



# Redland Biosecurity Surveillance Program 2019 - 2023



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# 1. Biosecurity Program Name

## 1.1 Program Name

The surveillance program (biosecurity program) for invasive plants and animals that are restricted or prohibited matter will be known as the Redland Coast Biosecurity Surveillance Program 2019 (the Program).

The biosecurity matter to which the program relates is all invasive Biosecurity Matter as defined in section 48 (1) of the Act and that which are included in the Redlands Coast Biosecurity Plan 2018 – 2023.

# 2. Requirement for a Surveillance Program

## 2.1 Purpose and Rationale

The *Biosecurity Act 2014* (the Act) imposes an overarching general biosecurity obligation (GBO) on each person to manage biosecurity risks in their control and prevent biosecurity events from occurring. This preventative approach relies on everyone adopting a duty of care and implementing measures to prevent or minimise biosecurity risks, such as problems caused by invasive plants and animals.

The Redlands Coast Biosecurity Plan 2018 – 2023 (the plan) provides an extensive invasive biosecurity matter (invasive plants, pest fish and pest animals) list for Redlands Coast and assessed in order to prioritise invasive plants, pest fish and pest animals for strategic management objectives. The prioritisation and associated management objectives under the Redlands Coast Biosecurity Plan 2018-2023 has been separated into the mainland, Coochiemudlo Island, North Stradbroke Island (Minjerrabah) and the Southern Moreton Bay Islands, recognising the individual localised threats.

The prioritisation of invasive plants considered the likelihood of entry, the establishment or spread of the plant within the Redland City Council area. Each species was rated as either:

- 'High' – known to occur in Redland Coast',
- 'Medium' – high likelihood to enter and establish in Redlands Coast; or
- 'Low' – unlikely to enter and establish in Redlands Coast.

Section 233 of the Act provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following—

- Monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- 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;
- 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;
- Monitoring the effects of measures taken in response to a biosecurity risk;
- Monitoring compliance with requirements about prohibited matter or restricted matter;
- Monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The objectives of the program are to:

- Confirm the presence, and find out the extent of the presence in Queensland, of the prohibited matter or restricted matter to which the program relates;
- Confirm the absence in Queensland, of the prohibited matter to which the program relates;
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.

The program aims to meet its objectives through compliance activities that follow this priority system, responding to biosecurity issues proactively and reactively. Appendix one provides a detailed list of priority biosecurity matter covered by the program.

## **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 and restricted matter to which the program relates. Surveillance will be conducted by authorised persons onto a place to conduct visual inspections. Aerial survey by visual, photographic or electronic means using remote controlled unmanned aerial vehicles (UAV).
- Places to be entered and inspected will include those with, previously with or adjacent to infestations of biosecurity matter which the program relates and properties where there is a reasonable risk that biosecurity matter which the program relates may exist;
- Inspecting businesses, groups or individuals who are actively trading, giving away, selling or in any other way distributing biosecurity matter;
- Working in partnership with the Queensland Government on the reduction or eradication of certain species such as bitou bush.
- 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.
- Monitor treatment programs and enforce compliance where necessary.

## **2.3 Powers of authorised persons**

### **2.3.1 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 program<sup>1</sup>. 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.

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<sup>1</sup> 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 occupier<sup>2</sup> and obtain the occupier's consent to the entry prior to an authorised person entering a place to undertake activities under the Program. Nevertheless, an authorised person may enter the place if<sup>3</sup>—

- The authorised person is unable to locate an occupier after making a reasonable attempt to do so; or
- The occupier refuses to consent to the entry.

If after entering a place an authorised person finds an occupier present or the occupier refuses to consent to the entry—an authorised person 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 person 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 person must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry, information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised person after entry.

Inspections of privately-owned properties will occur between the hours of 8.00am and 5.00pm (Monday – Friday), otherwise at a mutually agreed time with the occupier.

Authorised officers will in the first instance, enter occupied land with the occupiers consent and enter unoccupied land under the power of entry provided by this Biosecurity Surveillance Program. Under the program, entry to occupied land will also be lawful without consent and can be effected as authorised persons deem necessary.

### **2.3.2 Power to carry out aerial control measures**

The power to carry out aerial control measures is authorised by a biosecurity program under the Act<sup>4</sup>. This means that an authorised person may carry out, or direct another person to carry out, the aerial control measure for biosecurity matter covered under the program in relation to a place to which the program relates.

### **2.3.3 Obligations**

A person must not interfere with the authorised person's surveillance of land whilst they are confirming the absence, presence, or extent of biosecurity matter identified in this program.

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<sup>2</sup> 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.

<sup>3</sup> See section 270 (Entry of place under sections 261 and 262) of the Act

<sup>4</sup> 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

### **2.3.4 General powers of authorised officers**

Nothing in the program or its associated authorisation limits the powers of authorised person under Chapter 10 of the Act.

