

Prevention and Control Program for West Indian Drywood Termite under the *Biosecurity Act 2014*

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Contents

1. Biosecurity program	1
1.1 Program name.....	1
2. Requirement for prevention and control program	1
2.1 Purpose and rationale	1
2.2 Measures that are required to achieve the purpose.....	2
2.3 Powers of authorised officers.....	2
2.4 Obligations.....	3
2.5 Consultation.....	3
3. Authorisation of a prevention and control program in the State of Queensland	4
3.1 Biosecurity matter.....	4
3.2 Purpose of the Program	4
3.3 Area affected by the Program	4
3.4 Powers of authorised officers.....	4
3.5 Obligations imposed on a person under the Program	6
3.6 Commencement and duration of the Program.....	6
3.7 Consultation with relevant parties.....	6
3.8 Notification of relevant parties of requirements.....	6

1 Biosecurity program

1.1 Program name

The prevention and control program (biosecurity program) for West Indian drywood termite (WIDT), (*Cryptotermes brevis*)¹, will be known as the Prevention and Control Program for West Indian Drywood Termite.

2 Requirement for prevention and control program

2.1 Purpose and rationale

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.

The purpose of the Prevention and Control Program for West Indian Drywood Termite (the Program) is to:

- manage and reduce WIDT in areas where it is detected; and
- prevent the spread of WIDT in Queensland.

WIDT has long been considered a significant biosecurity risk within Queensland. It is one of the most serious pests of wood products associated with structures and affects most softwoods and hardwoods. It was discovered in Maryborough, Queensland in 1966. A Queensland Government control program for the pest commenced soon after and continued under the *Diseases in Timber Act 1975* until 2016.

Within the genus *Cryptotermes*, WIDT is one of the most significant and invasive timber pest species. The pest can be particularly destructive in timber buildings and is more difficult to control than commonly occurring subterranean termites, which occur in Queensland.

Colonies of WIDT commonly infest hardwood and softwood timber in service including all commercial species used in structural framing, and other timber items such as furniture and boats. Numerous colonies may inhabit a single structure.

WIDT is widespread in the tropical parts of the world and Queensland is particularly at-risk from the pest, due to having a favourable habitat and an abundance of timber structures that the pest is capable of infesting. The 'Queenslander' style house is particularly vulnerable to attack by WIDT, due to the ease of entry of the pest to susceptible timber in the building structure.

The pest is considered a threat to all parts of Queensland, however the control program in place under the *Diseases in Timber Act 1975*, has confined WIDT to coastal areas, mainly in the southeast of the state. Most infestations have been detected in Brisbane and the Wide Bay, with occasional isolated detections in some other areas, including Townsville and Rockhampton.

The trends in fumigation frequency over time suggest that the control program under the *Diseases in Timber Act 1975* has been effective in limiting spread of the pest. Approximately 15 buildings were fumigated each year, with costs for treatment in most years well under one million dollars. Without a program in place, costs to manage WIDT in Queensland would be expected to rise over time potentially reaching tens of millions of dollars each year, as the pest spreads. The cost to control WIDT in United

¹ West Indian drywood termite (WIDT) (*Cryptotermes brevis*) is a category 1 pest described in Schedule 2 'Restricted matter and categories,' Part 1 – Restricted matter – other than invasive biosecurity matter', in the Act.

States is around \$120 million annually, with the greatest damage from the pest occurring in Florida, Hawaii and California.

The control program, under the *Diseases in Timber Act 1975*, involved annual routine inspections for WIDT within the established infestation centres, starting in April each year. Fumigation treatments using sulfuryl fluoride to control the pest in infested buildings, furniture and other wooden items have been performed by a pest control company under contract to the Queensland Government.

