

Biosecurity (Invasive Ant Carriers) Control Order 2023

under the

Biosecurity Act 2015

I, Satendra Kumar, Director Plant Biosecurity and Product Integrity and Chief Plant Protection Officer, as authorised by the Minister under section 78 of the *Biosecurity Act 2015 (the Act)*, make the following control order under Part 6 of the Act.

Dated this 15th day of February 2023



SATENDRA KUMAR

Director Plant Biosecurity and Product Integrity and Chief Plant Protection Officer
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of control order

This control order is the *Biosecurity (Invasive Ant Carriers) Control Order 2023*.

2 Commencement

This control order commences on 17 February 2023.

3 Duration of control order [s63(e)]

This control order has effect for a period of 5 years from the date of commencement.

4 Biosecurity matter and biosecurity risk [s63(a)]

- (1) The biosecurity matter to which this control order relates is invasive ant carriers.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy, the environment or the community that will arise or has the potential to arise from the introduction of invasive ants to New South Wales caused or contributed to by importation of invasive ant carriers.

5 Control Zone [s63(b), s67]

The control zone in which the measures in this control order are to be implemented is the whole of the State of New South Wales.

6 Grounds for making this Control Order [s62(2)]

The basis for reasonably believing that this control order is necessary to prevent, eliminate, minimise or manage the biosecurity risk arising from invasive ant carriers is:

- (a) Browsing ant, Red imported fire ant and Electric ant/Little fire ant are prohibited matter throughout New South Wales.
- (b) The importation of invasive ant carriers into New South Wales has the potential to introduce invasive ants into New South Wales.
- (c) The introduction of invasive ants into New South Wales will have adverse effects on the economy, the environment or the community because of their ability to form supercolonies that harm ecosystems, reduce crop yields, harm human health, damage infrastructure, and prevent the use of outdoor and amenity areas.

7 Definitions

In this control order:

APVMA means Australian Pesticides and Veterinary Medicines Authority.

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

BioSecure HACCP Biosecurity Certificate means an interstate biosecurity certificate issued in accordance with a BioSecure HACCP Entry Condition Compliance Procedure.

BioSecure HACCP Entry Condition Compliance Procedure means a GIA procedure that meets New South Wales legislated entry conditions or intrastate movement conditions for plants and plant products for a specified pest or disease.

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 or Territory to issue a Plant Health Assurance Certificate that meets certain plant health quarantine conditions for trade between New South Wales and other States or Territories.

Browsing ant means the ant *Lepisiota frauenfeldi*.

Electric ant/Little fire ant means the ant *Wasmannia auropunctata*.

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

invasive ant means the following species –

- (a) Red imported fire ant,
- (b) Browsing ant,
- (c) Electric ant/ Little fire ant.

invasive ant carrier means—

- (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.

known Browsing ant infested area – see clause 8.

known Electric ant/ Little fire ant infested area – see clause 8.

known invasive ant infested area means a known Browsing ant infested area, a known Electric ant/ Little fire ant infested area and a known Red imported fire ant infested area.

known Red imported fire ant infested area – see clause 8

organic mulch:

- (a) includes manure, bark, wood chips, hay, straw, silage and sugarcane bagasse, and
- (b) 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 or Territory 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.

Red imported fire ant means the ant *Solenopsis invicta*.

the Act means the *Biosecurity Act 2015*.

the Regulation means the *Biosecurity Regulation 2017*.

Note: Words and expressions have the same meanings as they have in the Act, including ***biosecurity certificate, biosecurity matter, biosecurity risk, carrier, plant*** and ***interstate biosecurity certificate***.

8 Known Browsing ant infested area, known Electric ant/Little fire ant infested area and known Red imported fire ant infested area

- (1) In this control order:
 - (a) ***known Browsing ant infested area*** means an area for which a person knows or ought reasonably to know that Browsing ant has been detected or is suspected.

