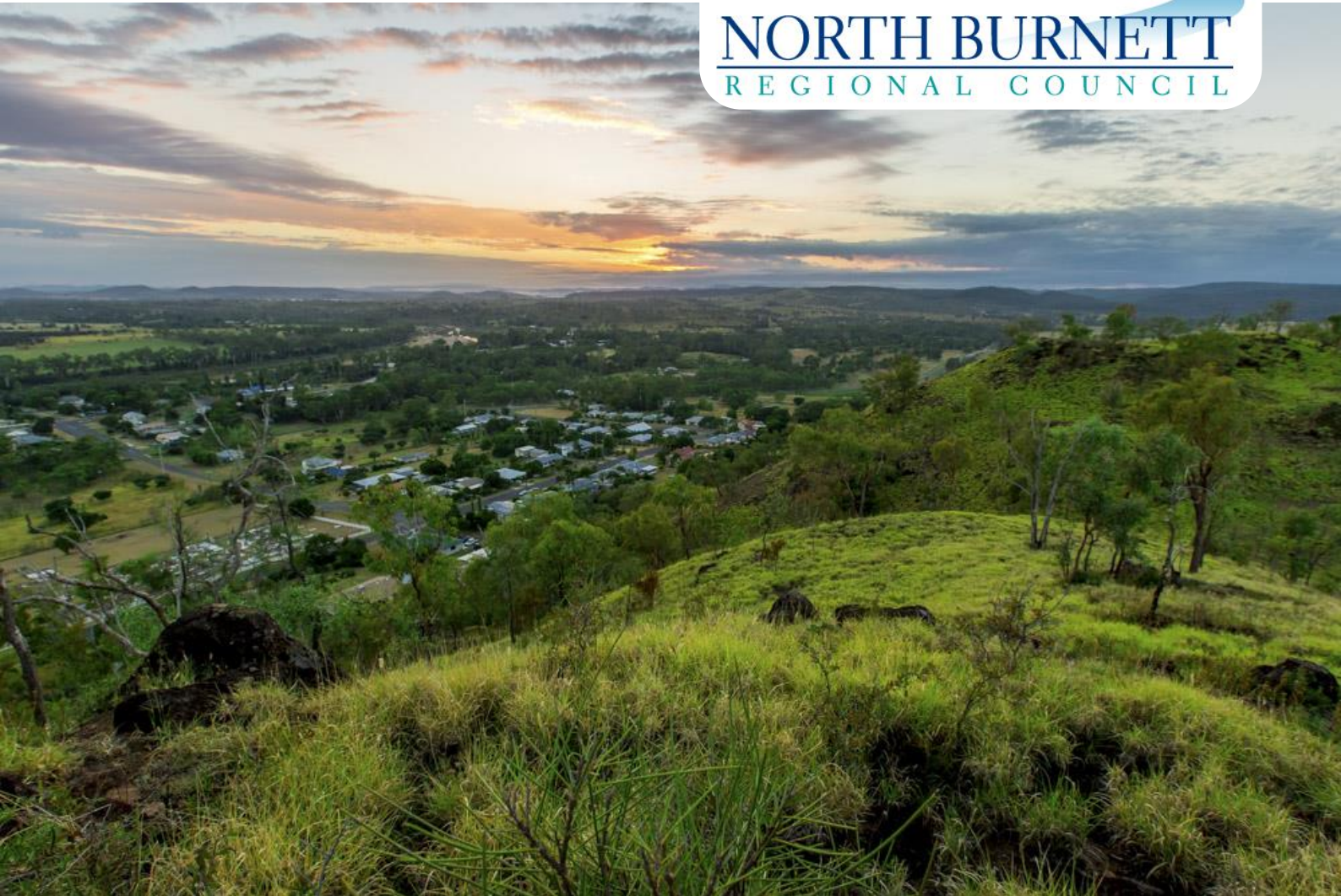




NORTH BURNETT
REGIONAL COUNCIL



Surveillance Program under the *Biosecurity Act 2014* for Restricted and Prohibited Matter 2022-2023

Adoption by Council

The North Burnett Regional Council Surveillance Program for Prohibited and Restricted Matter under the *Biosecurity Act 2014* 2021-2022 was adopted by Council at the General Meeting in Biggenden on 24 November 2021.

Version: 1

Copies of the Plan Name

Copies of Council's Surveillance Program under the *Biosecurity Act 2014* for Prohibited and Restricted Matter 2021-2022 are available free of charge electronically on Council's website www.northburnett.qld.gov.au or can be viewed at any Customer Service Centre.

Contact Us

All written communication to be addressed to:

"The Chief Executive Officer"
North Burnett Regional Council
PO Box 390
GAYNDAH QLD 4625

Phone: 1300 696 272 (1300 MY NBRC)

Fax: 07 4161 1425

E-mail: admin@northburnett.qld.gov.au

Twitter: @NorthBurnettRC

Facebook: www.facebook.com/north.burnett.regional.council

ABN: 23 439 388 197

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1. BIOSECURITY PROGRAM

1.1 Program name

The surveillance program (Pest Survey) for invasive plants and animals which are prohibited or restricted biosecurity matter in the North Burnett Regional Council area will be known as the North Burnett Biosecurity Surveillance Program.

