



DOUGLAS SHIRE COUNCIL INVASIVE PLANTS AND ANIMALS SURVEILLANCE PROGRAM

2022-2026

DOUGLAS SHIRE
COUNCIL

Engaging, Planning, Partnering
Muruku Kirraji - Eastern Kuku Yalanji
Nganyji pina ngunda-lum ... Ma:Inyirri-yngku - Yirrgandyji

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Biosecurity Program

PROGRAM NAME

The biosecurity surveillance program for invasive biosecurity matter for the Douglas Shire Council local government area, will be known as the **Douglas Shire Council Invasive Plants and Animals Surveillance Program 2022-2026** and referred to as “**the Program**” throughout this document.

Requirement for a surveillance program

PURPOSE AND RATIONALE

The main biosecurity function of Douglas Shire Council is the management of *invasive biosecurity matter* listed in schedule 1 part 3 & 4 and schedule 2 part 2 of the Act.

The **Douglas Shire Biosecurity Plan 2021 to 2026 (DSBP)** provides strategic direction for the management of invasive biosecurity matter and other priority pests on all land tenures within the Douglas Shire Council area and has been developed by and for the entire community. The plan has identified species that pose or are likely to pose a significant biosecurity risk to agricultural production and the environment in the Douglas Shire Council area.

The DSBP identifies the goal for managing biosecurity in the Douglas Shire Council as:

“All stakeholders working together to implement ongoing, coordinated and effective biosecurity management across the Douglas Shire Council area.”

The Program has been developed to ensure Council are meeting their legislative requirements and have the necessary authorisation to ensure that the outcomes of the DSCBP are being implemented.

The Program is directed at the following:

For all ***invasive biosecurity matter***:

- To confirm the presence, or determine the extent of the presence, of *invasive biosecurity matter* in the DSC area.
- To confirm the absence of *invasive biosecurity matter* in the DSC area.

For ***local priority invasive biosecurity matter*** (listed in tables 1 & 2 taken from the DSBP).

- To monitor compliance with requirements relating to local priority *invasive biosecurity matter*, restricted matter categories.
- To monitor compliance with the Act to ensure all people who deal with local priority *invasive biosecurity matter* or a carrier are meeting their general biosecurity obligation as identified in the DSCBP.
- To monitor the effects of measures taken to control local 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).

Local priority invasive biosecurity matter

These species have been selected as local priorities and subsequent action plans have been developed and can be found in the DSBP.

The action plans use catchment-based management zones to identify the location-specific management actions required to discharge ones GBO when dealing with priority weeds and/or pest animals. The management zones are based on the pest management concept of the 'invasion curve'. The invasion curve describes how as a biosecurity issue becomes more abundant over time the management options and strategies available to manage it or its impacts also change. At each stage of the curve, as the area occupied by the pest or weed increases, the implied impact and required resources to respond also increase.

The key message is that prevention and early intervention are the most cost-effective (proactive) actions we can take. When these actions are not successful, we need to carefully consider the most strategic (reactive) management approaches to ensure local impacts and potential spread to new areas is reduced.

Table 1

local priority invasive biosecurity matter (weeds) as listed in the DSCBP pest specific action plans.

#	Common Name	Species	Restricted Matter Categories
1	Miconia	<i>Miconia spp.</i>	2,3,4,5
2	Pond Apple	<i>Annona glabra</i>	3
3	Siam weed	<i>Chromolaena odorata</i>	3
4	Gamba grass	<i>Andropogon gayanus</i>	3
5	Mexican bean tree	<i>Cecropia spp.</i>	2,3,4,5
6	Tobacco weed	<i>Elephantopus mollis</i>	3
7	Limnocharis	<i>Limnocharis flava</i>	2,3,4,5
8	Water Hyacinth	<i>Eichhornia crassipes</i>	3
9	Kudzu Vine	<i>Pueraria montana, var lobata</i>	3
10	Salvinia / Water fern	<i>Salvinia molesta</i>	3
11	Water Lettuce	<i>Pistia stratiotes</i>	3
12	Thunbergia	<i>Thunbergia grandiflora</i>	3

Note:

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 without a permit under the Biosecurity Act 2014.

Table 2

local priority invasive biosecurity matter (pest animals) as listed in the DSCBP pest specific action plans.

