



## Attachment 3

1

# **Surveillance Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) under the *Biosecurity Act 2014***

## Contents

Surveillance Program for Yellow Crazy Ants ( <i>Anoplolepis gracilipes</i> ) under the <i>Biosecurity Act 2014</i> .....	1
1. Biosecurity program.....	3
1.1 PROGRAM NAME .....	3
2. Requirement for a surveillance program .....	3
2.1 PURPOSE AND RATIONALE .....	3
2.2 MEASURES THAT ARE REQUIRED TO ACHIEVE THE PURPOSE .....	3
2.3 POWERS OF AUTHORISED OFFICERS .....	4
2.4 CONSULTATION.....	4
3. Authorisation of a surveillance program in the Townsville City Council area.....	5
3.1 BIOSECURITY MATTER.....	5
3.2 PURPOSE OF THE PROGRAM .....	5
3.3 AREA AFFECTED BY THE PROGRAM .....	5
3.4 POWERS OF AUTHORISED OFFICERS.....	5
3.5 OBLIGATIONS IMPOSED ON A PERSON UNDER THE PROGRAM.....	7
3.6 COMMENCEMENT AND DURATION OF THE PROGRAM.....	7
3.7 CONSULTATION WITH RELEVANT PARTIES.....	7
3.8 NOTIFICATION OF RELEVANT PARTIES OF REQUIREMENTS.....	7

# 1. Biosecurity program

## 1.1 PROGRAM NAME

The surveillance program (biosecurity program) for *Anoplolepis gracilipes* (Yellow Crazy Ants) will be known as the Surveillance Program for Yellow Crazy Ants (*Anoplolepis gracilipes*).

# 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.

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

- (a) To determine the extent of presence, locations, and persistence within treated locations 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 are 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 Conservation 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 suspected Yellow Crazy Ants
- Taking samples of suspected Yellow Crazy Ants
- Laying a non-toxic ant bait/lure
- Writing notes

Surveillance Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) under the *Biosecurity Act 2014*

- Taking GPS Co-ordinates
- Leaving a calling card if an occupant is not home.

## 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> —

- the authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
- 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, 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.

### 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

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

<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.

### 3. Authorisation of a surveillance 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 Surveillance Program for Yellow Crazy Ants (*Anoplolepis gracilipes*) in the Townsville Local Government Area on the basis that;

- further delimitation is required to establish clear boundaries of the distribution of Yellow Crazy Ants within the LGA;
- further delimitation is required within the LGA to establish effective treatment areas; and
- Yellow Crazy Ants are Restricted Invasive Matter under the Biosecurity Act 2014 and *Anoplolepis gracilipes* is listed as one of the world's 100 worst invasive species by the International Union for Conservation of Nature. It is listed as a critical species in the Townsville City Biosecurity Plan 2020-2024, with current aims to locally eradicate this species.

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 determine the distribution and extent of 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 Act may enter a place within the State of Queensland — other than a residence<sup>4</sup>—without a warrant and without the occupier’s consent under the Program<sup>5</sup>. If the authorised officer is appointed by the Chief Executive<sup>7</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>8</sup>.

<sup>4</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>5</sup> See section 259 (General powers to enter places) of the Act.

<sup>6</sup> See section 261 (Power to enter a place under biosecurity program) of the Act.

<sup>7</sup> See section 255 (3) (Powers of particular authorised officers limited) of the Act.

<sup>8</sup> See section 297 (Power to require reasonable help) of the Act.

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	Searching a place to check for the presence or absence of Yellow Crazy Ants.
Inspect <sup>10</sup> , examine <sup>11</sup> or film <sup>12</sup> 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 for the purposes of diagnostic analysis, to ascertain the presence, absence or density of Yellow Crazy Ants.
Place an identifying mark in or on anything at the place	Producing written and/or electronic note(s) to support Program activities.
Place a sign or notice at the place	Taking GPS coordinates to ensure accuracy of location details of carriers or Yellow Crazy Ants.
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	Place an identifying mark in or on anything 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 this division	Place a non-toxic lure in or on anything at the place
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>	Place a sign or notice at the place
Remain at the place for the time necessary to achieve the purpose of the entry	Remain at the place for the time necessary to attract Yellow Crazy Ants to the non-toxic lure.
The authorised officer may take a necessary step to allow the exercise of a general power	Take a document or copy of a document such as material sales slip that is relevant to the objectives of the Program.
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	

<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.

## **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; and
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 reasonably necessary to achieve the Program's purpose.

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

As required by the Act<sup>13</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>14</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>15</sup> at the Townsville City Council public office at: 103 Walker St, Townsville City.

---

<sup>13</sup> See section 239 (Consultation about proposed biosecurity program) of the Act.

<sup>14</sup> See section 240 (Notice of proposed biosecurity program) of the Act.

<sup>15</sup> See section 241 (Access to authorisation) of the Act.

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