

## ARGENTINE ANT ERADICATION ACT.

### Act No. 6, 1962.

An Act to make provision for the eradication of Argentine ants; to constitute an Argentine Ant Eradication Committee and to define its powers, authorities, duties and functions; to provide for annual contributions by the Treasurer and certain councils to the Argentine Ant Eradication Campaign Fund; to amend the Local Government Act, 1919, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 21st May, 1962.]

Elizabeth II,  
No. 6, 1962

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Argentine Ant Eradication Act, 1962". Short title.

2. This Act binds the Crown.

Act binds  
Crown.

3. In this Act, unless the context or subject matter otherwise indicates or requires— Interpre-  
tation.

"Area" means city, municipality or shire.

"Committee" means Argentine Ant Eradication Committee constituted under this Act.

"Council" means council of a city, municipality or shire.

"Eradicate" includes do or cause to be done such acts or things as may be prescribed generally, or for and with respect to any locality, land, vehicle or person, as the case may be, with a view to freeing any land or vehicle from Argentine ants or preventing the infestation or spread thereof from or on such land or vehicle; and "eradication" and like expressions have a corresponding meaning.

"Financial

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“Financial year” means year ending on the thirtieth day of June.

“Fund” means Argentine Ant Eradication Campaign Fund referred to in subsection one of section fifteen of this Act.

“Litter” includes any refuse, garbage and vegetation which would impede the eradication of or provide a harbourage for Argentine ants.

“Occupier” in relation to land includes—

- (a) any person holding any lease, agreement for or promise of a lease of the land, or a license or permit to occupy the land;
- (b) any person in actual possession or occupation of the land;
- (c) the caretaker of any land;
- (d) the agent of an occupier; and
- (e) where the occupier does not reside on the land, the resident manager or other person in charge of the land,

and means, in relation to land of which there is no occupier, the owner of the land.

“Owner” in relation to land includes—

- (a) every person who jointly or severally, whether at law or in equity—
  - (i) is entitled to the land for any estate of freehold in possession; or
  - (ii) is the person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, or any other Act relating to the alienation of lands of the Crown; or
  - (iii) is entitled to receive, or if the land were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;

(b)

- (b) any council or other public body in relation to land vested in or under the care, control and management of such council or body; No. 6, 1962
- (c) the trustees in whom is vested any land reserved temporarily or permanently, or permanently dedicated for any public purpose;
- (d) the agent of an owner.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

4. (1) For the purposes of this Act there shall be constituted a Committee, to be called the Argentine Ant Eradication Committee, which shall consist of five persons. Argentine  
Ant  
Eradication  
Committee.

(2) (a) The members of the Committee shall be appointed by the Governor and shall be—

- (i) an officer of the Department of Local Government nominated by the Minister;
- (ii) a person nominated by the Minister for Agriculture having such qualifications or experience in entomology as such Minister thinks fit;
- (iii) two persons nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales;
- (iv) a person nominated by the governing body of the Institution of Health Surveyors, Australia.

(b) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of any member of the Committee, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of such Act during his term of office.

(3) (a) The member referred to in subparagraph (i) of paragraph (a) of subsection two of this section shall be the chairman of the Committee.

(b)

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—

(b) The chairman shall preside at all meetings of the Committee at which he is present.

(c) In the absence of the chairman from any meeting the members present shall appoint one of their number to preside at that meeting.

(4) (a) The procedure for the calling of meetings of the Committee and for the conduct of business at such meetings shall, subject to any regulations in relation thereto and to this Act, be as determined by the Committee.

(b) At any meeting of the Committee three members shall form a quorum.

(c) The chairman or member presiding at any meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) The members of the Committee shall hold office for a period of five years and shall be eligible for reappointment.

(6) If a casual vacancy occurs in the office of a member of the Committee, the Governor may appoint a person to the vacant office who shall hold office for the balance of his predecessor's term of office.

(7) The Governor may, for any cause which to him seems sufficient, remove any member of the Committee from office.

(8) A member of the Committee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office in writing under his hand addressed to the Governor;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
- (d) absents himself from three consecutive meetings of the Committee of which reasonable notice has been given to him either personally or in the ordinary course

course of post unless on leave granted by the Committee or unless he is before the expiration of five weeks after the last of such meetings excused by the Committee for his absence from such meetings; No. 6, 1962

- (e) being the member referred to in subparagraph (i) of paragraph (a) of subsection two of this section, ceases to be an officer of the Department of Local Government;
- (f) is removed from office by the Governor.

(9) A member of the Committee shall, if he is not a member of the Public Service, be paid such fees and travelling expenses for attending meetings, transacting business of the Committee and making inspections under this Act, as may be prescribed.

