

Biosecurity (Fire Ant) Emergency Order (No 15) 2024

under the

Biosecurity Act 2015

I, Scott Charlton, Chief Invasive Species Officer, with delegated authority of the Secretary under section 379(1) of the *Biosecurity Act 2015*, make the following emergency order under Part 5 of that Act.

Dated this 15th day of November 2024

A handwritten signature in black ink, appearing to be 'S. Charlton', with a long horizontal stroke extending to the left.

SCOTT CHARLTON

Chief Invasive Species Officer

Department of Primary Industries and Regional Development

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Part 1 Preliminary

1 Name of emergency order

This emergency order is the *Biosecurity (Fire Ant) Emergency Order (No 15) 2024*.

2 Commencement

This emergency order commences at the time a copy of the order is first published on the Department's website or in the NSW Government Gazette.

Note. The Secretary must give notice of this emergency order by causing a copy of the order to be published on the website of the Department or in the Gazette (or both).

3 Duration of emergency order

This emergency order has effect until 15 February 2025.

4 Emergency zones

This emergency order applies with respect to the following areas (*emergency zones*):

- (1) the whole of the State of New South Wales excluding any part of a fire ant infested area that falls within New South Wales (*NSW protection zone*),
- (2) the NSW fire ant infested area,
- (3) the Qld fire ant infested area, and
- (4) the NSW fire ant movement control areas.

5 Declaration of biosecurity emergency

A biosecurity emergency is declared commencing on the date this emergency order is first published and ending on 15 February 2025.

Note. A biosecurity emergency was first declared by the Biosecurity (Fire Ant) Emergency Order 2023 dated 16 August 2023, published in NSW Government Gazette No. 358 of 16 August 2023. A further declaration was made by the Biosecurity (Fire Ant) Emergency Order (No 2) 2024 dated 14 February 2024, and the Biosecurity (Fire Ant) Emergency Order (No 10) 2024, dated 6 August 2024, and both published on the Department's website.

6 Biosecurity matter and biosecurity risk

- (1) The biosecurity matter which is the subject of the biosecurity emergency is fire ants.
- (2) The biosecurity risk that is the subject of the biosecurity emergency is the risk of an adverse effect on the economy, environment and the community that arises from the introduction, presence and spread of fire ants within the State of New South Wales.

7 Grounds for emergency order

The basis for being satisfied that there is a current biosecurity risk that may have a significant biosecurity impact is as follows:

- (a) Fire ants are prohibited matter throughout New South Wales, and it is an offence to deal with fire ants.
- (b) In July 2023 fire ants were detected in Tallebudgera, Queensland, within 6 kilometres of the New South Wales border. Fire ant nests (132 nests in total) were detected at 7 locations south of the infested area in Queensland, within 18 km of the New South Wales border between November 2022 and November 2023.
- (c) On 24 November 2023, fire ants were detected in South Murwillumbah in New South Wales, and on 19 January 2024, fire ants were detected in Wardell in New South Wales. On 13 November 2024, fire ants were detected in Clunes in New South Wales.
- (d) There have been multiple detections of fire ants in Queensland during 2024, with some detections within 0.5 kilometres of the New South Wales border. The Queensland Government regularly updates the Interstate Plant Quarantine Zone map, and the Fire Ant Biosecurity Zone map. Specifically,
 - (i) on 1 October 2024, the Queensland Government updated the Interstate Plant Quarantine Zone map, and
 - (ii) on 15 October 2024, the Queensland Government updated the Fire Ant Biosecurity Zone map of the Qld fire ant infested area.
- (e) There is a current and imminent risk that fire ants will move or be moved, either through natural spread or human assisted movement of carrier materials, from the areas in Queensland and New South Wales where they have been detected into the NSW protection zone.
- (f) The high number of nests detected in Queensland and the proximity to New South Wales increases the likelihood of flying mated female fire ants (new queens) contaminating fire ant carrier material being moved into New South Wales.
- (g) The introduction, presence and spread of fire ants in New South Wales may have a significant biosecurity impact on the economy, the environment, and the community because of the ability of fire ant colonies to harm ecosystems, reduce crop yields, harm human health, damage infrastructure, and prevent the use of outdoor and amenity areas.

