

Queensland Johne's Disease Surveillance Program

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1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for Johne's disease will be known as the **Queensland Johne's Disease Surveillance Program**.

2. Requirement for a Surveillance program

2.1 PURPOSE AND RATIONALE

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following:

- (a) monitoring compliance with the Act in relation to a particular matter to which the Act applies
- (b) confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates
- (c) confirming the absence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates
- (d) monitoring the effects of measures taken in response to a biosecurity risk
- (e) monitoring compliance with requirements about prohibited matter or restricted matter
- (f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

Johne's disease (JD) caused by infection with *Mycobacterium avium paratuberculosis* is sporadically detected in Queensland livestock. Active and passive surveillance indicates the prevalence of JD in Queensland to be significantly less than the prevalence of some areas and industry sectors elsewhere in Australia.

The highest risks of spread of JD into and within Queensland are the movement of livestock from high-risk populations interstate and from properties where Infection is known or suspected. The highest risk interstate populations are the dairy industry of southern states and the sheep industries of the central and southern highlands of NSW and Victoria and Tasmania.

The objectives of the Queensland JD Policy under the Act are to maintain the apparent low prevalence of JD through risk-based, responsible industry management with minimal regulatory burden.

JD is restricted matter under the Act. Confirmation or suspicion of infection or clinical disease due to JD must be reported. The Department of Agriculture and Fisheries maintains a register of properties which have reported JD to support export certification but for no other purpose.

A person who deals with livestock that is at risk of carrying JD has a general biosecurity obligation (GBO) to prevent or minimise the likelihood and any adverse impacts associated with JD. There can be flexibility in the way in which a person may meet their GBO depending on the risks associated with the JD, livestock or activity.

Without limiting ways in which a person may demonstrate due diligence, Guidelines provide guidance to industry on how a GBO with respect to JD may be reasonably and practically met in the context of the Queensland JD Policy. A balance between mitigating the risk of introducing, establishing or spreading

infection against market and economic considerations must be established. In principle, a person should not act to deliberately or negligently cause spread of JD.

A copy of the Guidelines is available at: www.daf.qld.gov.au

The surveillance program monitors industry compliance with GBO, consistent with the provisions of the Act that “Surveillance programs are directed at... (a) monitoring compliance with the Act in relation to a particular matter to which the Act applies” and “(d) monitoring the effects of measures taken in response to a biosecurity risk”.

The surveillance program does not monitor the presence, absence, distribution or prevalence of JD. It does not include testing of any animal, herd or flock, or property.

Biosecurity Queensland will respond to detected non-compliance with the GBO consistent with its Compliance Policy, using a range of response tools which include providing information; advice; warning and prosecution.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Queensland Johne’s Disease Surveillance Program are:

- Monitoring compliance with the GBO by people introducing cattle from interstate onto properties in Queensland, by:
 - identifying high risk movements of cattle onto farms in Queensland from interstate through NLIS records
 - randomly selecting a proportion of those movements for a compliance check
 - confirming the selected movements with the recipients of the cattle
 - asking of the recipients how they have met their GBO in respect of assessing and managing JD risk.
- Monitoring compliance with the GBO by people in charge of properties on which JD has been confirmed or suspected:
 - identifying properties on which JD has been confirmed or suspected from departmental records
 - randomly selecting a proportion of those properties for a compliance check
 - asking of the person in charge of selected properties how they have met their GBO in respect of containing and declaring JD risk.
- Monitoring compliance with GBO by people introducing sheep or other non-bovine carriers from interstate into Queensland, by:
 - identifying movements into Queensland from interstate through NLIS records
 - randomly selecting a proportion of those movements for a compliance check
 - confirming the selected movements with the recipients
 - asking of the recipients how they have met their GBO in respect of assessing and managing JD risk.

- Monitoring compliance with the GBO by people consigning sheep or cattle to saleyards in Queensland, by:
 - randomly selecting a proportion of mobs of sheep and cattle at saleyards for a compliance check
 - asking of the agents how they have met their GBO in respect of assessing and managing JD risk.

Monitoring of the dairy industry will be prioritised by selecting a relatively higher proportion of movements and properties for compliance checking, consistent with the higher likelihood of spread of JD especially from interstate and of disease becoming established after spread of infection.

2.3 POWERS OF AUTHORISED OFFICERS

Entry of place

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

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

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

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

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

Obligations

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

General powers of authorised officers

Nothing in the Queensland Johne's Disease Surveillance Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 CONSULTATION

Consultation has been carried out as stated in 3.7.

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

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

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

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

I, Malcolm Letts, the Acting Director-General of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Queensland Johne's Disease Surveillance Program (the Program) in Queensland on the basis that I am satisfied that Johne's disease presents a significant biosecurity risk in Queensland and measures are needed to monitor compliance with the Act and the effectiveness of measures taken in response to Johne's disease risk.

[ORIGINAL SIGNED]

Malcolm Letts
Acting Director-General
Department of Agriculture and Fisheries

Authorised on 5 / 10 / 2016

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Surveillance Program relates is –

Johne's disease (JD) caused by infection with *Mycobacterium avium paratuberculosis*.

3.2 PURPOSE AND SCOPE OF THE SURVEILLANCE PROGRAM

The purposes of the Program are to monitor compliance with the Act and to monitor the effectiveness of measures taken in response to Johne's disease risk.

3.3 OBJECTIVE SELECTION CRITERIA

Compliance checks will be undertaken on livestock movements and properties which are identified from records available to the department, including National Livestock Identification System (NLIS) movement records and records of prior confirmation or suspicion of Johne's disease.

Checks will be prioritised for the dairy industry, consistent with higher risks of exposure to infection in cattle sourced from interstate and of establishment of infection in a herd once exposed, and with the dairy industry's stated concern to maintain low prevalence.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the sheep, beef cattle, dairy cattle, goat, deer and South American camelid industries throughout the entire state of Queensland.

3.4 POWERS OF AUTHORISED OFFICERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM

A person who is an occupier of a place to which the Queensland Johne's Disease Surveillance Program relates may be required to:

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

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

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Queensland Johne's Disease Surveillance Program will begin 24 October 2016.

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

3.7 CONSULTATION WITH RELEVANT PARTIES

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

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

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

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

A copy of the Program (including its Authorisation) is available for inspection at the Department of Agriculture and Fisheries head office at 80 Ann Street Brisbane and regional offices. A copy of the Program is also available to view and print at no cost on the Department of Agriculture and Fisheries website at www.daf.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the Department of Agriculture and Fisheries Customer Service Centre on 13 25 23.

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

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