## **2.4 Consultation**

Consultation was undertaken with the Department of Agriculture and Fisheries as required by section 239 (2) of the *Biosecurity Act 2014*.

## **3. Authorisation of a surveillance program in Redlands Coast**

Redland City Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Redlands Coast Biosecurity surveillance program for biosecurity matter 2018 – 2023, that are listed in appendix one, on the basis that;

- Invasive biosecurity matter identified in appendix one poses a biosecurity risk to the Redland City Council area;
- Surveillance activities are required to determine the extent of the presence or absence of the invasive biosecurity matter identified in appendix one;
- Surveillance activities are required to monitor compliance with the Act in relation to biosecurity matter identified in appendix one.

As passed by Council resolution 11 September 2019.

### **3.1 Biosecurity matter**

The biosecurity matter to which the program relates is all biosecurity matter as defined in section 48(1) of the Act.

### **3.2 Purpose of the Program**

The purpose of the Program is to:

- Confirm or monitor the extent of the presence of all invasive pest plants, pest fish and animals which are prohibited or restricted matter to which the program relates;
- Confirm the absence in the Redland City Council area, of the prohibited and restricted matter to which the program relates;
- Confirm or monitor the extent of the presence of priority invasive pest plants, pest fish and pest animals which are prohibited or restricted biosecurity matter identified in the Redlands Coast Biosecurity Plan 2018-2023;

### **3.3 Area affected by the program**

The program will apply to the Redland City Council local government area. The program will focus on properties adjacent to infestations of biosecurity matter which the program relates and properties where there is a reasonable risk that biosecurity matter which the program relates may exist. Prioritisation will be based on historical data, seasonal changes, outbreaks, known/reported infestations and customer requests.

### 3.4 Powers of authorised persons

An authorised person appointed under the *Biosecurity Act 2014*, may enter a place – other than a residence<sup>5</sup> – without a warrant and without the occupier’s consent<sup>6</sup>.

An authorised person can exercise the powers of an authorised person under the Act in relation to the program, if the authorised person is appointed by the chief executive<sup>7</sup>. An authorised person has general powers after entering a place to do any of the following<sup>8</sup>:

- An authorised person may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised person reasonable help to exercise a general power;
- An authorised person may carry out, or direct another person to carry out, aerial control measures for invasive biosecurity matter which the program relates in relation to a place. Under the program these measures include surveillance by visual, photographic or electronic observations of the place. This surveillance may be undertaken by manned aeroplanes or helicopters or un-manned aerial vehicles (UAV’s).

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<sup>5</sup> 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)

<sup>6</sup> See section 259 and 260 (General powers to enter places) and (Power to enter place to ascertain if biosecurity risk exists) of the Act

<sup>7</sup> See section 255(3) (Powers of particular authorised officers limited) of the Act

<sup>8</sup> See section 296 (General powers) of the Act

Summary of an authorised person’s general powers after entering a place<sup>9</sup> are detailed in Table 1:

Measures an authorised person may take under the program are detailed in Table 2:

Table 1

General powers in the Act
Search any part of the place
Inspect <sup>10</sup> , examine <sup>11</sup> , or film <sup>12</sup> 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 person reasonably requires for exercising the authorised person’s powers under this division
Destroy biosecurity matter or a carrier if the authorised person 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 person may take a necessary step to allow the exercise of a general power
If the authorised person takes a document from the place to copy it, the authorised person must copy and return the document to the place as soon as practicable
If the authorised person takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised person must produce the document and return the article or device to the place as soon as practicable.

<sup>9</sup> See section 296 (General powers) of the Act

<sup>10</sup> Section 296(5) defines *inspect*, a thing, to include open the thing and examine its contents

<sup>11</sup> Section 296(5) defines *examine* to include analyse, test, account, measure, weigh, grade, gauge and identify

<sup>12</sup> Section 296(5) defines *film* to include photograph, videotape and record an image in another way



Table 2

Measures an authorised person may take under the program
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
Searching a place to check for the presence or absence of biosecurity matter to which the program relates
Inspect, examine and film to assist with tracing of carriers to and from a place
Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of biosecurity matter to which the program relates
Identify carriers such as vehicles or machinery with tags, notices, flags or signs for any purpose consistent with the program
Produce a written and/or electronic note(s) to support program activities
Taking GPS coordinates to ensure accuracy of location details of carriers or biosecurity matter to which the program relates
Take a document such as property biosecurity plan that is relevant to the objectives of the program

### **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:

- Allow access to the property to survey for biosecurity matter covered in the program in accordance with provisions/requirements under the Act.
- The owner or occupier of a property may be served with an advisory letter or Biosecurity Order to undertake control measures to reduce the impact of restricted matter

### **3.6 Commencement and duration of the program**

The program will begin on 1 October 2019 and will continue until 30 June 2023. 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 Act<sup>13</sup>, Council will consult, prior to the authorisation of the program, with the Director General, Queensland Government Department of Agriculture and Fisheries.

