

Prevention and Control Program for Newcastle Disease under the *Biosecurity Act 2014*

**For implementation of the National Newcastle Disease
Management Plan**

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1 Biosecurity program

1.1 Program name

The prevention and control program (biosecurity program) for Newcastle Disease (ND) will be known as the Prevention and Control Program for Newcastle Disease (the Program).

2 Requirement for a prevention and control program

2.1 Purpose and rationale

Significant biosecurity risk

The *Biosecurity Act 2014* (the Act) provides for the establishment of prevention and control programs. Prevention and control programs are directed at any of the following—

- (a) preventing the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk;
- (b) managing, reducing or eradicating any biosecurity matter in an area that could pose a significant biosecurity risk.

The purpose of the Prevention and Control Program for Newcastle Disease (the Program) is to institute a vaccination program for commercially raised long lived birds (including layers and breeding birds) in Queensland in accordance with the National Newcastle Disease Management Plan.

The objective of the Program is to:

- continue to support the low risk status of ND virus in Queensland;
- mitigate the risk of any virulent ND outbreak through the vaccination program in commercially raised long lived birds (layers and breeding birds) in Queensland;
- prevent the establishment or spread of virulent ND in Queensland.

Virulent ND caused by avian paramyxovirus of type 1 serotype (APMV-1) is prohibited biosecurity matter under the *Biosecurity Act 2014* (the Act). A person must not deal¹ with ND virus infected birds or a carrier of ND virus. A person has an obligation to report² the presence of prohibited matter.

ND is a highly contagious, generalised viral disease of domestic poultry, cage, aviary, and wild birds. In its virulent form, it is usually seen in domestic poultry (especially chickens) as a rapidly fatal, high-mortality condition characterised by gastrointestinal, respiratory and/or nervous signs.

Outbreaks of ND have occurred in Australia in the 1930s and from 1998–2002 (New South Wales in 1998, 1999 and 2000 and in Victoria in 2002). ND prevention in Australia is managed under the National Newcastle Disease Management Plan with a vaccination program that mitigates the risk of an outbreak of ND. There have been no outbreaks of virulent ND since compulsory vaccination commenced under the first National Newcastle Disease Management Plan 2002-2003. In jurisdictions considered to be of low risk for an outbreak of ND (QLD, SA, WA and TAS), vaccination of short-lived chickens (i.e. birds of relatively low risk) may be reduced as per the revised nationally agreed Standard Operation Procedures. However, in broiler flocks that opt for reduced vaccination, surveillance protocols in the Surveillance Program for Newcastle Disease under the *Biosecurity Act 2014* must be implemented. Requirement of ND vaccination remains the key measure for all long-lived commercial chickens (layers and breeding birds) to minimise the risk of ND outbreak in Queensland.

¹ See section 37 (Dealing with prohibited matter) of the Act.

² See section 36 (Reporting presence of prohibited matter) of the Act.

2.2 Measures that are required to achieve the purpose

The key activities to be undertaken in line with the National Newcastle Disease Management Plan for commercially raised long lived chickens (layers and breeding birds) include:

- application and monitoring of vaccination using live V4 and inactivated vaccine (where applicable), to reduce the spread of ND virus;
- application of poultry industry biosecurity plans;
- adoption of agreed risk management approaches (including the monitoring of ND vaccine use);
- surveillance to check for the presence or absence of ND.

Risk assessment, management and commercial drivers will play a major role in minimising the risk of a ND outbreak. On-farm management and biosecurity programs, together with market-driven quality assurance programs, will be able to successfully lower the overall risks.

The surveillance component of the National Newcastle Disease Management Plan for unvaccinated broiler flock is implemented under the Surveillance Program for Newcastle Disease under the *Biosecurity Act 2014*.

The surveillance of long lived chickens (layers and breeding birds) and ND vaccinated broilers is achieved through general surveillance by using the General Biosecurity Obligation under the Act .

