



Surveillance Program for Siam weed (*Chromolaena odorata*) under the *Biosecurity Act 2014*



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1. Biosecurity program

1.1 PROGRAM NAME

The surveillance program (biosecurity program under the *Biosecurity Act 2014*) for Siam weed (*Chromolaena odorata*) for the Charters Towers Regional Council local government area will be known as the **Charters Towers Regional Council Surveillance Program for Siam weed (the Program)**.

2. Requirement for a surveillance program

2.1 PURPOSE AND RATIONALE

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following:

- (a) Confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the Program applies, of the biosecurity matter to which the program relates;
- (b) Confirming the absence, in the State or the parts of the State to which the Program applies, of the biosecurity matter to which the Program relates;
- (c) Monitoring the effects of measures taken in response to a biosecurity risk (Siam weed); and/or
- (d) Monitoring compliance with requirements about Category 3 or restricted matter (Siam weed).

The objectives of the Program are:

- (a) Confirm the presence or absence of Siam weed in the Charters Towers Regional Council area;
- (b) Monitor the effects of measures taken in response to a biosecurity risk to which the Program relates posed by Siam weed within the Program area;
- (c) Monitor compliance with the Act to ensure all people who deal with invasive biosecurity matter or a carrier are meeting their General Biosecurity Obligations (GBO); and
- (d) Monitoring compliance with the Act for requirements in dealing with restricted matter.

Background

Siam weed is recognised as one of the world's worst weeds, being a major pest in over 50 sub-tropical and tropical countries and a Category 3 Restricted Invasive Plant in Queensland. The shrub is an aggressive invader of a broad range of land types. It is a perennial weed that can out-compete other vegetation because of its phenomenal growth rate of up to 5m per year.

It is now prevalent in several sub-catchments within the Charters Towers region, including Keelbottom Creek, Fanning River and Reid River.

Siam weed can be difficult to detect but is most readily identified when it flowers in June-July, with aerial surveys usually undertaken in late June to maximise detection rates.

Justification

A draft Australian Bureau of Agricultural and Resource Economics benefit-cost analysis for Siam weed management estimates that Siam weed will have an annual damage cost of between \$30 and \$161 million to agriculture (mainly grazing) and the environment once it reaches its full potential distribution in Australia.

As the region relies heavily on the grazing industry, failure to monitor and coordinate control will lead to a dramatic increase of Siam weed in the region impacting affected land managers economically, socially and environmentally

2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- Aerial and ground surveillance visual inspections to verify the presence, absence or rate of spread of Siam weed. This may be conducted by ground crews on foot or by vehicle or using aerial techniques including Remotely Piloted Aircraft (RPA) or low flying piloted aircraft;
- Surveillance activities may include the taking of photographic, electronic or physical evidence related to Siam weed, including photos and videos, GPS locations and plant or soil material for seed monitoring; and/or
- Requiring affected areas to provide details of a property scale Invasive Biosecurity Plan to manage the biosecurity risk of Siam weed.

2.3 POWERS OF AUTHORISED OFFICERS

Entry of a 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 program¹. 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 occupier² 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 if³:

- (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

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

² 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.

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

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.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴.

Obligations

Affected area land managers are to provide details of a property scale Invasive Biosecurity Plan to manage the biosecurity risk of Siam weed.

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

- Charters Towers Regional Council
- Australian Department of Defence (ADF)
- Queensland State Government (Department of Agriculture and Fisheries, Department of Transport and Main Roads, Department of Environment and Science and Department of Natural Resources, Mines and Energy)
- Charters Towers Regional Council Rural Industry Advisory Committee (RIAC)

3. Authorisation of a surveillance program in the Charters Towers Regional Council area

AUTHORISATION STATEMENT

The Charters Towers Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for Siam weed (*Chromolaena odorata*) (the Program) in the Charters Towers Regional Council area, on the basis that:

- It is satisfied there is Siam weed, which is restricted matter under the Act, in the Charters Towers Regional Council local government area;
- It is satisfied that Siam weed poses or is likely to pose a significant biosecurity risk in the Charters Towers Regional Council local government area and in other areas of the State of Queensland; and

⁴ 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; and
- Distributing an agricultural chemical to control the biosecurity matter.

