

Biosecurity – National Livestock Identification System – Procedures for Assigning Property Identification Codes and for managing and accessing registers

Procedure Number:	INT17/25181 [v2]	Version:	2.0
Authorised by:	Group Director, Animal Biosecurity	Authorised date:	27 July 2023
Issued by:	Biosecurity & Food Safety	Effective date:	27 July 2023
Category:	Operations and Industry	Review date:	27 July 2028

Scope:

This procedure applies to the NSW Department of Primary Industries (NSW DPI), within the Department of Regional NSW, and Local Land Services (LLS) staff, in their roles as authorised officers enforcing the *Biosecurity Act 2015* (the Act) and as District Registrars under the *Biosecurity Regulation (National Livestock Identification System) 2017* (the NLIS Regulation).

Management of the biosecurity risk

The purpose of this procedure is to set out how the NSW Government will assign and manage Property Identification Codes (PICs) and how they will manage and access the district, state and NLIS registers.

Identification codes and registers are integral parts of the National Livestock Identification System (NLIS). This Procedure describes the requirements for:

1. Assigning identification codes
2. Managing identification code registers, and
3. Providing information from property identification code and stock movement registers in accordance with the Biosecurity (National Livestock Identification System) Regulation 2017 (NLIS Regulation) and other legislation.

PICs are a mandatory requirement for owners of certain livestock, and property owners keeping such livestock.

This procedure is to be read in conjunction with the NSW Department of Regional NSW (DRNSW) Livestock Traceability policy.

Biosecurity legislation summary

The collection, use and disclosure of information in accordance with this procedure, including any internal or external discussion or distribution of information, must comply with the *Privacy and Personal Information Protection Act 1998* or be exempted by the operation of section 387 of the *Biosecurity Act 2015*.

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 any other person, but only if the disclosure is reasonably necessary for the purpose of exercising a biosecurity risk function.

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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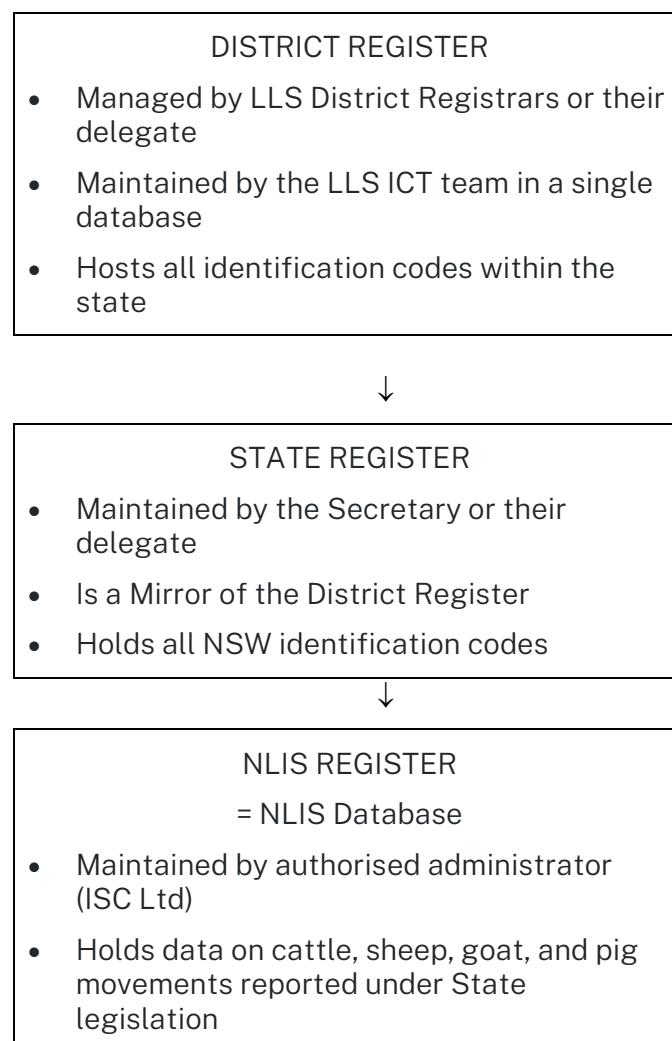
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NLIS – Procedures for assigning Property Identification Codes and for managing and accessing registers

1. Overview and Roles and Responsibilities

The NLIS Regulation establishes three registers of information relating to livestock identification and movements. These registers provide the core data on which the NLIS and traceability is based:

1. A District register of property identification codes (PICs) and other identification codes, maintained by Local Land Services.
2. A State register of identification codes managed by DPI.
3. The NLIS register of livestock movements and identification codes (the NLIS database), managed by Integrity Systems Company (ISC) Ltd.



- Holds all identification codes from all Australian jurisdictions (NSW data is uploaded from State Register)

1.1 Types of Identification Codes

- PICs are unique identifiers for land used for livestock or other agricultural production
- agent identification codes are assigned to individual stock and station agents or agencies
- district codes are assigned to each stock identification district.

Identification codes are recorded by LLS District Registrar in the District register, automatically transferred to NSW DPI (State register), then uploaded from the State register to the NLIS register (NLIS database).

1.2 Identification Code Statuses

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

- **Active** – the code is assigned and in use.
- **Inactive/Suspended** – the code has been assigned but is not currently in use. This status is temporary.
- **Cancelled/ Disbanded** – the code was once assigned but no longer exists. This status is permanent.
- **Blocked** – an inactive or cancelled code barred from use on the NLIS database.

1.3 Format of identification codes

The Secretary determines the PICs that are to be assigned in each District.

Saleyards and abattoir/knackery PICs have a unique character sequence to distinguish them where XX is the District and ? is variable:

- saleyards = N?99XX0?
- abattoirs and knackeries = N?99XX1?

A code that has an incorrect character sequence (algorithm) is invalid and cannot be assigned a status.

2. Types of Registers

2.1 District Register

2.1.1 District Registrar responsibilities

The maintenance of the District register is the primary responsibility of **District Registrars** appointed by LLS.

