



Cairns Regional Council Prevention and Control Program for Priority Pest Plants

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1. Biosecurity program

1.1 PROGRAM NAME

This prevention and control program (biosecurity program) for **Priority Pest Weeds** (as listed in Cairns Region's Biosecurity Plan), identified as **invasive biosecurity matter s48 (1)**, will be known as the **Cairns Regional Council Prevention and Control Program for Priority Pest Plants**.

48 Main function of local government

- (1) The main function under this Act of each local government is to ensure that the following biosecurity matter (**invasive biosecurity matter** for the local government's area) are managed within the local government's area in compliance with this Act-
- (a) prohibited matter mentioned in schedule 1, parts 3 and 4;
 - (b) prohibited matter taken to be included in schedule 1, parts 3 and 4 under a prohibited matter regulation or emergency prohibited matter declaration;
 - (c) restricted matter mentioned in schedule 2, part 2;
 - (d) restricted matter taken to be included in schedule 2, part 2 under a restricted matter regulation.

2. Requirement for a prevention and control program

2.1 PURPOSE AND RATIONALE

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 areas that could pose a significant biosecurity risk.

The objectives of the **Cairns Regional Council Prevention and Control Program for Priority Pest Plants** (the Program) are:

- preventing the entry, establishment or spread of biosecurity matter as listed in Cairns Region's Biosecurity Plan in areas that poses a significant biosecurity risk.
- managing, reducing or eradicating any biosecurity matter as listed in Cairns Region's Biosecurity Plan in an area that could pose a significant biosecurity risk.
- to assist authorised officers in managing identified infestations of biosecurity matter as listed in Cairns Region's Biosecurity Plan, notably reinforcing capabilities to take pest management actions.

Cairns Regional Council has the Cairns Region Biosecurity Plan that provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenures within the Cairns Regional Council area and has been developed by and for the entire community. The plan has identified species that pose or are likely to pose a significant biosecurity risk to the economy, agricultural production and environment in the Cairns Regional Council area.

The **Cairns Regional Council Prevention and Control Program for Priority Pest Plants**, has been developed to ensure Council are meeting their legislative requirements and have the legislative tools or instruments to ensure that the outcomes of the Cairns Region Biosecurity Plan are being implemented. A Biosecurity Program is an instrument under Chapter 9 of the Act, authorised by resolution of the Council of the Local Government to allow Local Government authorised officers access to additional powers including entry to undertake surveillance or prevention and control activities for biosecurity matter under the Act.

The Cairns Region Biosecurity Plan:

- Prioritises invasive biosecurity matter and locally declared pests, identifies mechanisms to prevent their spread and introduction, prevents spread of invasive biosecurity matter and animals within the Cairns Regional Council area;
- Identifies the roles and responsibilities of all stakeholders involved and provides direction on priority pest management activities;
- Outlines everyone's obligations to minimize the impact of biosecurity risks on people, the economy and the environment;
- Identifies resources for effective management of pests and outlines the priorities so that resources are managed efficiently protecting the environment and identify resources needed for effective management of pests;
- Ensures appropriate management of invasive biosecurity matter and improved scope and opportunities for monitoring and valuating the Plan.

The program is required so that appropriate actions may be taken by Cairns Regional Council to manage, reduce or eradicate invasive pests that are in areas where invasive biosecurity matter could pose a significant biosecurity risk. This includes the ability to respond to new populations of invasive pests or to escapers of invasive pests held under restricted matter permits in certain areas (new infestation outbreaks).

Ongoing surveillance for invasive plants that are restricted matter is undertaken under a **Cairns Regional Council Invasive Plants and Animals Surveillance Program**.