2.2 Measures that are required to achieve the purpose

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

- Surveillance, including inspection and sampling to determine the presence or absence of WIDT. This surveillance is integral to the prevention and control program, as the detection of WIDT through surveillance, and subsequent fumigation treatments, removes WIDT from the property and prevents the spread of WIDT in Queensland.
- Treatment² of buildings and other infested items by a pest management technician³ licenced for the site environment⁴ using the fumigant sulfuryl fluoride. For example, WIDT infested buildings are to undergo structural fumigation by encapsulation of the entire building with tarpaulins and injecting the fumigant sulfuryl fluoride to destroy the pest.

2.3 Powers of authorised officers

Entry of place

The Act provides that under a prevention and control program 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 program⁵. 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 occupier⁶ and obtain the occupier's consent to the entry prior to an authorised officer entering a place⁷ to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if – (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 if 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 their 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.

² **Treatment** means fumigation of the WIDT infested site environment with sulfural fluoride.

³ **Pest management technician** means an individual who holds a licence. Queensland Health regulates pest control activities and fumigation activities under the *Pest Management Act 2001* and subordinate legislation.

⁴ **Site environment** means a particular place or type of place. Examples of a **site environment** include a building, stack, chamber, silo, container, ship afloat.

⁵ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁶ 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.

⁷ See section 270 (Entry of place under ss 261 and 262) of the Act.

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 steps⁸, within a stated and reasonable timeframe, to remove or eradicate WIDT;
- destroy WIDT or a carrier of WIDT, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk.

An authorised officer may require that, an occupier of a place allow an authorised officer to carry out surveillance at the place to look for and monitor the spread of WIDT. An authorised officer may take samples from the place for pest identification.

If an authorised officer considers it necessary to prevent WIDT from spreading, the authorised officer may require that an occupier of a place allow the authorised officer to treat the building or item, or other thing the authorised officer reasonably believes may spread WIDT, on or at the place.

An authorised officer may require that an occupier of a place infested with WIDT allow an authorised officer to treat the building or item, or other thing infested with WIDT, on the place.

A person impacted by the Program may specifically be directed to:

- allow inspection of timber items and the taking of samples, including frass (termite faecal pellets), timber items, insect specimens, or other items as deemed necessary for pest identification at the place to determine the presence or absence of WIDT;
- not move any items that are infested or are at risk of infestation from the place prior to the completion of WIDT control measures;
- control WIDT at the place by:
 - engaging a pest management technician to undertake the treatment of the site environment; or
 - allowing a pest management technician contracted by the Department of Agriculture and Fisheries to undertake the treatment of the site environment.

General powers of authorised officers

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

2.4 Obligations

In addition to program specific obligations outlined in the prevention and control program authorisation, under section 238 of the Act, occupiers of a place are obligated to comply with an authorised officer's direction issued under section 237 of the Act. A maximum penalty of 50 penalty units applies to non-compliance.

2.5 Consultation

Comprehensive stakeholder consultation in relation to management options for WIDT was undertaken in February 2016. Stakeholders consulted include local governments and building, timber and pest control industry representatives, as well as the general public. Consultation regarding the Program has also been undertaken in accordance with section 239 of the Act.

⁸ These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.

3 Authorisation of a prevention and control 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 Prevention and Control Program for West Indian Drywood Termite (the Program) in Queensland, on the basis that:

- I am satisfied that West Indian drywood termite, which poses a significant biosecurity risk in Queensland, is present in parts of the State and that measures are required to manage or reduce the pest in areas where it is detected.
- I am satisfied that measures such as surveillance and treatment are required to prevent the spread of West Indian drywood termite.

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 West Indian drywood termite (*Cryptotermes brevis*) (WIDT).

3.2 Purpose of the Program

The purpose of the Program is to:

- manage and reduce WIDT in areas of Queensland where it is detected, to mitigate the biosecurity risk it poses to the State; and
- prevent the spread of WIDT in Queensland, given the significant biosecurity risk it poses to the State.

3.3 Area affected by the Program

The Program will apply to the whole of the State of Queensland. All parts of Queensland are at risk of a WIDT infestation, and the Program needs to support surveillance and treatment in any area where WIDT is reported or confirmed.

