



SOUTH BURNETT
REGIONAL COUNCIL

**South Burnett Biosecurity Surveillance Program for
Restricted and Prohibited Matter under the *Biosecurity
Act 2014***

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1 Biosecurity Program

1.1 Program Name

The surveillance program (pest survey) for invasive plants and animals that are prohibited or restricted biosecurity matter in the South Burnett Local Government Area will be known as the South Burnett Biosecurity Surveillance Program (the program).

The biosecurity matter to which the program may relate includes all invasive biosecurity matter as defined in section 48(1) of the Act.

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 South Burnett Biosecurity Surveillance Program (the Program) are:

- (a) Confirm the presence, and find out the extent of the presence in the South Burnett, of the prohibited or restricted matter to which the program relates;
- (b) Confirm the absence in the South Burnett, of the prohibited matter to which the program relates;
- (c) Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter

Pest Management Programs are a core legislative function of Local Government, prior to the introduction of the *Biosecurity Act 2014*, programs were administered under the *Land Protection (Pest and Stock Route) Management Act 2002*.

Previous pest surveys for declared pests in the South Burnett under the *Land Protection Pest and Stock Route Management Act* have detected restricted biosecurity matter formerly known as class 1 and 2 declared pests.

Ongoing surveillance of these species is required to support spread prevention and control programs.

2.2 Measures that are required to achieve the purpose

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

- Conduct inspections on public and private land to determine the presence, extent and risk posed by prohibited or restricted matter (formerly known as declared weeds and pest animals). Surveillance will be conducted by Authorised Officers predominantly by visual ground inspection. Inspection may also be undertaken by aerial survey or fixed camera traps.
- Provide information and advice to the property owner or relevant party regarding the level of risk and appropriate control measures required to meet the owner or relevant parties general biosecurity obligation.
- Provide information about support programs that may be available
- Monitor treatment programs and enforce compliance where necessary.

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 South Burnett Biosecurity Surveillance 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, 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.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measure for a prohibited or restricted biosecurity matter in relation to a place to which the Program relates.

Obligations

A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.

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

Consultation was undertaken with Department of Agriculture and Fisheries

3 Authorisation of a biosecurity surveillance program in the South Burnett Local Government Area

Authorisation of the South Burnett Biosecurity Surveillance program was made by a resolution of South Burnett Regional Council at a general meeting held on 21 June 2017.

3.1 Biosecurity matter

The biosecurity matter to which the Program relates may include any invasive biosecurity matter as defined in section 48(1) of the Act.

3.2 Purpose of the Program

The purpose of the Program in the South Burnett Local Government Area is to;

- (a) Confirm the presence, and find out the extent of the presence in the South Burnett, of prohibited or restricted biosecurity matter to which the program relates;
- (b) Confirm the absence in the South Burnett, of prohibited or restricted biosecurity matter to which the program relates;
- (c) Monitor the effects of measures taken in response to a biosecurity risk posed by prohibited or restrictive matter
- (d) Conduct inspections on public and private land to determine the presence, extent and risk posed by prohibited or restricted matter (formerly known as declared weeds and pest animals). Surveillance will be conducted by Authorised Officers predominantly by visual ground inspection. Inspection may also be undertaken by aerial survey or fixed camera traps.

⁴ See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

- (e) Provide information and advice to the property owner or relevant party regarding the level of risk and appropriate control measures required to meet the owner or relevant parties general biosecurity obligation.
- (f) Provide information about support programs that may be available
- (g) Monitor treatment programs and enforce compliance where necessary.

3.3 Area affected by the Program

The surveillance program is authorised for the whole of the South Burnett Local Government Area. Individual properties will be selected for inspection based on observation or known presence of prohibited or restricted biosecurity matter, or the receipt of reports or complaints.

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 Program⁶. An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program.⁷

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 executive⁸. An authorised officer has general powers after entering a place to do any of the following⁹:

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 296 (General powers) of the Act.

