

# **Prevention and Control Program for High Priority Invasive Plants & Animals in the Torres Strait and Northern Peninsula Area under the *Biosecurity Act 2014***

**Biosecurity Queensland**

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# 1. Biosecurity program

## 1.1 PROGRAM NAME

The prevention and control program (biosecurity program) for a range of invasive plants and animals which pose a biosecurity risk to the Torres Strait and Northern Cape York Peninsula Area, an area outlined in the map at Schedule 1, will be known as the Prevention and Control Program for High Priority Invasive Plants and Animals in the Torres Strait and Northern Peninsula Area (the Program).

The biosecurity matter to which the Program relates is cane toads, electric ants, yellow crazy ants, Mikania vine and Siam weed.

# 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 Program are to prevent the entry, establishment or spread of biosecurity matter listed below.

The Program targets a range of biosecurity matter that is not currently present in the Northern Peninsula Area or any Torres Strait islands or, in the case of cane toads, is restricted to the Northern Peninsula Area, Thursday Island and Horn Island. The target species are present in other mainland areas of Australia and pose a risk of spread into the Torres Strait and Northern Peninsula Area through a variety of human mediated pathways.

The Program may require the inspection of carriers, including vessels on Queensland waters within the Torres Strait, to ensure they do not contain biosecurity matter listed below.

The rationale for the listing of each high priority species is provided below:

- (a) Cane Toads (*Rhinella marina*)

Cane toads were introduced to Australia in 1935 as a means of controlling pest beetles in sugar cane. They have since become very successful at invading tropical and sub-tropical regions of Australia. Cane toads use toxins as chemical defences, with all life stages of the cane toad being toxic. The direct pathway of lethal exposure through toxic ingestion of cane toads is the most important impact on native species.

The impact of cane toads to native species is listed as a key threatening process within the *Environmental Protection and Biodiversity Conservation Act 1999*. Competition for resources, predation and lethal poisoning by ingestion has led to the concern that cane toads are a key factor in the decline of many native species. The Threat Abatement Plan for Cane Toads (2011) lists the protection of cane toad free off-shore islands, particularly those that support populations of vulnerable native species, as a priority action.

Although cane toads are widespread on the mainland (including Cape York Peninsula), within the Torres Strait island group they have only become established on Thursday Island, Horn Island, and small islands directly adjacent to the Northern Peninsula area. There is a significant risk of further spread of cane toads from the mainland to the Torres Strait and from Thursday and Horn Island to other islands. Cane toad incursions have previously occurred on Murulag (Prince of Wales), Boigu, Mer, Badu and Mua islands, but have been removed before establishing breeding populations. Cane toads have recently been detected on Hammond Island and efforts are underway to eradicate this small incursion.

Cane toads are an environmental and social amenity threat to the islands of the Torres Strait currently free of this pest. Cane toads could have a dramatic effect on the monitor lizard (at least five species) and snake fauna, and given the small size of some islands, could lead to local extinctions.

(b) Electric ants (*Wasmannia auropunctata*)

Electric ants have been the subject of a national eradication program in the Cairns region since 2006. The National Electric Ant Eradication Program operates under a nationally agreed response plan that establishes a framework to delimit, contain and eradicate electric ants in Queensland.

These ants are easily moved through infested pot plants, raw materials and other carriers. Electric ants pose an environmental risk through displacing native wildlife and are a human health risk through their painful sting. Overseas experience has shown that the impact of electric ant on the environment can be devastating. Electric ants can cause a decline in diversity and abundance of invertebrates, vertebrates, and some plants due to predation and their impact on ecosystem function in affected areas can be severe. Electric ants also inflict painful stings on humans which may lead to allergic reactions.

Movement of pot plants, soil, bulk raw materials and other potential carriers from Cairns into the Torres Straits is a high risk pathway. Electric ants are classified as restricted matter (Category 1) under the Act.

Electric ants are currently absent from the Torres Strait and northern Cape York Peninsula.

