

# Prevention and Control Program for Locusts under the *Biosecurity Act 2014*

Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*)

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# Biosecurity program

## 1.1 PROGRAM NAME

The prevention and control program (biosecurity program) for Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) will be known as the Prevention and Control Program for Locusts.

# 1. Requirement for a prevention and control program

## 2.1 PURPOSE AND RATIONALE

### Significant biosecurity risk

The *Biosecurity Act 2014* (the Act) provides for the establishment of prevention and control programs. Prevention and control programs are directed at any of the following—

- (a) preventing the entry, establishment or spread of biosecurity matter in an area that poses a significant biosecurity risk;
- (b) managing, reducing or eradicating any biosecurity matter in an area that could pose a significant biosecurity risk.

Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) are endemic native insects that have the capacity to significantly impact on agricultural areas of Queensland and other states in Australia. The development of outbreaks and subsequent plagues of these locusts is dependent on the amount, distribution and timing of rainfall in the areas where the locusts naturally persist. Surveillance activities for locust plagues need to occur in a timely manner wherever climatic and environmental factors may lead to an upsurge in locust populations.

Although the control of locust infestations is a land holder responsibility, locusts are recognised as a community problem; and once locusts start flying, the locusts are beyond the effective control capability of an individual landholder, group of landholders or community.

Broad scale locust control measures must take into consideration the economic, practical and technical feasibility of the measures based on the sound information provided by surveillance for detecting the developing locust populations and monitoring of any previous measures undertaken to control a plague or developing plague.

Reactive locust control after a plague has developed is expensive and largely unproductive. Intervention control based on surveillance, monitoring, and population model predictions using strategic chemical or bio-pesticide applications is feasible and offers greatest return on any investment to individuals, communities and Local, State and Federal governments.

The purpose of the Prevention and Control Program for Locusts (the Program) is:

- To manage or reduce populations of ground-moving hopper bands and flying swarms of Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) or spur-throated locust (*Austracris guttulosa*) in the State or the parts of the State to which the program applies.

## 2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

The key activities undertaken by the Program include but are not limited to:

- Ground or aerial application of agricultural chemicals (such as insecticides or bio-pesticides) to destroy Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*).

## 2.3 POWERS OF AUTHORISED OFFICERS

### Entry of place

The Act provides that authorised officers appointed under the act may, at reasonable times, enter a place situated in an area to which a biosecurity program applies, to take any action authorised by the biosecurity program<sup>1</sup>. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program will authorise entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier<sup>2</sup> and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if<sup>3</sup>—

- (a) The authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
- (b) the occupier refuses to consent to the entry.

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and the authorisation under the Act to enter without the permission of the occupier. An authorised officer under the Program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

If the authorised officer is unable to locate an occupier after making reasonable attempts to do so, then the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

### Giving a direction under a prevention and control program

Section 237 of the Act provides that an authorised officer may, at a reasonable time and at a place within an area to which a prevention and control program applies:

- Direct an occupier to take reasonable steps, within a stated and reasonable timeframe, to remove or eradicate Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*). These steps must be limited to what is reasonably necessary to achieve the purposes of this prevention and control program.
- Destroy Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) or a carrier of Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*), if the authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

### Failure to comply with a direction

Under s 238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under s 237 of the Act, as outlined above.

### Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act<sup>4</sup>. This means that an authorised officer may carry out, or direct another person to carry out, the aerial control

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<sup>1</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>2</sup> The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

<sup>3</sup> See section 270 (Entry of place under sections 261 and 262) of the Act.

measure for Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) in relation to a place to which the Program relates.

### **Obligations**

An occupier must abide by the withholding periods for livestock or crops of the agricultural chemicals used to destroy the locusts.

In addition to the Program specific obligations in the prevention and control program authorisation, under s238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under s 237 of the Act.

### **General powers of authorised officers**

Nothing in the Program or its associated Authorisation limits the powers of authorised officers under Chapter 10 of the Act.

## **2.4 CONSULTATION**

A number of local governments make yearly contribution to the Plague Pest Contingency Fund administered under the Biosecurity Act 2014 Land Protection Fund for the express purpose of preparing and responding to locust plagues.

The State of Queensland also contributes to the ongoing operations of the Australian Plague Locust Commission (APLC). In accordance with the APLC Charter established by the five investing governments who have signed the APLC Memorandum of Understanding, the purpose of the APLC is to manage populations of the three defined pest species in situations where they have the potential to inflict significant damage to agricultural industries in more than one member state. The member states are New South Wales, Victoria, South Australia and Queensland. The APLC Charter does not extend to the control of locusts that will not spread beyond Queensland.

APLC is governed by a board of Commissioners representing the five investing governments. These Commissioners, through regular formal meetings and constant informal contact, ensure that APLC operations deliver the agreed objectives of the Commission through strategic oversight and operational reporting.

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<sup>4</sup> See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity, done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

## 2. Authorisation of a prevention and control program in the State of Queensland

### AUTHORISATION STATEMENT

I, Dr Elizabeth Woods, the chief executive of the Department of Agriculture and Fisheries (the Department) acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorise the Prevention and Control Program for Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) (the Program) in Queensland, on the basis that:

- I am satisfied that Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) are endemic native insects that are present in Queensland; and
- these locusts have a capacity to significantly impact upon agricultural areas of Queensland and other states of Australia; and
- the development of outbreaks and subsequent plagues of locusts is dependent on the amount, distribution and timing of rainfall in the areas where the locusts naturally persist; and
- the high mobility of locusts requires that control activities need to occur at short notice in response to these climatic and environmental factors and the movement of the swarms of flying locusts.

