

Queensland RBE & NLIS Surveillance Program

Biosecurity Queensland
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Contents

1. Biosecurity program.....	4
1.1 PROGRAM NAME	4
2. Requirement for a Surveillance program.....	4
2.1 PURPOSE AND RATIONALE	4
2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE	5
2.3 POWERS OF AUTHORISED OFFICERS	6
Entry of place.....	6
Obligations.....	6
General powers of authorised officers.....	6
2.4 CONSULTATION.....	6
3. Authorisation of a Surveillance program in the State of Queensland	7
3.1 BIOSECURITY MATTER.....	7
3.2 PURPOSE AND SCOPE OF THE SURVEILLANCE PROGRAM	7
3.3 AREA AFFECTED BY THE PROGRAM	7
3.4 POWERS OF AUTHORISED OFFICERS.....	7
3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM.....	9
3.6 COMMENCEMENT AND DURATION OF THE PROGRAM.....	9
3.7 CONSULTATION WITH RELEVANT PARTIES.....	9
3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS.....	9
4. Notice of a Queensland RBE & NLIS Surveillance Program	10
1 BIOSECURITY MATTER.....	10
2 PURPOSE AND SCOPE OF THE SURVEILLANCE PROGRAM	10
3 COMMENCEMENT AND DURATION OF THE PROGRAM.....	10
4 AREA AFFECTED BY THE PROGRAM	10
5 COPY OF PROGRAM AUTHORISATION	10

1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for Registrable Biosecurity Entities and NLIS will be known as the **Queensland RBE & NLIS Surveillance Program**.

2. Requirement for a Surveillance program

2.1 PURPOSE AND RATIONALE

RBE

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at monitoring compliance with the Act in relation to a particular matter to which the Act applies.

Biosecurity Queensland provides a registration system which in the past has been largely Property Identification Code (PIC) based. This type of registration process meant owners of land registered their properties with Biosecurity Queensland to obtain a PIC. Industry systems are PIC based in reference and as such property owners require a PIC to register with Industry systems like NVD, LPA and NLIS. This type of registration process resulted in Biosecurity Queensland not being fully informed if persons other than the land owner owned animals on PIC under lease or agistment agreement.


The recently introduced Biosecurity Act requires any entity that 'keeps' a designated animal to register with Biosecurity Queensland and identify the 'designated place' the designated animal is kept. The designated place is then given a PIC. This change to past legislation requirements now means all entities who keep animal must register as a RBE and the place they keep animals is given a PIC. This change will provide Biosecurity Queensland the ability to communicate with animal keepers when the need arises in a timely manner. The Act also introduces the need to re-register every 3 years providing Biosecurity Queensland the ability to keep the Register up to date and accurate which is an important requirement.

The Act also introduced a fee for registration. This fee is based on the consideration of a third private benefit and two thirds community benefit resulting in a fee total of \$148.53 for 3 years registration. Those entities that are not registered under the Australian Taxation System for Primary Production can apply for an exemption from the fee upon application.

NLIS

The National Livestock Identification System (NLIS) is a national system supported by State legislation. It is a permanent lifetime traceability system designed to:

1. record Device and PIC statuses; and
2. enable Device and corresponding livestock movements to be tracked, for the purposes of:
 - (i) biosecurity;
 - (ii) food safety;

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- (iii) product integrity;
 - (iv) market access; and
 - (v) other industry related purposes.

The Database is designed to enable rapid and accurate traceability of animals using a PIC based reporting system.

Queensland holds significant numbers of livestock that are worth billions to the Queensland economic. These include cattle, sheep, goats and pigs. These species are already being reported or soon will be reporting movements to a central database where the movement reporting requirements are supported by legislation outlined in the Biosecurity Act.

Queensland in providing the legislative framework has commitment to national monitoring and compliance programs which require quarterly reporting within the structure of SafeMeat, National Biosecurity Committee (NBC), Agriculture Senior Officials Committee (AGSOC) and Agriculture Ministers' Meeting (AAM).

