

# Invasive Plant and Animal Prevention and Control Program

## Version Control

Version	Outline of Revisions	Date	Actioned by
1.0	First draft	Jan 2025	Rowan Ward Biosecurity Officer
2.0	Final draft	Jan 2025	Michael Anderson Manager NES

CCRC Invasive Plant and Animal Prevention and Control Program under the *Biosecurity Act 2014*



## Introduction

This document is a biosecurity program as described under Sections 232 (b) and 234 of the Biosecurity Act 2014 (the Act). It is an authorised Prevention and Control Program that can be carried out as set out in Section 235 1 (b) and 2 (b) of the Act, with authorisation attained through resolution by local government i.e. the Cassowary Coast Regional Council (CCRC).

This Program has been prepared for authorised officers of the Cassowary Coast Regional Council who will be required to exercise their powers in the pursuit of managing biosecurity risk. It has been deliberately written in a manner to try to simplify procedural instructions and provide an understanding of regulatory powers, while also including the necessary technical details to serve as an effective instrument for compliance purposes. At all times it aims to support, align and comply with the Biosecurity Act 2014 (the Act).

Rather than duplicate all the conditions that might apply to the myriad of situations covered by the Act, the procedures for undertaking prevention and control measures in the most likely scenarios have been covered, with additional reference being provided for situations that are unusual or less likely to occur. For these situations and whenever in any doubt, the Act should be the primary reference point for what conditions apply. In fact, all authorised officers intending to exercise powers should familiarize themselves with the pertinent parts of all documents relating to the local control of invasive species, namely:

- Biosecurity Act 2014
- The current version of the Cassowary Coast Local Area Biosecurity Plan
- The current version of the Cassowary Coast Regional Council Invasive Plant and Animal Surveillance Program
- The current version of this document, the Cassowary Coast Regional Council Invasive Plant and Animal Prevention and Control Program

Some sections of the Act have been included in their entirety through necessity and where it has been considered beneficial to do so. There is also some repetition of the most important requirements under the Act.


## Definitions

Under the Act local governments are responsible for ensuring invasive biosecurity matter within their local government area is managed in accordance with the Act. This involves managing things like biosecurity events, biosecurity matter, biosecurity risk, carrier, contaminant, prohibited matter and restricted matter. These are terms that are used throughout this document and their definitions are as set out in the Act, in Chapter 1, Part 4, Divisions 1 and 2.

In Chapter 2, Part 1 the Act also sets out what is a general biosecurity obligation, the central legal concept for biosecurity compliance. For this reason, Section 23 – What is a general biosecurity obligation - is included in its entirety:

### **What is a *general biosecurity obligation*?**

- (1) This section applies to a person who deals with biosecurity matter or a carrier, or carries out an activity, if the person knows or ought reasonably to know that the biosecurity matter, carrier or activity poses or is likely to pose a biosecurity risk.
- (2) The person has an obligation (a ***general biosecurity obligation***) to take all reasonable and practical measures to prevent or minimise the biosecurity risk.

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- (3) Also, the person has an obligation (also a **general biosecurity obligation**)—
- (a) to prevent or minimise adverse effects on a biosecurity consideration of the person's dealing with the biosecurity matter or carrier or carrying out the activity; and
  - (b) to minimise the likelihood of causing a biosecurity event, or to limit the consequences of a biosecurity event caused, by dealing with the biosecurity matter or carrier or carrying out the activity; and
  - (c) not to do or omit to do something if the person knows or ought reasonably to know that doing or omitting to do the thing may exacerbate the adverse effects, or potential adverse effects, of the biosecurity matter, carrier or activity on a biosecurity consideration.

*Examples of things that may exacerbate the adverse effects, or potential adverse effects, of biosecurity matter, a carrier or an activity—*

- failing to isolate an infected animal from a herd
  - failing to wash footwear before leaving a property on which anthrax is present
  - inappropriately disposing of leaf litter containing a plant virus or disease
  - failing to take reasonable steps to reduce contaminants in plants and animals, including, for example, by allowing designated animals (not including bees) to graze on land contaminated with heavy metals or by using water that may contain a contaminant to irrigate crops
  - failing to manage the impact of invasive plants and animals on a person's land
- (4) For subsection (1), carrying out an activity includes entering, being present at or leaving a place where biosecurity matter or a carrier is present.

## Biosecurity Act 2014

Together with the Act, the local government's Biosecurity Plan, Surveillance Program and Prevention and Control Program provide the legal instruments with which compliance action can be lawfully undertaken, if and when it is needed.


The requirement for these documents, along with the appointment and powers of officers, is set out in the following sections of the Act:

- Chapter 3, Part 2 (Local governments to have Biosecurity Plan)
- Chapter 9, Part 1 (Surveillance and Prevention and Control Programs)
- Chapter 10 (Appointment and powers of officers)

## The Biosecurity Plan

**Section 53 of the Act stipulates that local governments must have a biosecurity plan:**

- (1) A local government must have a biosecurity plan for invasive biosecurity matter for its local government area.
- (2) The plan may include provision for each of the following—
  - (a) achievable objectives under the plan.

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- (b) strategies, activities and responsibilities for achieving the objectives; (c) strategies to inform the local community about the content of the plan and achievement of its objectives.
  - (c) monitoring implementation of the plan and evaluating its effectiveness.
  - (d) other matters the local government considers appropriate for management of invasive biosecurity matter for its local government area.

