



Surveillance Program for Red Imported Fire Ants under the *Biosecurity Act 2014*

National Red Imported Fire Ant Eradication Program



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1 Biosecurity Program

1.1 Program name

The surveillance program (biosecurity program) for red imported fire ant (*Solenopsis invicta*) will be known as the Surveillance Program for Red Imported Fire Ants (the **Program**).

2 Requirement for a Surveillance program

2.1 Purpose and rationale

Significant biosecurity risk

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 red imported fire ant, native to South America, is considered by the World Conservation Unit as one of the top 100 worst invasive alien species, and its detrimental impact on humans, domestic and wild animals, agriculture, and ecosystems is well-documented (Fan et al 2012, Tschinkel 2006). Red imported fire ants have spread to and become an established pest in the southern United States (US), Taiwan, mainland China, Puerto Rico, Virgin Islands, Bahamas Islands, Antigua, Trinidad, Turks and Caicos Islands, Cayman Islands, Hong Kong, Malaysia and Australia. There are also reports of infestations in Macau and the Philippines.

Each year in the US alone, an estimated 14 million people are stung (Drees 2014). Worldwide figures are difficult to estimate due to poor reporting in many infested countries. There have been over 80 fatal and two near fatal red imported fire ant-sting reactions in the USA (Rhoades et al. 1989, de Shazo et al 1999).

Further, it is estimated that red imported fire ant costs the US economy almost \$7 billion annually in damage repair, medical care, and control costs, affecting households, electric service and communications, agriculture, schools and recreation areas (Lard et al. 2006). Red imported fire ants infest millions of acres in urban, agricultural, wildlife, recreational and industrial areas. In the US since 1931, red imported fire ant has spread to over 166.8 million hectares (APHIS2015).

Previous reviews of the National Red Imported Fire Ant Eradication Program in South East Queensland have consistently shown that red imported fire ants are a pest of national significance and that eradication remains technically feasible, efficient and cost beneficial. If there were no publicly funded control program, the environmental, economic and social impacts have been estimated to be up to \$45 billion in South East Queensland. This would be higher if red imported fire ants were to spread to other parts of Australia. The National Red Imported Fire Ant Eradication Program in South East Queensland has effectively prevented these impacts from being realised in Australia.

In early 2001, red imported fire ants were discovered in South East Queensland and a national cost-share eradication program commenced in June 2001—the National Red Imported Fire Ant Eradication Program (the SEQ Program).

In late 2013, red imported fire ants were confirmed at Yarwun near Gladstone in central Queensland. A national cost-share eradication program commenced in March 2014—the National Red Imported Fire Ant Eradication Program (the Yarwun (2013) Program). Genetic testing confirmed that the red imported fire ant population confirmed in Yarwun in 2013 was a new incursion and not linked to the previous incursion in Yarwun in 2006 (declared free of red imported fire ants in 2010).

In September 2015, red imported fire ant was detected within the Brisbane Airport precinct. A national cost-share eradication program commenced in December 2015—the National Red Imported Fire Ant Eradication Program (the Brisbane Airport Program). Similarly, through population analysis the infestation was found to be a new incursion of red imported fire ants in Australia.

These responses, run by the Queensland Government on behalf of national cost-share partners (including the Commonwealth, and Australian States and Territories), have been established with the ultimate aim of eradicating red imported fire ants within Queensland and therefore preventing the spread and establishment of red imported fire ants in other states and territories.

The programs operate under nationally agreed response plans which have been developed using the criteria set out in the National Environmental Biosecurity Response Agreement¹. The SEQ response plan was developed prior to the introduction of NEBRA and is referred to as NEBRA-like. However both the Yarwun (2013) and the Brisbane Airport response have been implemented under NEBRA. The response plans establish a framework to delimit, contain and eradicate red imported fire ants in Queensland.

Key eradication measures authorised by the Program include but are not limited to:

- Monitoring compliance with movement controls is one of the key measures undertaken by the National Red Imported Fire Ant Eradication Program to ensure the risk of human-assisted red imported fire ant spread is minimised. Biosecurity zones will be established over the known areas of infestation (operational areas) and monitoring compliance will be focussed in these biosecurity zones.
- Treatment and surveillance are also key measures undertaken by the National Red Imported Fire Ant Eradication Program and will be dealt with the establishment of a prevention and control program over the whole State of Queensland.

The objectives of the Program are to:

- monitor compliance with the Act and Biosecurity Regulation 2016 (the **Regulation**) to minimise the risk of spread of red imported fire ants; and
- check for the presence or absence of red imported fire ants in fire ant the State of Queensland.

The Program is the most effective and efficient option to check compliance with the Act and to monitor the presence or absence of red imported fire ants at places in the whole State of Queensland.

2.2 Measures that are required to achieve the purpose

The key activities undertaken by the Program include but are not limited to entry by authorised officers to places to carry out activities directed towards achieving the Program's objectives (see 3.4 below).

¹ The National Environmental Biosecurity Response Agreement (NEBRA) is the first deliverable of the Intergovernmental Agreement on Biosecurity, and sets out emergency response arrangements, including cost-sharing arrangements, for responding to biosecurity incidents that primarily impact the environment and/or social amenity and where the response is for the public good.



2.3 Powers of authorised officers

Entry of place

The Act provides that under a surveillance program officers appointed as authorised officers under the Act are permitted to enter a place to undertake activities to achieve the objectives of the surveillance program. These surveillance 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 place³ to undertake activities under the Program. An authorised officer may enter a place (other than a residence) if the occupier refuses consent to entry or if the officer is unable to locate the occupier after a reasonable attempt has been made to locate the occupier. Where an occupier does not consent to entry or if, after entering a place, an authorised officer finds an occupier present, the authorised officer must make reasonable attempts to produce an identity card for the occupier's inspection and inform the occupier of the reason for entering and that the entry without permission is authorised under the Act.