(c) Yellow crazy ants (*Anoplolepis gracilipes*)

Yellow Crazy ants have the ability to form large 'supercolonies' which can attack and kill native insects, reptiles, birds and small mammals. They can affect human health as they can spray formic acid that acts as a skin irritant. These ants often farm sap sucking insects for honeydew, which can impact horticultural crops and native forest areas when they occur at high population densities.

Yellow crazy ants are found in a number of coastal locations in Queensland, including the Cairns region where it is subject to a large scale eradication program being delivered by the Wet Tropics Management Authority. Movement of pot plants, soil, bulk raw materials and other potential carriers from Cairns into the Torres Straits is a high risk pathway. Yellow crazy ants are classified as restricted matter (Category 3) under the Act.

Yellow crazy ants are currently absent from the Torres Strait and northern Cape York Peninsula.

(d) Mikania vine (*Mikania micrantha*)

Mikania vine has been the subject of a national eradication program in Far North Queensland since 2002. The National Tropical Weeds Eradication Program operates under a nationally agreed response plan. The response plan establishes a framework to delimit, contain and eradicate Mikania vine in Queensland. Mikania vine is also well established on the Australian territory of Christmas Island where biocontrol is now being considered as the only method to contain and control this aggressive vine.

Mikania vine is easily spread by seed and stem fragments, and has a proven record of invasiveness in a large number of tropical and sub-tropical countries around the world. Mikania vine grows and spreads quickly in forest gaps and margins where its climbing habit smothers and kills native vegetation. Mikania vine is a serious pest of plantation and orchard crops in South East Asia and the Pacific, impacting production of bananas, pineapples, papaya, taro, citrus, timber and pastures.

The ecosystems of the wetter eastern islands of the Torres Strait are particularly vulnerable to Mikania vine, but the drier monsoonal forests of many Torres Strait islands and northern Cape York Peninsula would also provide suitable habitat for the vines establishment. Mikania vine is classified as restricted matter (Categories 2,3,4 & 5) under the Act.

Mikania vine is currently absent from the Torres Strait and northern Cape York Peninsula.

(e) Siam weed (*Chromolaena odorata*)

Siam weed was a national eradication target weed between 1994 and 2013 in Queensland. The distribution of this highly invasive weed is expanding in north Queensland, although it is being actively contained in a number of local government areas. Siam weed is well suited to establishing and thriving in the ecosystems and climate found throughout the Torres Strait.

Siam weed has an extensive history of invasiveness overseas, and is an ecosystem transforming plant due to its highly competitive nature, and flammability in dry conditions. If Siam weed is allowed to spread to its full extent, it will dominate understorey habitats to the detriment of local native species. It will also affect horticultural areas and cultural sites on islands as it thrives in high light intensity situations. Siam weed is classified as restricted matter (Category 3) under the Act.

Siam weed is currently absent from the Torres Strait and northern Cape York Peninsula.

## 2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- The implementation of strict hygiene procedures to reduce the risk of spread of these species from the mainland and between islands.
- Inspections of high risk carriers (including vehicles, vessels, pot plants, mulch and equipment) at departure or arrival points.
- Education and training of local land management agencies and communities
- Ground trapping of invasive animals
- Ground or aerial distribution of poisons to invasive animals
- Ground or aerial distribution of bait for invasive ants
- Ground or aerial distribution of agricultural chemicals to invasive plants
- Mechanical or manual felling, lopping or removal of invasive plants

## 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>. Entry must be done in a timely and efficient manner to ensure that measures undertaken by the Program are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

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<sup>1</sup> See section 261 (Power to enter a place under biosecurity program) of the Act. Prevention and Control Program for High Priority Invasive Plants and Animals in the Torres Strait and NPA under the *Biosecurity Act 2014* Prevention and Control Program for High Priority Invasive Plants & Animals in the Torres Strait and Northern Peninsula Area under the Biosecurity Act 2014 Prevention and Control Program for High Priority Invasive Plants & Animals in the Torres Strait and Northern Peninsula Area under the Biosecurity Act 2014

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.

