

Plant Diseases (Red Imported Fire Ant Importation Restrictions) Declaration 2024

Disallowable instrument DI2024–21

made under the

Plant Diseases Act 2002, s 7 (Meaning of pest), s 8 (Prohibition of introduction etc of plants, insects, diseases and pests) and s 12 (Declaration of area subject to importation restriction)

1 Name of instrument

This instrument is the *Plant Diseases (Red Imported Fire Ant Importation Restrictions) Declaration 2024**.

2 Commencement

This instrument commences on the day after its notification day.

3 Declaration of fire ants as a pest

I declare the Red Imported Fire Ant (*Solenopsis invicta*) (**fire ant**) to be a pest.

Note 1 The red imported fire ant is both a notifiable and prohibited pest under the *Pest Plants and Animals (Pest Animals) Declaration 2021 (No 1)* (DI2021–133).

Note 2 It is an offence with a maximum penalty of 20 penalty units to fail to notify the presence of a notifiable pest animal. See s 18 of the *Pest Plants and Animals Act 2005*.

4 Prohibition of import or transport of fire ants within the ACT

(1) I declare that the introduction into, or transport within or through, the ACT of fire ants is prohibited.

(2) I am satisfied that the introduction or transport of fire ants specified in section 4 (1) is likely to increase the risk of the pest becoming established, or spreading, in the ACT.

*Name amended under Legislation Act, s 60

5 Declaration of area subject to importation restriction

(1) I declare the following areas to be subject to an importation restriction (the declared areas):

- (a) the areas in the map in schedule 1 marked *Fire ant biosecurity zone 1* and *Fire ant biosecurity zone 2* in the state of Queensland; and

Note 3 These areas align with the Fire Ant Biosecurity Zone Map prepared by the Queensland Department of Agriculture and Fisheries.

- (b) the areas in the maps in schedule 2 in the state of New South Wales, containing the areas within a 5-kilometre radius of the fire ants nests found at the points with the following GPS co-ordinates:

- (i) 28.33792 S, 153.41783 E
- (ii) 28.33783 S, 153.41768 E
- (iii) 28.33767 S, 153.41800 E
- (iv) 28.33775 S, 153.41699 E
- (v) 28.33821 S, 153.41777 E
- (vi) 28.9487069 S, 153.46005784 E.

Note 4 These areas align with the areas subject to the New South Wales Biosecurity (Fire Ant) Emergency Order (No 1) 2024.

- (2) The importation restriction relates to fire ants.
- (3) The importation restrictions in schedule 3 apply to importing into, or selling in, the ACT fire ant carriers that has been kept in or travelled through a declared area.
- (4) I am satisfied that the declaration of the areas subject to importation restriction in section 5 (1) is necessary or desirable to prevent fire ants becoming established, or spreading, in the ACT.
- (5) The declaration takes effect on the commencement day of this instrument.

6 Definitions

In this instrument:

APVMA means Australian Pesticides and Veterinary Medicines Authority.

baled material includes baled hay, baled straw, baled sugarcane and baled silage.

certification assurance arrangement means a certification assurance arrangement or an interstate certificate assurance arrangement that enables a person authorised under a corresponding law of a State to issue a plant health assurance certificate that meets certain plant health quarantine conditions for trade between the ACT and other States.

Note 5 State includes the Northern Territory (see Legislation Act, dict, pt 1).

fire ant means the red imported fire ant (*Solenopsis invicta*).

fire ant carrier means any of the following carriers of fire ant:

- (a) organic mulch,
- (b) soil and anything with soil on it,
- (c) baled material,
- (d) potted plants,
- (e) turf,
- (f) agriculture or earth moving machinery
- (g) mining and quarrying materials.

GIA means Greenlife Industry Australia Limited (ABN 59 634 584 017).

