

**2023**  
**Selective Prevention and Control Program for**  
**European Rabbit**  
**(*Oryctolagus cuniculus*)**  
**under the *Biosecurity Act 2014***

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## 1. Biosecurity program

### 1.1 Program name

The prevention and control program for European Rabbits (*Oryctolagus cuniculus*) will be known as the 2023 Darling Downs-Moreton Rabbit Board Selective Prevention and Control 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 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 2023 Darling Downs-Moreton Rabbit Board Selective Prevention and Control Program (the Program) are:

1. Prevention of new populations of European rabbits from developing;
2. Removing identified European rabbit populations; and
3. Educating the community on the importance of removing rabbit harbour to reduce European rabbit breeding.

### 2.2 Measures that are required to achieve the purpose

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

1. Undertaking direct rabbit control activities such as harbour removal, baiting Programs and trapping;
2. Warren and harbour destruction and removal, with the Board reserving the right to undertake activities on a fee for service or cost recovery basis;
3. Educating stakeholders on rabbit control measures on land under their control;
4. Enforcing control measures where property owners are not effectively controlling rabbits on their property; and
5. Working collaboratively with other stakeholders in controlling European rabbits.

## 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 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<sup>4</sup>, within a stated and reasonable timeframe, to remove or eradicate European rabbits.
- Destroy European rabbits or a carrier of European rabbits, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

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<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.

<sup>4</sup> These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.

### **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>5</sup>.

### **Obligations**

Occupiers of a place are required to provide any assistance to an authorised officer as may be required pursuant to Section 297 of the *Biosecurity Act (2014)*.

In addition to Program specific obligations in the prevention and control program authorisation, 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.

### **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**

The following parties were consulted in the development of this plan:

1. Relevant State government departments and agencies;
2. Local Governments who contribute to the DDMRB component of the Land Protection Fund.

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<sup>5</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 Darling Downs-Moreton Rabbit Board operational area

#### AUTHORISATION STATEMENT

By resolution dated 16 December 2022, the Darling Downs-Moreton Rabbit Board (the DDMRB) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), has authorised the Darling Downs-Moreton Rabbit Board Selective Prevention and Control Program (the Program) in the DDMRB operational area on the basis that the DDMRB is satisfied that:

- There are identified European rabbit populations, which are a Category 3,4,5 and 6 restricted matter, as identified in the *Biosecurity Act 2014*, in the DDMRB operational area and these populations present a significant biosecurity risk in the area.
- The DDMRB is authorised to take action to implement control measures to mitigate the risk posed by European rabbits in the DDMRB operational area by:
  - a) Maintaining the rabbit barrier fence in a servicable standard to prevent the spread of further European rabbit populations from the south into the DDMRB operational area;
  - b) Working collaboratively with landholders to assist them to effectively carry out the statutory obligation to manage pests on their land;
  - c) Enforcing compliance with regulatory obligations regarding the management of rabbits in the DDMRB operational area;
  - d) Working collaboratively with other agencies and stakeholders to control and eradicate European rabbits from the DDMRB operational area; and,
  - e) Ensuring that all control measures are conducted humanely and in an environmentally responsible manner.
- The DDMRB has passed an appropriate resolution at the Board meeting held 16 December 2022.

**Cr Janice Holstein, Chair**  
**Darling Downs-Moreton Rabbit Board**

**Authorised on: 16/ 12 / 2022**

#### **Proposed Resolution**

**THAT the Board authorise the following Biosecurity Programs for 1 January 2023 to 31 December 2023:**

- **Darling Downs-Moreton Rabbit Board Selective Surveillance Program**
- **Darling Downs-Moreton Rabbit Board Selective Prevention and Control Program**

**Moved:**

**Seconded:**

### 3.1 Biosecurity matter

The biosecurity matter to which the Program relates is the European rabbit (*Oryctolagus cuniculus*).

### 3.2 Purpose of the Program

The purpose of the Program is to:

1. Prevent new populations of European rabbits from developing;
2. Remove identified European rabbit populations; and
3. Educate the community on the importance of removing rabbit harbour to reduce European rabbit breeding.

### 3.3 Area affected by the Program

The Program applies to the Darling Downs-Moreton Rabbit Board (DDMRB) operational area (Figure 1).