The District Registrar is appointed by LLS. The District Registrar may appoint a delegate who exercises any or all of the functions of the District Registrar.

Maintenance includes both maintaining accurate and up to date information in the District register and conveying that information in a timely manner to the State register.

LLS must:

- enter information into the register at the time of change and provide the information to DPI in an electronic format
- if requested to do so, provide an authorised person (the Secretary, or an authorised officer, a food inspector or animal welfare inspector) with the information contained in the register free of charge, A District Registrar may allow any other person to have access at any reasonable time to the information recorded in a District register if satisfied that the information is to be used for a purpose for which the registers are maintained.

A District Registrar must keep all the identification codes that are assigned in their District including:

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

The District register should be amended in a timely matter based on the following sources of information:

- applications or advice from landowners/occupiers to amend their PIC or contact details
- annual land and stock returns

The District Registrar or their delegate may, on advice of the sale of land, deactivate the PIC until the new owner/occupier applies for the PIC which is preferable so that full owner/occupier details can be obtained, and the person is provided with a privacy notice (see Appendix 3).

2.1.2 District Register requirements

The District register is held within an LLS maintained database containing additional information about holdings, and occupiers. However, only that information listed below forms the official District register of identification codes. The additional information is not required to be uploaded to the State register.

The District register **must** contain the following information:

- the status and particulars of each property identification code assigned by the District Registrar, together with:
- the name and physical location of the property to which the code has been assigned;
- the lot and DP numbers of the property, and spatial co-ordinates (if available);
- full name of Owner or Occupier, and PIC Manager (if different), residential and postal addresses, email address (if any) and telephone numbers;
- the number and type of stock kept on the property (as disclosed in the latest annual return lodged under the *Local Land Services Act 2013*);
- the status and particulars of each district code assigned by the District Registrar, including name and physical location of land to which the code has been assigned
- the Lot and DP numbers of the property if existing
- the status and particulars of each agent identification code assigned by the District Registrar, along with the name, address and telephone number of the stock and station agent to whom the code has been assigned.

There is a requirement for the relevant person (owner or occupier of the property) in respect of the property to which a PIC has been assigned by the District Registrar that they must ensure that

within 14 days after they become aware of any changes in the particulars, the District Registrar is notified of the changes.

2.2 State Register

The Secretary maintains a State register of all identification codes assigned in NSW. The State register is a copy of the District Register and:

- is only amended based on the transfer of changes from the District register by LLS to the State register
- any changes requested by a producer are referred to the LLS to confirm and record
- remains unchanged (and potentially incorrect) until this confirmation is provided by the LLS. Any further inquiries from the producer about that issue will be referred directly to the LLS for action.
- data is automatically uploaded to the NLIS Register (NLIS database) 3 times daily.

The Secretary must, on request by the authorised administrator, provide any information that is recorded in the State register to the authorised administrator of the NLIS.

2.3 NLIS Register (NLIS Database)

The NLIS database (the NLIS register under clause 55 of the NLIS Regulation) comprises PICs uploaded by each State and Territory. It 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.

The NLIS administrator maintains a register of livestock movements in the NLIS database, as well as PICs provided from the State register. The Secretary has approved Integrity Systems Company Limited (ISC Ltd) (formerly NLIS Ltd) as the authorised administrator.

Information recorded in this register in accordance with the NLIS Regulation includes:

- the NLIS and Radio Frequency Identification Device (RFID) numbers of cattle
- PIC register information
- PIC and device status and history (e.g., Extended Residue Program (ERP))
- livestock sale and kill data
- livestock movements between PICs, including movements of individual cattle and mob- based movements of sheep, goats and pigs.

2.3.1 Maintenance of the NLIS Register

The NLIS database is maintained by ISC Ltd, though most data is uploaded by users. ISC Ltd 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 NSW DPI 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, depending on their complexity, may take several weeks to months to deliver.

3. Property Identification Codes (PICs)

3.1 Assigning property identification codes

A PIC is a unique identifier assigned by the District Registrar to land used for livestock production (farm property) in accordance with clause 7 of the NLIS Regulation. Under the NLIS Regulation a **property** is defined as ‘an area of land (including an area comprising one or more parcels of land that are proximate) that is worked as a single property’. This includes:

- any property that is wholly or partly in the district
- any travelling stock reserve, or public land, within the meaning of the *Local Land Services Act 2013* in the district
- any public road in the district to which a stock permit under the *Local Land Services Act 2013* relates
- any saleyard or abattoir in the district, or
- land such as a stadium or showground where stock are held in captivity on a temporary basis as part of an event.

PICs are also required to be assigned to land where certain livestock activities occur including:

- abattoir/ knackery
- goat depot
- saleyard
- cattle scale operation
- stock event
- land in common or public use (showground, common, sporting field, grazed cemetery, Artificial breeding centre), or
- non-rateable land (e.g., small farm, forestry lease).

3.2 When property identification codes are required

A PIC is required for properties on which certain animals are held in captivity:

- identifiable stock which includes cattle (bison, buffalo and water buffalo), pigs, goats and sheep
- camelids (camels, alpacas and llamas), deer or equines (horses, donkeys, asses, mules and zebras)
- more than 100 small poultry (chickens, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants or partridges)
- more than 10 large poultry (emus or ostriches).

3.3 Applications for identification codes for farm properties

An owner or occupier of a property may apply for a PIC for that property, where the occupier may be a manager, lessee or a person with stock on agistment. Where the occupier applying for the PIC is not the owner, written consent must be provided:

- if a property already has an active PIC, then that PIC may be transferred into the name of the applicant providing both parties supply consent.
- if the property has an inactive PIC, then that PIC is reassigned in the name of the applicant (where the occupier is not the applicant, occupier consent must be provided).
- if the property cannot be identified by either a currently active or previously active (or inactive) PIC (the inactive PIC may belong to an alternate landholding), then a new PIC may be assigned from the list of available PICs.
- a defined area of land can only have one active PIC (see section 3.5).

