

# 1. Biosecurity program

## 1.1 PROGRAM NAME

The surveillance program (biosecurity program) for Sunshine Coast Council will be known as the *13 February to 30 June 2017 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 Pest Management Plan 2012-2016* objectives. Note that the *Sunshine Coast Council Local Government Pest Management Plan 2012-2016* is a transitional document and will be replaced by new Sunshine Coast Local Government Area Biosecurity Plan 2017- 2021. This new plan is currently under development and requires the endorsement of Council.

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 and economic 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 undertaken pest survey programs for many years which has involved site inspections on thousands of properties. The community have worked with Council on more than 99% of occasions to clear 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. 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.

2. 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*.
3. Previous proactive pest surveys in 2014/2015 have uncovered that 7.5% of all properties inspected had invasive biosecurity matter on them that was not being managed in line with the legislative requirements.
4. The program supports the *Sunshine Coast Council Local Government Pest Management Plan 2012-2016* 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 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 program<sup>18</sup>. 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 occupier<sup>19</sup> 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 if<sup>20</sup>—

- (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.

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.

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<sup>18</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>19</sup> 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.

<sup>20</sup> See section 270 (Entry of place under sections 261 and 262) of the Act.

**(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**

Council has made contact with Biosecurity Queensland during preparation of this Surveillance Program. Council has consulted with the Chief Executive of the Department of Agriculture and Fisheries, Dr Elizabeth Woods. A detailed response from Dr Woods was received by council on 23 August 2016 which has informed the drafting of this program.

### **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 25 January 2017, Council will consider to resolve to:

#### **OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled "Pest Survey Program";
- (b) adopt the *13 February to 30 June 2017 Surveillance Program for Sunshine Coast Council* in accordance with section 235 of the *Biosecurity Act 2014*;
- (c) authorise the carrying out of the *13 February to 30 June 2017 Surveillance Program for Sunshine Coast Council – Appendix 1* in accordance with section 235 of the *Biosecurity Act 2014*;
- (d) note the following details of the *13 February to 30 June 2017 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 13 February 2017 to 30 June 2017;
  - 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 Local Government Area and are properties with land size equal to or greater than 4,000m<sup>2</sup>;
  - 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 4,000m<sup>2</sup>;

- vi. surveillance in the localities of Beerwah, Booroobin, Conondale, Diamond Valley, Doonan, Dulong, Glenview, Harper Creek, Hunchy, Kiels Mountain, Landsborough, Meridan Plains, Mooloolah Valley, Palmview, Peachester, Perwillowen, West Woombye, Weyba Downs and Wootha; 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.

### 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 4000m<sup>2</sup> 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 plants throughout the landscape and in catchments 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 residence<sup>21</sup>—without a warrant and without the occupier’s consent within the State of Queensland under the Program<sup>22 23</sup>. 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 executive<sup>24</sup>.

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<sup>25</sup>.

An authorised officer has general powers after entering a place to do any of the following<sup>26</sup>:

General powers in the Act	<ul style="list-style-type: none"> <li>• Measures an authorised officer may take under the Program</li> </ul>
Search any part of the place	<i>Searching a place to check for the presence or absence of an invasive plant.</i>
Inspect <sup>27</sup> , examine <sup>28</sup> or film <sup>29</sup> any part of the place or anything at the place	<i>Inspect, examine and film to assist</i>

<sup>21</sup> 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).**

<sup>22</sup> See section 259 (General powers to enter places) of the Act.

<sup>23</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>24</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>25</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>26</sup> See section 296 (General powers) of the Act.

<sup>27</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

General powers in the Act	<ul style="list-style-type: none"> <li>Measures an authorised officer may take under the Program</li> </ul>
Take for examination a thing, or a sample of or from a thing, at the place	<i>Search a place to check for the presence of an invasive plant.</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 biosecurity 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. 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
- the person must provide reasonable help when requested by Council's authorised persons (council officers) during the property inspection.

<sup>28</sup> Section 296(5) defines *examine* to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>29</sup> Section 296(5) defines *film* to include photograph, videotape and record an image in another way.

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### 3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The program will begin on 13 February 2017 and end on 30 June 2017. 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 Act<sup>30</sup>, 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.

The Chief Executive Officer of the Department of Agriculture and Fisheries was consulted on 15 July 2016 and provided a detailed response to council received 23 August 2016 to inform the drafting of the Surveillance Program.

### 3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act<sup>31</sup>, 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 inspection<sup>32</sup> at the Sunshine Coast Councils Customer Service Centres located at:

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

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<sup>30</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>31</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

<sup>32</sup> See section 241 (Access to authorisation) of the Act.