



# Guideline on meeting the General Biosecurity Obligation for businesses that move red imported fire ant carriers.



## Purpose

This guideline, made under the *Biosecurity Act 2014*, section 107, supports the eradication of the red imported fire ant (fire ant, *Solenopsis invicta*) by describing how a person undertaking a commercial activity involving the movement of fire ant carriers can discharge their general biosecurity obligation under the *Biosecurity Act 2014*.

The guideline is intended to assist businesses that move a fire ant carrier by:

- informing them about the risk posed by fire ants and carriers of fire ants,
- describing reasonable and practical measures to prevent or minimise those risks and mitigate the resulting impacts.

The guideline is also intended to support consistency in enforcement of the general biosecurity obligation by authorised officers appointed under the *Biosecurity Act 2014*. It may be taken into account<sup>1</sup> when deciding whether a person has or has not discharged their general biosecurity obligation or otherwise complied with the *Biosecurity Act 2014*; for example, when deciding whether to give a biosecurity order<sup>2</sup>.

## Application

This guideline applies to persons undertaking a business activity that involves moving the following fire ant carriers from a property within the Queensland fire ant biosecurity zones:

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<sup>1</sup> *Biosecurity Act 2014*, s.109

<sup>2</sup> A biosecurity order is an enforcement tool that may be given to a person if an authorised officer reasonably believes that the person has failed, or may fail, to discharge their general biosecurity obligation. A biosecurity order can direct a person to take actions including to treat, control, eradicate, destroy or dispose of biosecurity matter or a carrier in a particular way, clean or disinfect something, stop using the place or remove something from the place. The maximum penalty for failing to comply with a biosecurity order is 800 penalty units. Also, if a biosecurity order is not complied with in the time required, Biosecurity Queensland can take the action and recover the costs.

- Baled hay or straw
- Material that is a product or by-product of mining or quarrying (e.g. chitters, sand, coal fines, coal stone, decomposed granite, gravel, overburden)
- Material that is a product or by-product of the processing of an animal, or something that comes from an animal (e.g. solid waste produced by processing an animal at an abattoir, animal manure)
- Material that is a product or by-product of the processing of a plant, or something that comes from a plant (e.g. mulch, sawdust, green waste, compost)
- A potted plant or advanced plant with soil on its roots
- Turf
- Soil
- An appliance that soil or another growing medium is attached to (e.g. used agricultural machinery).

## Fire ant risks

Fire ants are one of Australia's worst invasive pests. They are a major risk to human health, our outdoor lifestyle, the economy (including our valuable agricultural industries) and the environment. They are aggressive, highly adaptive and can survive in a range of climates and conditions.

Fire ants can spread naturally, by travelling under the ground, flying up to 5km and rafting on waterways after floods or wet weather events. The worker fire ants generally have a foraging distance of 15 metres from the nest. Fire ants can also spread through human-assisted movement of fire ant carriers (especially those listed above). Human-assisted movement of fire ants has been identified as a major risk to successfully eradicating fire ants from southeast Queensland.

Fire ants are confined to an area in southeast Queensland and at two recently contained outlier detections in northern New South Wales. A map showing the Queensland Fire Ant Biosecurity Zones is published on the Department of Agriculture and Fisheries' website: [Fire ant biosecurity zones | National Fire Ant Eradication Program \(fireants.org.au\)](https://www.fireants.org.au). Fire ant biosecurity zones are in place to reduce the risk of human-assisted movement of fire ants – risk mitigation measures must be applied before carriers are moved from a property within the zone.

## How the General Biosecurity Obligation applies to fire ants

Under the *Biosecurity Act 2014* section 23, the general biosecurity obligation applies to all persons who *deal with*<sup>3</sup> fire ants, fire ant carriers, or carries out an activity, if they know or ought reasonably to know that fire ants, fire ant carriers or the activity poses or is likely to pose a biosecurity risk. For businesses whose activities involve fire ant carriers, all reasonable and practical measures to prevent or minimise the spread of fire ants must be taken.

The Biosecurity Regulation 2016 regulates the movement of fire ant carriers, and outlines restrictions on keeping and moving fire ants and fire ant carriers from within the Queensland Fire Ant Biosecurity Zones. Contravention of these restrictions is a failure to discharge the general biosecurity obligation. Note the Regulation does not prescribe all that a person must do, or not do, to discharge their general biosecurity obligation.