8 Revocation of the Biosecurity (Fire Ant) Emergency Order (No 13) 2024

The *Biosecurity (Fire Ant) Emergency Order (No 14) 2024* dated 12 November 2024, published on the Department's website at <https://www.nsw.gov.au/departments-and-agencies/dpird/our-agencies/agriculture-and-biosecurity> is revoked.

9 Definitions

In this emergency order:

agricultural and horticultural equipment means equipment that has been used to produce, cultivate, harvest or process fire ant carriers in a fire ant infested area and includes tractors, harvesters (including combs or fronts), planters, bins and balers.

approved biosecurity certificate means any of the following:

- (a) a plant health certificate,
- (b) a plant health assurance certificate, and
- (c) a BioSecure HACCP Biosecurity Certificate.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

BioSecure HACCP Biosecurity Certificate means a biosecurity certificate issued in accordance with the entry conditions specified in *BioSecure HACCP Entry Conditions Compliance Procedure Number: ECCPRIFA21*, published by Greenlife Industry Australia Limited (ABN 59 634 584 017).

building waste means waste from building sites and demolition of buildings and includes materials such as bricks, concrete, paper, plastics, glass, metal, plaster and fibre cement board and timber waste.

coal fines and chitters means the by-products of the processing of coal including tailings.

compost includes decayed organic matter used as a soil conditioner or fertiliser.

controlled movement means the movement of a fire ant carrier:

- (a) into the NSW protection zone from a fire ant infested area, or
- (b) into a NSW fire ant movement control area from the Qld fire ant infested area, or
- (c) into a NSW fire ant movement control area from the NSW fire ant infested area, or
- (d) into the NSW fire ant infested area from the Qld fire ant infested area, or
- (e) into the NSW fire ant infested area from a NSW fire ant movement control area, or
- (f) between NSW fire ant movement control areas.

controlled movement destination means the final destination of a controlled movement.

council means a council within the meaning of the *Local Government Act 1993*.

earth moving equipment means equipment that has been used for disturbing, scraping, carrying, digging or levelling soil or other fire ant carriers in a fire ant infested area and includes dozers, graders, excavators, loaders, trenchers, compactors, scrapers and backhoes.

emergency zones – see clause 4.

excavated plants and stumps means mature or advanced plants (whether dead or alive) that are removed from the ground with a root ball and includes the plant, root ball and any soil attached to the root ball but does not include potted plants.

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

fire ant carrier means any of the following carriers of fire ant:

- (a) agricultural and horticultural equipment,
- (b) building waste,
- (c) chaff,
- (d) coal fines and chitters,
- (e) compost,
- (f) earth moving equipment,

- (g) excavated plants and stumps,
- (h) green waste,
- (i) growing media,
- (j) hay,
- (k) heavy vehicles,
- (l) manure,
- (m) mulch,
- (n) packaging, containers and covers,
- (o) pallets,
- (p) potted plants,
- (q) recycled concrete aggregate,
- (r) rocks and stones,
- (s) sand,
- (t) silage,
- (u) soil, and
- (v) turf.

fire ant infested areas means the NSW fire ant infested area, the Qld fire ant infested area and the NSW fire ant movement control areas.

Note. The fire ant infested areas are based on the Fire Ant Biosecurity Zone map and the Interstate Plant Quarantine Zone map published by the Queensland Government but modified for the purposes of this order. A copy of the map as defined is included in the Schedule for information purposes only and can be found on the Department's website at: <https://www.dpi.nsw.gov.au/dpi/bfs/insect-pests/rifa/maps-of-infestations-and-zones>

green waste means grass, vegetation and clippings but doesn't include mulch.

growing media means material used to grow plants by providing physical support to the plant, facilitating root growth, and delivering aeration, nutrients and water to the plant and includes potting mixes and manufactured soil products.

heavy vehicle means a vehicle and any attached trailer used to transport a fire ant carrier that has a gross vehicle mass or aggregate trailer mass of more than 4.5 tonnes and includes the following vehicles:

- (a) tipper trucks and dump trucks,
- (b) tray trucks,
- (c) skip bin trucks and attached skip bins,
- (d) semi-trailers,
- (e) b-double freight trucks,
- (f) road trains, and
- (g) vehicle carriers and low loaders.

hay means hay and straw.

manure means manure from an animal but does not include manure produced by livestock during a controlled movement.

indoor potted plant means a potted plant that has been indoors continuously in the previous 3 months.

map means the map published on the Department's website at <https://www.dpi.nsw.gov.au/dpi/bfs/insect-pests/rifa/maps-of-infestations-and-zones> when the order commences.

