



Biosecurity Prevention and Control Program

European rabbit (*Oryctolagus cuniculus*) and parthenium (*Parthenium hysterophorus*)

2020-21

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1. Biosecurity program

1.1 PROGRAM NAME

The prevention and control program (a biosecurity program under the Act) for invasive biosecurity matter, European rabbit (*Oryctolagus cuniculus*) and parthenium (*Parthenium hysterophorus*) in the Somerset Regional Council Local Government area will be known as the Biosecurity Prevention and Control Program– European rabbit (*Oryctolagus cuniculus*) and parthenium (*Parthenium hysterophorus*) - 2020-21 (the Program).

2.0 Requirement for Surveillance Program

2.1 PURPOSE AND RATIONALE

The *Biosecurity Act 2014* (the Act) provides for the establishment of biosecurity 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;

Council has been successful in obtaining Commonwealth Government funding under the *Communities Combating Pest and Weed Impacts During Drought Program* to reduce the impacts of parthenium and European rabbit on private land in the Somerset Region.

Both species, parthenium and European rabbit, pose or are likely a significant biosecurity risk to agricultural production and the environment in the Somerset Region. Both species are listed in Council's Biosecurity Plan under the 'Containment' Management objective.

The Biosecurity Prevention and Control Program 2020 – Parthenium and Rabbits (the Program) is required to allow appropriate action to be taken by Somerset Regional Council to manage, reduce or eradicate parthenium or European rabbits as outlined with-in the funded program.

The Program authorises the prevention and control activities required to implement the treatment components of the funding program. The program does not negate a person's ongoing General Biosecurity Obligation under the Act to undertake management of parthenium or rabbits at the end of the program.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- Inspect land for the presence or absence of parthenium or European rabbits.
- Treatment operations to eradicate or remove any detected parthenium using a variety of techniques, including:
 - aerial distribution of agricultural chemicals; and
 - ground distribution of agricultural chemicals.

- Treatment operations to eradicate European rabbit detected and European rabbit harbour identified, using a variety of techniques, including:
 - mechanical destruction of European rabbit harbour including the use of earthmoving equipment;
 - burning or removal of materials associated with European rabbit harbour; and
 - ground distribution of Pindone for poisoning of European rabbit.

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 if ³—

- (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, 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 controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴.

¹ See section 261 (Power to enter 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.

This means that an authorised officer may carry out, or direct another person to carry out, the aerial distribution of agricultural chemicals.

Obligations

A person who is an occupier of a place to which the Program relate must, limited to the extent of the requirements of the Program:

- Allow an authorised person and any person, equipment or material required by the authorised person onto the place to undertake measures as required to achieve the purpose of the Program.
- Maintain access to allow an authorised person and any person, equipment or material required by the authorised person onto the place to undertake measures as required to achieve the purpose of the Program.
- Control, including to cut, mow or treat with an appropriate herbicide, other weeds or vegetation which may obstruct an authorised person from undertaking measures to achieve the purpose of the Program.
- Comply with any direction provided to the occupier by an authorised person to maintain, within reasonable limitations, any treatments required to achieve the purpose of the Program.
- Move or remove any thing on the place that would obstruct an authorised person or any person, equipment or material required by the authorised person to achieve any measure required to achieve the purpose of the Program. This may include moving livestock to an area of the person's property away from where a treatment operation is being undertaken.

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

In accordance with section 239 of the Act, consultation was carried out with:

- The Chief Executive of the Department of Agriculture and Fisheries; and
- The Darling Downs – Moreton Rabbit Board.

3. Authorisation of a Prevention and Control Program in the Somerset Regional Council Area

3.1 AUTHORISATION STATEMENT

The Somerset Regional Council, acting pursuant to section 235 of the Act, authorises the Prevention and Control Program for Invasive biosecurity matter, parthenium (*Parthenium hysterophorus*) and European rabbit (*Oryctolagus cuniculus*) on the basis that:

- Both species, European rabbit and parthenium, pose or are likely to pose a significant biosecurity risk to agricultural production and the environment in the Somerset Region. Both species are listed in Council's Biosecurity Plan under the 'Containment' Management objective.
- Council has been successful in obtaining Commonwealth Government funding under the *Communities Combating Pest and Weed Impacts During Drought Program* to

reduce the impacts of European rabbit and parthenium on private land in the Somerset Region.

