

Appendix A – 9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the *Biosecurity Act 2014* for the Sunshine Coast Council area

1. Biosecurity program

1.1 PROGRAM NAME

The prevention and control program (biosecurity program) for invasive biosecurity matter – invasive animals that are prohibited or restricted matter will be known as the *9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the Biosecurity Act 2014 for the Sunshine Coast Council area*.

2. Requirement for a prevention and control program

2.1 PURPOSE AND RATIONALE

Significant biosecurity risk

The *Biosecurity Act 2014* (the Act) provides for the establishment of prevention and control 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.

The objectives of the *Prevention and Control Program for feral animals under the Biosecurity Act 2014* (the Program) are:

- (a) preventing the entry, establishment or spread of wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes, European rabbits and Indian Myna Birds in an area that poses a significant biosecurity risk;
- (b) Managing, reducing or eradicating any wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes, European rabbits and Indian Myna Birds in an area that could pose a significant biosecurity risk.

Background

Council has been undertaking feral animal control programs for many years on hundreds of properties. The community have worked with Council and have formed a number of local area coordinated wild dog 1080 baiting groups which have been very successful and well received by the primary production sector.

Whilst there have been successes in these programs more work is needed to ensure the continuation of the management of invasive biosecurity matter - invasive animals that are prohibited or restricted matter such wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes and European rabbits. Council is also targeting the invasive animal Indian Myna bird which is not declared a prohibited or restricted animal. It is impacting the Sunshine Coast Council area environment and has therefore been added to the prevention and control program. It is important to continue to undertake these prevention and treatment programs to respond to our community and to meet our general biosecurity obligations.

Justification of the program

1. Council receives hundreds of complaints each year from members of the community in relation to infestations of invasive biosecurity matter – invasive animals that are prohibited or restricted matter;
2. Council is aware that the Sunshine Coast Council local government area have infestations of invasive biosecurity matter - invasive animals that are prohibited or restricted matter and many of these populations are mobile which means that individual localities cannot be specified as populations are mobile;
3. Previous proactive and reactive feral animal control programs have established that there are populations of invasive biosecurity matter – invasive animals that are prohibited or restricted matter throughout the Sunshine Coast Council local government area and these populations are impacting on the social, environmental and economic components;
4. Council is aware through the network of established community led local area coordination wild dog baiting groups that wild dogs are impacting on their primary production;
5. The program supports the *Sunshine Coast Council Local Government Area Biosecurity Plan 2017* objectives.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- Surveying of properties for invasive biosecurity matter – invasive animals that are prohibited or restricted matter and data capture for regional analysis; and
- Education and assistance to occupiers of property of their 'general biosecurity obligations' under the Act and the control/management/eradication of the invasive animal Indian Myna bird and biosecurity matter – invasive animals that are prohibited or restricted matter; and
- Undertaking the capture and destruction of wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes and European rabbits; and
- Undertaking the capture and destruction of Indian Myna birds.

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 program¹⁷. 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 occupier¹⁸ 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 if¹⁹—

- (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 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.

Giving a direction under a prevention and control program

Section 237 of the Act provides that an authorised officer may, at a reasonable time and at a place within an area to which a prevention and control program applies:

- direct an occupier to take reasonable steps²⁰, within a stated and reasonable timeframe, to remove or prevent the entry, establishment or spread of wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes, European rabbits and Indian Myna Birds.

Failure to comply with a direction

Under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under section 237 of the Act, as outlined above.

¹⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

¹⁸ 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.

¹⁹ See section 270 (Entry of place under sections 261 and 262) of the Act.

²⁰ These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.

Obligations

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

- allow Council's authorised persons (council officers) access to their property/ies to monitor for the presence of invasive biosecurity matter – invasive animals that are prohibited or restricted matter;
- allow Council to take invasive biosecurity matter – invasive animals that are prohibited or restricted matter samples for further analysis;
- The person must not interfere with access by Council's authorised persons (council officers); and
- the person must provide reasonable help when requested by Council's authorised persons (council officers) during the property inspection/s.

In addition to Program specific obligations in the prevention and control program authorisation, under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under section 237 of the Act.