Note. The Schedule to this emergency order contains a copy of the map and is included for information purposes only.

mulch means mulch made from plant materials and includes bark, wood chips, sugarcane, sawdust and bagasse.

NSW fire ant infested area means the area (an emergency zone) shown in green on the map in the Schedule.

NSW fire ant movement control areas means the areas (emergency zones) shown on the map in red, within a 5-kilometre radius of the nests found at the points with the following GPS coordinates:

- (a) 28.33792 S, 153.41783 E,
- (b) 28.33783 S, 153.41768 E,
- (c) 28.33767 S, 153.41800 E,
- (d) 28.33775 S, 153.41699 E,
- (e) 28.33821 S, 153.41777 E,
- (f) 28.947275 S, 153.460581 E,
- (g) 28.946964 S, 153.460423 E,
- (h) 28.947106 S, 153.460714 E,
- (i) 28.94714 S, 153.460741 E, and
- (j) 28.94708 S, 153.460512 E.

NSW protection zone – see clause 4.

packaging, containers and covers means any material that has been used to package, contain or cover a fire ant carrier and includes the following:

- (a) potted plant containers and trays,
- (b) wrapping used for excavated plants and stumps,
- (c) bags used for soil, growing media, mulch, manure, compost,
- (d) silage wrap or silage film,
- (e) tarps or coverings that have been used to cover and secure a load of fire ant carriers, and
- (f) plastic used to wrap pallets.

pallet means a pallet used to transport a fire ant carrier.

plant health certificate means a 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 growing media, and

includes the plant and the growing media, but does not include:

- (a) bare-rooted plants, or
- (b) tissue culture, or
- (c) seedlings in plugs or cells used to grow or transport plants, with a volume of no more than 0.1 litres.

premises means:

- (a) a parcel of land, or
- (b) several parcels of land which:
 - (i) are contiguous with one another or are separated from one another only by a road, river, creek or other watercourse, and
 - (ii) constitute or are worked as a single property.

Old fire ant infested area means the areas (an emergency zone) shown in pink on the map in the Schedule.

recycled concrete aggregate means aggregate made from recycled concrete.

rocks and stones includes gravel, decomposed granite and coal stones.

soil sample means a sample of soil that is 1 kilogram or less and is prepared for the purpose of laboratory analysis.

the Act means the *Biosecurity Act 2015*.

vigorously disturbed means agitating all parts of the fire ant carrier, using one of the following methods:

- (a) crushing, cutting, hammering, chipping or shredding,
- (b) screening by passing all the fire ant carrier through a screening bucket, grate or other sieve,
- (c) mechanised turning by a machine that creates disturbance, including by rotary hoe, trommel or windrow turner, or
- (d) washing.

10 Meaning of preventative conditions

In this order, a reference to **preventative conditions** means the fire ant carrier is:

- (a) covered in a manner that prevents fire ants crawling into or landing on the fire ant carrier, such as in sealed plastic bags, or with sealed plastic wrapping, or covered with tarpaulin, or shade cloth, or insect netting, or stored inside an enclosed building, and
- (b) placed:
 - (i) high enough off the ground to prevent any part of the fire ant carrier from contacting the ground, or
 - (ii) on unbroken compacted ground that is not sand or gravel, where the entire surface and edges are treated with bifenthrin to create a pesticide barrier, or
 - (iii) on an impervious surface such as concrete, bitumen or heavy plastic sheeting where the edges are treated with bifenthrin to create a pesticide barrier.

Part 2 Emergency measures – controlled movement of carriers

Division 1 Preliminary

11 Persons to whom the emergency measures in this Part apply

- (1) All persons who carry out a controlled movement must comply with the emergency measures specified in this Part.
- (2) If this Part specifies that another person or class of persons must comply with and implement an emergency measure, then the measure only applies to that person or class of person.
- (3) Despite subclause (1), the emergency measures in this Part do not apply where a fire ant carrier is transiting through a fire ant infested area in accordance with clause 34.
- (4) Where a person carries out a controlled movement of a fire ant carrier from a fire ant infested area the person only needs to comply with the measures in this Part at the time of the initial movement.

