

# PROCEDURE – BC & MS DIVISION

Ref: INT06/23958



**NSW DEPARTMENT OF  
PRIMARY INDUSTRIES**

**BIOSECURITY, COMPLIANCE & MINE SAFETY**  
161 Kite Street, ORANGE NSW 2800  
Tel: 63913100 Fax: 63619976

---

**Title:** NLIS – PROCEDURES FOR ASSIGNING PROPERTY IDENTIFICATION CODES AND FOR MANAGING AND ACCESSING REGISTERS

**Procedure no:** BC&MS PRO 2006/022 **Issue date:** 10/09/2007

**Authorised by:** Executive Director, Biosecurity, Compliance and Mine Safety

---

## OVERVIEW

This Procedure describes the requirements for assigning identification codes, for managing identification code registers, and for providing information from identification code and stock movement registers in accordance with the *Stock Diseases Regulation 2004*. Identification codes and registers are integral parts of the National Livestock Identification System (NLIS).

## SCOPE

This Procedure document replaces AI Circular 2004/52, AI Circular 2004/53, BC&MS PRO 2005/03, BC&MS PRO 2005/20 and BC&MS PRO 2006/35. It applies to all Department of Primary Industries (DPI) staff managing the central register or entering data into or accessing data from the central register and NLIS database. When approved and issued as a Written Instrument by the Rural Lands Protection Board (RLPB) State Council, the Procedure applies to district registrars, inspectors and all other staff working for RLPBs who manage or enter data into or access data from district registers and the NLIS database. It also provides guidelines to Meat and Livestock Australia (MLA) and other NSW Government agencies on the use of data held in the NLIS database in accordance with State legislation.

## WARNINGS INCLUDING OHS

Use of information from registers must comply with privacy requirements.

## DEFINITIONS

- *Food inspector:* An authorised officer within the meaning of the *Food Act 2003*, usually employed or appointed by the NSW Food Authority.
- *Identification code:* Includes property identification codes (PICs), agent identification codes and district codes.
- *NLIS:* National Livestock Identification System
- *PIC:* Property identification code
- *RFID:* Radio frequency identification device

<b>POLICY</b>	<ul style="list-style-type: none"><li>▪ Assign and maintain identification codes and registers in accordance with legislation, ensuring that the data is as accurate and current as is reasonably practical;</li><li>▪ Provide access to data held in a register in accordance with legislation and contractual arrangements.</li></ul>
<b>RELATED LEGISLATION</b>	<ul style="list-style-type: none"><li>▪ <i>Stock Diseases Regulation 2004</i> <a href="http://www.agric.nsw.gov.au/reader/nlis-policy-legislation">www.agric.nsw.gov.au/reader/nlis-policy-legislation</a></li><li>▪ <i>Privacy and Personal Information Protection Act 1998</i></li><li>▪ <i>Rural Lands Protection Act 1998</i></li></ul>
<b>RELATED PROCEDURES</b>	<ul style="list-style-type: none"><li>▪ BC&amp;MS PRO 2005/02 Stock Identification – Agent Identification Codes</li><li>▪ BC&amp;MS PRO 2005/20 Stock identification – Procedures for accessing</li></ul>

	<p>the NLIS database</p> <ul style="list-style-type: none"> <li>▪ Various other procedures at <a href="http://www.agric.nsw.gov.au/reader/nlis-policy-legislation">www.agric.nsw.gov.au/reader/nlis-policy-legislation</a></li> <li>▪ DPI POLICY – Managing information requests relating to animal and plant diseases, chemical residues and land (in draft)</li> </ul>				
<b>RELATED DELEGATIONS</b>	Nil				
<b>RELATED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>▪ Applications for NLIS database accounts <a href="http://www.nlis.mla.com.au">www.nlis.mla.com.au</a></li> <li>▪ <i>Terms of Use for the National Livestock Identification System Database</i> <a href="http://www.nlis.mla.com.au">www.nlis.mla.com.au</a></li> <li>▪ <i>NLIS Database National PIC Register Upload Functional requirements</i></li> <li>▪ Format of PICs and list of district numbers <a href="http://www.agric.nsw.gov.au/reader/pics">http://www.agric.nsw.gov.au/reader/pics</a></li> <li>▪ List of district codes <a href="http://www.agric.nsw.gov.au/reader/district-codes">http://www.agric.nsw.gov.au/reader/district-codes</a></li> <li>▪ All PICs via NLIS database SDA accounts</li> <li>▪ Queensland PICs <a href="http://www2.dpi.qld.gov.au/extra/asp/aps/taitagsearch.asp">http://www2.dpi.qld.gov.au/extra/asp/aps/taitagsearch.asp</a></li> <li>▪ Northern Territory PICs <a href="http://pic.primaryindustry.nt.gov.au/PICsearch.asp">http://pic.primaryindustry.nt.gov.au/PICsearch.asp</a></li> <li>▪ Western Australia PICs <a href="http://spatial.agric.wa.gov.au/brands/index.asp">http://spatial.agric.wa.gov.au/brands/index.asp</a></li> <li>▪ Work instructions for entering PICs in the central register <a href="http://wwwi.agric.nsw.gov.au/intranet/23810m">http://wwwi.agric.nsw.gov.au/intranet/23810m</a></li> </ul>				
<b>REVISION HISTORY</b>	<table border="1"> <tr> <td>Version 1</td> <td>Ian Bell</td> <td>10/09/2007</td> <td>New procedure</td> </tr> </table>	Version 1	Ian Bell	10/09/2007	New procedure
Version 1	Ian Bell	10/09/2007	New procedure		
<b>DATE OF NEXT REVIEW</b>	30/06/2008				
<b>CONTACTS</b>	<p>Central register of identification codes  Phone 02 6558 1707  Fax 02 6558 2554  Email <a href="mailto:colleen.reeves@dpi.nsw.gov.au">colleen.reeves@dpi.nsw.gov.au</a>  DPI, PO Box 108, Gloucester NSW 2422</p> <p>Manager, Biosecurity and Traceability Systems (B&amp;TS)  Phone 02 6391 3179, 0428 663512  Email <a href="mailto:ian.bell@dpi.nsw.gov.au">ian.bell@dpi.nsw.gov.au</a></p> <p>Manager NLIS / Executive Officer  Phone 02 6391 3376, 0428 257947  Email <a href="mailto:michael.beer@dpi.nsw.gov.au">michael.beer@dpi.nsw.gov.au</a></p> <p>NLIS Database Clerk  Phone 02 6391 3511  Email <a href="mailto:olga.ozols@dpi.nsw.gov.au">olga.ozols@dpi.nsw.gov.au</a></p> <p>DPI NLIS Helpline  Phone 1300 720 405  Email <a href="mailto:enquiries.nlis@dpi.nsw.gov.au">enquiries.nlis@dpi.nsw.gov.au</a>  <a href="http://www.dpi.nsw.gov.au/nlis">www.dpi.nsw.gov.au/nlis</a></p> <p>MLA NLIS Helpdesk  Phone 1800 654 743  Email <a href="mailto:nlissupport@mla.com.au">nlissupport@mla.com.au</a>  <a href="http://www.nlis.mla.com.au">www.nlis.mla.com.au</a></p>				

# PROCEDURE

## NLIS – PROCEDURES FOR ASSIGNING IDENTIFICATION CODES AND FOR MANAGING AND ACCESSING REGISTERS

**Comment:** The main change to the previous Procedures is to address privacy issues more comprehensively. The opportunity has been taken to incorporate a number of related documents with minor changes into this one document. This Procedure may need further revision when new PIC databases and electronic data transfer are developed and rolled out.

