

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

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1 Biosecurity program

1.1 Program name

The surveillance program for European Rabbits (*Oryctolagus cuniculus*) will be known as the 2023 Darling Downs-Moreton Rabbit Board Selective Surveillance 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) monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- (b) 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;
- (c) 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;
- (d) monitoring the effects of measures taken in response to a biosecurity risk;
- (e) monitoring compliance with requirements about prohibited matter or restricted matter;
- (f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The objectives of the 2023 Darling Downs-Moreton Rabbit Board Selective Surveillance Program (the Program) are:

1. To identify the extent of European rabbit populations and to undertake compliance actions with respect to the General Biosecurity Obligations of landholders.
2. To identify areas that are at high risk of European rabbit populations developing due to topography, soil types and vegetation.

2.2 Measures that are required to achieve the purpose

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

- Property inspections to identify European rabbit populations, warren systems or harbour.
- Aerial and land-based mapping and photography of European rabbit populations, warren systems and harbor.
- Liaison with state and local government agencies together with community-based organisations to identify and map European rabbit populations and high-risk areas.
- Direct the occupiers of a place to take reasonable steps within a reasonable time to control European rabbits on the property or to remove or destroy harbor on the property that are likely to facilitate the establishment and growth of those rabbit populations in the future.
- Produce a written and electronic note to support program activities.
- Provide advice and information to assist landholders/occupiers to meet their general biosecurity obligations 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 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.

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.

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.

Power to carry out aerial control measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control measure for the Program in relation to a place to which the Program relates.

Obligations

Owners/occupiers are required to provide any assistance to an authorised officer as may be required under section 297 of the *Biosecurity Act 2014*.

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.

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.

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;
 - distributing an agricultural chemical to control the biosecurity matter.
- 2023 Darling Downs-Moreton Rabbit Board Selective Surveillance Program

3 Authorisation of a surveillance program in the State of Queensland

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 Rabbit Selective Surveillance Program (the Program) in Queensland, on the basis 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 identify, record and control rabbit populations in the DDMRB operational area to mitigate the risk posed by European rabbits by:
 - (i) Working collaboratively with landholders to assist them to effectively carry out the statutory obligation to manage pests on their land.
 - (ii) Undertaking property inspections to identify European rabbit populations, warren systems and potential harbour in order to properly understand and manage the risk posed by rabbits.
 - (iii) Enforce compliance with statutory obligations in respect to the control of European rabbits in the DDMRB area operational area.
 - (iv) Working collaboratively with other agencies and stakeholders to identify and control European rabbits in the DDMRB operational area.
- 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 Surveillance Program**
- **Darling Downs-Moreton Rabbit Board Prevention and Control Program**

Moved:

Seconded:

3.1 Biosecurity matter

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

3.2 Purpose of the Program

The purpose of the Program is to:

1. Identify the extent of European rabbit populations;
2. Undertake actions that promote compliance with landholders' general biosecurity obligation to control European rabbits on their land.

3.3 Area affected by the Program

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

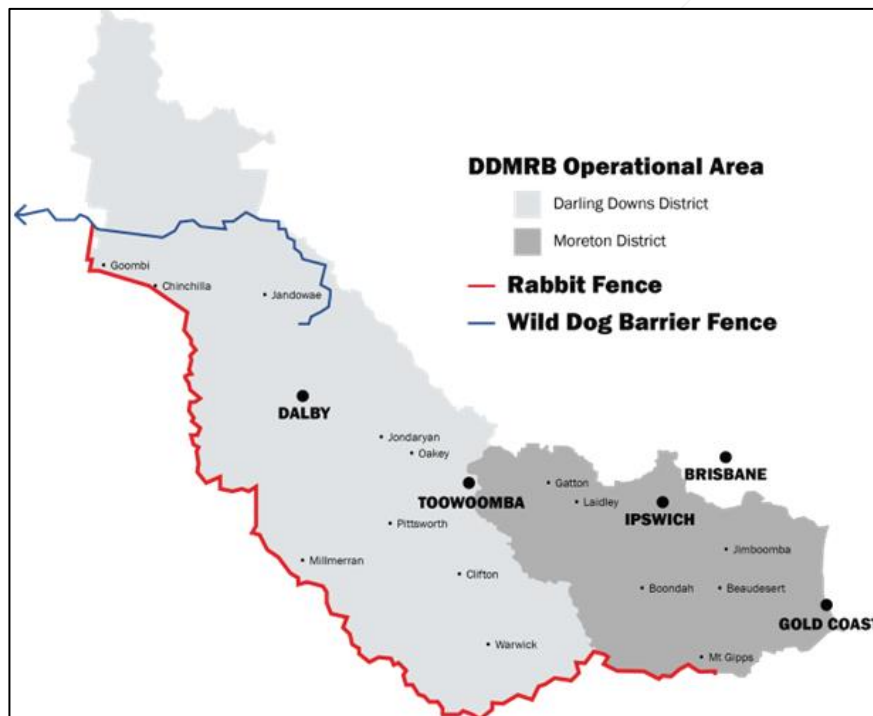


Figure 1

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 residence⁵—without a warrant and without the occupier's consent within the DDMRB operational area under the Program⁶. An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program⁷.

An authorised officer, appointed by the DDMRB, can exercise the powers of an authorised officer under the Act in relation to the Program⁸. An authorised officer has general powers after entering a place to do any of the following⁹:

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.

⁹ See section 296 (General powers) of the Act.

General powers in the Act	Measures an authorised officer may take under the Program, but not limited to
Search any part of the place	<p>Searching a place to check for the presence or absence of the European rabbit (<i>Oryctolagus cuniculus</i>).</p> <p>Inspect, examine and film to assist with tracing of carriers to and from a place</p> <p>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.</p> <p>Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.</p> <p>Producing a written and/or electronic note(s) to support Program activities.</p> <p>Taking GPS coordinates to ensure accuracy of location details of European rabbit (<i>Oryctolagus cuniculus</i>).</p> <p>Take a document that is relevant to the objectives of the Program.</p>
Inspect ¹⁰ , examine ¹¹ or film ¹² 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.	

¹⁰ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹¹ Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹² Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

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 power¹³.

An authorised officer may carry out, or direct another person to carry out, aerial surveillance in relation to a place. Under the Program these measures may include aerial photography and visual recordings using drones or manned aircraft.

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:

Owners/occupiers are required to provide any assistance to an authorised officer as may be required under section 297 of the *Biosecurity Act 2014*.

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 Act¹⁴, 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 Act¹⁵, 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 purchase¹⁶ at the DDMRB office at 26 Wood Street, Warwick Qld 4370.

¹³ See section 297 (Power to require reasonable help) of the Act.

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.