

# **2019/20 Prevention and Control Program for Invasive Biosecurity Matter under the *Biosecurity Act 2014***

**Biosecurity Queensland**

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# 1. Biosecurity program

## 1.1 Program name

The prevention and control program (biosecurity program) for invasive plants and animals that are restricted matter or prohibited will be known as the Prevention and Control Program for Invasive Biosecurity Matter (the Program).

The biosecurity matter to which the Program relates is the Invasive Biosecurity Matter listed in Table A and Table B.

# 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 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 objectives of the Program are:

- (a) to prevent the entry, establishment or spread of biosecurity matter listed in Column A of Table A in the respective areas listed in Column B of Table A where the biosecurity matter poses a significant biosecurity risk; and
- (b) to manage, reduce or eradicate the biosecurity matter listed in Column A of Table B in areas listed in Column B of Table B where the biosecurity matter could pose a significant biosecurity risk.

### Invasive plants

Biosecurity Queensland leads 21 non-nationally cost-shared state-wide eradication projects in partnership with local governments. These high risk invasive plants pose a significant risk to Queensland's economy, environment or social amenity.

In addition, this program is required for preparedness for response to any reoccurrences of another 17 high-risk invasive plant species believed to have been successfully eradicated from Queensland.

Prevention and control programs for red witchweed and the tropical weeds have been authorised as separate biosecurity programs that commenced on 1 July 2016.

Ongoing surveillance for all invasive plants that are prohibited matter not yet present in Queensland is undertaken under the Surveillance Program for Invasive Biosecurity Matter.

### Invasive animals

The Program is required so that appropriate action may be taken by the Department of Agriculture and Fisheries to prevent the entry, establishment or spread of invasive animals that poses a significant biosecurity risk. New incursions of invasive animals derive from the unlawful importation and possession

of prohibited matter as pets or for other purposes. The taxa of prohibited matter included in the program have been previously detected within Queensland; or are known to be kept as pets in New South Wales; or are common interceptions at the national border by Australian Government biosecurity agencies or are identified in the National Incursion Response Plan for Terrestrial Snakes.

The Program is required so that appropriate actions may be taken by the Department of Agriculture and Fisheries to manage, reduce or eradicate invasive animals that are restricted biosecurity matter in areas where the invasive biosecurity matter could pose a significant biosecurity risk. This includes being able to respond to new populations of invasive animals or to escapes of invasive animals held under restricted matter permits in certain local government areas.

Ongoing surveillance for invasive animals that are prohibited matter and not yet present in Queensland is undertaken under the Surveillance Program for Invasive Biosecurity Matter.

## 2.2 Measures that are required to achieve the purpose

The key activities undertaken by the Program include but are not limited to the destruction of invasive biosecurity matter by methods including

- Incineration, burning or deep burial of invasive plants
- Mechanical or manual felling, lopping or removal of invasive plants
- Ground or aerial distribution of agricultural chemicals to invasive plants
- Ground or aerial distribution of poisons to invasive animals
- Ground or aerial use of firearms
- Ground trapping of invasive animals
- Lethal injection of poison to invasive animals.

## 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 program<sup>1</sup>. 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<sup>2</sup> 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 if<sup>3</sup>—

- (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

<sup>1</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>2</sup> 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.

<sup>3</sup> See section 270 (Entry of place under sections 261 and 262) of the Act.

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 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 Invasive Biosecurity Matter. These steps must be limited to what is reasonably necessary to achieve the purposes of the Program.
- Destroy Invasive Biosecurity Matter or a carrier of the Invasive Biosecurity Matter, if the authorised officer believes on reasonable grounds that the biosecurity matter poses a significant biosecurity risk.

### **Failure to comply with a direction**

Under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under section 237 of the Act, as outlined above.

### **Power to carry out aerial controls measures**

The power to carry out aerial control measures is authorised by a biosecurity program under the Act<sup>4</sup>. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measure for Invasive Biosecurity Matter in relation to a place in an area to which the Program relates.