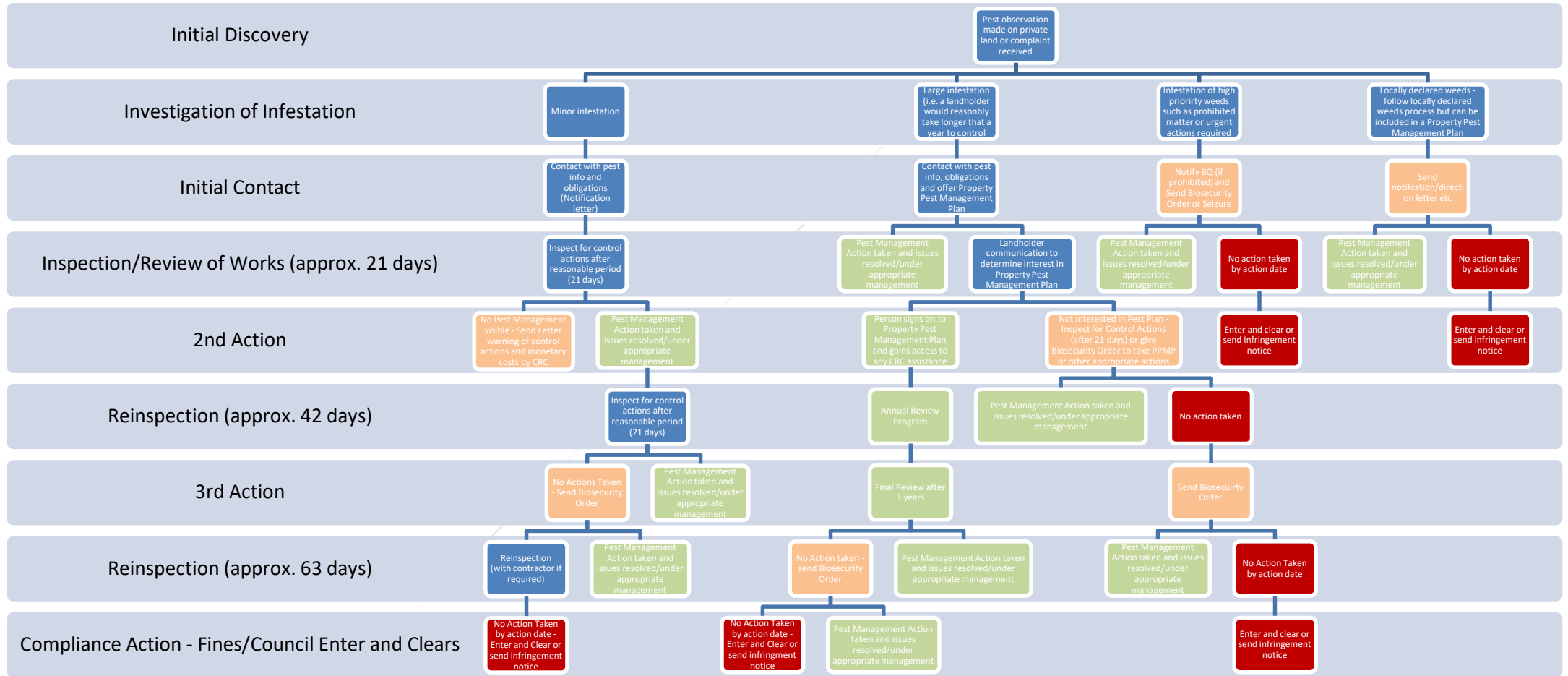
The listed weeds are being targeted due to the relatively high priorities outlined in the Cairns Region Biosecurity Plan, new incursions, response and the impacts associated with these pests to the region. Other issues include insuring effective management of pest weeds in areas where land obligations are unclear from a historical pest management perspective or where effective treatment is limited by access or pest management efficacy capabilities. Furthermore, private landholders have difficulty managing a pest that crosses multiple tenures. Lastly, Council is building upon previous works that have been performed in conjunction with community groups and external agencies for the effective control of these pests.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Program include but are not limited to the destruction of invasive biosecurity matter by methods including:

- Incineration, burning or deep burial of invasive plants
- Mechanical or manual felling, lopping or removal of invasive plants
- Herbicide treatment of invasive plants
- Investigation and collection of evidence of instances of non-compliance, (refer to Councils Pest Notification Letter and Compliance Workflow below).

Pest Notification Letter and Compliance Workflow on Private Land Taken from DM #7147578



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 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 steps, within a stated and reasonable timeframe, to remove or eradicate Biosecurity Matter. These steps must be limited to what is reasonably necessary to achieve the purposes of the program;
- destroy Biosecurity Matter or a carrier of Biosecurity Matter, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

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.