Protocols to access traditionally owned lands are recognised and will be observed at all times.

### **Giving a direction under a prevention and control program**

Under section 237 of the Act, an authorised officer may, at any reasonable time and at a place situated in an area to which a biosecurity program (a prevention and control program) applies:

- Direct an occupier of a place to take reasonable steps, within a reasonable timeframe, to remove or eradicate electric ants, yellow crazy ants, mikania vine or Siam weed. These steps must be limited to what is reasonably necessary to achieve the purposes of the Program.
- In areas of the Torres Strait where cane toads currently do not occur, direct an occupier of a place to take reasonable steps, within a reasonable timeframe, to remove or eradicate cane toads. These steps must be limited to what is reasonably necessary to achieve the purpose of the Program.
- Direct an occupier of a vehicle, which includes a vessel, to take reasonable steps, within a stated and reasonable timeframe, to remove or eradicate cane toads, crazy ants or electric ants. These steps must be limited to what is reasonably necessary to achieve the purpose of the Program.
- Destroy cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed or a carrier<sup>3</sup> of cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed, if the authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

### **Power to carry out aerial control measures**

The power to carry out aerial control measures for biosecurity matter is authorised by a biosecurity program under the Act<sup>4</sup>. An authorised officer may carry out, or direct another person to carry out, the aerial control measure for cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed in relation to a place to which the Program relates.

### **Obligations**

Any person or agent that wishes to transport a potential carrier of cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed by sea or air freight from mainland Australia to the Torres Strait, or between Torres Strait islands must take all reasonable measures to ensure the carrier is free of those high priority species.

In addition to Program specific obligations in the prevention and control program authorisation, under section 238 of the Act, occupiers of a place are also obligated to comply with an authorised officer's direction issued under section 237 of the Act.

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<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> The Act defines a **carrier** as any animal or plant, or part of any animal or plant, or other thing (a) capable of moving biosecurity matter attached to, or contained in, the animal, plant or other thing from a place to another place: or (b) containing biosecurity matter that may attach to or enter another animal or plant, or part of another animal or plant, or another thing. **Thing** (a) means a thing, whether alive, dead or inanimate; and (b) includes a human.

<sup>4</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.



### **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**

Proposed consultation for the development of this Prevention and Control Program will include:

Gur A Baradharaw Kod (GBK) Torres Strait Sea and Land Council.  
Northern Peninsula Area – Ipima Ikaya Registered Native Title Body Corporate  
Torres Shire Council (TSC)  
Torres Strait Islands Regional Council (TSIRC)  
Northern Peninsula Area Regional Council (NPARC)  
Torres Strait Islands Regional Authority (TSRA)  
Department of Agriculture, Water and the Environment (DAWE)  
Main freight companies

### 3. Authorisation of a prevention and control program in the State of Queensland

#### AUTHORISATION STATEMENT

I, Dr Elizabeth Woods, the Chief Executive of the Department of Agriculture and Fisheries (the Department) in pursuance of section 235 of the *Biosecurity Act 2014* (the Act), authorise the Prevention and Control Program for cane toads, electric ants, yellow crazy ants, Mikania vine and Siam weed, on the basis that:

- I am satisfied that electric ants, yellow crazy ants, Mikania vine and Siam weed pose a significant biosecurity risk to biosecurity considerations in the Torres Strait islands and Northern Peninsula Area; an area outlined in the map at Schedule 1 and includes the local government areas of Torres Shire Council, Torres Strait Island Regional Council and Northern Peninsula Area Regional Council; and
- I am satisfied that measures are required to prevent the entry, establishment and spread of electric ants, yellow crazy ants, Mikania vine and Siam weed in the area outlined in Map 1 at Schedule 1.
- I am satisfied that cane toads pose a significant biosecurity risk to biosecurity considerations in islands of the Torres Strait where they currently do not occur.
- I am satisfied that measures are required to prevent the entry, establishment and spread of cane toads in the area outlined in Map 2 at Schedule 2.

