

## **Surveillance 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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# 1 Biosecurity program

## 1.1 Program name

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

# 2 Requirement for a surveillance program

## 2.1 Purpose and rationale

The *Biosecurity Act 2014* (the Act) provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following—

- (a) monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- (b) confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (c) confirming the absence, in the State or the parts of the State to which the program applies, of the biosecurity matter to which the program relates;
- (d) monitoring the effects of measures taken in response to a biosecurity risk;
- (e) monitoring compliance with requirements about prohibited matter or restricted matter;
- (f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

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 lead to outbreaking populations of locusts.

As winged-adult locusts are highly mobile, surveillance activities for the detection of developing outbreaks need to occur before the locusts take flight.

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 plagues 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. Preventative control based on surveillance and monitoring, population model predictions with strategic chemical or biocontrol applications is feasible and offers greatest return on any investment to individuals, communities and Local, State and Federal governments.

The objectives of the Surveillance Program for Locusts (the Program) are limited to:

- confirming the presence, or finding out the extent of the presence, in the State or the parts of the State to which the program applies, of ground-moving hopper bands and flying swarms of

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

- monitoring the effects of measures taken in response to Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) or spur-throated locust (*Austracris guttulosa*).

## 2.2 Measures that are required to achieve the purpose

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

Entry onto and over land to undertake activities to search for, locate, identify and record:

- the life stages of development of the locusts
- size and location of the areas infested by the locusts
- density of these infestations of the locusts
- presence of hazards (including non-target impacts) or sensitive areas (biosecurity considerations such as crops and native vegetation) that may affect the choice of measures taken in response.

## 2.3 Powers of authorised officers

### Entry of place

The Act provides that under a surveillance program authorised officers appointed under the Act may, at reasonable times, enter a place situated in an area to which a surveillance program applies take any action authorised by the surveillance program<sup>1</sup>. These surveillance 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.

An 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.

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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.

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

For a surveillance program to be effective and efficient, surveillance or monitoring of large areas may be conducted by an unmanned aerial vehicle or a person or persons in a fixed-winged aircraft or helicopter.

## Obligations

An authorised officer may require that an occupier of a place allow the authorised officer to carry out ground or aerial surveillance at the place to determine the presence or absence, extent and spread of Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*). Surveillance carried out by an authorised officer may include visual observations, use of light traps and sample netting on the land.

No further obligations are imposed on the occupier of a place by the Program. The entry by authorised officers under the Program for surveillance or monitoring does not impose an obligation to control locusts.

## 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.

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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.

### 3 Authorisation of a surveillance program in the State of Queensland

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 Surveillance Program for Locusts (the Program) in Queensland, on the basis that:

- locusts are endemic native insects that have a capacity to significantly impact upon agricultural areas of Queensland and other states in Australia;
- 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 surveillance and monitoring activities needs to occur at short notice in response to these climatic and environmental factors and the movement of the swarms of locusts.

**Dr Elizabeth Woods**  
**Director-General**  
**Department of Agriculture and Fisheries**

Authorised on 02 / 06 / 2016

#### 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 determine the presence of, extent of spread and density of ground moving hopper bands and flying swarms of Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) and spur-throated locust (*Austracris guttulosa*) in the State of Queensland, and to monitor the effects of measures taken in response to Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) or spur-throated locust (*Austracris guttulosa*).

#### 3.3 Area affected by the Program

The Program will apply to those types of place in the Queensland<sup>5</sup> described as within:

- 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

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<sup>5</sup> Section 236(1)(e)(ii) (What program authorisation must state) of the Act

- 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>6</sup>—without a warrant and without the occupier’s consent within the State of Queensland under the Program<sup>78</sup>.

Authorised officers of the Australian Plague Locust Commission (APLC) and the Department of Agriculture and Fisheries appointed by the Chief Executive of Department of Agriculture and Fisheries may act under the Locust Surveillance Program.

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>9</sup>. An authorised officer has general powers after entering a place to do any of the following<sup>10</sup>:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Searching the place by visual observation to check for the presence of Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ).
Inspect <sup>11</sup> , examine <sup>12</sup> or film <sup>13</sup> any part of the place or anything at the place	Take photographs or record digital images of observations and samples of Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) or spur-throated locust ( <i>Austracris guttulosa</i> ) at the place.
Take for examination a thing, or a sample of or from a thing, at the place	Place light traps or use nets at the place to capture locusts as samples for the purpose of diagnostic analysis, to ascertain their identity as Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) or spur-throated locust ( <i>Austracris guttulosa</i> ).
Place an identifying mark in or on anything at the place	
Place a sign or notice at the place	
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	Produce a written and/or electronic note(s) to record visual observations and trapping or netting sampling at the place.
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 Chapter 10 division 4	Take and record GPS coordinates to ensure accuracy of location details of Australian plague locust ( <i>Chortoicetes terminifera</i> ), migratory locust ( <i>Locusta migratoria</i> ) and spur-throated locust ( <i>Austracris guttulosa</i> ) observations and sample records at the place.

<sup>6</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>7</sup> See section 259 (General powers to enter places) of the Act.

<sup>8</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>9</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>10</sup> See section 296 (General powers) of the Act.

<sup>11</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>12</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>13</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.



