

Lockyer Valley Regional Council

Surveillance Program for Invasive Biosecurity Matter

Biosecurity Act 2014

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1. Biosecurity Program

1.1 Program name

The Lockyer Valley Regional Council Surveillance Program (the Program) is a surveillance program (biosecurity program) for invasive biosecurity matter, as described in section 48(1)(a)–(d) of the *Biosecurity Act 2014* (the Act), for the Lockyer Valley Regional Council’s local government area.

2. Requirements for a surveillance program

2.1 Purpose and Rationale

Section 235 of the Act provides for the establishment of surveillance programs.

Surveillance programs are directed at 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 identifying 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;
- c) 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;
- d) Monitoring the effects of measures taken in response to a biosecurity risk;
- e) Monitoring compliance with requirements about prohibited matter or restricted matter, and
- f) Monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The purpose of the Program is:

- a) To confirm the presence, or determine the extent of the presence, of invasive biosecurity matter within the Lockyer Valley Regional Council (LVRC) local government area;
- b) To confirm the absence of invasive biosecurity matter within the LVRC area;
- c) To monitor the effects or measures taken to prevent or minimise the risk of invasive biosecurity matter within the LVRC local government area; and
- d) To monitor the effects or measures taken in response to a biosecurity risk posed by dealing with invasive biosecurity matter or a carrier within the LVRC local government area.

2.2 Measures that are required to achieve the purpose

The key activities undertaken by the Program include but are not limited to:

- Surveillance activities to inspect for the absence, presence, or to find the extent of the presence, of invasive biosecurity matter within the LVRC local government area. This surveillance will be conducted by entry of ground teams onto a place to conduct visual inspections or establish fixed cameras. Visual inspections may be undertaken by vehicles or on foot;
- Recording, including electronic recording, of information identifying locations and extent of presence of invasive biosecurity matter;
- Monitor the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter;

- Collecting of samples which may include:
 - Whole or part of a plant specimen;
 - Whole or parts of an animal including animal signs such as tracks, scats and traces; or
 - A carrier reasonably believed to be infested with invasive biosecurity matter.

2.3 Powers of Authorised Officers

2.3.1 Entry of a Place

The Act provides that authorised officers appointed under the Act may, at reasonable times, may enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program. 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.

In accordance with the Act a reasonable attempt will be made to locate an occupier and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter a 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 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 Lockyer Valley Regional Council Surveillance Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

An authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place, and the steps undertaken by the authorised officer after entry.

2.3.2 Obligations

A person must not interfere with fixed cameras placed to detect invasive biosecurity matter or interfere with the collection of a sample or samples by an authorised officer.

2.3.3 General Powers of Authorised Officers

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

2.4 Consultation

The following parties were consulted in the development of this plan:

- Relevant State Government departments and agencies.
- Darling Downs Moreton Rabbit Board (an invasive animal board under the Act).

3. Authorisation of a surveillance program in the State of Queensland

The Lockyer Valley Regional Council ("Council") acting pursuant to section 235 of the Act, authorised the Lockyer Valley Regional Council Surveillance Program in the Council's local government area, on the basis that:

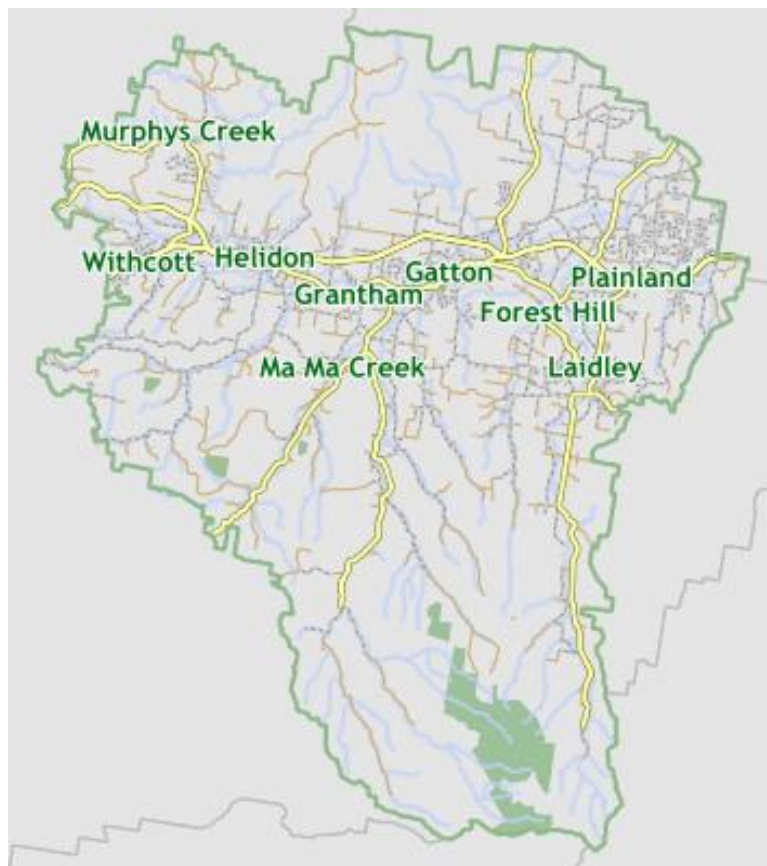
- There is identified invasive biosecurity matter as scheduled in the Act in the Lockyer Valley Regional Council area;
- Invasive biosecurity matter poses a significant risk to biosecurity considerations in the Lockyer Valley Regional Council area;
- Surveillance activities are required to determine the presence, and the extent of the presence, or absence of invasive biosecurity matter in the Council's local government area;
- Surveillance activities are required to monitor the effects of measures taken in response to the biosecurity risk posed by invasive biosecurity matter; and
- Surveillance activities are required to monitor compliance with requirements about prohibited matter or restricted matter.

3.1 Biosecurity Matter

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

3.2 Area affected by the Program

The Program applies to all land tenures in the Lockyer Valley Regional Council's local government area.



3.3 Powers of Authorised Officers

Under the Program, an authorised officer appointed under the Act, may enter a place within the are to which the Program applies – other than a residence – without a warrant and without the occupier’s consent.

An authorised person appointed by Council’s Chief Executive Officer under the Act, can exercise the powers of an authorised officer under the Act in relation to the Program. An authorised officer has general powers after entering a place to do any of the following powers outlined in Table 1.

Table 1: Powers granted to authorised officers

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<p>Searching a place to check for the presence or absence of invasive biosecurity matter.</p> <p>Inspect, examine, photograph and film to assist with tracing of carriers to and from a place.</p> <p>Establish fixed camera sites and traps.</p> <p>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</p> <p>Producing a written and/or electronic note(s) to support the Program activities.</p> <p>Taking GPS coordinates to ensure accuracy of location details of the invasive biosecurity matter and carriers of the invasive biosecurity matter.</p>
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 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 place as soon as practicable	

An authorised officer may make a requirement (*a help requirement*) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power.

3.4 Obligations imposed on a person under the Program

A person must not interfere with fixed cameras placed to detect invasive biosecurity matter or interfere with the collection of a sample or samples by an authorised officer.

3.5 Commencement and duration of the Program

The program will begin on 20 February 2023 and will continue until 20 February 2026. The duration of the program is considered reasonably necessary to achieve the Program's purpose.

3.6 Consultation with relevant parties

As required by the Act, prior to the authorisation of the Program Council has consulted with the Department of Agriculture and Fisheries and the Darling Downs Moreton Rabbit Board (an invasive animal board under the Act.)

3.7 Notification of relevant parties of requirements

As required by the Act, Council will give public notice of the Program 14 days before the Program starts by:

- Giving notice, by way of letter, to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- Publishing a notice on the Council's website.

A copy of the Program (including its authorisation) is available for inspection at the Council's Gatton office at 26 Railway Street, Gatton. A copy of the Program is also available to view and print at no cost on the Council's website at www.lockyvalley.qld.gov.au