



PO Box 3130, Bundaberg QLD 4670
190 Bourbong Street, Bundaberg QLD 4670
T 1300 883 699 **F** 4150 5410
E ceo@bundaberg.qld.gov.au
W www.bundaberg.qld.gov.au
ABN 72 427 835 198

2024 Bundaberg Regional Council Surveillance Program for Prohibited Matter and Restricted Matter

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1 Biosecurity program

1.1 Program name

The surveillance program (biosecurity program) for invasive plants and animals which are prohibited or restricted biosecurity matter in the Bundaberg Regional Council Local Government Area will be known as the "2024 Bundaberg Regional Council Surveillance Program for Prohibited Matter and Restricted Matter" (the Program).

The biosecurity matter for which the Program relates includes all Invasive Biosecurity Matter for the Bundaberg Regional Council local government area as defined in section 48(1) of the Act.

Section 48 Main function of local government

(1) The main function under this Act 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 Program are:

- (a) Confirm the presence and find out the extent of the presence in the Bundaberg Regional Council Local Government Area of the prohibited matter and restricted matter to which the program relates.

- (b) Confirm the absence in the Bundaberg Regional Council Local Government Area of any prohibited matter.
- (c) Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.
- (d) To monitor compliance with obligations set out in Bundaberg Regional Council's Biosecurity Plan.

Biosecurity programs are a core legislative function of Local Government and aid in the early detection of prohibited matter and restricted matter and to monitor actions taken by landholders in meeting their 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:

- Undertake inspections of public and private land to determine the presence, extent and risk posed by prohibited matter or restricted matter. Surveillance will be conducted by Authorised Officers predominantly by visual on ground inspections. Inspections may also be undertaken using aerial surveys.
- Provide information and advice to the property owner or occupier regarding the level of risk posed by identified biosecurity matter and appropriate control measures required to meet their biosecurity obligation.
- Provide information about landholder support programs that are available through Bundaberg Regional Council.
- Monitor treatment programs and enforce compliance with biosecurity orders where necessary.

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.

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 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.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measure for prohibited or restricted biosecurity matter in relation to a place to which the Program relates.

Obligations

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

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 prohibited and restricted matter.

Comply with obligations identified in Council's Biosecurity Plan for the region.

A person must not interfere with cameras, traps or any other equipment placed to detect invasive biosecurity matter.

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

All required stakeholders within the area will be notified at least 14 days prior to the commencement of the surveillance program by publishing the public notice on Council's website and copies available for inspection at Council Service Centres. A copy of the public notice will be sent to government departments that have responsibility for lands where the program will be applied.

Regular consultation with Biosecurity Queensland is achieved through the Wide Bay-Burnett Invasive Species Advisory Committee, through Council's representation on the Department of Agriculture and Fisheries Invasive Plants and Animals State-wide Oversight Group and when dealing with operational Biosecurity Surveillance matters.

A copy of this Program sent to Biosecurity Queensland as per *Biosecurity Act 2014* requirements.

⁴ See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

3 Authorisation of a surveillance program in the Bundaberg Regional Council area

AUTHORISATION STATEMENT

The Bundaberg Regional Council, acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the 2024 Bundaberg Regional Council Surveillance Program for Prohibited Matter and Restricted Matter in the Bundaberg Regional Council Local Government Area, by resolution of Bundaberg Regional Council at an ordinary meeting held on 19th December 2023, on the basis that Council is satisfied that:

- Invasive Biosecurity Matter poses a significant biosecurity risk to biosecurity considerations in the Bundaberg Regional Council Local Government Area.
- Surveillance activities are required to determine the presence or absence of the Invasive Biosecurity Matter in Bundaberg Regional Council Local Government Area.
- Surveillance activities are required to determine the extent of the presence of the Invasive Biosecurity Matter in the Bundaberg Regional Council Local Government Area.
- Surveillance activities are required to monitor the effects of measures taken previously in response to the biosecurity risk posed by the Invasive Biosecurity Matter.

3.1 Biosecurity matter

The biosecurity matter to which the Program relates will be all prohibited matter and restricted matter as defined in section 48(1) of the Act.