### **Obligations**

A person in possession of Invasive Biosecurity Matter to which this program relates must allow an authorised person under the Program to destroy the invasive biosecurity matter.

In addition to 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.

### **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**

Consultation was undertaken with each local government and invasive animal board in Queensland with responsibility for ensuring the management of invasive biosecurity matter in its area.

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<sup>4</sup> See section 294 (Power to carry out aerial control measures under 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.

### 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 a Prevention and Control Program for the following Invasive Biosecurity Matter that is prohibited matter or restricted matter in Queensland, on the basis that I am satisfied that:

- there is or there is likely to be Invasive Biosecurity Matter which is prohibited matter, in the areas listed in Table A; and
- measures are required to prevent the entry, establishment and spread of the Invasive Biosecurity Matter listed in Table A which poses a significant biosecurity risk in the areas.
- Invasive Biosecurity Matter is in the areas listed in Table B and poses or is likely to pose a significant biosecurity risk in the areas listed in Table B; and
- measures are required to manage, reduce or eradicate the Invasive Biosecurity Matter listed in Table B which poses or is likely to pose a significant biosecurity risk in the areas listed in Table B.

**Dr Elizabeth Woods**  
**Director-General**  
**Department of Agriculture and Fisheries**

**Authorised on 17 / 07 / 2019**

### 3.1 Biosecurity matter

The Invasive Biosecurity Matter to which the Program relates is the prohibited matter list in Table A and the restricted matter listed in Table B below.

**Table A. Prohibited matter to which the Program relates.**

| Column A  | Column B   |
|---|--|
| Common Name ( <i>Scientific name</i> )              | Local Government areas   |
| <b>Invasive plants</b>                              |  |
| Aaron's beard cactus ( <i>Opuntia leucotricha</i> ) | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Central Highlands Regional</li> <li>• Charters Towers Regional</li> <li>• Palm Island Aboriginal</li> <li>• City of Gold Coast</li> <li>• Gympie Regional</li> <li>• Logan City</li> <li>• Moreton Bay Regional</li> <li>• North Burnett Regional</li> <li>• Scenic Rim Regional</li> <li>• Sunshine Coast Regional</li> </ul>   |
| bitter weed ( <i>Helenium amarum</i> )              | <ul style="list-style-type: none"> <li>• Lockyer Valley Regional</li> <li>• Somerset Regional</li> </ul>   |
| blind cactus ( <i>Opuntia rufida</i> )              | <ul style="list-style-type: none"> <li>• Barcaldine Regional</li> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• Central Highlands Regional</li> <li>• Charters Towers Regional</li> <li>• City of Gold Coast</li> <li>• Ipswich City</li> <li>• Logan City</li> <li>• Moreton Bay Regional</li> <li>• Mareeba Shire</li> <li>• Tablelands Regional</li> <li>• Townsville City</li> <li>• Redland City</li> <li>• Sunshine Coast Regional</li> </ul>                                    |
| cha-om ( <i>Senegalia insuavis</i> ) <sup>5</sup>   | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Burdekin Shire</li> <li>• Cairns Regional</li> <li>• Cassowary Coast Regional</li> <li>• City of Gold Coast</li> <li>• Cook Shire</li> <li>• Douglas Shire</li> <li>• Fraser Coast Regional</li> <li>• Lockyer Valley Regional</li> <li>• Logan City</li> <li>• Mackay Regional</li> <li>• Noosa Shire</li> <li>• Tablelands Regional</li> <li>• Townsville City</li> <li>• Weipa Town</li> <li>• Whitsunday Regional</li> </ul> |
| grey-haired acacia ( <i>Vachellia gerrardii</i> )   | <ul style="list-style-type: none"> <li>• Townsville Regional</li> </ul>  |
| karroo thorn ( <i>Vachellia karroo</i> )            | <ul style="list-style-type: none"> <li>• Rockhampton Regional</li> <li>• Sunshine Coast Regional</li> <li>• Toowoomba Regional</li> </ul>  |
| knobthorn ( <i>Senegalia nigrescens</i> )           | <ul style="list-style-type: none"> <li>• Cairns Regional</li> </ul>  |

