



**NORTH BURNETT**  
REGIONAL COUNCIL



# **Prevention and Control Program under the *Biosecurity Act 2014* for Rubber vine (*Cryptostegia grandiflora*) Hymenachne (*Hymenachne amplexicaulis*)**

## Adoption by Council

The North Burnett Regional Council Prevention and Control Program for Rubber vine and Hymenachne under the *Biosecurity Act 2014* was adopted by Council at the General Meeting in Mundubbera on 28 July 2021.

Version: 1

## Copies of the Plan Name

Copies of Council's Prevention and Control Program under the *Biosecurity Act 2014* for Rubber vine and Hymenachne are available free of charge electronically on Council's website [www.northburnett.qld.gov.au](http://www.northburnett.qld.gov.au) or can be viewed at any Customer Service Centre.

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# 1 BIOSECURITY PROGRAM

## 1.1 PROGRAM NAME

The prevention and control program (Biosecurity program) for Rubber vine (*Cryptostegia grandiflora*) and Hymenachne (*Hymenachne amplexicaulis*) will be known as the North Burnett Regional Council Prevention and Control Program 2021-2022 (the program).

# 2 REQUIREMENT FOR A SURVEILLANCE PROGRAM

## 2.1 PURPOSE AND RATIONALE

The *Biosecurity Act 2014* (Act) provides for the establishment of prevention and controls 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 purpose of the North Burnett Regional Council Prevention and Control Program 2021-2022 is to implement activities associated with Government funding to eradicate and prevent the spread of Rubber vine and Hymenachne in the Burnett River Catchment.

Rubber vine and Hymenachne are restricted invasive plants under the Act. Both Rubber vine and Hymenachne occur from Ban Ban Springs Rd creek crossing downstream into Barrambah Creek and subsequently into the Burnett River.

The key activities undertaken under the North Burnett Regional Council Prevention and Control Program 2021-2022 include:

- Surveillance to check for the presence or absence of Rubber vine and Hymenachne. 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
- Treatment of land to treat existing Rubber vine and Hymenachne infestations and preventative treatment of land adjacent to these infestations.

Ongoing surveillance is implemented under the Council's Surveillance Program.

## 2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE PURPOSE

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

- Entry onto land to undertake treatment of land to eradicate existing infestations Rubber vine and Hymenachne.

## 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.

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

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>5</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 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 the target weed species. These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.
- Destroy the target weed species, 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 Act<sup>3</sup>. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measure for prohibited or restricted biosecurity matter in relation to a place to which the Program relates.

### Obligations

Not applicable

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

<sup>3</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.

## 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

A community engagement strategy was developed and implemented that included stakeholder analysis and suggested engagement approaches for key stakeholder groups

Community engagement activities include:

- Direct letter to identified property owners adjoining the targeted waterways
- Public notices in Council's Customer Service Centres
- Meeting with elected representatives for the local government area
- Social media posts.

## 3 AUTHORISATION OF A PREVENTION AND CONTROL PROGRAM

### 3.1 AUTHORISATION STATEMENT

The North Burnett Regional Council, pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the North Burnett Biosecurity Prevention and Control Program for Restricted Matter (Rubber vine and Hymenachne) under the *Biosecurity Act 2014* 2020-21 by resolution of North Burnett Regional Council at an ordinary meeting held on 28 July 2021.

### 3.2 BIOSECURITY MATTER

The biosecurity restricted matter to which the Program relates are:

- Rubber vine (*Cryptostegia grandiflora*)
- Hymenachne (*Hymenachne amplexicaulis*)

### 3.3 PURPOSE OF THE PROGRAM

The purpose of the program in the North Burnett Regional Council Local Government area:

- Prevent the entry, establishment or spread of the nominated restricted invasive plants from infested properties; and
- Eradicate or reduce the spread of the nominated restricted invasive plants from infested properties.

### 3.4 AREA AFFECTED BY THE PROGRAM

The program will apply to the specific localities of North Burnett Regional Council local government area including:

- Ban Ban Springs to Paradise Dam along Barrambah Creek and the Burnett River.