- parcels of land that do not meet the definition of a property cannot be assigned the same PIC.
- a PIC must be assigned to land and cannot be assigned to a person, business or postal address.
- a PIC Manager must be a person, not a company, who may be of any age, and
- the property does not have to have stock on it or be rateable land in order for a PIC to be assigned.

The District Registrar may assign a PIC without an application and at their own discretion in which case no fee is payable. This may occur when the land is not usually required to have a PIC but a PIC is required to record an animal health, residue or disease history or risk. A PIC may also be applied to land not usually required to have a PIC during a biosecurity or natural disaster emergency.

The District Registrar should consult with the District Veterinarian and appropriate Travelling Stock Reserve (TSR) Rangers or Biosecurity officers 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.

3.4 Amalgamation of properties under one PIC

A person who owns or occupies more than one holding can request to amalgamate their holdings under a single PIC provided the land fits the definition of land '*worked as a single property*', is proximate and the holdings share the same biosecurity risk and residue status.

For the purpose of assigning a PIC '*worked as a single property*' means regular movements of grazing stock occur between the holdings such as that the holdings are effectively paddocks of one larger property.

To determine if separate holdings are proximate, a set distance should not be applied rigidly as the only criteria but should be considered as it may be appropriate to prevent the spread of a known biosecurity risk.

'Proximate' is difficult to define so that it is relevant for all LLS regions. The Macquarie Dictionary defines proximate to mean "next; nearest; closely adjacent; very near."

However, given the differences in livestock enterprises in each LLS region, it is more useful to describe relevant criteria for a District Registrar to consider when determining whether areas of land that are '*proximate*' *are or could* be worked as a single property. Relevant criteria include whether the disease risks of the holdings differ; how many times livestock are moved between the two holdings per year, e.g., twice or more; if a Routine Stock Movement Permit is in place; are livestock currently trucked or walked between the two holdings?

For an amalgamation to be approved the workings of the properties must be clarified with the producer and the District Veterinarian must be consulted to determine if there are any known residues, disease history or risk associated with the properties involved.

Any relevant disease history must be attached to all applicable holdings at the completion of a PIC amalgamation. This may require manual amendments to records on databases other than the district register to ensure that important disease histories are retained.

For each amalgamation there should be records retained by LLS. These records must include:

- signed amalgamation request with note of the owner/occupier's agreement to amalgamate holdings under a single PIC
- that routine checks have been executed including:
 - holdings are being run as one property
 - holdings are proximate
 - PICs are both the same type i.e., both property PICs, or both Goat Depot PICs

- LLS Officer has determined the disease status of the holdings
- there is signed approval of amalgamation by District Registrar, for the LLS region.

The owner or occupier of the property must ensure stock are transferred on the NLIS database from any inactivated PICs to the active PIC before or as soon as the holdings are amalgamated. Similarly, any purchased Radio Frequency Identification Devices (electronic tags) should also be transferred to the active PIC via a TAG TRANS.

Guidelines for the PIC amalgamation process which should be undertaken are outlined in Appendix 1. Examples of where it is not appropriate to Amalgamate a PIC are also outlined.

3.5 Dividing a property into separate parcels and multiple PICs on a holding

Each defined area of land can only host one active PIC at a time. Usually, the smallest parcel of land is a “Folio” (lot & DP) as defined by land titles. If the area of land assigned a PIC is smaller than a lot, then it will need to be described spatially or otherwise in the District register.

A property with one PIC may be subdivided into separate holdings with different PICs (within the meaning of the *Local Land Services Act 2013*) on request from the owner or occupier of the existing or subdivided property in the following situations:

- part of the property is sold (subdivision)
- land that was previously leased or used for agistment is no longer occupied and worked with the rest of the property.
- there is a secondary enterprise being undertaken on part of the property e.g., a Goat Depot that requires its own PIC.

An area of land that forms part of a holding may also be assigned its own PIC when a significant residue or disease problem is identified, has been traced and is 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 only through consultation between the landholder/s, the District Veterinarian and the District Registrar and with consideration of the following:

- land that has a significant disease/residue history must retain the original PIC, which must be kept active.
- if the disease or residue spreads across multiple areas of land and new PICs are required, the same status must be applied and the history carried across to the new PICs.
- (in rare circumstances) the District Registrar may approve the removal a PIC from a holding with a significant disease/residue history however an alternative PIC must be applied to the land and the significant disease/residue history and appropriate status must be added to that PIC, and
- new PICs are assigned or reactivated on all other holdings involved.

Multiple PICs on a holding may also be required for the management of a defined area of a property for a specific purpose such as requiring various levels of certification, for example:

- European Union Cattle Accreditation Scheme (EUCAS) feedlot or where Hormonal Growth Promotants (HGPs) are used, or
- where mobs or flocks are segmented and separately managed under an approved property disease management plan or market assurance program

3.6 Transfer of property identification codes

Once assigned to a property, a PIC remains permanently linked to that property irrespective of ownership, occupation, or land use. A PIC cannot be completely transferred between one property and another.

When a holding which was previously amalgamated, is split or subdivided, the District Registrar, the District Veterinarian and the land holder must consult as to which portion of land will keep the primary PIC.

A PIC may be temporarily applied to a property proximate to the primary holding to which a PIC is assigned under the conditions of section 3.4 and where an adjoining or proximate property is being:

- leased, or
- managed under the same occupancy and management.

In these instances, at the end of the temporary arrangement, the PIC must be removed from the secondary holding and remain with the primary holding. It is the obligation of the PIC manager to advise LLS when this arrangement has been terminated.

3.7 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:

- if a saleyard, abattoir or knackery closes, the PIC is inactivated. If it subsequently reopens the same PIC is reassigned.
- new saleyard and abattoir/knackery PICs are available on request from the DPI Traceability team.

3.8 Renewal of identification codes

An identification code remains active for three years or for a shorter period specified in writing by the District Registrar.

Identification codes are renewed automatically with the annual, payment of rates, or periodically at the discretion of the District Registrar.

Saleyard, abattoir, and knackery identification codes do not need renewal and no fee is payable. If a saleyard, abattoir, or knackery PIC is made inactive, and subsequently requires renewal, an application must be made to LLS and approved by the District Registrar.

