

Prevention and Control Program for Red Witchweed (*Striga asiatica*) under the *Biosecurity Act 2014*

For implementation of the National Red Witchweed Response Plan

This publication has been compiled by Biosecurity Queensland, Department of Agriculture and Fisheries.

© State of Queensland, 2016.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.

Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.



You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Contents

1	Biosecurity program	1
1.1	Program name.....	1
2	Requirement for a prevention and control program	1
2.1	Purpose and rationale.....	1
	Significant biosecurity risk.....	1
2.2	Measures that are required to achieve the purpose.....	2
2.3	Powers of authorised officers.....	2
	Entry of place.....	2
	Giving a direction under a prevention and control program.....	3
	Failure to comply with a direction.....	3
	Power to carry out aerial control measures.....	3
	Obligations.....	3
	General powers of authorised officers.....	3
2.4	Consultation.....	4
3	Authorisation of a prevention and control program in the State of Queensland	5
3.1	Biosecurity matter.....	5
3.2	Purpose of the Program.....	5
3.3	Area affected by the Program.....	5
3.4	Powers of authorised officers.....	6
3.5	Obligations imposed on a person under the Program.....	7
3.6	Commencement and duration of the Program.....	7
3.7	Consultation with relevant parties.....	8
3.8	Notification of relevant parties of requirements.....	8

1 Biosecurity program

1.1 Program name

The prevention and control program (biosecurity program) for red witchweed (*Striga asiatica*) will be known as the Prevention and Control Program for Red Witchweed (the Program).

2 Requirement for a prevention and control program

2.1 Purpose and rationale

Significant biosecurity risk

The *Biosecurity Act 2014* (the Act) provides for the establishment of prevention and control programs. Prevention and a control programs are directed at 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 purpose of the Prevention and Control Program for Red Witchweed (the Program) is to implement part of the activities of the National Red Witchweed Response Plan.

The objective of the Program is to prevent the establishment or spread of red witchweed in Queensland.

Red witchweed (*Striga asiatica*) is prohibited biosecurity matter under the *Biosecurity Act 2014* (the Act). A person must not deal¹ with red witchweed or a carrier of red witchweed. An occupier of a place has an obligation to report² the presence of prohibited matter.

Red witchweed was detected near Mackay in 2013. It is a parasite that affects both the production of sugarcane and cereal crops as well as international trade in cereals. Seven (7) properties are affected - red witchweed has been detected on six sugarcane properties and one cattle property near Mackay. The Queensland Government funded an initial emergency response while negotiating a nationally cost-shared program with industry and other governments.

In February 2015, the National Management Group overseeing the National Red Witchweed Eradication Program endorsed a 10 year response plan and budget of \$5.8 million to be cost shared between State and Federal governments and affected industries. The eradication response has now commenced and individual affected property owners are being assisted during the three year treatment phase of the eradication program.

The key activities undertaken by the National Red Witchweed Response Plan include:

- Surveillance to check for the presence or absence of red witchweed. Effective and efficient surveillance and monitoring of large areas may be required in the future, which is likely to be conducted on foot but may utilise unmanned aerial vehicles; and

¹ See section 37 (Dealing with prohibited matter) of the Act.

² See section 36 (Reporting presence of prohibited matter) of the Act.

- Treatment of land to eradicate existing red witchweed infestations and preventative treatment of land adjacent to these infestations. Planting of false host crops, catch crops and soil fumigation by specialised machinery being the most efficient methods.

The Technical Reference Group recommended the development and use of Property Management Plans to allow movement of machinery and other risk items from an infested property. The Program will impose an obligation on occupiers of infested land to develop and implement Property Management Plans.

The surveillance component of the National Red Witchweed Response Plan is implemented under the Surveillance Program for Red Witchweed.

2.2 Measures that are required to achieve the purpose

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

- Entry onto land to undertake treatment of land to eradicate existing red witchweed infestations and preventative treatment of land adjacent to these infestations using efficient methods such as planting of false host crops, catch crops and soil fumigation by specialised machinery.