<sup>5</sup> previously listed as pennata wattle (*Senegalia pennata* ssp. *insuavis*)



| Column A  | Column B  |
|---|---|
| Common Name ( <i>Scientific name</i> )  | Local Government areas  |
| <b>Invasive plants (cont.)</b>  |   |
| Mexican bean trees ( <i>Cecropia</i> spp. other than those listed as restricted matter in Table B.) | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• Cassowary Coast Regional</li> <li>• City of Gold Coast</li> <li>• Douglas Shire</li> <li>• Mackay Regional</li> <li>• Moreton Bay Regional</li> <li>• Scenic Rim Regional</li> <li>• Sunshine Coast Regional</li> <li>• Tablelands Regional</li> </ul> |
| Blind Prickly Pear ( <i>Opuntia puberula</i> ) <sup>6</sup>   | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• City of Gold Coast</li> <li>• Ipswich City</li> <li>• Mareeba Shire</li> <li>• Tablelands Regional</li> </ul>  |
| red wood ( <i>Acaciella glauca</i> )  | <ul style="list-style-type: none"> <li>• Burdekin Shire</li> <li>• Hinchinbrook Shire</li> <li>• Mackay Regional</li> <li>• North Burnett Regional</li> <li>• Northern Peninsular Area Regional</li> <li>• Townsville City</li> <li>• Whitsunday Regional</li> </ul>  |
| red-flowered prickly pear ( <i>Opuntia elatior</i> )  | <ul style="list-style-type: none"> <li>• Toowoomba Regional</li> </ul>  |
| purple prickly pear ( <i>Opuntia gosseliniana</i> ) <sup>7</sup>                                    | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Gympie Regional</li> <li>• Toowoomba City</li> </ul>  |
| smooth mesquite ( <i>Prosopis laevigata</i> )   | <ul style="list-style-type: none"> <li>• Lockyer Valley Regional</li> <li>• Somerset Regional</li> </ul>  |
| soap pod ( <i>Senegalia rugata</i> )  | <ul style="list-style-type: none"> <li>• Burdekin Shire</li> <li>• Cairns Regional</li> <li>• Cassowary Coast Regional</li> <li>• Douglas Shire</li> <li>• Tablelands Regional</li> <li>• Townsville City</li> <li>• Western Downs Regional</li> </ul>  |
| splendid thorn ( <i>Vachellia robusta</i> )   | <ul style="list-style-type: none"> <li>• Brisbane City</li> </ul>   |
| sulphur cactus ( <i>Opuntia sulphurea</i> )   | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Goondiwindi Regional</li> <li>• Maranoa Regional</li> </ul>   |
| tropical soda apple ( <i>Solanum viarum</i> )   | <ul style="list-style-type: none"> <li>• Ipswich City</li> <li>• Somerset Regional</li> <li>• Western Downs Region</li> </ul>   |
| wheel cactus ( <i>Opuntia robusta</i> )   | <ul style="list-style-type: none"> <li>• Logan City</li> </ul>  |
| white witchweed ( <i>Striga angustifolia</i> )  | <ul style="list-style-type: none"> <li>• Charters Towers Regional</li> </ul>  |
| white-ball acacia ( <i>Acaciella angustissima</i> )   | <ul style="list-style-type: none"> <li>• Charters Towers Regional</li> <li>• Hinchinbrook Shire</li> <li>• Rockhampton Regional</li> <li>• Townsville City</li> </ul>   |
| yellow fever tree ( <i>Vachellia xanthophloea</i> )   | <ul style="list-style-type: none"> <li>• City of Gold Coast</li> <li>• Scenic Rim Regional</li> </ul>   |

<sup>6</sup> previously listed as Engelmann's pear (*Opuntia engelmannii*)