The Queensland RBE & NLIS Surveillance Program's objectives are to:


- monitor compliance with the Act and Biosecurity Regulations 2016 (Regulations) concerning the registration of entities that keep animals.
- monitor compliance with the Act and Biosecurity Regulations 2016 (Regulations) concerning the identification of special designated animals.
- monitor compliance with the Act and Biosecurity Regulations 2016 (Regulations) concerning the reporting of movements of special designated animals to the NLIS database.
- provide advice to Industry and Government concerning industry supply chain sectors monitor & compliance activities as it relates to the Act and Biosecurity Regulations 2016 (Regulations) concerning the reporting of the movements of special designated animals to the NLIS database.
- Support information supplied to SafeMeat, NBC, AGSOC and AMM that relates to PIC registers, RBE registers and NLIS.

The Program is the most effective and efficient option to check compliance with the Act and to monitor RBE registration and compliance and NLIS movement and reporting activities within the supply chain sectors.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Queensland RBE & NLIS Surveillance Program are:

- Monitoring compliance concerning RBE registration and PIC usage by:
 - Identifying that 'keepers' of animal are registering as RBE's and designated places have a PIC.
 - Randomly selecting a proportion of RBE registrations for audits to ensure details are accurate and all keepers of animals are included in the registration process.
 - Identify where RBE's have not renewed their registration but are still keepers of animals.
 - Monitor/audit events where animals gather to ensure the PIC where animals have come from or going to are active and not lapsed. RBE's are registered and the details provided in registration process are accurate and up to date.

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- Monitoring compliance concerning NLIS and the requirements under the legislation by:
 - Conduct monitoring along the supply chain that fit into agreed national plans for monitoring NLIS.
 - Conduct audits along the supply chain to monitor compliance of specific Queensland situations as they relate to NLIS requirements.
 - Conduct desktop monitoring within the NLIS database concerning required movement reporting.

2.3 POWERS OF AUTHORISED OFFICERS

Entry of place

The Act provides that under a surveillance program officers appointed as authorised officers under the Act are permitted to enter a place (other than a residence) to undertake any action authorised by the surveillance program¹.

In accordance with the Act a reasonable attempt will be made to locate an occupier² and obtain the occupier's consent to the entry prior to an authorised officer entering a place³ to undertake activities under the Queensland RBE & NLIS Surveillance Program. An authorised officer may enter a place (other than a residence) if the occupier refuses consent to entry or if the officer is unable to locate the occupier after a reasonable attempt has been made to locate the occupier.

Where an occupier does not consent to entry or if, after entering a place, an authorised officer finds an occupier present, the authorised officer must make reasonable attempts to produce an identity card for the occupier's inspection and inform the occupier of the reason for entering and that the entry without permission is authorised under the Act.

An authorised officer under the Queensland RBE & NLIS Surveillance Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken under the program, and that it is an offence to do anything that interferes with a step taken or to be taken.

If there is no occupier present at the place, an authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

Obligations

A person may be obligated to take action as specified in the Program authorisation in section 3.5 below.

General powers of authorised officers

Nothing in the Queensland RBE & NLIS Surveillance Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 CONSULTATION

Consultation has been carried out as stated in 3.7.

¹ See section 261 (Power to enter a place under biosecurity program) of the Act.

² The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

³ See section 270 (Entry of place under ss 261 and 262) of the Act.

3. Authorisation of a Surveillance program in the State of Queensland

AUTHORISATION STATEMENT

I, Robert (Bob) Gee, the Director-General of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Queensland RBE & NLIS Program (the Program) in Queensland on the basis that I am satisfied that RBE registration and NLIS have significant roles to addressing biosecurity risk in Queensland and measures are needed to monitor compliance with the Act and the effectiveness of measures taken in response to RBE registration & NLIS



Robert (Bob) Gee

Director General, Department of Agriculture and Fisheries

Dated at Brisbane this 17 of April 2023

3.1 BIOSECURITY MATTER

N/A

3.2 PURPOSE AND SCOPE OF THE SURVEILLANCE PROGRAM

The purposes of the Program are to monitor compliance with the Act and to monitor the effectiveness of measures taken in RBE registrations and compliance and NLIS requirements.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to keepers of designated animals and special designated animals within Queensland as it relates to the requirement to register as a RBE.

The Program will apply to keepers of designated animals and special designated animals within Queensland as it relates to the requirement of NLIS.

3.4 POWERS OF AUTHORISED OFFICERS

An authorised officer appointed under the Act may enter a place—other than a residence⁴—without a warrant and without the occupier's consent within the State of Queensland under the Program⁵. An authorised officer appointed under the Act will also have the power to enter a place under the Program.⁶

⁴ The Act defines a 'residence' to mean a premises or a part of a premises that is a residence with the meaning of s 259(2) and (3).