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

As required by the Act²¹, the chief executive officer of Sunshine Coast Council has consulted, prior to the authorisation of the Program, with the Director-General (Chief Executive), Department of Agriculture and Fisheries in June 2019. The Portfolio Councillor for Community and Environment Cr Jenny McKay has been consulted.

3. Authorisation of a prevention and control program in the Sunshine Coast Council area

AUTHORISATION STATEMENT

The Sunshine Coast Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Prevention and Control Program for invasive animals – prohibited or restricted matter (the Program) in Sunshine Coast Council, on the basis that Michael Whittaker, the chief executive officer of Sunshine Coast Council is satisfied that:

- there is or there is likely to be invasive biosecurity matter - invasive animals which is prohibited matter, in the Sunshine Coast local government area.
- invasive biosecurity matter - invasive animals that are prohibited or restricted matter wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes and European rabbits and the invasive animal Indian Myna bird is in the Sunshine Coast Council local government area and poses or is likely to pose a significant biosecurity risk in the Sunshine Coast Council local government area.

²¹ See section 239 (Consultation about proposed biosecurity program) of the Act.

- that measures are required to prevent the entry or establishment of invasive biosecurity matter - invasive animals that poses/is likely to pose a significant biosecurity risk in the Sunshine Coast local government area.

Local Government Resolution

Officer recommendation:

That Council:

- (a) receive and note the report titled "Feral Animal Prevention and Control Program";
- (b) adopt the *9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the Biosecurity Act 2014 for the Sunshine Coast Council area* in accordance with section 235 of the *Biosecurity Act 2014*; and
- (c) Authorise the carrying out of the *9 August 2019 to 31 July 2020 Prevention and Control Program for feral animals under the Biosecurity Act 2014 for the Sunshine Coast Council area – (Appendix A)* in accordance with section 235 of the *Biosecurity Act 2014*.

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is:-

1. Invasive biosecurity matter - invasive animals that are prohibited or restricted matter such wild dogs (dog, other than a domestic dog, dingo), feral pigs, feral goats, feral cats, feral deer, European foxes and European rabbits.
2. The invasive animal Indian Myna bird which is not declared a prohibited or restricted animal but has been classified as a "Locally significant" Invasive Animal under *Sunshine Coast Council Local Government Area Biosecurity Plan 2017*.

3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to:-

1. allow the confirmation of the presence of feral animals on a property
2. allow council to communicate and inform a person about their biosecurity general obligation;
3. assess whether to issue a Biosecurity Order to a person for failure to discharge their general biosecurity obligation (which may require the person to undertake management action – such as prevention or control)
4. ensure Sunshine Coast Council is meeting its general biosecurity obligation to manage invasive biosecurity matter – invasive animals that are prohibited or restricted matter in the Sunshine Coast Council local government area to reduce the impacts on human health, social amenity, the economy or the environment (section 48 of the Act)
5. assist in capacity building of the occupiers of properties to minimise the impacts from invasive animals – prohibited or restricted matter on pets, animals and livestock or agricultural crops
6. determine the extent of invasive animals – prohibited or restricted matter in identified locations
7. collect data and undertake research to assist in determining trends in invasive animals – prohibited or restricted matter populations and better understand how to manage these populations whilst reducing their impacts including refining and enhancing current programs and services

8. determine the effectiveness of education, community/council partnerships and on-ground treatment programs
9. permit the deployment of data collection methods such as sand pads, monitoring cameras and infield infrared site surveys
10. permit the deployment of trapping systems, Canid Pest Ejectors, tied and buried 1080 meat baits, manufactured 1080 baits and strychnine providing these deployments are within the regulatory controls
11. the provision of 1080 manufactured and or meat baits to landholders to use for approved feral animal control programs and
12. Permit the destruction of invasive animals – prohibited or restricted matter subject to meeting regulatory controls including humane destruction under animal welfare legislation.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to properties within the Sunshine Coast Council local government area whereby:-

1. the occupier of a property requests assistance to address invasive biosecurity matter - invasive animals – prohibited or restricted matter;
2. council has been alerted to a property from information collected that invasive biosecurity matter - invasive animals – prohibited or restricted matter are present or are likely to be present;
3. they are owned or under the control of council or the occupier of a property is undertaking primary production or located in the vicinity of primary production;
4. Properties that are privately owned.