- It is satisfied that surveillance measures are required to monitor and ensure compliance with both the provisions of the Biosecurity Act 2014 and the Biosecurity Regulation 2016 is essential to managing further spread of Siam weed.

MINUTES of the GENERAL MEETING of CHARTERS TOWERS REGIONAL COUNCIL held Wednesday 17 April 2019 Commencing at 9.00am.

Resolution No.:	2894
Moved:	Cr S Bennetto
Seconded:	Cr AP Barr
<i>That Council:</i>	
➤ <i>Endorse the "Surveillance Program for Siam weed (<i>Chromolaena odorata</i>) under the Biosecurity Act 2014" to commence from 1 June 2019 until 30 June 2021, as annexed to these minutes at Annexure "A".</i>	
CARRIED	

3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is Siam weed (*Chromolaena odorata*)

3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to:

- Confirm the presence or absence of Siam weed in the Charters Towers Regional Council local government area;
- Monitor the effects of measures taken in response to a biosecurity risk to which the Program relates posed by Siam weed within the Program area;
- Monitor compliance with the Act to ensure all people who deal with invasive biosecurity matter or a carrier are meeting their General Biosecurity Obligations (GBO); and
- Monitoring compliance with the Act for requirements in dealing with Restricted Invasive Plants.

3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the Charters Towers Regional Council area.

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 residence⁵, without a warrant and without the occupier's consent within the State of Queensland under the Program⁶ 7. 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 Officer⁸.

⁵ 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).

⁶ See section 259 (General powers to enter places) of the Act.

⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁸ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

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 power⁹.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for Siam weed in relation to a place. Under the Program these measures include surveying and monitoring the biosecurity matter.

An authorised officer has general powers after entering a place to do any of the following¹⁰:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place.	<p><i>Searching a place to check for the presence or absence of Siam weed.</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 Siam weed.</i></p> <p><i>Identify carriers such as vehicles with tags, notices, flags or signs for any purpose consistent with the Program.</i></p> <p><i>Take a document such as evidence of clean down that is relevant to the objectives of the Program.</i></p> <p><i>Producing a written and/or electronic note(s) to support Program activities.</i></p>
Inspect ¹¹ , examine ¹² or film ¹³ 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.	

⁹ See section 297 (Power to require reasonable help) of the Act.

¹⁰ See section 296 (General powers) of the Act.

¹¹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹² Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹³ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

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>Taking GPS coordinates to ensure accuracy of location details of carriers or Siam.</i>
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.	

3.5 OBLIGATION IMPOSED ON A PERSON UNDER THE PROGRAM

The following obligation may be imposed on a person who is an occupier of a place to which the Program relates:

- Affected areas are to provide details of a property scale Invasive Biosecurity Plan to manage the biosecurity risk of Siam weed.

3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 1 June 2019 and will continue until 30 June 2021. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act¹⁴, the Chief Executive Officer of Charters Towers Regional Council has consulted, prior to the authorisation of the Program, with the Chief Executive, Department of Agriculture and Fisheries.

3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act¹⁵, the Chief Executive Officer of Charters Towers 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;
- Publishing the notice in the Northern Miner newspaper; and
- Publishing the notice on the Charters Towers Regional Council website.

From the start of the Program, the Authorisation for the Program and the Program will be available for inspection or purchase ¹⁶ from the Charters Towers Regional Council offices located at:

- Administration Centre – 12 Mosman Street, Charters Towers; and
- City Hall – 70 Mosman Street, Charters Towers.

¹⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

¹⁶ See section 241 (Access to authorisation) of the Act.