**Dr Elizabeth woods**  
**Director- General**  
**Department of Agriculture and Fisheries**

**Authorised on:** 11 December 2020

#### **3.1 BIOSECURITY MATTER**

The biosecurity matter to which the Program relates is cane toads, electric ants, yellow crazy ants, Mikania vine and Siam weed.

#### **3.2 PURPOSE OF THE PROGRAM**

The purpose of the Program is:

- a) To prevent the entry, establishment or spread of electric ants, yellow crazy ants, Mikania vine or Siam weed in the area outlined at Map 1 at Schedule 1 and cane toads in the area outlined at Map 2 at Schedule 2.

- b) To manage, reduce or eradicate electric ants, yellow crazy ants, Mikania vine or Siam weed in the area outlined in Map 1 at Schedule 1 and cane toads in the area outlined in Map 2 at Schedule 2 where the biosecurity matter could pose a significant biosecurity risk.

### 3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the Torres Strait and Northern Peninsula Area, an area outlined in the map at Schedule 1 and includes the local government areas of Torres Shire Council, Torres Strait Island Regional Council and Northern Peninsula Area Regional Council.

### 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>5</sup>— after obtaining permission from the occupier of the place<sup>6</sup>. Further, an authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program.<sup>7</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 chief executive<sup>8</sup>.

An authorised officer has general powers after entering a place to do any of the following after gaining permission from the owner/occupier<sup>9</sup>:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	
Inspect <sup>10</sup> , examine <sup>11</sup> or film <sup>12</sup> any part of the place or 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>
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	
Place a sign or notice at the place	<i>Searching a place (including vessels on Queensland waters) to check for the presence or absence of the biosecurity matter to which the program relates.</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>Inspect, examine and film to assist with tracing of carriers to and from a place.</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>Take samples for the purposes of diagnostic analysis, to ascertain the</i>

<sup>5</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>6</sup> See section 259 (General powers to enter places) of the Act.

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

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

<sup>9</sup> See section 296 (General powers) of the Act.

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

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

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

Remain at the place for the time necessary to achieve the purpose of the entry	<i>presence or absence of the biosecurity matter.</i>
The authorised officer may take a necessary step to allow the exercise of a general power	<i>Identify locations of and carriers of the biosecurity matter to which the program relates with tags, notices, flags or signs for any purpose consistent with the Program.</i>
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>Producing a written and/or electronic note(s) to support Program activities.</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.	<i>Taking GPS coordinates to ensure accuracy of location details of the biosecurity matter and carriers of the biosecurity matter.</i>  <i>Undertake preventative treatment such as applying bait or agricultural chemicals that is consistent with the objectives of the Program.</i>

Also, in accordance with section 237 of the Act an authorised officer may give a direction to an occupier of a place or an operator of a vehicle/vessel located in the area to which the Program applies to take reasonable steps to:

- remove or eradicate cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed, as reasonably necessary to achieve the purposes of the Program, or
- destroy or decontaminate to an acceptable standard a carrier of cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

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>13</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for cane toads, electric ants, yellow crazy ants, Mikania vine and Siam weed in relation to a place to which the Program applies. Under the Program, these measures include distributing an agricultural chemical to control the biosecurity matter or bait treatment on infested properties.

### 3.5 OBLIGATIONS 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:

1. A person in possession of biosecurity matter to which this program relates must allow an authorised person under the Program to destroy the biosecurity matter.
2. Any person or agent that wishes to transport a possible carrier of cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed by sea or air from mainland Australia to the Torres Strait, or between islands in the Torres Strait (Schedule 1, Map 1 and Schedule 2, Map 2), must take all reasonable measures to ensure the carriers are free of cane toads, electric ants, yellow crazy ants, Mikania vine or Siam weed.

<sup>13</sup> See section 297 (Power to require reasonable help) of the Act.

3. If required, move or remove any thing at a place that could obstruct an authorised officer from undertaking the activities required under the program, for example, move items to allow for a more thorough inspection of a vehicle or vessel.