### CONTENTS

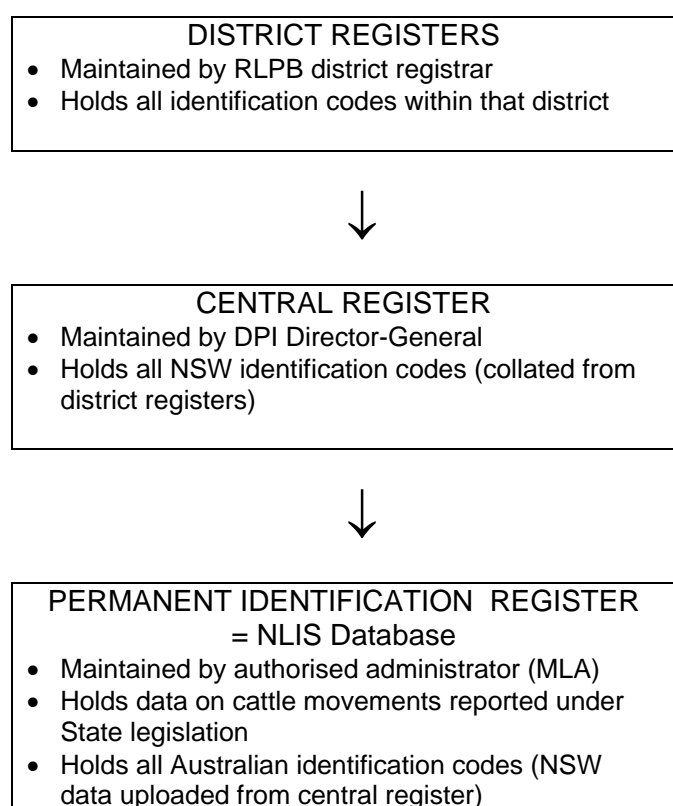
1	OVERVIEW .....	5
1.1	Status of identification codes .....	5
2	DISTRICT REGISTERS .....	6
2.1	Property identification codes .....	6
2.1.1	Definition of a property .....	6
2.1.2	Format of PICs .....	7
2.1.3	Assignment of PICs to properties .....	7
2.1.4	Assignment of PICs to saleyards, abattoirs and knackereries .....	7
2.1.5	Amalgamation of properties under one PIC .....	7
2.1.6	Division of a property into separate parcels and PICs .....	8
2.1.7	Multiple PICs for a holding .....	9
2.1.8	Transfer of PICs .....	9
2.1.9	Renewal of PICs .....	9
2.1.10	Amendment of PICs .....	9
2.1.11	Inactivation or cancellation of PICs .....	10
2.1.12	Change of land ownership or occupancy .....	10
2.2	District codes .....	11
2.3	Agent identification codes .....	11
2.4	Maintenance of district registers .....	11
2.5	Timely updates from each district register to the central register .....	11
3	CENTRAL REGISTER .....	12
3.1	Maintenance of the central register .....	12
3.2	Timely updates from the central register to the permanent identification register .....	12
3.3	PIC cards .....	12
4	PERMANENT IDENTIFICATION REGISTER (NLIS DATABASE) .....	12
4.1	Maintenance of the permanent identification register .....	13
4.2	Blocked identification codes .....	13
4.2.1	Action when blocked identification code is used .....	13
5	ACCESS TO REGISTERS AND DISCLOSURE AND USE OF INFORMATION .....	14
5.1	Purposes of registers .....	14
5.2	Privacy provisions .....	14
5.3	Terms of use for the NLIS database .....	15
5.4	PIC search facility on NLIS database .....	16
5.5	SDA NLIS database accounts .....	16
5.6	Principles of access to registers .....	17
5.6.1	District registers .....	17
5.6.2	Central register .....	17
5.6.3	Permanent identification register .....	17
5.6.4	Access to registers by authorised persons .....	18
5.6.5	Access to registers by law enforcement agencies .....	18
5.6.6	Access to registers by other government agencies and statutory authorities .....	18
5.6.7	Access to registers by the public .....	19
5.6.8	Accuracy of information in registers .....	19
5.7	Procedures for disclosing information from registers .....	19

5.7.1	Records of information provided .....	19
5.7.2	Authorised persons and law enforcement agencies .....	19
5.7.3	Other government agencies and statutory authorities .....	20
5.7.4	Stock agents, saleyard operators, abattoir operators, feedlots.....	20
5.7.5	Livestock producers .....	20
5.7.6	Members of the public .....	21
5.7.7	Impounded stock .....	21
5.7.8	Motor vehicle accidents with stock .....	21
5.7.9	Other people or circumstances .....	22
5.7.10	Case studies .....	22
5.7.11	Privacy notices.....	25
5.7.12	Disclaimers .....	25
TABLE 1 – Identification Code Statuses and Synonyms .....		26
TABLE 2 – Staff Eligible for SDA NLIS Database Accounts .....		27

## 1 OVERVIEW

The *Stock Diseases Regulation 2004* Part 3 Division 6 establishes three registers of information about livestock identification and movements – district registers of property identification codes (PICs) and other identification codes, the central register of identification codes, and the permanent identification register of cattle movements and identification codes (the NLIS database).

Property identification codes (PICs) are unique identifiers for land used for livestock or other agricultural production. Agent identification codes are assigned to stock agents, and district codes are assigned to each rural lands protection district. This information is recorded by each RLPB in a district register and provided to DPI for collation into a central register. The data is then uploaded from the central register to the NLIS database. The movements of cattle between properties, to and from saleyards and to abattoirs are uploaded by industry account holders to the NLIS database. Collectively the registers provide the core data on which the NLIS and traceability are based.



### 1.1 Status of identification codes

An identification code can have one of the following statuses (only):

- **Active** – the code is assigned and in use.
- **Inactive** – the code has been assigned but is not currently in use. The Regulation refers to these PICs as suspended.
- **Cancelled** – the code was once assigned but no longer exists. The NLIS business rules refer to these codes as disbanded.
- **Blocked** – an inactive or cancelled code that has been barred from use on the NLIS database.

See Table 1 for further information.

Suspension is a temporary (though, perhaps, long-term) inactivation of a code, whereas cancellation is a permanent disbandment of a code. Current databases accept only one non-active status and hence the terms ‘inactive’, ‘suspended’ and ‘cancelled’ are interchangeable. Future databases will be able to distinguish between inactive and cancelled codes. A code that has an incorrect character sequence (algorithm) is invalid and cannot be assigned a status.

## 2 DISTRICT REGISTERS

Each District Registrar must keep a district register of all identification codes that are assigned in their Rural Lands Protection District (clause 32(1)), namely:

- property identification codes (PICs) for properties (including saleyards, abattoirs, travelling stock reserves, public land and public roads);
- the district code; and
- agent identification codes assigned to stock and station agents.

The following information must be recorded:

- the identification code assigned, and
- the name and location (physical address) of the property or the name and address of the agent to which an agent code is assigned, and
- the lot and DP (Deposited Plan) numbers of the property, and
- the name and address of the owner or occupier of the property (either or both may be recorded), or name and address of the stock and station agent, and
- the status of each identification code (such as whether it is active or cancelled).

**The District Registrar has primary responsibility for maintaining accurate and up to date information in the district register and for conveying that information in a timely manner to the central register.**

The district register may be part of a larger database such as FARMS which contains additional information about holdings, owners, occupiers, rates and disease or residue data. However, only that information listed above forms the official district register of identification codes.

### 2.1 Property identification codes

#### 2.1.1 Definition of a property

PICs are assigned to properties. A property means an area of land (including an area comprising one or more parcels of land that are proximate) that is worked as a single property (clause 12).

A holding in terms of the *Rural Lands Protection Act 1998* is normally one property. However, a number of holdings may comprise one property for the purposes of assigning a PIC if they are worked as a single property and are proximate. Alternatively, a holding may have parts with different PICs if they are worked separately.

**‘Worked as a single property’** means that there are regular movements of grazing stock (cattle or sheep) between the holdings such that the holdings are effectively paddocks of one larger property. Normally the producer is best placed to decide whether their holdings are worked as a single property, but the District Registrar may wish to clarify the manner in which the properties are worked from the producer or use other local knowledge before making this determination.

**‘Proximate’** means that the holdings are nearby. In determining whether the holdings are proximate, the following guidelines should be considered:

- The holdings do not have to be in the same RLP District, in fact District boundaries are irrelevant to the determination of what constitutes a property for the purposes of assigning a PIC.
- A property may comprise parcels of land in adjoining States or Territories (Queensland, Victoria or the Australian Capital Territory) and may be combined under one PIC provided they meet the NSW definition AND this arrangement is approved by an officer who is authorised to assign PICs in the other jurisdiction. The land in the other jurisdiction may be placed under the NSW PIC, or the land in NSW placed under the interstate PIC.
- The holdings do not need to be contiguous or only separated by a road or watercourse (as with the definition of ‘holding’ under the Rural Lands Protection Act).
- If the holdings are within a day’s walking distance of each other, they are almost certainly proximate. If the holdings are further apart, the District Registrar should use their discretion to flexibly interpret the definition of a property, recognising the range of circumstances in which producers work land as a single property. A set distance should not be applied rigidly as the only

criteria. However, holdings that are more than a hundred kilometres or two Districts apart are unlikely to be proximate.

A **saleyard or abattoir** is a property and can be assigned a PIC.

A **travelling stock reserve (TSR), public land** within the meaning of the Rural Lands Protection Act, and a **public road** to which a stock permit relates, can be a property and assigned a PIC. The District Registrar should consult with the District Veterinarian and appropriate Rangers to determine a logical grouping of TSRs, roads and public land into one or more properties, based on geography, management arrangements, and residue and disease history or risk.

**Non-rateable land**, such as a small farm or forestry lease, can be a property and assigned a PIC.

**Land that is in common or public use**, such as a showground, common, sporting field, even a cemetery can and should be assigned a PIC if it is grazed.

A PIC is assigned to land. Land that meets the definition of a property may be assigned a PIC. Parcels of land that do not meet the definition of a property cannot be assigned the same PIC. PICs cannot be assigned to a person, business or postal address.

### 2.1.2 Format of PICs

The Director-General determines the PICs that are to be assigned in each District (clause 28(6)). The format of PICs and a list of Rural Lands Protection District numbers are on the internet (see 10. above).