The general biosecurity obligation to manage risks in relation to fire ants would generally arise within the Queensland Fire Ant Biosecurity Zones but is not restricted to them. A person receiving a fire ant

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<sup>3</sup> *Biosecurity Act 2014*, Schedule 4

carrier should make reasonable attempts to check where the carrier came from. If it came from inside the zone, then there is also a general biosecurity obligation to manage the associated risks.

The maximum penalty for failing to discharge the general biosecurity obligation in relation to fire ants is 750 penalty units<sup>4</sup> or 6 months imprisonment.

The *Biosecurity Act 2014* allows for a defence against prosecution<sup>5</sup> for failing to discharge their general biosecurity obligation for the person to prove that they took all reasonable precautions and exercised proper diligence to prevent the commission of the offence by the person or by another person under the person's control.

Although compliance with this guideline is voluntary, it is strongly recommended because it may help a person to demonstrate that they have taken reasonable precautions and exercised proper due diligence. A person who chooses not to comply with this guideline will have to show how they met their general biosecurity obligation in another way<sup>6</sup>.

## Ways to meet your obligation to manage fire ant risks



### STEP 1 SURVEILLANCE

#### Objective 1: To detect or minimise fire ants coming onto your property

***Identifying fire ant infestations and potential infestation sources ensures that they can be treated promptly.***

#### Performance outcome 1.1 – The location of fire ant infestations is quickly identified

Within the Queensland Fire Ant Biosecurity Zones, a person who has completed the fire ant awareness training ([Training and tools | National Fire Ant Eradication Program \(fireants.org.au\)](https://www.fireants.org.au)) inspects the high risk parts of their sites at least monthly for any fire ants or fire ant nests.

The high risk parts of a property include where the carrier/s are present at any time in the three months before they are moved, plus a 30 metre buffer.

Any detections or suspect detections of fire ants are to be reported to Biosecurity Queensland, as described below.

Fire ants have a preference for these areas of a property:

- Areas where there is soil disturbance or planned land clearing activities

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<sup>4</sup> The value of one penalty unit at 1 July 2024 is \$161.30

<sup>5</sup> *Biosecurity Act 2014*, s 24

<sup>6</sup> *Biosecurity Act 2014* (s.14 & s.47)

- The perimeter of a property and cultivated land (e.g. headlands), including along fence lines
- All cleared and open land such as:
  - buildings and work sites
  - water sources (including dams and irrigations lines)
  - areas where fire ant carriers are stored
  - sources of warmth, including next to or under other objects on the ground such as timber, logs, rocks, pavers or bricks.

## Performance outcome 1.2 – Oncoming fire ant carriers are free of fire ants

It is essential that any fire ant carrier moved to your property from within a fire ant biosecurity zone has been managed according to the risk mitigation measures prescribed in the Biosecurity Regulation 2016. Detailed information about these requirements can be found at: [Materials that can carry fire ants | National Fire Ant Eradication Program](#)

Inspect fire ant carriers coming onto your property and report any suspect fire ants to Biosecurity Queensland within 24 hours as described below. The inspection should be conducted by a person that has completed the fire ant awareness training ([Training and tools | National Fire Ant Eradication Program \(fireants.org.au\)](#)).

All machinery and equipment used for moving or processing fire ant carriers must be free of any fire ant carrier and soil before being moved on or off-site. Detailed information about these requirements can be found at: [Cleaning machinery | National Fire Ant Eradication Program \(fireants.org.au\)](#)

## Reporting the presence of fire ants

Under the *Biosecurity Act 2014*, the red imported fire ant (*Solenopsis invicta*) is listed as a category 1 restricted matter, meaning that any detections or suspect detections must be reported to Biosecurity Queensland within 24 hours of becoming aware of its presence.

Reports can be made by calling 13 25 23 or by completing a simple online form <https://www.fireants.org.au/look/reporting-process>. Photos or videos can also be sent to the National Fire Ant Eradication Program to assist with identification.

## STEP 2 TREATMENT

### Objective 2: To prevent fire ant nests establishing and spreading on your property

***Treating your property if fire ants have been detected or broadscale treatment to reduce the risk of fire ants establishing will reduce the risk posed by fire ants at your property and decrease the risk that fire ants will be spread to another place in carriers are moved from your property.***

## Performance outcome 2.1 – Fire ant infestations are promptly treated

The location of your property will determine which treatment actions listed below you need to complete to assist with the eradication of fire ants from Australia. To determine if your property is situated within the eradication area or suppression area use the planned fire ant activities interaction map [Fire ant eradication activities | National Fire Ant Eradication Program \(fireants.org.au\)](#).

