



**Attachment 4**

**Prevention and Control Program for  
Yellow Crazy Ants (*Anoplolepis  
gracilipes*) under the *Biosecurity Act  
2014***

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# 1. Biosecurity program

## 1.1 PROGRAM NAME

The prevention and control program (biosecurity program) for *Anoplolepis gracilipes* (Yellow Crazy Ants) will be known as the Prevention and Control Program for Yellow Crazy Ants (*Anoplolepis gracilipes*).

## 2. 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.

The objectives of the Prevention and Control Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) (the Program) are:

- (a) To control and locally eradicate infestations of *Anoplolepis gracilipes* in the Townsville Local Government Area.
- (b) Yellow Crazy Ants (*Anoplolepis gracilipes*) have been found in six locations in Townsville Local Government Area (Nome, Alligator Creek, Stuart, Douglas, Mt St John and Black River). They form dense populations of super colonies, with multiple queens. These ants have a large impact on people's quality of living, agriculture, horticulture and the environment. Co-ordinated control is critical in local eradication, and control activities taken under this program is vital to the success of local eradication.
- (c) Yellow Crazy Ants are a restricted tramp ant under the Act and is listed as one of the world's 100 worst invasive species by the International Union for Conservations of Nature. It is listed as a critical species in the Townsville City Biosecurity Plan 2020-2024, with current aims to eradicate, and prevent spread to fauna of significance on Mt Elliot, within Bowling Green Bay National Park.

### 2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE

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

- Entry to outdoor areas of a property.
- Taking photos of Yellow Crazy Ants
- Taking samples of Yellow Crazy Ants
- Distribute ant baits on properties identified as necessary for local eradication or management goals.
- Writing notes
- Taking GPS Co-ordinates
- Leaving a calling card if an occupant is not home.
- If deemed suitable, and necessary, aerial application of pesticides

## 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 biosecurity program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, under the program 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 an authorised officer does not find an occupant present at a place, that 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.

### Obligations of occupiers

1. Allow authorised officers safe entry to all external areas of the property; and
2. Upon request, contain animals that may place the authorised officer/s health or safety at risk.

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

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

- direct an occupier to take reasonable steps<sup>4</sup>, within a stated and reasonable timeframe, to remove or eradicate Yellow Crazy Ants;
- destroy Yellow Crazy Ants or a carrier of Yellow Crazy Ants, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk;
- direct an occupier to contain animals that may place the authorised officer/s health or safety at risk;
- direct an occupier to allow authorised officers safe entry to all external areas of the property;

<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.

<sup>4</sup> These steps must be limited to what is reasonably necessary to achieve the purposes of the prevention and control program.

- direct an occupier to undertake preventative treatment such as insect or ant specific treatment that is consistent with the objectives of the Program;
- direct an occupier to supply documents or information reasonably required to trace potential new infestations of Yellow Crazy Ants.

### Failure to comply with a direction

Under section 238 of the Act and in addition to the Program specific obligations in the prevention and control program authorisation, occupiers of a place are obligated to comply with an authorised officer's direction issued under section 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>5</sup>.

### 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) Details of the Prevention and Control Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) are available on the Townsville City Council public website.
- (b) Relevant Pest Control Officers from Burdekin Shire Council, Hinchinbrook Shire Council and Charters Towers Regional Council have been notified of Yellow Crazy Ants present within the Townsville LGA, with recommendations to inspect likely areas within their local government area.
- (c) The Chief Executive of Department of Agriculture and Fisheries has been consulted prior to the authorisation of this program.

## 3. Authorisation of a prevention and control program in the Townsville City Council area

### AUTHORISATION STATEMENT

The Townsville City Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Prevention and Control Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) in the Townsville Local Government Area on the basis that Prins Ralston, the Chief Executive Officer of Townsville City Council is satisfied that;

- *Anoplolepis gracilipes* (Yellow Crazy Ants) are in the Townsville LGA and poses, or is likely to pose, a significant biosecurity risk in the area of Townsville;
- that measures are required to prevent the establishment and spread of *Anoplolepis gracilipes* that poses or is likely to pose a significant biosecurity risk in the Townsville area; and
- that after consultation with effected community and businesses, measures carried out jointly with community and effected businesses are required to control Yellow Crazy Ants that would have a significant effect on members of the community and industries in the area of Townsville.

<sup>5</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.