### **3.6 COMMENCEMENT AND DURATION OF THE PROGRAM**

The Program will begin on 31 January 2021 and will continue for a period of three years when a review of the effectiveness of the Program will occur. 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>14</sup>, I, Dr Elizabeth Woods, the Chief Executive of the Department of Agriculture and Fisheries have consulted, prior to the authorisation of the Program, with the following local governments and traditional owner peak representative bodies, which are the local governments and traditional owner representatives for the areas to which the Program applies:

- Torres Shire Council
- Torres Strait Island Regional Council
- Northern Peninsula Area Regional Council
- Gur A Baradharaw Kod Torres Strait Sea and Land Council (GBK)
- Ipima Ikaya RNTBC

### **3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS**

As required by the Act<sup>15</sup>, 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; and
- providing notification in local newspapers, community noticeboards and local government websites

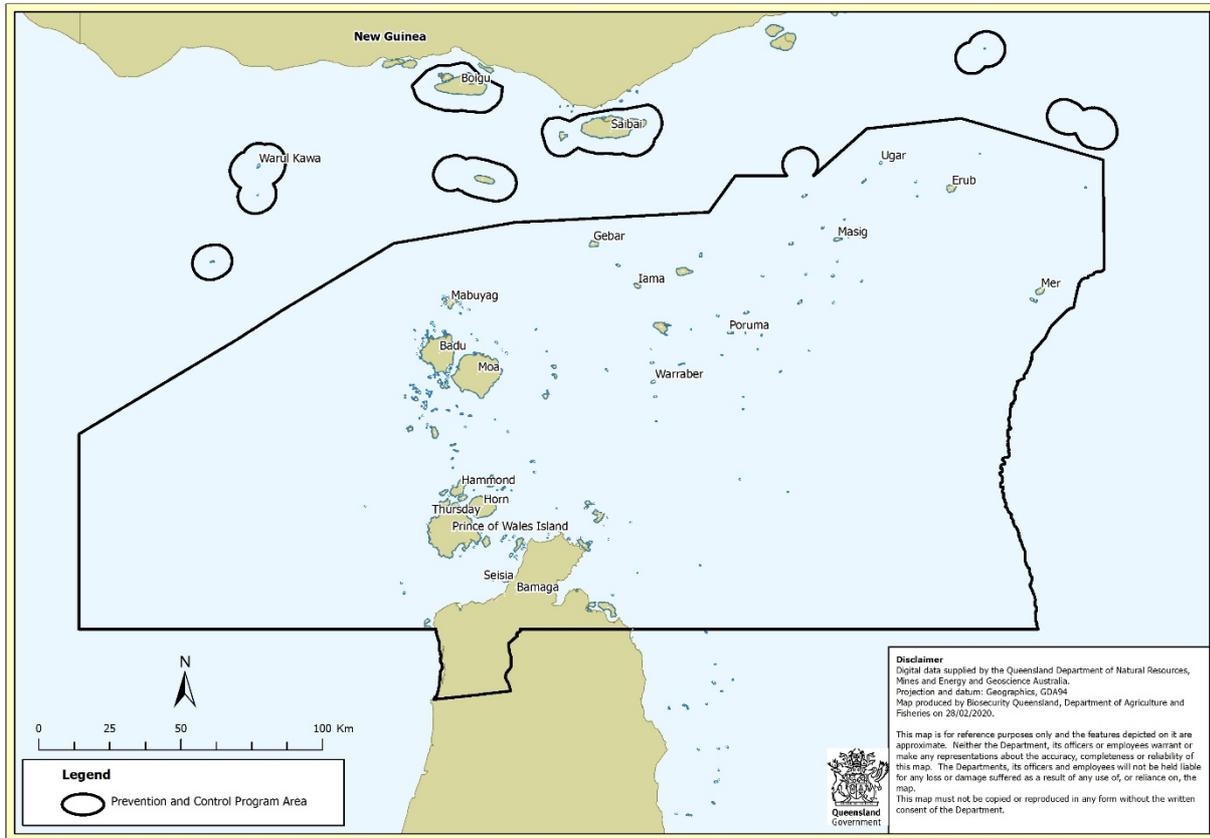
From the start of the Program, the Authorisation for the Program will be available for inspection at the Queensland Department of Agriculture and Fisheries office at 37-45 Douglas Street, Thursday Island.