Typically, biosecurity plans are prepared for a set period of time - 5 years - to enable attention and resources to be focused on current priorities. Prevention and Control Programs, along with Surveillance Programs, should likewise be updated in a timely manner to coincide with and support the current biosecurity plan.

The Cassowary Coast Local Area Biosecurity Plan 2025-2029 was developed in consultation with the Cassowary Coast Regional Council Natural Assets Management Advisory Committee (NAMAC) and the public. It provides strategic direction for the prioritisation and management of ***invasive biosecurity matter*** and other pests on all land tenures within the Council's local government area. This means the Biosecurity Plan has been developed by and for the community.

CCRC and NAMAC members assist in meeting legislated biosecurity requirements by:

- increasing community awareness of weeds and pest animals
- promoting effective methods for prevention and control
- making landholders and other stakeholders aware of their pest management responsibilities
- working together to target priority control and eradication areas
- coordinating management programs across different land tenures to align agricultural and environmental priorities
- informing and participating in regional, state and national planning processes regarding local pest management strategies and priorities.

## Main Function of Local Government

Section 48 of the Biosecurity Act 2014 states that the main function under the Act of each local government is to ensure that specific biosecurity matter is managed in compliance with the Act. The biosecurity matter is specified in the Act as:

- (a) prohibited matter mentioned in schedule 1, parts 3 (invasive plants) and 4 (invasive animals)
- (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 (invasive plants and animals)
- (d) restricted matter taken to be included in schedule 2, part 2 under a restricted matter regulation.
- (e) an invasive animal or invasive plant, other than an animal or plant that is prohibited matter under paragraph (a) or (b) or restricted matter under paragraph (c) or (d), that— (i) is provided for under a local law of the local government under subsection (4); and (ii) in the opinion of the chief executive, satisfies the local invasive biosecurity matter criteria.

In summary, the biosecurity matter that CCRC needs to ensure is managed are those species that are specified in the Act and occur within the local government area, plus those that have been locally declared under Council legislation.

Given the large number of invasive species there are to manage and the limited resources with which to manage them, a process was undertaken by NAMAC members to prioritise approximately 20 species for targeting. These priority species are included in the Biosecurity Plan 2025-2029 and listed in this document in Tables 1 (plants) and 2 (animals).

The additional species declared under Local Law No 3 (Community and Environmental Management) 2022 (Part 2, Div 1 (5)) are described in column 2 of schedule 1 of Subordinate Local Law No. 3 (Community and Environment) 2022. They are also listed in Table 3 of this document.

**Table 1: Priority Invasive Plant Matter listed in the CCLA Biosecurity Plan 2025-2029**

#	Plant Species	Common Name	Category
1	<i>Limnocharis flava</i>	<b>Limnocharis</b>	2,3,4,5
2	<i>Miconia calvescens</i>	<b>Miconia tree</b>	2,3,4,5
3	<i>Mikania micrantha</i>	<b>Mikania vine</b>	2,3,4,5
4	<i>Annona glabra</i>	<b>Pond apple</b>	3
5	<i>Spathodea campanulata</i>	<b>African tulip tree</b>	3
6	<i>Hymenachne amplexicaulis</i>	<b>Olive hymenachne</b>	3
7	<i>Hygrophila costata</i>	<b>Glush weed</b>	3
8	<i>Pueraria montana</i>	<b>Kudzu</b>	3
9	<i>Chromolaena odorata</i>	<b>Siam weed</b>	3
10	<i>Eichhornia crassipes</i>	<b>Water hyacinth</b>	3
11	<i>Thunbergia grandiflora</i>	<b>Thunbergia</b>	3
12	<i>Cecropia spp</i>	<b>Cecropia</b>	2,3,4,5
13	<i>Clidemia hirta</i>	<b>Koster's Curse</b>	2,3,4,5
14	<i>Leucaena species</i>	<b>Leucaena</b>	Locally declared*
15	<i>Salvinia molesta</i>	<b>Salvinia</b>	3
16	<i>Mayaca fluviatilis</i>	<b>Bog moss</b>	Locally declared*
17	<i>Limnobium laevigatum</i>	<b>Amazon frogbit</b>	Locally declared*
18	<i>Echinochloa polystachya</i>	<b>Aleman grass</b>	Locally declared*

\* Declared in Schedule 1 of Cassowary Coast Regional Council Subordinate Local Law No. 3 (Community and Environment) 2022 and also listed in Table 3 below.

**Table 2. Priority Invasive Animals listed in the CCLA Biosecurity Plan 2025-2029**

#	Animal Species	Common Name	Category
1	<i>Sus scrota</i>	<b>Feral pig</b>	3, 4 and 6
2	<i>Felis catus</i>	<b>Feral cat</b>	3, 4 and 6
3	<i>Acridotheres tristis</i>	<b>Indian myna</b>	

Cassowary Coast Regional Council Invasive Plant and Animal Prevention and Control Program under the Biosecurity Act 2014



**Table 3. Priority pests declared under the Local Law No 3 (Community and Environmental Management) 2022 (Part 2, Div 1 (5)) and described in column 2 of schedule 1 of Subordinate Local Law No. 3 (Community and Environment) 2022.**

<b>LOCALLY DECLARED</b>	<p>Hiptage (<i>Hiptage senegalhensis</i>)          Brillantaisia (<i>Brillantaisia lamium</i>)          Navua sedge (<i>Cyperus aromaticus</i>)          Aleman grass (<i>Echinochloa polystachya</i>)          Leucaena (<i>Leucaena spp.</i>)          Bog moss/weed (<i>Mayaca fluviatilis</i>)          Bamboo - running (<i>Phyllostachys spp</i> and <i>Bambusa spp</i>)          Mother in law's tongue (<i>Sansevieria trifasciata</i>)          Amazonian Frogbit (<i>Limnobium laevigatum</i>)</p>
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The Prevention and Control Program may also apply to any other species declared under **Emergency declarations** as described in Local Law No 3 (Community and Environmental Management) 2022, Part 2, Div 1 (6).

