

Western Australia

Argentine Act Act 1968

## **Argentine Ant Regulations**



## Argentine Ant Regulations

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## Argentine Ant Regulations

### 1. Citation

These regulations may be cited as the *Argentine Ant Regulations*<sup>1</sup>.

### 2. Definitions

In these regulations, unless the context requires otherwise —

***bait*** means any mixture approved by the Minister for attracting and killing ants;

***district*** has the same meaning as in the *Local Government Act 1960*<sup>2</sup>;

***farmyard manure*** means horse, cow or poultry manure and manure of any other domestic animal;

***infested area*** means an area known to be infested with ants the limits of which have been declared by the Minister under regulation 3 of these regulations by notice published in the *Government Gazette*;

***litter*** includes refuse, garbage and rank vegetation;

***spray*** means any liquid approved by the Minister for ant control;

***the Act*** means the *Argentine Ant Act 1968*;

***the Minister*** includes a delegate of the Minister under section 6 of the Act.

**3. Other powers and duties of Minister (section 6)**

For the purpose of executing his functions under section 6 of the Act, the Minister may —

- (a) approve of bait;
- (b) approve of spray; and
- (c) from time to time by notice published in the *Government Gazette* —
  - (i) declare the limits of any area known to be infested with ants; and
  - (ii) vary or cancel a previous declaration made under this paragraph.

**4. Owners and occupiers of premises**

- (1) Subject to the provisions of these regulations, the owner and occupier of premises are hereby jointly and severally empowered and required to free the premises and keep them free of ants by —
  - (a) freeing the premises and keeping them free of refuse, garbage, rank vegetation and litter whether of the same or different kind from the foregoing, in which ants are present or are likely to be present, or which is conducive or likely to be conducive to the presence of ants; and
  - (b) using such sprays and baits and carrying out such control measures as are for the time being approved by the Minister.
- (2) The Minister may at any time and from time to time give notice in writing to the owner or occupier of any premises of intention to enter upon the premises for the purpose of eradicating and destroying ants thereon.
- (3) The notice may require the owner or occupier, within a time to be specified in the notice, to —

- (a) remove from ground level any accumulations of refuse, timber or other material or thing whatsoever which harbours or may provide harbourage for ants; and
  - (b) remove from ground level and from fences to a distance of three feet from the boundary line of the premises any vegetative material or thing whatsoever, but not including any building, structure or portion thereof which may hinder the application of insecticides for the eradication of ants.
- (4) A notice referred to in this regulation may, in lieu of or in addition to either or both of the requirements mentioned in subregulation (3)(a) and (b), require the owners or occupiers of premises within the area to remove from their premises or suitably confine stock or other animals which are kept on the premises and are likely or liable to be adversely affected by the spraying or the spray material.
- (5) A person shall not fail to comply with the provisions of a notice given to him under this regulation.

**5. Spraying of premises**

Where treatment of premises by spraying is carried out pursuant to the provisions of the Act, or these regulations, no person shall —

- (a) do anything that an authorised person has specified in writing as being likely would adversely affect the result of the spraying; or
- (b) unless an authorised person has, in writing, authorised the person so to do, within 48 hours after the spraying do anything whether by watering, digging in, top-dressing or otherwise, that would adversely affect the result of the spraying.

**6. Spraying of reserves, etc.**

Where the Minister has caused any land reserved, proclaimed or dedicated under any Act for use by the public or which is open to or used by the public, to be sprayed for the purpose of the control, prevention or destruction of ants, no person shall within 48 hours after the conclusion of the spraying, water, dig in, burn off, top-dress, mow, or do any other thing which may adversely affect the result of the spraying.

**7. Removal of objects from infested premises**

The occupier, or if there is no occupier, the owner of the premises where there are ants, shall not move or cause or permit to be moved from the premises anything unless the thing is free of ants.

**8. Vehicles to be free of ants**

The owner and driver of any vehicle shall not use or cause or permit the use of a vehicle for transport unless the vehicle and anything placed on or upon it are free of ants.

**9. Removal of material from infested area**

No person shall without the written permission of an authorised person move or permit to be removed from any premises within an infested area —

- (a) any farmyard manure;
- (b) any plant of any kind whatsoever which is packed in or has attached thereto any soil which is likely to distribute ants; or
- (c) any other article or material of whatsoever kind which is likely to distribute ants.



**10. Notification of presence of ants**

It is the duty of every owner or occupier to notify the Minister immediately he is aware or suspects the presence of ants on his property.

**11. Offence and penalties**

A person who contravenes or fails to comply with any of the provisions of these regulations, commits an offence, and is liable on conviction to a penalty —

- (a) where the offence is not a continuing offence — not exceeding \$100; and
- (b) where the offence is a continuing offence — not exceeding \$100 and an additional 50c for each day during which the offence continues.

**Notes**

<sup>1</sup> This is a compilation of the *Argentine Ant Regulations*. The following table contains information about those regulations <sup>1a</sup>.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Argentine Ant Regulations</i>	30 Dec 1968 p. 3961-2	30 Dec 1968

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Biosecurity and Agriculture Management Regulations 2013</i> r. 137(j) and 138 <sup>3</sup>	5 Feb 2013 p. 465-591	1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823)

<sup>2</sup> Now see s.1.4 of the *Local Government Act 1995* (No. 74 of 1995).

<sup>3</sup> On the date as at which this compilation was prepared, the *Biosecurity and Agriculture Management Regulations 2013* r. 137(j) and 138 had not come into operation. They read as follows:

**137. Regulations repealed**

These regulations are repealed:

- (j) *Argentine Ant Regulations*;

**138. Fees and expenses**

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 137 and outstanding on the commencement day are to be regarded as payable under these regulations at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly; and
- (b) any expenses recoverable under a regulation repealed under regulation 137 and outstanding on the commencement day may be recovered under regulation 128.

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**Defined Terms**

Penalty: a fine of \$10 000.