



HINCHINBROOK
SHIRE COUNCIL

**HINCHINBROOK SHIRE COUNCIL
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 Hinchinbrook Shire Council local government area, will be known as the **Hinchinbrook Shire 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 purpose of the **Hinchinbrook Shire 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 Hinchinbrook Shire Council local government area.
- To confirm the absence of *invasive biosecurity matter* s48(1)(a-d) in the Hinchinbrook Shire Council local government area.
- 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 Hinchinbrook Shire Council Biosecurity Plan 2013 to 2017, *pest specific strategies*.
<http://www.hinchinbrook.qld.gov.au/documents/10232/44205/Pest%20Management%20Plan.pdf>
- To monitor the effects of measures taken to control *restricted and prohibited matter* (for the purpose of improving best practice management and/or to determine if the general biosecurity obligation has or will be discharged) as listed (see Tables 1 & 2) in the **Hinchinbrook Shire Council Biosecurity Plan 2013 to 2017** (HSCBP).

- To monitor compliance with requirements about prohibited matter or restricted matter listed (see Tables 1 & 2) in the Hinchinbrook Shire Council Biosecurity Plan 2013 to 2017.
 - **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.

Table 1. Restricted - Invasive Biosecurity Matter, invasive plants, listed in the *HSCBP 2013 to 2017*.

#	Plant Species	Common	Categories
1	<i>Chromolaena odorata</i>	Siam weed	3
2	<i>Mikania micrantha</i>	Mikania vine	2,3,4,5
3	<i>Andropogon gayanus</i>	Gambagrass	3
4	<i>Hygrophila costata</i>	Glush weed	3
5	<i>Annona glabra</i>	Pond Apple	3
6	<i>Thunbergia grandiflora</i>	Thunby/Laurel Clock Vine	3
7	<i>Acacia curassavica</i>	Redwood Acacia	3
8	<i>Pistia stratiotes</i>	Water lettuce	3
9	<i>Hymenachne amplexicaulis</i>	Olive Hymenachne	3
10	<i>Salvinia molesta</i>	Salvinia/Water Fern	3
11	<i>Senna obtusifolia</i> , <i>S. hirsuta</i> and <i>S. tora</i>	Sicklepod	3
12	<i>Eichhornia crassipes</i>	Water Hyacinth	3
13	<i>Sphagneticola trilobata</i>	Singapore Daisy	3
14	<i>Mimosa invisa</i>	Giant Sensitive Plant	3
15	<i>Parthenium hysterophorus</i>	Parthenium	3
16	<i>Lantana camara</i>	Lantana	3
17	<i>Opuntia</i> spp.	Prickly Pear	3
18	<i>Spathodea campanulata</i>	African Tulip	3
19	<i>Sporobolus</i> spp.	Rats Tail Grass	3
20	<i>Cardiospermum grandiflorum</i>	Balloon Vine	3
21	<i>Bryophyllum delagoense</i> syn. <i>B. tubiflorum</i> , <i>Kalanchoe delagoensis</i>)	Mother of Millions	3
22	<i>Asparagus aethiopicus</i> , <i>A. africanus</i> and <i>A. plumosus</i>	Asparagus fern	3
23	<i>Aristolochia</i> spp. other than the Australian natives.	Dutchman's pipe	3
24	<i>Pueraria montana</i> , var <i>lobata</i>	Kudzu vine	3

Table 2. Restricted - Invasive Biosecurity Matter, invasive animals, listed in the **HSCBP 2016 to 2020**.

#	Species	Common Name	Categories
1	<i>Sus scrofa</i>	Pig (feral)	3,4,6
2	<i>Canis familiaris dingo</i>	Dingo	3,4,5,6
3	<i>Canis familiaris</i>	Dog (wild/feral)	3,4,6
4	<i>Oryctolagus cuniculus</i>	Rabbit	3,4,5,6
5	<i>Felis catus</i>	Cat (feral)	3,4,6
6	<i>Vulpes vulpes</i>	Fox	3,4,5,6
7	<i>Axis axis</i>	Chital deer	3,4,6
8	<i>Capra hircus</i>	Goat (feral)	3,4,6

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

Hinchinbrook Shire Council has a Biosecurity Plan (HSCBP) that was developed in consultation with the **Hinchinbrook Pest Management Working Group** (HPMWG) and provides strategic direction for the management of **invasive biosecurity matter** and other priority pests on all lands tenure within the Hinchinbrook Local Government area and has been developed by and for the entire community.

Hinchinbrook Shire 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 the outcomes of the HSCBP are being implemented.

The Hinchinbrook Shire Biosecurity Plan:

- Prioritise invasive biosecurity matter and locally declared pests and prevent and prevent their spread and introduction and spread of invasive biosecurity matter and animals within Hinchinbrook Shire based on best practice pest management principles identified in the Far North Queensland Regional Pest Management Plan;
- Identify the roles and responsibilities of all stakeholders involved and provide direction on priority pest management activities;
- Outline everyone's obligations to minimize the impact of biosecurity risks on people, the economy and the environment
- Clearly identify resources for effective management of pests and outline the priorities so that resources are managed efficiently protecting the environment and clearly identify resources needed for effective and effective management of pests.
- Ensure 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 Hinchinbrook Shire 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, however, 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 officers may take samples for identification, research and education purpose.

