



# Environmental Defenders Office

## Queensland's Fire Ant Eradication Program

*Disclaimer: This factsheet is a guide only and is designed to give readers a plain English overview of the law. It does not replace the need for professional legal advice in individual cases. To request free initial legal advice on a public interest environmental or planning law issue, please visit our [website](#).*

*While every effort has been made to ensure the information is accurate, the EDO does not accept any responsibility for any loss or damage resulting from any error in this factsheet or use of this work.*

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### What is this factsheet about?

This factsheet is about Queensland's Fire Ant Eradication Program and how you can raise your concerns to the State Government.

### Outline

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### Overview

Red imported fire ants pose a significant biosecurity risk to Queensland. Queensland's Fire Ant Eradication Program is regulated by the state government under the [Biosecurity Act 2014 \(Qld\)](#).

Chemicals used in the Program are subject to federal permitting under the [Agricultural and Veterinary Chemicals Code Act 1994 \(Cth\)](#). Despite the potential for bait treatments containing pesticides such as *pyriproxyfen* causing damage to the health of people, wildlife and environment, it is widely applied in Queensland.

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## Queensland's Biosecurity Framework

The [Biosecurity Act 2014 \(Qld\)](#) (**Biosecurity Act**) aims to provide a biosecurity system and framework, and manage biosecurity risks, in Queensland.

The Biosecurity Act allows the Queensland Department of Primary Industries (**DPI**) to authorise and carry out a 'biosecurity program',<sup>1</sup> which may include a 'prevention and control program' that is directed at managing, reducing or eradicating a biosecurity matter in an area that could pose a significant biosecurity risk.<sup>2</sup>

In authorising a prevention and control program, DPI should be satisfied that certain criteria or circumstances are applicable. Those may include:<sup>3</sup>

- (a) there is a biosecurity matter in an area that poses or is likely to pose a significant biosecurity risk; or
- (b) measures are required to prevent the entry or establishment in an area of biosecurity matter that poses or is likely to pose a significant biosecurity risk.

The Biosecurity Act specifically states that an example of measures required to prevent the entry or establishment in an area of biosecurity matter could include surveillance, and distribution of baits containing pesticide, for red imported fire ants to prevent the ants from becoming established in an area adjacent to a known infested area.<sup>4</sup>

## Queensland's Fire Ant Biosecurity Program

DPI established the 'Red imported fire ant prevention and control program' (**Program**). The Program specifically identifies red imported fire ants (*Solenopsis invicta*) as a significant biosecurity risk, and aims to prevent the establishment or spread of fire ants that pose a significant biosecurity risk and manage, reduce or eradicate any fire ants that could pose a significant biosecurity risk.

The Program gives 'authorised officers' powers to undertake various activities to achieve the objectives of the Program. It also describes use of broadcast bait treatments using chemicals such as *pyriproxyfen*.

DPI currently has a permit under the [Agricultural and Veterinary Chemicals Code Act 1994 \(Qld\)](#) to use *pyriproxyfen* for red fire ant control, which is accessible [here](#). Importantly, the current permit issued to DPI contains conditions of use of the chemical. These conditions include specific environmental restrictions on aerial application, on use near watercourses, and other similar measures.

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<sup>1</sup> *Biosecurity Act 2014 (Qld)* s 235.

<sup>2</sup> *Biosecurity Act 2014 (Qld)* s 234.

<sup>3</sup> *Biosecurity Act 2014 (Qld)* s 235(3).

<sup>4</sup> *Biosecurity Act 2014 (Qld)* s 235(3)(c).

Visit: General information regarding the Program is available on the [Business Queensland website](#).

## Do you have to comply with directions from biosecurity officers?

There are strong powers provided to DPI officers under the Biosecurity Act to manage biosecurity risks.

An authorised officer may do the following:<sup>5</sup>

- direct an owner or occupier of a place to take reasonable steps within a reasonable period to remove or eradicate the biosecurity matter to which the program relates;
- destroy the biosecurity matter to which the program relates, or a carrier of the biosecurity matter, if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.

There are various other requirements on authorised officers in using their direction powers.<sup>6</sup> For example, the authorised officer must give the person an offence warning for the direction.<sup>7</sup>

An owner or occupier of a place must comply with a direction of an authorised officer unless the occupier has a reasonable excuse.<sup>8</sup> A person does not commit an offence if the person is not given an offence warning for the direction.<sup>9</sup> The maximum penalty is 50 penalty units (currently \$8,065).<sup>10</sup>

## How to raise your concerns

### Make a complaint to the Department of Primary Industries

If you have concerns about the Program you can make a complaint directly to DPI. We recommend that the complaint be in writing and clearly outline your concerns. If you have any supporting evidence, you should attach it to your complaint.

Visit: Information on DPI's complaints process is available on [DPI's website](#).

<sup>5</sup> *Biosecurity Act 2014* (Qld) s 237(1).

<sup>6</sup> *Biosecurity Act 2014* (Qld) s 237(1).

<sup>7</sup> *Biosecurity Act 2014* (Qld) s 237(3).

<sup>8</sup> *Biosecurity Act 2014* (Qld) s 238(1).

<sup>9</sup> *Biosecurity Act 2014* (Qld) s 238(2).

<sup>10</sup> A penalty unit in Queensland is \$161.30 (current from 1 July 2024).

## Make a complaint to the Queensland Ombudsman

If you are not satisfied with DPI's response, you may wish to lodge a complaint with the Queensland Ombudsman.

Visit: Further information about making a complaint to the Queensland Ombudsman is available on [Queensland's Ombudsman's website](#).

## Lobbying

Lobbying can be an effective tool to influence government activities.

You may wish to consider:

- creating a petition;
- encouraging other individuals or groups who share your concerns or views to join you in lobbying; and/or
- contacting the media with your views on the Program.

## Useful contacts

### Department of Primary Industries

Phone: 13 25 23

Website: <https://www.dpi.qld.gov.au/>

### Australian Pesticides and Veterinary Medicines Authority (APVMA)

Phone: (02) 6770 2300

Website: [www.apvma.gov.au](http://www.apvma.gov.au)

### Queensland Ombudsman

Phone: (07) 3005 7000

Website: <https://www.ombudsman.qld.gov.au/>

#### **Apply for legal assistance:**

If you have any further questions and would like to apply for free legal assistance, please make an application via our website: <https://www.edo.org.au/free-legal-advice/>

## Evaluate this resource

EDO welcomes feedback on this factsheet. Your feedback will help us ensure we are providing useful information.

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