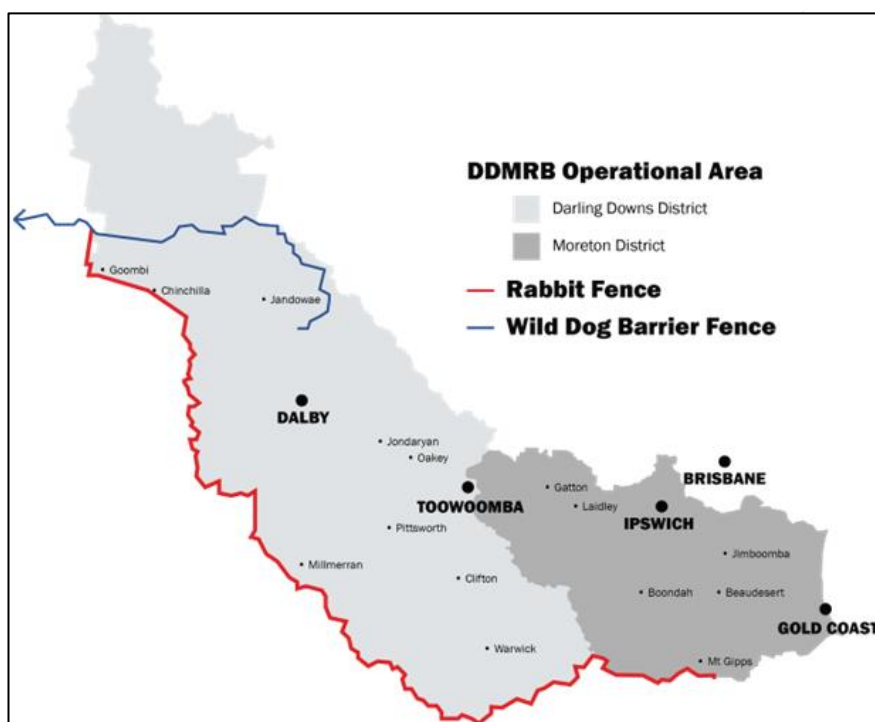


Figure 1

### 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>6</sup>—without a warrant and without the occupier's consent<sup>7 8</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 DDMRB<sup>9</sup>.

<sup>6</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>7</sup> See section 259 (General powers to enter places) of the Act.

<sup>8</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>9</sup> 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 power<sup>10</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for European rabbits in relation to a place. Under the Program these measures include the use of drones for harbour identification.

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

General powers in the Act	Measures an authorised officer may take under the Program, but not limited to
Search any part of the place	<i>Searching a place to check for the presence or absence of European rabbit.</i>
Inspect <sup>12</sup> , examine <sup>13</sup> or film <sup>14</sup> any part of the place or anything at the place	<i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i>
Take for examination a thing, or a sample of or from a thing, at the place	<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>
Place an identifying mark in or on anything at the place	<i>Destroy biosecurity matter or a carrier 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	<i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of European rabbit.</i>
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>Producing a written and/or electronic note(s) to support Program activities.</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>Taking GPS coordinates to ensure accuracy of location details of carriers or European rabbit.</i>
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> <li>the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and</li> </ul>	

<sup>10</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>11</sup> See section 296 (General powers) of the Act.

<sup>12</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>13</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>14</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

<ul style="list-style-type: none"> <li>the owner of the biosecurity matter or carrier consents to its destruction</li> </ul>	<p><i>Undertake preventative treatment such as</i></p> <ul style="list-style-type: none"> <li><i>Warren Destruction</i></li> <li><i>Harbour Removal</i></li> <li><i>Warren Fumigation</i></li> <li><i>Baiting</i></li> <li><i>Barrier Fencing</i></li> </ul>
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 European rabbits, as reasonably necessary to achieve the purposes of the Program
- remove or fence off harbour that may facilitate the establishment or re-establishment of a rabbit population

### **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:

- Destroy rabbit warrens on property
- Remove rabbit harbour
- Burn timber stacks
- Clear noxious weeds harbouring rabbits
- Fence off a place where a warren can be developed
- Fumigate a warren
- Bait rabbit population or participate in a baiting program
- Trap rabbits
- Shoot rabbits

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

The Program will commence on 1 January 2023 and continue until 31 December 2023. 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 Act<sup>15</sup>, the Chief Executive Officer of the DDMRB has consulted, prior to the authorisation of the Program, with the Chief Executive, Department of Agriculture and Fisheries and relevant Local Governments, being:

- City of Gold Coast
- Logan City Council
- Ipswich City Council
- Lockyer Valley Regional Council
- Western Downs Regional Council
- Southern Downs Regional Council
- Toowoomba Regional Council
- Scenic Rim Regional Council

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

As required by the Act<sup>16</sup>, the Chief Executive Officer of the DDMRB 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 DDMRB website.

From the start of the Program, the Authorisation for the Program (and the Program) will be available for inspection or purchase<sup>17</sup> at the DDMRB office at 26 Wood Street, Warwick Qld 4370.

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<sup>15</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>16</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

<sup>17</sup> See section 241 (Access to authorisation) of the Act.