

# **Prevention and Control Program for West Indian Drywood Termite under the *Biosecurity Act 2014***

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# 1. Biosecurity program

## 1.1 PROGRAM NAME

The prevention and control program for West Indian drywood termite (WIDT), (*Cryptotermes brevis*)<sup>1</sup>, will be known as the Prevention and Control Program for West Indian Drywood Termite (the Program).

# 2. Requirement for a prevention and control program

## 2.1 PURPOSE AND RATIONALE

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 purpose of the Prevention and Control Program for West Indian Drywood Termite (the Program) is to:

- manage and reduce WIDT in areas where it is detected; and
- prevent the spread of WIDT in Queensland.

WIDT has long been considered a significant biosecurity risk within Queensland. It is one of the most serious pests of wood products associated with structures and affects most softwoods and hardwoods. It was discovered in Maryborough, Queensland in 1966. A Queensland Government control program for the pest commenced soon after under previous legislation and continues as the Program under the Act. WIDT was first discovered in Brisbane in the late 1970s.

Within the genus *Cryptotermes*, WIDT is one of the most significant and invasive timber pest species. The pest can be particularly destructive in timber buildings and is more difficult to detect and control than commonly occurring subterranean termites, which occur in Queensland.

Colonies of WIDT commonly infest hardwood and softwood timber in service, including all commercial species used in structural framing, and other timber items such as furniture and boats. Numerous independent colonies of WIDT may inhabit a single structure.

WIDT is widespread in a number of tropical and subtropical parts of the world and Queensland is particularly at-risk from the pest, due to having a favourable habitat and an abundance of timber structures that the pest is capable of infesting. The 'Queenslander' style house is particularly vulnerable to attack by WIDT, due to the ease of entry of the pest to susceptible timber in the building structure.

The pest is considered a threat to all parts of Queensland, however the Program has contained WIDT to coastal areas, mainly in the southeast of the state. Most infestations have been detected in Brisbane and the Wide Bay, with occasional isolated detections in some other areas, including Townsville and Rockhampton.

Approximately 15 buildings are treated for WIDT under the Program each year, with treatment costs in most years being under one million dollars. Without a prevention and control program in place, the total cost to the community to managing WIDT in Queensland would be expected to rise more significantly

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<sup>1</sup> West Indian drywood termite (WIDT) (*Cryptotermes brevis*) is a category 1 pest described in Schedule 2 'Restricted matter and categories,' Part 1 – Restricted matter – other than invasive biosecurity matter', in the Act.

over time potentially reaching tens of millions of dollars each year, as the pest spreads. The cost to control WIDT in United States is around \$120 million annually, with the greatest damage from the pest occurring in Florida, Hawaii and California.

The Program involves annual inspections for WIDT within the established infestation centres, commencing in late autumn, early winter each year. Treatment of infested buildings, furniture and other wooden items are then undertaken to control the pest.

## 2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- Surveillance, including inspection and sampling to determine the presence or absence of WIDT. This surveillance is integral to the prevention and control program, as the detection of WIDT through surveillance, and subsequent treatment, removes WIDT from the property and prevents the spread of WIDT in Queensland.
- Preventing the spread of WIDT in Queensland by tracing forward and tracing back timber items that may have carried the pest to, or from, other locations.
- Treatment<sup>2</sup> of infestations to control WIDT.

## 2.3 POWERS OF AUTHORISED OFFICERS

### Entry of place

The Act provides that under a prevention and control program officers appointed as authorised officers under the Act are permitted to enter a place to undertake measures to achieve the objectives of the prevention and control program.

Authorisation of entry does not include entry to a part of the place where the person resides without the person's consent or a warrant.

These measures must be done in a timely and efficient manner to ensure they are as effective as possible. The prevention and control 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>3</sup> and obtain the occupier's consent to the entry prior to an authorised officer entering a place<sup>4</sup> to undertake activities under the prevention and control program. Nevertheless, an authorised officer may enter the place (other than where the person resides) after a reasonable attempt is made to locate the occupier or 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 the occupier's inspection and will make reasonable attempts to inform the occupier of the reason for entering and their authorisation under the Act to enter without the permission of the occupier. An authorised officer under the prevention and control 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.

If the authorised officer does not find an occupier present at the place, the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and

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<sup>2</sup> **Treatment** means treatment of the WIDT infestation, using chemical, physical or other means that DAF deems necessary.

<sup>3</sup> **Occupier** of a place includes more than one person who apparently occupies the place (any one 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>4</sup> Under s 270 (Entry of place under ss 261 and 262) of the Act

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, within a stated and reasonable timeframe, to remove or eradicate WIDT. These steps must be limited to what is reasonably necessary to achieve the purposes of this prevention and control program.
- Destroy WIDT or a carrier of WIDT, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

An authorised officer may require that, an occupier of a place allow an authorised officer to carry out surveillance at the place to look for and monitor the spread of WIDT. An authorised officer may take samples from the place for pest identification.

If an authorised officer considers it necessary to prevent WIDT from spreading, the authorised officer may require that an occupier of a place treat the building or item or allow the authorised officer to treat the building or item, or other thing the authorised officer reasonably believes may spread WIDT, on or at the place.

An authorised officer may require that an occupier of a place infested with WIDT treat the building or item or allow an authorised officer to treat the building or item, or other thing infested with WIDT, on the place.