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.

Obligations

The following obligations may be imposed on a person who is an occupier of a place to which the program relates, limited to the extent of requirements in this prevention and control program.

- A person in possession of Biosecurity Matter to which this program relates must allow an authorised person under the Program to destroy the biosecurity matter.
- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest control purposes for this program only.
- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter on all lands tenure within the Cairns Regional Council Local Government area.
- 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.
- Occupiers are to discharge their General Biosecurity Obligation (GBO) in relation to invasive biosecurity matter. If the authorised officer forms the belief that the occupier has not or may not discharge their General Biosecurity Obligation (GBO) then the authorised officer may issue a biosecurity order.
- Comply with obligations identified in Councils Biosecurity Plan for the region.

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

If Cairns Regional Council authorised officers work in collaboration with authorised officers from another pest management associated organisation (i.e. Biosecurity QLD):

- Information sharing of biosecurity risks extents and locations and any documentation and identifying information required to do so, will be expected to be shared between organisations. This will be limited to information that is no more than is required for those purposes and does not include private information of any parties that is reasonably outside of required contact information or occupier/landholder details for pest control/ surveillance.
- Authorisation under this program will be shared between organisations (where appropriate) allowing authorised officers to work and contribute on each agency's projects.

This Biosecurity program sent to Biosecurity Queensland for consultation as per Biosecurity Act requirements.

3. Authorisation of a prevention and control program in the Cairns Regional Council area

AUTHORISATION STATEMENT

The Cairns Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Prevention and Control Program for **invasive biosecurity matter** s48(1)(a-d) (the Program) in the Cairns Regional Council Local Government area, on the basis that Council is satisfied that:

- Council is satisfied that pests listed in the Biosecurity Prevention and Control program, the **Cairns Regional Council Prevention and Control Program for Priority Pest Plants**, pose a significant biosecurity risk to biosecurity considerations in Queensland; and
- that measures are required to prevent the entry or establishment of these pests and that they pose a significant biosecurity risk in the Cairns Regional Council area;

As passed by Council's Chief Executive Officer on this date **11th April** 2024.

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is **invasive biosecurity matter** s48(1) (a-d).

3.2 PURPOSE OF THE PROGRAM

The objectives of the **Cairns Regional Council Prevention and Control Program for Priority Pest Plants** (the Program) are:

- preventing the entry, establishment or spread of biosecurity matter as listed in Cairns Region's Biosecurity Plan in areas that poses a significant biosecurity risk.
- managing, reducing or eradicating any biosecurity matter as listed in Cairns Region's Biosecurity Plan in an area that could pose a significant biosecurity risk.
- to assist authorised officers in managing identified infestations of biosecurity matter as listed in Cairns Region's Biosecurity Plan, notably reinforcing capabilities to take pest management actions.

Under the Biosecurity Act 2014 local governments are responsible for ensuring **invasive biosecurity matter** s48 (1) (a-d) for the local government's area is being managed in compliance with the act.

Cairns Regional Council has a Cairns Region Biosecurity Plan that provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenures within the Cairns Regional Council area and has been developed by and for the entire community. The plan has identified species that pose or are likely to pose a significant biosecurity risk to agricultural production and the environment in the Cairns Regional Council area.

The **Cairns Regional Council Invasive Plants and Animals Surveillance Program**, has been developed to ensure Council are meeting their legislative requirements and have the necessary authorisation to ensure that the outcomes of the Cairns Region Biosecurity Plan are being implemented.

The Cairns Region Biosecurity Plan:

- Prioritises invasive biosecurity matter and locally declared pests, prevents their spread and introduction, prevents spread of invasive biosecurity matter and animals within the Cairns Regional Council area;
- Identify the roles and responsibilities of all stakeholders involved and provides direction on priority pest management activities;
- Outlines everyone's obligations to minimize the impact of biosecurity risks on people, the economy and the environment;
- Clearly identifies resources for effective management of pests and outlines the priorities so that resources are managed efficiently protecting the environment and clearly identify resources needed for effective management of pests;
- Ensures appropriate management of invasive biosecurity matter and improved scope and opportunities for monitoring and valuating the Plan.

