



CRC Invasive Plants and Animals Surveillance Program



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1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program) for **invasive biosecurity matter** s48 (1) (a-d) for the Cairns Regional Council local government area, will be known as the **Cairns Regional Council Invasive Plants and Animals Surveillance Program**.

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 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 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 **Cairns Regional Council Invasive Plants and Animals Surveillance Program** (the Program) are:

- To confirm the presence, or determine the extent of the presence, of **invasive biosecurity matter** s48 (1) (a-d) in the Cairns Regional Council (CRC) local government area.
- To confirm the absence of **invasive biosecurity matter** s48 (1) (a-d) in the Cairns Regional Council local government area.

- To monitor the effects of measures taken to control high priority invasive biosecurity matter. High priority invasive biosecurity matter is defined as the high risk ranked invasive species identified in CRC's BQ Plan. Monitoring is for the purpose of improving best practice management and/or to determine if the general biosecurity obligation has or will be discharged for high priority pests listed in the Cairns Biosecurity Plan.
- To monitor compliance with the Act to ensure all people who deal with invasive biosecurity matter or a carrier are meeting their obligations as identified in the Cairns Regional Council Biosecurity Plan.
- To monitor compliance with requirements about prohibited matter or restricted matter listed in the Cairns Region Biosecurity Plan.
- To monitor compliance with obligations set out in Council's Biosecurity Plan.
 - **Category 1** restricted matter must be reported to an inspector person within 24 hours.
 - **Category 2** restricted matter must be reported to an inspector or authorised person within 24 hours.
 - **Category 3** restricted matter must not be distributed or disposed. This means it must not be given as a gift, sold, traded or released into the environment unless the distribution or disposal is authorised in a regulation or under a permit.
 - **Category 4** restricted matter must not be moved. To ensure that it does not spread into other areas of the state.
 - **Category 5** restricted matter must not be possessed or kept under person's control. You may only keep this restricted matter under a permit of the Biosecurity Act 2014 or another Act.
 - **Category 6** restricted matter must not be fed unless kept under a permit of the Biosecurity Act 2014 or another Act. Feeding for the purpose of preparing for or undertaking a control program is exempted.

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 the economy, agricultural production and 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 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, prevent 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.

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

Surveillance to monitor presence, absence, control measures and compliance.