3.2 Purpose of the Program

The purpose of the Program is to:

- confirm the presence or determine the extent of the presence of prohibited matter and restricted matter in the Bundaberg Regional Council Local Government Area.
- monitoring the effects of measures taken in response to a biosecurity risk.
- monitor compliance with requirements about prohibited matter and restricted matter.
- monitor compliance with obligations set out in Bundaberg Regional Council's Biosecurity Plan.

3.3 Area affected by the Program

The Program will apply to the whole of the Bundaberg Regional Council Local Government Area.



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 Program⁶ 7. 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.

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.

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<p>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.</p> <p>Searching a place to check for the presence or absence of the biosecurity matter to which the program relates.</p> <p>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of the biosecurity matter to which the program relates.</p> <p>Producing a written and/or electronic note(s) to support Program activities.</p> <p>Taking GPS coordinates to ensure accuracy of location details of the biosecurity matter to which the program relates.</p>
Inspect ¹⁰ , examine ¹¹ or film ¹² any part of the place or anything at the place	
Take for examination a thing, or a sample of or from a thing, at the place	
Place an identifying mark in or on anything at the place	
Place a sign or notice at the place	
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	
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	
Destroy biosecurity matter or a carrier if 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	
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	
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.

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:

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 prohibited and restricted matter.

Comply with obligations identified in Council's Biosecurity Plan for the region.

A person must not interfere with cameras, traps or any other equipment placed to detect invasive biosecurity matter.

3.6 Commencement and duration of the Program

The Program will begin on 3/01/2024 and will continue until 31/12/2024. 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 Act¹³, Bundaberg Regional Council has consulted by way of notification, prior to the authorisation of the Program, with the Chief Executive, Department of Agriculture and Fisheries.

3.8 Notification of relevant parties of requirements

As required by the Act¹⁴, the chief executive officer of Bundaberg Regional 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 Bundaberg Regional Council website.

A copy of the Program (Including its Authorisation) will be available for inspection at the Bundaberg Regional Council public office at 190 Bourbong Street, Bundaberg and at Council Service Centres located in Childers & Gin. A copy of the Program is also available to view and print at no cost on Bundaberg Regional Councils Web page bundaberg.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting Bundaberg Regional Council on 1300 883 699.

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

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

PUBLIC NOTICE

Notice of a Surveillance Program for all prohibited matter and restricted matter as defined in section 48(1) of the *Biosecurity Act 2014*.

Authorised in accordance with Sections 235 and 236 of the *Biosecurity Act 2014* (Qld)

Bundaberg Regional Council

PURPOSE AND SCOPE OF THE PROGRAM

Purpose

The purpose of the program in the Bundaberg Regional Council area is to:

- Confirm the presence and extent of the presence in the Bundaberg Regional Council area of prohibited matter or restricted matter.
- Confirm the absence in the Bundaberg Regional Council area of prohibited matter or restricted matter.
- Monitor the effects of measures taken in response to a biosecurity risk posed by prohibited matter or restricted matter.
- Conduct inspections on public and private land to determine the presence, extent and risk posed by prohibited matter or restricted matter.
- Surveillance will be undertaken by Authorised Officers by visual ground inspections. Inspections may also be undertaken by aerial surveys.
- Monitor treatment programs and enforce compliance where necessary.

Program Area

The surveillance program is authorised for the whole of the Bundaberg Regional Council Local Government area. Individual properties will be selected for inspection based on observations or known presence of prohibited or restricted biosecurity matter or reports of prohibited or restricted biosecurity matter.

START DATE AND DURATION OF THE PROGRAM

3/01/2024 – 31/12/2024

AVAILABILITY OF A COPY OF THE PROGRAM AUTHORISED BY THE CHIEF EXECUTIVE

A copy of the Program (including its Authorisation) is available for inspection at the Bundaberg Regional Council's Administration building at 190 Bourbong Street Bundaberg and at Council service centres located Childers and Gin Gin. A copy of the Program is also available to view and print at no cost on Bundaberg Regional Councils Web page bundaberg.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting Bundaberg Regional Council on 1300 883 699.