

7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council under the *Biosecurity Act 2014*

1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for Sunshine Coast Council will be known as the *7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council*.

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 contribute to the *Sunshine Coast Council Local Government Area Biosecurity Plan 2017* objectives.

The *Surveillance Program* is directed at 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 *Surveillance Program* are to reduce the environmental, social, economic and amenity impacts associated with invasive biosecurity matter - invasive plants that are prohibited or restricted matter such as rats tail grasses *Sporobolus sp* and groundsel bush *Baccharis halimifolia* in the Sunshine Coast Local Government Area. Surveillance, education and control is undertaken in partnership with private and public landholders or land managers.

Background

Council has been undertaking pest survey programs for many years which has involved site inspections on thousands of properties. The community have worked with Council on the vast majority of occasions to better manage their properties of what was formally known as declared pest plants. To ensure the continuation of the management of invasive biosecurity matter - invasive plants that are prohibited or restricted matter such as rats tail grasses *Sporobolus sp* and groundsel bush *Baccharis halimifolia* it is important to continue to undertake these proactive surveillance programs.

Justification for the Program

1. The program supports the *Sunshine Coast Council Local Government Area Biosecurity Plan 2017* objectives.
2. Council receives hundreds of complaints each year from members of the community in relation to infestations of invasive biosecurity matter – invasive plants that are prohibited or restricted matter.
3. Council is aware that the localities listed in this surveillance program have infestations of invasive biosecurity matter - invasive plants that are prohibited or restricted matter such as rats tail grasses *Sporobolus sp* and groundsel bush *Baccharis halimifolia*.
4. Previous proactive pest surveys have shown that 54% of all properties inspected had invasive biosecurity matter on them and 12% of all properties were not being managed in line with the legislative requirements to meet their general biosecurity obligations.

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 plants that are prohibited or restricted matter and data capture for regional analysis; and
- Education to landholders and property managers (“recipients”) of their ‘general biosecurity obligations’ under the Act.

2.3 POWERS OF AUTHORISED OFFICERS

(a) 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 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.

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.

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.

(b) 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 Act⁴, 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 2020. The Portfolio Councillors for Environment and Liveability Cr Cox and Cr Suarez have been consulted. The Portfolio Councillors for Service Excellence Cr Johnston and Cr Dickson have been consulted.

3. Authorisation of a surveillance 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 *Surveillance Program* in the Sunshine Coast Local Government Area, to mitigate environmental, social and economic risks associated with the presence of invasive biosecurity matter.

At the Ordinary Meeting of 23 July 2020, Council will consider to resolve to:

Local government Resolution

Officer recommendation:

That Council:

- (a) receive and note the report titled "Surveillance Program – Biosecurity Act 2014";
- (b) adopt the *7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council* in accordance with section 235 of the *Biosecurity Act 2014*;
- (c) authorise the carrying out of the *7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council* (Appendix A) in accordance with section 235 of the *Biosecurity Act 2014*; and
- (d) note the following details of the *7 August 2020 to 31 July 2021 Surveillance Program for Sunshine Coast Council* (which are required to be specified in this authorisation under Section 236 *Biosecurity Act 2014*):
 - (i) relates to invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014*
 - (ii) purpose is to monitor for compliance with the *Biosecurity Act 2014* and monitor the presence and extent of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014*
 - (iii) the period over which the program is carried out is from 7 August 2020 to 31 July 2021
 - (iv) is for monitoring compliance with the *Biosecurity Act 2014* and places that will be entered and inspected are privately owned land within the Sunshine Coast Council

⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

Local Government Area and are properties with land size equal to or greater than 4,000m²

- (v) is for determining the presence or extent of the spread of invasive biosecurity matter – invasive plants that are prohibited or restricted matter as defined in the *Biosecurity Act 2014* and applies to privately owned land within the Sunshine Coast Council Local Government Area and are properties with land size equal to or greater than 4,000m²
- (vi) surveillance in the localities of Balmoral Ridge, Diamond Valley, Beerwah, Mount Mellum, Bells Creek, Crohamhurst, North Maleny, Flaxton, Dulong, Eerwah Vale, Verrierdale, Belli Park, Peachester, Montville, Obi Obi, Pacific Paradise, Mapleton and
- (vii) Individual properties also previously known to harbour invasive biosecurity matter will be surveyed for ongoing compliance.

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is invasive biosecurity matter - invasive plants that are prohibited or restricted matter.

3.2 PURPOSE OF THE PROGRAM

The purpose of the Surveillance Program is to reduce the environmental, social and economic impacts associated with invasive biosecurity matter – invasive plants that are prohibited matter or restricted matter in the Sunshine Coast Local Government Area.

3.3 AREA AFFECTED BY THE PROGRAM

The Surveillance Program will apply to all properties over 4000m² in the Sunshine Coast Local Government Area. Smaller properties will be surveyed where neighbouring issues are identified.

Areas surveyed will be those with a known presence of invasive biosecurity matter in the upper catchment areas and in suburbs adjacent to areas identified on previous year's programs to ensure continuity of historical control work.

Individual properties also previously known to harbour invasive biosecurity matter will be surveyed for ongoing compliance.

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 Program⁷. 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 has general powers after entering a place to do any of the following¹⁰:

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.

General powers in the Act	<ul style="list-style-type: none"> Measures an authorised officer may take under the Program
Search any part of the place	<i>Searching a place to check for the presence or absence of an invasive plant.</i>
Inspect ¹¹ , examine ¹² or film ¹³ any part of the place or anything at the place	<i>Inspect, examine and film to assist Search a place to check for the presence of an invasive plant.</i>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i>
Place an identifying mark in or on anything at the place	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</i>
Place a sign or notice at the place	<i>Producing a written and/or electronic note(s) to support Program activities.</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>Taking GPS coordinates to ensure accuracy of location details.</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>Undertake preventative treatment such as invasive biosecurity matter destruction 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 pesticide spraying log 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	

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 - and includes but is not limited to:

- allow Council's authorised persons (council officers) access to their property/ies to monitor for infestations of invasive biosecurity matter – invasive plants that are prohibited or restricted matter;
- allow Council to take invasive biosecurity matter – invasive plants 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

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.

- the person must provide reasonable help when requested by Council's authorised persons (council officers) during the property inspection.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The program will begin on 7 August 2020 and end on 31 July 2021. 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 Act¹⁴, 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.

The Chief Executive of the Department of Agriculture and Fisheries was consulted in June 2019.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁵, 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 inspection¹⁶ 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.

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.