⁵ See section 259(1)(e) (General powers to enter places) of the Act.

⁶ See section 261 (Power to enter a place under biosecurity program) of the Act.

An authorised officer appointed by the chief executive can exercise the powers of an authorised officer under the Act in relation to the Program⁷.

An authorised officer has general powers after entering a place to do any of the following:⁸

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Search a place to check for livestock which may reside on the property.
Inspect, ⁹ examine ¹⁰ or film ¹¹ any part of the place or anything at the place	Inspect, examine and film to assist with checking whether and how a person at the place has met their general biosecurity obligation to assess as it relates to RBE and NLIS requirements.
Take for examination a thing, or a sample of or from a thing, at the place	
Place an identifying mark in or on anything at the place	Take a document to copy such as a movement record or health statement that is relevant to the objectives of the Program.
Place a sign or notice at the place	
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing	Produce written and/or electronic note(s) to support Program activities.
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division	
Remain at the place for the time necessary to achieve the purpose of the entry	
The authorised officer may take a necessary step to allow the exercise of a general power	
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable	
If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable.	

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power.¹²

⁷ See section 255(3) (Powers of particular authorised officers limited) of the Act.

⁸ See section 296 (General powers) of the Act.

⁹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹⁰ Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹¹ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

¹² See section 297 (Power to require reasonable help) of the Act.

3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM

A person who is either RBE, occupier, land owner or authorised person of a place to which the Queensland RBE & NLIS Surveillance Program relates may be required to:

- muster or yard any livestock on the place
- assist in the handling of any designated animal in order for an authorised person to inspect the designated animal.
- provide hard copy or electronic documentation on request
- provide access to a thing to facilitate photography of the thing
- help the authorised officer in the execution of their powers.

A person of whom a **help requirement** has been made must comply with the requirement unless the person has a reasonable excuse.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Queensland RBE & NLIS Surveillance Program will begin one month from the date of the authorisation, to enable notice of the authorisation to be published on the Department's website and given to other government agencies.

The Program will be ongoing, subject to review three years, to determine whether the Program is meeting its purposes (Ref. 3.2 above) and to assess the effectiveness of industry management.

3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹³, I have consulted, prior to the authorisation of the Program, with all local governments in Queensland.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁴, I will give public notice of the Program 14 days before the Program starts by

- giving the notice to each government department or government owned corporation responsible for land within Queensland; and
- publishing the notice on the Department's website.

From the start of the Queensland RBE & NLIS Surveillance Program, the Program (including its Authorisation) will be available for inspection at the Queensland Department of Agriculture and Fisheries head office at 41 George Street Brisbane and regional offices.

¹³ See section 239(Consultation about proposed biosecurity program) of the Act.

¹⁴ See section 240 (Notice of proposed biosecurity program) of the Act.

4. Notice of a Queensland RBE & NLIS Surveillance Program

NOTICE

I, Robert (Bob) Gee, the Director-General of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 240 of the *Biosecurity Act 2014* (the Act), give notice that I have authorised the Queensland RBE & NLIS Surveillance Program (the Program) on the basis that I am satisfied that RBE registration & NLIS have a significant role in addressing biosecurity risk in Queensland and measures are needed to monitor compliance with the Act and the effectiveness of measures taken in RBE registration & NLIS.



Robert (Bob) Gee

Director General, Department of Agriculture and Fisheries

Dated at Brisbane this 17 of April 2023

1 BIOSECURITY MATTER

N/A

2 PURPOSE AND SCOPE OF THE SURVEILLANCE PROGRAM

The purposes of the Program are to monitor compliance with the Act and to monitor the effectiveness of measures taken concerning RBE registration & NLIS.

3 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on **17 May 2023**, one month from the date of the authorisation.

The Program will be ongoing; subject to review three years after commencement to determine whether the Program is meeting its purposes (Ref. 3.2 above).

4 AREA AFFECTED BY THE PROGRAM

The Program will apply to all designated animals and special designated animals throughout the entire state of Queensland.

5 COPY OF PROGRAM AUTHORISATION

Copies of the Program authorisation will be available for inspection at the Queensland Department of Agriculture and Fisheries head office at 41 George Street Brisbane and regional offices, and on the Department's website.

The Department will supply a hard copy of the Program authorisation upon request at no charge.