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<sup>14</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

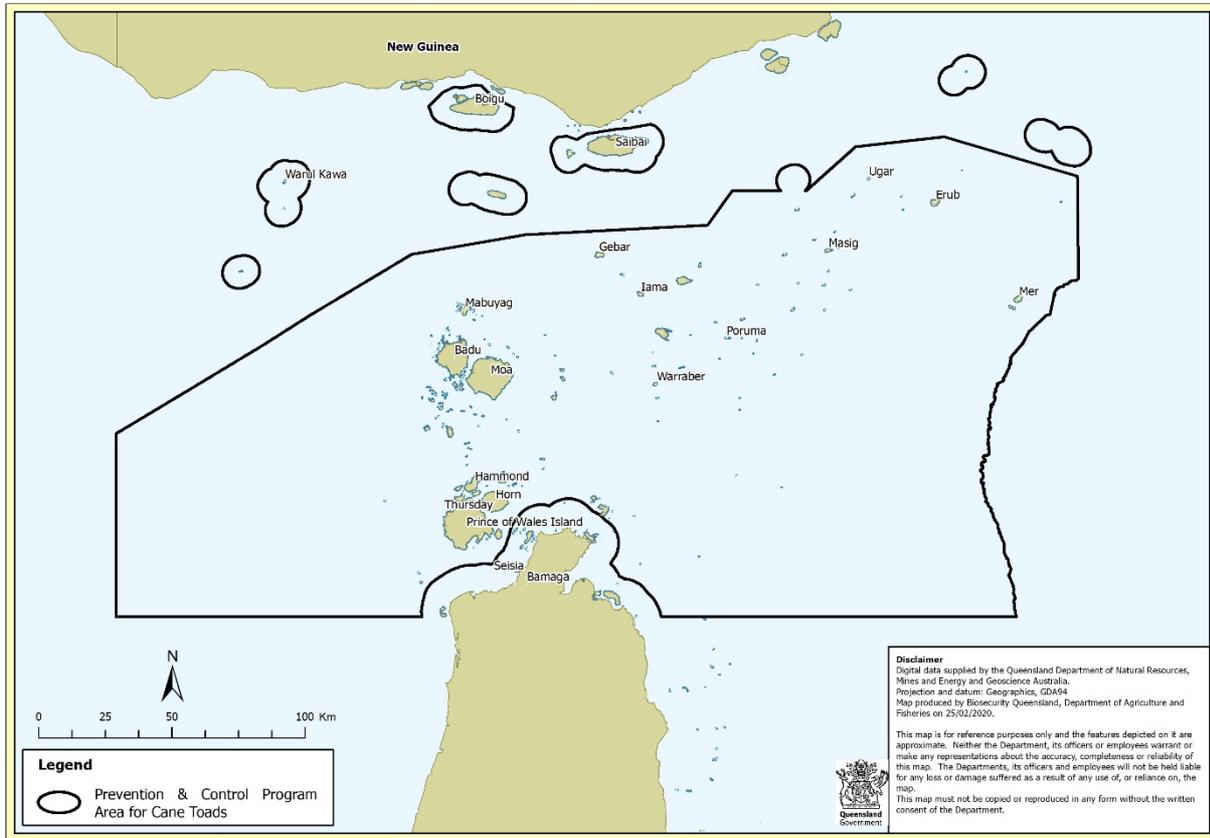
<sup>15</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

# Schedule 1



Map 1: Prevention and Control Program Area for Electric Ants, Yellow Crazy Ants, Mikania vine and Siam weed.

## Schedule 2



Map 2: Prevention and Control Program Area for Cane Toads.