



PREVENTION AND CONTROL PROGRAM 2022-2024

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1. BIOSECURITY PROGRAM

1.1 Program Name

The prevention and control program (biosecurity program) for **invasive biosecurity matters** s48(1)(a-d) for the Hinchinbrook Shire Council Local Government area, will be known as the Hinchinbrook Shire Prevention and Control Program.

The biosecurity matter to which the Program relates includes the restricted invasive biosecurity matter; Thunbergia Vine (*Thunbergia grandiflora*), Singapore Daisy (*Sphagneticola trilobata*), Mikania Vine (*Mikania micrantha*), Glush Weed (*Hygrophila costata*), Red Wood Acacia (*Acaciella glauca*), Pond Apple (*Annona glabra*), Feral Pigs (*Sus scrofa*) and Wild Dogs (*Canis lupus familiaris*) found within the jurisdictional area of the Hinchinbrook Shire Council Local Government (see Table 1).

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 an area that could pose a significant biosecurity risk.

The objectives of the program are:

- Hinchinbrook Shire Council has a Biosecurity Plan (HLGABP) that was developed in consultation with the Hinchinbrook Biosecurity Plan Working Group (BPWG) and provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenure within the Hinchinbrook Local Government area;
- Some of these pests have a very limited distribution, while having the potential to cause significant impacts to the economy and environment and have therefore been assessed and deemed locally eradicable by the Hinchinbrook BPWG. This program will assist Council to meet the management targets for those species as listed in Table 1 and prevent the entry and establishment of those in Table 2; and
- The HLGABP identifies six weed species where the populations are reducing and the management objective of eradication from the local government area is still achievable. These species are being targeted due to their biosecurity risk, and the achievability of eradication based on population distribution and availability of effective tools to achieve eradication within the Hinchinbrook Local Government area.

Further to this, the HLGABP identifies two pest animal species as targets for on-going control and support to landholders to manage both feral pigs and wild dogs.

Hinchinbrook Shire Council utilises the FNQROC pest prioritisation toolkit to develop community driven priorities.

Restricted matter categories:

- **Category 1** - Restricted matter must be reported to an inspector 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.
- **Category 7** - Restricted matter must be destroyed and disposed of as soon as practicable in accordance with Queensland Government requirements.

In addition, the HLGABP contains an Alert Species list which outlines invasive biosecurity matter that due to their biosecurity risk and proximity to the Hinchinbrook local government area have been identified as targets for early detection and in turn intervention if detected, see Table 2.

Table 1 – Priority Invasive Biosecurity Matter as identified in the HLGABP

	RANKING	SPECIES	COMMON NAME	CATEGORIES
PLANTS	2	<i>Mikania micrantha</i>	Mikania Vine	2, 3, 4 & 5
	4	<i>Hygrophila costata</i>	Glush weed	3
	5	<i>Annona glabra</i>	Pond Apple	3
	6	<i>Thunbergia grandiflora</i>	Thunbergia Vine	3
	7	<i>Acaciella glauca</i>	Red Wood Acacia	2, 3, 4 & 5
	13	<i>Sphagneticola trilobata</i>	Singapore Daisy	3
ANIMALS	1	<i>Sus scrofa</i>	Feral Pig	3,4,6
	2	<i>Canis lupus familiaris</i>	Wild dog	3,4, 5 & 6
	8	<i>Tilapia marina, Oreochromis mossambicus</i>	Tilapia	3,5,6 & 7

Table 2 – Invasive Biosecurity Matter at risk of entering the Hinchinbrook Local Government area as identified in the HLGABP

#	PLANT SPECIES	COMMON NAME	CATEGORIES
1	<i>Senecio madagascariensis</i>	Fireweed	3
2	<i>Mimosa pigra</i>	Mimosa pigra	2, 3, 4 & 5
3	<i>Sagittaria platyphylla</i>	Arrowhead	-
4	<i>Cabomba caroliniana</i>	Cabomba	3
5	<i>Stevia ovata</i>	Candy leaf	3
6	<i>Cecropia</i> spp.	Mexican Bean Tree	2, 3, 4 & 5
7	<i>Pithecellobium dulce</i>	Madras Thorn	2, 3, 4 & 5



8	Hiptage bengalensis	Hiptage	1
9	Andropogon gayanus	Gamba Grass	3
10	Brillantaisia lamium	Brillantaisia	-
11	Wasmannia auropunctata; Anoplolepis gracilipes	Tramp ants (electric ants / yellow crazy ants)	1 (Electric); 3 (YCA)
12	Amazon Frogbit	Amazon Frogbit	2, 3, 4 & 5

Function of Local Government Under the Biosecurity Act 2014

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 –
- Prohibited matter mentioned in schedule 1, parts 3 and 4;
 - Prohibited matter taken to be included in schedule 1, parts 3 and 4 under prohibited matter regulation or emergency prohibited matter declaration;
 - Restricted matter mentioned in schedule 2, part 2; and
 - Restricted matter taken to be included in schedule 2, part 2 under a restricted matter regulation.

