



# Biosecurity Surveillance Program

2019

Invasive Plants and Animals

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## **1. Biosecurity program**

### **1.1 PROGRAM NAME**

The surveillance program (biosecurity program) for invasive biosecurity matter listed under for following Schedule of the *Biosecurity Act 2014* (the ACT) throughout the Somerset Region:

- Schedule 1 Prohibited Matters' parts 3 and 4, and
- Schedule 2 Restricted Matters'

in part 2 will be known as the Biosecurity Surveillance Program 2019 – Invasive Plants and Animals.

## **2.0 Requirement for Surveillance Program**

### **2.1 PURPOSE AND RATIONALE**

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 Biosecurity Surveillance Program 2019 - Invasive Plants and Animals (the Program) are:

- (a) monitoring compliance with requirements about prohibited matter or restricted matter.
- (b) Detecting or deciding the presence or extent of the spread of biosecurity matter.

### **2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE**

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

- On ground property inspections by Somerset Regional Council Pest Management Officers using a variety of transport means to identify infestations of target invasive species, including driving using 4x4, driving using a side-by-side vehicle, and walking.
- Using electronic and paper resources to record infestations of target invasive species.

### **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 program<sup>1</sup>. 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.

<sup>1</sup> See section 261 (Power to enter under biosecurity program) of the Act

In accordance with the Act a reasonable attempt will be made to locate an occupier<sup>2</sup> 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 <sup>3</sup> —

(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 Act<sup>14</sup>.

### **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.

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<sup>2</sup> 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.

<sup>3</sup> See section 270 (Entry of place under sections 261 and 262) of the Act.

<sup>4</sup> 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.

### 3. Authorisation of a Surveillance 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 Surveillance Program for Invasive biosecurity matter listed under the following Schedules of the Act throughout the Somerset Region:

- Schedule 1 Prohibited Matters' parts 3 and 4, and
- Schedule 2 Restricted Matters' in part 2.

#### 3.2 BIOSECURITY MATTER

Invasive biosecurity matter listed under for following schedules of the ACT throughout the Somerset Region:

- Schedule 1 Prohibited Matters' parts 3 and 4, and
- Schedule 2 Restricted Matters' in part 2.

#### 3.3 PURPOSE OF THE PROGRAM

The purpose of the Program is to:

- monitor compliance with requirements about prohibited matter or restricted matter.

#### 3.4 AREA AFFECTED BY THE PROGRAM

The program will cover all land within the Somerset Regional Council Area.

#### 3.5 POWERS OF AUTHORISED OFFICERS

An authorised officer of the Program appointed under the Act, may enter a place—other than a residence<sup>5</sup>—without a warrant and without the occupier's consent within the State of Queensland under the Program<sup>6,7</sup>. 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 executive<sup>8</sup>.

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 power<sup>9</sup>.

<sup>5</sup>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).

<sup>6</sup> See section 259 (General powers to enter places) of the Act.

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

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

<sup>9</sup> 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 following<sup>10</sup>:

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 the biosecurity matter to which the program relates.</p> <ul style="list-style-type: none"> <li>• Searching a place to check for the presence or absence of Schedule 1 Prohibited Matters' parts 3 and 4, and</li> <li>• Schedule 2 Restricted Matters'</li> </ul> <p>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of</p> <ul style="list-style-type: none"> <li>• Schedule 1 Prohibited Matters' parts 3 and 4, and</li> <li>• Schedule 2 Restricted Matters'</li> </ul> <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 carriers or</p> <ul style="list-style-type: none"> <li>• Schedule 1 Prohibited Matters' parts 3 and 4, and</li> <li>• Schedule 2 Restricted Matters'</li> </ul>
Inspect <sup>11</sup> , examine <sup>12</sup> or film <sup>13</sup> 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	
<p>Destroy biosecurity matter or a carrier if:</p> <ul style="list-style-type: none"> <li>• the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and</li> <li>• the owner of the biosecurity matter or carrier consents to its destruction</li> </ul>	
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	

<sup>10</sup> See section 296 (General powers) of the Act.

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

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

<sup>13</sup> 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**

No additional obligations in accordance with section 236(1)(h) of the Act, are imposed on occupiers of a place to which the Program applies.

### **3.7 COMMENCEMENT AND DURATION OF THE PROGRAM**

The Program will begin on 6 May 2019 and will continue until 6 May 2020. The duration of the program is considered to be reasonably 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, and .
- Lowood Customer Service Centre, located at 1 Michel St Lowood.
- Kilcoy Customer Service Centre, located at 15 Kennedy St Kilcoy.