<sup>7</sup> previously listed as Santa Rita prickly pear (*Opuntia santarita*)

| Column A  | Column B   |
|---|--|
| Common Name ( <i>Scientific name</i> )  | Local Government areas   |
| <b>Invasive animals</b>   |  |
| <p>African rock python (<i>Python sebae</i>)<br/> American corn snake (<i>Pantherophis guttatus</i>)<br/> ball python (<i>Python regius</i>)<br/> blood python (<i>Python curtus</i>)<br/> boa constrictor (<i>Boa constrictor</i>)<br/> Burmese python (<i>Python molarus bivittatus</i>)<br/> Californian kingsnake (<i>Lampropeltis getula californiae</i>)<br/> Chinese stripe neck turtle (<i>Mauremys sinensis</i>)<br/> Dumeril's boa (<i>Acrantophis dumerilii</i>)<br/> eastern Herman's tortoise (<i>Testudo hermanni</i>)<br/> emerald tree boa (<i>Corallus caninus</i>)<br/> Gaboon viper (<i>Bitis gabonica</i>)<br/> green (common) Iguana (<i>Iguana iguana</i>)<br/> horned vipers (<i>Cerastes</i> spp.)<br/> Indian python (<i>Python molurus</i>)<br/> king cobra (<i>Ophiophagus Hannah</i>)<br/> leopard gecko (<i>Eublepharis macularius</i>)<br/> New Guinea tree boa (<i>Candoia carinata</i>)<br/> nose-horned viper (<i>Vipera ammodytes</i>)<br/> panther chameleon (<i>Furcifer pardalis</i>)<br/> puff adder (<i>Bitis arietans</i>)<br/> rainbow boa (<i>Epicrates cenchria</i>)<br/> reticulated python (<i>Broghammerus reticulatus</i>)<br/> rosy boa (<i>Lichanura trivirgata</i>)<br/> Russel's viper (<i>Daboia russelii</i>)<br/> Russian tortoise (<i>Agrionemys horsfieldii</i>)<br/> sand boas (<i>Eryx</i> spp.)<br/> sand boas (<i>Gongylophis</i> spp.)<br/> saw-scaled viper (<i>Echis carinatus</i>)<br/> Southeast Asian box turtle (<i>Cuora amboinensis</i>)<br/> southern hog-nosed snake (<i>Heterodon simus</i>)<br/> spotted pond turtle (<i>Geoclemys hamiltonii</i>)<br/> star tortoise (<i>Geochelone elegans</i>)<br/> Uracoan rattlesnake (<i>Crotalus vegrandis</i>)<br/> yellow anaconda (<i>Eunectes notaeus</i>)<br/> white lipped pit viper (<i>Trimeresurus albolabris</i>)<br/> Chinchilla (<i>Chinchilla lanigera</i>)<br/> common marmoset (<i>Callithrix jacchus</i>)</p> | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• City of Gold Coast</li> <li>• Fraser Coast Regional</li> <li>• Gympie Regional</li> <li>• Ipswich City</li> <li>• Logan City</li> <li>• Mackay Regional</li> <li>• Mareeba Shire</li> <li>• Moreton Bay Regional</li> <li>• Redlands City</li> <li>• Sunshine Coast Regional</li> <li>• Toowoomba Regional</li> <li>• Townsville City</li> <li>• Whitsunday Regional</li> </ul> |
| <p>ferret (<i>Mustela putorius furo</i>)</p>  | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• City of Gold Coast</li> <li>• Goondiwindi Regional</li> <li>• Ipswich City</li> <li>• Lockyer Valley Regional</li> <li>• Logan City</li> <li>• Moreton Bay Regional</li> <li>• Redlands City</li> <li>• Scenic Rim Regional</li> <li>• Southern Downs Regional</li> <li>• Toowoomba Regional</li> <li>• Townsville City</li> <li>• Winton Shire</li> </ul>                      |
| <p>Indian palm squirrel (<i>Funambulus</i> spp.)</p>  | <ul style="list-style-type: none"> <li>• City of Gold Coast</li> <li>• Goondiwindi Regional</li> <li>• Scenic Rim Regional</li> <li>• Southern Downs Regional</li> </ul>   |