3.9 Amendment of incorrect PICs

A PIC once assigned cannot be amended. If a PIC is incorrectly assigned the current PIC is cancelled and a new one assigned. Incorrect PICs occur where:

- the PIC has been assigned to a person or postal address and there is no identifiable link to land (however, if the holding associated with the PIC can be identified and corrected the PIC does not need to be cancelled)
- the assigned district code is incorrect, or
- a saleyard/abattoir code has been accidentally assigned to a property, or vice versa.

3.10 Suspension of PICs

A District Registrar may **inactivate (suspend)** the operation of a PIC. This may happen for example, when:

- the property has been sold, or a lease expired or terminated but the District Registrar has not yet been notified of the new owner or occupier
- separate properties have been amalgamated under the one PIC and the PICs of the minor holdings have been made inactive
- on request from the owner or occupier of the property that they no longer require a PIC

- the PIC has not been renewed on time (including where a renewal fee, or rates, have not been paid, or a Land and Stock Return has not been provided, within the time prescribed under the *Local Land Services Act 2013*).

3.11 Reactivation of PICs

The PIC may be reactivated only by a District Registrar, for example if:

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

Movements of stock will still be recorded and transferred in the NLIS database if an inactivated/suspended PIC is used, as the link between the PIC and identifiable land (traceability) remains. There also may be a legitimate reason for using an inactive PIC (e.g., moving stock off a recently sold property).

Advice from LLS that an order for NLIS devices for an inactive PIC is allowed but should only occur if there is a demonstrable need to identify stock on that property.

3.12 Cancellation of Identification Codes

A District Registrar may cancel the operation of a PIC (clause 16(1) of the NLIS Regulation). It may only be re-assigned in the circumstances and manner that the Secretary determines (clause 16(3) of the NLIS Regulation), for example when:

- the land use has changed in the long term and it is unlikely to be used for agriculture again (e.g., residential subdivision)
- the land has been divided into smaller properties (each of which will require a separate PIC) and no recognisable part of the original property remains
- the PIC has been incorrectly assigned
- districts have been amalgamated and new codes are being assigned to some or all of the properties in the new district.

A person cannot lawfully:

- use identifiers with a cancelled PIC unless they are NLIS devices which have been transferred ('TAGTRANS') to another property with an active PIC before cancellation
- transfer stock in the NLIS database using a cancelled PIC.

3.13 Blocked identification codes

An identification code may be blocked by DPI 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 stock identification 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 NLIS Regulation

A District Registrar, or authorised officer may request the DPI Leader Traceability or their delegate to have an identification code blocked. To block an identification code the Leader Traceability or delegate will upload the blocked 'B' status to the NLIS database.

District Registrars need to change the identification code status on FARMS to cancelled/inactive on advice from DPI for any agent codes which are to be blocked. LLS must contact DPI to request that a producer's PIC, be blocked.

An identification code may be unblocked by notifying DPI when the code has been reactivated or PIC manager reassigned in accordance with NLIS Regulation and approved procedures.

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 NLIS Regulation:

- if an attempt is made to transfer stock to a blocked identification code, then the transfer is rejected by the NLIS database and the stock will remain on the 'current holdings' of the property, saleyard or agent identification code
- unless the stock are subsequently transferred to the correct PIC within the prescribed timeframe, the person has not met their obligations under the NLIS Regulation
- an attempted and uncorrected transfer to a blocked code is effectively a failure to transfer the stock as required by the NLIS Regulation.

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

NSW DPI may refer persistent attempts to transfer cattle to or from a blocked code to an LLS or NSW DPI authorised officer to follow up:

- the authorised officer contacts the person who attempted the transfer to advise them to obtain and use an alternative and correct PIC, reminding them of their obligations under the NLIS Regulation to do so
- if after a month that person is still attempting to transfer stock 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.

3.14 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 and their contact details:

- 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 as a single property and both properties meet the definition of a property, then under Section 3.4:

- they can apply to amalgamate their holdings under a single PIC and then use their current PIC to identify stock from the new property
- the PIC for the purchased property is inactivated.

3.15 Properties located across a state border

A property may comprise holdings in adjoining states or territories (Australian Capital Territory, Queensland or Victoria) 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 NSW placed under the interstate PIC is assigned a PIC for mapping and other purposes, with the PIC of the NSW land made inactive. If a NSW property is the primary holding and its PIC includes land in another jurisdiction, the PICs of the interstate land is made inactive.

4. District codes

District codes are determined by the Secretary (clause 13) and assigned by the District Registrar (clause 11). They may be used as the code on special or emergency NLIS identifiers sold by LLS and:

- have the same format as PICs but end with four zeros – ‘0000’
- a stock identification district can only have one District code remain permanently with the district to which it is assigned and does not need to be renewed
- may be reassigned to a district that contains part or all the stock identification district to which it was originally assigned if district boundaries change
- cannot be reassigned to an entirely different stock identification district
- applies to all land in the stock identification district that does not have an assigned PIC
- are recorded in the district, state and NLIS register in the same way as PICs, with the Stock Identification District as the ‘owner’.

Identifiable land within stock identification districts such as TSRs, showgrounds and commons must be assigned their own PICs not a District code.

Refer to the [Biosecurity \(Determination of Identification Codes\) Order](#), made under the NLIS Regulation, in Section 8.

5. Agent identification codes

A District Registrar may assign an agent identification code to a stock and station agent whose registered office is located in the stock identification district or who carries on business within the stock identification district.

An agent identification code may be assigned by a district registrar on the District Registrar’s own discretion or on application by or on behalf of the stock and station agent.

An agent identification code may be transferred to another stock and station agent who has taken over the business of the stock and station agent to whom the code was assigned.

6. Legislative requirements relating to registers

6.1 Access to registers and disclosure and use of information

The district, state and NLIS identification registers contain personal information about people, as well as potentially commercially sensitive data about their land and livestock.