ICA means Interstate Certification Assurance.

inspector means a person appointed under section 19 of the *Plant Diseases Act 2002*.

known infested area means the area declared in section 5.

mining and quarrying materials means material that is a product or by-product of mining or quarrying, including chitters, coal fines, coal stone, decomposed granite, sand, gravel and overburden.

organic mulch includes manure, bark, wood chips, hay, straw, silage and sugarcane bagasse but does not include baled material.

plant health assurance certificate is an interstate biosecurity certificate issued in accordance with the requirements of a certification assurance arrangement.

plant health certificate means an interstate biosecurity certificate issued by an authorised officer under a corresponding law in a State that relates to plant biosecurity.

potted plant means a plant in a container that was grown or re-potted in potting media, and includes the container, the plant and the potting media, but does not include:

- (a) tissue culture; or
- (b) seedlings in plugs or cells used to grow or transport plants, with a volume of no more than 0.1 litres.

present in the known infested area means where a fire ant carrier has been grown, packed, sourced, stored or held:

- (a) in the known infested area; or
- (b) is reasonably suspected of being in the known infested area;

for any period of time unless the transit exemption in section 9 schedule 3 of this declaration applies.

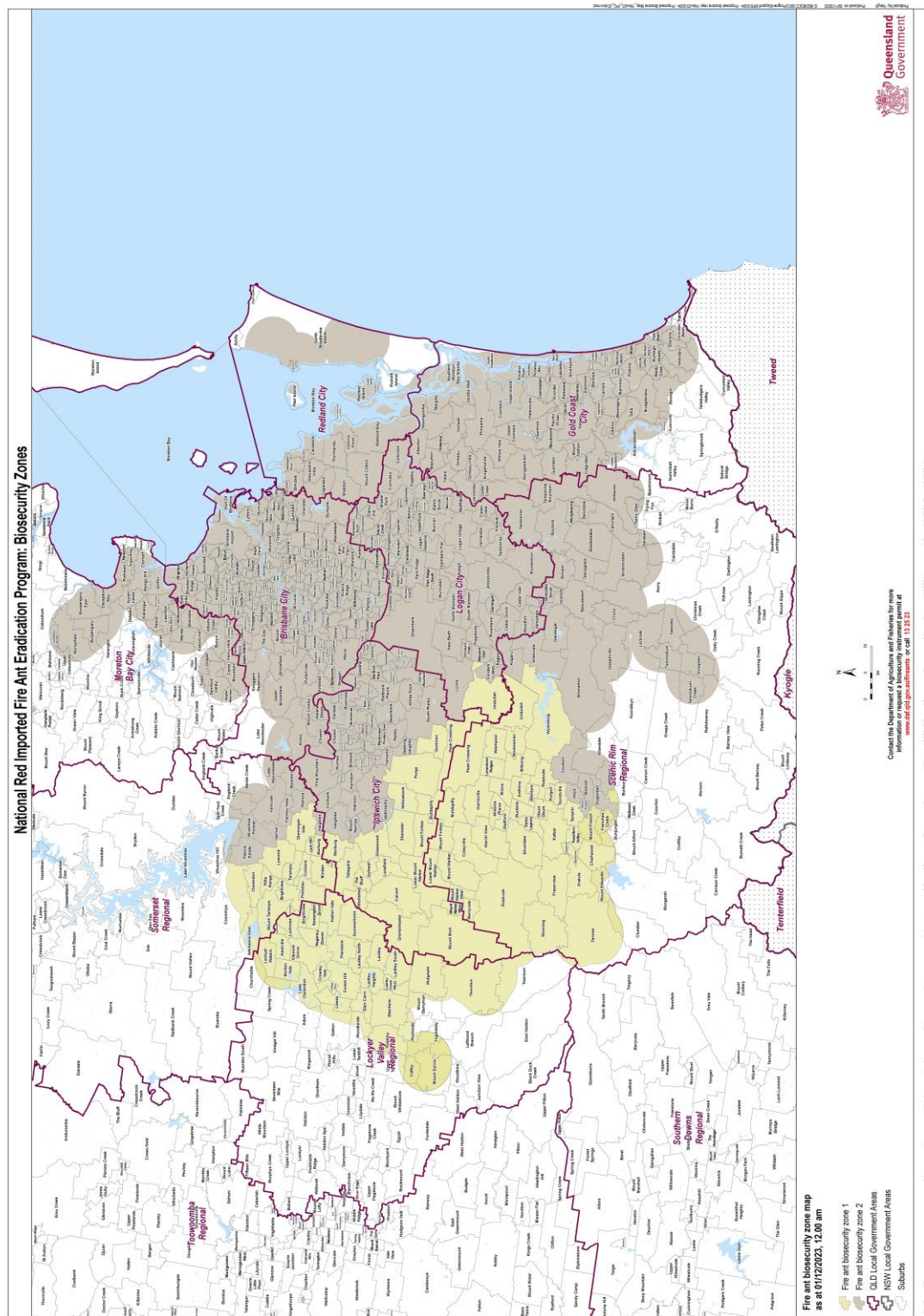
vigorously disturbed means agitating all the mining or quarrying material, using one of these methods of agitation:

- (a) crushing;
- (b) screening including by passing all the material through a screening bucket, grate or other sieve;
- (c) turning; or
- (d) washing.

