

**Fraser Coast Regional Council Biosecurity
Surveillance Program for Prohibited and
Restricted matter 2017 - 2021**

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1. Biosecurity program

1.1 Program Name

The surveillance program (biosecurity program) **invasive biosecurity matter** s48 (1) (a-d) for the Fraser Coast Regional Council area, will be known as the **Fraser Coast Biosecurity Surveillance Program for Prohibited and Restricted matter 2017 - 2021.**

s48 Main function of local government

- (1) The main function under this Act each local government is to ensure that the following biosecurity matter (**invasive biosecurity matter** for the local government's area) are managed within the local government's area in compliant with this Act-
- (a) prohibited matter mentioned in schedule 1, parts 3 and 4;
 - (b) prohibited matter taken to be included in schedule 1, parts 3 and 4 under a prohibited matter regulation or emergency prohibited matter declaration;
 - (c) restricted matter mentioned in schedule 2, part 2;
 - (d) restricted matter taken to be included in schedule 2, part 2 under a restricted matter regulation.

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.

The objectives of the Fraser Coast Surveillance Program (the Program) are to establish the presence or absence of:

Invasive Pest Plants;

- Annual ragweed (*Ambrosia artemisiifolia*)
- bitou bush (*Chrysanthemoides monilifera subsp. rotundata*)
- bunny ears (*Opuntia microdasys*)
- cabomba (*Cabomba caroliniana*)
- cha-om/pennata wattle (*Senegalia pennata subsp. insuavis*)
- groundsel bush (*Baccharis halimifolia*)
- hygrophila (*Hygrophila costata*)
- hymenachne or olive hymenachne (*Hymenachne amplexicaulis* and hybrids)
- mother of millions (*Bryophyllum delagoense* syn. *B.*)

- *tubiflorum, Kalanchoe delagoensis*)
- mother of millions hybrid (*Bryophyllum x houghtonii*)
- parthenium (*Parthenium hysterophorus*)
- prickly pears
- common pest pear, spiny pest pear (*O. stricta* syn. *O. inermis*)
 - drooping tree pear (*O. monacantha* syn. *O. vulgaris*)
 - prickly pear (*O. elata*)
 - tiger pear (*O. aurantiaca*)
 - velvety tree pear (*O. tomentosa*)
 - Westwood pear (*O. streptacantha*)
- rat's tail grasses
 - American rat's tail grass (*Sporobolus jacquemontii*)
 - giant Parramatta grass (*S. fertilis*)
 - giant rat's tail grass (*S. pyramidalis* and *S. natalensis*)
- rubber vine (*C. grandiflora*)
- sicklepod (*S. supps*)
- salvinia (*Salvinia molesta*)
- water hyacinth (*Eichhornia crassipes*)
- water lettuce (*Pistia stratiotes*)

Invasive Pest Animals;

- wild dogs (*Canis familiaris*)
- foxes (*Vulpes vulpes*)
- feral cats (*Felis catus*)
- feral pigs (*Sus scrofa*)
- European rabbit (domestic and wild breeds) (*Oryctolagus cuniculus*)
- feral deer
 - rusa deer (*Cervus timorensis*)
 - chital deer (*Axis axis*)
 - red deer (*Cervus elaphus*)
 - fallow deer (*Dama dama*)

Fraser Coast Regional Council currently has a surveillance program for the period 2016-2017 to establish levels of plant pests to monitor what control measures have been implemented and the affects the control measures are having.

Previous surveys have shown that some landowner/occupiers:

- manage their properties well and have sound pest practice in hand,
- are very ad hoc about how they manage pests,
- use very poor management practices,
- don't do any management at all,
- don't have the knowledge of the pests,
- don't have capacity to manage and need assistance in resources, and
- need advice and information on how to best control a particular pest

Carrying out surveillance programs assists in determining whether a particular pest is spreading, reducing or becoming more prevalent. Previous surveys have demonstrated that without Council monitoring properties pests can grow to an extent where they can have a major negative impact on a property, and this negativity has the potential to encroach onto other properties.

