



Cook Shire Council

Biosecurity Surveillance Program

2019 – 2023

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Background

The *Biosecurity Act 2014* (the Act) places an obligation on local governments in Queensland to ensure all invasive biosecurity matter within their respective local government areas is being managed in accordance with the Act. To assist with the execution of this obligation the Act provides for the establishment of surveillance programs that allow authorised officers to enter properties and undertake measures designed to minimise threats posed by invasive biosecurity matter. The purpose of this document is to define and authorise the Cook Shire Council Biosecurity Surveillance Program (the Program).

Biosecurity Matter relevant to the Program

The biosecurity matter to which the Program relates includes all matter referred to in s48(1)(a-d) of the Act, hereby referred to as ***invasive biosecurity matter***, with specific reference to ***high priority invasive plants and animals*** (invasive biosecurity matter listed in below) as defined by the *Cook Shire Council Local Area Biosecurity Plan 2017 – 2021* .

High priority invasive plants as defined by the *Cook Shire Council Local Area Biosecurity Plan 2017 – 2021* and included in the Program are:

Common Name	Scientific Name	Restricted Categories
Salvinia	<i>Salvinia molesta</i>	3
Bellyache Bush	<i>Jatropha gossypifolia</i>	3
Gamba grass	<i>Andropogon gayanus</i>	3
Hymenachne	<i>Hymenachne amplexicaulis</i>	3
Pond apple	<i>Annona glabra</i>	3
Weedy sporobolus grasses	<i>Sporobolus pyramidalis, S. natalensis</i>	3
Thunbergia	<i>Thunbergia grandiflora</i>	3
Drooping tree pear	<i>Opuntia monacantha</i>	3
Rubber vine	<i>Cryptostegia grandiflora</i>	3
Lantana	<i>Lantana camara</i>	3
Giant sensitive plant	<i>Mimosa diplotricha</i>	3
Sicklepod	<i>Senna obtusifolia</i>	3

High priority invasive animals as defined by the *Cook Shire Council Local Area Biosecurity Plan 2017 – 2021* and included in the Program are:

		Restricted Categories
Yellow crazy ant	<i>Anoplolepis gracilipes</i>	3
Feral pig	<i>Sus scrofa</i>	3,4,6
Chital deer	<i>Axis axis</i>	3,4,6
Rusa deer	<i>Rusa timorensis</i>	3,4,6
Feral cat	<i>Felis catus</i>	3,4,6
Wild dog	<i>Canis familiaris</i>	3,4,6
Dingo	<i>Canis dingo</i>	3,4,5,6

Purpose of the Program

The purpose of the Program is to achieve one or more of the following objectives:

- a) Confirm the presence, or determine the extent of the presence, of ***invasive biosecurity matter*** in the Cook Shire Council local government area;
- b) Confirm the absence of ***invasive biosecurity matter*** in the Cook Shire Council local government area;
- c) Monitor the effects of measures taken to control ***high priority invasive plants and animals***;
- d) Monitor compliance with the Act to ensure all people who deal with ***high priority invasive plants and animals*** are meeting their obligations;
- e) Monitor levels of ***high priority invasive plants and animals*** or levels of such matter in a carrier;
- f) Monitoring compliance with requirements about restricted matter for ***high priority invasive plants and animals***.

Selection of places to be entered and inspected to monitor compliance

Factors that **may** influence and result in the selection of a place to be entered for the purposes of monitoring compliance with the Act include:

- Proximity of a place to known infestations of invasive biosecurity matter
- Visual observation of invasive biosecurity matter on a place from a public area or adjacent property
- Reports of invasive biosecurity matter on a place
- Past history of invasive biosecurity matter on a place including those found in Council records and Biosecurity Orders

Geographical extent of the Program

The Program applies to all land tenures located within the Cook Shire Council local government area.

Powers of authorised persons under the Program

The Act provides authorised officers with a range of powers including powers of entry, general powers that include the ability to inspect, record or remove items or destroy biosecurity matter at a place and the power to impose obligations on the occupier of a place.

Powers of entry

The Act provides authorised officers appointed under the Act to, at reasonable times and without a warrant or the owner/occupier's consent, enter a place situated in an area to which the Program applies.

In accordance with the Act a reasonable attempt must be made to locate an occupier and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program.

If after entering a place an authorised officer finds an occupier present, or the occupier refuses to consent to the entry, an authorised officer must make reasonable attempts to:

- a) produce an identity card for inspection; and
- b) inform the occupier of the reason for entering; and
- c) provide the authorisation under the Act to enter without the permission of the occupier.

An authorised officer under the Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and that it is an offence to do anything that interferes with a step taken or to be taken.

If an authorised officer does not find an occupier present the 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.

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. Prior to making a help requirement to a person the authorised officer must advise the person that pursuant to the Act it is an offence to refuse a help requirement without a reasonable excuse.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter. Under the Program these measures include aerial survey by visual or photographic inspection using an airborne machine, person in an aircraft vehicle (i.e. plane, helicopter), remotely piloted aircraft (RPA) or satellite in line with legislative requirements for the use of such.

General powers of an authorised officer under the Program

An authorised officer may undertake any of the following measures at a place that has been entered under the Program:

- Inspect, examine or film 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 the Act;
- 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;
- Take a necessary step to allow the exercise of a general power.

However, 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;
- 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.

Examples of measures an authorised person may take under the program include:

- Search a place to check for the presence or absence of invasive biosecurity matter including by aerial surveillance.
- Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.
- Identify carriers such as hay bales with tags, notices, flags or signs for any purpose consistent with the Program.
- Inspect, examine, photograph or film invasive biosecurity matter or suspected invasive biosecurity matter.
- Produce written and/or electronic note(s) to support Program activities.
- Take GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter.
- Take a document such as a Sale/ Movement record that are relevant to the objectives of the Program.

Authorised officers may collect evidence and use evidence of non-compliance with restricted and prohibited matter categories to take further legal action against the occupier and/or owner of the matter.

Obligations imposed on a person under the Program

Obligations that may be imposed on a person who is an occupier of a place to which the Program relates include:

- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest surveillance purposes for this program only.
- Discharging restricted matter category obligations for all invasive biosecurity matter on all lands tenure within the Cook Shire Council Local Government area.
- Discharging the local General Biosecurity Obligation associated with invasive biosecurity matter on all lands tenure within the Cook Shire Council Local Government area (these can be found in the *Cook Shire Council Local Area Biosecurity Plan 2017-2021* pest specific management requirements).
- Permitting an authorised officer operating under the Program to enter a place to undertake monitoring or surveillance activities for invasive biosecurity matter.
- Permitting an authorised officer to place cameras, traps or lures to detect invasive biosecurity matter.
- Providing information and/or directions regarding the whereabouts of invasive biosecurity matter at the place.

- Providing any document requested by an authorised person and relevant to the exercise of general powers under the Program.

Failure to assist an authorised officer in the exercise of their powers under the Program is an offence and may result in a penalty infringement notice being issued to the owner and/or occupier.

Consultation

This Program was sent to Biosecurity Queensland on the 11/12/2018 for review and comment. Review feedback incorporated as at 03/01/2019.

Commencement and duration of the Program

The Program will begin on 27/03/2019 and will continue until 27/03/2023. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

Authorisation of the Cook Shire Council Biosecurity Surveillance Program

Cook Shire Council resolved to authorise the Cook Shire Council Biosecurity Program 2019-2023 on the 20/02/2019.