### 2.1.3 Assignment of PICs to properties

An owner or occupier of a property may apply for a PIC for that property (clause 28(4)(b)). The occupier may be a manager, lessee or a person with stock on agistment. The property does not have to have stock on it or be rateable land in order for a PIC to be assigned.

A Board may charge an application fee up to a maximum determined by State Council. See relevant State Council guidelines for further information.

If the property already has an active PIC, then that PIC is transferred in the name of the applicant. If it has an inactive PIC, then that PIC is reassigned in the name of the applicant. A new PIC should not be issued for what is effectively the same property.

The District Registrar may assign a PIC without application and on their own volition (clause 28(4)(a), in which case no fee is payable.

### 2.1.4 Assignment of PICs to saleyards, abattoirs and knackeries

PICs are assigned by the District Registrar to each saleyard, abattoir and knackery in the District without application or fee. This should already have been done for existing establishments and should be done as soon as a new establishment opens in the district. If a saleyard, abattoir or knackery closes, then the PIC is inactivated; if it subsequently reopens, then the same PIC is reassigned.

Saleyard and abattoir/knackery PICs have a unique character sequence so they can be distinguished from PICs for properties on which stock are produced. Saleyards have the sequence N?99XX0? and abattoirs and knackeries the sequence N?99XX1?, where XX is the District number and ? is variable. New saleyard and abattoir/knackery PICs are available on request from the NLIS Database Clerk.

### 2.1.5 Amalgamation of properties under one PIC

A person who owns or occupies more than one holding can elect to amalgamate their holdings under a single PIC provided the land fits the definition of a property, that is, the holdings are worked as a single property and are proximate.

Producers may wish to choose this option as they can use one set of NLIS devices or tags on stock on any of their holdings, they may be able to move stock between their holdings without needing to attach devices/tags (subject to any applicable exemption), and they don't have to record the movement of cattle between holdings on the NLIS database. They will only need one book of national

vendor declarations (NVDs) and records for audit under the Livestock Production Assurance (LPA) scheme.

However, producers must be aware that amalgamating their holdings under one PIC also has a downside. All land covered by the same PIC share the same disease and residue status, which will be the lowest status of the highest-risk parcel of land. Any PIC status recorded on the NLIS database will apply to all land registered under that PIC. Any disease or residue traceback on an animal bearing that property's PIC will implicate all holdings and all stock on those holdings unless and until further investigations are able to prove otherwise. Depending on the nature of the problem, this might only take a day or two (where the stockowner's paddock books or other records allow the source of a residue to be narrowed down readily) to many months (such as BJD). Producers should be made aware of this risk and be willing to accept the consequences. If one holding has a higher disease or residue risk than other holdings, there could be merit in keeping this as a separate property with its own PIC. The producer should consider their stock management and record-keeping systems, known risks on their holdings or neighbouring properties or in the district, weigh up the pros and cons and make their own decision on what is the best option for them.

On request from a producer to amalgamate holdings under one PIC, the District Registrar should assess the holdings, in discussion with other Board staff as appropriate, against the definition of a property, that is, are the holdings worked as a single property and, if so, are they proximate? If 'yes' to both questions, one PIC may be assigned to all holdings and the PICs of the other holdings inactivated. Each request should be considered on a case by case basis and on its own merits – hard and fast rules or set distances should not be applied.

The District Registrar may wish to assess the eligibility of the producer to request amalgamation, ie whether the person is the owner or occupier of all holdings affected by the proposed amalgamation. This is relatively straightforward for ownership or formal occupancy (eg lease), but may be less clear if the land is being used under an informal arrangement (eg agistment). The District Registrar may require the written consent of the owner of a holding to allow their land to be amalgamated under another PIC. The occupier must agree to inform the District Registrar as soon as the occupancy arrangement changes.

The holdings that comprise a property can be in different Rural Lands Protection Districts. If some of the holdings are in another District, the District Registrar should contact the District Registrar in the other District to discuss and determine arrangements by mutual agreement. The PIC for the 'major holding' (see below) should be assigned to the whole property, and the PIC for the other holding(s) inactivated.

The PIC assigned to the property should be the PIC of the '**major holding**'. The major holding is either the larger of the holdings or the holding that turns over the most stock, or the holding owned by the producer (as distinct from land occupied on a lease or agistment arrangement), or the holding on which the producer lives, or as otherwise determined by the District Registrar in consultation with the producer. If one parcel of land has a significant disease or residue history, it would be appropriate to assign that land's PIC to the whole property if the other holdings share that risk.

Cattle must be transferred on the NLIS database from the inactivated PIC to the active PIC before or as soon as the holdings are amalgamated. This is the responsibility of the owner or person in charge of the stock.

If the District Registrar is unsure of the best course of action, or the producer is not satisfied with the District Registrar's interpretation, or consensus cannot be reached between District Registrars in the different Districts in which the holdings are located, then the District Registrar should discuss the case with the Senior Regional Animal Health Manager (SRAHM).

### **2.1.6 Division of a property into separate parcels and PICs**

A property with one PIC may be subdivided into separate holdings (within the meaning of the Rural Lands Protection Act) on request from the owner or occupier of the property, or if part of the property is sold, or if land that was previously leased or used for agistment is no longer occupied and worked with the rest of the property. If the separated holding originally had its own PIC, then this should be reactivated, otherwise a new PIC should be assigned.

A property may be administratively subdivided and assigned separate PICs if a significant residue or disease problem is identified, is traced and isolated to only part of the property, and can be effectively managed separately from the rest of the property. This course of action should be determined through consultation between the producer, the District Veterinarian and the District Registrar. If the now separate holdings originally had their own PICs, the suspended PICs should be reactivated. Otherwise, the PIC should remain with that part of the property with a significant disease or residue history, and new PICs assigned to the other holdings.

### **2.1.7 Multiple PICs for a holding**

Any one parcel of land can only have one active PIC at a time. Normally a lot (as defined by land titles) is the smallest unit of land that has a PIC.

It is not necessary for separate herds/flocks or enterprises on the one holding to have separate PICs. For example, a dairy herd, stud beef herd, commercial beef herd, feedlot, sheep flock and piggery on the same property can all be identified with the same PIC.

An area of land that forms part of a holding may be assigned its own PIC, but this should be the exception rather than the rule. A new PIC may be assigned if the District Registrar is satisfied that the land is managed separately. Examples where this might be appropriate include an EUCAS feedlot or a feedlot where HGPs are used, or where mobs or flocks are separately managed under an approved property disease or residue management plan or market assurance program, or there is a patch of contaminated land that needs to be separately managed. The District Registrar should consult with the District Veterinarian.

If the area of land assigned a PIC is smaller than a lot, then it will need to be described spatially in the district register.

### **2.1.8 Transfer of PICs**

Once assigned to a property, a PIC remains permanently linked to that property irrespective of ownership, occupation, or land use. A PIC cannot be transferred except to another property that comprises all or part of the property to which the code was originally assigned (clause 28(7)(a)).

### **2.1.9 Renewal of PICs**

A PIC remains in force for three years, at which time it may be renewed either on application or 'automatically' with payment of rates (clause 29). A separate renewal fee may be payable as determined by the Board up to the maximum fee determined by State Council, or the fee may be built into the rating structure.

Clause 29 allows the District Registrar to determine and specify in writing a shorter period for which a PIC remains active. This should only be done in circumstances when the ongoing use of a PIC is uncertain, for example where the occupancy of part of an amalgamated PIC is temporary. Shorter renewal periods must not be applied simply in order to raise additional revenue through renewal fees.

PICs that are assigned to saleyards, abattoirs and knackereries do not need to be renewed and no renewal fee is payable.

### **2.1.10 Amendment of PICs**

A PIC, once assigned to a property, cannot be amended (ie the 8 character sequence cannot be changed). If the PIC for that property needs to be changed for any reason, the current PIC is cancelled and a new PIC is assigned to the property. This should only happen in exceptional circumstances, such as where a PIC has been incorrectly assigned or District boundaries have changed.

The detail of land and occupancy attached to a PIC should be amended as soon as changes are advised to the Board – see 2.1.12 below.

### 2.1.11 Inactivation or cancellation of PICs

A District Registrar may inactivate (suspend) or cancel a PIC (clause 30).

Reasons for **inactivating** a code are:

- The property has been sold or a lease expired or terminated but the Board has not yet been notified of the new owner or occupier, or the new owner or occupier has not yet applied for a PIC;
- separate properties have been amalgamated into one property; or
- on request from the owner or occupier of the property that they no longer require a PIC; or
- the PIC has not been renewed on time (including where a renewal fee, or rates that include a renewal fee, have not been paid, or a land and stock return has not been provided, within the time prescribed under the *Rural Lands Protection Act 1998*); or
- there is a prohibition on grazing stock under section 12 of the *Stock (Chemical Residues) Act 1975*; or
- as determined by the Director-General.

The code may be reactivated if:

- the owner or occupier applies for a PIC; or
- the land is subdivided again into separate properties; or
- the PIC is renewed.