- For weed species this may require taking a whole or part of a plant specimen.
- For animal species this may require collecting whole of parts of an animal or collecting, scats, looking for evidence of presence and evidence of damage and may also require laying lures and attractants and/or trapping.
- 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, through monitoring the seed bank until they it is exhausted, this may take many years depending on the species and may require soil sampling.
- Surveillance to establish compliance and collection of evidence in cases of suspected non-compliance.

Investigate instances of reported non-compliance (prohibited animals).

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.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴.

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.

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.

Obligations

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.

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.

The HSCBP incorporates obligations in relation to:

- prohibited and restricted matter categories for all invasive biosecurity matter on all lands tenure within the HSC Local Government area (Table 1 and Table 2)
- the local specific application GBO associated with invasive biosecurity matter on all lands tenure within the HSC Local Government area, these can be found in the *HSCBP pest specific strategies*, listed as “*what is my obligation*”.
- Occupiers are obligated to comply with prohibited and restricted matter categories. 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. 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

Collaborative consultation was undertaken with DAFF and key stakeholders and Biosecurity has confirmed they will continue to work closely together with Council under this Program.

3. AUTHORISATION OF A SURVEILLANCE PROGRAM IN THE HINCHINBROOK SHIRE COUNCIL AREA

AUTHORISATION STATEMENT

The CEO of Hinchinbrook Shire 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 Hinchinbrook Shire Council Local Government area, on the basis that:-

I am satisfied that the invasive bio security matter listed in the bio security program, "**Hinchinbrook Shire Council, Invasive Plants and Animals, Surveillance Program**", pose a significant biosecurity risk to biosecurity considerations in Queensland; and

I am satisfied that surveillance activities are required to determine the presence or absence of these invasive biosecurity matter; and

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

I am satisfied that activities are required to monitor the effects of the measures taken in response to the biosecurity risk of the invasive biosecurity matter listed in the biosecurity surveillance program, the "**Hinchinbrook Shire Council, Invasive Plants and Animals, Surveillance Program**".

Resolution Number – 280317-24- Hinchinbrook Shire Council Invasive Plants and Animals, Surveillance Program

That Council approve the Hinchinbrook Shire Council Invasive Plants and Animals Surveillance Program to be conducted for all land tenures within the Hinchinbrook local government area, commencing on Thursday 30 March 2017.

Status:

April 2017 Update – Adopted by Council

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 **HSC 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 Hinchinbrook Shire Council local government area.
- To confirm the absence of *invasive biosecurity matter* s48(1)(a-d) in the Hinchinbrook Shire Council local government area.
- To monitor the effects of measures taken to control **restricted and prohibited matter** (for the purpose of improving best practice management and/or to determine if the general biosecurity obligation has or will be discharged) as listed (see Tables 1 & 2) in the Hinchinbrook Shire Council Biosecurity Plan 2013 to 2017.
- 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 Hinchinbrook Shire Council Biosecurity Plan 2013

to 2017, *pest specific strategies*.

<http://www.hinchinbrook.qld.gov.au/documents/10232/44205/Pest%20Management%20Plan.pdf>

- To monitor compliance with requirements about prohibited matter or restricted matter listed (see Tables 1 & 2) in the Hinchinbrook Shire Council Biosecurity Plan 2013 to 2017.
 - **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 on all lands tenure within the HSC Local Government area.

The HSCBP identifies priority pests, management zones and relevant obligations and was developed in consultation with the HPMWG and provides strategic direction for the management of *invasive biosecurity matter* and other priority pests on all lands tenure within the HSC LGA and has been developed by and for the entire community. (web link to the pest plan and include the pest specific strategies/maps)

Public reporting of biosecurity risks is an important source of information and Hinchinbrook Shire Council will respond to these in line with council policies and procedures.

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 Program^{6 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.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter in HSC LGA. Under the Program these measures include carrying out surveillance using an airborne machine (i.e. unmanned aerial vehicles UAV or satellite) or a person in an aircraft vehicle (i.e. plane, helicopter).

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.

An authorised officer has general powers after entering a place to do any of the following¹⁰:

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 ¹¹ , examine ¹² or film ¹³ 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 <insert example> 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 is 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	
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:

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.

¹⁰ See section 296 (General powers) of the Act.

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 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.

The HSCBP incorporates obligations in relation to:

- prohibited and restricted matter categories for all invasive biosecurity matter on all lands tenure within the HSC Local Government area (Table 1 and Table 2)
- the local specific application GBO associated with invasive biosecurity matter on all lands tenure within the HSC Local Government area, these can be found in the *HSCBP pest specific strategies*, listed as “*what is my obligation*”.
- Occupies are obligated to comply with prohibited and restricted matter categories. 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.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 30 March 2017 and will continue until 30 June 2018. The duration of the program is considered to be reasonably necessary to achieve the Program’s purpose (s 236(2)).

3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹⁴, the chief executive officer of Hinchinbrook Shire Council has consulted, 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 Act¹⁵, the chief executive officer of Hinchinbrook Shire 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 website <http://www.hinchinbrook.qld.gov.au/>

From the start of the Program, the Authorisation for the Program **HSC Invasive Plants and Animals Surveillance Program** will be available for inspection or purchase ¹⁶ at the Hinchinbrook Shire Council public office at: 25 Lannercost Street Ingham, 4850.

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.