

Biosecurity – Managing significant endemic diseases of animals

CM9 REFERENCE:	INT20/68041	VERSION:	1.0
APPROVED BY:	Group Director Animal Biosecurity	APPROVAL DATE:	08/08/2021
APPROVED BY:	LLS Regional Operations Executive Team	APPROVAL DATE:	29/09/2021
ISSUED BY:	Biosecurity & Food Safety	EFFECTIVE DATE:	30/09/2021
CATEGORY:	Operations and Industry	REVIEW DATE:	30/09/2024

Management of the biosecurity risk

This procedure provides guidance for Local Land Services (LLS) and NSW Department of Primary Industries (DPI) veterinarians and biosecurity officers regarding the management of significant endemic diseases of animals. Specifically:

- a. when to take regulatory action under the *Biosecurity Act 2015*,
- b. which regulatory tools to use, and
- c. how to apply these regulatory tools.

Scope

The *Biosecurity Act 2015* (the Act) promotes biosecurity as a shared responsibility between government, industry and communities. This procedure is a State Priority for NSW and should be read in conjunction with the policies [Prohibited Matter Diseases of Animals](#), 'and [Endemic Diseases of Animals](#)'. The procedure applies to staff of the NSW Department of Primary Industry (NSW DPI), an office within the Department of Regional NSW, and Local Land Services (LLS) in their role as authorised officers under the Act.

This procedure does not cover the management of diseases of aquatic animals.

Significant endemic diseases of animals include those diseases listed as notifiable under Schedule 1 of the Biosecurity Regulation 2017 (the Regulation), plus other endemic diseases where assessment in accordance with this procedure demonstrates that government intervention is warranted.

In this policy, endemic diseases of animals include diseases caused by both infestation and infection with disease agents, formerly referred to in animal biosecurity policies and procedures as 'pests and diseases of animals'.

Biosecurity legislation summary

The Act promotes biosecurity as a shared responsibility between government, industry and communities. It provides for a flexible, outcome focused approach to managing biosecurity risk and impacts. This means that community members can achieve the outcomes of preventing, eliminating or minimising the biosecurity risks and impacts posed, or likely to be posed by diseases of animals through a range of best practice management methods. The *LLS Act 2013* outlines the role of LLS in administering, delivering and/or funding programs and advisory services associated with agricultural

production and biosecurity including prevention, control and eradication and other emergencies impacting on primary production or animal health and safety.

Powers of authorised officers

Section 89 of the Act sets out the purposes for which an authorised officer may exercise powers under the Act.

Section 98 of the Act allows an authorised officer to enter any premises (not used for residential purposes) at any reasonable time, or in the case of an emergency, at any time. Entry into any part of the premises used only for residential purposes can ONLY be entered with the permission of the land owner/occupier, or the authority of a search warrant (section 99). The purposes for which the entry to a premise may be exercised are outlined in section 89 of the Act and include: “for the purpose of investigating, monitoring and enforcing compliance with the requirements imposed by or under the Act”.

Section 102 of the Act provides a list of powers that can be exercised by authorised officers including but not limited to: examining, testing and seizing things, taking photographs or other recordings, destruction, disposal and eradication of anything, but only in premises lawfully entered. An authorised officer, may also request, inspect, and copy records (section 102 (2) ((l) & (m) & (n) of the Act) if acting for purposes outlined in Section 89 of the Act which may include determining the scale and effectiveness of control actions and whether a person is discharging their biosecurity duty.

Reporting

The diseases of animals that are classified as prohibited matter are listed in Schedule 2 of the Act. This list includes some animal diseases that occur sporadically (such as anthrax and Hendra virus.) A person who owns or is caring for animals, or a person working in their professional capacity such as a veterinarian, has a duty to **immediately** notify an authorised officer if they suspect, or are aware, that the animals are infested or infected with prohibited matter.

The diseases of animals that are notifiable, but are not prohibited matter, are listed in Schedule 1 of the Biosecurity Regulation 2017 (the Regulation). A person who owns or is caring for animals, or a person working in their professional capacity such as a veterinarian, has a duty to notify an authorised officer **within one working day** if they suspect, or are aware, that the animals are infested or infected with a notifiable pest or disease of animals which is not prohibited matter.

General biosecurity duty

People who own or manage animals have a general biosecurity duty for management of the biosecurity risks and impacts associated with endemic animal diseases. The general biosecurity duty is outlined in part 3 of the Act. The biosecurity duty applies to a person who deals with biosecurity matter (including pest animals) or a carrier, and who knows, or ought reasonably to know the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing. Such a person has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised. Section 23 provides an offence of failing to discharge a biosecurity duty.