Measures required to prevent the spread of red witchweed include:

- Preventing the movement of any plants, plant material or soil from red witchweed infested land;
- Preventing the movement of risk items, including vehicles, footwear, clothing, other appliances or any other thing from the land, that have been in contact with red witchweed or soils upon which red witchweed has been growing;

Not disturbing the land where red witchweed is present, including any agricultural practices such as harvesting, planting, tilling of the soil and weed control measures such as spraying with herbicide or manual removal.

2.3 Powers of authorised officers

Entry of place

The Act provides that authorised officers appointed under the act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program³. 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 occupier⁴ 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 the place if⁵—

- (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

³ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁴ The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

⁵ See section 270 (Entry of place under sections 261 and 262) of the Act.

without the permission of the occupier. An authorised officer under the 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.

Giving a direction under a prevention and control program

Section 237 of the Act provides that an authorised officer may, at a reasonable time and at a place within an area to which a prevention and control program applies:

- Direct an occupier to take reasonable steps, within a stated and reasonable timeframe, to remove or eradicate red witchweed. These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.
- Destroy red witchweed or a carrier of red witchweed, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

Failure to comply with a direction

Under s238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under s237 of the Act, as outlined above.

Power to carry out aerial control measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁶. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measures for red witchweed using unmanned aerial vehicles in relation to a place to which the Program relates.

Obligations

Occupiers of properties infested with red witchweed are required to take measures to prevent the spread of red witchweed from those properties by:

- preventing the movement of any plants, plant material or soil from red witchweed infested land;
- preventing the movement of risk items, including vehicles, footwear, clothing, other appliances or any other thing from the land, that have been in contact with *S. asiatica* or soils upon which *S. asiatica* has been growing;
- not disturbing the land where *S. asiatica* is present, including any agricultural practices such as harvesting, planting, tilling of the soil and weed control measures such as spraying with herbicide or manual removal.

In addition to the Program specific obligations in the prevention and control program authorisation, under s238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under s 237 of the Act.

⁶ See section 294 (Power to carry out aerial control measures under the biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter
- distributing an agricultural chemical to control the biosecurity matter

General powers of authorised officers

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

2.4 Consultation

A community engagement strategy was developed and implemented that included stakeholder analysis and suggested engagement approaches for key stakeholder groups. These activities will be undertaken by the Response Program Manager at Mackay in collaboration with industry.

Key considerations include management of messaging to protect industry interests (both sugar cane, livestock and grains sectors), staged roll-out of activities and program reach based on information availability and response priorities, and eventual need for broad community awareness and contribution to surveillance activities to confirm red witchweed delimitation. Stakeholder groups and networks have been identified in the local Mackay area, at state and national levels.

Community engagement activities include:

- Regular contact with affected producers.
- Development of newsletter articles for local publications.
- Distribution of information through local businesses.
- Letterbox drop to all households in the Habana area.
- Delivery of community meeting presentations.
- Displays at local Agricultural show and events.
- Shed meetings
- Meetings with Harvest contractors and Utility groups

3 Authorisation of a prevention and control program in the State of Queensland

I, Dr Elizabeth Woods, the chief executive of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Prevention and Control Program for red witchweed (the Program) in the Mackay Regional Council local government area in the State of Queensland, on the basis that:

- I am satisfied that there is red witchweed, which is prohibited matter under the Act⁷, in the Mackay Regional Council local government area; and
- I am satisfied that red witchweed in the Mackay Regional Council local government area poses or is likely to pose a significant biosecurity risk in the area and in other areas of the State of Queensland⁸; and
- I am satisfied that measures are required to prevent the establishment or spread of red witchweed in the Mackay Regional Council local government area and in other areas of the State of Queensland⁹; and
- I am satisfied that these measures are required to implement the National Red Witchweed Response Plan.

Dr Elizabeth Woods
Director-General
Department of Agriculture and Fisheries

Authorised on 02 / 06 / 2016

3.1 Biosecurity matter

The biosecurity matter to which the Program relates is red witchweed (*Striga asiatica*).

3.2 Purpose of the Program

The purpose of the Program in the State of Queensland is to:

- Prevent the spread of red witchweed from infested properties; and
- Eradicate red witchweed through attrition, prevention of seed set and destruction of the seed bank.

3.3 Area affected by the Program

The Program will apply to the parts of the State of Queensland¹⁰ within the Mackay Regional Council Local Government area (see Map 1) that are infested with red witchweed.

