

Cassowary Coast Regional Council Invasive Plant and Animal Surveillance Program

Version Control

Version	Outline of Revisions	Date	Actioned by
1.0	Initial development	Sept 2024	Biosecurity Officer
1.0	Reviewed	Nov 2024	Manager NES
2.0	Rewritten	Dec 2024	Biosecurity Officer
2.1	Additions made to locally declared pests		Biosecurity Officer
	Recommendations made	20 March 2025	Director General DPI
2.2	Amendments made	21 March 2025	Biosecurity Officer

Introduction

This Surveillance Program has been prepared for authorised officers of the Cassowary Coast Regional Council (CCRC) 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 being compliant with the Biosecurity Act 2014 (the Act). To this end some of the instructions are not fully exhaustive of the conditions that apply in the Act, as to list all conditions would make for a lengthy and confusing document. Instead the procedures for undertaking surveillance in the most likely scenarios have been covered, with brief reference being provided for situations that are unusual or unlikely to occur. For these situations the Act should be the primary reference point for what conditions apply.

Rather than cut and paste numerous sections of the Act, the author has aimed to explain the steps and options for compliance processes in layman's terms, while referencing the relevant sections of the Act should the reader wish to research further. That said, some sections of the Act have been included in their entirety where it has been considered beneficial to do so.

This is a biosecurity program as described under Sections 232 (a) and 233 of the Biosecurity Act 2014. It is authorised and can be carried out as set out in Section 235 1 (b) and 2 (b) (authorisation by resolution of the local government).

A Quick Overview

A very quick overview of this Surveillance Program can be attained by asking the questions HOW, WHAT, WHERE, WHEN AND WHY.

HOW This Surveillance Program sets out how pest plants and animals will be managed by CCRC in accordance with the Biosecurity Act 2014.

WHAT Procedures for managing priority invasive pest plants and animals on private land, particularly with a focus on surveillance, in a manner that is consistent with the current Cassowary Coast Local Area Biosecurity Plan and the Biosecurity Act 2014.

WHERE Within the Cassowary Coast Regional Council's local government area only, as this is the area over which it has jurisdiction*.

WHEN For the duration of the current Biosecurity Plan, being 2025-2029

WHY As required by the *Biosecurity Act 2014* (Chapter 3, Part 2, 53) and to explain and simplify compliance procedures for CCRC authorised officers.

*For the priority invasive biosecurity matter and locally declared pest plants, sub-catchment management zones have been specified in the species-specific action plans in the Cassowary Coast Local Area Biosecurity Plan 2025-2029. This specifies, for each of

these pests, surveillance and management strategies within the CCRC area. This gives direction on surveillance effort and surveillance strategy for each of these matter in the identified areas.

The legal matters

This document is the Cassowary Coast Regional Council's (CCRC/Council) **Invasive Plants and Animals Surveillance Program** (the Surveillance Program/the Program), developed to compliment the **Cassowary Coast Local Area Biosecurity Plan 2025-2029** (the Biosecurity Plan). It sets out the legal framework and process that allows Council's authorised officers to undertake lawful surveillance activities on private land in order to control invasive species, which in turn enables Council to fulfil its legislative obligations under the Queensland government's *Biosecurity Act 2014*, which came into effect in July 2016.

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.

Whilst reading this program, it is important to bear in mind that from a compliance perspective there are two paths that a CCRC authorised officer must consider with regards invasive pests and 'biosecurity matter': those managed under state laws such as the *Biosecurity Act 2014*, and those managed under Council's local laws. **These are two separate compliance processes with two separate heads of power, despite there being similarities in some of the requirements (eg upon entry of a property, as soon as possible advising the property owner of who you are, what you are there for etc).**

[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 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. So 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 towards the end of the Act in Schedules 1 (prohibited matter) and 2 (restricted matter), though only the species that are found within the local government area are the Council's responsibility (that is, Council does not have the authority to manage biosecurity matter outside its physical jurisdiction).

However, Council can and does manage additional species within its jurisdiction, that are considered to be invasive pest species. These must be formally approved by Council, and stated in local laws. The relevant pieces of legislation that apply to these additional species are:

The Queensland government's **Local Government Act 2009**: this piece of state legislation gives Councils the power to "... *make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area*"

The **Cassowary Coast Regional Council Local Law No. 1 (Administration) 2022**: This provides "... *a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters*". This local law also provides important definitions including 'declared local pest'.

The **Cassowary Coast Regional Council Local Law No. 3 (Community and Environment) 2022**: This local law provides the power to declare and control local pests (see Part 2, Divisions 2 and 3) and prohibit their sale and propagation (Part 2, Division 4). It also enables Council to make subordinate local laws.

The **Cassowary Coast Regional Council Subordinate Local Law No. 3 (Community and Environment) 2022**: This compliments and supports the above local law and is where Council specifies by name the plants and animals that are declared local pests (in Schedule 1). This schedule can be amended by Council as required, enabling a flexible approach to dealing with local pest species.