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 residence²²—without a warrant and without the occupier's consent within the State of Queensland under the Program^{23 24}. 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 executive²⁵.

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 power²⁶.

An authorised officer has general powers after entering a place to do any of the following²⁷:

General powers in the Act	Measures an authorised officer may take under the Program
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²² 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).

²³ See section 259 (General powers to enter places) of the Act.

²⁴ See section 261 (Power to enter a place under biosecurity program) of the Act.

²⁵ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

²⁶ See section 297 (Power to require reasonable help) of the Act.

²⁷ See section 296 (General powers) of the Act.

Search any part of the place	<i>Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk</i>
Inspect ²⁸ , examine ²⁹ or film ³⁰ any part of the place or anything at the place	<i>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.</i>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Searching a place to check for the presence or absence of invasive animals – prohibited or restricted matter.</i>
Place an identifying mark in or on anything at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i>
Place a sign or notice at the place	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive animals – prohibited or restricted matter</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>Producing a written and/or electronic note(s) to support Program activities.</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>Taking GPS coordinates to ensure accuracy of location details of invasive animals – prohibited or restricted matter.</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>Undertake preventative treatment such as destruction activities including trapping, baiting, Canid Pest Ejector deployment that is consistent with the objectives of the Program.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Take a document such as proof of purchase of an invasive animal – prohibited or restricted matter that is relevant to the objectives of the Program.</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.	

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place located in the area to which the Program applies to take reasonable steps to:

²⁸ Section 296(5) defines *inspect*, a thing, to include open the thing and examine its contents.

²⁹ Section 296(5) defines *examine* to include analyse, test, account, measure, weigh, grade, gauge and identify.

³⁰ Section 296(5) defines *film* to include photograph, videotape and record an image in another way.

- remove or eradicate invasive biosecurity matter – invasive animals that are prohibited or restricted matter, as reasonably necessary to achieve the purposes of the Program, or
- destroy invasive biosecurity matter – invasive animals that are prohibited or restricted matter if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

Authorised persons are directed to act under the program to assist in the management of invasive biosecurity matter – invasive animals that are prohibited or restricted matter:-

- provide information and education to an occupier of a place;
- undertake property assessments to determine the travel routes or harbourage areas of the feral animals being targeted in the program;
- collect information from occupiers of properties to inform the program to maximise its functioning;
- establish monitoring cameras, sand pads or other animal detection devices on a property to determine the presence of roaming domestic animals or feral animals;
- install traps and or deploy poisons in line with regulatory controls including humane destruction;
- install warning signage on the property to alert the public to the actions being conducted;
- visit the property at varying hours to attend to traps or other devices;
- visit the property at varying hours to undertake removal/destruction of feral animals in line with regulatory controls and humane destruction;
- undertake the use of firearms for feral animal destruction purposes within the regulatory controls;
- Engage a veterinarian for animal care or destruction purposes where required.

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 Council's authorised persons (council officers) access to their property/ies to monitor for the presence of invasive biosecurity matter – invasive animals that are prohibited or restricted matter;
- allow Council to take invasive biosecurity matter – invasive animals that are prohibited or restricted matter samples for further analysis;
- The person must not interfere with access by Council's authorised persons (council officers); and
- The person must provide reasonable help when requested by Council's authorised persons (council officers) during the property inspection/s.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The program will begin on 9 August 2019 and end on 31 July 2020. The duration of the program is considered to be reasonably necessary to achieve the program's purpose.

3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act³¹, the chief executive officer of Sunshine Coast Council has consulted, prior to the authorisation of the Program, with the Chief Executive Officer, Department of Agriculture and Fisheries in June 2019. The Portfolio Councillor for Community and Environment Cr Jenny McKay has been consulted.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act³², the chief executive officer of Sunshine Coast 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 Sunshine Coast Council website.

From the start of the program, the Authorisation for the program and the Surveillance Program will be available for inspection³³ at the Sunshine Coast Council's Customer Service Centres located at:

- 1 Omrah Avenue Caloundra 4551
- Cnr Currie and Bury Street Nambour 4558
- 10 First Avenue Maroochydore 4560.

³¹ See section 239 (Consultation about proposed biosecurity program) of the Act.

³² See section 240 (Notice of proposed biosecurity program) of the Act.

³³ See section 241 (Access to authorisation) of the Act.