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<sup>13</sup> See section 239 (Consultation about proposed biosecurity program) of the Act

### **3.8 Notification of relevant parties of requirements**

As required by the Act<sup>14</sup>, public notice of the program 14 days before the program starts will be given by:

- Email 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 Council's website; and
- Publishing the notice in the local newspaper for the local government area

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<sup>14</sup> See section 240 (Notice of proposed biosecurity program) of the Act

## Appendix One – Biosecurity matter covered by this program

The Program relates to all restricted and prohibited invasive biosecurity matter as defined in section 48(1) of the Act but will specifically target high priority restricted and prohibited matter as identified in the Redland Coast Biosecurity Plan 2018-2023 and outlined in Table A, Table B, Table C and Table D below.

**Table A Priority invasive plants for the Redland City Council Surveillance Program**

Common name plant species	Biosecurity Matter status	Flowering Time	Best treatment time	Priority Level	Objective
African boxthorn, boxthorn	Restricted – Category 3	Anytime	February - May	High	Eradicate
Blackberry	Restricted – Category 3	November - January	June - August	High	Eradicate
Cabomba, fanwort, carolina watershield, fish grass, washington grass, watershield, carolina fanwort, common cabomba	Restricted – Category 3	Anytime	Anytime	High	Eradicate
Chilean needle grass	Restricted – Category 3	March, April, May, September, October, November	Anytime	High	Eradicate
Hymenachne, olive hymenachne, water stargrass, West Indian grass, West Indian marsh grass	Restricted – Category 3	April - June	December – February	High	Eradicate
Parthenium weed, bitter weed, carrot grass, false ragweed	Restricted – Category 3	Anytime	June - August	High	Eradicate
Willows except weeping willow, pussy willow and sterile pussy willow	Restricted – Category 3	Anytime	Anytime	High	Eradicate
Golden bristle cactus or Bunny ears	Restricted – Category 3	Anytime	Anytime	High	Eradicate
Harungana	Restricted – Category 3	September - February	June - August	High	Eradicate
Kudzu	Restricted – Category 3	Anytime	Anytime	High	Eradicate
Mexican feather grass	Restricted – Category 3	August - February	June - August	High	Eradicate

Yellow ginger	Restricted – Category 3	Anytime	Anytime	High	Eradicate
Bitou bush	Restricted – Category 5	May - July	December - May	High	Eradicate
Prickly Pear	Restricted – Category 3	September - November	March - August	High	Contain
Groundsel Bush	Restricted – Category 3	March - April	December – May	High	Contain
Senegal Tea	Restricted – Category 3	September – February	June - August	High	Contain
Cat's claw	Restricted – Category 3	September – February	March - August	High	Contain
White Ginger	Restricted – Category 3	December - May	September – February	High	Contain
Dutchmans Pipe	Restricted – Category 3	December - February	Anytime	High	Contain
Sagittaria	Restricted – Category 3	March, April, May, September, October, November	September - February	High	Contain
Firewood	Restricted – Category 3	March - June	December - May	High	Asset protection
Salvinia	Prohibited/ Restricted – Category 3	Anytime	Anytime (Biological control by weevil in Summer)	High	Asset protection
Water lettuce	Restricted – Category 3	December - May	June - August	High	Asset protection
Water hyacinth	Restricted – Category 3	September - February	June - August	High	Asset protection
Annual ragweed	Restricted – Category 3	December - February	June - November	High	Asset protection
Madeira Vine	Restricted – Category 3	December - April	June - November	High	Asset protection
Mother of Millions	Restricted – Category 3	May - October	December - February	High	Asset protection

**Table B Priority Declared Local Pests for the Redland City Council Surveillance Program**

Weed species	Biosecurity Matter status	Flowering Time	Best treatment time	Priority Level
Para Grass	Declared Local Pest	All year	Anytime	High
Green cestrum	Declared Local Pest	All year	Anytime	High

**Table C Priority biosecurity matter – invasive animals for the Redlands Coast Surveillance Program**

Common name plant species	Biosecurity Matter status	Best treatment time	Objective
European fox	Restricted matter	All year	Containment
Feral Pig	Restricted matter	All year	Containment
Dog (wild)	Restricted matter	All year	Prevention
European rabbit	Restricted matter	All year	Prevention

Red-eared slider turtle	Restricted matter	All year	Prevention
Feral goat	Restricted matter	All year	Prevention

**Table D Priority biosecurity matter – invasive noxious fish for the Redlands Coast Surveillance Program**

Common name plant species	Biosecurity Matter status	Best treatment time	Objective
Carp	Restricted matter	All year	Containment
Mozambique Tiliapia	Restricted matter	All year	Containment
Gamusia, Mosquito fish	Restricted matter	All year	Asset Protection

The Biosecurity Plan and the surveillance program will be available on Council's webpage and available for inspection at any Redland City Council customer service centre.

For more information

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