

# **Surveillance Program for Electric Ants under the *Biosecurity Act 2014***

## **National Electric Ant Eradication Program**

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# 1 Biosecurity Program

## 1.1 Program name

The surveillance program (biosecurity program) for electric ants (*Wasmannia auropunctata* (Roger 1863)) will be known as the Surveillance Program for Electric 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.

Electric ant was first detected in Smithfield, a northern residential suburb of Cairns in Far North Queensland, on 11 May 2006 in close proximity to World Heritage listed rainforest, and was the first record of an established incursion of this species in Australia.

Electric ant occur throughout most of the warmer parts of the world, however its continuous distribution ranging from central Argentina and Uruguay, through eastern Mexico to the southern parts of Texas suggests that, along with parts of the West Indies, this may be its native range (Wetterer 2013).

Electric ant is considered by the IUCN/SSC Invasive Species Specialist Group to be one of the world's worst invasive species (Global Invasive Species Database 2009).

Overseas experience has shown that the impact of electric ant on the environment can be devastating. Electric ant can cause a decline in diversity and abundance of invertebrates, vertebrates, and some plants due to predation by electric ant, and their impact on ecosystem function in affected areas can be severe.

Eradication activities delivered by the EA Program have so far prevented the full impact of electric ant being realised on the environment of Far North Queensland, including in areas of World Heritage listed rainforest. As a signatory to the World Heritage Convention, under article 5 of the convention, Australia has an obligation to ensure the protection, conservation, presentation, rehabilitation, and transmission to future generations of the natural heritage of the area (UNESCO 1972).

The Wet Tropics is recognised as an area of 'outstanding universal values'. It contains Australia's greatest diversity of animals and plants, and a large number of endangered species including seven amphibians, three reptiles, seven mammals, six birds. It also contains 33 vertebrate species and one invertebrate species that are declared as vulnerable (WTMA 2012a). For example, the southern cassowary (*Casuarius casuarius johnsonii*) is an iconic Australian bird and a nationally listed endangered species that is already under considerable threat of extinction. It is possible that its ground nesting habits could make its young susceptible to electric ant infestation, placing the species under further stress. There are three specific areas in the Wet Tropics where cassowaries are known to frequent: the Daintree area, Mission Beach, and the Kuranda and Atherton Tablelands area. The infestation at Smithfield has already intruded on the Kuranda and Atherton Tableland Wet Tropics area, and is less than 100 km from the Daintree National Park. Infestation in Bingil Bay, if left unchecked, also has the potential to impinge on the Wet Tropics area at Mission Beach.

The cost of not eradicating an electric ant infestation was valued by Queensland's Department of Primary Industries and Fisheries (Antony 2006), now DAF, in the early stages of the EA Program. It is estimated that after 30 years of infestation, 350 000 houses will be infested and the annual cost to residents of treating their properties would amount to almost \$14 million. This figure assumes that there would be some residents that would not treat their properties. In this case, these residents would be likely to avoid outside areas, and would most probably see the infestation move into their house.

The National Electric Ant Eradication Program, run by the Queensland Government on behalf of national cost-share partners (including the Commonwealth, and Australian States and Territories), commenced in 2006 with the ultimate aim of eradicating electric ants within Queensland and therefore preventing the spread and establishment of electric ants in other states and territories.

The National Electric Ant Eradication Program has been subject to reviews in 2008, 2010 and 2014, and has been assessed against the criteria contained in the National Environmental Biosecurity Response Agreement<sup>1</sup> (NEBRA). Each review determined that eradication of electric ant is technically feasible, cost beneficial, and of national significance.

The National Electric Ant Eradication Program, run by the Queensland Government on behalf of national cost-share partners (including the Commonwealth, and Australian States and Territories), has been established with the ultimate aim of eradicating electric ants within Queensland and therefore preventing the spread and establishment of electric ants in other states and territories.

The National Electric Ant Eradication Program operates under a nationally agreed response plan which has been developed using the criteria set out in the NEBRA. The response plan was developed prior to the introduction of NEBRA and is referred to as NEBRA-like. The response plan establishes a framework to delimit, contain and eradicate electric 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 Electric Ant Eradication Program to ensure the risk of human-assisted electric ant spread is minimised. Biosecurity zones will be established over the known areas of infestation (operational areas) and monitoring compliance will focussed in these biosecurity zones.
- Treatment and surveillance are also key measures undertaken by the National Electric Ant Eradication Program and will be dealt with the establishment of a prevention and control program over Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council.