12 Movement of fire ant carriers – record of movement declaration form

- (1) If this emergency order permits a person to carry out a controlled movement of a carrier, the person must comply with this clause.
- (2) A person who decides to carry out a controlled movement must:
 - (a) provide details of the movement and, where required, a copy of the approved biosecurity certificate to the Department by completing and submitting the record of movement declaration form at <https://forms.bfs.dpi.nsw.gov.au/forms/19723> before the fire ant carrier is moved, and
 - (b) retain details of the movement for 4 years.
- (3) Despite subclause (2), a person who carries out a controlled movement of the following fire ant carriers is not required to comply with subclause (2)(a) or (b):
 - (a) heavy vehicles in accordance with clause 16,
 - (b) agricultural and horticultural equipment in accordance with clause 17,
 - (c) pallets or packaging, containers and covers in accordance with clause 19,
 - (d) green waste and building waste in accordance with clause 20,
 - (e) soil samples in accordance with clause 23,
 - (f) indoor potted plants in accordance with clause 26, or
 - (g) recycled concrete aggregate over 20 mm in diameter or rocks and stones over 20 mm in diameter in accordance with clause 33.

13 Production of certificates

Where an approved biosecurity certificate is required under this emergency order, a person who

receives a fire ant carrier as the result of a controlled movement must:

- (a) produce the approved biosecurity certificate that accompanied the fire ant carrier for inspection when requested by an authorised officer, and
- (b) retain the approved biosecurity certificate for 4 years.

14 Premises checking

- (1) A person must not move a fire ant carrier from a premises in the Qld fire ant infested area into the NSW protection zone, a NSW fire ant movement control area or the NSW fire ant infested area unless the following requirements have been met:
 - (a) the following parts of the premises are checked every 12 weeks for fire ant nests:
 - (i) the ground along the edges of drainage lines, dams and waterways,
 - (ii) the ground along the edges of driveways,
 - (iii) the ground along fence lines,
 - (iv) the ground around power poles,
 - (v) gardens,
 - (vi) lawns,
 - (vii) the ground along the edges of paddocks where crops are grown, and
 - (viii) all areas within 50 metres of where fire ant carriers are grown, packed, sourced, stored, held or made, and
 - (b) a written record of the date and parts of the premises that have been checked is made and kept for a minimum of 4 years after each time the premises is checked.
- (2) Despite subclause (1), a person who moves the following fire ant carriers from a premises in the Qld fire ant infested area into the NSW protection zone, a NSW fire ant movement control area or the NSW fire ant infested area is not required to comply with subclause (1)(a) and (b):
 - (a) heavy vehicles in accordance with clause 16,
 - (b) agricultural and horticultural equipment in accordance with clause 17,
 - (c) earth moving equipment in accordance with clause 18,
 - (d) pallets or packaging, containers and covers in accordance with clause 19,
 - (e) green waste and building waste in accordance with clause 20,
 - (f) soil samples in accordance with clause 23,
 - (g) indoor potted plants in accordance with clause 26, or
 - (h) recycled concrete aggregate over 20 mm in diameter or rocks and stones over 20 mm in diameter in accordance with clause 33.

15 Premises treatment

- (1) A person must not move a fire ant carrier from a premises in the Qld fire ant infested area into the NSW protection zone, a NSW fire ant movement control area or the NSW fire

ant infested area where fire ants are present or have been found in the last 12 months unless the following requirements have been met:

- (a) the parts of the premises within 500 metres of where the fire ant carrier has been grown, packed, sourced, stored or held are subject to an insect growth regulator treatment regime,
 - (b) a written record of the date and parts of the premises subject to the insect growth regulator treatment regime is kept for 4 years from the date of each application of insect growth regulator, and
 - (c) at least 8 weeks have passed since the initial application of insect growth regulator.
- (2) Despite subclause (1), a person who moves the following fire ant carriers from a premises in the Qld fire ant infested area into the NSW protection zone, a NSW fire ant movement control area, or the NSW fire ant infested area where fire ants are present or have been found in the last 12 months is not required to comply with subclause (1)(a) (b) and (c):
- (a) heavy vehicles in accordance with clause 16,
 - (b) agricultural and horticultural equipment in accordance with clause 17,
 - (c) earth moving equipment in accordance with clause 18,
 - (d) pallets or packaging, containers and covers in accordance with clause 19,
 - (e) green waste and building waste in accordance with clause 20,
 - (f) soil samples in accordance with clause 23,
 - (g) indoor potted plants in accordance with clause 26, or
 - (h) recycled concrete aggregate over 20 mm in diameter or rocks and stones over 20 mm in diameter in accordance with clause 33.
- (3) In this clause:
- (a) ***insect growth regulator*** means a product containing 5 grams per kilogram of pyriproxyfen or s-methoprene as the active ingredient and that is registered or permitted for the treatment of fire ants by the APVMA.
 - (b) ***insect growth regulator treatment regime*** means an insect growth regulator applied on a premises at least 3 times within a 12-month period in accordance with the chemical label directions and APVMA permit conditions.

Division 2 Prohibition on movement of a fire ant carrier

16 Heavy vehicles

- (1) A person must not carry out a controlled movement of a heavy vehicle unless, before carrying out the controlled movement, the relevant parts of the heavy vehicle are:
 - (a) checked for soil, growing media, mulch, compost and manure, and
 - (b) clean so that they are free from soil, growing media, mulch, compost and manure.
- (2) In this clause, ***relevant parts of the heavy vehicle*** means the following parts of a heavy vehicle:

- (a) the outside of the driver's cabin,
- (b) the outer body of the vehicle,
- (c) the radiator and grill,
- (d) the wheels including arches, rims, tyres and mudflaps,
- (e) the undersides including chassis, axles, differentials, belly plates and suspended spare tyres, and
- (f) the bins and trays.

17 Agricultural and horticultural equipment

- (1) A person must not carry out a controlled movement of agricultural and horticultural equipment unless, before carrying out the controlled movement, the relevant parts of the agricultural and horticultural equipment are:
 - (a) checked for soil, growing media, mulch, compost and manure, and
 - (b) clean so that they are free from soil, growing media, mulch, compost and manure.
- (2) In this clause, *the relevant parts of the agricultural and horticultural equipment* means the following parts of the agricultural and horticultural equipment:
 - (a) the outside of the driver's cabin,
 - (b) the outer body of the agricultural and horticultural equipment,
 - (c) the radiator and grill,
 - (d) the wheels including arches, rims and tyres,
 - (e) the tracks including rollers, frames and inside frames,
 - (f) the undersides including chassis, axles, differentials and belly plates, and
 - (g) the implements and attachments including buckets, hoes, scrapers, combs, fronts and bins.

18 Earth moving equipment

- (1) A person must not carry out a controlled movement of earth moving equipment unless, before carrying out the controlled movement, the relevant parts of the earth moving equipment are:
 - (a) checked for soil, growing media, mulch, compost and manure, and
 - (b) clean so that they are free from soil, growing media, mulch, compost and manure.
- (2) In this clause, *relevant parts of the earth moving equipment* means the following parts of the earth moving equipment:
 - (a) the outside of the driver's cabin,
 - (b) the outer body of the earth moving equipment,
 - (c) the radiator and grill,
 - (d) the wheels including arches, rims and tyres,
 - (e) the tracks including rollers, frames and inside frames,

- (f) the undersides including chassis, axles, differentials and belly plates,
- (g) the scraper blades, and
- (h) the implements and attachments including buckets and hoes.

19 Pallets and packaging, containers and covers

A person must not carry out a controlled movement of a pallet or packaging, containers and covers unless the pallet or packaging, containers and covers are clean so they are free from soil, growing media, mulch, compost and manure.

20 Green waste and building waste

- (1) A person must not carry out a controlled movement of green waste or building waste unless the green waste or building waste is free from soil.
- (2) Despite subclause (1), a council or a person on behalf of the council may move residual soil attached to green waste or building waste out of a fire ant infested area as part of the council's waste management services.

21 Excavated plants and stumps

- (1) A person must not carry out a controlled movement of an excavated plant and stump unless:
 - (a) the excavated plant and stump and any attached root ball is clean so that it is free from soil, or
 - (b) the root ball and any attached soil of the excavated plant and stump:
 - (i) has been treated with an APVMA approved chemical for the control of fire ants in accordance with all chemical label directions and permit conditions, and
 - (ii) the treatment remains effective until the excavated plant and stump arrives at the controlled movement destination, and
 - (iii) immediately following treatment, the excavated plant and stump is placed in preventative conditions and remains in preventative conditions until it arrives at the controlled movement destination, and
 - (c) the excavated plant and stump is accompanied by a plant health certificate or plant health assurance certificate certifying that the measures in subclauses (a) or (b) have been met.