**Table B. Restricted matter to which the Program relates.**

| Column A   | Column B   |
|--|--|
| Common Name ( <i>Scientific name</i> )                             | Local Government Areas   |
| <b>Invasive plants</b>   |  |
| badhara bush ( <i>Gmelina elliptica</i> )                          | <ul style="list-style-type: none"> <li>• Livingstone Shire</li> <li>• Rockhampton Regional</li> </ul>  |
| bitou bush ( <i>Chrysanthemoides monilifera</i> )                  | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Bundaberg Regional</li> <li>• City of Gold Coast</li> <li>• Fraser Coast Regional</li> <li>• Gympie Regional</li> <li>• Moreton Bay Regional</li> <li>• Noosa Shire</li> <li>• Redland City</li> <li>• Sunshine Coast Regional</li> </ul>  |
| black willow ( <i>Salix nigra</i> )                                | <ul style="list-style-type: none"> <li>• Fraser Coast Regional</li> <li>• Redland City</li> </ul>  |
| bunny ears cactus ( <i>Opuntia microdasys</i> )                    | <ul style="list-style-type: none"> <li>• Banana Shire</li> <li>• Barcaldine Regional</li> <li>• Brisbane City</li> <li>• Burdekin Shire</li> <li>• Cairns Regional</li> <li>• Cassowary Coast Regional</li> <li>• Central Highlands Regional</li> <li>• Charters Towers Regional</li> <li>• City of Gold Coast</li> <li>• Fraser Coast Regional</li> <li>• Goondiwindi Regional</li> <li>• Gympie Regional</li> <li>• Lockyer Valley Regional</li> <li>• Logan City</li> <li>• Mackay Regional</li> <li>• Mareeba Shire</li> <li>• Moreton Bay Regional</li> <li>• Murweh Shire</li> <li>• Noosa Shire</li> <li>• North Burnett Regional</li> <li>• Redland City</li> <li>• Somerset Regional</li> <li>• Southern Downs Regional</li> <li>• Sunshine Coast Regional</li> <li>• Tablelands Regional</li> <li>• Toowoomba Regional</li> <li>• Townsville City</li> <li>• Western Downs Regional</li> </ul> |
| Eve's pin cactus ( <i>Austrocyllindropuntia subulata</i> )         | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• Gladstone Regional</li> <li>• Ipswich City</li> <li>• Logan City</li> <li>• Mareeba Shire</li> <li>• Moreton Bay Regional</li> <li>• Noosa Shire</li> <li>• Scenic Rim Regional</li> <li>• Sunshine Coast Regional</li> <li>• Tablelands Regional</li> </ul>  |
| grey willow ( <i>Salix cinerea</i> )                               | <ul style="list-style-type: none"> <li>• Fraser Coast Regional</li> <li>• Redland City</li> </ul>  |
| honey locust tree ( <i>Gleditsia triacanthos</i> )                 | <ul style="list-style-type: none"> <li>• Gladstone Regional</li> <li>• Southern Down Regional</li> <li>• Toowoomba Regional</li> <li>• Goondiwindi Regional Council</li> <li>• Western Downs Regional Council</li> </ul>   |
| Hudson pear ( <i>Cylindropuntia rosea</i> and <i>C. tunicata</i> ) | <ul style="list-style-type: none"> <li>• Balonne Shire</li> <li>• Banana Shire</li> <li>• Central Highlands Regional</li> <li>• Gympie Regional</li> <li>• Lockyer Valley</li> <li>• Logan City</li> <li>• Murweh Shire</li> <li>• North Burnett Regional</li> <li>• Sunshine Coast Regional</li> </ul>  |
| jumping cholla ( <i>Cylindropuntia prolifera</i> )                 | <ul style="list-style-type: none"> <li>• Longreach Regional</li> </ul>   |
| Madras thorn ( <i>Pithecellobium dulce</i> )                       | <ul style="list-style-type: none"> <li>• Cairns Regional</li> <li>• City of Gold Coast</li> <li>• Cassowary Coast Regional</li> <li>• Noosa Shire</li> <li>• Townsville City</li> </ul>  |