Measures required to prevent the spread of ND include:

- Destroy ND virus infected birds;
- Preventing the movement of birds, poultry products and byproducts (including poultry meat, eggs, feathers), equipment, feed or waste from ND virus infected property;
- Vaccination of un-infected un-vaccinated susceptible birds (poultry, caged and aviary birds) to prevent further spread of ND virus.
- Practice good farm biosecurity measures.

Methods to prevent spread and eliminate ND virus is detailed in the ***AUSVETPLAN Disease Strategy Newcastle Disease***.

2.3 Powers of authorised officers

Entry of place

The Act provides that authorised officers appointed under the Act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program³. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier⁴ or a registered biosecurity entity (RBE)⁵ and obtain the occupier's (or a RBE) consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if⁶—

³ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁴ 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.

⁵ The Act defines a registered biosecurity entity has obtained registration under chapter 7, part 2.

⁶ See section 270 (Entry of place under sections 261 and 262) of the Act.

- a) the authorised officer is unable to locate an occupier or a RBE after making a reasonable attempt to do so; or
- b) the occupier or RBE refuses to consent to the entry.

If after entering a place, an authorised officer finds an occupier or RBE present or the occupier or RBE refuses to consent to the entry, an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier or RBE of the reason for entering and the authorisation under the Act to enter without the permission of the occupier or RBE. An authorised officer under the Program must make a reasonable attempt to inform the occupier or RBE of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

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.

Giving a direction under a prevention and control program

Section 237 of the Act provides that an authorised officer may, at a reasonable time and at a place within an area to which a prevention and control program applies:

- Direct an occupier or a RBE to vaccinate commercially raised long lived chickens (layer and breeding birds) for ND on a place situated in an area to which the Program applies;
- Direct an occupier or a RBE to collect samples for ND virus testing;
- Direct an occupier or a RBE to take reasonable steps within a stated and reasonable period to remove or eradicate ND virus infected birds and any carrier of ND virus. These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.
- Destroy potentially ND virus infected birds or a carrier of ND virus, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

Failure to comply with a direction

Under s238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under s237 of the Act, as outlined above.

Obligations

In addition to the Program specific obligations in the prevention and control program authorisation (see 3.5), occupiers of a place are obligated to comply with an authorised officer's direction issued under section 237 of the Act.

General powers of authorised officers

Nothing in this Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 Consultation

In addition to the consultation with local governments as required by the Act, consultation has occurred with poultry industry stakeholders through the National Newcastle Disease Management Plan Steering Committee and Queensland Poultry Health Liaison Group (PHLG). Consultation included:

- National Newcastle Disease Management Plan Steering Committee meetings (committee members include key industry representatives, federal and state government representatives and Animal Health Australia);
- Queensland PHLG meetings;
- Distribution of relevant information through PHLG member email list.

3 Authorisation of a prevention and control program in the State of Queensland

I, Dr Elizabeth Woods, the chief executive of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Prevention and Control Program for Newcastle Disease (the Program) in the State of Queensland, on the basis that:

- I am satisfied that although there is low risk of a Newcastle disease (ND) outbreak in Queensland, the commercial long lived chicken sector of the industry (includes layers and breeding birds) poses a higher biosecurity risk of virulent ND, which is prohibited matter under the Act⁷; and
- I am satisfied that vaccination is required to prevent the establishment or spread of ND virus in the State of Queensland⁸; and
- I am satisfied that a vaccination program is required for the commercial long lived chickens in Queensland in accordance with the National Newcastle Disease Management Plan.

Dr Elizabeth Woods
Director-General
Department of Agriculture and Fisheries

Authorised on 02 / 06 / 2016

3.1 Biosecurity matter

The biosecurity matter to which the Program relates is virulent ND virus - avian paramyxovirus of type 1 serotype (APMV-1).

3.2 Purpose of the Program

The purpose of the Program in the State of Queensland is to:

- Prevent the establishment and spread of ND virus in Queensland by compulsory vaccination of the commercial long lived chickens (include layers and breeding birds); and
- Control and eradicate ND through stamping out, disposal, cleaning & disinfection and vaccination.

3.3 Area affected by the Program

The Program will apply to all commercial poultry producers with 500 and more long lived chickens (include layers and breeding birds) in the State of Queensland.