A person impacted by the Program may specifically be directed to:

- Allow inspection of timber items and the taking of samples, including frass (termite faecal pellets), timber items, insect specimens, or other items as deemed necessary for pest identification at the place to determine the presence or absence of WIDT.
- Not move any items that are infested or are at risk of infestation from the place prior to the completion of WIDT control measures.
- Treat or allow treatment of WIDT at the place using chemical, physical or other means that DAF deems necessary.

### **General powers of authorised officers**

Nothing in this prevention and control program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act. An authorised officer may exercise general powers after entering, including:

- searching, inspecting, examining or filming 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
- take into or onto the place a detection animal, equipment and materials reasonably required for exercising the powers.

## **2.6 OBLIGATIONS**

In addition to program specific obligations outlined 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. A maximum penalty of 50 penalty units applies to non-compliance.



## **2.7 CONSULTATION**

Consultation in relation to continuation of the Program has been undertaken in June 2019 in accordance with section 239 of the Act.

# 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) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Prevention and Control Program for West Indian Drywood Termite (the Program) in Queensland, on the basis that:

- I am satisfied that West Indian drywood termite, which poses a significant biosecurity risk in Queensland, is present in parts of the State and that measures are required to manage or reduce the pest in areas where it is detected.
- I am satisfied that measures such as surveillance and treatment are required to prevent the spread of West Indian drywood termite.

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Dr Elizabeth Woods  
Director-General  
Department of Agriculture and Fisheries

### 3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is West Indian drywood termite (*Cryptotermes brevis*) (WIDT).

### 3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to:

- manage and reduce WIDT in areas of Queensland where it is detected, to mitigate the biosecurity risk it poses to the State; and
- prevent the spread of WIDT in Queensland, given the significant biosecurity risk it poses to the State.

### 3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to the whole of the State of Queensland. All parts of Queensland are at risk of a WIDT infestation, and the Program needs to support surveillance and treatment in any area where WIDT is reported or confirmed.

### 3.4 POWERS OF AUTHORISED OFFICERS

Subject to the requirements in the Act for entering a part of a place in which a person resides (a residence)<sup>5</sup> an authorised officer may, at reasonable times, enter a place situated in the area to which the Program applies to take any action authorised by the Program<sup>6</sup>.

An authorised officer has general powers after entering a place<sup>7</sup> to do any of the following:

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<sup>5</sup> Under s 270 (Entry of place ss 261 and 262) of the Act

<sup>6</sup> Under s 261 (Power to enter a place under biosecurity program) of the Act

<sup>7</sup> Under s 296 (General powers) of the Act. In this section In this section—



General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Inspect timber structures or items at a place to check for the presence or absence of WIDT.
Inspect, examine or film any part of the place or anything at the place	Inspect, examine and film to assist with tracing of carriers to and from a place.
Take for examination a thing, or a sample of or from a thing, at the place	Take samples, including frass (termite faecal pellets), timber items, insect specimens, or other items as deemed necessary for pest identification to ascertain the presence or absence of WIDT.
Place an identifying mark in or on anything at the place	Identify carriers such as timber buildings with tags, notices, flags or signs for any purpose consistent with the Program.
Place a sign or notice at the place	Producing a written and/or electronic note(s) to support Program activities.
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	Taking GPS coordinates to ensure accuracy of location details of carriers or WIDT.
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 WIDT or a carrier of WIDT by means the authorised officer considers necessary to reduce the biosecurity risk. This may include treatment by chemical, physical or other means.
Remain at the place for the time necessary to achieve the purpose of the entry	Require a document to be provided for removal and copying, including a record that verifies that a WIDT treatment has taken place.
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.	
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</li> <li>• the owner of the biosecurity matter or carrier consents to its destruction.</li> </ul>	

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place to take reasonable steps<sup>8</sup> to:

- **examine** includes analyse, test, account, measure, weigh, grade, gauge and identify.
- **film** includes photograph, videotape and record an image in another way.
- **inspect**, a thing, includes open the thing and examine its contents.

<sup>8</sup> These steps must be limited to what is reasonably necessary to achieve the purposes of the Program.

- remove or eradicate WIDT; or
- destroy WIDT or a carrier of WIDT, 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.

### **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:

- Allow surveillance for WIDT to be undertaken by an authorised officer, including inspection of timber items and taking of samples for pest identification at the place to determine the presence or absence of the pest.
- Not move any items that are infested or are at risk of infestation from the place prior to the completion of control measures.
  - Treat or allow treatment of WIDT at the place using chemical, physical or other means that DAF deems necessary.

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

The Program will begin on 15 July 2019 and will continue until 15 January 2021. This period is considered reasonably necessary for the program, given its ongoing nature. This is also an appropriate time period before further review of the Program is justified.

### **3.7 CONSULTATION WITH RELEVANT PARTIES**

As required by the Act<sup>9</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 local governments in the area affected by the Program:

- All local governments in Queensland.

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

As required by the Act<sup>10</sup>, I will give public notice of the Program 14 days before the Program starts by:

- advising each government department or government owned corporation responsible for land in the area to which the Program relates by way of letter; and
- placing a notification on the Department of Agriculture and Fisheries website.

The Program will be available for inspection or purchase at the Queensland Department of Agriculture and Fisheries head office at: 41 George Street, Brisbane 4000.

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<sup>9</sup> Section 239, Consultation about proposed biosecurity program

<sup>10</sup> Section 240 Notice of proposed biosecurity program