<p>Destroy biosecurity matter or a carrier if—</p> <p>(i) the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk; and</p> <p>(ii) the owner of the biosecurity matter or carrier consents to its destruction.</p>	
<p>Remain at the place for the time necessary to achieve the purpose of the entry</p>	
<p>The authorised officer may take a necessary step to allow the exercise of a general power</p>	<p>Record location of hazards or sensitive areas at the place that may limit measures to control locusts.</p> <p>Record names and contact details of persons providing information about the location of locusts at the place or location of hazards or sensitive areas at the place.</p>
<p>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</p>	
<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>	

An authorised officer may make a requirement (a **help requirement**<sup>14</sup>.) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power. For example, an authorised officer may ask an occupier to give information about the location of locusts, hazards or sensitive areas on the land that may constrain control measures.

An authorised officer may carry out, or direct another person to carry out, an aerial control measure<sup>15</sup> that is for surveillance to determine the presence or extent of the presence or monitoring of measures previously taken for Australian plague locust (*Chortoicetes terminifera*), migratory locust (*Locusta migratoria*) or spur-throated locust (*Austracris guttulosa*) in relation to a place.

### 3.5 Obligations imposed on a person under the Program

No obligations other than a help requirement or a requirement to allow officer to undertake surveillance are imposed on the occupier of a place by the Locust Surveillance Program.

Entry by authorised officers under the program for surveillance to determine the presence or extent of the presence or monitoring of measures previously taken does not impose an obligation on the occupier to control locusts.

### 3.6 Commencement and duration of the Program

The Program will begin on 1 July 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 outbreak from time to time during the conceivable future.

<sup>14</sup> See section 297 (Power to require reasonable help) of the Act.

<sup>15</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.

### 3.7 Consultation with relevant parties

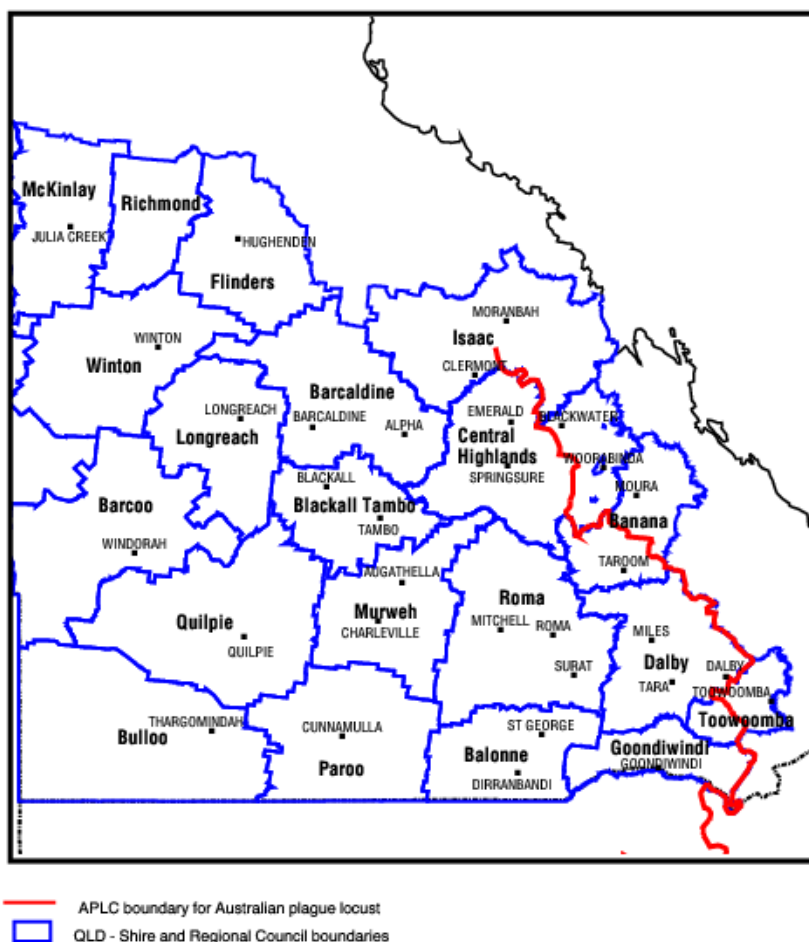
As required by the Act<sup>16</sup>, I have consulted, prior to the authorisation of the Program, with local governments in the area affected by the Program. Consultation extended to all local governments in Queensland.

### 3.8 Notification of relevant parties of requirements

As required by the Act<sup>17</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 ([www.daf.qld.gov.au](http://www.daf.qld.gov.au)); and
- placing a public notice in newspapers circulating in the area as appropriate.

A copy of the Program (including its Authorisation) is available for inspection at the Department of Agriculture and Fisheries head office at 80 Ann Street Brisbane and regional offices. A copy of the Program is also available to view and print at no cost on the Department of Agriculture and Fisheries website at [www.daf.qld.gov.au](http://www.daf.qld.gov.au). A copy of the Program Authorisation will be provided on request by contacting the Department of Agriculture and Fisheries Customer Service Centre on 13 25 23.



**MAP 1: Operational Area for the APLC under the Program**

<sup>16</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>17</sup> See section 240 (Notice of proposed biosecurity program) of the Act.