3.4 Powers of authorised officers

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence⁹—without a warrant and without the occupier's consent within the State of Queensland

⁷ See section 235(3)(a) (Authorising and carrying out biosecurity program) of the Act.

⁸ See section 235(3)(c) (Authorising and carrying out biosecurity program) of the Act.

⁹ The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of sections 259(2) and 259(3) of the Act.

under the Program¹⁰. An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program¹¹. An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the Chief Executive¹².

An authorised officer has general powers after entering a place¹³ to do any of the following:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<i>Search a place to check for the presence of ND.</i>
Inspect, examine or film any part of the place or anything at the place	<i>Inspect, examine and film to assist with tracing of carriers of ND virus to and from a place.</i>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Identify carriers such as feed, vehicles, footwear, clothing, other appliances or any other thing from the land, that have been in contact with infected birds upon which ND virus has been identified.</i>
Place an identifying mark in or on anything at the place	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of ND virus.</i>
Place a sign or notice at the place	<i>Destroy ND virus infected birds or a carrier of ND virus if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.</i>
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	<i>Direct an occupier of the place to take reasonable steps within a reasonable time to destroy ND virus infected birds.</i>
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	<i>Produce a written and/or electronic note(s) to support Program activities.</i>
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> • The authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk • The owner of the biosecurity matter or carrier consents to its destruction. 	<i>Take GPS coordinates to ensure accuracy of location details of carriers of ND virus.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Undertake preventative treatment such as vaccination of susceptible un-vaccinated birds that is consistent with the objectives of the Program.</i>
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, a RBE or a person at the place to give the authorised officer reasonable help to exercise a general power¹⁴.

¹⁰ See section 259 (General powers to enter places) of the Act.

¹¹ See section 261 (Power to enter a place under biosecurity program) of the Act.

¹² See section 255(3) (Powers of particular authorised officers limited) of the Act.

¹³ See section 296 (General powers) of the Act. In this section—

- **examine** includes analyse, test, account, measure, weigh, grade, gauge and identify.
- **film** includes photograph, videotape and record an image in another way.
- **inspect**, a thing, includes open the thing and examine its contents.

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place located in an area to which the Program applies to take reasonable steps to:

- remove or eradicate biosecurity matter as reasonably necessary to achieve the purposes of the Program, or
- destroy biosecurity matter or a carrier of biosecurity matter, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

3.5 Obligations imposed on a person under the Program

The following obligations may be imposed on an RBE or a person who is an occupier of a place to which the Program relates, that is, a place that raises 500 or more long lived chickens (layers and breeding birds) commercially:

- Reporting any unusual morbidity and mortality where there is suspicion of ND.
- Notifying an authorised officer prior to purchase, possession or administration of ND vaccine.
- Vaccination of all long-lived chickens and un-infected, susceptible birds (poultry, caged birds and aviary birds) at the place.
- Compliance with the vaccination requirements set in the national **Newcastle Disease Vaccination Program - Standard Operation Procedures** (SOPs).
- Preventing movement of birds, poultry products and byproducts (including poultry meat, eggs, and feathers), equipment, feed or waste from a place where ND virus infection is present.
- Application of the poultry industry biosecurity plans and agreed risk management practices in accordance with the National Newcastle Disease Management Plan.

3.6 Commencement and duration of the Program

The Program will begin on 1 July 2016 and will conclude when the National ND Management Plan Steering Committee determines that vaccination of long lived chickens (layers and breeding birds) in Queensland is no longer required.

3.7 Consultation with relevant parties

As required by the Act¹⁵, I have consulted, prior to the authorisation of this Program, with the poultry industry key representatives in Queensland to which the program applies and with all local governments in Queensland.

3.8 Notification of relevant parties of requirements

As required by the Act¹⁶, I will give public notice of the Program 14 days before the Program starts by:

- Giving the notice, by way of letter, to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- 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.

¹⁴ See section 297 (Power to require reasonable help) of the Act.

¹⁵ See section 239 (Consultation about proposed biosecurity program) of the Act

¹⁶ See section 240 (Notice of proposed biosecurity program) of the Act