22 Mulch, soil, compost and manure

- (1) A person must not carry out a controlled movement of mulch, soil, compost or manure unless:
 - (a) the mulch, soil, compost or manure is moved or turned at least once every 21 days while the mulch, soil, compost or manure is in a fire ant infested area, and
 - (b) before the controlled movement, the mulch, soil, compost or manure is treated by

one of the following methods:

- (i) heating all parts of the mass to a minimum temperature of 65.5° Celsius, or
 - (ii) vigorously disturbing all parts of the mass, and
- (c) immediately following the treatment, the mulch, soil, compost or manure is placed in preventative conditions and remains in preventative conditions until it arrives at the controlled movement destination, and
- (d) the mulch, soil, compost or manure is accompanied by one of these certificates certifying that the measures in subclauses (a) and (b) have been met:
- (i) a plant health certificate, or
 - (ii) a BioSecure HACCP Biosecurity Certificate.
- (2) Mulch, soil, compost or manure that is sealed in a bag and free from holes or tears is taken to be in preventative conditions.
- (3) This clause does not apply to a soil sample.

Note. Soil used as growing media is subject to clause 24, soil used in potted plants is subject to clause 25 and soil used in indoor potted plants is subject to clause 26.

23 Soil samples

A person must not carry out a controlled movement of a soil sample unless the soil sample:

- (a) has been inspected to ensure that the soil sample is free of fire ants, and
- (b) for 48 hours before the controlled movement, the soil sample is cooled so that all parts of the mass of each sample reaches a maximum temperature of -18° Celsius.

Note: A domestic freezer is adequate to cool a soil sample as required by clause 23.

24 Growing media

- (1) A person must not carry out a controlled movement of growing media unless the growing media:
- (a) is moved or turned at least once every 21 days while the growing media is in a fire ant infested area, and
 - (b) before the controlled movement, the growing media has been treated by one of the following methods:
 - (i) heating all parts of the mass to a minimum temperature of 65.5° Celsius,
 - (ii) vigorously disturbing all parts of the mass, or
 - (iii) using an APVMA approved chemical for the control of fire ants in accordance with all chemical label directions and permit conditions, and
 - (c) for growing media that is treated in accordance with subclause (b)(i) or (ii), the growing media is:
 - (i) placed in preventative conditions immediately following the treatment and remains in preventative conditions until it arrives at the controlled movement destination, and

- (ii) accompanied by a plant health certificate, or
 - (d) for growing media that is treated in accordance with subclause (b)(iii) the growing media is accompanied by a plant health assurance certificate or plant health certificate.
- (2) Growing media that is sealed in a bag and free from holes or tears is taken to be in preventative conditions.

25 Potted plants

- (1) A person must not carry out a controlled movement of a potted plant unless:
 - (a) the growing media of the potted plant is treated with an APVMA approved chemical for the control of fire ants in accordance with all chemical label directions and permit conditions, and
 - (b) the treatment of the growing media of the potted plant remains effective until the potted plant arrives at the controlled movement destination, and
 - (c) the plant is accompanied by an approved biosecurity certificate certifying that the measures in subclause (a) has been met.
- (2) This clause does not apply to an indoor potted plant moved in accordance with clause 26.

26 Indoor potted plants

- (1) A person must not carry out a controlled movement of an indoor potted plant unless the indoor potted plant:
 - (a) has been:
 - (i) moved directly from indoors, where it has been kept continuously for the previous 3 months, to the vehicle in which it will make the controlled movement without being placed on the ground, or
 - (ii) uprooted before the controlled movement and no growing media is present on the plant, and
 - (b) has been checked visually and found to be free of fire ants before the controlled movement.
- (2) After the indoor potted plant arrives at the controlled movement destination it must be kept indoors continuously for a period of 3 months.