## **For properties within the eradication area:**

2.1.1 or responsive treatment fire ant infestation to Biosecurity Queensland and allow Biosecurity Queensland staff to enter your property to undertake treatment. They will also need to enter your property to undertake scheduled surveillance and treatment activities as part of the eradication activities being undertaken in your area.

## **For properties within the suppression area:**

Report any suspicion of fire ant infestation to Biosecurity Queensland and implement a treatment program, noting that all chemical products must be applied in accordance with label and/or the Australian Pesticides and Veterinary Medicines Authority (APVMA) permit conditions. The treatment options are EITHER:

### 2.1.2 Implement a *broadscale bait program*

Apply multiple rounds of bait across high risk parts of the property. It is recommended that three rounds of treatment are applied every 10 to 12 weeks between September and June. Suitable bait for broadscale treatment includes insect growth regulator (IGR) bait or a dual action bait that contains IGR and a fast-acting insecticide (toxicant). The IGR bait works by affecting the reproductive ability of the fire ant queen, with substantial nest mortality expected in 3 – 6 months.

OR

### 2.1.3 Implement a *responsive treatment program*

#### 2.1.3.1 Responsive self-treatment with bait

Any active fire ant nests detected during the monthly surveillance activities are treated with a toxicant bait. After ingesting the fast-acting insecticide, the worker ants circulate the active ingredients around the colony. This leads to the death of the worker ants, larvae and the queen ant within 1-4 weeks.

OR

#### 2.1.3.2 Responsive treatment by a pest technician

Another option is direct nest injection by a pest technician. This treatment involves flooding the fire ant nest and ant tunnels with an approved insecticide.

## **STEP 3 MEET CARRIER-SPECIFIC MOVEMENT REQUIREMENTS**

### **Objective 3: Fire ants are not spread in carriers moved from your property**

***Spread of fire ants when fire ant carriers are moved is a major risk to successfully eradicating fire ants from southeast Queensland.***

The Biosecurity Regulation 2016 includes specific requirements for producing, storing and moving materials that can carry fire ants, known as fire ant carriers, from within the Queensland Fire Ant Biosecurity Zones. Detailed information about these requirements can be found at: [Materials that can carry fire ants | National Fire Ant Eradication Program](#)

### **Training**

Free, self-paced online fire ant training courses are available at [Fire ant training | National Fire Ant Eradication Program \(fireants.org.au\)](#) –The *Fire ant training for workplaces* will assist with managing fire ants or materials that can carry fire ants.

The courses help individuals learn more about fire ants and how to best manage them. It is recommended that staff and contractors undertake fire ant training every 12 months.

## Record keeping

Demonstrating that reasonable precautions have been taken and that proper due diligence has been exercised may depend on a person being able to provide records of the measures taken.

It is highly recommended that those undertaking activities involving the movement of fire ant carriers keep records for at least two years of the following:

- Property plan, identifying high risk parts of the property
- Fire ant awareness training records (for all trained staff)
- Surveillance records, including:
  - the date of surveillance
  - the name of the person conducting the surveillance
  - locations of any suspect nests
- Chemical treatments, containing:
  - Dates of treatment
  - Name of person performing the treatment
  - The dates and locations of any suspect nests
  - Details of the treated area and how treatment was applied
  - The name of the insecticide used and rate of application
- If a pest management technician is engaged to do the treatment, you should record:
  - The name of the business
  - The pest manager's licence number or ABN
  - The pest control advice and a tax invoice for the service provided.

## More information

If you suspect an illegal movement of materials that may spread fire ants, you can report it to the National Fire Ant Eradication Program by calling 13 25 23 or completing the on-line form at: [Report a suspected illegal movement | National Fire Ant Eradication Program \(fireants.org.au\)](https://www.fireants.org.au/report-a-suspected-illegal-movement)

Businesses can also subscribe to the National Fire Ant Eradication Program newsletter: [Fire ant news | National Fire Ant Eradication Program \(fireants.org.au\)](https://www.fireants.org.au/newsletter).

Additional information relating to fire ants can be found at: [www.fireants.org.au](https://www.fireants.org.au)

If you are unsure of your legal obligations or have any questions relating to the movement of fire ant carriers, you can contact the National Fire Ant Eradication Program compliance team on 13 25 23.