Note:

- Stock may still be identified and transferred using an inactivated PIC, as the link between the PIC and identifiable land (traceability) remains and there may be a legitimate reason for doing so (eg moving stock off a recently sold property).
- Orders for identifiers for an inactive PIC should only be endorsed if there is a demonstrable need to identify stock on that property.

Reasons for **cancelling** a code are:

- the land use has changed in the long-term such that it is unlikely to be used for agriculture again (such as a residential subdivision); or
- the land has been subdivided into smaller properties (each of which may then require separate PICs) and no recognisable part of the original property remains; or
- the PIC has been incorrectly assigned (for instance, the PIC has been assigned to a person or postal address and there is no identifiable link to land; the code for the wrong district has been assigned; a saleyard code has been accidentally assigned to a property); or
- the code has been misused and is to be blocked; or
- Rural Lands Protection Districts have been amalgamated and new codes are being assigned to some or all properties in the new district; or
- as determined by the Director-General.

Note:

- A person cannot lawfully use identifiers with a cancelled PIC unless they are NLIS devices which have been transferred ('TAGTRANS') to another property, or transfer stock using a cancelled PIC.
- Orders for identifiers for a cancelled PIC must not be endorsed.

### 2.1.12 Change of land ownership or occupancy

When a property is sold or leased, the PIC remains assigned to that property but the particulars associated with the PIC are amended to show the new owner or occupier. The PIC cannot be transferred to another property even if the other property is owned or occupied by the same person as the previous property.

If the purchaser already has a property with a PIC and intends to manage their new land with their existing property and both properties are proximate (meeting the definition of a property), then they can use their current PIC to identify stock from the new property. The PIC for the purchased property should be inactivated.

## 2.2 District codes

District codes are determined by the Director-General (clause 28(6)) and assigned by the District Registrar (clause 28(2)).

District codes serve two purposes:

- They may be used as the code on special NLIS identifiers.
- They may be used to record the movement of cattle from or to properties that do not have their own PIC.

The codes have the same format as PICs but end with four zeros – '0000'. District codes are recorded in the district register (and thence in the central and permanent identification registers) in the same way as PICs, with the Board as the 'owner'. The list of district codes is available on the internet – see 10. above.

A district code is assigned to the whole District. A district can only have one district code. The district code applies to all land in the district that does not have a PIC and only has effect, and may only be used, in relation to a property that has not been assigned a PIC. Identifiable land such as travelling stock reserves, showgrounds and commons must be assigned their own PICs.

The district code remains permanently with the district to which it is assigned and does not need to be renewed. If district boundaries change, it may be reassigned to a district that contains part or all of the district to which it was originally assigned. A district code cannot be reassigned to an entirely different district.

## 2.3 Agent identification codes

Procedures for assigning and managing agent identification codes are detailed in another Procedure (see Related Procedures).

## 2.4 Maintenance of district registers

The information recorded in a district register (and subsequently in the central and permanent identification registers) must be kept up to date. This is the responsibility of the District Registrar. The district register should be amended in a timely manner based on the following sources of information:

- Applications or advice from land owners/occupiers to amend their PIC or contact details.
- Orders for approved identifiers.
- Annual land and stock returns.
- Rate returns.
- Advice of the sale of land. The District Registrar may choose to amend the register details on receipt of advice from a solicitor or the Department of Lands that a property has been sold, or to inactive the PIC until the new owner/occupier applies for the PIC in their own right. The latter is preferable as the full owner/occupier details can be obtained and the person is provided with a privacy notice.
- Returned PIC cards.

New software (FARMS) allows rating systems and the district PIC register to be maintained simultaneously.

## 2.5 Timely updates from each district register to the central register

Any changes to the district register must be sent to the central register within 7 days (clause 32(2),(3)). The information required is the same as that specified above, excluding (at present) the lot and DP numbers (request pursuant to clause 32(2)).

<b>Changes to a district register must be sent to the central register within 7 days</b>
--

The changes are sent to a person nominated from time to time by the Manager B&TS. The changes should be sent on the PIC application form, or in a list containing all of the required information, by fax, e-mail or mail.

Automated means of electronic data transfer of PICs from individual RLPBs to State Council and then to DPI are under development.

### **3 CENTRAL REGISTER**

The Director-General maintains a central register of all identification codes assigned in NSW (clause 33(1)). This is administered by the Biosecurity and Traceability Systems Unit.

#### **3.1 Maintenance of the central register**

The central register is amended based on advice of changes to the district register sent by District Registrars.

DPI cannot make changes to the central register without the authorisation of the District Registrar, except for minor typographical changes (eg to correct a spelling mistake). Changes requested by a producer (eg when returning a PIC card or by phoning the NLIS helpline) are referred to the RLPB for confirmation. The central register remains unchanged (and potentially incorrect) until this confirmation is provided by the RLPB. Any further inquiries from the producer about that issue will be referred directly to the RLPB to deal with.

**Any significant changes to the central register must first be endorsed by the District Registrar and recorded in the district register**

#### **3.2 Timely updates from the central register to the permanent identification register**

The Director-General must, on request by the authorised administrator, provide any information that is recorded in the central register to the authorised administrator of the permanent identification register within 7 days of that request (clause 33(2),(3)).

Data from the central register is automatically uploaded to the NLIS database nightly.

#### **3.3 PIC cards**

A PIC card is a plastic credit-card sized item printed with the owner/occupier's name, property name and property address. The information is often abbreviated (eg person's initials, one property name only) to fit onto the card. The card is designed to help producers to remember their PIC when selling, buying or moving cattle so that the transfer can be correctly recorded on the NLIS database.

During 2005/06, PIC cards were mailed by DPI to all producers based on the central PIC register, new cards were issued as PICs were newly assigned or transferred, and replacement cards were sent to reflect corrections made to the register. Future mailings will depend on progress with new PIC database development and available funding.

### **4 PERMANENT IDENTIFICATION REGISTER (NLIS DATABASE)**

The authorised administrator maintains a register of cattle movements reported under Division 4 of the Regulation in the permanent identification register (clause 34(1)), as well as PICs provided from the central register in accordance with clause 33(3). The Director-General has appointed Meat and Livestock Australia (MLA) as the authorised administrator (Director-General approval pursuant to clause 35). The permanent identification register is the NLIS database.

The information recorded in this register in accordance with the Regulation includes:

- the NLIS or RFID numbers of the cattle, the date and type of event, the identification code of the property/agent/district the cattle have come from and of the property/agent/district the cattle have been moved to, and the carcass weight of slaughtered cattle;
- details of identification codes and the property to which or agent to whom they are assigned.

The NLIS database incorporates PICs uploaded by each State and Territory. This allows various business rules based on PIC type or status to be implemented, for example advising abattoirs that

an animal is from a residue risk property, or alerting various parties to the attempted use of a blocked PIC. A PIC search facility is under development which will allow designated account holders to look up and confirm the PIC for any property in Australia.

The NLIS database contains additional data which is governed by the *Terms of use* for the database but is outside the provisions of the Regulation and this Procedure.

#### **4.1 Maintenance of the permanent identification register**

The NLIS database is maintained by MLA, though most data is uploaded by users.

MLA convene a Database Development Review Committee (DDRC) which meets regularly by telephone conference. A web-based issue tracking system called JIRA is used to log and follow through each issue. Suggestions for changes to the database, whether to fix a problem or enhance its functionality, should be sent to Manager B&TS for referral to and consideration by this committee. Minor problems may be corrected within a few weeks. Significant enhancements go through a more formal approval process and work scheduling which, which depending on their complexity, may take several weeks to months to deliver.

#### **4.2 Blocked identification codes**

An identification code may be blocked to prevent its use on the NLIS database in the following circumstances:

- An agent code that has been inactivated or cancelled.
- A PIC assigned to a saleyard or abattoir that has temporarily or permanently closed and is not currently operating.
- A district code for a district that no longer exists.
- A false identification code. This is a valid code which meets the PIC algorithm but has not been lawfully assigned under the Regulation.
- Any other cancelled code that is being unlawfully used to transfer of cattle on the NLIS database.

An identification code may be blocked on the initiative or with the approval of Manager B&TS. A district registrar, inspector or NLIS Database Clerk may request or recommend that a code be blocked.

An identification code is blocked by entering (if required) and cancelling the code on the central register maintained by DPI, then uploading the blocked ('B') status to the NLIS database in accordance with the national PIC register functional requirements. No action is required with respect to district registers.

An identification code may be unblocked, with the approval of Manager B&TS, when the code has been reactivated or reassigned in accordance with the Regulation and approved Procedures.

##### **4.2.1 Action when blocked identification code is used**

The onus is on the owner or person in charge of stock, or a saleyard or abattoir, or a stock agent, to transfer cattle from and to the correct identification code in accordance with the Regulation. If they attempt to transfer cattle to a blocked identification code, then the transfer is rejected by the NLIS database and the cattle will remain on the 'current holdings' of the property, saleyard or agent. Unless the cattle are subsequently transferred to the correct PIC within the prescribed timeframe, the person has not met their obligations under the Regulation. An attempted and uncorrected transfer to a blocked code is effectively a failure to transfer the cattle as required by the Regulation.