27 Hay

A person must not carry out a controlled movement of hay unless the hay:

- (a) is inspected and found to be dry and free of soil, and
- (b) is treated with an APVMA approved chemical for the control of fire ants in accordance with all chemical label directions and permit conditions, and
- (c) immediately following treatment, the hay is placed in preventative conditions, and remains in preventative conditions until it arrives at the controlled movement destination, and

- (d) is accompanied by a plant health certificate certifying that the measures in subclauses (a) and (b) have been met.

28 Chaff

A person must not carry out a controlled movement of chaff unless:

- (a) the chaff has been hammer milled or cut by a chaff cutter, and
- (b) immediately after milling or cutting, the chaff is placed in preventative conditions and remains in preventative conditions until it arrives at the controlled movement destination, and
- (c) every bag has been visually checked for rips and tears, and
- (d) the chaff is accompanied by a plant health certificate certifying that the chaff is from a premises capable of meeting the measures in subclause (a), (b) and (c).

29 Silage

(1) A person must not carry out a controlled movement of silage unless:

- (a) the silage has been ensiled in at least 6 layers of stretch-wrapped silage wrap or silage film, and
- (b) every bale of silage has been ensiled for at least 6 weeks before being moved, and
- (c) immediately before carrying out the controlled movement every bale of silage has been checked and found to be free of:
 - (i) holes or tears, and
 - (ii) soil stuck to the outside of the wrapping, and
- (d) the wrapping on the silage remains undamaged and intact until arrival at the controlled movement destination, and
- (e) the silage is accompanied by a plant health certificate certifying that the silage is from a premises capable of meeting the measures in subclause (a), (b), (c) and (d)

(2) The controlled movement of silage in accordance with subclause (1) is taken to be in preventative conditions.

30 Turf

(1) A person must not carry out a movement of turf from the Qld fire ant infested area into the NSW protection zone, NSW fire ant movement control area or the NSW fire ant infested area.

(2) A person must not carry out a NSW turf movement unless:

- (a) the turf is treated with an APVMA approved chemical for the control of fire ants on a commercial turf farm in accordance with all chemical label directions and permit conditions, and
- (b) the treatment remains effective until the turf arrives at the final destination, and

- (c) the turf was harvested in accordance with all chemical label directions and permit conditions for the APVMA approved chemical used to treat the turf, and
 - (d) immediately after harvesting, the turf is placed in preventative conditions, and
 - (e) the turf remains in preventative conditions until it arrives at the final destination, and
 - (f) the turf is labelled with the following information: “This turf is from an area where fire ants have been present or known to be present, if this turf is laid in New South Wales, it must be treated with an APVMA approved chemical for the control of fire ants immediately after laying”, and
 - (g) the turf must remain labelled in accordance with subclause (f) until it is laid, and
 - (h) the turf is accompanied by a plant health certificate certifying that the measures in subclauses (a), (c) and (f) have been met.
- (3) In this clause, a ***NSW turf movement*** means the movement of turf:
- (a) into the NSW protection zone from either the NSW fire ant infested area or the NSW fire ant movement control area, or
 - (b) into a NSW fire ant movement control area from the NSW fire ant infested area, or
 - (c) into the NSW fire ant infested area from a NSW fire ant movement control area, or
 - (d) between NSW fire ant movement control areas.

31 Turf receivers

- (1) A turf receiver must:
- (a) if the turf is laid in New South Wales, immediately after laying, treat the turf with an APVMA approved chemical for the control of fire ants in accordance with all chemical label directions and permit conditions, and
 - (b) if the turf is to be stored or sold in New South Wales, while the turf receiver remains the person in charge of the turf, ensure the turf remains labelled with the requirements in clause 30(f).
- (2) In this clause a ***turf receiver*** means a person in New South Wales who receives a controlled movement of turf.

32 Sand, rocks and stones, recycled concrete aggregate and coal fines and chitters

- (1) A person must not carry out a controlled movement of sand, rocks and stones, recycled concrete aggregate or coal fines and chitters unless:
- (a) the sand, rocks and stones, recycled concrete aggregate or coal fines and chitters is moved or turned at least once every 21 days while the sand, rocks and stones, recycled concrete aggregate or coal fines and chitters is in a fire ant infested area, and
 - (b) before the controlled movement, the sand, rocks and stones, recycled concrete aggregate or coal fines and chitters is treated by being vigorously disturbed, and
 - (c) immediately following the treatment, the sand, rocks and stones, recycled concrete

aggregate or coal fines and chitters is placed in preventative conditions and remains in preventative conditions until it arrives at the controlled movement destination, and

- (d) the sand, rocks and stones, recycled concrete aggregate or coal fines and chitters is accompanied by a plant health certificate certifying that the measures in subclauses (a) and (b) have been met.
- (2) This clause does not apply to recycled concrete aggregate over 20 mm in diameter or rocks and stones over 20 mm in diameter moved in accordance with clause 33.