Mandatory measures

Section 24 of the Act provides for specific actions called mandatory measures to be outlined in the Biosecurity Regulation 2017 in order to prevent, eliminate or minimise a biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing. Section 25: provides an offence of failing to comply with the mandatory measures.

Disclosure of information

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must be in compliance with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the Act.

Section 387 (2) of the Act provides authority for the disclosure of information about a person, without the consent of the person: to a public sector agency, or to any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function. The [NSW DPI procedure on Collection, Use and Disclosure of Information](#) should be consulted for further information.

Work Health and Safety

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI and LLS) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this procedure must be used in identifying, assessing and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this procedure.

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Procedure managing significant diseases of animals

1. Responsibilities

DPI and LLS managers must ensure that:

- risks from endemic diseases of animals are assessed and managed in accordance with the Policy Biosecurity - Endemic diseases of animals at <https://www.dpi.nsw.gov.au/about-us/policies-procedures> and other national and state hazard specific procedures e.g. Footrot procedure
- Government resources are allocated in agreed national and state program activities ahead of regional or local priorities where resources are limited.
- a risk-based approach is used to designing initiatives so regulatory resources are allocated to the areas of highest risk and greatest cost benefit.
- management programs are developed and implemented in partnership with industry and other relevant agencies and communities.

DPI animal biosecurity staff will:

- provide technical advice to support LLS staff to assess regional and local risks from endemic diseases of animals and develop management programs
- consider requests to fund regional or hazard specific targeted or passive surveillance programs
- contribute to the development of risk based national management programs through the national Animal Health Committee, Animal Health Australia or transition to management programs.
- coordinate the implementation and monitoring of NSW programs to implement agreed national management programs
- coordinate the development, implementation, monitoring and review of state management programs
- develop and maintain hazard specific regulatory templates (e.g. Individual Biosecurity Directions) for significant endemic diseases of animals
- develop and maintain web-based advice on the management of significant endemic diseases of animals
- receive, record, and manage reports of notifiable or significant diseases of animals and their biosecurity impacts
- maintain regular communication with LLS to support continuous improvement in the management of endemic diseases of animals

LLS staff will contribute to the management of significant endemic diseases of animals and their biosecurity risks and impacts by:

- implementing hazard specific disease procedures e.g. Footrot procedure
- receiving, recording, investigating and managing reports of notifiable or significant diseases of animals and their biosecurity impacts
- ensuring notifiable diseases of animals are considered and excluded when conducting disease investigations
- coordinating, developing and promoting regional priority endemic disease of animal management plans
- supporting producers to develop local and property specific biosecurity plans that include measures to mitigate risks from endemic diseases of animals
- providing advice and delivery of training in best practice endemic animal disease management
- developing and implementing regional surveillance programs for significant endemic animal diseases
- developing and fostering strong and collaborative relationships with local private veterinarians
- enforcing the *Biosecurity Act 2015* and *Biosecurity Regulation 2017* with the guidance and support of DPI Compliance staff
- maintaining regular communication with NSW DPI to promote continuous improvement in the management of endemic animal diseases.

2. Framework for management of endemic animal disease biosecurity risks

Animal biosecurity risks from endemic diseases may be identified, assessed and managed at the national, state, regional or local level in accordance with the Policy Biosecurity - Endemic diseases of animals at <https://www.dpi.nsw.gov.au/about-us/policies-procedures>.

NSW DPI and LLS use a risk-based approach to designing initiatives and allocating regulatory resources to the areas of highest risk. This approach minimises costs and maximises outcomes for the government, businesses and the community.

A responsive and risk-based approach to endemic animal diseases will be implemented by NSW DPI and LLS to ensure that regulatory and compliance activities focus on the highest risk activities to the economy, community and environment. A range of tools are available under the *Biosecurity Act 2015* to assist in managing biosecurity risks, a flow chart on the selection of biosecurity tools is attached at appendix one. Staff selecting which regulatory tool to use must consider the potential level of the risk or impact posed by the hazard, the geographic extent of the potential risk or impact that may result if hazard is not managed, the measures required to manage the risk and who will be responsible for implementing the measures.

2.1 Assessment of biosecurity risk/impact

The Rapid risk assessment template (published on the intranet) may be used to determine the likelihood and impact of spread of an endemic disease of animals.