The NLIS database automatically sends an email notification about the attempted use of a blocked code to DPI's NLIS helpdesk email address. A report *Uploads with a blocked, inactive, invalid or disbanded PIC* is available to SDA accounts from the database.

DPI may refer persistent attempts to transfer cattle to a blocked code to an RLPB or DPI inspector to follow up. The inspector contacts the person who attempted the transfer to encourage them to obtain and use an alternative and correct PIC, reminding them of their obligations under the Regulation to do so. If after a month that person is still attempting to transfer cattle to the blocked

code, then a breach investigation is carried out with respect to the person attempting the transfer and/or the person quoting the blocked code.

## 5 ACCESS TO REGISTERS AND DISCLOSURE AND USE OF INFORMATION

The district, central and permanent identification registers contain personal information about people, as well as potentially commercially sensitive data about their land and livestock. The information may be used and disclosed provided it is for a purpose consistent with the purposes of the register as prescribed in clause 31 of the Regulation and (for the permanent identification register) the *Terms of use for the NLIS Database*. Information must not be used or disclosed unless it is consistent with one of these provisions.

Particular care must be taken before disclosing information from the NLIS database as this is subject to both sets of rules.

**Information must not be provided from the NLIS database unless authorised by the Regulation and the Terms of Use**

Guidelines for the disclosure of information from registers in various circumstances are provided below. If in doubt, RLPB, DPI and MLA staff may refer the matter to DPI's NLIS Helpline, who in turn may refer it to Manager B&TS or Manager NLIS.

### 5.1 Purposes of registers

Clause 31 lists the purposes for which the three registers are maintained:

- (a) to facilitate and assist the operation of the stock identification schemes established under this Part,
- (b) to protect public health and safety,
- (c) to assist in controlling disease and residues in stock or in animal products,
- (d) to assist in enabling the disease and residue status of stock or any animal products to be ascertained,
- (e) to facilitate the determination of ownership of stock or any animal products,
- (f) to assist in tracing the movement of any stock or any animal products,
- (g) to assist in the investigation of theft of stock,
- (h) to facilitate the dissemination of information in relation to the production and marketing of stock or any animal products.

### 5.2 Privacy provisions

The collection and use of information recorded in a stock identification and tracing register is subject to the provisions of the *Privacy and Personal Information Protection Act 1998* (the 'Privacy Act'). The Privacy Act applies to all public sector agencies, including DPI and RLPBs.

The information recorded in PIC registers and the NLIS database includes 'personal information', which is defined by the Privacy Act as "... information ... (including information ... forming part of a database ...) about an individual whose identity is apparent or can reasonably be ascertained from the information ..." (section 4(1)).

Personal information may only be collected for a lawful purpose that is directly related to a function or activity of the agency, and the collection of that information is reasonably necessary for that purpose (section 8). This allows the collection of information for the purposes of administering PICs and the NLIS.

When collecting personal information, the agency must take reasonable steps to ensure that the person to whom the information relates is made aware that the information is being collected, why it is being collected, who will receive the information, whether the information is being required by law or its provision is voluntary and any consequences if it is not provided, how the person can access or correct the information, and which agency is collecting and holding the information (section 10). This is usually conveyed by way of a 'privacy notice', which can be brief but must cover all of the relevant issues.

Personal information must not be used unless it is for a purpose directly related to the purpose for which the information was collected, or the person to whom the information relates has consented to its use for some other purpose (section 17).

Personal information must not be disclosed to any other person or body unless it is for a purpose directly related to the purpose for which the information was collected, or the person to whom the information relates has been made aware that the information will be disclosed to that other person or body (section 18).

**Thus the collection, use and disclosure of personal information for a purpose consistent with clause 31 of the Regulation are allowed, but generally not if the purpose is inconsistent with that clause.**

The PIC registers and NLIS database may be public registers within the meaning of section 3 of the Privacy Act as clauses 32(5), 33(5) and 34(3) of the Regulation allow 'any other person' to have access to the information. A public register means "... a register of personal information that is required by law to be, or is made, publicly available or open to public inspection ...".

Notwithstanding this, the agency responsible for keeping a public register must not disclose any personal information kept in the register unless the agency is satisfied that it is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept. This obligation is imposed on DPI and RLPBs by section 57 of the Privacy Act and on MLA by clause 34(4) of the Regulation. In order to do this, the agency may require any person who applies to access information contained in the register to give particulars, in the form of a statutory declaration, as to the intended use of any information obtained from the inspection (section 57).

### 5.3 Terms of use for the NLIS database

Use of the NLIS database is subject to the *Terms of Use for the National Livestock Identification System database* (see Related Documents) as approved from time to time by SAFEMEAT and published by MLA. Sections 2 *Accounts* and 8 *Confidentiality and privacy* are especially relevant to disclosure and privacy.

Section 2.5 of the *Terms* says: "The Database contains confidential and commercially sensitive information ... Accordingly, subject to any applicable legislative restrictions and in accordance with these terms, the Administrator restricts access to information contained in the Database."

Access to the NLIS database is provided through a variety of database account types, and MLA requires all applicants for NLIS database accounts to read and accept the *Terms of Use*.

Section 2.15.1 of the *Terms* allows government participants to access and use any data in the database, provided it is for the "Permitted Use" and the data has been provided in the course of complying with legislative requirements, including other jurisdictions' legislation. This is reiterated in 2.15.3. The "Permitted Use" (section 13.1) means "any use which a government Participant acting reasonably considers necessary or convenient to comply with the legislative framework within which it operates solely for biosecurity, food safety and market access purposes". Section 2.15.2 stipulates that "Government Participants must not, by sale or otherwise, provide third parties any data in the Database (other than the data provided by Participants in the course of complying with that jurisdiction's legislative requirements)".

This means that DPI and RLPB staff can only access and use information from the NLIS database if that data has been provided in compliance with the *Stock Diseases Regulation* or similar legislation in another jurisdiction, and the data is to be used for a purpose related to biosecurity, food safety or market access. Data not provided in accordance with legislation cannot be used, nor can the data be used for any other purpose.

Furthermore, DPI and RLPB staff can only provide information from the NLIS database to third persons if that data has been provided in compliance with the NSW *Stock Diseases Regulation*, and the data is to be used for a purpose related to biosecurity, food safety or market access. Data provided under legislation in another State, or intended for use for another purpose, cannot be disclosed to third parties.

Section 2.15.3 of the *Terms* allows DPI and RLPBs, subject to the above conditions, to alter, adapt, extract, reproduce, export, disseminate or transmit the data.

Section 2.19.1-3 of the *Terms* allows a law enforcement agency to open a database account or to obtain information directly from MLA on written request. A law enforcement agency in this context is defined as “police, rangers and other law enforcement agencies”. The data may be used for law enforcement purposes.

Section 8.6.2 of the *Terms* says “The Administrator respects the privacy of individuals and does not release personal information other than as specified in these terms”. The Administrator is MLA.

#### **5.4 PIC search facility on NLIS database**

The NLIS database provides a function that allows most database account holders, including the various ‘SDA’ accounts, to search for any active PIC in Australia. The function is accessed through *View/generate all reports*, then *Search the PIC register*, although the exact location of this function may vary between account types. The use of the PIC search function is reasonably self-explanatory and a help tool is available on the NLIS database web site. The PIC data is based on that regularly uploaded by each State and Territory from their PIC registers to the NLIS database.

#### **5.5 SDA NLIS database accounts**

Four types of NLIS database account have been designed to meet the needs of regulatory authorities, including DPI, RLPBs, NSW Food Authority and Police.

- **SDA** (‘full’ or ‘heavy’) accounts provide a high level of access to functions and reports on the database. Due to privacy issues and the need for greater training and experience, this account type is only available to senior managers and their support staff in DPI who are responsible for the administration of or compliance with the NLIS. It may also be useful for senior management of the NSW Police rural crime investigation unit.
- **SDA Medium** accounts provide access to a range of reports and functions useful for tracing cattle and monitoring the operation of the NLIS in saleyards and abattoirs and by stock agents and producers.
- **SDA Light** accounts provides basic functions such as the ability to determine the current location and status of an animal and to look up property identification codes (PICs).
- **Police** accounts are similar to SDA Medium with the reports and functions more tailored to the needs of Police.

These are collectively referred to in this Procedure as ‘SDA’ (‘State Department Authority’ or ‘State Department of Agriculture’) type accounts.

A list of authorised officers and other staff who are eligible to open an ‘SDA’ type of database account is provided in Table 2.

#### **Account creation**

Applicants must create a new account on line through MLA’s website (see 10. above). Click on *Create*, read and accept the *Disclosure notice* and *Disclaimer*, select the appropriate account type from the pull-down list, leave *PIC* and *Saleyard ID* blank, then complete the rest of the form.

Once the account has been created, MLA will seek the endorsement of DPI’s NLIS Helpline before activating the account. If the applicant does not fit into one of the positions or categories listed in this Procedure or is otherwise unknown, the Helpline may contact the applicant if known or otherwise reject the application with a reason. This process may take from one to a few days. MLA will only open an SDA or Police account in NSW with the approval of NSW DPI.

