



Biosecurity Surveillance Program

Summer 2021

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1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for invasive plants and animals that are restricted or prohibited matter including African Tulip Tree, Bellyache bush, Giant Rat's Tail Grass, Groundsel Bush, Harrisia Cactus, Mesquite, Parkinsonia, Parthenium, Prickly Acacia and Rubber Vine will be known as the Summer Surveillance Program.

The program is authorised over the Gladstone Regional Council Local Government Area and properties within this area will be inspected in consideration of observed presence of invasive biosecurity matter and in response to customer services requests where applicable.

2. Requirement for a surveillance program

2.1 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 the Gladstone Region or the parts of the Gladstone Region to which the program applies, of the biosecurity matter to which the program relates;
- (c) Confirming the absence, in the Gladstone Region or the parts of the Gladstone Region 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 Summer Surveillance Program (the Program) include:

- (g) Monitoring compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (h) Confirming the presence and determine the extent of the presence in the Gladstone Region of prohibited and restricted biosecurity matter to which the Program relates; and
- (i) confirm the absence in the Gladstone Region of prohibited or restricted matter to which the Program relates.

Community consultation following the updated Biosecurity Plan identified African Tulip Tree as a concern and as such Council are undertaking inspection and monitoring to determine the current extent of the target invasive species in the Region.

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 Gladstone 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. Inspections may also be undertaken by aerial survey or fixed camera traps
- Provide information and advice to the property owner regarding the level of risk and appropriate control measures required to meet their general biosecurity obligation
- Using Electronic and paper resources to record infestations of target invasive species
- 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:

- (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 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.

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.

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.

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 aerial surveillance measures for invasive biosecurity matter in relation 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

A person must not interfere with the authorised persons surveillance of land whilst they are confirming the absence, presence, or extent of invasive plants identified in this program.

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 has been undertaken with the Department of Agriculture and Fisheries.

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.

3. Authorisation of a surveillance program in the Gladstone Regional Council Local Government Area

AUTHORISATION STATEMENT

The Gladstone Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program in Gladstone Regional Council Local Government Area, on the basis that the listed biosecurity matters are restricted matter under the Act and/or are listed as Prevention, Eradication and Containment Invasive Species in Gladstone Regional Council Biosecurity Plan 2021-25, meaning that they are a high priority biosecurity risk within the region.

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates includes African Tulip Tree, Bellyache bush, Giant Rat's Tail Grass, Groundsel Bush, Harrisia Cactus, Mesquite, Parkinsonia, Parthenium, Prickly Acacia, and, Rubber Vine.

3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to:

- (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 Gladstone Region or the parts of the Gladstone Region to which the program applies, of the biosecurity matter to which the program relates;
- (c) Confirming the absence, in the Gladstone Region or the parts of the Gladstone Region 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;

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the whole of the Gladstone Regional Council Local Government Area. Properties are selected for inspection based on observations and current spatial knowledge of target species present or of concern within the Region or the receipt of reports or complaints.

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 Program⁶ 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 premise 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	<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> <p>Searching a place to check for the presence or absence of invasive biosecurity matter.</p> <p>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</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 invasive biosecurity matter.</p> <p>Provide advice and information to assist landholders/ occupiers to meet their general biosecurity obligation.</p>
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	
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: <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 	
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	

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.

3.5 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:

- Allow access to property to survey for biosecurity matter covered in the program in accordance with provisions/requirements under the Act.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 30 November 2021 and will continue until 30 April 2022. The duration of the program is reasonably necessary to achieve the Program's purpose.

3.7 CONSULTATION WITH RELEVANT PARTIES

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

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

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

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase¹⁶ at the Gladstone Regional Council public office at 101 Goondoon Street, Gladstone.

A copy of the Program is also available to view and print at no cost on the Gladstone Regional Council website at <https://www.gladstone.qld.gov.au>.

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.



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