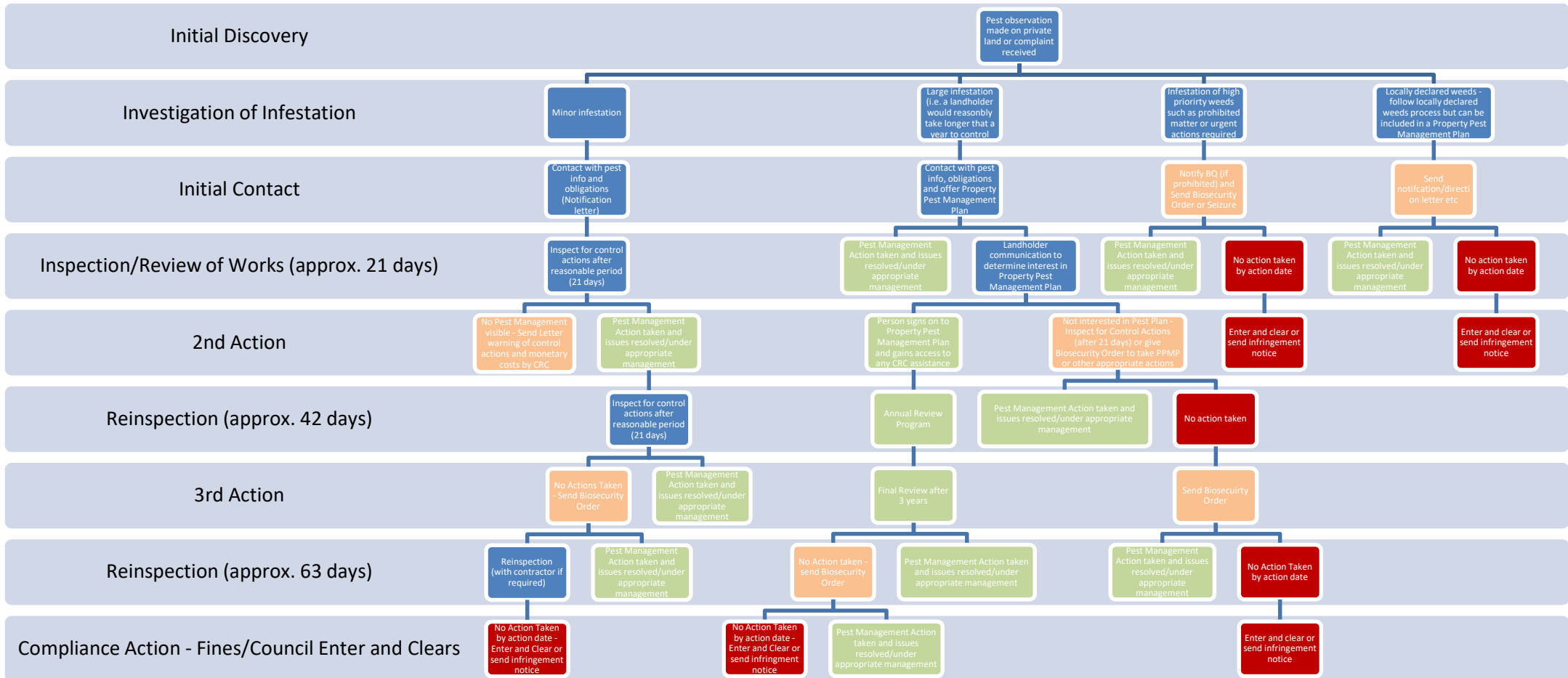
- Surveillance to check for the presence, extent or levels of the presence, or absence of **invasive biosecurity matter** s48 (1) (a-d) in the Cairns Regional Council local government area. This surveillance will be conducted by entry of ground teams onto a place using a variety of vehicles (Vehicles and ATVs) and on foot to conduct visual inspections. Aerial survey by visual or photographic inspection using manned helicopters or Unmanned Aerial Vehicles (UAVs) may also be utilised. Surveillance in riparian and adjacent areas may also be undertaken utilising watercraft including but not limited to boats and amphibious vehicles.
- During surveillance and monitoring activities, authorised officers may take samples for identification, research and educational purposes.
 - For weed species this may require taking a whole or part of a plant specimen.
 - For animal species this may require collecting whole or parts of an animal or collecting animal leavings such as scats.
- Surveillance at suspected or existing pest infestation locations using surveillance measures such as, but not limited to, cameras using a variety of imaging techniques in order to determine prevalence and frequency at site of pest animal species or animal species feeding on weedy pests.
- Monitoring of treated areas to determine the effectiveness of control, for invasive plants this is also to ensure no recruitment, by monitoring the seed bank until it is exhausted, this may take many years depending on the species and may require soil or water sampling to determine the presence of viable seed, (e.g. using methods such as eDNA).

Investigation and collection of evidence of instances of non-compliance.

- Refer to Council's Pest Information Notice and Compliance Process on Private Land 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 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.

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 surveillance program.

- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest surveillance purposes for this program only.
- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter on all land's tenure within the CRC Local Government area.

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.

- 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.
- A person within the area of the Program is obliged to allow an authorised officer operating under the Program to enter a place to undertake monitoring or surveillance activities for invasive biosecurity matter.
- A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.
- Comply with obligations identified in Council's Biosecurity Plan for the region

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 CRC 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 agencies projects.

This Biosecurity program sent to Biosecurity Queensland consultation as per Biosecurity Act Requirements.