These species pose, or are likely to pose, a significant biosecurity risk to agricultural production and/or the environment, within the CCRC area.

### Requirement for a Prevention and Control Program


The *Biosecurity Act 2014* provides for the establishment of biosecurity programs (i.e. Surveillance Programs and Prevention and Control Programs) in Chapter 9 Parts 1 and 2. Prevention and Control Programs can be directed to achieve 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 Cassowary Coast Regional Council, being a local government body, can authorise and carry out this Prevention and Control Program, in accordance with Part 2 Section 235 (1) (b) of the *Biosecurity Act 2014*. **The program authorisation must be authorised by a resolution of the Council** – refer Part 2, Section 235 (2) (b) of the Act.

However, a program authorisation for a prevention and control program may be made only if each relevant person for the program authorisation is satisfied—

- (a) there is, or is likely to be, prohibited matter in an area; or
- (b) there is in an area any biosecurity matter that poses or is likely to pose a significant biosecurity risk; or
- (c) measures are required to prevent the entry or establishment in an area of biosecurity matter that poses or is likely to pose a significant biosecurity risk. An example of measures required to prevent the entry or establishment in an area of biosecurity matter is surveillance and the distribution of baits containing pesticide for e.g. electric ants, to prevent the ants from becoming established in an area adjacent to a known infested area; or
- (d) after consultation with an industry group or community (each an interested entity), that measures carried out jointly with the interested entity are required to control biosecurity matter in an area that would have a significant effect on members of the interested entity.

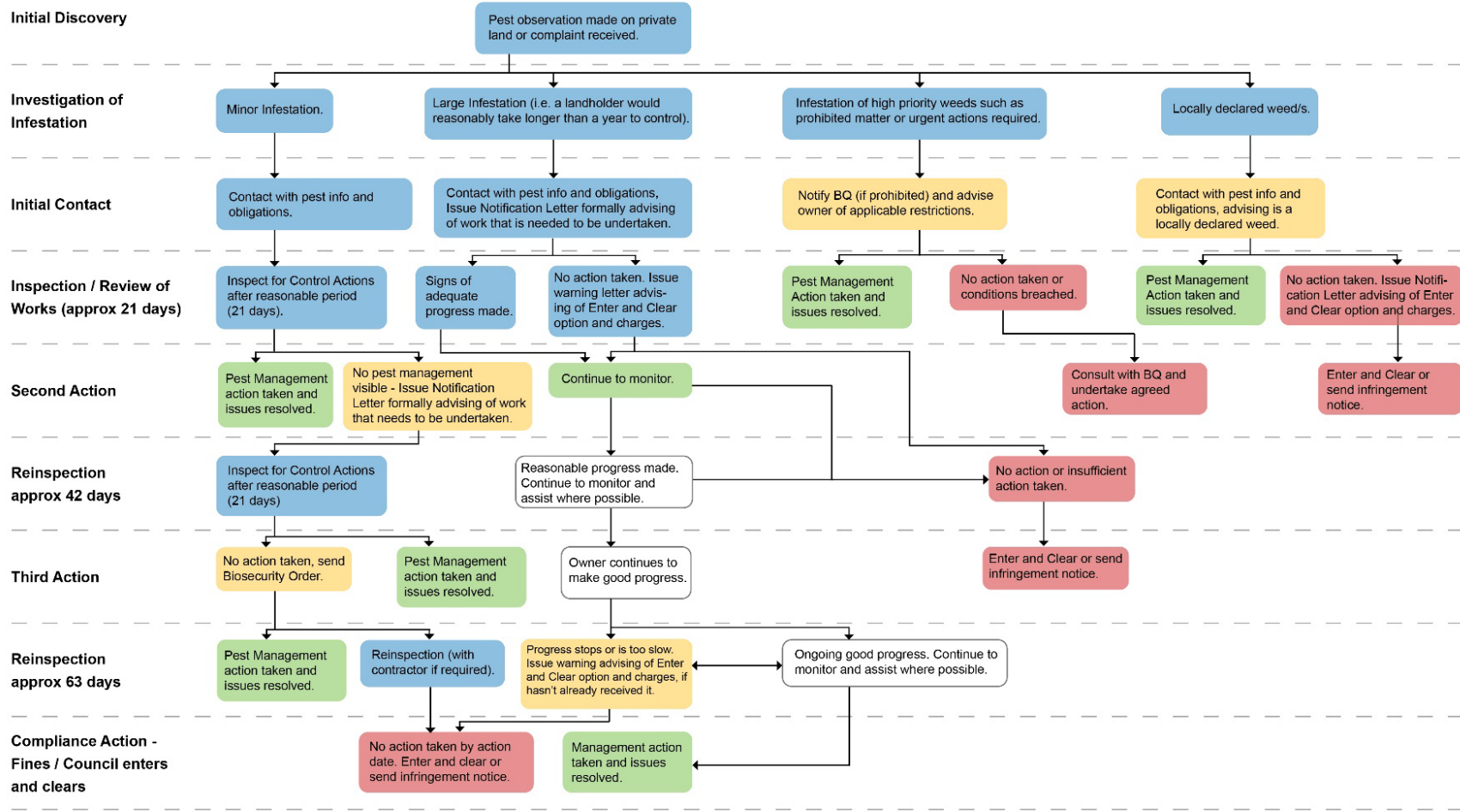
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- (4) Each relevant person for a program authorisation must ensure that each authorised officer who is proposed by the relevant person to act under a biosecurity program is informed of the contents of the program authorisation for the program.
  - (5) A program authorisation—
    - (a) if given by a local government—may relate only to places in, and invasive biosecurity matter for, the local government’s area; or
    - (b) if given by an invasive animal board—may relate only to places in the board’s operational area.
  - (6) In this section— relevant person, for a program authorisation, means any 1 or more of the following—
    - (a) if the chief executive authorised the program—the chief executive.
    - (b) if a local government authorised the program—the chief executive officer of the local government.
    - (c) if an invasive animal board authorised the program—the chairperson of the board.