The program is required so that appropriate actions may be taken by Cairns Regional Council to manage, reduce or eradicate invasive pests that are in areas where the invasive biosecurity matter could pose a significant biosecurity risk. This includes the ability to respond to new populations of invasive pests or to escapes of invasive pests held under restricted matter permits in certain areas, (new infestation outbreaks).

Ongoing surveillance for invasive animals that are restricted matter is undertaken under a **Cairns Regional Council Invasive Plants and Animals Surveillance Program**.

The listed weeds are being targeted due to the relatively high priorities outlined in the Cairns Region Biosecurity Plan, and the impacts associated with these pests to the region. Other issues include ensuring effective management of pest weeds in areas where land obligations are unclear from a historical pest management perspective or where effective treatment is limited by access or pest management efficacy capabilities. Furthermore, private landholders have difficulty managing a pest that crosses multiple tenures. Lastly, Council is building upon previous works that have been performed in conjunction with community groups and external agencies for the effective control of these pests.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to all land tenures within the Cairns Regional Council Area.

For each listed pest in the Cairns Region Biosecurity Plan, individual Action Plans identify surveillance and management strategies including obligations for areas impacted. Separately within the Plan, general obligations for pests per stakeholder group are identified. This gives direction on management strategy and obligations for each of these pests in the identified areas.

As the public is an important source of information for CRC, any reported pest specific information will inform direction of investigations for extent and location of biosecurity risks.

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 residence⁴—without a warrant and without the occupier’s consent within the State of Queensland under the Program^{5 6}. 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 executive⁷.

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 power⁸.

An authorised officer has general powers after entering a place to do any of the following⁹:

⁴ 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).

⁵ See section 259 (General powers to enter places) of the Act.

⁶ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁷ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

⁸ See section 297 (Power to require reasonable help) of the Act.

⁹ See section 296 (General powers) of the Act.

General powers in the Act	Measures an authorised officer may take under the Program
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 ¹⁰ , examine ¹¹ or film ¹² 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 biosecurity 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 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>Identify carriers such as Hay Bales with tags, notices, flags or signs for any purpose consistent with the Program.</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>Producing a written and/or electronic note(s) to support Program activities.</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>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Take a document such as Sale/ Movement record 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.	

¹⁰ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹¹ Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹² Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

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:

- remove or eradicate biosecurity matter, as reasonably necessary to achieve the purposes of the Program, or
- destroy biosecurity matter or a carrier of biosecurity 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.

Directions to authorised persons acting under the program are limited to their role authorisations, objectives of this program and role objectives as reasonable.

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, limited to the extent of requirements in this prevention and control program.

- A person in possession of Biosecurity Matter to which this program relates must allow an authorised person under the Program to destroy the biosecurity matter.
- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest control purposes for this program only.
- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter on all land tenure within the Cairns Regional Council Local Government area.
- 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.
- Occupiers are to discharge their General Biosecurity Obligation (GBO) in relation to invasive biosecurity matter. If the authorised officer forms the belief that the occupier has not or may not discharge their General Biosecurity Obligation (GBO) then the authorised officer may issue a biosecurity order.

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.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 11th April 2024 and will continue for a period of five years. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose and is in line with Council's renewal of its Biosecurity Plan.

3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹³, the Chief Executive Officer of Cairns Regional Council has consulted, prior to the authorisation of the Program, with the Chief Executive, Department of Agriculture.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁴, the Chief Executive Officer of Cairns Regional Council will give public notice of the Program 14 days before the Program starts by:

- publishing the notice on the Cairns Regional Council website and media:
www.cairns.qld.gov.au

From the start of the Program, the Authorisation and the **Cairns Regional Council Prevention and Control Program for Priority Pest Plants** can be available by arrangement for inspection or purchase¹⁵ at the Cairns Regional Council public office at: 119-145 Spence Street, Cairns QLD 4870 or via Council's website.

¹³ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁴ See section 240 (Notice of proposed biosecurity program) of the Act.

¹⁵ See section 241 (Access to authorisation) of the Act.