⁷ See section 235(3)(a) (Authorising and carrying out biosecurity program) of the Act.

⁸ See section 235(3)(b) (Authorising and carrying out biosecurity program) of the Act.

⁹ See section 235(3)(c) (Authorising and carrying out biosecurity program) of the Act.

¹⁰ See section 236(1)(e) (What program authorisation must state) of the Act.

3.4 Powers of authorised officers

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence¹¹—without a warrant and without the occupier’s consent within the State of Queensland under the Program¹². An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program.¹³

An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive¹⁴. An authorised officer has general powers after entering a place¹⁵ to do any of the following:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	<i>Search a place to check for the presence of red witchweed.</i>
Inspect, examine or film any part of the place or anything at the place	<i>Identify carriers such as vehicles, footwear, clothing, other appliances or any other thing from the land, that have been in contact with red witchweed or soils upon which red witchweed has been growing with tags, notices, flags or signs for any purpose consistent with the Program.</i>
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	<i>Destroy red witchweed or a carrier of red witchweed if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.</i>
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	<i>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate red witchweed.</i>
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	<i>Inspect, examine and film to assist with tracing of carriers of red witchweed to and from a place.</i>
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	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of red witchweed.</i>
Remain at the place for the time necessary to achieve the purpose of the entry	<i>Produce a written and/or electronic note(s) to support Program activities.</i>
The authorised officer may take a necessary step to allow the exercise of a general power	<i>Take GPS coordinates to ensure accuracy of location details of carriers of red witchweed.</i>
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	<i>Undertake preventative treatment such as planting false host crops, catch crops and soil fumigation that is consistent with the objectives of the Program.</i>

¹¹ The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of sections 259(2) and 259(3) of the Act.

¹² See section 259 (General powers to enter places) of the Act.

¹³ See section 261 (Power to enter a place under biosecurity program) of the Act.

¹⁴ See section 255(3) (Powers of particular authorised officers limited) of the Act.

¹⁵ See section 296 (General powers) of the Act. 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.

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.	
--	--

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place to take reasonable steps to:

- remove or eradicate red witchweed as reasonably necessary to achieve the purposes of the Program; or
- destroy red witchweed or a carrier of red witchweed, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

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 power¹⁶.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for red witchweed at a place to which the Program applies. Under the Program these measures may include distributing an agricultural chemical to control red witchweed on infested properties or undertaking monitoring of an area that has been treated with an agricultural chemical.

3.5 Obligations imposed on a person under the Program

The following obligations may be imposed on a person who is an occupier of a place to which the Program relates, that is, a place that is infested with red witchweed:

- The occupier must prepare a Property Management Plan in consultation with an authorised officer of the Program; and
- The occupier must implement the Property Management Plan and undertake the actions and measures in accordance with the Property Management Plan and any Directions given to the occupier so as to:
 - Prevent the movement of any plants, plant material or soil from the land; and
 - Prevent the movement of risk items, including vehicles, footwear, clothing, other appliances or any other thing from the land, that have been in contact with red witchweed or soils upon which red witchweed has been growing; and
 - Not disturb land where red witchweed is present, including any agricultural practices such as harvesting, planting, tilling of the soil and weed control measures such as spraying with herbicide or manual removal.

3.6 Commencement and duration of the Program

The Program will begin on 1 July 2016 and will continue until 30 June 2026. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

¹⁶ See section 297 (Power to require reasonable help) of the Act.

3.7 Consultation with relevant parties

As required by the Act¹⁷, I, Dr Beth Woods, the chief executive of the Department of Agriculture and Fisheries have consulted, prior to the authorisation of this Program, with the Mackay Regional Council, which is the local government for the area to which the Program applies.