**(Section 256) Functions of authorised officers**

- (1) An authorised officer has the following functions:
  - (a) to investigate, monitor and enforce compliance with the Act.
  - (b) to investigate or monitor whether an occasion has arisen for the exercise of powers under the Act.
  - (c) to facilitate the exercise of powers under the Act.
  - (d) to help achieve the purposes of the Act by providing advice and information on how the purposes may be achieved.
- (2) Subject to the Act, an authorised officer may exercise the powers under the Act for the Purpose of these functions.

**Table 4: Compliance Process on Private land**

**COMPLIANCE FLOWCHART**





## Powers Of Authorised Officers

(The CEO of a local government may appoint an employee of the local government.  
Section 264 – 2 a)

**Table 5: General powers of an authorised officer after entering places (Section 296)**

Search any part of the place
Inspect, examine or film any part of the place or anything at the place
Take for examination a thing, or a sample of or from a thing, at the place
Place an identifying mark in or on anything at the place
Place a sign or notice at the place
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"><li>• the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and</li><li>• the owner of the biosecurity matter or carrier consents to its destruction</li></ul>
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 person as soon as practicable.

## Entry To Places By Authorised Officers

### (Section 259) General power to enter places

- (1) An authorised officer may enter a place if—
  - (a) an occupier of the place consents under division 2 (Entry by Consent) to the entry and section 267 has been complied with for the occupier (section 267 requires the authorised officer to advise the purpose of the entry, the powers that will be used, that the occupier is not required to consent and if they do, it may be provided with conditions and may be withdrawn at any time); or
  - (b) it is a public place and the entry is made when it is open to the public; or
  - (c) the entry is authorised under a warrant and, if there is an occupier of the place, section 277 has been complied with for the occupier; or
  - (d) it is a place of business that is regulated under this Act and is—
    - (i) open for carrying on the business; or
    - (ii) otherwise open for entry; or
    - (iii) required under this Act to be open for inspection by an authorised officer; or
  - (e) the entry is authorised under section 260, 261, 262, 263 or 264.
- (2) For subsection (1)(d) and (e), entry to a place does not include entry to a part of the place where a person resides (a residence) without the person's consent or a warrant.
- (3) The following do not form part of a residence—
  - (a) a carport, other than a carport to which access is restricted.
  - (b) the area of a verandah or deck to which access is not restricted and no provision is made to restrict access.
  - (c) the area underneath the residence to which access is not restricted and no provision is made to restrict access.
  - (d) any other external part of the residence, including, for example, the residence's gutters;
  - (e) land around the residence.
- (4) If the power to enter arose only because an occupier of the place consented to the entry, the power is subject to any conditions of the consent and ceases if the consent is withdrawn.
- (5) If the power to enter is under a warrant, the power is subject to the terms of the warrant.
- (6) The consent may provide consent for re-entry and is subject to the conditions of consent.
- (7) If the power to re-enter is under a warrant, the re-entry is subject to the terms of the warrant.
- (8) In this section— regulated under this Act, for a place of business, means—
  - (a) the person who carries on business at the place holds, or is required to hold, an authority under this Act to carry on the business or a particular aspect of the business; or

- (b) the place of business is, or is required to be, mentioned in an authority under this Act.

### **(Section 260) Power to enter place to ascertain if biosecurity risk exists**

If an authorised officer reasonably believes there may be a biosecurity risk at a place, they may enter the place to find out whether there is a biosecurity risk at that place (Section 260).

The procedure for entry under Section 260 is set out in Section 269. It includes, before entering the place, the authorised officer making a reasonable attempt to locate an occupier and obtain the occupier's consent to the entry (Section 269 – 2).

**If the occupier refuses to consent to the entry, the authorised officer must not enter the place unless the entry is under a warrant** (Section 269 – 3).

If the authorised officer is unable to locate an occupier after making a reasonable attempt to do so, the authorised officer may enter the place (Section 269 – 4).

If the authorised officer enters the place after being unable to locate an occupier, the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way, stating the date, time and purpose of the entry Section 269 – 5).

Before asking for the consent, the authorised officer must give a reasonable explanation to the occupier—

- (a) about the purpose of the entry, including the powers intended to be exercised; and
- (b) that the occupier is not required to consent; and
- (c) that the consent may be given subject to conditions and may be withdrawn at any time.

