

Queensland



Subordinate Legislation 2001 No. 40

Plant Protection Act 1989

PLANT PROTECTION (RED IMPORTED FIRE ANT) QUARANTINE NOTICE 2001

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PART 1—PRELIMINARY

1 Short title

This notice may be cited as the *Plant Protection (Red Imported Fire Ant) Quarantine Notice 2001*.¹

2 Definitions

In this notice—

“fire ant” means the pest red imported fire ant (*Solenopsis invicta* (Buren)).

“pest quarantine area” means the pest quarantine area declared under section 3.

“restricted item” means any of the following—

- (a) soil;
- (b) a potting mixture or organic mulch;
- (c) an appliance² used in agriculture or for moving soil;
- (d) baled hay or straw.

PART 2—PEST QUARANTINE AREA

3 Declaration of pest quarantine area

For section 11(1) of the Act, the whole of Queensland is declared to be a pest quarantine area for the fire ant.

1 This notice remains in force until whichever of the following first happens—

- (a) the commencement of a replacement regulation;
- (b) the end of 21 days. See section 11(9) of the Act.

2 Under section 3 (Definitions) of the Act—

“appliance” includes any vehicle, machinery, equipment or apparatus of any kind.

4 Objects of quarantine

The objects of the quarantine are—

- (a) to prevent the fire ant spreading in the State; and
- (b) to eradicate it in the State.

PART 3—PEST CONTROL MEASURES

Division 1—Restrictions on moving live fire ants, restricted items and other things

5 Restriction on moving live fire ants

A person must not, without an inspector's approval, move a live fire ant—

- (a) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
- (b) out of the pest quarantine area.³

6 Restriction on land owner's movement of restricted items and other things

(1) This section applies to an owner of land if an inspector—

- (a) reasonably believes the land is infested with the fire ant; and
- (b) gives the owner a written notice stating—
 - (i) the land is infested with the fire ant; and
 - (ii) the things on the land the inspector reasonably believes are infested with the fire ant.

(2) The owner must not, without an inspector's approval, move, or allow another person to move, a restricted item or other thing mentioned in subsection (1)(b)(ii)—

³ See section 11(10) of the Act for the penalty for contravening this notice.

- (a) from the owner's land to another parcel of land in the pest quarantine area; or
- (b) out of the pest quarantine area.

7 Restriction on other person's movement of restricted items and other things

(1) This section applies to a person carrying on a commercial activity in the pest quarantine area if an inspector—

- (a) reasonably believes the activity may spread the fire ant in the pest quarantine area; and
- (b) gives the person a written notice stating—
 - (i) that the activity may spread the fire ant in the pest quarantine area; and
 - (ii) the things associated with the activity the inspector reasonably believes may spread the fire ant.

(2) The person must not, without an inspector's approval, move, or allow another person to move, a restricted item or other thing mentioned in subsection (1)(b)(ii)—

- (a) from a parcel of land in the pest quarantine area to another parcel of land in the area; or
- (b) out of the pest quarantine area.

(3) In deciding whether the activity or other thing may spread the fire ant, the inspector must have regard to—

- (a) the nature of the activity or thing; and
- (b) where the activity is carried out.

Division 2—Other obligations of land owners

8 Definition for div 2

In this division—

“**land**” does not include premises in which a person resides.

9 General obligation of land owner in pest quarantine area

(1) An owner of land in the pest quarantine area must allow an inspector to carry out surveillance on the land to look for and monitor the spread of the fire ant.

(2) Without limiting subsection (1), an inspector may carry out surveillance on the land by putting fire ant baits, lures or traps on the land.

10 Obligation of owner of land in the vicinity of infested land

An owner of land in the vicinity of land infested with the fire ant must, if directed by an inspector, monitor the owner's land for the fire ant in the way the inspector considers appropriate for finding the fire ant.

11 Treatment of land, plants and other things

(1) An owner of land infested with the fire ant must treat or allow an inspector to treat—

- (a) the land; or
- (b) a plant, or other thing infested with the fire ant, on the land.

(2) The owner must treat the land, plant or other thing—

- (a) using the treatment method an inspector considers appropriate for controlling or eradicating the fire ant; and
- (b) when an inspector directs the owner to carry out the treatment.

ENDNOTES

1. Made by the Minister, Department of Primary Industries on 2 May 2001.
2. Notified in the gazette on 2 May 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.