#### **Conditions of use**

MLA require each person opening a database account to read and accept a disclosure notice, disclaimer and terms of use during the process of creating an account.

Each user should have their own database account. Sharing of user IDs and passwords is not encouraged, although once a user is logged in, other trained staff may operate their account under

supervision. The person in whose name a user ID and password is issued remains responsible for all transactions carried out on their account.

All data must be treated confidentially and only used in the course of the officer's work.

The NLIS database provides access to State-wide and, in some cases, Australia-wide data. Staff should only access and use data applicable to their region or district.

### ***Using an SDA account***

There are various tips and tools available on the MLS database web site under 'Help tools'. Guidelines for some specific functions are provided on the RLPB/DPI extranet > Animal Resources > NLIS. Advice can be obtained from DPI's NLIS Helpline or NLIS Database Clerk. Group training may be organised on request. These latter services are also available to NSW Food Authority and NSW Police.

## **5.6 Principles of access to registers**

### **5.6.1 District registers**

A District Registrar must, on request, allow the following persons access to any information recorded in the district register free of charge and in the manner and time requested by the person (clause 32(4)):

- an inspector (including a Police officer),
- the Director-General (including appropriate staff),
- a food inspector.

A District Registrar may allow any other person access at any reasonable time to information recorded in the district register (clause 32(5)). The information might relate to one or a small number of PICs or to the whole district. The information may be provided verbally, in writing, by fax or email, or in electronic format. The Board may charge a reasonable fee for this service, if they wish, in accordance with State Council guidelines.

A district register only contains certain prescribed information (see 2 above), so only this information may be disclosed. Other information that may be recorded in the same database must not be made publicly available unless this is sanctioned by other procedures, policy or legislation.

### **5.6.2 Central register**

The Director-General must, on request, allow **authorised persons** access to any information recorded in the central register free of charge and in the manner and time requested by the person (clause 33(4)). The following persons are authorised:

- the authorised administrator (including appropriate staff),
- a district registrar (including appropriate staff),
- an inspector (including a Police officer),
- a food inspector.

The Director-General may allow any other person access at any reasonable time to information recorded in the central register (clause 33(5)). This information might relate to one or a small number of PICs, or a whole district, or the whole State. The information may be provided verbally, in writing, by email or in electronic format. No fee is payable.

The central register only contains certain prescribed information (see 3 above), so only this information may be disclosed. Other information that may be recorded in the same database must not be made publicly available unless this is sanctioned by other procedures, policy or legislation.

### **5.6.3 Permanent identification register**

Access to the NLIS database is determined by the Regulation and the database *Terms of Use* (see 5.3).

The authorised administrator (MLA) must, on request, allow **authorised persons** access to the NLIS database free of charge and in the manner and time requested by the person (Regulation clause 34(2)). The following persons are authorised:

- the Director-General (including appropriate staff),
- district registrars (including appropriate staff),
- inspectors (including Police officers),
- food inspectors.

This access is generally provided through 'SDA' database accounts (see 5.5 above) which have been designed to meet the requirements of regulatory and law enforcement agencies. Authorised persons are entitled to open one of these database accounts but if they do not have their own account, they may obtain information from the database from another authorised user or DPI's NLIS help desk.

The authorised administrator may allow any other person access at any reasonable time to information recorded in the permanent identification register, including PICs (Regulation clause 34(3)). MLA can only provide information from the NLIS database if they are satisfied that the information will be used for a purpose referred to in clause 31 of the Regulation (clause 34(4)).

The Regulation does not allow an authorised person to release information from the permanent identification register to third parties. The *Terms of use* (2.15.2) limit the circumstances in which data can be provided by government participants to third parties. These conditions mean that **only MLA can provide information from the NLIS database to non-authorised persons; DPI and RLPB staff cannot provide this information directly to people other than authorised persons** as listed above.

MLA may at their discretion release information from the NLIS database provided it is for a purpose prescribed under the Regulation. MLA do this by providing a range of account types with defined and limited functionality. MLA have indicated that they are unwilling to provide any information from the database other than to account holders in accordance with the *Terms of Use*.

#### **5.6.4 Access to registers by authorised persons**

DPI, RLPB, Police and NSW Food Authority staff who are authorised persons (see 5.6.2 and 5.6.3) can access and share information in any register for purposes consistent with their duties as a statutory office holder (inspector, district registrar, food inspector), or while acting under the supervision or direction of an authorised person, or otherwise in accordance with a Procedure / Written Instrument. In general this would include animal health, chemical residue, livestock identification and food safety issues.

Information may not be used for other purposes even though they are work related, unless the permission of the owner or occupier of the property to which the data pertains has first been obtained. Examples of inappropriate use would include using the data to help verify drought claims or land and stock returns, or to conduct surveys.

Information from a register about other people's properties or livestock must not be used by DPI or RLPB staff or RLPB Directors for private purposes, such as trading livestock or land for personal gain, as this presents a significant conflict of interest and breach of privacy. See the BC&MS Policy on managing information requests (Related Procedures) for further guidelines.

#### **5.6.5 Access to registers by law enforcement agencies**

Information from a register may be provided to a law enforcement agency on request. Law enforcement agencies are exempt from many provisions of the Privacy Act. These agencies are defined in section 3 of the Act and include any State or Territory police force and the Australian Federal Police, the Director of Public Prosecutions, the NSW and Australian Crime Commissions, and a few others. The NLIS database *Terms of Use* specifically provide for disclosure of information to law enforcement agencies (clauses 2.19.1 - 2.19.3).

#### **5.6.6 Access to registers by other government agencies and statutory authorities**

Persons employed by or acting on behalf of other Government agencies and statutory authorities that are not law enforcement agencies (as defined by the Privacy Act) might request information from a register. This could include local Councils, Roads and Traffic Authority (RTA), Australian Quarantine and Inspection Service (AQIS), Department of Environment and Conservation (DEC),

Royal Society for the Prevention of Cruelty to Animals (RSPCA), Rural Assistance Authority (RAA), National Residue Survey (NRS).

Information may only be provided if it is consistent with the purposes of the registers and if the person is entitled to open an NLIS database account that provides that information. A person is not entitled to information from a register simply because they are employed by the Government or other statutory authority or is an 'inspector' under their own agency's legislation. However, the information must be provided if the agency's legislation provides the officer with the power to ask questions or to obtain documents and they invoke this power appropriately. See below for further information and examples where information from a register should or should not be provided.

### 5.6.7 Access to registers by the public

The PIC registers and NLIS database are not freely available to any person for any reason. RLPBs, DPI and MLA must take steps to ensure that data is only used for purposes consistent with the purposes of the registers and the person gaining this information is aware of this constraint. As a rule, members of the public must not be provided with any information from a register unless it is current (not historical) information directly related to land they own or occupy or stock they currently own or manage.

### 5.6.8 Accuracy of information in registers

The information contained in registers is based on that provided by other parties and is not necessarily accurate or up to date. For example:

- Details of land ownership or occupancy related to a PIC may take several weeks to be recorded in all registers, by the time a property owner or the land titles office informs an RLPB who informs DPI who informs MLA.
- The PIC on an NLIS device or tag indicates the property on which the animal was born or first identified. The animal may have been moved to one or more properties since then.
- The 'current PIC' for an NLIS device (the PIC on which an animal is currently recorded on the NLIS database) depends on whether various parties have transferred the cattle from one property to another. This information may be legitimately inaccurate if the animal was moved before it became mandatory to record such movements from 1 July 2005 (for saleyard and abattoir movements) or 1 January 2006 (for property to property movements).

It is particularly important that a person being provided with the 'current PIC' for an animal from a 'beast inquiry' on the NLIS database is made aware and understands that this indicates the last PIC of residence of that animal *as recorded on the database by another person*, and does not confirm the property that the animal might have most recently come from, and does not prove ownership of the animal.

**The 'current PIC' of an animal recorded on the NLIS database might not be the property that the animal is currently or was most recently located on, and does not prove ownership**

## 5.7 Procedures for disclosing information from registers

### 5.7.1 Records of information provided

As protection against allegations of improper use or disclosure of private and personal information, it is good practice to record, whenever practical, who is making the inquiry, why they want the information, and what information is provided. This record may be made in a diary, event log or record of conversation. If the request is in writing (letter, fax, email), the request and response should be filed. The record should be kept in a retrievable manner for at least 12 months.

In keeping with the above, recommended ways of managing access to registers are detailed below.

### 5.7.2 Authorised persons and law enforcement agencies

(including District registrars, stock inspectors, other DPI and RLPB staff, MLA staff, Police officers, food inspectors)

- Confirm the person's right to access the information. If they are not known to you, ask for and record their name, agency and a contact number or address.
- Find out the reason for the request and confirm that it is consistent with the prescribed purposes (see 5.1 above).
- Provide the information. If it includes the 'current PIC' of an animal from the NLIS database, emphasise that it might not be correct and does not necessarily confirm the previous location or ownership of the animal.