The information collected may be used and disclosed for a purpose consistent with the purposes of the register as prescribed in clause 52 of the NLIS Regulation and (for the NLIS 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. If in doubt, LLS, DPI and NLIS Ltd staff may refer the matter to NSW DPI’s NLIS Enquiries email Inbox (enquiries.nlis@dpi.nsw.gov.au), who in turn may refer it to Leader Traceability, or their delegate.

Clause 52 of the NLIS Regulation lists the purposes for which the three registers are maintained:

- to facilitate and assist the operation of the stock identification schemes established under this Part
- to protect public health and safety

- to assist in controlling disease and residues in stock or in animal products
- to assist in enabling the disease and residue status of stock or any animal products to be ascertained
- to facilitate the determination of ownership of stock or any animal products
- to assist in tracing the movement of any stock or any animal products
- to assist in the investigation of theft of stock
- to facilitate the dissemination of information in relation to the production and marketing of stock or any animal products
- to assist in the assessment and management of the welfare of animals
- to assist with the management of land used by stock
- to assist with the administration and the exercise of functions under the *Local Land Services Act 2013*.

Privacy provisions

The collection, use and disclosure of information regarding the assigning of a PIC and managing and accessing registers, including any internal or external discussion or distribution of information, must be in compliance with:

- section 387 of the Biosecurity Act and
- the *Privacy and Personal Information Protection Act 1998* (Privacy Act), and
- the current NSW DPI 'Collection, use and disclosure on information' policy and procedure (see Section 8).

Section 387 of the Biosecurity Act provides authority for the Secretary, an authorised officer, a local control authority and any other person engaged in the administration of the Act to:

- collect and use information (including personal and health information), for the purpose of exercising their biosecurity risk functions.
- disclose information, (including personal and health information) about a person, without the consent of the person to:
 - a public sector agency, or
 - any other person, but only if the disclosure is *reasonably necessary* for exercising a biosecurity risk function.
- request information (including personal and health information) from a public sector agency about a person, without the consent of the person, but only if the information is requested and certified in writing that the information is required for the purpose of exercising a biosecurity risk function and the provision of the information is reasonably necessary for the purpose of exercising that function.
- not comply with the requirement to only collect personal information directly from the individual to whom the information relates under of the *Privacy and Personal Information Protection Act 1998* (the Privacy Act), if compliance with this requirement would detrimentally affect, or prevent, the exercise of their biosecurity risk functions.

The collection and use of personal information recorded in District, State and NLIS register is subject to the provisions of Part 6 of the Privacy Act. The Privacy Act applies to all public sector agencies, including DPI and LLS.

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)). Examples of personal information may include names, addresses, email addresses and phone numbers.

Personal information may only be collected by a public agency 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).

Collection of personal information for the purposes of administering PICs and the NLIS is permitted under the Privacy Act.

When collecting personal information, the agency must take reasonable steps to ensure (before the information is collected or as soon as practicable after collection) that the person to whom the information relates is made aware, usually by way of a privacy notice, 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
- the name and address of the agency is collecting and holding the information.

Personal information must only be used for purposes directly related to the purpose for which the information was collected, unless the person to whom the information relates has consented to its use for some other purpose.

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, or the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person (for example in a bushfire emergency).

The PIC registers and NLIS database may be public registers within the meaning of section 3 of the Privacy Act as clauses 53(4) and 54(3) of the NLIS Regulation may allow 'any other person' to have access to the information if satisfied that the information is to be used for a purpose for which the registers are maintained. 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 NSW DPI and LLS by section 57 of the Privacy Act and on MLA (ISC Ltd) by clause 55 of the NLIS 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 of the Privacy Act).

6.2 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* as approved from time to time by SAFEMEAT and published by MLA (ISC Ltd). Sections 2 (Accounts) and 8 (Confidentiality and privacy) are especially relevant to disclosure and privacy:

- Section 2.5 of the *Terms of Use* states: “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 NLIS Ltd requires all applicants for NLIS database accounts to read and accept the *Terms of Use*:

- Section 2.16.1 of the *Terms of Use* 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 2.16.3 (a) of the *Terms of Use*, where the Administrator grants government Participants a perpetual, non-exclusive licence to use the data in the Database for the Permitted Use provided that the data has been provided in the course of complying with legislative requirements. “Permitted Use” (as defined in 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 2.16.2 of the *Terms of Use* 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:

- NSW DPI and LLS staff can only access and use information from the NLIS database if that data has been provided in compliance with the *Biosecurity Act 2015* and subordinate legislation, 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.
- NSW DPI and LLS staff can only provide information from the NLIS database to third persons if that data has been provided in compliance with the *Biosecurity Act 2015* and subordinate legislation 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 2.16.3 (b) of the *Terms of Use* allows NSW DPI and LLS, subject to the above conditions, to alter, adapt, extract, reproduce, export, disseminate or transmit the data.

Section 2.19.1-3 of the *Terms of Use* allows a law enforcement agency to open a database account or to obtain information directly from NLIS Ltd on written request. A law enforcement agency in this context would be, for example, police, council rangers and other law enforcement agencies. The data may be used for law enforcement purposes.

Section 8.6.2 of the *Terms of Use* states that “the Administrator respects the privacy of individuals and does not release personal information other than in accordance with the Administrator’s privacy policy (as amended from time to time) or as specified in these terms. The Administrator is ISC Ltd.

SDA NLIS database accounts

There are different levels of NLIS database accounts designed to meet the regulatory needs of State Departments of Agriculture (SDA), including DPI, LLS, and Police, and are as follows:

- **SDA (“full” or “heavy”)** - 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 NSW 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** - provide access to a range of reports and functions useful for tracing stock and monitoring the operation of the NLIS in saleyards and abattoirs and by stock agents and producers.
- **SDA Light** - provides basic functions such as the ability to determine the current location and status of an animal and to look up PICs.
- **Police** accounts are similar to SDA Medium with the reports and functions more tailored to the needs of Police.
- **State Food Authority** accounts are an account for the state food authority to monitor NLIS activities of abattoirs and knackereries.