### **(Section 261) Power to enter place under biosecurity program**

This section applies to a place situated in an area to which a biosecurity program (eg this Prevention and Control Program) applies. For the purposes of this Prevention and Control Program, this applies to all properties within the Cassowary Coast Regional Council's local government area.

However, this section **does not apply to the carrying out of an aerial control measure**. Refer Section 261 (2).

An authorised officer may, at reasonable times, enter the place to take any action authorised by the biosecurity program. **Note that entry does not include the residence**. (Refer Sections 261 (3) and 259 (2) of the Act).

Section 270 sets out the procedure for entry under Section 261. Section 270 states that, in accordance with the Act, a reasonable attempt must be made to locate an occupier and obtain the occupier's consent to the entry prior to an authorised officer entering.

Nevertheless, **an authorised officer may enter the place if:**

- (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.**

If the authorised officer does not find an occupier present at the place, they **must leave a notice** in a conspicuous position and in a reasonably secure way, stating

- the date and time of entry and information addressing the reason for entry, and
- that the authorised officer is authorised under the Act to enter the place without the permission of the occupier; and
- any steps taken, or to be taken, under the biosecurity program; 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.

### **(Section 262) Power to enter place to check compliance with biosecurity order**

- (1) This section applies if a person has been given a biosecurity order for a biosecurity risk at a place.
- (2) An authorised officer may, at reasonable times, enter the place to check whether the order has been complied with.

Entry to the place does not include to the residence (Section 259 – 2)

**Procedure for entry** is the same as for entry under Section 261 i.e. as set out in Section 270 and as described above in relation to section 261.

### **(Section 263) Power to enter place to take steps if biosecurity order not complied with**

- (1) This section applies if—
  - (a) a person has been given a biosecurity order for a biosecurity risk at a place or because a biosecurity risk may happen at a place; and
  - (b) the biosecurity order requires the person to take steps at the place to remove or reduce the biosecurity risk or prevent the biosecurity risk from recurring; and
  - (c) the person has failed to take the steps as required by the order.
- (2) The issuing authority by its employees or agents, or an authorised officer, may at reasonable times enter the place to take the steps stated in the order.

The procedure for entry is set out in section 271 of the Act.

## **(Section 264) Power to enter place to take action required under direction**

This section applies if:

- (a) an authorised officer gives a person a direction under this Act other than under a biosecurity order; and
  - (b) the person fails to take the action required under the direction.
- (2) The issuing authority by its employees or agents, or an authorised officer, may at reasonable times enter the place the subject of the direction and take the action at the place that is required under the direction. Notes— 1 See, however, the restrictions on entry under section 259(2).

Section 271 sets out the procedure for entry.

## **(Division 4) Entry Under Warrant**

This Prevention and Control Program authorises entry for authorised officers to properties by way of warrant. Section 277 of the Act sets out the procedures:

### **Entry procedure (Section 277)**

- (2) Before entering the place, the authorised officer must do or make a reasonable attempt to:
  - (a) identify themselves to the occupier and producing their identity card or another document evidencing the appointment.
  - (b) give the person a copy of the warrant.
  - (c) tell the occupier that they are permitted by the warrant to enter the place.
  - (d) give the occupier an opportunity to allow the authorised officer to immediately enter the place without using force.
- (3) However, the authorised officer need not comply with subsection (2) if the authorised officer believes on reasonable grounds that immediate entry to the place without compliance is required to ensure the execution of the warrant is not frustrated.
- (4) In this section— warrant includes a duplicate warrant mentioned in section 275(3)

Other sections of the Act that are of relevance to entry under a warrant are:

- Section 272 Application for warrant
- Section 273 Issue of Warrant
- Section 274 Electronic application
- Section 275 Additional procedure if electronic application
- Section 276 Defect in relation to a warrant



## Section 260 V Section 261

Powers of entry for an authorised officer exist under Sections 260 and 261 of the Act. A key difference is whether the authorised officer would like to undertake aerial surveillance. If the authorised officer does **not** intend or wish to undertake aerial surveillance, it would be better to enter the property under Section 261, as this allows entry with or without the property owner's permission (after asking first).

Entry under Section 260 is only possible if the owner provides permission to enter the place, or if the authorised officer has a warrant to enter (S269 – 3). However, Section 260 is the better section under which to enter a property if:

- (a) the owner provides permission to enter, and
- (b) the authorised officer wishes to also undertake aerial surveillance.

## (Section 294) Power to Carry Out Aerial Control Measures

This Prevention and Control Program authorises the carrying out of an aerial control measure for biosecurity matter – refer Section 294 (1).

- (2) An authorised officer may carry out, or direct another person to carry out, the aerial control measure for the biosecurity matter in relation to a place.
- (3) The authorised officer must give notice of the proposed aerial control measure for the biosecurity matter to an occupier of the place at least 48 hours before carrying out the measure (the notice period) unless—
  - (a) the measure will be carried out from a height of more than 350 feet above the place; or Editor's note— 350 feet is approximately 110m
  - (b) it would be impractical to give the notice because the measure will not be effective in controlling the biosecurity matter after the end of the notice period. (Example - A biosecurity program authorises spraying pesticide on locusts but a swarm of locusts at a place is likely to move on before notice can be given to an occupier of the place).