The program will encompass a number of localities to be surveyed in the four (4) year period; the localities will be evenly spread over further the four year period and recorded in the Council Annual Action Plan. A review of the Annual Action Plan will occur each March/April to evaluate progress of the Annual Action Program including the Surveillance Program. Council will set new localities in March 2021 for the following four (4) year.

2.2 Measures that are required

The key activities undertaken by the Program include but not limited to:

- entry to a place to monitor compliance
- establish the awareness of the Fraser Coast Biosecurity Surveillance Program
- establish the presence of a pest
- establish the absence of a pest
- to monitor the levels or extent of a pest
- to monitor the effectiveness of risk response measures
- issue advisory notices where pests are found and require controlling
- issue biosecurity orders where the belief is a person has failed or may fail to meet their general biosecurity obligation in minimising their biosecurity risks.

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 program¹. 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 occupier² and obtain the occupier's 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 if³—

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

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and the authorisation under the Act to enter without the permission of the occupier. An authorised officer under the biosecurity program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, and advise 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.

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 sections 261 and 262) of the Act.

Obligations

All persons have an obligation (*a general biosecurity obligation - GBO*) to take all reasonable and practicable measures to prevent or minimise the biosecurity risk and to prevent or minimise adverse effects on a biosecurity consideration of the person's dealing with the biosecurity matter or carrier or carrying out the activity.

All persons have an obligation to minimise the likelihood of causing a biosecurity event, or to limit the consequences of a biosecurity event caused by dealing with the biosecurity matter or carrier or carrying out the activity.

All persons have an obligation not to do or omit to do something if the person knows or ought to reasonably know that doing or omitting to do the thing may exacerbate the adverse effects, or potential adverse effects, of the biosecurity matter, carrier or activity on a biosecurity consideration.

General powers of authorised officers

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

2.4 Consultation

Since the early 2000's Councils in the Fraser Coast Region have had stakeholders including State Government Departments and other agencies form part of the stakeholder group in developing pest plans for dealing with priority pests within the region, this has continued to date.

All stakeholders within the area will be notified at least 14 days prior to the commencement of the surveillance program by advertising on Councils website and main office notice boards, this will also include a copy of the Fraser Coast Biosecurity Surveillance Program being sent to government departments that have responsibility for lands where the program will be applied.

Consultation will be carried out as stated in 3.7.

3. Authorisation of a surveillance program in the Fraser Coast Regional Council area

AUTHORISATION STATEMENT

Fraser Coast Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for **invasive biosecurity matter** s48(1)(a-d) (the Program) in the Fraser Coast Regional Council Local Government area, on the basis that:

Council is satisfied that the pests listed in the biosecurity surveillance program, the **Fraser Coast Regional Council Biosecurity Surveillance Program for Prohibited and Restricted Matter**, pose a significant biosecurity risk to biosecurity considerations in Queensland; and

Council is satisfied that surveillance activities are required to determine the presence or absence of these pests; and

Council is satisfied that checking compliance with the Act and enforcement are required for the restriction category requirements; and

Council is satisfied that activities are required to monitor the effects of the measures taken in response to the biosecurity risk of the pests listed in the biosecurity surveillance program, the **Fraser Coast Regional Council Biosecurity Surveillance Program for Prohibited and Restricted Matter** .

As passed by Council resolution on this date 6 December 2017.

3.1 Biosecurity Matter

The biosecurity matter to which the Program relates is *invasive biosecurity matter* s48 (1) (a-d).

3.2 Purpose of the Program

The purpose of the Program in the Fraser Coast Region is to monitor compliance with the provisions of the Act.

3.3 Area Affected by the Program

The Program will apply to the whole of Fraser Coast Region.

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 residence⁵—without a warrant and without the occupier’s consent within the State of Queensland under the Program^{6 7}. An authorised officer can exercise the powers of an authorised officer under Act in relation to the Program, if the authorised officer is appointed by the chief executive⁸.