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 electric ants; and
- check for the presence or absence of electric ants in Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council and the Douglas Shire Council.

The Program is the most effective and efficient option to check compliance with the Act and to monitor the presence or absence of electric ants at places in Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council.

## 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).

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<sup>1</sup> 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 under taken.

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<sup>3</sup> 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.

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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> 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 Electric Ants (the Program) in Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council, on the basis that I am satisfied that:

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

#### 3.2 Purpose and scope of the Program

The purpose of the Program is to:

- monitor compliance with the Act and *Biosecurity Regulation 2016* to minimise the risk of spread of electric ants; and
- check for the presence or absence of electric ants in Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council.

#### 3.3 Area affected by the Program

The Program will apply to Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council.

#### 3.4 Powers of authorised officers

An authorised officer of the Program appointed under the Act, may enter a place—other than a residence<sup>4</sup>—without a warrant and without the occupier's consent within the Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council, under the Program<sup>5</sup>. An authorised officer appointed under the Act will also have the power to enter a place under the Program<sup>6</sup>.

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<sup>4</sup> The Act defines a **residence** to mean a premises or a part of a premises that is a residence within the meaning of s259(2) and (3).

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

<sup>6</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

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>7</sup>.

An authorised officer has general powers after entering a place to do any of the following<sup>8</sup>:

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 electric 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, <sup>9</sup> examine <sup>10</sup> or film <sup>11</sup> 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	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.
Place a sign or notice at the place	Take an electric ant sample. For example, taking samples for the purpose of diagnostic analysis to ascertain the presence or absence of electric ants. May take a sample of an electric ant carrier or any item that may assist with monitoring compliance.
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	Placing a flag(s) in the ground on a place to identify a location where electric ant have been found. Possibly mark an area on site that is subject to movement controls, possibly electric ant carriers that are not to leave a site. Mark an area subject to treatment.
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	Take documents relating to the movement of any electric 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.
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 poses a significant biosecurity risk</li> <li>• The owner of the biosecurity matter or carrier consents to its destruction.</li> </ul>	Take other people that are not authorised officers onto a place. For example Science staff from the National Electric Ant Eradication Program, Government officers or police. Anyone relevant to assisting in exercising any of the general powers.
Remain at the place for the time necessary to achieve the purpose of the entry	If the authorised officer reasonably believes an electric ant carrier is infested with electric ant, they may request the owner destroy the carrier.
The authorised officer may take a necessary step to allow the exercise of a general power	While conducting checks authorised officers may physically move an item that may hinder the process, asks person to log onto computer, present records or move an item.
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 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.
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.	

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>12</sup>.

<sup>7</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>8</sup> See section 296 (General powers) of the Act.

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

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

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

<sup>12</sup> See section 297 (Power to require reasonable help) of the Act.

### **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 the nationally agreed response plan for the eradication of electric ant expires or there are no National Electric 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 Act<sup>13</sup>, I, Dr Beth Woods, the chief executive of the Department of Agriculture and Fisheries have consulted, prior to the authorisation of the Program, with Far North Queensland local government areas including Cairns Regional Council, Mareeba Shire Council, Tablelands Regional Council, Cassowary Coast Regional Council, and the Douglas Shire Council, 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 Act<sup>14</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;
- publishing the notice on the Department's website; and

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 offices. 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](http://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.

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<sup>13</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>14</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

## 4 References

Antony, G 2006, 'Wasmannia auropunctata (electric ant)—Draft Initial Economic Impact Assessment', report for the Department of Primary Industries and Fisheries, Economic and Statistical Analysis, 30 December 2006.

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Wetterer, JK 2013, 'Worldwide spread of the little fire ant *Wasmannia auropunctata* (Hymenoptera: Formicidae)', *Terrestrial Arthropod Reviews*, vol. 6, pp. 173–184.

WTMA 2012a. Wet Tropics Management Authority, Cairns, viewed 13 November 2014, <<http://www.wetropics.gov.au/home>>.