General powers in the Act	Measures an authorised officer may take under the Program <REVISE AND AMEND AS REQUIRED>
Search any part of the place	<i>Search a place to check for the presence or absence of prohibited or restricted biosecurity matter.</i>
Inspect ¹⁰ , examine ¹¹ or film ¹² any part of the place or anything at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of prohibited or restricted biosecurity matter</i>
Place an identifying mark in or on anything at the place	<i>Establish fixed camera sites.</i>
Place a sign or notice at the place	<i>Produce a written and/or electronic note(s) to support Program activities.</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>Take GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter</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>Take a document such as a weed hygiene declaration that is relevant to the objectives of the Program.</i>
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	
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 power¹³.

An authorised officer may carry out, or direct another person to carry out, aerial surveillance measures for invasive biosecurity matter in relation to a place. Under the Program these measures include surveillance by visual, photographic or electronic observations of the place. The surveillance may be undertaken by manned aircraft or an manned aerial vehicle (UAV's)

¹⁰ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹¹ Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹² Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

¹³ See section 297 (Power to require reasonable help) of the Act.

3.5 Obligations imposed on a person under the Program

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

A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.

3.6 Commencement and duration of the Program

The Program will begin on 1 July 2017 and will continue until 30 June 2018. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

3.7 Consultation with relevant parties

As required by the Act¹⁴, South Burnett Regional Council has consulted, prior to the authorisation of the Program, with the Department of Agriculture and Fisheries.

3.8 Notification of relevant parties of requirements

As required by the Act¹⁵, 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 South Burnett Regional Council website.

A copy of the Program (including its Authorisation) is available for inspection at the South Burnett Regional Council Administration Building at Glendon Street, Kingaroy and regional offices. A copy of the Program is also available to view and print at no cost on the South Burnett Regional Council website at www.southburnett.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the South Burnett Regional Council Customer Service Centre on (07) 4189 9100.

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

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

4 PUBLIC NOTICE

Notice of a Biosecurity Surveillance Program for Restricted and Prohibited Matter.

Biosecurity Act 2014

South Burnett Regional Council

PURPOSE AND SCOPE OF THE PROGRAM

Purpose

The purpose of the Program in the South Burnett Local Government Area is to;

- (h) Confirm the presence, and find out the extent of the presence in the South Burnett, of prohibited or restricted biosecurity matter to which the program relates;
- (i) Confirm the absence in the South Burnett, of prohibited or restricted biosecurity matter to which the program relates;
- (j) Monitor the effects of measures taken in response to a biosecurity risk posed by prohibited or restrictive matter
- (k) Conduct inspections on public and private land to determine the presence, extent and risk posed by prohibited or restricted matter (formerly known as declared weeds and pest animals). Surveillance will be conducted by Authorised Officers predominantly by visual ground inspection. Inspection may also be undertaken by aerial survey or fixed camera traps.
- (l) Provide information and advice to the property owner or relevant party regarding the level of risk and appropriate control measures required to meet the owner or relevant parties general biosecurity obligation.
- (m) Provide information about support programs that may be available
- (n) Monitor treatment programs and enforce compliance where necessary.

Program Area

The surveillance program is authorised for the whole of the South Burnett Local Government Area. Individual properties will be selected for inspection based on observation or known presence of prohibited or restricted biosecurity matter, or the receipt of reports or complaints.

START DATE AND DURATION OF THE PROGRAM

Program will commence on 1 July 2017 and extend for a period of twelve (12) months until 30 June 2018.

AVAILABILITY AND PRICE OF A COPY OF THE PROGRAM AUTHORISED BY THE CHIEF EXECUTIVE

A copy of the Program (including its Authorisation) is available for inspection at the South Burnett Regional Council Administration building at Glendon Street, Kingaroy and regional offices. A copy of the Program is also available to view and print at no cost on the South Burnett Regional Council website at www.southburnett.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the South Burnett Regional Council Customer Service Centre on (07) 4189 9122.