Rebecca Vassarotti MLA
Minister for the Environment, Parks and Land Management
13 February 2024

Schedule 1 Declared area (known infested area) in Queensland

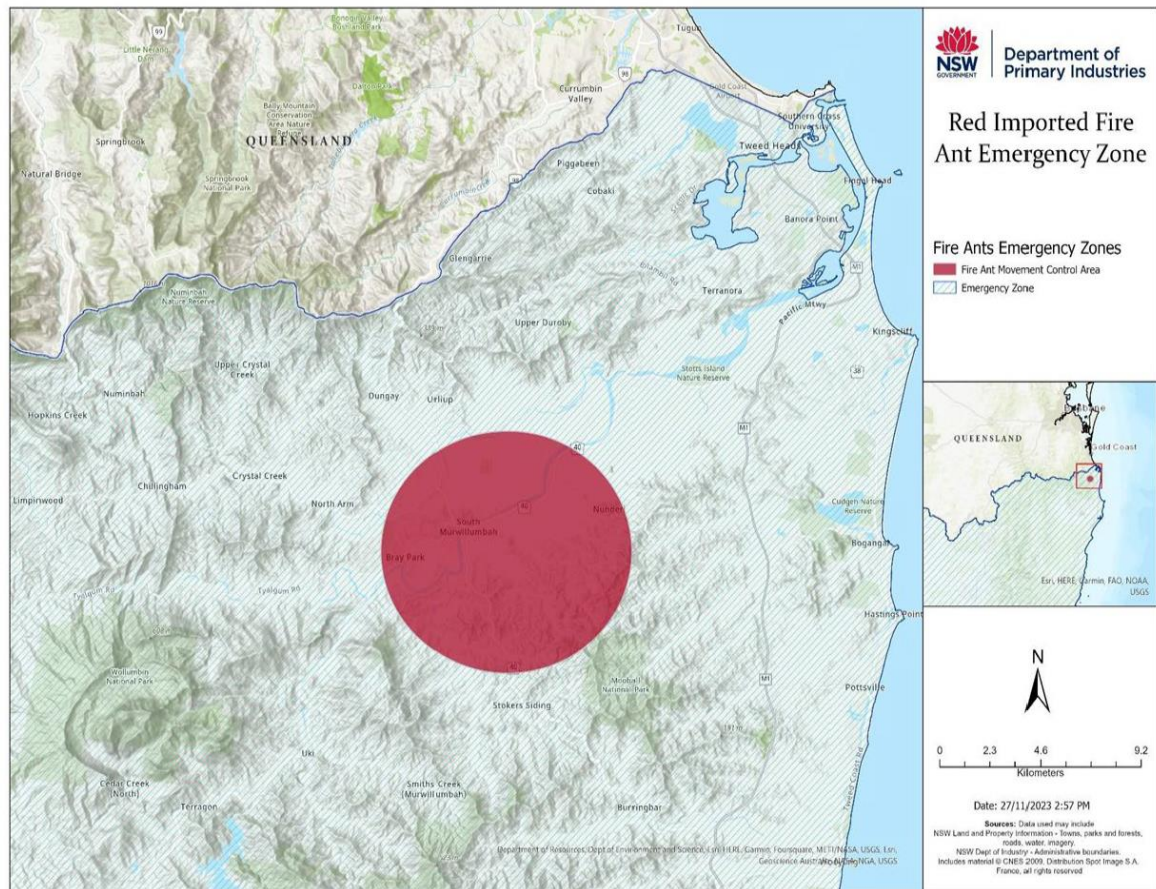
(see s 5)