3.8 Notification of relevant parties of requirements

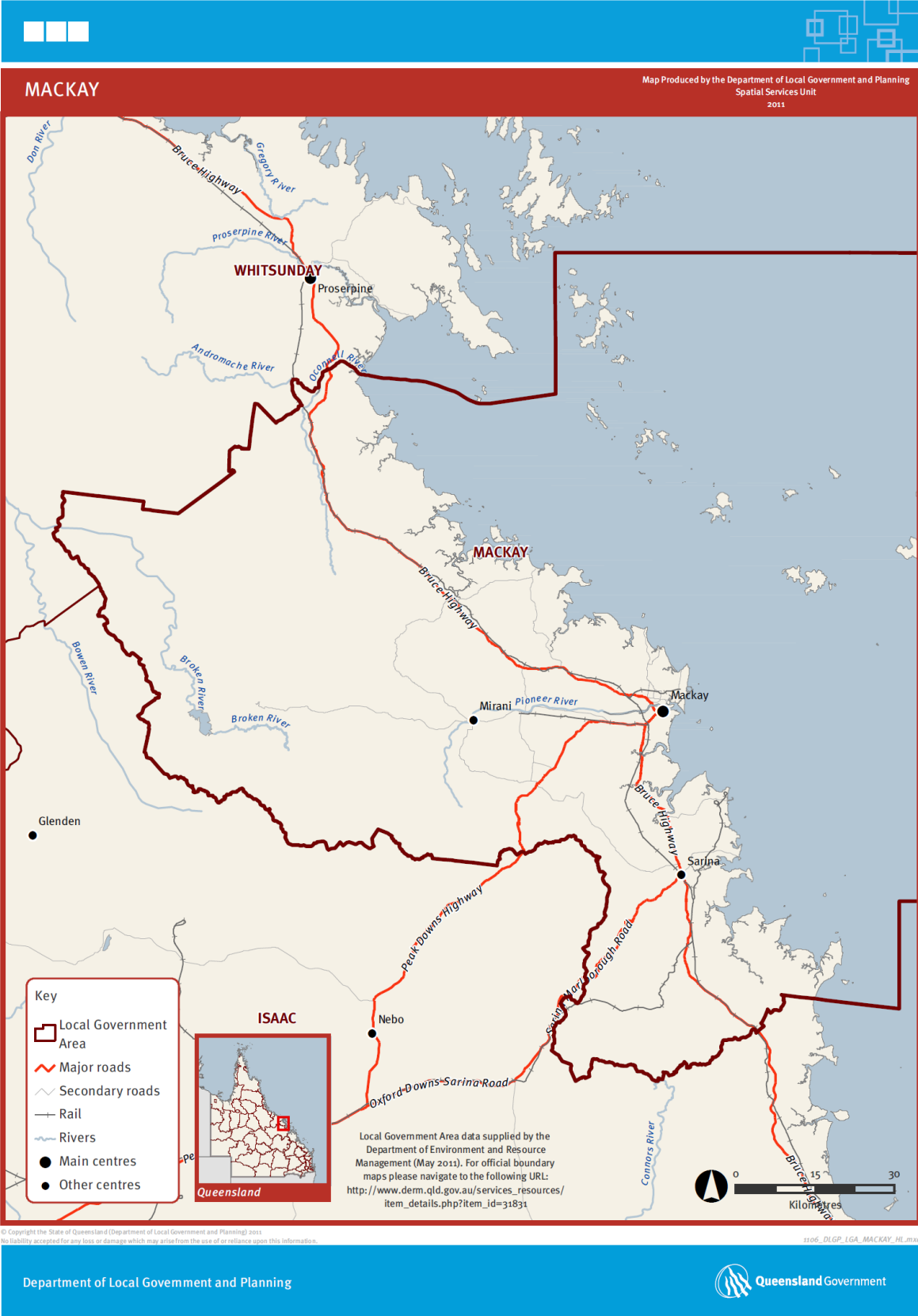
As required by the Act¹⁸, I will give public notice of the Program 14 days before the Program starts by:

- Giving the 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 the notice on the Department's website, and
- Placing the public notice in a newspaper circulating in the area as appropriate.

A copy of the Program (including its Authorisation) is available for inspection at the Department of Agriculture and Fisheries head office at 80 Ann Street Brisbane and regional offices. A copy of the Program is also available to view and print at no cost on the Department of Agriculture and Fisheries website at www.daf.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the Department of Agriculture and Fisheries Customer Service Centre on 13 25 23.

¹⁷ See section 239 (Consultation about proposed biosecurity program) of the Act

¹⁸ See section 240 (Notice of proposed biosecurity program) of the Act



Map 1: Area affected by the Program