Note— Another law may require notice to be given to, or consent to be obtained from, an occupier of a place in the circumstances to which this section applies.

- (4) However, if it is impractical to give at least 48 hours notice, the authorised officer must make reasonable attempts to advise an occupier of the place about the aerial control measure before the measure is carried out.
- (5) When giving notice as required under subsection 3, that notice must include –
  - (a) a description of the biosecurity program authorising the aerial control measure; and
  - (b) a description of the aerial control measure; and
  - (c) the period during which the aerial control measure will be carried out.
- (6) In this section, aerial control measure for biosecurity matter, means 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:
  - (a) surveying and monitoring the biosecurity matter;
  - (b) distributing an agricultural chemical to control the biosecurity matter.

Airborne machine means a machine that can operate in air without carrying a person to pilot the machine.

### **(Section 297) Power to Require Reasonable Help**

An authorised officer may request reasonable assistance of an occupier of the place, or a person at the place, to help to exercise a general power, including, for example, to produce a document or to give information. When requesting help, the authorised officer must warn the occupier or person at the place that it is an offence under the Act (Section 298) to not comply, unless the person has a reasonable excuse (e.g. if complying might incriminate the person. This does not include the production of a document, though complying affords the person at least limited immunity – refer Section 328).

### **(Section 235 b) Authorising and Carrying Out Biosecurity Program**

The Cassowary Coast Regional Council may authorise and carry out this Prevention and Control Program as stated in Section 235 (1) (b) of the Act. Authorisation comes by way of Council resolution (Section 235 (2) (b)).

### **Complying with Section 236 of the Act**

To comply with section 236 of the Act, this Program authorisation must state:

- (a) the biosecurity matter to which the program relates;
- (b) the purpose of the program;
- (c) when the program starts;
- (d) the period over which the program is to be carried out;
- (e) (applies to Surveillance Program)
- (f) for a biosecurity program that is a Prevention and Control Program –
- (g) the nature and extent of the program, including— (A) the parts of the State to which it applies; and
- (h) (B) if the program applies only to a particular type of place in the State or a part of the State—a description of the type; and
- (i) if a particular type of place is to be entered and inspected—a description of the type;
- (j) the powers an authorised officer may exercise under the program, including the extent to which an authorised officer is to act under the program and the measures an authorised officer may take under the program.
- (k) the obligations that may be imposed upon a person who is an owner or occupier of a place to which the program applies.

#### **Responses to the above:**

- (a) The biosecurity matter to which this Program relates is listed in Tables 1, 2 and 3 in this Program plus any matter declared under an emergency declaration
- (b) The purpose of this Program is as described in Section 234 of the Biosecurity Act 2014, namely to carry out any of the following:
  - preventing the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk;

- managing, reducing or eradicating any biosecurity matter in an area that could pose a significant biosecurity risk.
- (c) This Prevention and Control Program starts 31 January 2025
- (d) This Prevention and Control Program is to be carried out from 31 January 2025 until 31st December 2029
- (e) (Applies to Surveillance Program)
- (f) The nature of this Prevention and Control Program is the prevention and/or control of invasive biosecurity matter. It extends to all properties within the Cassowary Coast Regional Council's local government area and includes:
- any property that has been observed to contain biosecurity matter, or
  - any property that has been reported to contain biosecurity matter, or
  - any property that adjoins another property that contains biosecurity matter, or
  - any property that is within close proximity of another property that contains biosecurity matter, or
  - any property that is upstream or downstream of a property that contains biosecurity matter, or
  - any property that is owned by the same owner or occupier of a property that contains biosecurity matter
- (g) The powers an authorised officer may exercise under this Program are any and all powers permitted under the Biosecurity Act 2014. They include some already described in this Program and include, but are not limited to, the following inclusions of the Act:
- Section 112 - Powers under this part and powers under other Acts
  - Section 113: Chief executive may make emergency order
  - Section 114: Matters for inclusion in biosecurity emergency order
  - Section 115: Effect and duration of biosecurity emergency order
  - Part 1, Division 3: Enforcement of biosecurity emergency order
  - Section 255: Powers of particular authorised officers limited
  - Part 1, Division 4: General matters about authorised officers
  - Part 1, Division 5: Miscellaneous provisions
  - Part 2: Entry to places by authorised officers
  - Part 3: Emergency Powers
  - Part 4: Other authorised officers' powers and related matters

It is anticipated the most commonly used powers will be those described earlier in this document and listed again below in reference to the Biosecurity Act 2014.

- Section 256: Functions of authorised officers
- Section 259: General power to enter places
- Section 260: Power to enter place to ascertain if biosecurity risk exists
- Section 261: Power to enter place under biosecurity program

- Section 262: Power to enter place to check compliance with biosecurity order
- Section 263: Power to enter place to take steps if biosecurity order not complied with
- Section 264: Power to enter place to take action required under direction

Section 296 General powers (see also Table 5 in this document):

- (1) The authorised officer may do any of the following (each a **general power**)—
  - (a) search any part of the place;
  - (b) inspect, examine or film any part of the place or anything at the place;
  - (c) take for examination a thing, or a sample of or from a thing, at the place;
  - (d) place an identifying mark in or on anything at the place;
  - (e) place a sign or notice at the place;
  - (f) 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;
  - (g) 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;
  - (h) destroy biosecurity matter or a carrier if—
    - (i) the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; and
    - (ii) the owner of the biosecurity matter or carrier consents to its destruction;
    - (iii) remain at the place for the time necessary to achieve the purpose of the entry.
- (2) The authorised officer may take a necessary step to allow the exercise of a general power.
- (3) 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.
- (4) 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.
- (5) In this section— **Examine** includes analyse, test, account, measure, weigh, grade, gauge and identify. **Film** includes photograph, videotape and record an image in another way. **Inspect**, a thing, includes open the thing and examine its contents.
  - (h) The obligations that may be imposed upon a person who is an owner or occupier of a place to which this program applies are as described in the Biosecurity Act 2014.

