

Biosecurity (African Big-Headed Ant – Lord Howe Island) Control Order 2019

under the
Biosecurity Act 2015

I, SATENDRA KUMAR, Director Plant Biosecurity and Product Integrity, in exercise of the authority given to me under section 78 of the *Biosecurity Act 2015* and in pursuance of section 62 of the *Biosecurity Act 2015*, reasonably believing it is necessary to prevent, eliminate, minimise or manage the biosecurity risk associated with the spread of African big-headed ant to Lord Howe Island, make the following Control Order.

Dated this 6th day of December 2019



Satendra Kumar
Director Plant Biosecurity and Product Integrity
Department of Primary Industries
(within the Department of Planning, Industry and Environment)

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to prevent, eliminate, minimise and manage the biosecurity risk posed or likely to be posed by the spread of African big-headed ant to Lord Howe Island.

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1. Name of Order

This Control Order is the *Biosecurity (African Big-Headed Ant – Lord Howe Island) Control Order 2019*.

2. Commencement

This Control Order commences on 13 December 2019.

3. Definitions

(1) In this Control Order:

African big-headed ant means the species *Pheidole megacephala*.

African big-headed ant carrier means any of the following:

- a) organic mulch (which includes manure, bark, wood chips, hay, straw and sugar cane bagasse);
- b) plants in containers;
- c) agriculture or earth moving machinery;
- d) soil; and
- e) turf.

Area Freedom Certificate means a biosecurity certificate or interstate biosecurity certificate issued by a government department that certifies that a State or Territory or part of a State or Territory is known to be free of African big-headed ant.

Plant Health Certificate means a biosecurity certificate or interstate biosecurity certificate issued by an authorised officer under the Act or a corresponding law in a State or Territory that relates to plant biosecurity.

potted plant means a plant in a container that was grown in potting media, and includes that container, that plant and that potting media.

the Act means the *Biosecurity Act 2015*.

Note: *biosecurity certificate, biosecurity matter, biosecurity risk, carrier, control order, control measures, control zone, Department, interstate biosecurity certificate* and *plant* all have the same meaning as in the Act.

If biosecurity matter referred to in this Control Order is referred to by a common name and a scientific name, the common name is for information purposes only and does not limit the description of the biosecurity matter.

4. Biosecurity Matter and Biosecurity Risk

- (1) The biosecurity matter to which this Control Order relates is the invertebrate pest African big-headed ant (*Pheidole megacephala*).
- (2) The biosecurity risk to which this Control Order relates is the biosecurity risk posed or likely to be posed by the spread of African big-headed ant to Lord Howe Island.

5. Control Zone

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control measures are required to be implemented under this Control Order is Lord Howe Island.
- (2) The Control Zone is called the *African Big-Headed Ant Control Zone*.

6. Control measures

A person must not import, or cause to be imported, African big-headed ant carriers into the Control Zone unless in accordance with the control measures set out below at clauses 7 and 8.

7. Control measures to import African big-headed ant carriers from an area with an African big-headed ant Area Freedom Certificate

- (1) A person may import, or cause to be imported, African big-headed ant carriers into the Control Zone if the following control measures are satisfied:
 - a) the African big-headed ant carrier was sourced from a State or Territory, or part of a State or Territory that is free from African-big headed ant as evidenced by an Area Freedom Certificate currently in force, and
 - b) the consignment of which the African big-headed ant carrier is part of has a complying label and complying identifier that states the name and postcode of the city or town nearest to the place where it was sourced from, and
 - c) in the event that the consignment of which the African big-headed ant carrier is part of is unloaded in a location that is not free from African big-headed ant (as evidenced by an Area Freedom Certificate currently in force) then the African big-headed ant carrier must be handled and stored in a manner that prevents infestation by African big-headed ant and remain in conditions that prevent infestation by African big-headed ant until it arrives on Lord Howe Island.