Account creation:

- applicants must create a new account online through ISC Ltd.'s website
- 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, ISC Ltd will seek the endorsement of DPI's NLIS Enquiries email account operator before activating the account
- if the applicant does not fit into one of the positions or categories listed in this Procedure, or the applicant's PIC details are inconsistent, or the applicant is otherwise unknown, the Enquiries account operator may contact the applicant and/or LLS, if known or otherwise reject the application with a reason. This process may take from one to a few days.
- ISC Ltd will only open an SDA or Police account in NSW with the approval of DPI.

Conditions of use:

- ISC Ltd 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.

PIC search facility on NLIS database

Most database account holders, including the various 'SDA' accounts, can search for any active PIC in Australia accessed through 'View/generate all reports', then 'Search the PIC register'. The PIC search function is reasonably self-explanatory and a help tool is available on the NLIS database web site.

6.3 Principles of providing information from registers

District register

A District Registrar or their delegate 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:

- an authorised officer (including a Police officer, animal welfare inspector)
- the Secretary (including appropriate DPI staff), or
- a food safety inspector.

A District Registrar may allow any other person access at any reasonable time to information recorded in the District register if satisfied that the information is to be used for a purpose for which the registers are maintained. The information:

- might relate to one or a small number of PICs or to the whole district
- may be provided verbally, in writing, by email, or in electronic format.

LLS may charge a reasonable fee for this service, in accordance with LLS procedures.

The District register only contains certain prescribed information, so only this information may be disclosed. Other information which may be recorded in the same database must not be made publicly available unless this is sanctioned by other procedures, policy or legislation.

State register

The Secretary must, on request, allow authorised persons access to any information recorded in the State register free of charge and in the manner and time requested by the person (clause 54(2)). The following persons are authorised:

- the NLIS administrator (including appropriate staff)
- a District Registrar (including appropriate staff)
- an authorised officer (including a Police officer, animal welfare officer), or
- a food safety inspector.

The Secretary may allow any other person access at any reasonable time to information recorded in the State register if satisfied that the information is to be used for a purpose for which the registers are maintained. 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 State register only contains certain prescribed information, 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.

NLIS register

Access to the NLIS database is determined by the NLIS Regulation and the database *Terms of Use*.

The authorised administrator (ISC Ltd) must, on request, allow authorised persons access to the NLIS database free of charge and in the manner and time requested by the person. The following persons are authorised:

- the Secretary (including appropriate staff)
- District Registrars (including appropriate staff);
- authorised officers (including Police officers and animal welfare officers), and
- food safety inspectors.

This access is generally provided through 'SDA' database accounts 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 NLIS register. ISC Ltd may only provide information contained in the NLIS database if they are satisfied that the information is to be used for a purpose for which the registers are maintained.

The NLIS Regulation does not allow an authorised person to release information from the NLIS register to third parties. The *Terms of Use* (2.16.2) limit the circumstances in which data can be provided by government participants to third parties.

These conditions mean that only ISC Ltd can provide information from the NLIS database to non-authorised persons; NSW DPI and LLS staff cannot provide this information directly to people other than authorised persons as listed above.

ISC Ltd may at their discretion release information from the NLIS database provided it is for a purpose prescribed under the NLIS Regulation. ISC Ltd do this by providing a range of account types with defined and limited functionality. ISC Ltd 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*.

6.3.1 Access to registers by authorised persons

DPI, LLS and Police staff who are authorised persons can access and share information in any register:

- for purposes consistent with their duties as a statutory office holder (authorised officer, district registrar, food safety 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 NSW DPI or LLS staff or LLS 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.

6.3.2 Access to registers by law enforcement agencies

Information from a register may be provided to a law enforcement agency on request and these law enforcement agencies are exempt from many provisions of the Privacy Act:

- these agencies are defined in section 3 of the Privacy 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).

6.3.3 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 section 3 of the Privacy Act) might request information from a register. This could include:

- Local Councils
- Services NSW
- NSW Police
- Australian Taxation Office
- Department of Agriculture, Water and Environment (DAWE)
- 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.

6.3.4 Access to registers by the public

The PIC registers and NLIS database are not freely available to any person for any reason. LLS, NSW DPI and NLIS Ltd 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.

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
- stock they currently own or manage.

6.4 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 change 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 LLS 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.

A person being provided with the ‘current PIC’ for an animal from a ‘beast inquiry’ on the NLIS database must be made aware and understand 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.

6.5 Procedures for disclosing information from registers

The collection, use and disclosure of information from registers, including any internal or external discussion or distribution of information, must comply with section 387 of the Biosecurity Act, the Privacy Act and the relevant NSW DPI policy and procedure (see Section 8).

6.5.1 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 in a diary, event log or record of conversation:

- who is making the inquiry?
- why they want the information
- what information is provided.

If the request is in writing (letter or email), the request and response should be filed and the record kept in a retrievable manner for at least 12 months.

6.5.2 Disclosing to authorised persons and law enforcement agencies

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
- 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.

6.5.3 Disclosure to 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
- information may be provided from the NLIS database only if it is for a 'permitted use' i.e., biosecurity, food safety or market access purposes.

For all requests for PIC information, ask the person requesting the information 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 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 ISC Ltd.

6.5.4 Disclosure to 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 ISC Ltd.

6.5.5 Disclosure to 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 ISC Ltd
- otherwise, determine the reason for the request. The response will depend on the reason, including:

Stock straying on their property

Section 387 (2) of the Act permits the Secretary, an authorised officer, a local control authority and any other person engaged in the administration of the Act to disclose information about a person to any other person, for the purpose of exercising a biosecurity risk function, but only if the disclosure

of information is reasonably necessary for the purpose of exercising a biosecurity risk function. Biosecurity risk function in this section means a function under the Act relating to the prevention, elimination, minimisation or management of biosecurity risks. This would include for the purpose of identifying and returning straying stock.

Based on the NLIS device number, look up the 'current PIC' of the animal on the NLIS database. If the current PIC is proximate to the animal's current location, i.e., reasonably close (and it is possible the animal has strayed that distance), obtain the person's contact details which can be provided to the person who may own the animal.