| Column A  | Column B   |
|---|--|
| Common Name ( <i>Scientific name</i> )  | Local Government Areas   |
| <b>Invasive plants (cont.)</b>  | •  |
| Mexican bean trees ( <i>Cecropia pachystachya</i> , <i>C. palmata</i> and <i>C. peltata</i> ) | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Cairns Regional</li> <li>• Cassowary Coast Regional</li> <li>• City of Gold Coast</li> <li>• Douglas Shire</li> <li>• Mackay Regional</li> <li>• Moreton Bay Regional</li> <li>• Scenic Rim Regional</li> <li>• Sunshine Coast Regional</li> </ul> |
| mimosa pigra ( <i>Mimosa pigra</i> )  | <ul style="list-style-type: none"> <li>• Whitsunday Regional (Peter Faust Dam only)</li> </ul>   |
| prickly pear ( <i>Opuntia elata</i> )   | <ul style="list-style-type: none"> <li>• Blackall Tambo Regional</li> <li>• Gympie Regional</li> <li>• Maranoa Regional</li> <li>• Murweh Shire</li> <li>• Paroo Shire</li> </ul>  |
| telegraph weed ( <i>Heterotheca grandiflora</i> )   | <ul style="list-style-type: none"> <li>• City of Gold Coast</li> </ul>   |
| water mimosa ( <i>Neptunia oleracea</i> and <i>N. plena</i> .)                                | <ul style="list-style-type: none"> <li>• Burdekin Shire</li> <li>• Cairns Regional</li> </ul>  |
| white willow ( <i>Salix alba</i> )  | <ul style="list-style-type: none"> <li>• Fraser Coast Regional</li> <li>• Redland City</li> </ul>  |
| <b>Invasive animals</b>   |  |
| Barbary sheep ( <i>Ammotragus lervia</i> )  | <ul style="list-style-type: none"> <li>• Livingstone Shire</li> <li>• Somerset Regional</li> </ul>   |
| blackbuck antelope ( <i>Antilope cervicapra</i> )   | <ul style="list-style-type: none"> <li>• Charters Towers Regional</li> <li>• Livingstone Shire</li> <li>• Somerset Regional</li> <li>• South Burnett Regional</li> <li>• Tablelands Regional</li> <li>• Toowoomba Regional</li> </ul>  |
| hog deer ( <i>Axis porcinus</i> )   | <ul style="list-style-type: none"> <li>• Charters Towers Regional</li> <li>• Isaac Regional</li> <li>• Livingstone Shire</li> <li>• Somerset Regional</li> <li>• Tablelands Regional</li> </ul>  |
| red-eared slider ( <i>Trachemys scripta elegans</i> )   | <ul style="list-style-type: none"> <li>• Brisbane City</li> <li>• Bundaberg Regional</li> <li>• City of Gold Coast</li> <li>• Ipswich City</li> <li>• Logan City</li> <li>• Moreton Bay Regional</li> <li>• Sunshine Coast Regional</li> </ul>   |
| Sambar deer ( <i>Rusa unicolor</i> )  | <ul style="list-style-type: none"> <li>• Barcaldine Regional</li> <li>• Cairns City</li> <li>• Livingstone Shire</li> <li>• Somerset Regional</li> </ul>   |

## 3.2 Purpose of the Program

The purpose of the Program is:

- (a) to prevent the entry, establishment or spread of prohibited matter listed in Column A of Table A in the areas listed in Column B of Table A where the biosecurity matter poses a significant biosecurity risk; and
- (b) to manage, reduce or eradicate the restricted matter listed in Column A of Table B in the areas listed in Column B of Table B where the biosecurity matter could pose a significant biosecurity risk.

## 3.3 Area affected by the Program

The Program will apply in the areas the local governments listed in Table A and Table B.