3. Authorisation of a surveillance program in the Cairns Regional Council area

AUTHORISATION STATEMENT

Cairns Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance 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 pests listed in the biosecurity surveillance program, the **Cairns Regional Council Invasive Plants and Animals Surveillance Program**, pose a significant biosecurity risk to biosecurity considerations in Queensland; and

Council is satisfied that surveillance activities are required to determine the presence or absence of these pests; and

Council is satisfied that checking compliance with the Act and enforcement are required for the restriction category requirements; and

Council is satisfied that activities are required to monitor the effects of the measures taken in response to the biosecurity risk of the pests listed in the biosecurity surveillance program, the **Cairns Regional Council Invasive Plants and Animals Surveillance Program**.

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 purpose of the Program is to identify the extent and location of infestations of ***invasive biosecurity matter*** pests in the Cairns Regional Council Area as identified in the Cairns Region Biosecurity Plan.

- To confirm the presence, or determine the extent of the presence, of ***invasive biosecurity matter*** s48 (1) (a-d) in the Cairns Regional Council local government area.
- To confirm the absence of ***invasive biosecurity matter*** s48 (1) (a-d) in the Cairns Regional Council local government area.
- To monitor the effects of measures taken to control ***high priority invasive biosecurity matter*** (for the purpose of improving best practice management and/or to determine if the general biosecurity obligation has or will be discharged) as per the Cairns Regional Council Property Cairns Region Biosecurity Plan.
- To monitor compliance with the Act to ensure all people who deal with invasive biosecurity matter or a carrier are meeting their obligations as identified in the Cairns Region Biosecurity Plan.
- To monitor compliance with requirements about prohibited matter or restricted matter listed in the Cairns Region Biosecurity Plan.
 - **Category 1** restricted matter must be reported to an inspector person within 24 hours.
 - **Category 2** restricted matter must be reported to an inspector or authorised person within 24 hours.
 - **Category 3** restricted matter must not be distributed or disposed. This means it must not be given as a gift, sold, traded or released into the environment unless the distribution or disposal is authorised in a regulation or under a permit.
 - **Category 4** restricted matter must not be moved. To ensure that it does not spread into other areas of the state.

- **Category 5** restricted matter must not be possessed or kept under person's control. You may only keep this restricted matter under a permit of the Biosecurity Act 2014 or another Act.
- **Category 6** restricted matter must not be fed unless kept under a permit of the Biosecurity Act 2014 or another Act. Feeding for the purpose of preparing for or undertaking a control program is exempted.

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.

This gives direction on surveillance effort and surveillance strategy for each of these weeds 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 may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter. Under the Program these measures include aerial survey by visual or photographic inspection using an airborne machine, person in an aircraft vehicle (i.e. plane, helicopter), Unmanned Aerial Vehicles (UAVs) or Satellite in line with legislative requirements for the use of such.

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 and the owner of the biosecurity matter or carrier consents to its destruction.</i>
Inspect ¹⁰ , examine ¹¹ or film ¹² any part of the place or anything at the place	<i>Searching a place to check for the presence or absence of invasive biosecurity matter.</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>Identify carriers such as Hay Bales with tags, notices, flags or signs for any purpose consistent with the Program.</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 carriers or invasive biosecurity 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>Take a document such as Sale/ Movement record that are relevant to the objectives of the Program.</i>
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	

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.

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

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 surveillance program.

- Maintaining, within reasonable limitations, already existing accesses (such as tracks) or locations (such as boat launching areas) that are required for pest surveillance purposes for this program only.
- Comply with requirements of the prohibited and restricted matter categories for all invasive biosecurity matter on all land's tenure within the CRC 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 GBO in relation to invasive biosecurity matter. If the authorised officer forms the belief that the occupier has not or may not discharge their GBO then the authorised officer may issue a biosecurity order.
- A person within the area of the Program is obliged to allow an authorised officer operating under the Program to enter a place to undertake monitoring or surveillance activities for invasive biosecurity matter.
- A person must not interfere with cameras or traps placed to detect invasive biosecurity matter.

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 and Fisheries.

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



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 Invasive Plants and Animals Surveillance Program** can be available by arrangement for inspection or purchase ¹⁵ at the Cairns Regional Council public office at: 119-145 Spence Street, Cairns QLD 4870 or via Council's website.

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

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