### **5.7.3 Other government agencies and statutory authorities**

- Find out the reason for the request.
  - Information may be provided from a PIC register if the purpose is consistent with the purposes of those registers (see 5.1).
  - Information may be provided from the NLIS database only if it for a 'permitted use', ie biosecurity, food safety or market access.
- If the request is appropriate, ask for the person's name, agency and telephone number using the verbal privacy notice (see 5.7.11) and read the verbal disclaimer (see 5.7.12) before providing the information.
- If the request is complex or it is unclear whether it is for a legitimate purpose, ask them to provide the request in writing, giving their name, position, agency and contact details, and providing the reason and how they intend to use the information. An email or fax using their agency's email address or letterhead would suffice. Respond to the request in a timely manner.
- Provide a reason if the request is declined. The person may still be entitled to the information as a law enforcement agency and may be advised to contact MLA.

### **5.7.4 Stock agents, saleyard operators, abattoir operators, feedlots**

- These people should have their own NLIS database account and can access all the information to which they are entitled, including PICs, from there. Advice may be given about how to use their account or they could be advised to contact MLA.

### **5.7.5 Livestock producers**

- Livestock producers should be encouraged to open their own NLIS database account and can access all the information to which they are normally entitled from there. Advice may be given about how to open or use their account or they could be advised to contact MLA.
- Otherwise, find out the reason for the request. The response will depend on the reason.

### **Stock straying on their property**

- Based on the NLIS device number, look up the 'current PIC' of the animal on the NLIS database. If the current PIC is not proximate (and hence is probably not correct as the animal is unlikely to have strayed that distance), advise the person that you are unable to determine the animal's origin.
- If the current PIC is proximate, ask the inquirer if they agree to their contact details being provided to any person who may own the animal.
- If they agree, obtain the inquirer's contact details then look up and contact the owner/occupier of the current PIC. If that person agrees to pursue the matter, provide the inquirer's contact details and leave it to the apparent owner of the animal to make contact.
- If they don't agree, advise that you can't help them further.

### **PIC of origin of stock to complete property to property transfer on database**

- Ask for sufficient detail about the vendor or property of origin to look up the PIC on a register.

- Provide the PIC from a PIC register. Do not provide or confirm any other information about the owner/occupier of that PIC.
- If the person cannot provide sufficient information to confirm the legitimacy of their inquiry and to find the PIC on a register, recommend that they attempt to obtain the PIC from the vendor. If they claim this is not possible, suggest that the animals be transferred from the district code (which may be provided) but that this will result in loss of lifetime traceable (LT) status.

#### **Determine person responsible for error or warning email from NLIS database**

- Explain (if known) what the error or warning message means. Often this will satisfactorily resolve their inquiry. If you don't know, refer the person to MLA's or DPI's helpline.
- If the person requests further information or assistance, ask them to email the message to MLA's or DPI's NLIS helpline, who may forward it to the NLIS Database Clerk for further investigation.
- Do not provide any information from a register, even though the person making the inquiry has been given the PIC in an email from the NLIS database.

#### **Determine vendor details, status or history of stock, including reason for loss of LT status**

- Advise the person to refer to the NVD that came with the stock or to contact their stock agent.
- Do not provide any information or report from a register.

#### **Suspect stolen stock**

- Strongly advise the person to report the matter to the Police.
- Do not provide any information from a register.

#### **5.7.6 Members of the public**

- Find out the reason for the request.
- If straying, injured or dead animal on a road or in another public place, advise the person to contact the Police or local Council.
- Do not provide any information from a register.

#### **5.7.7 Impounded stock**

Local government authorities or the RSPCA may impound under their legislation stock that are straying or are subject to animal welfare or other legal action.

An impounding officer may open a 'Pound' account on the NLIS database in order to make beast inquiries and access the PIC register, and should be encouraged to do so. If they don't yet have an account, then this information (only) may be provided by an RLPB or DPI officer.

#### **5.7.8 Motor vehicle accidents with stock**

A person involved in a motor vehicle accident with stock, or their insurer, may wish to determine the owner of the animal based on its NLIS device or tag.

With cattle, the property from which the animal may have recently come may be determined through a 'beast inquiry' on the NLIS database and subsequently from the PIC register, noting that the information on the database might not be correct (see 5.6.8 above). Disclosure of this information is consistent with clause 31(e) of the *Stock Diseases Regulation*. The *Terms of use for the NLIS database* allow Police officers to access and disclose this information from the NLIS database but not DPI and RLPB staff in this circumstance.

- If the accident has been reported to the Police and an event number assigned, the Police may access the current PIC from the NLIS database and associated property owner details from the PIC register to assist with their investigations. An insurer or vehicle owner may be provided relevant information by the Police if this is in accordance with established Police policies and procedures.

- If the event has not been reported to and recorded by the Police, then the Police are not involved in the matter. The vehicle owner or insurer may wish to contact MLA for the information but MLA have indicated that they are unwilling to provide it.

An accident involving sheep and goats would hopefully cause less damage and might not be reported to the Police. The PIC on the animal's tag is a less reliable indicator of the animal's current location or owner as it is likely to be for the property of birth and subsequent movements are not recorded on a central database. Nevertheless, Police officers may access the PIC register to obtain information to assist with their investigations and disclose it to other interested parties as above.

### 5.7.9 Other people or circumstances

- Use judgement based on the above principles and following examples:
  - Is the reason consistent with the purposes of the registers (see 5.1)?
  - Is the person who they claim to be (ask for and record their name, address, agency or business, telephone number using the verbal privacy notice (see 5.7.11)?
  - Are they acting in an official capacity (on behalf of another government agency) or private capacity (private company or individual)?
  - Is the information being sought for public good or personal benefit?
- Say it may take a few hours to find out whether the information can be provided and, if so, to obtain it and offer to call the person back.
- RLPB and DPI staff may refer the caller to DPI's NLIS Helpline, who in turn may refer the matter to Manager B&TS or Manager NLIS.

### 5.7.10 Case studies

The following examples are designed to illustrate the principles detailed earlier in this document. The relevant circumstances of each case must be taken into account before a decision is made on whether or not it is appropriate to disclose information from a register.

#### Disclosure allowed

1. A Council ranger is dealing with straying stock on a public road. Based on the NLIS device attached to the animal, the 'current PIC' from the NLIS database (with appropriate disclaimers) may indicate the property that it strayed from and may be provided with appropriate disclaimers
2. An insurance company requests information about the ownership of an animal, based on its NLIS device number, when processing a claim for a vehicle that has hit an animal. The relevant information is the 'current PIC' from the NLIS database and the details of ownership or occupancy of that PIC. The insurance company should be advised to contact the Police for this information as the incident should have been reported to the Police and Police officers are authorised by both the Regulation and the *Terms of use* to access and provide the relevant information.
3. The NRS is trying to determine the property of origin of a positive residue sample, based on the PIC. This information may be provided from a PIC register.
4. An exporter of collagen products which are used in the food and healthcare industries wishes to know the property of origin of all cattle hides from which the products are derived to meet their customers' quality assurance requirements. This request is consistent with clause 31(h) ("to facilitate the dissemination of information in relation to the production and marketing of ... any animal products"). The company may obtain vendor PICs from the abattoirs from which they source the skins. They may then access PIC registers to determine the name and address of the properties that the cattle came from. They may also obtain records of special identifiers from an RLPB or a person who is authorised to supply special identifiers, and records kept by an abattoir, saleyard or stock agent of the address of a property that does not have a PIC and cattle from which may have been transferred via an agent or district code.

### Disclosure not allowed

5. A cattle producer has purchased some cattle (without an NVD and through a dealer) and feel that the cattle do not meet their requirements. They wish to find out and contact the original vendor based on the NLIS devices attached to the cattle. As they now own the cattle and are not themselves marketing the cattle, clauses 31(e), (h) and the other subclauses do not apply and the information cannot be obtained or provided from either the NLIS database or a PIC register.
6. An assessment clerk employed by another government agency wishes to confirm the validity of information provided by an applicant for rural assistance. Knowing that the NLIS database records the number of cattle moving onto, off and currently on a property, they request this information to help determine the throughput of cattle and hence potential income of the applicant. As this reason is unrelated to the *Stock Diseases Regulation* and is not consistent with any elements of clause 31, and as the agency is unlikely to be a law enforcement agency as defined by the *Terms of Use*, the information cannot be obtained or provided.
7. A producer receives an automatic email message from the NLIS database that says “*Warning – NLIS Upload ..... - Property to Property - Warning 21 ... You are receiving this message because someone has submitted a transaction to the NLIS Database which included data that relates to your devices or your PIC ... The animal being transferred is not registered to the vendor PIC or the PIC you are transferring “From” ... Extra Info: From PIC = NA123456 ...*”. They are alarmed by the ‘warnings’ and want to know who owns PIC NA123456 so they can contact them and find out why they are (apparently) using their devices or PIC. It should be explained that this is a routine email that merely reflects that they probably sold some cattle a year or more ago (before all movements had to be recorded on the database), the cattle are now being sold again, they are still recorded against their PIC on the database, and the database is just updating the movement history of that animal through a ‘system transfer’ and email advice.
8. An RSPCA inspector requests information about the number of stock on a property as part of an animal welfare investigation. The requested information involves accessing the number of devices and history of movements of cattle onto and off the property from the NLIS database. As this reason is unrelated to the *Stock Diseases Regulation* and is not consistent with any elements of clause 31, the information cannot be obtained or provided. However, the inspector may be entitled to the information in accordance with the *Terms of Use* as a law enforcement agency and could be advised to contact MLA.
9. A Department of Environment and Conservation inspector is auditing compliance with the conditions of licence for a feedlot. They wish to obtain information from the NLIS database about the number of cattle on the property. As this reason is unrelated to the *Stock Diseases Regulation* and is not consistent with any elements of clause 31, the information cannot be obtained or provided. However, the inspector may be entitled to the information in accordance with the *Terms of Use* as a law enforcement agency and could be advised to contact MLA.