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 power⁹.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter. Under the Program these measures include aerial survey by visual or photographic inspection using an airborne machine, person in an aircraft vehicle (i.e. plane, helicopter), Unmanned Aerial Vehicles (UAVs) or Satellite in line with legislative requirements for the use of such.

An authorised officer has general powers after entering a place to do any of the following¹⁰:

⁵ The Act defines a *residence* to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).

⁶ See section 259 (General powers to enter places) of the Act.

⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁸ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

⁹ See section 297 (Power to require reasonable help) of the Act.

¹⁰ See section 296 (General powers) of the Act.

| General powers in the Act | Measures an authorised officer may take under the Program |
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| Search any part of the place | |
| Inspect ¹¹ , examine ¹² or film ¹³ any part of the place or anything at the place | <i>Search a place to check for the presence or absence of Pests listed in this surveillance program (2.1).</i> |
| Take for examination a thing, or a sample of or from a thing, at the place | <i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i> |
| Place an identifying mark in or on anything at the place | |
| 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 | <i>Take samples for the purpose of diagnostic analysis, to ascertain the presence or absence of pests where identification is not certain or required for legal processes. Producing a written and/or electronic note(s) to support Program activities.</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>Taking GPS coordinates to ensure accuracy of location details of carriers or a pest as listed in surveillance program (2.1).</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 presents a significant biosecurity risk; and • the owner of the biosecurity matter or carrier consents to its destruction | <i>Record Mapping of pest distribution and add to the Council data base either in Pest Central, Map Info or intramaps.</i> |
| Remain at the place for the time necessary to achieve the purpose of the entry | <i>Issue a biosecurity order to the responsible person (the recipient) of the place to take reasonable steps within a reasonable time to minimise the risk of the biosecurity matter to which the program relates where in the opinion of the authorised officer the recipient has failed or may fail to meet their general biosecurity obligation.</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 | |

¹¹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹² Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹³ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

3.5 Obligations Imposed on a Person Under the Program

The following obligations may be imposed on a person who is an occupier or the responsible person of a place to which the Program relates:

- Reduce the infestation of restricted matter
- Eradicate the infestation of restricted matter
- Contain the infestation of restricted matter
- Control the infestation of restricted matter
- Implement a buffer zone to specified distances from boundaries, creeks or pathways

To achieve this, control methods may be carried out by a single control type or a combination of control methods depending on the species, the abundance and distribution of the pest. The authorised person will make this decision at the time of the survey taking into consideration the pest, abundance, distribution and reasonable actions required to minimise the biosecurity risk.

Control options may include;

- Chemical control – use of appropriate chemical as per label to control the pest
- Mechanical control - use of machinery to manage or reduce the volume of the pest to assist in efficiency and effectiveness of other **control** methods such as chemical and or physical
- Physical control – by hand, using traps or placing barriers (animals- exclusion fencing)
- Biological control – to manage the pest or assist in reducing the volume of the pest for other options such as chemical, mechanical or physical controls.

3.6 Commencement and Duration of the Program

The Program will begin one month from the date of the authorisation, to enable the notice of the authorisation to be published on the Council website and given to other government agencies in the Fraser Coast region. The program will continue to 30 June 2021. In March 2021 a new list of localities will be set for the following 4 year period beginning 1 July 2021.

3.7 Consultation with Relevant Parties

As required by the Act¹⁴, the chief executive officer of Fraser Coast Regional Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture and Fisheries.

3.8 Notification of Relevant Parties of Requirements

As required by the Act¹⁵, the chief executive officer of Fraser Coast Regional Council 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 in the area to which the Program relates; and
- publishing the notice on the Fraser Coast Regional Council website: www.frasercoast.qld.gov.au

¹⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

From the start of the Program, the Authorisation and the **Fraser Coast Regional Council Biosecurity Surveillance Program for Prohibited and Restricted matter 2017-2021** will be available for inspection or purchase¹⁶ at the Fraser Coast Regional Council public offices at:

- 77 Tavistock Street, Hervey Bay QLD 4655, and
- 431 – 433 Kent Street Maryborough Qld 4650

¹⁶ See section 241 (Access to authorisation) of the Act.