Note. Clause 9 of this emergency order defines ‘vigorously disturbed’.

33 Recycled concrete aggregate over 20 mm in diameter and rocks and stones over 20 mm in diameter

A person must not carry out a controlled movement of recycled concrete aggregate over 20 mm in diameter or rocks and stones over 20 mm in diameter unless the recycled concrete aggregate or rocks and stones is clean so that it is free from soil.

Division 4 Transit

34 Transit through a fire ant infested area

- (1) The emergency measures in this Part do not apply to a fire ant carrier that is excavated plants and stumps, mulch, soil, compost, manure, growing media, potted plants, indoor potted plants, hay, chaff, silage, turf, sand, rocks and stones, recycled concrete aggregate or coal fines and chitters:
 - (a) from an area in Queensland outside the Qld fire ant infested area, where the carrier:
 - (i) transits through a fire ant infested area, and
 - (ii) is kept in preventative conditions while it transits through a fire ant infested area and until the carrier leaves the area, or
 - (b) from an area in the NSW protection zone, where the carrier:
 - (i) transits through a fire ant infested area, and
 - (ii) is kept in preventative conditions while it transits through a fire ant infested area and until the carrier leaves the area.
- (2) The emergency measures in this Part do not apply to a fire ant carrier that is agricultural and horticultural equipment, earth moving equipment, heavy vehicles, pallets, packaging, containers and covers, green waste, building waste or soil samples:
 - (a) from an area in Queensland outside the Qld fire ant infested area, where the carrier transits through a fire ant infested area, or
 - (b) from an area in the NSW protection zone, where the carrier transits through a fire ant infested area.
- (3) In this clause:
 - (a) ***transits through a fire ant infested area*** means where a carrier is moved through, stored or held in a fire ant infested area before being moved into the NSW

protection zone, a NSW fire ant movement control area or the NSW fire ant infested area.

Part 3 Authorised officer powers

35 Persons to whom the emergency measures in this Part apply

The emergency measures in this Part apply to authorised officers.

36 Authorised officer authorisations

- (1) An authorised officer is authorised to destroy a fire ant carrier.
- (2) An authorised officer is authorised to direct a person to destroy a fire ant carrier.
- (3) An authorised officer is authorised to undertake a controlled movement of a fire ant carrier for the purpose of undertaking diagnostic testing or any other testing.
- (4) At any place within New South Wales an authorised officer is authorised to issue an individual biosecurity direction in the case of an emergency to direct a person to:
 - (a) stop a vehicle so that the authorised officer may inspect the vehicle and anything in it or on it, and
 - (b) permit the authorised officer to inspect the vehicle and any thing in or on that vehicle.
- (5) However, an authorised officer is only authorised to exercise the powers set out in subclause (4) with respect to the fire ant biosecurity emergency to which this emergency order relates.

Notes.

- (1) Section 122(1)(a) of the Act provides that an authorised officer can include certain directions in an individual biosecurity direction in the case of an emergency. The directions that can be included in the case of an emergency are set out in section 131 of the Act and include, directing a person to stop a vehicle and permit the vehicle to be inspected for biosecurity matter or a carrier.
- (2) Section 128 of the Act sets out the circumstances in which an authorised officer can issue an individual biosecurity direction. The authorised officer can give a direction if the officer reasonably believes the direction is necessary for a number of purposes, including:
 - (a) to prevent eliminate or minimise a biosecurity risk,
 - (b) to prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur,
 - (c) to prevent, eliminate, minimise or manage a biosecurity risk posed by a dealing of the person, or suspected dealing of the person, with biosecurity matter, a carrier or a potential carrier,
 - (d) to enforce, administer or execute the Act and any instrument made under the Act (such as this emergency order).

Schedule – Map – Fire Ant Emergency Zones