- This program authorises the prevention and control activities required to implement the treatment components of the funding program.

3.2 BIOSECURITY MATTER

Invasive biosecurity matter listed European rabbit (*Oryctolagus cuniculus*) and parthenium (*Parthenium hysterophorus*) throughout the Somerset Region.

3.3 PURPOSE OF THE PROGRAM

The purpose of the Program is to allow entry of authorised officers to a place in the Somerset Regional Council local government area to undertake activity to remove or reduce the impacts associated with European rabbit (*Oryctolagus cuniculus*) parthenium (*Parthenium hysterophorus*).

3.4 AREA AFFECTED BY THE PROGRAM

The program will cover all land within the Somerset Regional Council local government area.

3.5 POWERS OF AUTHORISED OFFICERS

An authorised officer of the Program appointed under the Act, 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.

⁵The 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.

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

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Search a place to check for the presence of (<i>Parthenium hysterophorus</i>) and European rabbit (<i>Oryctolagus cuniculus</i>).
Inspect ¹¹ , examine ¹² or film ¹³ 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	Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of parthenium (<i>Parthenium hysterophorus</i>) and European
Place an identifying mark in or on anything at the place	

Place a sign or notice at the place	rabbit (<i>Oryctolagus cuniculus</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	Destroy parthenium (<i>Parthenium hysterophorus</i>) and European rabbit (<i>Oryctolagus cuniculus</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	Undertake control activities such as mechanical destruction of European rabbit harbour, burning of European rabbit harbour and baiting and destruction of European rabbit.
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 	Undertake control activities such as hand pulling, aerial herbicide application and ground herbicide application to destroy parthenium that is consistent with the objectives of the program.
Remain at the place for the time necessary to achieve the purpose of the entry	Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.
The authorised officer may take a necessary step to allow the exercise of a general power	Producing a written and/or electronic note(s) to support Program activities.
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	Taking GPS coordinates to ensure accuracy of location details of parthenium (<i>Parthenium hysterophorus</i>) and European rabbit (<i>Oryctolagus cuniculus</i>).
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	

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

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.

3.6 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 this program relates:

- Allow an authorised person and any person, equipment or material required by the authorised person onto the place to undertake measures as required to achieve the purpose of the Program.

- Maintain access to allow an authorised person and any person, equipment or material required by the authorised person onto the place to undertake measures as required to achieve the purpose of the Program.
- Control, including to cut, mow or treat with an appropriate herbicide, other weeds or vegetation which may obstruct an authorised person from undertaking measures to achieve the purpose of the Program.
- Comply with any direction provided to the occupier by an authorised person to maintain, within reasonable limitations, any treatments required to achieve the purpose of the Program.
- Move or remove any thing on the place that would obstruct an authorised person or any person, equipment or material required by the authorised person to achieve any measure required to achieve the purpose of the Program. This may include moving livestock to an area of the person's property away from where a treatment operation is being undertaken.

3.7 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 2 September 2020 and will continue until 31 December 2021. The duration of the program is considered necessary to achieve the Program's purpose.

3.8 CONSULTATION WITH RELEVANT PARTIES

In accordance with section 239 of the ACT, consultation was carried out with:

- The Chief Executive of the Department of Agriculture and Fisheries; and
- The Darling Downs – Moreton Rabbit Board.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by section 240 of the Act, the chief executive officer of Somerset 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 Somerset Regional Council website.

From the start of the Program, the Authorisation for the Program will be available for inspection at the Somerset Regional Council public office at the:

- Esk Administration Centre, located at 2 Redbank Street Esk.
- Lowood Customer Service Centre, located at 1 Michel St Lowood.
- Kilcoy Customer Service Centre, located at 15 Kennedy St Kilcoy.