### 3.5 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>4</sup>—without a warrant and without the occupier's consent within the State of Queensland

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<sup>4</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).  
Prevention and Control Program under the Biosecurity Act 2014 for  
Rubber vine and Hymenachne  
Adopted 28/07/2021

under the Program<sup>5 6</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>7</sup>.

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>8</sup>.

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate or contain the biosecurity matter to which the program relates.  Searching a place to check for the presence or absence of invasive pest species nominated in Table 1.  Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive pest plants nominated in Table 1.  Producing a written and/or electronic note(s) to support Program activities.  Taking GPS coordinates to ensure accuracy of location details of the invasive pest plants nominated in Table 1.
Inspect <sup>9</sup> , examine <sup>10</sup> or film <sup>11</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	
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division	
Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and the owner of the biosecurity matter or carrier consents to its destruction	
Remain at the place for the time necessary to achieve the purpose of the entry	
The authorised officer may take a necessary step to allow the exercise of a general power	
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable	
If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable.	

<sup>5</sup> See section 259 (General powers to enter places) of the Act.

<sup>6</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>7</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>8</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>9</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>10</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>11</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

### **3.6 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:

- 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;
- A person in possession of invasive biosecurity matter to which this program relates must allow an authorised person under the program to seize the invasive biosecurity matter;
- Allow authorised persons or persons under direction of authorised persons to access and/or view biosecurity matter that relates to the purpose of the program.

### **3.7 COMMENCEMENT AND DURATION OF THE PROGRAM**

The program will begin on 16 August 2021 and will continue until midnight 23 December 2022. The duration of the program is considered to be reasonably necessary to achieve the program's purpose

### **3.8 CONSULTATION WITH RELEVANT PARTIES**

As required by the Act, the North Burnett Regional Council has consulted, prior to the authorisation of the Program, with the Department of Agriculture and Fisheries.

### **3.9 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS**

As required by the Act, the Chief Executive Officer of North Burnett Regional Council will give public notice of the Program 14 days before the Program starts by:

- giving the notice 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 North Burnett Regional Council website.

A copy of the Program (Including its Authorisation) will be available for inspection at the North Burnett Regional Council Customer Service Centres. A copy of the Program Authorisation will be provided on request by contacting North Burnett Regional Council on 1300 696 272.

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<sup>1</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>1</sup> See section 240 (Notice of proposed biosecurity program) of the Act.



## 4 PUBLIC NOTICE

### Notice of a Prevention and Control Program for Restricted Matter, specifically Rubber vine and Hymenachne nominated in the North Burnett Regional Council Biosecurity Plan 2019-2024

#### *Biosecurity Act 2014*

#### North Burnett Regional Council

### PURPOSE AND SCOPE OF THE PROGRAM

#### Purpose

The purpose of the program in the North Burnett Regional Council area is to:

- Confirm the presence, and extent of the presence in the North Burnett area of Restricted Matter, specifically Rubber vine and Hymenache in following locations:
  - Ban Ban Springs to Paradise Dam along Barrambah Creek and the Burnett River
- Confirm the absence in the North Burnett Regional Council Area of Restricted Matter to which the program relates in the nominated areas;
- Monitor the effects of measures taken in response to a biosecurity risk posed by Restricted Matter;
- Conduct inspections on public and private land to determine to presence, extent and risk posed by prohibited or restricted matter;
- Surveillance will be undertaken by Authorised Officers by visual ground inspections. Inspections may also be undertaken by aerial surveys;
- Implement and monitor treatment programs for Rubber vine and Hymenachne; and
- Enforce compliance where necessary.

#### Program Are

The Prevention and Control Program is authorised for parts of the North Burnett Regional Council area including Ban Ban Springs to Paradise Dam along Barrambah Creek and the Burnett River. Individual properties will be selected for inspection based on observations or known presence of prohibited or restricted biosecurity matter or reports of restricted biosecurity matter.

### START DATE AND DURATION OF THE PROGRAM

16/082021 – 23/12/2022

### AVAILABILITY OF A COPY OF THE PROGRAM AUTHORISED COUNCIL

A copy of the Program (Including its Authorisation) will be available for inspection at the North Burnett Regional Council Customer Service Centres. A copy of the Program Authorisation will be provided on request by contacting North Burnett Regional Council on 1300 696 272.