The biosecurity matter for which the program may relate includes all invasive biosecurity matter as defined in section 48(1) of the *Biosecurity Act 2014* (the Act).

2. REQUIREMENT FOR A SURVEILLANCE PROGRAM

2.2 Purpose and rationale

The *Biosecurity Act 2014* 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 North Burnett Biosecurity Program are:

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

Biosecurity Programs are a core legislative function of Local Government and aid in the early detection of prohibited and restricted matter and to monitor actions taken by landholders in meeting their biosecurity obligations.

2.2 Measures that are required to achieve purpose

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

- Undertake inspections of public and private land to determine the presence, extent and risk posed by prohibited or restricted matter. Surveillance will be conducted by authorised officers predominantly by visual on ground inspections. Inspections may also be undertaken using aerial surveys.
- Provide information and advice to the property owner or occupier regarding the level of risk posed by identified biosecurity matter and appropriate control measures required to meet their Biosecurity obligation.

- Provide information about support programs that are available through the North Burnett Regional Council.
- 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 North 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.

Power to carry out aerial control 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 prohibited or restricted biosecurity matter in relation to a place to which the Program relates.

Obligations

Not applicable

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.

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.

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 the Department Agriculture and Fisheries pursuant to section 239(2)(a) of the *Biosecurity Act 2014*.

3. AUTHORISATION OF A SURVEILLANCE PROGRAM IN THE NORTH BURNETT REGIONAL COUNCIL AREA

Authorisation Statement

The North Burnett Regional Council, acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the North Burnett Biosecurity Surveillance Program for Prohibited and Restricted Matter under the *Biosecurity Act 2014* by resolution of North Burnett Regional Council at an ordinary meeting held on 24 November 2021.

3.1 Biosecurity matter

The biosecurity restricted matter to which the Program relates to:

- 1) All prohibited matter mentioned in Schedule 1, Parts 3 and 4 of the *Biosecurity Act 2014*; and
- 2) All restricted matter mentioned in Schedule 2, Part 2 of the *Biosecurity Act 2014*; and
- 3) All biosecurity matter nominated in Council's Biosecurity Plan 2019-2014, Table 1.

Table 1:

Common Name	Scientific Name	Management Action
Chilean Needle Grass	<i>Nassella neesiana</i>	Prevent Entry
Cabomba	<i>Cabomba spp.</i>	Prevent Entry
Alligator weed	<i>Alternanthera philoxeroides</i>	Prevent Entry
Fireweed	<i>Senecio madagascariensis</i>	Prevent Entry
Water Hyacinth	<i>Eichhornia crassipes</i>	Prevent Entry
Harrisia Cactus	<i>Harrisia martinii</i>	Prevent Entry
FireAnts/Electric Ants	<i>Solenopsis invicta</i>	Prevent Entry
Red Eared Slider Turtle	<i>Trachemys scripta elegans</i>	Prevent Entry
Yellow Crazy Ants	<i>Anoplolepis gracilipes</i>	Prevent Entry
Feral Goats	<i>Capra hircus</i>	Prevent Entry
Hudson Pear	<i>Cylindropuntia trunicata</i>	Eradicate
African Box Thorn	<i>Lycium ferocissimum</i>	Eradicate
Prickly Acacia	<i>Vachellia nilotica subsp. indica</i>	Eradicate
Parkinsonia	<i>Parkinsonia aculeata</i>	Eradicate
Mesquite	<i>Prosopis spp.</i>	Eradicate
Water Lettuce	<i>Pistia stratiotes</i>	Eradicate
Honey Locust	<i>Gleditsia triacanthos</i>	Eradicate