If the 'current PIC' details confirm that the property is not proximate to the animal's current location and therefore it is unlikely the animal has strayed that distance, further investigations will be required to determine the origin and the owner of the stock.

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

This information should be available from the NLIS movement document provided with the stock, however if this is not the case:

- 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, it is recommended that they attempt to obtain the PIC from the vendor. If they claim this is not possible, it is suggested that the animals be transferred to their own PIC with a database transfer 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 do not know, refer the person to the ISC Ltd or NSW DPI helpline.

If the person requests further information or assistance, ask them to contact email the message to the ISC NLIS Helpline or NSW DPI's NLIS Enquiries Email account, 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 National Vendor Declaration (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.

6.5.6 Disclosure to 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.

6.5.7 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 LLS or DPI officer.

6.5.8 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. Disclosure of this information is inconsistent with the *Biosecurity Act 2015* and subordinate legislation. The *Terms of Use for the NLIS database* allow Police officers to access and disclose this information from the NLIS database but **not NSW DPI and LLS staff** in the following circumstances:

- 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, or
- 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 ISC Ltd for the information, but ISC Ltd has 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 individual animal movements are not recorded on a state 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.

6.5.9 Other people or circumstances

Use judgement based on the above principles and following examples:

- is the reason consistent with the purposes of the registers?
- 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)
- 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?

Inform the person requesting the information 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.

NSW DPI and LLS staff may refer the caller to NSW DPI's NLIS Helpline, who in turn may refer the matter to NSW DPI Manager Systems, Intelligence and Traceability or NSW DPI Manager NLIS.

7. Definitions and Acronyms

DDRC: Database Development Review Committee

DAWE: Department of Agriculture, Water and the Environment

Food inspector: An authorised officer within the meaning of the *Food Act 2003*, usually employed or appointed by the NSW DPI, Biosecurity and Food Safety

Identification code: Includes property identification codes (PICs), agent identification codes and district codes.

ISC Ltd: Integrity Systems Company Ltd

LLS: Local Land and Services

MLA: Meat Livestock Association

NLIS: National Livestock Identification System

NSW DPI: NSW Department of Primary Industries

NVD: National Vendor declaration

PIC: Property identification code

Property: an area of land (including an area comprising 1 or more parcels of land that are proximate) that is worked as a single property

RFID: Radio frequency identification device

TLABW: Team Leader Animal Biosecurity & Welfare

8. Legislation

Biosecurity Act 2015 and its subordinate legislation.

Privacy and Personal Information Protection Act 1998

Local Land Services Act 2013

Biosecurity (NLIS) Regulation 2017

Biosecurity (Determination of Identification Codes) Order 2017

Applications for NLIS database accounts www.nlis.com.au

Application form for a Property Identification Code (PIC) - Local Land Services, at: <http://www.lls.nsw.gov.au/livestock/pics>

9. Related Policies and Procedures

Policy - Biosecurity collection, use and disclosure of information

NSW Department of Regional NSW Code of Ethics and Conduct

Procedure - Biosecurity collection, use and disclosure of information

Various other PIC and NLIS procedures and information [at: NLIS Policy and legislation \(nsw.gov.au\)](http://www.nsw.gov.au)

10. Other related documents

Terms of Use for the National Livestock Identification System Database www.nlis.com.au

Format of PICs and list of district numbers <http://www.dpi.nsw.gov.au/animals-and-livestock/nlis/policy>

11. Superseded documents

N/A

12. Revision History

Version	Date issued	Notes	By
1.0	01/07/2017	Substantial revision to align with Biosecurity (NLIS) Regulation 2017	Systems, Intelligence and Traceability
2.0	27/07/2023	Update of content with DPI and LLS to reflect changes in LLS PIC administration	Animal/Plant Biosecurity, LLS

13. Contacts

Leader Traceability

Phone 02 6391 3212, mob: 0428 724705

Email: lisa.burrows@dpi.nsw.gov.au

Biosecurity Intelligence Support

Phone 02 6391 3511

Email olga.ozols@dpi.nsw.gov.au

DPI NLIS Enquiries Email

Phone 1300 720 405

Email enquiries.nlis@dpi.nsw.gov.au

www.dpi.nsw.gov.au/nlis

NLIS/LPA Helpline

Phone 1 800 683 111

Email: info@integritysystems.com.au

www.integrity.systems.com.au

Appendix 1 - Guidelines for Amalgamation of Property Identification Codes

Requested amalgamations of properties under the one PIC can often be a complex issue for the District Registrar when determining the validity of the landholder's request.

The District Registrar must take steps to clarify the workings of the holdings involved, consulting with the landholder and the District Veterinarian to determine all underlying issues including any residue or disease histories or associated risks.

If a residue or disease history is found, this does not preclude a PIC amalgamation from going ahead.

If a defined area on one holding has a significant disease or residue history but, the properties are all worked as a single property it may still be appropriate to assign that holding's PIC to the whole property providing the other holdings share that same risk.

The requester/owner/or occupier of the property/holdings must be made aware of that risk and be willing to accept the consequences.

If one holding has a higher disease status or residue risk than other holdings involved in the requested amalgamation, there may be merit in keeping the holdings separate holdings with their own PICs.

In consultation with the District Veterinarian and District Registrar, the landholder/s will need to consider the following.

Advantages of amalgamation:

- use of a single set of NLIS devices/tags, ordered for and printed with one PIC, will be required on stock on any of their amalgamated holdings
- the landholder will be able to move stock between their holdings without needing to attach devices/tags
- the landholder will not need to record the movement of livestock between their amalgamated holdings on the NLIS database
- the landholder will only require one national vendor declaration (NVD) book (if using a physical book) and only be required to maintain one set of records for audit under the Livestock Production Assurance (LPA) scheme.

Disadvantages of amalgamation:

- all holdings covered by the same PIC will share the same disease and residue status, which will be the status of the highest-risk parcel of land
- any disease or residue traceback on an animal from the amalgamated property's PIC will implicate all holdings amalgamated under that PIC and all stock on those holdings, unless and until further investigations are able to prove otherwise.

