs. This was the first report of the disease in the 2001 UK foot and mouth epidemic.

Risks to exports of the current AQIS regime

The history of meat substitution in the past shows the industry is vulnerable to the lowest common denominator. One unscrupulous operator can jeopardise a country's exports. The move to Quality Assurance without oversight by an effective and independent authority that is recognised and accepted by importing countries places the industry at risk. Indicators that AQIS management have not been, and are presently not aware of the full ramifications of this are:

- Previous unilateral attempts to introduce company inspection via Project 2. Attempts to dictate changes to importing countries eg. EU placed exports at risk.
- Current program to develop web-based remote auditing.
- Policy decisions being dictated by AMIC- eg. Drive for changes to meat inspection practices without scientific basis. Meat notices being withdrawn or heavily amended after objections by industry.
- Lack of awareness of operational issues and risks. SES staff creating policies that result in changes to operations and resources in isolation of service requirements and feedback from the field. (Without wishing to pre-empt the inquiry findings it would seem that the advice from the Sydney Airport quarantine veterinarian was ignored for several years prior to the outbreak of Equine Influenza.)
- Policy is dictated by cost minimisation, not service delivery or cost benefit. Since the inception of QA, implementation was driven by a desire to remove inspectors and vets and pass control to industry before industry was mature and able to accept responsibility. QA program approvals were dictated by date, not effectiveness. Inspectors were relieved of responsibility for control of contamination at the stroke of a pen. QA was sold to the industry as a cost reduction opportunity, and industry was keen to take control of AQIS activities.

For years now AQIS has pursued a policy of downsizing with the inevitable loss of expertise. The number of senior vets with an intimate knowledge of the industry can be counted on one hand and they are now approaching retirement age. The potential for policy decisions to be unduly influenced by industry groups that pursue self interest at the expense of national interest is great.

We recommend to the Panel and through it the Australian Government that several measures be taken.

- There is an urgent need to re-establish a sound technical base in AQIS so that decision-making is based on sound science and the independence and authority of AQIS is not compromised. A look over the Tasman to the NZ story could be enlightening. NZ is currently trying to recruit Australian vets. They have a better history of extracting an improved outcome from importing countries for their industry, and have international leaders in the meat field.

- Provision of a Value Added Service that fully utilises the available resource. Diseases cost the Australian red meat industry many millions of dollars due to production losses. AQIS is in the prime position to capture an enormous amount of disease incidence data for use in treatment and prevention programs, and to support a national database for certification purposes. Although AQIS is currently indicating action in this area, previous attempts eg. CLA recording failed due to lack of commitment. When the State Inspection Service was handed over to AQIS in NSW all disease recording was dropped. This service has the potential to be provided on a fee for service basis.
- Provide a more robust Certification process for co-products and biologicals. There has been international substitution of high value biologicals in the past via false certification eg. Foetal Calf Serum. AQIS has had minimal input into these products in the past. Active support of Australian biologicals via proactive negotiation of protocols and promotion of the Australian freedom of disease and “clean green” production by AQIS could see Australian products compete with the industry leader NZ.
- Provide auditing services for customer and importing countries on a fee-for-service basis in areas of prime expertise eg. Food safety, specification and animal welfare. AQIS has constantly relinquished responsibility for these activities eg. EU monitoring of feedlots. This would allow better linkage with all sectors of the food production chain.

All of the above are areas of activity that would and should be delivered by AQIS vets.

Attachments to CPSU submission:

1. example of termination letter sent from AQIS to contractor on-plant vet. This vet was not given a reason for termination, no opportunity to address issues, no access to natural justice. The vet had recently moved to the regional township at the behest of AQIS only to suffer considerable financial loss.
2. DAFF submission to Senate Standing Committee on Rural and Regional Affairs and Transport – Agriculture, Fisheries and Forestry Legislation Amendment Bill (No.1) 2002
3. copy of a independent contract for services on-plant vet
4. example of AQIS NSW rotation committee consideration of employee request to swap shifts
5. copies of express cards distributed to first/business class passengers by various airlines
6. minutes of meeting 21 Jan 2003 re Eastern Creek between CPSU and AQIS NSW regional management.