Prins Ralston

CHIEF EXECUTIVE OFFICER

It was MOVED by Councillor Ann-Maree Greaney, SECONDED by Councillor Russ Cook:

“that the officer’s recommendation be adopted”. CARRIED UNANIMOUSLY 15 February 2023

### 3.1 BIOSECURITY MATTER

The biosecurity matter to which the Program relates is *Anoplolepis gracilipes* (Yellow Crazy Ants).

### 3.2 PURPOSE OF THE PROGRAM

The purpose of the Program is to locally eradicate or manage Yellow Crazy Ants within the Townsville Local Government Area.

### 3.3 AREA AFFECTED BY THE PROGRAM

The Program will apply to all places within the Townsville Local Government Area.

### 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 under the Program<sup>7</sup> <sup>8</sup>. If the authorised officer is appointed by the chief executive<sup>9</sup> the authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program.

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>10</sup>.

An authorised officer may carry out, or direct another person to carry out, aerial control measures for Yellow Crazy Ants in relation to a place. Under the Program these measures include aerially distributing ant baits for the control of Yellow Crazy Ants in non-residential areas.

An authorised officer has general powers after entering a place to do any of the following<sup>11</sup>:

General powers in the Act	Measures an authorised officer may take under the Program
Search any part of the place	Destroy biosecurity matter or a carrier if the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.
Inspect <sup>12</sup> , examine <sup>13</sup> or film <sup>14</sup> any part of the place or anything at the place	
Take for examination a thing, or a sample of or from a thing, at the place	
Place an identifying mark in or on anything 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 297 (Power to require reasonable help) of the Act.

<sup>11</sup> See section 296 (General powers) of the Act.

<sup>12</sup> Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

<sup>13</sup> Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

<sup>14</sup> Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

Place a sign or notice 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.
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	
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	If deemed suitable, and necessary, aerial application of pesticides.
Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> <li>the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and</li> <li>the owner of the biosecurity matter or carrier consents to its destruction</li> </ul>	Undertake treatment for Yellow crazy ants, as distributing ant baits and pesticides that is consistent with the objectives of the Program.
Remain at the place for the time necessary to achieve the purpose of the entry	Identify carriers such as machinery/vehicles with tags, notices, flags or signs for any purpose consistent with the Program.
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	Producing written and/or electronic note(s) to support Program activities.
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	Taking GPS coordinates to ensure accuracy of location details of carriers or Yellow Crazy Ants.
	Undertake preventative treatment such as distributing ant baits that is consistent with the objectives of the Program.
	Take a document or copy of a document such as material sales slip that is relevant to the objectives of the Program.

An authorised officer may at any reasonable time give a direction to an occupier of a place located in the area to which the Program applies to take reasonable steps to:

- remove or eradicate Yellow Crazy Ants, as reasonably necessary to achieve the purposes of the Program, or
- destroy Yellow Crazy Ants or a carrier of Yellow Crazy Ants, if that authorised officer believes on reasonable grounds that they pose a significant biosecurity risk<sup>15</sup>.

A penalty applies for failing to comply with any of the above directions<sup>16</sup>.

<sup>15</sup> Section 237 (Giving a direction for prevention and control program) of the Act.

<sup>16</sup> Section 238(1) (Failure to comply with direction) of the Act.

### **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:

1. allow authorised officers' safe entry to all external areas of the property;
2. upon request, contain animals that may place the authorised officer/s health or safety at risk;
3. follow any help requirement asked from an authorised officer that is reasonably requested to assist in the control or eradication of Yellow Crazy Ants to achieve the purposes of the Program.

### **3.6 COMMENCEMENT AND DURATION OF THE PROGRAM**

The Program will begin 14 days after endorsement and will continue until Yellow Crazy Ants are deemed to have been eradicated from Townsville Local Government Area. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

### **3.7 CONSULTATION WITH RELEVANT PARTIES**

As required by the Act<sup>17</sup>, the Chief Executive Officer of Townsville City Council has consulted, prior to the authorisation of the Program, with the Chief Executive, Department of Agriculture and Fisheries.

### **3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS**

As required by the Act<sup>18</sup>, the chief executive officer of Townsville City Council will give public notice of the Program 14 days before the Program starts by:

- giving the notice 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 Townsville City Council website.

From the start of the Program, the Authorisation for the Yellow Crazy Ants (*Anoplolepis gracilipes*) Surveillance Program will be available for inspection or purchase\* <sup>19</sup> at the Townsville City Council public office at: 103 Walker St, Townsville City.

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<sup>17</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>18</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

<sup>19</sup> See section 241 (Access to authorisation) of the Act.

\* Purchase cost is the price of printing – 10c per page.