(10) (a) No act or proceeding of the Committee shall be invalidated or prejudiced by reason only of the fact that at the time such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

(b) All acts and proceedings of the Committee shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, be as valid as if such member had been duly appointed and as if the Committee had been properly and fully constituted.

5. (1) The Committee may initiate and refer to the Minister recommendations— Functions  
of  
Committee.

- (a) relating to the adoption of measures for eradicating Argentine ants;
- (b) relating to the administration of this Act;
- (c) for making, altering or repealing any regulation.

(2) The Committee shall have the following functions—

- (a) to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to—
  - (i) measures for eradicating Argentine ants;
  - (ii) the administration of this Act;
  - (iii)

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(iii) any proposal for making, altering or repealing any regulation;

(b) to carry out such functions of an advisory or educational character as the Minister may direct;

(c) in conjunction with councils to disseminate to the public information relating to Argentine ants and their eradication;

(d) to carry out surveys and investigations in regard to Argentine ant infestation.

Transfer  
of assets.

6. (1) On and from the commencement of this Act all personal property including vehicles, machinery, equipment and materials in the possession of or under the control of or held by the Minister for Agriculture for the purpose of the eradication of Argentine ants shall vest in and belong to the Minister and be held and dealt with by the Minister for the purposes of and subject to the provisions of this Act.

(2) Notwithstanding any agreement to the contrary the Minister may sell and dispose of any of such personal property including vehicles, machinery, equipment or materials and pay the proceeds into the Fund.

Notice to  
be given of  
infestation.

7. (1) The occupier of any land shall notify the council of the area in which the land is situated immediately he is aware of or suspects the presence of Argentine ants in or upon such land.

(2) Where a council is notified by the occupier of any land in its area that such occupier is aware of or suspects the presence of Argentine ants in or upon such land, it shall be the duty of the council to report such notification to the Minister.

Officers,  
employees  
and  
inspectors.

8. (1) The Minister may, with the approval of the Minister of the Department concerned and the Public Service Board, make use of the services of such officers or employees of that Department as may be necessary for the administration of this Act and may appoint any such officer or employee as an inspector under this Act.

(2)

(2) Such officers and employees shall be subject to the control and direction of the Minister and such inspectors shall exercise and perform their powers and duties under this Act subject to the control and direction of the Minister.

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9. (1) Health inspectors employed by the councils of the areas specified in the Schedule to this Act shall, by virtue of their office, be inspectors under this Act.

Council health inspectors to be inspectors under this Act.

(2) Each such inspector shall exercise and perform his powers and duties under this Act subject to the control and direction of the council by which he is employed.

(3) The powers and duties conferred and imposed by this Act upon a health inspector employed by a council shall apply in respect of each area to the health inspector employed by the council of that area.

10. (1) Any inspector under this Act or any member of the Committee may, at any reasonable time, and on production of the prescribed evidence of his authority, enter with or without assistants, plant and materials and inspect any land or vehicle and anything therein or thereon, open any ground and move any movable thing in or upon which he has reasonable grounds for believing there may be Argentine ants.

Powers of inspectors and members of Committee.

(2) Where the presence of Argentine ants in or upon any land has been detected by an inspector under this Act or a member of the Committee, an inspector under this Act or a member of the Committee may, with the consent of the Committee or of the chairman of the Committee (if he has been authorised by the Committee to give such a consent), serve a notice on the occupier of any such land requiring such occupier—

- (a) to rid such land of litter;
- (b) where any movable thing is so placed in or upon such land that it harbours or is likely to harbour Argentine ants or to hinder the eradication of such Argentine ants, to move and rid such movable thing of Argentine ants and then place such movable thing in or upon such land in accordance with the requirements of such notice.

Any

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No. 6, 1962 Any authority referred to in this subsection given by the Committee to the chairman of the Committee shall be in writing and may at any time be revoked in writing by the Committee.

(3) Where the presence of Argentine ants in or upon any land or vehicle has been detected by an inspector under this Act or by a member of the Committee, an inspector appointed under section eight of this Act may, at any reasonable time, and on production of the prescribed evidence of his authority, enter with or without assistants, plant and materials and eradicate Argentine ants in or upon such land or vehicle.

(4) The Minister may by notice served on the council of an area specified in the Schedule to this Act require such council at its own expense to place at the disposal of the Minister such number of assistants and during such time as may be specified in such notice for the purpose of assisting an inspector appointed under section eight of this Act to eradicate Argentine ants from any land within or partly within the area of such council.

(5) Any person who obstructs, hinders, threatens or assaults any inspector under this Act or any assistant or any member of the Committee whilst acting in the exercise of his powers or the performance of his duties under this Act shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding fifty pounds.