In deciding that an endemic pest or disease of animals is posing or likely to pose a biosecurity risk and/or impact, an authorised officer should consider a range of possible evidence. This may include:

- Data on the prevalence and incidence of pest or disease (at state, regional and herd/flock level),
- The likelihood of spread
- Impact of the disease on animal production, animal welfare, trade, human health including potential impact on those threatened by spread
- Ability to detect the disease by inspection or testing
- Availability and cost of vaccines or treatments
- Availability and cost of measures to contain the diseases e.g. boundary fencing
- historical, current and proposed pest or disease management approaches of the property in question and neighbouring properties, region and/or state

The outcome of all assessments of biosecurity impact or risk must be documented in the Livestock Health and Management System (LHMS) if they relate to a property or in CM9 if they relate to a regional or state risk.

3. National management of endemic diseases of animals

NSW DPI will contribute to the development of risk based national endemic disease management programs through the national Animal Health Committee and Animal Health Australia. NSW DPI and LLS will undertake endemic disease activities documented in agreed national endemic disease programs.

Example: NSW declares nationally agreed endemic animal diseases as notifiable and funds surveillance for these diseases. NSW government vets investigate suspicion of infection with and provide certification for these notifiable diseases.

4. State management of endemic diseases of animals

4.1 Listing as a notifiable disease

NSW DPI may declare endemic diseases of animals to be notifiable when:

- the disease is endemic in other parts of Australia but is exotic to NSW, and/or
- the disease is subject to a NSW disease control program, and/or

- NSW needs certification evidence to meet particular market requirements.

See Work Instruction: Notifiable diseases of animals – listing and de-listing

Example: Cattle tick is the subject of a NSW control program and listed as notifiable in NSW.

4.2 State hazard specific management programs

Where an assessment confirms that without government action, a disease poses an unacceptable threat to the NSW economy, environment and/or community, a hazard specific state program will be developed. DPI will coordinate the development of the program in consultation with stakeholders including LLS, other agencies and industry. The program must be underpinned by a cost benefit analysis and will be implemented in accordance with a specific procedure. The procedure will include information on the role of DPI, LLS, industry and other relevant stakeholders in:

- Managing biosecurity risks including how to meet any general biosecurity duty,
- Stakeholder education and engagement,
- Surveillance, and
- Use of regulatory tools.

The program may include:

- **mandatory measures** where there are clear requirements that all persons who deal with biosecurity matter or carriers must take to control a disease and these are not likely to change regularly. *Example: Cattle tick entry requirement from Queensland*
- a **control order** that applies to part or all of NSW, where disease control measures must apply to a broad class of person (more than a person who deals with biosecurity matter or a carrier). *Example: Salmonella Enteritidis Control Order*
- a **biosecurity zone** where there are clear and ongoing requirements that all people in a certain region who deal with biosecurity matter or carriers must take to manage disease risk. *Example: POMS and QX aquatic biosecurity zones*

The program must be reviewed at least every five years.

5. Regional management of endemic diseases of animals

LLS regions may identify priority endemic diseases of animals that pose a significant risk to their regional economy, community or environment and develop regional management plans/programs to mitigate these risks.

Potential priority endemic diseases of animals for an LLS region should be identified annually by consultation between the Animal Biosecurity and Welfare and the Agricultural production (Agricultural extension/Land services) teams. Information to consider may include:

- records of regional diagnostic and advisory events,
- state surveillance data,
- abattoir surveillance data,
- surveys of local producers/industry,
- regional animal production systems e.g. extensive beef/sheep versus intensive production or hobby farms,
- advice from private veterinary practices,
- advice from the board of Directors,
- priorities identified by industry groups such as NSW Farmers, Meat and Livestock Australia.

The proposed priority endemic diseases of animals for the LLS region will be reviewed and agreed in consultation between the LLS General Manager and the LLS Board. The agreed list of priority diseases of animals for the region will be submitted to the Senior Executive Team and State Wide Advisory Group for approval and published on the LLS website.

The LLS will develop regional plans to manage agreed regional priority endemic diseases of animals. The regional plan must:

- Ensure resources allocated to regional priorities do not jeopardise the delivery of agreed national or state biosecurity control programs,

- Be justified by the Biosecurity threat decision tree with cost of the delivery apportioned appropriately and be competitively neutral i.e. not undercut private service providers such as private veterinarians or other animal health consultants.
- The management plan for a specific priority disease of animals will be reviewed at least every three years.

Regional management plans may include one or more elements such as:

- Stakeholder education and engagement re the prevention, avoidance or minimisation of biosecurity risks,
- Enhanced passive surveillance,
- Targeted surveillance,
- Recommendations to implement control area(s) and or control zone(s) and
- Guidance to the LLS staff on compliance audits and the use of regulatory tools/action to support program objectives.