In summary, the pest species that CCRC needs to manage are those that are specified in the Act and occur within the local government area, **plus** those that have been locally declared under Council's local laws. The former are managed under the powers of the *Biosecurity Act 2014* while the latter are managed using the powers of Council's local laws.

This brings us to the issue of resources available for the management of these pest species. Due to the limited manpower and financial resources at Council's disposal, pest species are prioritised according to a number of factors. These factors and the prioritisation process are explained in the Cassowary Coast Local Area Biosecurity Plan 2025-2029. The 21 species identified as priority species are below in Table 1 (plants) and Table 2 (animals).

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

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

The species listed in the tables above that are categorized under the *Biosecurity Act 2014* (right column, Tables 1 and 2) should be managed from a compliance perspective using the powers set out in the *Biosecurity Act 2014*. The species listed in Table 3 below (and locally declared in the above tables) are species declared under Council’s local laws and therefore should be managed from a compliance perspective under local laws.

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

LOCALLY DECLARED	<p>Hiptage (<i>Hiptage benghalensis</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 and Bambusa spp</i>) Mother in law’s tongue (<i>Dracaena trifasciata</i>) Amazonian Frogbit (<i>Limnobium laevigatum</i>) Yellow Allamanda (<i>Allamanda cathartica</i>)(scheduled for inclusion 2025) Glow vine (<i>Saritaea magnifica</i>)(scheduled for inclusion 2025)</p>
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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 Surveillance Program

Now knowing WHICH invasive species are prioritised for management, next we need to clarify HOW they are managed under this Surveillance Program and in accordance with the Act, or under local laws.

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. Surveillance programs can be directed to achieve any of the following:

- (a) **monitoring compliance** with the Act in relation to a particular matter to which the Act applies
- (b) **confirming the presence**, or finding out **the extent of the presence** of the biosecurity matter to which the program relates

- (c) **confirming the absence** of the biosecurity matter to which the program relates
- (d) **monitoring the effects of measures taken** in response to a biosecurity risk
- (e) **monitoring compliance** with requirements about prohibited matter or restricted matter
- (f) **monitoring levels** of biosecurity matter or levels of biosecurity matter in a carrier.

The following explains these in a bit more detail, with some examples.

Undertaking surveillance activities using general powers

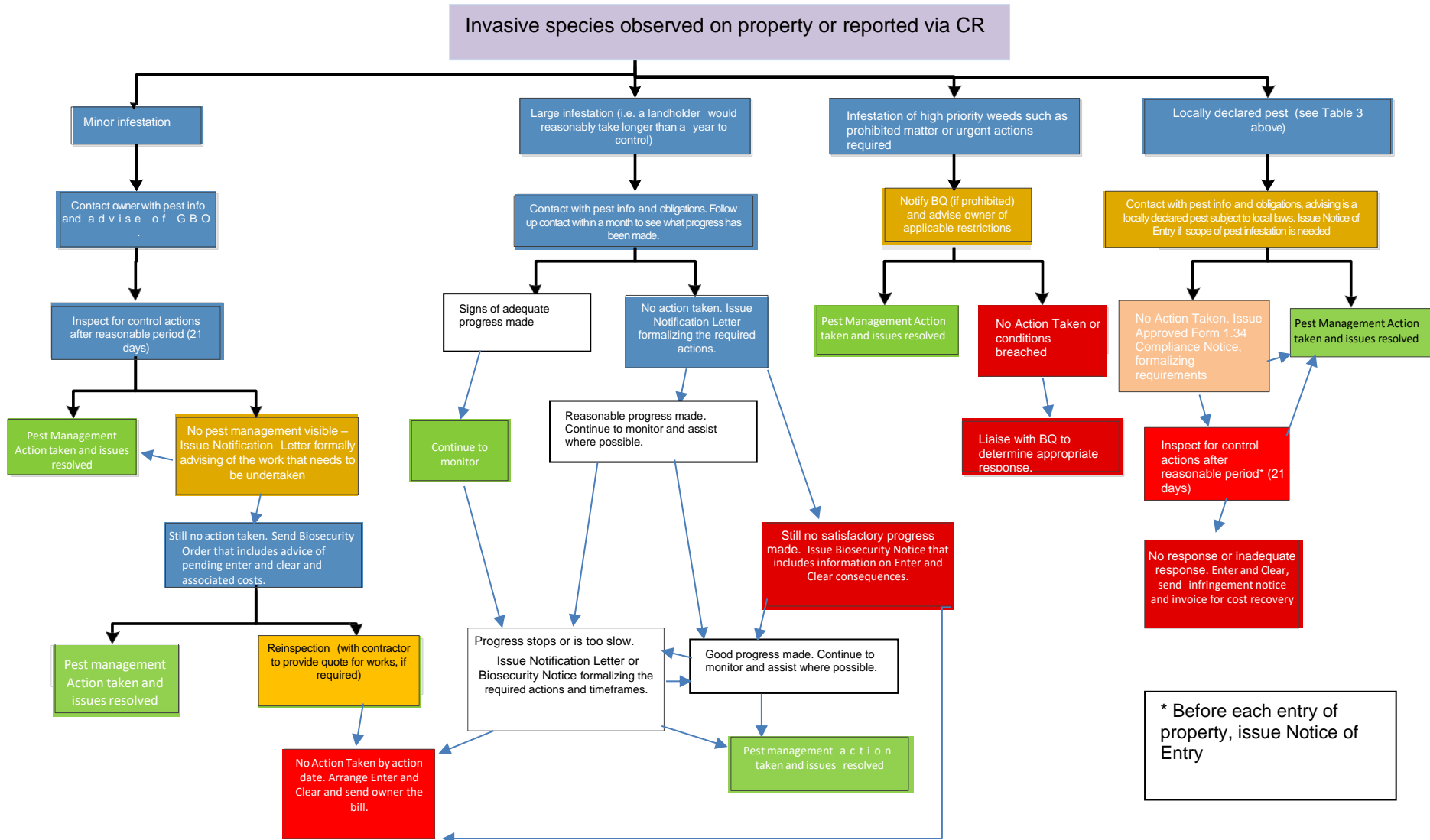
Surveillance activities may include:

1. **checking for the presence, extent or levels of the presence, or absence of *invasive biosecurity matter*** (as described in s48 and s49 of the Act) in the CCRC local government area. This surveillance may be conducted by entry of ground teams onto a place on foot or using a variety of vehicles (motorised vehicles including ATVs) to conduct visual inspections, however, aerial survey by visual or photographic inspection using manned helicopters or unmanned aerial vehicles (UAVs) may also be utilized if entering under Section 260. Surveillance in riparian and adjacent areas may also be undertaken utilising watercraft, including but not limited to, boats and amphibious vehicles.
2. During surveillance and monitoring activities, Authorised Officers may **take samples** for identification, research and educational purposes (Section 296 (1)(c)):
 - For weed species this may require taking a whole, or part of a plant specimen
 - For animal species this may require collecting whole, or parts of an animal, or collecting animal leavings such as scats.
3. Surveillance at suspected or existing pest infestation locations using surveillance measures such as, but not limited to, cameras using a variety of imaging techniques in order to determine prevalence and frequency at site of pest plant or animal species.
4. Monitoring of treated areas to determine the effectiveness of control. For invasive plants this is also to ensure no further recruitment by monitoring the seed bank until it is exhausted. This process may take many years depending on the species and may require soil or water sampling to determine the presence of viable seed (e.g. using methods such as eDNA).
5. Investigation and collection of evidence of instances of non-compliance. Refer to details in the following Table 4, Compliance Process on Private Land.

(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



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
<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
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 Surveillance Program) applies. For the purposes of this Surveillance 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 Surveillance 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 Surveillance 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 Surveillance 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) for a biosecurity program that is a surveillance program –
 - (i) if the program is directed at monitoring compliance with this Act—
 - (A) objective criteria for selecting places to be entered and inspected; and
 - (B) a description of the area in which the places are situated; or
 - (ii) if the program is directed at deciding the presence or extent of the spread of biosecurity matter—
 - (A) the parts of the State to which it applies; and
 - (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

Responses to the above:

- (a) The biosecurity matter to which this Program relates is listed in Tables 1 and 2 in this Program plus any matter declared under an emergency declaration
- (b) The purpose of this Program is described in sections 2.1 and 3.2 of this Surveillance Program
- (c) The Surveillance Program starts 15 April 2025
- (d) The Surveillance Program continues until 31st December 2029
- (e) (i) Monitoring:
 - (A) -property has been observed to contain biosecurity matter or
 - property has been reported to contain biosecurity matter or
 - property adjoins another property that contains biosecurity matter or
 - property is within close proximity of another property that contains biosecurity matter or
 - property is upstream or downstream of a property that contains biosecurity matter or
 - property is owned by the same owner of a property that contains biosecurity matter
 - (B) – any area within the CCRC’s local government area
- (ii) Presence or extent of the spread
 - (A) The parts of the State that fall within the CCRC’s local government area and
 - (B) any type or part of the State that is within the CCRC’s local government area

AUTHORISATION STATEMENT

Cassowary Coast Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014*, authorises this Surveillance 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 pests listed in the **Cassowary Coast Regional Council Invasive Plant and Animal Surveillance Program** pose a significant biosecurity risk to biosecurity considerations in Queensland and Council is satisfied that:

- surveillance activities are required to determine the presence or absence of these pests
- checking compliance with the Act and enforcement are required for the restriction category requirements
- activities are required to monitor the effects of the measures taken in response to the biosecurity risk of the pests listed in the **Cassowary Coast Regional Council Invasive Plants and Animals Surveillance Program**

as passed by Council resolution on 23 January 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 Surveillance 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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