### Disclosure mandatory

10. The Queensland Police wish to find out who occupies a NSW property based on a PIC for the purposes of investigating a drug-related offence (no further detail is provided for obvious reasons). As this is a law enforcement agency as defined by the *Privacy and Personal Information Protection Act 1998*, and although the reason is unrelated to the Regulation, the requested information must be provided in accordance with these Procedures.
11. The Australian Taxation Office (ATO) is investigating alleged tax fraud. They request data on the movements of cattle onto and off a certain property. They also want to know whether the person has other properties used for primary production. The officer should be advised that this information is confidential as the purpose of the inquiry is not consistent with the Regulation. The officer responds that the ATO’s powers under Commonwealth legislation override State privacy legislation. They are advised to contact MLA for the first set of data, and the relevant RLPB(s) for the second, with a written request from an authorised person

under their legislation. Provided this is done and the power is properly invoked, then the information must be provided.

12. A Court issues a subpoena for the presentation of specified documents or information held in a PIC register or the NLIS database. DPI's Legal Branch will determine the most appropriate course of action to comply with the request in a timely manner, which (depending on the nature of the request) may involve DPI extracting and providing the data from the source database, or referring the Court to the relevant RLPB or to MLA.

### 5.7.11 Privacy notices

The following statements or similar should be provided when asking for and recording personal information such as a name and address.

**Verbal** (eg recording name and address before providing information from a register)

*Could you tell me, please, your name, address and telephone number. I need to ask and record this to help confirm that you are entitled to this information and in case we need to contact you again about your inquiry. The information will be held securely in this office and will not be used for any other purpose.*

**Written** (eg PIC application form)

*This information is being collected for the purposes of the Stock Diseases Act 1923. It may be provided to the NSW Department of Primary Industries (DPI), other Rural Lands Protection Boards (RLPB), Meat and Livestock Australia (MLA) and other persons for the purposes of that Act. The information is being collected because it is required by law. It will be stored securely by an authorised person, inspector, district registrar or MLA. You may access or correct this information by contacting the RLPB, DPI or MLA.*

### 5.7.12 Disclaimers

The following statements or similar should be made when providing information from a PIC register or the NLIS database.

**Verbal**

*This information is provided on condition that it is only used by you for ... (insert reason consistent with Regulation, eg determining the ownership of livestock, complying with the requirements of the NLIS). You must not use it for any other purpose or disclose it to any other person or organisation. We do not accept any responsibility for the accuracy of the information or for any losses arising from its use. Do you understand and accept these conditions?*

**Written**

*This information is provided on the basis that it will only be used for a purpose consistent with the Stock Diseases Regulation 2004. The information must not be used for any other purpose.*

*The information is based on that recorded in the register at the time the information is provided. It should be recognised that some of this information has been provided by third parties.*

*The information is made available on the understanding that the Rural Lands Protection Boards, NSW Department of Primary Industries, Meat and Livestock Australia, the State of New South Wales and their respective servants and agents accept no responsibility for any person acting or relying on the information, or upon any opinion, advice, representation or statement whether expressed or implied by the information, and disclaim all liability for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information or by reason of any error, omission, defect or misstatement (whether such error, omission or misstatement is caused by or arises from negligence, lack of care or otherwise).*

**TABLE 1 – Identification Code Statuses and Synonyms**

<b>This Procedure</b>	<b>Stock Diseases Regulation</b>	<b>Current PIC registers</b>	<b>Proposed PIC registers</b>	<b>NLIS database</b>	<b>Status set by</b>	<b>Meaning and application</b>
Active	Assigned and in force	Active	Active	Active (A)	District registrar	Lawfully assigned and in use. NLIS database accepts transfers to and from this code.
Inactive	Suspended	Cancelled	Inactive	Inactive (I)	District registrar	Use is temporarily suspended. PIC remains linked to the property. NLIS database accepts transfers but sends a warning message to the database user and DPI.
Cancelled	Cancelled	Cancelled	Cancelled	Disbanded (D)	District registrar	Use is permanently cancelled. PIC is not linked to any property. Cannot be lawfully used. NLIS database accepts transfers but sends a warning message to the database user and DPI.
False	(Not applicable)	(Not applicable)	(Not applicable)	Unknown	(Not applicable)	Valid (meets algorithm) but has not been lawfully assigned. Cannot be lawfully used. May be entered into central PIC register for the purposes of blocking. NLIS database accepts transfers but sends a warning message to the database user and DPI.
Blocked	(Not applicable)	(Not applicable)	Blocked (central register)	Blocked (B)	DPI	An inactive, cancelled or false PIC which has also been blocked. NLIS database rejects transfers and sends an error message to the database user and DPI.
(Not applicable)	(Not applicable)	(Not applicable)	(Not applicable)	Amalgamated (G)	(Not applicable)	Not currently in use in NSW. Amalgamated PICs are assigned an inactive status.
Invalid	(Not applicable)	(Not applicable)	(Not applicable)	Invalid	(Not applicable)	Fails algorithm. Cannot be entered into PIC registers. Cannot be lawfully used. NLIS database rejects transfers and sends an error message to the database user and DPI.

**TABLE 2 – Staff Eligible for SDA NLIS Database Accounts**

<b>Agency / Position</b>	<b>Approval</b>	<b>Account type</b>
<b>NSW DPI</b>		
Manager Biosecurity and Traceability Systems (B&TS) Technical Specialist NLIS Cattle	This Procedure	SDA
Manager Animal and Plant Regulatory Operations Regulatory Compliance Manager	This Procedure	SDA
NLIS Database Clerk	This Procedure	SDA
Senior Regional Animal Health Manager (SRAHM) Regional Animal Health Leader (RAHL)	This Procedure	SDA Medium
Technical Specialist, Residue Management State Residue Coordinator	This Procedure	SDA Medium
Technical Specialist, Disease Surveillance and Risk Management	This Procedure	SDA Medium
Manager Cattle Tick Geographical Information Systems Administrator, Wollongbar	This Procedure	SDA Medium
Senior Inspector Regulatory Regulatory Specialist (Animals) Regulatory Officers	This Procedure	SDA Medium
NLIS Helpline staff	Technical Specialist NLIS Cattle	SDA SDA Medium SDA Light
Livestock Officers (selected)	Technical Specialist NLIS Cattle	SDA Medium SDA Light
First response team (tracing, movements, veterinary investigations, registry)	Director Emergency & Strategic Response	SDA Medium
Other DPI staff (if need be)	Manager B&TS	SDA SDA Medium SDA Light
<b>RLPBs</b>		
District Veterinarian (DV)	This Procedure	SDA Medium
District registrar (Manager / Executive Officer or Board appointee)	This Procedure	SDA Medium
Managing or Senior Ranger	DV	SDA Medium
Saleyard Ranger	DV or Managing Ranger	SDA Medium
Customer Service Officer (CSO)	Manager	SDA Medium SDA Light
<b>NSW Food Authority</b>		
Food inspector	Manager Audit and Verification Unit	SDA Medium
<b>NSW Police</b>		
Rural crime investigator	Management of Rural Crime Investigation unit	Police SDA SDA Medium





# WRITTEN INSTRUMENT



---

BC&MS PROCEDURE 2006/022  
Ref: INT06/23958

SC Ref: -/-/WI  
DV Ref: -/28/-

## ***NLIS – PROCEDURES FOR ASSIGNING PROPERTY IDENTIFICATION CODES AND FOR MANAGING AND ACCESSING REGISTERS***

The attached document is a **WRITTEN INSTRUMENT** issued with the concurrence of the Director-General of NSW Department of Primary Industries under Clause 8.3 of Memorandum of understanding between the Director-General of NSW Primary Industries and State Council of Rural Lands Protection Boards.

**APPROVED**

**for B D BUFFIER  
DIRECTOR-GENERAL  
NSW DEPARTMENT OF PRIMARY  
INDUSTRIES**

**Date: 31.05.2007**

**S ORR  
CHIEF EXECUTIVE OFFICER  
STATE COUNCIL  
RURAL LANDS PROTECTION BOARDS**

**Date: 10.09.2007**