.....  
**Dr. Elizabeth Woods**  
**Chief Executive**  
**Department of Agriculture and Fisheries**

.....  
**Date**

### 3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*).

### 3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to manage or reduce locust populations that may pose a threat to agricultural production areas in the State of Queensland and other states of Australia.

### 3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to all types of places in parts of Queensland shown on Map1:

- A. the operational area of the Australian Plague Locust Commission (represented on Map 1 as the area to the west of the red line); or
- B. the areas of the local governments that contribute to the plague pest contingency fund (namely Balonne Shire, Banana Shire, Burdekin Shire, Cairns Regional, Cassowary Coast Regional, Central Highlands Regional, Western Downs Regional, Goondiwindi Regional, Hinchinbrook Shire, Isaac Regional, North Burnett Regional, Rockhampton Regional, Maranoa Regional, South Burnett Regional, Southern Downs Regional, Tablelands Regional, Toowoomba Regional, Townsville City, and Whitsunday Regional); or
- C. other local government areas as shown on Map 1 within the area where the locusts naturally persist (namely Charters Towers Regional, Carpentaria Shire, Mareeba Shire, Croydon Shire and Etheridge Shire).

### 3.4 POWERS OF AUTHORISED OFFICERS

An authorised officer of the Program appointed under the *Biosecurity Act 2014*, may enter a place—other than a residence<sup>5</sup>—without a warrant and without the occupier’s consent within the State of Queensland under the Program<sup>6</sup>. An authorised officer appointed under the *Biosecurity Act 2014* will also have the power to enter a place under the Program.<sup>7</sup>

An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive<sup>8</sup>.

An authorised officer has general powers after entering a place to do any of the following<sup>9</sup>:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Apply agricultural chemicals to destroy Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> )
Inspect <sup>10</sup> , examine <sup>11</sup> or film <sup>12</sup> any part of the place or anything at the place	Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.
Take for examination a thing, or a sample of or from a thing, at the place	Searching a place to check for the presence or absence of Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).
Place an identifying mark in or on anything at the place	Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).
Place a sign or notice at the place	Producing a written and/or electronic note(s) to support Program activities.
Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing	Taking GPS coordinates to ensure accuracy of location details of carriers or Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).
Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer’s powers under this division	Producing a written and/or electronic note(s) to support Program activities.
Remain at the place for the time necessary to achieve the purpose of the entry	Taking GPS coordinates to ensure accuracy of location details of carriers or Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).
The authorised officer may take a necessary step to allow the exercise of a general power	Producing a written and/or electronic note(s) to support Program activities.
If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable	Taking GPS coordinates to ensure accuracy of location details of carriers or Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).

<sup>5</sup> The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).

<sup>6</sup> See section 259 (General powers to enter places) of the Act.

<sup>7</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>8</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>9</sup> See section 296 (General powers) of the Act.

<sup>10</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>11</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>12</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.



<p>If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable.</p>	<p>throated locust (<i>Austracris guttulosa</i>). Undertake preventative treatment such as treatment of soil with an agricultural chemical that is consistent with the objectives of the Program.</p>
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Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place located in the area to which the Program applies to take reasonable steps to:

- destroy Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) or a carrier of Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*), if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

A penalty applies for failing to comply with a direction issued under this section.

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power<sup>13</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) in relation to a place to which the Program applies. Under the Program these measures include distributing an agricultural chemical to control the locust populations.

### 3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM

The following obligations may be imposed on a person who is an occupier of a place to which the Program relates:

An occupier of land where agricultural chemicals have been used to destroy or treat the locusts must abide by the withholding periods for livestock or crops of the agricultural chemicals used to destroy or treat the locusts

### 3.6 COMMENCEMENT AND DURATION OF THE PROGRAM

The Program will begin on 1 December 2016 and will continue until 30 June 2027. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose as Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) are native endemic pests that can be expected to continue to outbreak from time to time during the conceivable future.

### 3.7 CONSULTATION WITH RELEVANT PARTIES

As required by the Act<sup>14</sup>, I, Dr Beth Woods, the chief executive of the Department of Agriculture and Fisheries have consulted, prior to the authorisation of the Program, with all local governments for the area to which the Program applies.

### 3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS

As required by the Act<sup>15</sup>, I will give public notice of the Program 14 days before the Program starts by:

- giving the notice, by way of letter, to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- publishing the notice on the Department's website; and

<sup>13</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>14</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>15</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

- placing a public notice in newspapers circulating in the area including the Courier Mail and the Queensland Country Life.

From the start of the Program, the Authorisation for the Program will be available for inspection or purchase<sup>16</sup> at the Queensland Department of Agriculture and Fisheries head office at 80 Ann Street, Brisbane Qld 4000, and the following regional offices at State Government Offices, 99 Hospital Road Emerald 4720 and 203 Tor Street Toowoomba Qld 4350.

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<sup>16</sup> See section 241 (Access to authorisation) of the Act.

### 3. Map 1 Program Area