They include but are not limited to:

### **Section 237: Giving a Direction for Prevention and Control Program**

- (1) An authorised officer may do the following, at any reasonable time and at a place situated in an area to which a prevention and control program applies:
  - (a) direct an owner or occupier of the place to take reasonable steps within a reasonable period to remove or eradicate the biosecurity matter to which the program relates;
  - (b) destroy the biosecurity matter to which the program relates, or a carrier of the biosecurity matter, if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.

### **Section 280: Power in Relation to Activity or Biosecurity Matter**

- (1) The inspector may in relation to the activity or biosecurity matter mentioned in [section 278](#), and to the extent reasonably necessary for managing the activity or matter—
  - (a) direct a person at the place to take stated reasonable steps within a stated reasonable period; or
  - (b) take reasonable steps; or
  - (c) authorise another person to take reasonable steps.
- (2) Without limiting subsection (1), reasonable steps may include steps requiring any person—
  - (a) to remain at the place or not to enter the place; and
  - (b) to clean or disinfect the place, a structure or another thing; and
  - (c) to destroy the biosecurity matter or remove the biosecurity matter to another place to destroy it; and
  - (d) to destroy a carrier of the biosecurity matter or remove the carrier to another place to destroy it; and
  - (e) to dispose of the biosecurity matter other than by destroying it; and
  - (f) to do something that assists with a step mentioned in paragraphs (b) to (e); and
  - (g) to stop doing something that may interfere with a step mentioned in paragraphs (b) to (e).
- (3) The direction may be given orally or by notice.
- (4) However, if the direction is given orally, the inspector must as soon as practicable confirm the direction by notice given to the person.
- (5) If the inspector takes the steps, the inspector also may exercise any of the powers of an inspector under this chapter.



## Section 287: Power to Stop or Move

- (1) If the vehicle is moving, the authorised officer may, to exercise his or her powers, signal or otherwise direct the person in control of the vehicle to stop the vehicle and to bring the vehicle to, and keep it at, a convenient place within a reasonable distance to allow the authorised officer to exercise the powers.
- (2) If the vehicle is stopped, the authorised officer may direct the person in control of the vehicle—
  - (a) not to move it until the authorised officer has exercised the authorised officer's powers; or
  - (b) to move the vehicle to, and keep it at, a stated reasonable place to allow the authorised officer to exercise the powers.
- (3) When giving the direction under subsection (2), the authorised officer must give the person in control an offence warning for the direction.

## Section 289: Failure to Comply with Direction


- (1) The person in control of the vehicle must comply with a direction under [section 287](#) unless the person has a reasonable excuse.  
Maximum penalty—50 penalty units.
- (2) It is a reasonable excuse for the person not to comply with a direction if—
  - (a) the vehicle was moving and the authorised officer did not comply with [section 288](#); or
  - (b) to comply immediately would have endangered someone else or caused loss or damage to property, and the person complies as soon as it is practicable to do so.
- (3) Subsection (2) does not limit subsection (1).
- (4) A person does not commit an offence against subsection (1) if—
  - (a) the direction the person fails to comply with is given under [section 287](#)(2); and
  - (b) the person is not given an offence warning for the direction.

## Section 297: Power to Require Reasonable Help

- (1) The 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 power, including, for example, to produce a document or to give information.
- (2) When making the help requirement, the authorised officer must give the person an offence warning for the requirement.

## Section 298: Offence to Contravene Help Requirement

- (1) A person of whom a help requirement has been made must comply with the requirement unless the person has a reasonable excuse.  
Maximum penalty—50 penalty units.

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- (2) It is a reasonable excuse for an individual not to comply with a help requirement if complying might tend to incriminate the individual or expose the individual to a penalty.
- (3) However, subsection (2) does not apply if a document or information the subject of the help requirement is required to be held or kept by the defendant under this Act.

### Section 321: Power to Require Name and Address

- (1) This section applies if an authorised officer—
- (a) finds a person committing an offence against this Act; or
  - (b) finds a person in circumstances that lead the authorised officer to reasonably suspect the person—
    - (i) has just committed an offence against this Act; or
    - (ii) is responsible for a biosecurity risk; or
  - (c) has information that leads the authorised officer to reasonably suspect a person—
    - (i) has just committed an offence against this Act; or
    - (ii) is responsible for a biosecurity risk.
- (2) The authorised officer may require the person to state the person's name and residential address.
- (3) The authorised officer may also require the person to give evidence of the correctness of the stated name or address if, in the circumstances, it would be reasonable to expect the person to—
- (a) be in possession of evidence of the correctness of the stated name or address; or
  - (b) otherwise be able to give the evidence.
- (4) When making a personal details requirement, the authorised officer must give the person an offence warning for the requirement.
- (5) A requirement under this section is a *personal details requirement*.