3.4 Powers of authorised officers

Subject to the requirements in the Act for entering a part of a place in which a person resides (a residence)⁹ an authorised officer may, at reasonable times, enter a place¹⁰ situated in the area to which the Program applies to take any action authorised by the Program¹¹.

⁹ The Act defines a **residence** to mean a premises or a part of a premises that is a residence within the meaning of section 259(2) and 259(3).

An authorised officer has general powers after entering a place¹² to do any of the following:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Inspect timber structures or items at a place to check for the presence or absence of WIDT.
Inspect, examine or film any part of the place or anything at the place	Inspect, examine and film to assist with tracing of carriers to and from a place.
Take for examination a thing, or a sample of or from a thing, at the place	Take samples, including frass (termite faecal pellets), timber items, insect specimens, or other items as deemed necessary for pest identification to ascertain the presence or absence of WIDT.
Place an identifying mark in or on anything at the place	Identify carriers such as timber buildings with tags, notices, flags or signs for any purpose consistent with the Program.
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 WIDT.
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	Destroy WIDT or a carrier of WIDT by means the authorised officer considers necessary to reduce the biosecurity risk. This may include the use of tent fumigation with the fumigant, sulfuryl fluoride. This fumigation may be undertaken by a pest management technician, engaged by the Department.
Remain at the place for the time necessary to achieve the purpose of the entry	Require a document to be provided for removal and copying, including a record that verifies that a WIDT treatment has taken place. This may include, but is not limited to, a fumigation certificate and hand written readings of fumigant concentrations provided by the pest management technician.
The authorised officer may take a necessary step to allow the exercise of a general power	
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	
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.	
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> • the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and • the owner of the biosecurity matter or carrier consents to its destruction. 	

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 power¹³.

¹⁰ See section 259 (General powers to enter places) of the Act.

¹¹ See section 261 (Power to enter a place under biosecurity program) of the Act

¹² See section 296 (General powers) of the Act. In this section—

- **examine** includes analyse, test, account, measure, weigh, grade, gauge and identify.
- **film** includes photograph, videotape and record an image in another way.
- **inspect**, a thing, includes open the thing and examine its contents.

¹³ See section 297 (Power to require reasonable help) of the Act.

Pursuant to section 237 of the Act an authorised officer may also give a direction to an occupier of a place to take reasonable steps¹⁴ to:

- remove or eradicate WIDT; or
- destroy WIDT or a carrier of WIDT, 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.

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:

- allow surveillance for WIDT to be undertaken by an authorised officer, including inspection of timber items and taking of samples for pest identification at the place to determine the presence or absence of the pest;
- not move any items that are infested or are at risk of infestation from the place prior to the completion of control measures; and
- control WIDT at the place by:
 - engaging a pest management technician to undertake the treatment of the site environment ; or
 - allowing a pest management technician contracted by the Department of Agriculture and Fisheries to undertake the treatment of the site environment.

3.6 Commencement and duration of the Program

The Program will begin on 1 July 2016 and will continue until 30 June 2019. This period is considered reasonably necessary for the program, given its ongoing nature. This is also an appropriate time period before further review of the Program is justified.

3.7 Consultation with relevant parties

As required by the Act¹⁵, I have consulted, prior to the authorisation of the Program, with local governments in the area affected by the Program. All local governments in Queensland were consulted.

3.8 Notification of relevant parties of requirements

As required by the Act¹⁶, I will give public notice of the Program 14 days before the Program starts by:

- advising each government department or government owned corporation responsible for land in the area to which the Program relates by way of letter; and
- placing a notification on the Department of Agriculture and Fisheries website.

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. 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.

¹⁴ These steps must be limited to what is reasonably necessary to achieve the purposes of the Program.

¹⁵ See section 239 (Consultation about proposed biosecurity program) of the Act.

¹⁶ See section 240 (Notice of proposed biosecurity program) of the Act.