

Cassowary Coast Regional Council Invasive Plant and Animal Prevention and Control Program

Version Control

Version	Outline of Revisions	Date	Actioned by
1.0	First draft	Jan 2025	Biosecurity Officer
1.1	Additions to locally declared pests		Biosecurity Officer
1.2	Minor amendments	Feb 2025	Biosecurity Officer
1.3	Reviewed by DG DPI, consequential minor amendments made.	March 2025	DG DPI CCRC Biosecurity Officer

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.

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). The majority of this program relates to the former, being under state legislation - the *Biosecurity Act 2014* - but ultimately it will depend on which piece of legislation the particular pest/s sit within.**

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 (GBO)**, the central legal concept for biosecurity compliance. As a general summary, it means that everyone has an obligation to take all reasonable and practical measures to prevent or minimise the risk of biosecurity matter that is under their control eg on their property. This is for biosecurity matter that they should reasonably be expected to know about.

Some examples of NOT meeting a GBO are:

- 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 manage invasive plants and animals on personal property

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 Biosecurity Act 2014 stipulates that local governments must have a biosecurity plan. Typically biosecurity plans are prepared for the set period of time of 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 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 geographical jurisdiction).

However, Council can and does manage additional species within its jurisdiction, that are considered to be invasive pest species. Some of these are specified and formally approved by Council 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 (see 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 mentioned above.

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

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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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 Environment) 2022, Part 2, Div 2 (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:

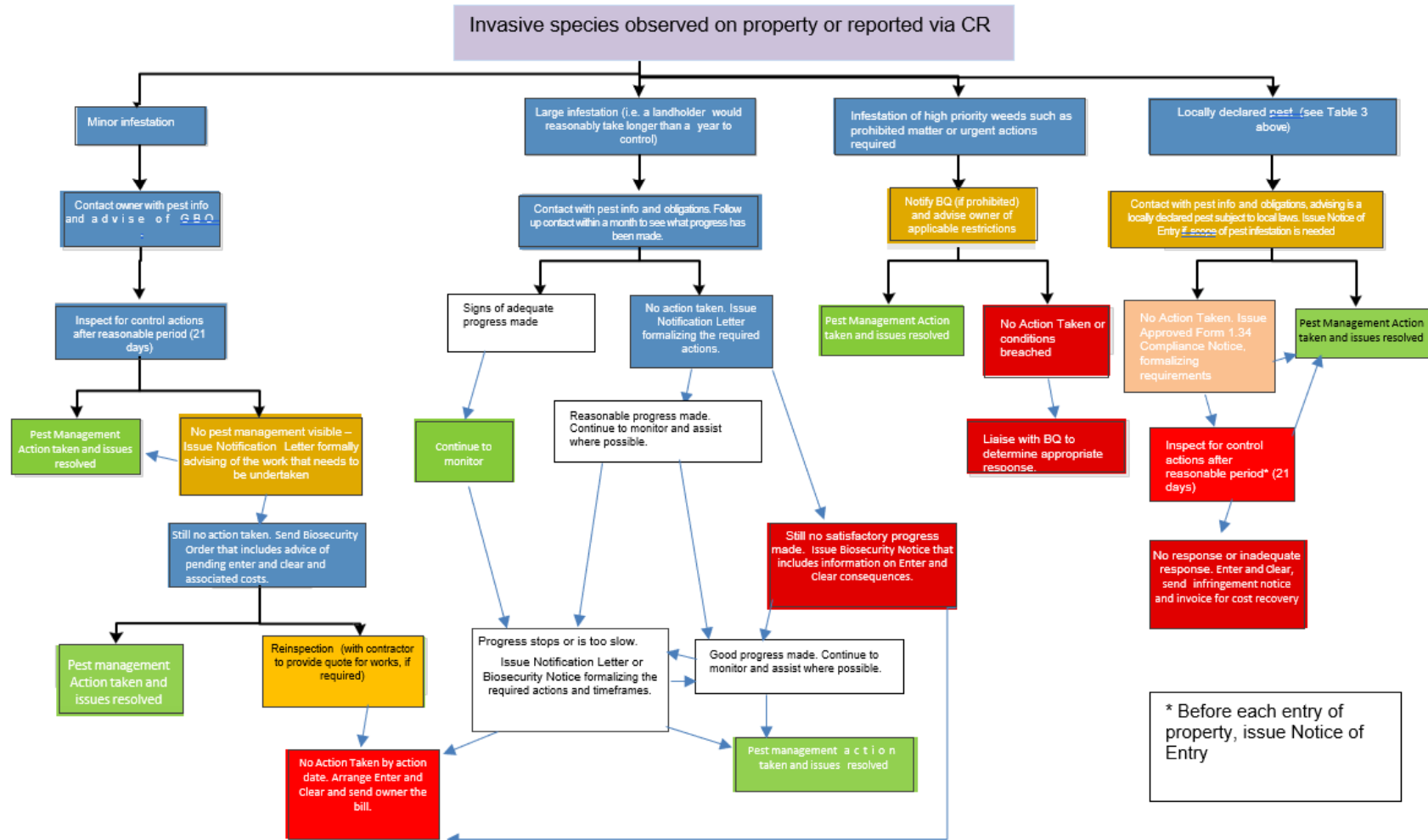
- (a) preventing the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk;
- (b) managing, reducing or eradicating any biosecurity matter in an area that could pose a significant biosecurity risk.

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.

(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
Destroy biosecurity matter or a carrier if: <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 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 –
 - (i) the nature and extent of the program, including—
 - (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; and
 - (ii) if a particular type of place is to be entered and inspected—a description of the type;
- (g) 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.
- (h) 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 15 April 2025
- (d)** This Prevention and Control Program is to be carried out from 15 April 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.

Other sections of the Act of most likely relevance include the following. The Act should be referred to directly for full details.

Section 237: Giving a direction for prevention and control program

Section 280: Power in relation to activity or biosecurity matter

Section 287: Power to stop or move

Section 289: Failure to comply with direction

Section 297: Power to require reasonable help

Section 298: Offence to contravene help requirement

Section 321: Power to require name and address

Section 322: Offence to contravene personal details requirement

Section 323: Power to require production of documents

Section 324: Offence to contravene document production requirement

Section 325: Offence to contravene document certification requirement

Section 326: Power to require information

Section 327: Offence to contravene information requirement

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 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 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.

Cassowary Coast Regional Council
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