



**Surveillance Program for Invasive
Biosecurity Matter under the
*Biosecurity Act 2014***

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Biosecurity program

Program Name

The surveillance program (biosecurity program) for invasive plants and animals that are restricted matter or prohibited matter will be known as the Surveillance Program for Invasive Biosecurity Matter.

The biosecurity matter to which the program relates is all Invasive Biosecurity Matter as defined by section 48(1) of the *Biosecurity Act 2014* (the Act).

Requirement for a surveillance program

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 parts of the Rockhampton Regional Council area, of the biosecurity matter to which the program relates;
- (c) Confirming the absence, in parts of the Rockhampton Regional Council area, 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 this Invasive Plant and Animal Biosecurity Program (the Program) are:

- (a) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (b) Confirm the presence and determine the extent of the presence in the Rockhampton Region of the prohibited or restricted matter to which the program relates; and
- (c) Confirm the absence in the Rockhampton Region of the prohibited matter or restricted matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risks posed by invasive biosecurity matter.

Significant work has previously been undertaken by associations such as Fitzroy Basin Association and private landholders in the Fitzroy River Floodplain area.

The Rockhampton Regional Council is aware of the work and is now required to monitor the current extent of invasive species in this area due to potential changes resulting from the

work previously conducted. Additionally, this area is a high spread area as it is on a floodplain environment whereby seeds can easily move downstream to areas where some invasive species are currently not located.

Measures That Are Required To Achieve The Purpose

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

- Surveillance activities to check for the absence, presence or find out the extent of the presence in the Rockhampton Regional Council area of the prohibited matter and restricted matter to which the program relates. This surveillance will primarily be conducted by entry of ground teams onto a place to conduct visual inspections (including driving 4x4, ATV and walking using electronic and paper resources to record infestations of target weeds); and
- Using aerial surveillance by visual, photographic or electronic means using remote controlled unmanned aerial vehicles (UAV) or manned aircraft (helicopters) to ascertain the extent of some identified species; and
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

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 authorised officer is authorised 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.

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.

If an authorised officer does not find an occupier present at the place, 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.

This means that 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 to which the Program relates.

The authorised officer must give notice of the proposed aerial control measure at least 48 hours before carrying out the measure, unless the measure will be carried out from a height of more than 350 feet above the place, or it would be impracticable to give the notice because the measure will not be effective in the controlling the biosecurity matter at the end of the notice period.

Obligations

N/A

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.

Consultation

Consultation was undertaken with the chief executive, Department of Agriculture and Fisheries. No comments were received as a result of this consultation.

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.

Authorisation of a surveillance program in the Rockhampton Regional Council area

AUTHORISATION STATEMENT

The Rockhampton Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for Invasive Biosecurity Matter (the Program) in parts of the Rockhampton Regional Council area, on the basis that we are satisfied that:

- (a) Invasive Biosecurity Matter poses a significant risk to biosecurity considerations in the Rockhampton Regional Council area; and
- (b) Surveillance activities are required to determine the presence or absence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (c) Surveillance activities are required to determine the extent of the presence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (d) Surveillance activities are required to monitor the effects of measures taken previously in response to the biosecurity risk posed by the Invasive Biosecurity Matter.

Evan Pardon
Chief Executive Officer
Rockhampton Regional Council

Biosecurity Matter

The biosecurity matter to which the Program relates is all Biosecurity Matter (both restricted and prohibited matter) as defined in section 48(1) of the Act.

Emphasis will be given to invasive Biosecurity Matter as outlined in Council's Biosecurity Plan 2017-2021.

Purpose of the Program

The purpose of the Program is:

- (a) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (b) Confirm the presence and find out the extent of the presence in the Rockhampton Regional Council area of prohibited matter or restricted matter to which the program relates; and
- (c) Confirm the absence in the Rockhampton Regional Council area of the prohibited matter or restricted matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risk posed by Invasive Biosecurity Matter; and

Area Affected By the Program

The Program is authorised to parts of the Rockhampton Regional Council area, including the localities of Pink Lily, Alton Down, Nine Mile, Fairy Bower, Gracemere, Kabra, Bouldercombe, Midgee, Port Curtis, Depot Hill, Lakes Creek and Koongal as per the attached map.

Individual properties throughout the program area will be selected for compliance monitoring based on the observable presence of invasive biosecurity matter and/or the receipt of a complaint.

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 Rockhampton Regional Council area 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.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for detection of biosecurity matter in relation to a place. Under the Program these measures include aerial, vehicle and or physical inspections of a place or thing.

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	<i>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity</i>
Inspect ¹¹ , examine ¹² or film ¹³ any part of the place or anything at the place	

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.

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.

Take for examination a thing, or a sample of or from a thing, at the place	<i>matter to which the program relates.</i>
Place an identifying mark in or on anything at the place	<i>Searching a place to check for the presence or absence of Invasive Biosecurity Matter.</i>
Place a sign or notice at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</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 samples for the purposes of diagnostic analysis, to ascertain the presence or absence of 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>Producing a written and/or electronic note(s) to support Program activities.</i>
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 	<i>Taking GPS coordinates to ensure accuracy of location details of carriers or Invasive Biosecurity Matter.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Provide advice and information to assist landholders/occupiers to meet their general biosecurity obligation.</i>
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

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

Nil

Commencement and Duration Of The Program

The Program will commence on 19 August 2019 and will continue for a period of two years until 18 August 2021. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

Consultation with Relevant Parties

As required by the Act¹⁴, the chief executive officer of Rockhampton Regional Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture and Fisheries.

Notification of Relevant Parties of Requirements

As required by the Act¹⁵, the chief executive officer of Rockhampton 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 Rockhampton Regional Council website.

Additionally, each Rockhampton Regional Council will give written notification to each private landholder for land in the area to which the Program relates.

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase¹⁶ at the Rockhampton Regional Council public office at: 232 Bolsover Street Rockhampton, 1 Ranger Street Gracemere and 32 Hall Street Mount Morgan.

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

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

¹⁶ See section 241 (Access to authorisation) of the Act.