(6) If an occupier of land fails, within such reasonable time as may be specified in the notice, to comply with the requirements of a notice served under subsection two of this section, the Minister in the case of a notice issued by an inspector appointed under section eight of this Act, or the council in the case of a notice issued by an inspector referred to in section nine of this Act, may cause the requirements of such notice to be carried out and recover from such occupier the cost of the carrying out of such requirements as a debt in any court of competent jurisdiction.

(7) If the council of an area specified in the Schedule to this Act fails to comply with the terms of any notice served on it under subsection four of this section, the Minister may provide such number of assistants during such time as may be necessary



necessary to comply with the terms of such notice in so far as they have not been complied with by such council and recover the cost from such council as a debt in any court of competent jurisdiction. No. 6, 1962

(8) In exercising any of the powers conferred by this Act, a person shall cause as little inconvenience and damage as is practicable and where practicable give reasonable notice of his intention to enter land to the occupier.

11. Any notice to be given to any person under this Act or the regulations shall be in writing, and may be served on such person personally, or left at or posted to his usual or last known place of abode or business in this State, or, where a notice is to be given to a person who or whose address is unknown to the person giving the notice or if the person to whom the notice is to be given has no place of abode or business in this State, then service may be effected by affixing the notice in a conspicuous place on the land to which the notice relates. Notices to be given in writing.

12. No person shall be entitled to compensation by reason of anything done or omitted to be done by any inspector, member of the Committee or other person in the exercise of any power or the performance of any duty conferred or imposed by this Act or the regulations, or in respect of any loss or injury that may directly or indirectly result therefrom unless the same was occasioned wilfully, negligently or maliciously. Persons not entitled to compensation

13. (1) Towards the expenditure from the Fund in respect of the financial year ending on the thirtieth day of June, one thousand nine hundred and sixty-two (hereinafter referred to as the first financial year) there shall be contributed to the Fund in accordance with the provisions of this Act the sum of fifteen thousand pounds. Amount of contribution to the Fund.

(2) Before the end of the first financial year and of each subsequent financial year the Minister shall prepare an estimate of the probable expenditure from the Fund during the then next ensuing financial year.

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- No. 6, 1962** **14.** (1) (a) Towards the sum referred to in subsection one of section thirteen of this Act and each estimate referred to in subsection two of that section—
- Contributions by the Treasurer and councils.
- (i) the Treasurer shall contribute one-third; and
- (ii) the councils of the areas specified in the Schedule to this Act at the commencement of this Act and of each subsequent financial year shall contribute two-thirds :

Provided that the total of the amount to be contributed under subparagraphs (i) and (ii) of this paragraph shall not exceed the amount of fifteen thousand pounds in any financial year.

(b) The Governor may by proclamation published in the Gazette amend the Schedule to this Act by inserting therein the name of any area or by omitting therefrom the name of any area for the time being specified therein. The said Schedule, as so amended, shall be the Schedule to this Act.

(2) The amount to be contributed under subparagraph (ii) of paragraph (a) of subsection one of this section in the first financial year and any subsequent financial year by the councils of the areas specified in the Schedule to this Act shall be paid in equal shares by such councils.

(3) The amount to be paid by each council pursuant to subsection two of this section shall be paid out of the general fund of such council.

(4) (a) Contributions payable under this section shall, subject to this section, be assessed by the Minister and notice of such assessment shall be served on the Treasurer and on the councils concerned.

(b) Such contributions shall become due and payable at the expiration of one month from the date of service of the notice of assessment on the council.

(c) Any such contribution or any part thereof payable by a council and not paid within sixty days of the date of service of the notice of assessment shall, unless the Minister otherwise determines, be increased by ten per centum of the amount of the contribution payable.

(5)

(5) Contributions or any part thereof payable by a council and not paid by such council within ninety days of the date of service of the notice of assessment, and all penalties incurred in respect thereof, shall constitute a debt due and payable to the Minister and shall be recoverable in any court of competent jurisdiction. No. 6, 1962

(6) Moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

(7) Any payment made before the commencement of this Act to the Fund by the Treasurer or to the Minister for credit of the Fund by any council towards the amount referred to in subsection one of section thirteen of this Act shall be deemed to have been made pursuant to the provisions of this section.

15. (1) There shall be continued to be kept in the Treasury the account in the Special Deposits Account called the "Argentine Ant Eradication Campaign Fund". Argentine  
Ant  
Eradication  
Campaign  
Fund.

(2) All moneys received under this Act shall be paid into the Fund and the cost of administration of this Act and all expenses incurred by the Minister and the Committee in the exercise of their powers, authorities, duties and functions under this Act shall be paid out of the Fund.

