

**2024 - 2029 Surveillance Program
Invasive Biosecurity Matter under the
Biosecurity Act 2014**

Fraser Coast Regional Council

Document control:

Title:	2024 – 2029 BIOSECURITY SURVEILLANCE PROGRAM
Document No:	#501218
Directorate:	Infrastructure Services
Department:	Open Space and Environment
Responsible Officer:	Executive Manager, Open Space & Environment
Authorised by:	Director Infrastructure Services
Adopted Date:	December 2024
Review Date:	31 May 2027
Amended Date:	4 June 2024

Background

The main function of local governments (s48) under the Biosecurity Act 2014 (the Act) is to ensure that the invasive biosecurity matter for the local government's area is managed in compliance with this Act.

To achieve this objective, Fraser Coast Regional Council (FCRC) has authorised a 'Biosecurity Surveillance Program' for invasive biosecurity matter in the Fraser Coast Region, pursuant to section 235 of the Act.

Biosecurity matter to which the Biosecurity Surveillance Program (the Program) relates:

- Prohibited matter mentioned in schedule 1, parts 3 and 4,
- Prohibited matter taken to be included in schedule 1, parts 3 and 4 under a prohibited matter regulation or emergency prohibited matter declaration,
- Restricted matter mentioned in schedule 2, part 2, and
- Restricted matter taken to be included in schedule 2, part 2 under a restricted matter regulation.

The biosecurity matter listed above is collectively referred to as invasive biosecurity matter.

Emphasis and will be given to invasive biosecurity matter (often described as 'declared pests') as listed and prioritised in the Fraser Coast Region Biosecurity Plan, that was adopted by FCRC (available on Council's website).

The Purpose of the Program is to:

- Confirm the presence and find out the extent of the presence within the FCRC area, of the invasive biosecurity matter to which the program relates.
- Confirm the absence within the FCRC area, of the prohibited matter to which the program relates.
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.
- Monitor compliance with requirements about invasive biosecurity matter.

Complimentary actions to achieve the Program purpose:

- Promote best practice management of invasive biosecurity matter.
- Provide advice and information aimed at enhancing community awareness of the general biosecurity obligation.
- Enable FCRC to comply with Chapter 3 (Matters Relating to Local Governments), Part 1 (Provisions about Functions and Obligations of Local Governments) of the Biosecurity Act 2014.
- Protect sustainable land use across the Fraser Coast region by preventing or minimising the economic, social and environmental impacts of invasive biosecurity matter.

Program commencement and review:

The program will commence on 31 October 2024 and expire on 31 July 2029.

A review of the program will be undertaken annually.

Area to which the Program applies:

The program is authorised over the whole of the Fraser Coast Region. Individual properties throughout the stated region will be selected for compliance monitoring based on the observable presence of invasive biosecurity matter, receipt of complaint or perceived biosecurity risk.

Powers of Authorised Officers(s):

- An authorised officer of the Program appointed under the Biosecurity Act 2014, may enter a place - other than a residence¹ - without a warrant and without the occupier's consent within the Fraser Coast Region under the Program².
- An authorised officer appointed under the Act has the power to enter a place under the Program³.
- 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 executive⁴.
- An authorised officer has general powers after entering a place to do any of the following⁵:

General powers in the Act - s296	Measures an authorised officer may take under the Program
Search any part of the place	Search a place to check for the presence or absence of invasive biosecurity matter. Inspect, examine and film to assist with tracing of carriers to and from a place. Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter. Identify carriers with tags, notices, flags or signs for any purpose consistent with the Program.
Inspect ⁶ , examine ⁷ or film ⁸ any part of the place or anything at the place.	
Take for examination a thing, or a sample of or from a thing, at the place.	
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.	
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	
Destroy biosecurity matter or a carrier if 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.	
Remain at the place for the time necessary to achieve the purpose of the entry.	

¹ 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).

² See section 259 (General powers to enter places) of the Act.

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

⁴ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

⁵ See section 296 (General powers) of the Act.

⁶ Section 296(5) defines inspect, a thing, to include open the thing and examine its contents.

⁷ Section 296(5) defines examine to include analyse, test, account, measure, weigh, grade, gauge and identify.

⁸ Section 296(5) defines film to include photograph, videotape and record an image in another way.

Remain at the place for the time necessary to achieve the purpose of the entry.	Produce a written and/or electronic note(s) to support Program activities.
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.	

Obligations imposed on a person under the Program:

An authorised officer may make a requirement (a help requirement) of an owner/occupier of the place or a person at the place, to give the authorised officer reasonable help to exercise a general power(s297).

A person must not interfere with cameras or other surveillance devices.

Seizure by authorised officers:

Pursuant to s299, under the Biosecurity Surveillance Program, an authorised officer may enter a place (other than a residence) within the Fraser Coast Regional Council area, without a warrant and without the owner/occupiers' consent (as per s261 and 270) and seize a thing at the place if the authorised officer reasonably believes the thing is evidence of an offence against this Act.

Aerial control measures:

An authorised officer may carry out, or direct another person to carry out, aerial control measures for biosecurity matter in relation to a place (s294). Aerial control measure for biosecurity matter means an activity, done from the air by an airborne machine⁹ or a person in an aircraft, to achieve a purpose of a biosecurity program and includes:

- Surveying and monitoring the biosecurity matter, and
- Distributing an agricultural chemical to control the biosecurity matter.