Example: LLS agrees that endemic disease x will be a priority and implements a regional program including an extension program to educate landowners in how to prevent or manage disease, a targeted surveillance program to detect infected herds and audits at saleyards. The program also promotes the formation of local biosecurity groups.

Where one or more LLS regions recommend that a regional Control Area or Control Zone is declared under the *Biosecurity Act* to manage a regional priority disease, LLS will seek support from DPI staff to undertake the required formal risk assessment, consultation, assessment of the potential regulatory impact and drafting of the legal order.

6. Local management of endemic diseases of animals

Where an authorised officer identifies a potential biosecurity impact due to a failure or likely failure of a person in charge of biosecurity matter to take steps to **prevent, eliminate or minimise a biosecurity risk or prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur**, the authorised officer will assess the potential impact. This outcome of the assessment must be documented in LHMS.

The rapid risk assessment tool may be used to assess and document the potential biosecurity risk or impact from the spread of an animal disease. If potential risk or impact is equivalent or less than the acceptable level of protection (ALOP) defined in the risk assessment the issue should be managed by providing advice on disease management including the general biosecurity duty. If the potential risk or impact is greater than the ALOP the authorised officer should consider the use of other regulatory tools in addition to advice on disease management. DPI and LLS will escalate its regulatory response according to the risk posed and any compliance history.

7. Regulatory action

Regulatory options to manage endemic disease of animals include:

- General biosecurity duty,
- Individual undertaking,
- Individual biosecurity direction, and
- General biosecurity direction.

For further advice on issuing biosecurity instruments or compliance actions see:

- Procedure [Biosecurity directions](#)
- Procedure [Biosecurity permits](#)
- Procedure [Biosecurity undertaking](#).

An authorised officer may take enforcement action to:

- ensure a person discharges their biosecurity duty to prevent, eliminate or minimise a biosecurity risk and/or,
- prevent, manage or control a biosecurity impact and/or,

- ensure a person has complied with a mandatory measure requirement (e.g. notification of the animal disease).

If an Individual Biosecurity Direction or a Biosecurity Undertaking is used an authorised officer will discuss with the land manager or other person and record the following information in LHMS and as contemporaneous notes:

- the biosecurity risk from the disease
- measures to either prevent, eliminate or minimise the biosecurity risk posed or likely to be posed by the disease
- a date to re-inspect the property to determine compliance
- the possible consequences of failing to comply with the requirements of the management tool that has been issued.

7.1 Advice to others at risk from the disease

Where the authorised officer identifies that the endemic disease of animals poses a significant risk to a neighbour or other member of the local community who may be unaware of the threat, the affected individual/s will be advised of the risk and provided with information on managing this risk. This advice may include phone calls, field visits and notification letters supported by broader general communication activities.

They should be advised the information is confidential and must not be passed on to other persons, made public or used for any other purpose.

Note: It is good practice to confirm in writing any information passed on verbally.

7.2 Assessment of compliance following use of a regulatory tool

The authorised officer should assess if the land manager or other person has complied with the Biosecurity Undertaking or Biosecurity Direction.

If a land manager or other person has failed to comply with advice of their General Biosecurity Duty, a Biosecurity Undertaking or a Biosecurity Direction, the authorised officer should consider the following factors when determining the follow-up action required including:

- the reasons for the person's failure to comply (financial, physical, environmental, seasonal etc.)
- if the person has taken some action (to a satisfactory level) but has not completed all of the actions required to comply
- the significance of the biosecurity impact
- the urgency of action required to be taken
- whether the risk has increased as a result of the failure to comply
- whether the risk profile or situation has changed
- any relevant procedure for the biosecurity matter.

Depending on the level of compliance achieved, the authorised officer should arrange for the regulatory instrument (if used) to be:

- varied – e.g. to extend the time a person has to comply. To ensure that clarity is maintained for both the person who is issued the Direction/ Undertaking and the officer giving or accepting the Direction/Undertaking. If a variation is required, in most cases it would be preferable to revoke the existing instrument and issue a new one.
- revoked - when the authorised officer is satisfied that all the conditions required by the Biosecurity Undertaking or Biosecurity Direction have been met. When varying or revoking an existing Biosecurity Direction/Biosecurity Undertaking the authorised officer must issue the person with written advice to inform the person of the variation or revocation on the approved 'Letter of Advice-Revocation or Variation of a Biosecurity Direction/Undertaking' See section 8 of the Biosecurity Direction procedure.