## 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 residence<sup>8</sup>—without a warrant and without the occupier’s consent within the State of Queensland under the Program<sup>9</sup>. An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program.<sup>10</sup>

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 executive<sup>11</sup>. An authorised officer has general powers after entering a place to do any of the following<sup>12</sup>:

| General powers in the Act  | Measures an authorised officer may take under the Program  |
|--|--|
| Search any part of the place   | <p><i>Destroy the biosecurity matter to which the program relates or a carrier of the biosecurity matter to which the program relates if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk including by</i></p> <ul style="list-style-type: none"> <li>• <i>incineration, burning or deep burial of invasive plants</i></li> <li>• <i>mechanical or manual felling, lopping or removal of invasive plants</i></li> <li>• <i>ground or aerial distribution of agricultural chemicals to invasive plants</i></li> </ul> |
| Inspect <sup>13</sup> , examine <sup>14</sup> or film <sup>15</sup> 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 |  |

<sup>8</sup> The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).

<sup>9</sup> See section 259 (General powers to enter places) of the Act.

<sup>10</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>11</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>12</sup> See section 296 (General powers) of the Act.

<sup>13</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>14</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>15</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

|  |   |
|--|---|
| 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  | <ul style="list-style-type: none"> <li>• <i>ground or aerial distribution of poisons to invasive animals</i></li> <li>• <i>ground or aerial use of firearms</i></li> <li>• <i>ground trapping of invasive animals</i></li> <li>• <i>lethal injection of poison to invasive animals.</i></li> </ul> <p><i>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.</i></p> <p><i>Searching a place to check for the presence or absence of the Invasive Biosecurity Matter to which the program relates.</i></p> <p><i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i></p> <p><i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of the Invasive Biosecurity Matter</i></p> <p><i>Identify locations of and carriers of the biosecurity matter to which the program relates, such as with tags, notices, flags or signs for any purpose consistent with the Program.</i></p> <p><i>Producing a written and/or electronic note(s) to support the Program activities.</i></p> <p><i>Taking GPS coordinates to ensure accuracy of location of the Invasive Biosecurity Matter and carriers of the Invasive Biosecurity Matter.</i></p> <p><i>Undertake preventative treatments such as using, applying or distributing agricultural chemicals that is consistent with the objectives of the Program.</i></p> <p><i>Take a document that is relevant to the objectives of the Program.</i></p> |
| 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. |   |

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place located in the area to which the Program applies to take reasonable steps to:

- remove or eradicate the biosecurity matter listed in Table A and Table B as reasonably necessary to achieve the purposes of the Program, or
- destroy the biosecurity matter listed in Table A and Table B or a carrier of the biosecurity matter listed in Table A and Table B, 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 power<sup>16</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for the biosecurity matter listed in Table A and Table B in relation to a place in an area to which the Program applies. Under the Program these aerial control measures include the use of firearms and distributing an agricultural chemical to destroy the invasive biosecurity matter.

### **3.5 Obligations imposed on a person under the Program**

The following obligations are imposed on a person who is an occupier of a place in an area to which the Program relates:

A person in possession of invasive biosecurity matter to which this program relates must allow an authorised person under the program to destroy the invasive biosecurity matter.

### **3.6 Commencement and duration of the Program**

The Program will begin on 29 July 2019 and will continue until 30 June 2020. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose until alternative joint arrangements with local governments, industry groups and the community are put in place.

### **3.7 Consultation with relevant parties**

As required by the Act<sup>17</sup>, I have consulted, prior to the authorisation of the Program, with the local governments listed in Table A and Table B, which are the local government for the areas to which the Program applies.

### **3.8 Notification of relevant parties of requirements**

As required by the Act<sup>18</sup>, 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.

A copy of the Program (including its Authorisation) is available for inspection at the Department of Agriculture and Fisheries head office at 41 George 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](http://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.

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<sup>16</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>17</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>18</sup> See section 240 (Notice of proposed biosecurity program) of the Act.