An authorised officer under the Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken under the program, and that it is an offence to do anything that interferes with a step taken or to be taken.

If there is no occupier present at the place, 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.

Obligations

[Not used]

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 local governments within the area to which the Program relates have been consulted.

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 ss 261 and 262) of the Act

3 Authorisation of a surveillance program in the State of Queensland

I, Dr Elizabeth Woods, the chief executive of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Surveillance Program for Red Imported Fire Ants (Program) in the State of Queensland, on the basis that I am satisfied that:

- red imported fire ants (biosecurity matter) pose a significant biosecurity risk in Queensland; and
- measures are needed to check compliance with the Act and *Biosecurity Regulation 2016* (the Regulation), monitor for the presence or absence of red imported fire ants, and monitor the effects of measures taken to prevent the establishment of red imported fire ants.

Dr Elizabeth Woods
Director-General
Department of Agriculture and Fisheries

Authorised on 03 / 06 / 2016

3.1 Biosecurity matter

The biosecurity matter to which the Program relates is red imported fire ant (*Solenopsis invicta*).

3.2 Purpose and scope of the Program

The purpose of the Program is to:

- monitor compliance with the Act and the Regulation to minimise the risk of spread of red imported fire ants; and
- check for the presence or absence of red imported fire ants in the State of Queensland

3.3 Area affected by the Program

The Program will apply to the whole State of Queensland.

3.4 Powers of authorised officers

An authorised officer of the Program appointed under the Act, may enter a place—other than a residence⁴—without a warrant and without the occupier’s consent within the State of Queensland under the Program⁵. An authorised officer appointed under the Act will also have the power to enter a place under the Program⁶.

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 executive⁷.

⁴ The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of s 259(2) and (3).

⁵ See section 259 (General powers to enter places) of the Act

⁶ See section 261 (Power to enter a place under biosecurity program) of the Act

⁷ See section 255 (3) (Powers of particular authorised officers limited) of the Act

An authorised officer has general powers after entering a place to do any of the following⁸:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	To view operations and areas relevant to carriers or red imported fire ants. Production and storage areas may include a growing area(s), receiving area(s), chemical storage area(s), office and equipment (including machinery and vehicles).
Inspect ⁹ , examine ¹⁰ or film ¹¹ any part of the place or anything at the place	Inspect, examine or film any production and storage areas which may include a growing area(s), receiving area(s), chemical storage area(s), office and equipment (including machinery and vehicles). Also includes records.
Take for examination a thing, or a sample of or from a thing, at the place	Take a red imported fire ant sample. For example, taking samples for the purpose of diagnostic analysis to ascertain the presence or absence of red imported fire ants. May take a sample of a red imported fire ant carrier or any item that may assist with monitoring compliance.
Place an identifying mark in or on anything at the place	Placing a flag(s) in the ground on a place to identify a red imported fire ant mound. Possibly mark an area on site that is subject to movement controls, possibly red imported fire ant carriers that are not to leave site. Mark an area subject to treatment.
Place a sign or notice at the place	Take documents relating to the movement of any red imported fire ant carriers (for example, consignment notes, dockets, sales receipts, chemical records, contact lists) from a place to copy them. Once copied the document an authorised officer will return the document to the place as soon as practicable.
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 other people that are not authorised officers onto a place. For example Science staff from the National Red Imported Fire Ant Eradication Program, Government officers or police. Anyone relevant to assisting in exercising any of the general powers.
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	If the authorised officer reasonably believes a red imported fire ant carrier is infested with red imported fire ant they may request the owner destroy the carrier. For example the owner consents to destruction of infested hay (through burning).
Destroy biosecurity matter or a carrier if— The authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; and The owner of the biosecurity matter or carrier consents to its destruction	While conducting checks authorised officers may physically move an item that may hinder the
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	

⁸ See section 296 (General powers) of the Act

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

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

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

General powers in the Act	Measures an authorised officer may take under the Program
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.	process, asks person to log onto computer, present records or move an item. If unable to obtain the document from a device an authorised officer takes the device and has an expert produce the document and authorised officer returns the device.

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 power¹².

3.5 Obligations imposed on a person under the Program

[Not used]

3.6 Commencement and duration of the Program

The Program will begin on 1 July 2016 and will continue to operate until there are no National Red Imported Fire Ant Eradication Programs operating in Queensland.

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 Act¹³, I have consulted, prior to the authorisation of the Program, with all the local governments within the State of Queensland, which are the local governments for the areas to which the Program applies.

3.8 Notification of relevant parties of requirements

As required by the Act¹⁴, I will give public notice of the Program 14 days before the Program starts by:

- giving the notice, by way of letter, 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 Department's website.

A copy of the Program (including its Authorisation) is available for inspection at the Department of Agriculture and Fisheries head office at 80 Ann Street Brisbane and regional offices¹⁵. A copy of the Program is also available to view and print at no cost on the Department of Agriculture and Fisheries website at www.daf.qld.gov.au. A copy of the Program Authorisation will be provided on request by contacting the Department of Agriculture and Fisheries Customer Service Centre on 13 25 23.

¹² See section 297 (Power to require reasonable help) of the Act

¹³ See section 239 (Consultation about proposed biosecurity program) of the Act

¹⁴ See section 240 (Notice of proposed biosecurity program) of the Act

¹⁵ See section 241 (Access to authorisation) of the Act.

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