8. Control measures to import African big-headed ant carriers from all other areas

A. *Organic mulch (but not hay or straw bales) or soil*

- (1) A person may import into the Control Zone organic mulch (but not hay or straw bales) or soil if paragraphs (a) to (c) are satisfied and the organic mulch or soil is accompanied by a Plant Health Certificate that certifies the conditions in (a) and (b) have been met:
 - a) the organic mulch or soil has been treated so that all parts of the mass have been brought to a minimum temperature of 65.5° Celsius, and
 - b) immediately following treatment the organic mulch or soil has been handled and stored in a manner that prevents infestation by African big-headed ant, and
 - c) the organic mulch or soil remains in conditions that prevent infestation by African big-headed ant until it arrives on Lord Howe Island.

B. Hay or straw bales

- (1) A person may import into the Control Zone hay or straw bales if paragraphs (a) to (d) are satisfied and the hay or straw bales are accompanied by a Plant Health Certificate that certifies conditions (a), (b) and (c) have been met:
 - a) the hay or straw bales have been inspected and found to be dry and free of all soil, and
 - b) the hay or straw bales have been treated with an APVMA approved chemical for the control of African big-headed ant in accordance with all label directions and permit conditions, and
 - c) immediately following treatment, the hay or straw bales have been handled and stored in a manner that prevents infestation by African big-headed ant, and
 - d) the hay or straw bales remain in conditions that prevent infestation by African big-headed ant until they arrive on Lord Howe Island.

C. Potted plants

- (1) A person may import into the Control Zone a 'potted plant' if paragraphs (a) to (d) are satisfied and the 'potted plant' is accompanied by a Plant Health Certificate that certifies conditions (a), (b) and (c) have been met:
 - a) in the period starting 28 days before dispatch, the 'potted plant' was treated with an APVMA approved chemical for the control of African big-headed ant in accordance with all label directions and permit conditions,
 - b) within 48 hours before dispatch, the 'potted plant' was inspected and found to be free of African big-headed ant, and
 - c) immediately following treatment and inspection, the 'potted plant' was stored and handled in a manner that prevents infestation by African big-headed ant, and

- d) the 'potted plant' remains in conditions that prevent infestation by African big-headed ant until it arrives on Lord Howe Island.

D. Re-potted plants

- (1) A person may import into the Control Zone a re-potted plant if paragraphs (a) to (b) are satisfied and the re-potted plant is accompanied by a Plant Health Certificate that certifies these conditions have been met:
 - a) the plant is sourced from a property where an Area Freedom Certificate is currently in force, and
 - b) in the period starting 48 hours before importation, the plant is re-potted in potting media that has been treated with an APVMA approved chemical for the control of African big-headed ant in accordance with all label directions and permit conditions.
- (2) In this clause, 're-potted plant' means a 'potted plant' that is re-potted in potting media, and includes that container, that plant and that potting media.

E. Turf

- (1) A person may import into the Control Zone turf if paragraphs (a) to (e) are satisfied and the turf is accompanied by a Plant Health Certificate certifying that conditions (a), (b), (c) and (d) have been met:
 - a) the turf was treated with an APVMA approved chemical for the control of African big-headed ant in accordance with all label directions and permit conditions, and
 - b) the turf was harvested between 2 and 28 days of the treatment described in paragraph (a); and
 - c) immediately after harvesting, the turf was handled and stored in a manner that prevents infestation by African big-headed ant, and
 - d) within 48 hours before dispatch, the turf was inspected and found to be free of African big-headed ant, and
 - e) the turf remains in conditions that prevent infestation by African big-headed ant until it arrives on Lord Howe Island.

F. Agricultural and earth moving equipment

- (1) A person may import into the Control Zone agricultural or earth moving equipment if paragraphs (a) and (b) are satisfied and the equipment is accompanied by a Plant Health Certificate that certifies these conditions have been met:

- a) it is free from soil and other African big-headed ant carriers, and
- b) 48 hours prior to dispatch, it was inspected and found to be free of African big-headed ant.

9. The persons or class of persons to whom the control measures apply

Pursuant to section 63(d) of the Act, the class of persons to whom the control measures apply are all persons importing or causing to import African big-headed ant carriers into the Control Zone.

10. Duration of control order

This Control Order has effect for a period of 5 years from the date of commencement.