#	Common Name	Species	Restricted Matter Categories
1	Pig (feral)	<i>Sus scrofa</i>	3,4,6

2	Dog (wild/feral)	<i>Canis familiaris</i>	3,4,6
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Note:

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 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.

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* in the DSC area. This surveillance will be conducted by entry of ground teams onto a place using a variety of vehicles 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, 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 luring and or 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, frequency of visitation and verification of control of 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.
- Surveillance to establish compliance and collection of evidence in cases of suspected non-compliance.

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.

Power to carry out aerial controls measures

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

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.

- Requirements relating to local priority *invasive biosecurity matter*, restricted matter categories.
- Pest specific obligations for local priority invasive biosecurity matter as per the pest specific strategies in the DSBP.
- Specific actions landholders can take to satisfy general biosecurity as listed in the DSBP,

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 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.

CONSULTATION

If DSC Authorised Officers work in collaboration with authorised Officers from another 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. This will be limited to information that is no more than is required for those purposes.
- Authorisation will be shared between organisations (where appropriate) allowing authorised Officers to work and contribute on each other's projects.

The Program was sent to Biosecurity Queensland on the 22nd of November 2021 for comment.

Authorisation of a surveillance program in the Douglas Shire Council area.

AUTHORISATION STATEMENT

The Douglas Shire Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Program for *invasive biosecurity matter* in Douglas Shire Council Local Government area, on the basis that:

The Council is satisfied that the pests listed in the biosecurity surveillance program, the Douglas Shire Council Invasive Plants and Animals Surveillance Program 2022-2026, pose a significant biosecurity risk to biosecurity considerations in Queensland; and

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

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

The 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.

Council resolves to adopt the Douglas Shire Council Invasive Plants and Animals Surveillance Program as passed by council resolution on the 14th December 2021.

BIOSECURITY MATTER

The biosecurity matter to which the Program relates:

All invasive biosecurity matter and local priority invasive biosecurity matter listed in Tables 1 and 2.

PURPOSE OF THE PROGRAM

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AREA AFFECTED BY THE PROGRAM

The Program will apply to all land's tenure within the Douglas Shire Council Area.

For priority invasive biosecurity matter both weeds and animals, sub-catchment management zones have been specified in the Douglas Shire pest Specific Action Plans as appendices to the Douglas Shire Biosecurity Plan 2022-2026. This specifies, for each of these pests, surveillance and management strategies per region within the Douglas Shire Council area. 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 DSC, any reported pest specific information will inform direction of investigations for extent and location of biosecurity risks.

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. 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 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 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	
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	

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.

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.

<p>Destroy biosecurity matter or a carrier if:</p> <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 	<p><i>Producing a written and/or electronic note(s) to support Program activities.</i></p> <p><i>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter.</i></p> <p><i>Take a document such as sale/movement record that are relevant to the objectives of the Program.</i></p>
<p>Remain at the place for the time necessary to achieve the purpose of the entry</p>	
<p>The authorised officer may take a necessary step to allow the exercise of a general power</p>	
<p>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</p>	
<p>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</p>	

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.

- Requirements relating to local priority *invasive biosecurity matter*, restricted matter categories.
- Pest specific obligations for local priority invasive biosecurity matter as per the pest specific strategies in the DSBP.
- Specific actions landholders can take to satisfy general biosecurity as listed in the DSBP,

COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 14th December 2021 and will continue until 31st December 2026. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹⁴, the chief executive officer of Douglas Shire Council has consulted, prior to the authorisation of the Program, with the chief executive, Department of Agriculture and Fisheries.

NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁵, the chief executive officer of Douglas Shire Council will give public notice of the Program 14 days before the Program starts by:

¹⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

- 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 Douglas Shire Council website: <https://douglas.qld.gov.au/>

From the start of the Program, the Authorisation and the Douglas Shire Council Invasive Plants and Animals Surveillance Program 2022-2026 will be available for inspection or purchase ¹⁶ at the Douglas Shire Council Administration office at: 64-66 Front Street, Mossman.

On 1 January 2020, the **Human Rights Act 2019** (Qld) (the Act) commenced operation.

The **Human Rights Act 2019** requires all public entities in Queensland to act compatibly with human rights and to give proper consideration to human rights before making a decision.

Douglas Shire Council is committed to creating a culture of human rights which benefits and protects all individuals in the Douglas Shire, as well as meeting its obligations under the Act.

¹⁶ See section 241 (Access to authorisation) of the Act.