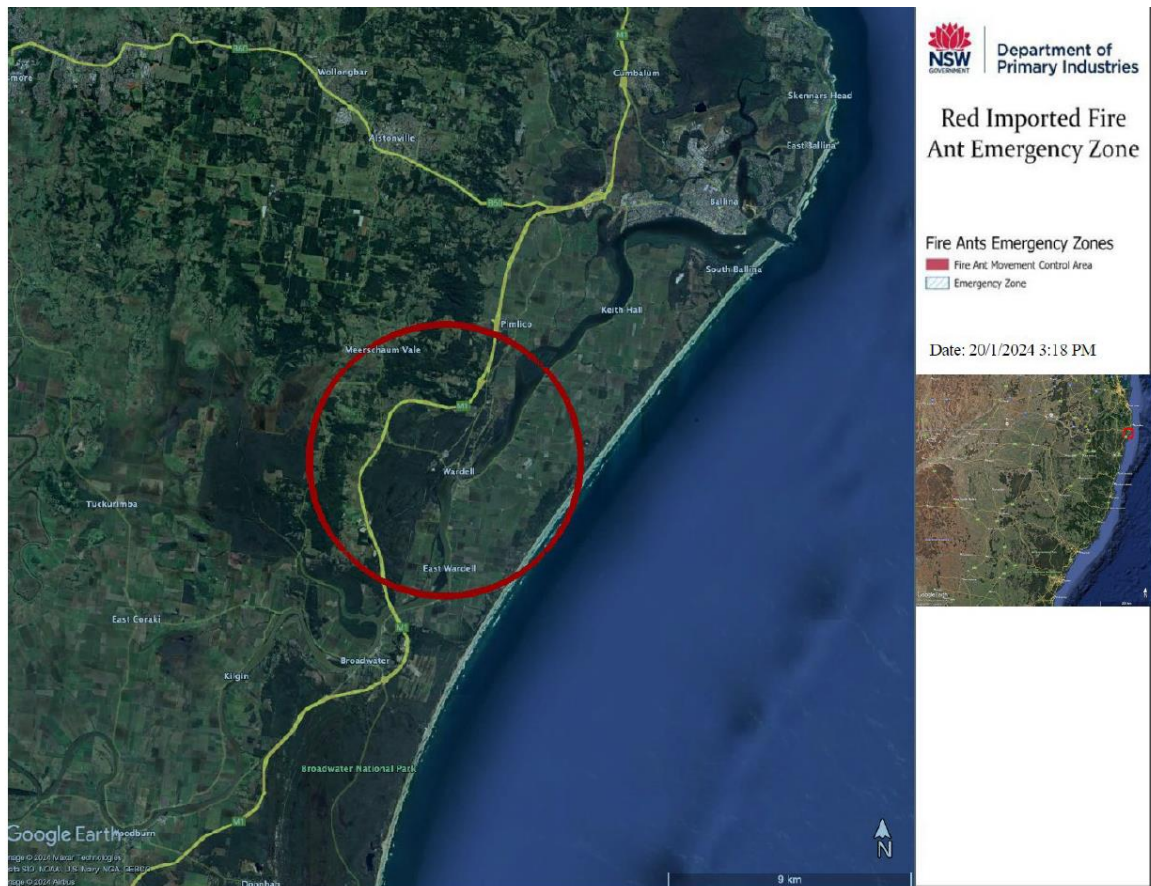


Note 7 An interactive map is available online at www.fireants.org.au/fireantmap.

Schedule 2 Declared area (known infested area) in New South Wales (Murwillumbah and Wardell)

(see s 5)





Note 6 These maps are from the New South Wales Biosecurity (Fire Ant) Emergency Order (No 1) 2024.

Schedule 3 Importation restrictions for fire ant carriers

(see s 7)

Organic mulch and soil

- (1) Organic mulch or soil that has been present in the known infested area must not be moved into the ACT unless the following requirements have been met:
 - (a) the organic mulch or soil was treated so that all parts of the mass were brought to a minimum temperature of 65.5° Celsius;
 - (b) immediately following treatment, the organic mulch or soil was handled and stored in a manner that prevents infestation by fire ants;
 - (c) the organic mulch or soil remains in conditions that prevent infestation by fire ants until it arrives in the ACT; and
 - (d) the organic mulch or soil is accompanied by one of these certificates certifying that the measures in paragraphs (a) and (b) have been met:
 - (i) a plant health certificate, or
 - (ii) a BioSecure HACCP Biosecurity Certificate issued in accordance with the entry conditions specified in BioSecure HACCP Entry Conditions Compliance Procedure Number: ECCPRIFA21, published by GIA.