Chinee Apple	<i>Ziziphus mauritiana</i>	Eradicate
Hymenachne	<i>Hymenachne amplexicaulis</i>	Contain
Salvinia	<i>Salvinia molesta</i>	Contain
Rubber Vine	<i>Cryptostegia grandiflora</i>	Contain
Groundsel Bush	<i>Baccharis halimifolia</i>	Contain
Parthenium weed	<i>Parthenium hysterophorus</i>	Contain (Biggenden)
Giant Rat's Tail Grass	<i>Sporobolus spp.</i>	Contain
Madeira Vine	<i>Anredera cordifolia</i>	Asset Protection
Annual Ragweed	<i>Ambrosia artemisiifolia</i>	Asset Protection
Climbing Asparagus Fern	<i>Asparagus spp.</i>	Asset Protection
Broad Leaf Pepper Tree	<i>Schinus terebinthifolius</i>	Asset Protection
Yellow Bells	<i>Tecoma stans</i>	Asset Protection
Chital Deer	<i>Axis axis</i>	Asset Protection
Rusa Deer	<i>Cervus timorensis</i>	Asset Protection
African Fountain grass	<i>Pannisetum setaceum</i>	Asset Protection
Fallow Deer	<i>Dama dama</i>	Asset Protection
Red Deer	<i>Cervus elaphus</i>	Asset Protection
Dutchman's Pipe	<i>Aristolochia elegans</i>	Asset Protection
Parthenium weed	<i>Parthenium hysterophorus</i>	Asset Protection
Captain Cook Tree	<i>Cascabella thevetia</i>	Asset Protection
Singapore daisy	<i>Sphagneticola trilobata</i>	Asset Protection
Yellow Ginger	<i>Hedychium flavescens</i>	Asset Protection
Prickly Pear	<i>Opuntia stricta</i>	Asset Protection
Tree Pear	<i>Opuntia tomentosa</i>	Asset Protection
Fox	<i>Vulpes vulpes</i>	Asset Protection
Chinese Celtis	<i>Celtis sinense</i>	Asset Protection
Lantana	<i>Lantana camara</i>	Asset Protection
Cats Claw Creeper	<i>Dolichandra unguis-cati</i>	Asset Protection
Feral Pigs	<i>Sus scrofa</i>	Asset Protection
Giant Paramatta grass, American Rats Tail grass	<i>Sporobolus fertilis and Sporobolus jacquemontii</i>	Asset Protection
Wild Dogs	<i>Canis familiaris</i>	Asset Protection
Feral Cats	<i>Felis catus</i>	Asset Protection
Rabbits	<i>Oryctolagus cuniculus</i>	Asset Protection
Mother of Millions	<i>Bryophyllum delagoense; Bryophyllum tubiflorum</i>	Asset Protection
Balloon vine	<i>Cardiospermum grandiflorum</i>	Asset Protection
Creeping Lantana	<i>Lantana montevidensis</i>	Asset Protection

3.2 Purpose of the program

The purpose of the Program is to:

- confirm the presence, or find 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;
- monitor the effects of measures taken in response to a biosecurity risk;
- monitor compliance with requirements about prohibited matter or restricted matter.

3.3 Area affected by the program

The Program will apply to the whole of the North Burnett Regional Council area.

Locations have been chosen due to the current spatial knowledge that the target species are located within the North Burnett 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 the 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.

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.

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<p>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate or contain the biosecurity matter to which the program relates.</p> <p>Searching a place to check for the presence or absence of invasive pest species nominated in Table 1.</p> <p>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive pest plants nominated in Table 1.</p> <p>Producing a written and/or electronic note(s) to support Program activities.</p> <p>Taking GPS coordinates to ensure accuracy of location details of the invasive pest plants nominated in Table 1.</p>
Inspect ¹⁰ , examine ¹¹ or film ¹² 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	
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.	

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:

The owner or occupier of a property may be served with a compliance order to undertake control to reduce the impact of Restricted Matter.

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.

3.6 Commencement and duration of the Program

The Program will begin on 31 January 2022 and will continue until 27 January 2023. 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 Act, the North 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 Act, the Chief Executive Officer of North Burnett 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 North Burnett Regional Council website.

A copy of the Program (Including its Authorisation) will be available for inspection at the North Burnett Regional Council Customer Service Centres. A copy of the Program Authorisation will be provided on request by contacting North Burnett Regional Council on 1300 696 272.

¹ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹ See section 240 (Notice of proposed biosecurity program) of the Act.

4. PUBLIC NOTICE

Notice of a Surveillance Program for invasive pest species nominated in the North Burnett Regional Council Biosecurity Plan 2019-2024

Biosecurity Act 2014

North Burnett Regional Council

PURPOSE AND SCOPE OF THE PROGRAM

Purpose

The purpose of the program in the North Burnett Regional Council area is to:

- Confirm the presence, and extent of the presence in the North Burnett area of prohibited or restricted matter;
- Confirm the absence in the North Burnett Regional Council Area of Prohibited or Restricted to which the program relates;
- Monitor the effects of measures taken in response to a biosecurity risk posed by prohibited or Restricted Matter;
- Conduct inspections on public and private land to determine to presence, extent and risk posed by prohibited or restricted matter;
- Surveillance will be undertaken by Authorised Officers by visual ground inspections. Inspections may also be undertaken by aerial surveys;
- Monitor treatment programs and enforce compliance where necessary.

Program Area

The surveillance program is authorised for the whole of the North Burnett Regional Council area. Individual properties will be selected for inspection based on observations or known presence of prohibited or restricted biosecurity matter or reports of restricted biosecurity matter.

START DATE AND DURATION OF THE PROGRAM

31/01/2022 – 27/01/2023

AVAILABILITY OF A COPY OF THE PROGRAM AUTHORISED COUNCIL

A copy of the Program (Including its Authorisation) will be available for inspection at the North Burnett Regional Council Customer Service Centres. A copy of the Program Authorisation will be provided on request by contacting North Burnett Regional Council on 1300 696 272.