- (b) ***known Electric ant/ Little fire ant infested area*** means an area which is:
 - (i) within 5 kilometres of a place where a person knows or ought reasonably to know that Electric ant/ Little fire ant has been detected or is suspected, or
 - (ii) an electric ant biosecurity zone prescribed for the purposes of Part 3 of Chapter 6 of the *Biosecurity Act 2014 (Qld)*.
- (c) ***known Red imported fire ant infested area*** means an area which is:
 - (i) within 5 kilometres of a place where a person knows or ought reasonably to know that Red imported fire ant has been detected or is suspected, or
 - (ii) a fire ant biosecurity zone prescribed for the purposes of Part 3 of Chapter 6 of the *Biosecurity Act 2014 (Qld)*.
- (2) Without limiting (1), a person is taken to know or ought reasonably to know that an invasive ant has been detected at a place if a public authority has in place an instrument which is publicly available that:
 - (a) identifies the place, or land on which the invasive ant is located, and
 - (b) establishes measures to prevent, eliminate, minimise or manage the biosecurity risk or biosecurity impact of the invasive ant.

Part 2 – Control measures – Invasive ant carriers

9 Persons to whom the measures in this Part apply [s63(d)]

All persons must comply with and implement the control measures in this Part.

10 Organic mulch and soil

A person must not import into New South Wales organic mulch or soil grown, packed or sourced in a known invasive ant infested area unless:

- (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,
- (b) immediately following treatment, the organic mulch or soil has been handled and stored in a manner that prevents infestation by invasive ants,
- (c) the organic mulch or soil remains in conditions that prevent infestation by invasive ants until it arrives in New South Wales, 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’.

11 Baled materials

A person must not import into New South Wales baled material, packed or sourced from a known invasive ant infested area unless:

- (a) the baled material has been inspected and found to be dry and free of all soil,
- (b) the baled material has been treated with an APVMA approved chemical for the control of invasive ants in accordance with all label directions and permit conditions,
- (c) immediately following treatment, the baled material has been handled and stored in a manner that prevents infestation by invasive ants,
- (d) the baled material remains in conditions that prevent infestation by invasive ants until they arrive in New South Wales, 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.

12 Potted plants

A person must not import a potted plant into New South Wales from a known invasive ant infested area unless:

- (a) before dispatch, the potting media that is part of the potted plant was treated with an APVMA approved chemical for the control of invasive ants in accordance with all label directions and permit conditions,
- (b) the APVMA approved chemical used to treat the potting media for the potted plant remains effective until the potted plant arrives in New South Wales, and
- (c) the plant is accompanied by one of these 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',
 - (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.'

13 Turf

A person must not import turf into New South Wales from a known invasive ant infested area unless:

- (a) the turf was treated with an APVMA approved chemical for the control of invasive 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 invasive ants,
- (d) the turf remains in conditions that prevent infestation by invasive ants until it arrives in New South Wales, and
- (e) the turf is accompanied a Plant Health Certificate certifying that the measures in paragraphs (a), (b) and (c) have been met.

14 Agricultural or earth moving equipment

A person must not import agricultural or earth moving equipment into the New South Wales from a known invasive ant infested area unless:

- (a) in the period starting 48 hours before dispatch, the equipment was
 - (i) cleaned so that it is free from soil and any other invasive ant carrier, and
 - (ii) inspected and found to be free of invasive ants, and
- (b) the equipment is accompanied a Plant Health Certificate certifying that the measures in paragraph (a) have been met.

15 Mining or quarrying materials

- (1) In this clause:

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.

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.
- (2) A person must not import mining or quarrying materials into New South Wales from a known invasive ant infested area unless:
 - (a) the materials are vigorously disturbed at least once:
 - (i) every 21 days while the materials are in the known invasive ant infested area, and
 - (ii) in the 24 hours before the materials are moved from the known invasive ant infested area, and
 - (b) the mining or quarrying materials are accompanied by a Plant Health Certificate certifying that the measure in paragraph (a) has been met.