### Section 322: Offence to Contravene Personal Details Requirement

- (1) A person of whom a personal details requirement is made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) A person may not be convicted of an offence against subsection (1) unless the person is found guilty of the offence, or the court decides the person is responsible for the biosecurity risk, in relation to which the personal details requirement was made.

## Section 323: Power to Require Production of Documents

- (1) An authorised officer may require a person to make available for inspection by an authorised officer, or produce to the authorised officer for inspection, at a reasonable time and place nominated by the authorised officer—
  - (a) a document issued to the person under this Act; or
  - (b) a document required to be kept by the person under this Act; or
  - (c) if a document or information required to be kept by the person under this Act is stored or recorded by means of a device—a document that is a clear written reproduction of the stored or recorded document or information.
- (2) A requirement under subsection (1) is a *document production requirement*.
- (3) For an electronic document, compliance with the document production requirement requires the making available or production of a clear written reproduction of the electronic document.
- (4) The authorised officer may keep the document to copy it.
- (5) If the authorised officer copies the document, or an entry in the document, the authorised officer may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.
- (6) A requirement under subsection (5) is a *document certification requirement*.
- (7) The authorised officer must return the document to the person as soon as practicable after copying it.
- (8) However, if a document certification requirement is made of a person, the authorised officer may keep the document until the person complies with the requirement.

## Section 324: Offence to Contravene Document Production Requirement

- (1) A person of whom a document production requirement is made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) It is not a reasonable excuse for a person to fail to comply with a document production requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty.

*Note*—See, however, [section 328](#).

- (3) The authorised officer must inform the person, in a way that is reasonable in the circumstances—
  - (a) that the person must comply with the document production requirement even though complying might tend to incriminate the person or expose the person to a penalty; and
  - (b) that, under [section 328](#), there is a limited immunity against the future use of the information or document given in compliance with the requirement.

(4) If the person fails to comply with the document production requirement when the authorised officer has failed to comply with subsection (3), the person can not be convicted of the offence against subsection (1).

(5) If a court convicts a person of an offence against subsection (1), the court may, as well as imposing a penalty for the offence, order the person to comply with the document production requirement.

### Section 325: Offence to Contravene Document Certification Requirement

(1) A person of whom a document certification requirement has been made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) It is not a reasonable excuse for a person to fail to comply with a document certification requirement on the basis that complying with the requirement might tend to incriminate the person or expose the person to a penalty.

*Note*—See, however, [section 328](#).

(3) The authorised officer must inform the person, in a way that is reasonable in the circumstances—

- (a) that the person must comply with the document certification requirement even though complying might tend to incriminate the person or expose the person to a penalty; and
- (b) that, under [section 328](#), there is a limited immunity against the future use of the information or document given in compliance with the requirement.

(4) If the person fails to comply with the document certification requirement when the authorised officer has failed to comply with subsection (3), the person can not be convicted of the offence against subsection (1).

### Section 326: Power to Require Information

(1) This section applies if an authorised officer reasonably believes—

- (a) an offence against this Act has been committed; and
- (b) a person may be able to give information about the offence.

(2) The authorised officer may, by notice given to the person, require the person to give the authorised officer information about the offence at a stated reasonable time and place.

(3) A requirement under subsection (2) is an information requirement.

(4) For information that is an electronic document, compliance with the information requirement requires the giving of a clear image or written version of the electronic document.

(5) In this section information includes a document.

## Section 327: Offence to Contravene Information Requirement

(1) A person of whom an information requirement is made must comply with the requirement unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

(2) It is a reasonable excuse for an individual not to give the information if giving the information might tend to incriminate the individual or expose the individual to a penalty.

## AUTHORISATION STATEMENT

Cassowary Coast Regional Council, acting pursuant to section 235 of the *Biosecurity Act 2014*, authorises this Prevention and Control Program for **invasive biosecurity matter** s48(1-4) (**the Program**) in the CCRC Local Government Area, on the basis that:

Council is satisfied that the pest plants and animals listed in this **Cassowary Coast Regional Council Invasive Plant and Animal Prevention and Control Program** pose a significant biosecurity risk to biosecurity considerations in Queensland. Council is further satisfied that:

- prevention and control activities are required to prevent the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk; and/or
- managing, reducing or eradicating any biosecurity matter in the area is needed as it could pose a significant biosecurity risk.

Passed by Council resolution on 23/01/2025.

## Consultation About Proposed Biosecurity Program

In compliance with Section 239 of the Act, a local government must, before authorising a biosecurity program, consult with the chief executive, and an invasive animal board with an operational area in or adjoining the local government's area, and responsible for the management of an invasive animal to which the program applies.

## Notice of Proposed Biosecurity Program

At least 14 days before a biosecurity program starts, the chief executive officer of the local government must give notice of the program (Section 240 of the Act). The notice must be given to each department or government-owned corporation responsible for land in the local government area, including by electronic means (eg post, telephone, email) and be published on Council's website. The notice also may be published by radio or television (Section 240 – 4).

The notice must state the purpose and scope of the biosecurity program, when the biosecurity program starts and the period over which it is to be carried out. It should also state that a copy of the program authorisation is available for inspection or purchase at the Council's office until the end of the program, along with the price of a copy of the program.

From the start of the Program, the Authorisation and the Cassowary Coast Regional Council Invasive Plant and Animal Prevention and Control Program will be available by arrangement for inspection or purchase at the Cassowary Coast Regional Council public office at 70 Rankin Street, Innisfail QLD 4860.





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