Baled materials

- (2) Baled material that has been present in the known infested area must not be moved into the ACT unless the following requirements have been met:
 - (a) the baled material was inspected and found to be dry and practically free of soil;
 - (b) the baled material was treated with an APVMA approved chemical for the control of fire ants in accordance with all label directions and permit conditions;
 - (c) immediately following treatment, the baled material was handled and stored in a manner that prevents infestation by fire ants;
 - (d) the baled material remains in conditions that prevent infestation by fire ants until it arrives in the ACT; and
 - (e) the baled material is accompanied by a plant health certificate certifying that the measures in paragraphs (a), (b) and (c) have been met.

Potted plants

- (3) Potted plants that have been present in the known infested area must not be moved into the ACT unless the following requirements have been met:
 - (a) the potting media that is part of the potted plant was treated with an APVMA approved chemical for the control of fire ants in accordance with all label directions and permit conditions;
 - (b) the treatment of the potting media of the potted plant remains effective until the potted plant arrives in the ACT; and

- (c) the plant is accompanied by one of the following certificates certifying that the measures in paragraphs (a) and (b) have been met:
 - (i) a plant health certificate;
 - (ii) a BioSecure HACCP Biosecurity Certificate issued in accordance with the entry conditions specified in BioSecure HACCP Entry Conditions Compliance Procedure Number: ECCPRIFA28, published by GIA; and
 - (iii) a plant health assurance certificate issued in accordance with the ICA procedure ICA-39 Treatment of Bulk Growing Media and Potted Plants for Red Imported Fire Ant.

Turf

- (4) Turf that has been present in the known infested area must not be moved into the ACT unless the following requirements have been met:
 - (a) the turf was treated with an APVMA approved chemical for the control of fire ants on a commercial turf farm in accordance with all label directions and permit conditions;
 - (b) the turf was harvested in accordance with all label directions and permit conditions for the APVMA approved chemical used to treat the turf;
 - (c) immediately after harvesting, the turf was handled and stored in a manner that prevents infestation by fire ants;
 - (d) the turf remains in conditions that prevent infestation by fire ants until it arrives in the ACT; and
 - (e) the turf is accompanied a plant health certificate certifying that the measures in paragraphs (a), (b) and (c) have been met.

Agricultural or earth moving equipment

- (5) Agricultural or earth moving equipment that has been present in the known infested area, must not be moved into the ACT unless:
 - (a) in the period starting 48 hours before being moved the equipment was:
 - (i) cleaned so that it was free from soil and any other fire ant carrier, and
 - (ii) inspected and found to be free of fire ants, and
 - (b) the equipment is accompanied a plant health certificate certifying that the measures in paragraph (1)(a) have been met.
- (6) The measures in section (5) do not apply to agricultural or earth moving equipment that is new and unused.

Mining or quarrying materials

- (7) Mining or quarrying materials that have been present in the known infested area must not be moved into the ACT unless:
 - (a) the materials were vigorously disturbed at least once:
 - (i) every 21 days while the materials were in the known infested area, and

- (ii) in the 24 hours before the materials were moved from the known infested area into the ACT, and
- (b) the mining or quarrying materials are accompanied by a plant health certificate
- (c) certifying that the measure in paragraph (a) has been met.

Production of certificates

- (8) A certificate that is required by this schedule to accompany a fire ant carrier being moved into the ACT must be produced for inspection when requested by an inspector.

Transit through a known infested area

- (9) The emergency measures in this schedule do not apply to a fire ant carrier that has been moved into the ACT from the known infested area if the following requirements have been complied with:
 - (a) the fire ant carrier was present in the known infested area for a period of less than 12 hours; and
 - (b) the person dealing with the carrier has not stopped in the known infested area during transit except for obtaining supplies, including fuel, that are reasonably necessary for:
 - (i) the vehicle in which the fire ant carrier is travelling; or
 - (ii) the person in the vehicle; or
 - (iii) reasonably stopping to rest or have a meal; or
 - (iv) dealing with an emergency; and
 - (c) the fire ant carrier remains in conditions that prevent infestation by fire ants until the carrier leaves the known infested area, including that the carrier is kept:
 - (i) off the ground to prevent fire ants crawling into or onto it; and
 - (ii) kept covered in a manner that prevents fire ants crawling into or landing on the carrier.