

QUEENSLAND'S BIOSECURITY ACT 2014

Queensland's *Biosecurity Act 2014* came into effect on 1 July 2016, bringing with it a consistent, modern, risk-based and less prescriptive approach to biosecurity across the state. The Act imposes a **general biosecurity obligation** on all land users, meaning that individuals and organisations whose activities pose a **biosecurity risk** must take all reasonable steps to ensure they do not spread a pest, disease or contaminant.

The **general biosecurity obligation** means you need to ensure your activities do not spread a pest, disease or contaminant.

A **biosecurity risk** exists when you deal with any pest, disease or contaminant, or with something that could carry one of these. This includes moving or keeping a pest, disease, contaminant or animals, plants, soil and equipment that could carry a pest, disease or contaminant.

Key aspects of the Act include:

1. The extension of pest management responsibilities to include all Queenslanders through a **general biosecurity obligation**;
2. The amendment of pest classifications from Class 1, 2 or 3 to categories of **prohibited matter** and **restricted matter**; and
3. Improved response services that do not require scientific basis for immediate initial action to control a suspected biosecurity risk.

1. The extension of pest management responsibility from land owners to all Queenslanders

Previous legislation required the owner of the land to manage pests on the property, however under the updated legislation this responsibility has been extended to lessees, those using land for stock agistment, sporting clubs or organisations utilising land and anyone else who could reasonably be expected to know about biosecurity risks in the area of activity. For example, if you are a landowner, lessee or other user of a property, you are expected to stay informed about the weeds and pest animals that could be on your property. You are also expected to manage them appropriately.

Pest Management is everyone's responsibility under the general biosecurity obligation

2. The amendment of pest classifications from Class 1, 2 or 3 declared pests to a range of categories of prohibited matter and restricted matter

Pests and weeds are still prescribed under the *Biosecurity Act 2014*, and obligations for control are outlined within it. Local councils may choose to additionally declare particular species under their own biosecurity plans, but the non-inclusion of a pest in a local government plan does not exempt you from being responsible for its management under the *Biosecurity Act 2014* as outlined below.

- **Prohibited matter**

Prohibited matter and **restricted matter** replace the declared pest classes under the *Biosecurity Act 2014*. Your land management systems should have strategies in place to manage invasive plants and animals. You can refer to your local government area biosecurity plan as a starting point, but the basis of your strategy should be the prevention of an invasive pest escaping, being carried off, or introduced to your property.

Even if a pest species is not included in a local government biosecurity plan, you may still be required to manage it under the Biosecurity Act 2014

Prohibited matter is a disease, exotic fish, insect pest, pest animal or a weed that is not found in Queensland. If it was to enter Queensland it would seriously impact our health, way of life, the economy and the environment. **Prohibited matter** is prescribed in Schedule 1 of the *Biosecurity Act 2014* and includes many plant species declared as Class 1 pests under previous legislation.

- **Prohibited matter** must be reported to Biosecurity QLD within 24 hours of discovery.
- As **prohibited matter**, you are required to manage these pests.

- **Restricted matter**

Restricted matter can be animal disease, noxious fish, insects, pest animals or weeds that are found in Queensland. Specific actions are required to be taken that limit the impact of this matter by reducing, controlling or containing it.

If you find prohibited matter you must report it immediately to Biosecurity Queensland. You also have an obligation to report some restricted matter.

There are seven categories of restricted matter:

Category 1 restricted matter must be reported to Biosecurity Queensland within 24 hours of becoming aware of its presence.

There are currently no plants listed in Category 1.

Category 2 restricted matter must also be reported to an **authorised person** within 24 hours of you becoming aware of its presence.

*N.B. An **authorised person** can be a Land Protection Officer in your local council.*

Category 3 restricted matter must not be supplied to another person or released into the environment.

The majority of plants declared under previous legislation are contained in Category 3

Category 4 restricted matter must not be moved to ensure it does not spread to other areas of the state.

Category 5 restricted matter must not be possessed or kept under your control. These pests have a high risk of negatively impacting on the environment.

Category 6 restricted matter must not be fed to animals unless feeding for the purpose of a control program.

Category 7 restricted matter must be killed and disposed of by burying the whole carcass (no parts removed) in the ground above the high tide water mark or placing it in a waste disposal receptacle.

Multiple categories may apply to restricted matter, and in such cases you would need to follow the requirements of all categories for these restricted matter listings.

For example, the Act lists rabbits as category 3, 4, 5, and 6 restricted matter. You are therefore required to:

- a) not supply to another person or release into the environment this category of restricted matter;
- b) not move this restricted matter;
- c) not possess or keep this restricted matter under your control; AND
- d) not feed this category of restricted matter.

- ***Local governments***

Local governments and their communities continue to be best placed to control local weed and pest animals. They can develop practical and appropriate solutions to deal with these risks including outlining priority weeds for action similar to the previous Biosecurity Act. Under the new Act, biosecurity management plans development has been streamlined. The requirements for Ministerial approval, the planning processes and the term of a plan have been removed.

Local governments may choose to declare additional pest species for management under local biosecurity plans. They may choose to use pest classes similar to previous legislation.

Two or more local government areas will be able to work on a plan and implement the activities jointly. Plans should be reviewed regularly, however it is up to the local government how often and how they go about reviewing the plan.

The state government will assist local governments by providing information about the development of biosecurity plans. Although it is not mandated, best practice plan development would include extensive involvement and consultation with local community and industry. It would also be recommended that local governments consult with Biosecurity Queensland and other state government agencies with land management responsibilities.

3. Responding to a biosecurity emergency

The Act provides a range of instruments that allow a fast and appropriate response to emergency biosecurity events and allows the Chief Executive to authorise a Biosecurity Emergency Order if an urgent response is necessary to:

- isolate an area relevant to the emergency
- stop the spread of any biosecurity matter associated with the biosecurity event
- eradicate the biosecurity matter.

Inspectors also have the power to enter a place without a warrant or consent to take action to mitigate the risk posed by biosecurity matter if it poses an immediate and significant risk.

Movement control orders are another tool that can be used to restrict the movement of biosecurity matter or the carriers of biosecurity matter for up to three months.

In Conclusion:

- All Queenslanders are responsible for protecting biosecurity
- The *Biosecurity Act 2014* outlines particular species and actions that must be taken for each category of matter
- Local governments may choose to apply further restrictions or actions to pest species under a Biosecurity Plan
- The *Biosecurity Act 2014* provides for rapid response in the event of a significant biosecurity risk
- You should remain alert to weed and pest species in your environment, and familiarise yourself with the provisions of the new legislation at <https://www.daf.qld.gov.au/biosecurity/about-biosecurity/biosecurity-act-2014/information-and-resources-about-the-act>

Please visit www.centrogen.com.au for further information and advice on managing weeds, pests and for complete vegetation management solutions.