(3) The Treasurer may, in addition to the contributions to the Fund made by him under subparagraph (i) of paragraph (a) of subsection one of section fourteen of this Act, from time to time advance by way of loan or otherwise such moneys to the Fund subject to such terms and conditions as he may determine.

16. Moneys to the credit of the Fund may be applied by the Minister in or towards— Application  
of moneys  
to credit  
of Fund.

- (a) the purchase, leasing, hire and maintenance of premises, vehicles, machinery and equipment and the purchase of materials necessary for carrying out the provisions of this Act;

(b)

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- (b) the payment to members of the Committee of fees and travelling expenses prescribed pursuant to subsection nine of section four of this Act;
- (c) the payment of salaries or allowances to officers and employees referred to in section eight of this Act;
- (d) the repayment of advances made by the Treasurer pursuant to subsection three of section fifteen of this Act;
- (e) the carrying out of surveys and investigations in regard to Argentine ant infestation;
- (f) the investigation and research into, and the evolving of new and improved methods of eradicating Argentine ants;
- (g) the dissemination to the public of information relating to Argentine ants and their eradication;
- (h) the payment of bounties or rewards for the discovery of new infestations of Argentine ants;
- (i) the carrying into effect of the provisions of this Act.

Any payments made from the Fund before the commencement of this Act for or in connection with the eradication of Argentine ants are hereby validated.

Councils  
to meet  
cost of  
materials.

**17.** (1) Where an inspector appointed under section eight of this Act has used materials in exercising his powers under subsection three of section ten of this Act, in the area of a council specified in the Schedule to this Act the council of that area shall upon demand made upon it by the Minister pay to the Fund the cost of such materials used.

(2) Such cost may be recovered by the Minister as a debt in any court of competent jurisdiction.

Ownership.

**18.** In any prosecution or other legal proceeding under this Act or the regulations, proof shall not until evidence is given to the contrary be required of the fact that the defendant is or at any relevant time was the owner or occupier of any land in question.

**19.**

**19.** All proceedings for offences against this Act or the **No. 6, 1962** regulations shall be disposed of summarily before a <sup>Proceedings</sup> stipendiary magistrate or two justices in petty sessions. <sub>for offences.</sub>

**20.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. <sup>Regulations.</sup>

(2) Without prejudice to the generality of subsection one of this section the Governor may make regulations for or with respect to—

- (a) the acts or things to be done or to be caused to be done generally or for or with respect to any locality, land, vehicle or person, as the case may be, with a view to freeing any land or vehicle from Argentine ants or preventing the infestation or spread thereof from or on such land or vehicle;
- (b) the procedure for the calling of meetings of the Committee and for the conduct of business at such meetings;
- (c) the preparations to be made by the occupier of land in or upon which the presence of Argentine ants has been detected by an inspector under this Act for facilitating or ensuring the effective eradication of Argentine ants from such land;
- (d) the confining of animals, birds or fish on any land in or upon which the presence of Argentine ants has been detected by an inspector under this Act where such animals, birds or fish may be adversely affected by spraying or the spray materials to be used by an inspector, appointed pursuant to section eight of this Act, or an assistant, in or upon any such land;
- (e) prohibiting any person from doing any act specified in the regulations which may adversely affect any measures carried out pursuant to this Act for the purpose of eradicating Argentine ants;
- (f)

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(f) authorising the Minister or the council where the occupier of land has not complied with the requirements of the regulations to cause such requirements to be carried out and recover from such occupier the cost of the carrying out of such requirements as a debt in any court of competent jurisdiction;

(g) any land or vehicle in or upon which the presence of Argentine ants has been detected by an inspector under this Act, prohibiting or imposing restrictions on the doing or omission of anything by any person which will result or be likely to result in the transfer of Argentine ants from any such land or vehicle to any other land or vehicle.

(3) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof, and in the case of a continuing breach, a daily penalty not exceeding five pounds per day.

(4) The regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

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SCHEDULE.

**Local Government (Town and Country Planning)  
Amendment Act.**

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SCHEDULE.

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Cities of Sydney, Liverpool, Parramatta, Penrith and Greater Wollongong. Sec. 14.

Municipalities of Ashfield, Auburn, Bankstown, Blacktown, Botany, Burwood, Camden, Campbelltown, Canterbury, Concord, Drummoyne, Fairfield, Holroyd, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Manly, Marrickville, Mosman, North Sydney, Randwick, Rockdale, Ryde, Strathfield, Waverley, Willoughby, Windsor, Woollahra.

Shires of Baulkham Hills, Hornsby, Sutherland, Warringah.

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