2.2 Measures Required to Achieve the Purpose

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

- Incineration, burning or deep burial of invasive plants;
- Mechanical or manual felling, lopping or removal of invasive plants;
- Trapping and the humane destruction of invasive animals;
- Ground or aerial use of firearms for Feral Pig and Wild Dog control;
- Use of vertebrate pesticides (1080 & PAPP) through the impregnation of bait material with lethal poison and subsequent distribution, and/or the use of Canid Pest Ejectors (CPEs); and
- Ground or aerial distribution of agricultural chemicals to control invasive biosecurity matter.

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.

¹ See section 261 (Power to enter a place under biosecurity program) of the Act.



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.

Giving 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.

Power to Carry Out Control Measures

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

Obligations

A person in possession of Invasive biosecurity matter to which this program relates must allow an authorised person under the Program to destroy the invasive biosecurity matter.

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.



To ensure the eight species based projects are able to be accomplished, an additional range of species specific obligations have been developed through stakeholder consultation (through the HPMWG) and represent what the community believes to be reasonable measures to achieve the purposes of the program. These measures can be enforced through a direction and 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.

Specific obligations relevant to specific biosecurity matter 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. These obligations are outlined in the HLGABP, and may include, but are not limited to, allowing or creating access to specific sites to enable control be carried out, reporting new or recruitment of Biosecurity Matter to HSC, undertaking control of any plants under the instruction of HSC authorised officers.

2.4 Consultation

Collaborative consultation was undertaken with Biosecurity Queensland to ensure Council's authorised officers can work in collaboration with authorised officers from Biosecurity Queensland.

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 will be shared between organisations (where appropriate) allowing authorised Officers to work and contribute on each other's projects.

This Prevention and Control Program was sent to Biosecurity Queensland and FNQROC on 20 July 2022 for review and comment.

3. AUTHORISATION OF A PREVENTION AND CONTROL PROGRAM IN THE HINCHINBROOK SHIRE COUNCIL AREA

Authorisation Statement

The Chief Executive Officer 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:

- Council is satisfied that the pests listed in the Prevention and Control Program 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 risk in the Hinchinbrook Shire Council area.

Resolution Number 300822-10 Hinchinbrook Shire Council Prevention and Control Program

That Council approve the Hinchinbrook Shire Council Prevention and Control Program to be conducted for all land tenures within the Hinchinbrook Local Government Area, commencing on Friday 30 September 2022 with the Program ending on Sunday 29 September 2024.

Status:

Approved by Council on Tuesday 30 August 2022.

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 Hinchinbrook Shire Council Prevention and Control Program is to:

- 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 and 2) in the Hinchinbrook Local Government Area 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 HLGABP **pest specific strategies**;
- To monitor compliance with requirements about prohibited matter or restricted matter listed in the HLGABP.

3.3 Areas Affected by the Program

The Program will apply to known and historic infestation areas within the Hinchinbrook 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 residence⁴—without a warrant and without the occupier's consent within the State of Queensland under the Program⁵ 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 in Hinchinbrook Local Government Area. 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).

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

Refer to table over page.

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 OF THE ACT	MEASURES THE AUTHORISED PERSON 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	
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	<i>Searching a place to check for 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>Inspect, examine and film to assist with tracing of carriers to and from a place.</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>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of 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>Identify carriers with tags, notices, flags or signs for any purpose consistent with the Program.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Producing a written and/or electronic note(s) to support Program activities.</i>
The authorised officer may take a necessary step to allow the exercise of a general power	<i>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter</i>
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	<i>Take a document such as sale/movement record that is relevant to the objectives of the Program.</i>
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; and

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 will be limited to their role authorisations, objectives of this program and role objectives as reasonable.

3.5 Obligations Imposed on a Person Under the Program

A person in possession of Invasive Biosecurity matter to which this program relates must allow an authorised person under the Program to destroy the 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 prevention and control program.

Specific obligations relevant to specific biosecurity matter 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. These obligations are outlined in the HLGABP, and may include, but are not limited to, allowing or creating access to specific sites to enable control be carried out, reporting recruitment to Council, undertaking control of any plants under the instruction of Council authorised officers.

3.6 Commencement and Duration of the Program

The Hinchinbrook Shire Council Prevention and Control Program is to be conducted for all land tenures within the Hinchinbrook Local Government area, commencing on Friday 30 September 2022 with the Program ending on Sunday 29 September 2024.

3.7 Consultation with Relevant Parties

As required by the Act¹³, the Chief Executive Officer of Hinchinbrook Shire Council has consulted, prior to the authorisation of the Program, with the Department of Agriculture and Fisheries.

3.8 Notification of Relevant Parties of Requirements

As required by the Act¹⁴, 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 (www.hinchinbrook.qld.gov.au).

From the start of the Program, the Hinchinbrook Shire Council Prevention and Control Program will be available on Council's website, *Pest Management Planning* page.

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

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