7.3 Management of compliance failure

The focus where a failure of compliance is identified is to achieve compliance and manage any biosecurity risk.

When there is a failure to comply with an Individual Biosecurity Direction/Biosecurity Undertaking, the Act provides an authorised officer (or another person) with the power to enter the premises to take any

actions that are necessary to remedy the failure. Cost recovery provision may then apply to these actions. Sections 133(2) and 147(2) provide the Secretary with the power to charge the liable person a fee for the actions. See Section 9 of the Biosecurity Direction procedure and section 5 of the Biosecurity Undertaking Procedure for guidance for authorised officers in the exercise of these powers.

Additional potential penalty actions may include:

- a warning letter,
- a penalty notice or
- pursuing prosecution.

Consult DPI Compliance staff and section 7 of the Biosecurity Direction Procedure or section 5 of the Biosecurity Undertaking Procedure for further guidance.

Note: Authorised officers must ensure they maintain accurate records of all the actions taken to assist where evidence is required to support either the issuing of a penalty notice or the conduct of a prosecution.

8. Definitions and acronyms

the Act	the <i>Biosecurity Act 2015</i>
Authorised officer	A person who is appointed as an authorised officer under the NSW <i>Biosecurity Act 2015</i> and authorised by that appointment to exercise the function in relation to which the expression is used.
CVO:	NSW Chief Veterinary Officer
DCVO:	Deputy Chief Veterinary Officer
Endemic disease:	A disease that is endemic to NSW
Exotic disease:	A disease that is exotic to NSW
LLS:	Local Land Services
LLS Team Leader	LLS Team Leader Animal Biosecurity and Welfare
LHMS:	Livestock Health and Management System
MBES:	Manager Biosecurity and Emergency Services
NSW DPI:	New South Wales Department of Primary Industries
The Regulation	the Biosecurity Regulation 2017
TLABW:	LLS Team Leader Animal Biosecurity and Welfare

9. Documentation

NSW DPI Biosecurity & Food Safety Regulatory Framework

at https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0019/801055/dpi-bfs-regulatory-framework.pdf

Biosecurity and Food Safety compliance and enforcement policies at <https://www.dpi.nsw.gov.au/about-us/policies-procedures>

Policy Records Management (IND-I-177)

Policy - Information Security (IND-I-197)

Policy - Classified Information (IND-I-196)

Policy - Government Information (Public Access) (IND-I-178)

Policy – Prohibited matter diseases of animals

Policy - Endemic Diseases of Animals

Policy- Surveillance for diseases of animals

Policy - Biosecurity collection, use and disclosure of information

Procedure [Anthrax management \(PRO INT16/170261\)](#)

Procedure [Australian bat lyssavirus](#)

Procedure [Biosecurity directions](#)

Procedure [Biosecurity permits](#)

Procedure [Biosecurity undertaking](#)

Procedure [Brucella suis in dogs](#)

Procedure [Brucella suis in pigs](#)

Procedure [Cattle tick](#)

Procedure [Collection, use and disclosure of information](#)

Procedure [Hendra virus investigation and management](#)

Procedure [Reporting notifiable diseases of animals](#)

Procedure [Salmonella Enteritidis in the commercial layer and egg industry](#)

Procedure [Tick fever](#)
 Procedure [Virulent footrot in sheep and goats](#)
 Procedure [Wildlife biosecurity co-management of diseases of wildlife](#)
 Procedure- Biosecurity collection, use and disclosure of information
 Procedure - Declaring notifiable diseases
 Primefact - Notifiable animal diseases in NSW
 Primefact – Prohibited matter in NSW
 Resource document – Chain of authority animal biosecurity
 Resource document - LHMS guidance document
 Template Rapid Risk Assessment

10. Records

Documents related to regional, state and national pest and disease programs must be saved in HPE Content Manager.

Reports and details relating to Prohibited matter, notifiable diseases and other biosecurity events related to individual premises are to be entered into the NSW information management system (including LHMS/ BIS).

Guidelines for data entry are outlined in the LHMS guidance document.

Records relating to properties placed under biosecurity restrictions must be maintained for at least ten years.

11. Revision history

Version	Date issued	Notes	By
1	30/09/2021	New document - response to the <i>Biosecurity Act 2015</i> .	Animal Biosecurity

12. Contact

Biosecurity NSW – General Enquires
 1800 808 095
biosecurity@dpi.nsw.gov.au

Appendix 1: Flow Chart: choosing the regulatory tool to manage an endemic animal pest or