Steps for amalgamating multiple properties under one PIC

1. A signed and dated request for amalgamation is received by LLS. This is forwarded to the appropriate LLS District Registrar or delegate and checked for completeness.
2. The District Registrar or their delegate checks the eligibility of the landholder requesting amalgamation, i.e., whether the person is the owner or occupier of all holdings affected by the proposed amalgamation.
3. If the occupancy is in question, (e.g., lease), or if the land is being used under an informal arrangement (e.g., long term agreement) the District Registrar or delegate may require:
 - i. the written consent of the owner/occupier of a holding

- ii. agreement from the occupier to inform the District Registrar or delegate as soon as the arrangement ceases.
4. After the required consultation, the District Registrar must determine whether the proposed amalgamation meets the definition of a property.
5. The amalgamation request must then be work-flowed to the appropriate District Veterinarian to consider disease and residue impacts. The District Registrar for the LLS region has the final approval for PIC amalgamation based on the information available to them at the time of request.
6. After the amalgamation request has been approved; a single PIC may be assigned to all holdings requested to be amalgamated. The PIC for the “Primary holding” should be assigned to the whole property, and the PICs for all other holdings inactivated.
7. Before a PIC is inactivated the owner or occupier should be informed that stock need to be transferred on the NLIS database from the inactivated PIC to the active PIC before or as soon as the holdings are amalgamated. Any unapplied RFID tags from the inactive PIC can be transferred via a TAGTRANS to the new PIC. These transfers can be done by LLS staff if requested or authorised by the owner or occupier. The PIC amalgamation will be put on hold until this process is complete. Any unaccounted tags will be inactivated and may be reactivated if they are found later.
8. If amalgamation is approved and an important residue or disease history is recorded on a PIC that is being inactivated, that history must be transferred to the PIC which will be on the land, post amalgamation.
9. Holdings that meet the definition of a property may be located in different LLS regions. In these cases, the District Registrars for all LLS regions involved, must be consulted to discuss and agree whether amalgamation should go ahead. The PIC for the 'Primary' holding' should be assigned to the whole property, and the PIC for the other holding(s) inactivated.
10. If assistance is required in determining the outcome of an amalgamation request, this may be given by the Team Leader Animal Biosecurity & Welfare. This could arise when:
 - i. the District Registrar for the LLS region is unsure of the best course of action after consultation with the District Veterinarian
 - ii. the producer is not satisfied with the District Registrar’s interpretation
 - iii. consensus cannot be reached between District Registrars in the different regions in which the holdings are located.
11. Decisions on amalgamations must be recorded in the official record keeping system used by LLS at the time of amalgamation or when an amalgamation request has been refused.

Interpretation:

The PIC assigned to the Primary holding may be the PIC of the:

- i. Largest landholding
- ii. Holding that runs the most intensive enterprise (i.e., turns over the most stock)
- iii. Holding owned by the landholder (distinct from land leased or agisted)
- iv. Holding where the primary residence is located
- v. As otherwise determined by the District Registrar or their delegate in consultation with the landholder applicant and approved by the District Veterinarian.

The District Registrar is any person appointed by Local Land Services to exercise any or all of the functions of the District Registrar for the local land services region, and if the Secretary has

appointed a person to exercise any or all of the functions of the District Registrar of the local land services region.

In practice, in a region this is usually divided into the District Registrar, for the LLS region, which is usually the GM for the region, unless the responsibility has been delegated, e.g., to the Manager, Biosecurity and Emergency Services or Team Leader Animal Biosecurity and Welfare. This person has the ultimate approval for changes to PICs within a region during PIC amalgamations. Usually there is a person or persons delegated the administrative responsibilities of the District Registrar, such as updating the FARMS database with PIC changes. B

Examples

In certain cases, it may not be appropriate for multiple properties to be amalgamated under one PIC. The following are examples:

1. Two properties of distance that can clearly be viewed as not “proximate” i.e., a PIC covering a landholding in Greater Sydney with the same occupier as a PIC covering a landholding in Western NSW. If a person owns a property in Dural in Greater Sydney LLS and one in Bourke in Western LLS, he/she should not be using one PIC to identify and trade off both properties.
2. Three properties owned and occupied by the same person where one is a dairy farm on the South East LLS, one is a grazing property in Riverina LLS and one is a piggery in the CW LLS are neither proximate nor under the same management practices and would not be suitable to be amalgamated under the one PIC.
3. Two properties which are both owned by a person who grazes sheep, however one is leased to another person who is operating a Goat Depot on it. These properties although proximate are not suited for a PIC Amalgamation as they are not run under the same management and are not being used for the same purposes or worked as a single property.

Appendix 2 – Case Studies for when to disclose information

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 NLIS 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.

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 NLIS 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 (possibly even 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. Also, an NLIS Producer account gives access to the 'Search the PIC register' report that provides details of the PIC including ownership.

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 NLIS 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 NLIS Ltd.
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 NLIS 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 NLIS Ltd.

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 Act, and although the reason is unrelated to the NLIS 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 NLIS Regulation. The officer responds that the ATO's powers under Commonwealth legislation override State privacy legislation. They are advised to contact NLIS Ltd for the first set of data, and the relevant LLS(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 LLS.

Appendix 3 – Privacy notices and disclaimers– written and verbal

Privacy notices

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

Verbal (e.g., 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 (e.g., PIC application form) This information is being collected for the purposes of the *Biosecurity Act 2015* and Biosecurity (National Livestock Identification System) Regulation 2017. It may be provided to the NSW Department of Primary Industries (DPI), other Local Land Services (LLS), Meat and Livestock Australia 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, authorised officer, District Registrar or ISC Ltd. You may access or correct this information by contacting the LLS, DPI or NLIS Ltd.

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 Biosecurity (National Livestock Identification System) Regulation 2017, e.g. 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 Biosecurity (National Livestock Identification System) Regulation 2017. 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 Local Land Services, 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)