



Standard Operating Procedure (SOP)

Entry to Places by Authorised Field Officers

Version: [3]

1 Purpose

The purpose of this procedure is to outline the steps that must be followed by field officers to gain entry to a place and carry out activities for the purposes of the Biosecurity Programs¹ established under the *Biosecurity Act 2014* (the Act) relating to eradicating the Red Imported Fire Ant. Activities of field officers must be conducted in accordance with all relevant Program policies and procedures to ensure safe, effective, and lawful discharge of obligations and responsibilities.

2 Background and context

Occasionally National Red Imported Fire Ant Eradication Program (the Program) field staff are unable to enter a property to undertake Program activities, either because of physical obstruction (locked gates, high fences, dangerous dogs etc.) or because the occupier of the property attempts to refuse entry.

3 Scope

This procedure describes the procedure for entry of a property or 'place', which must be applied by all Program field officers in carrying out duties including all Program undertakings at a place identified for tracing, surveillance, infested premises activities, treatment, and communication with occupants.

This procedure should be read in conjunction with the documents listed at *Section 8 – Related and reference documents*, which can be found on the Program's SharePoint site. Printed copies of any approved Program documentation and any electronic copies stored in locations other than the Program SharePoint site are not controlled documents. It is the responsibility of personnel to ensure they have the most current versions before use.

This procedure assumes that all field officers have been adequately trained in the sections of the Biosecurity Act that set out their responsibilities as authorised officers.

Compliance activities carried out by Biosecurity Inspectors for anything other than assisting with the enforced entry process are beyond the scope of this procedure.

4 Warnings

Human Rights

This procedure has been assessed under the [Human Rights Policy](#) to determine whether any human rights will be engaged when carrying out the processes within. It was determined that two human rights would be engaged: section 20 & section 25 of the Human Rights Act 2019, therefore a [proportionality assessment](#) was conducted.

¹ Prevention and Control and Surveillance programs.

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5 Abbreviations, acronyms, and definitions

Term	Definition
the Act	<i>Biosecurity Act 2014</i>
Authorised officer	The collective term used for both an authorised person and inspector appointed under the <i>Biosecurity Act 2014</i> . The scope of the appointment is limited by – <ul style="list-style-type: none">• the instrument of appointment• a signed notice given to the authorised person• a regulation.
Enforced Entry	A process of escalation, involving the assistance of the Queensland Police Service, or other escalated actions, to assist field officers in executing their duties under a Biosecurity Program.
CaSES	Community and Stakeholder Engagement Solution
Entry Notice	A letter left at a place requesting access for the purpose of conducting treatment or surveillance if that place was fully or partially restricted when program field officers attempted to visit
Entry Notice for Refusals	A letter left at a place where a client has refused access to communicate the parts of the Biosecurity Act under which the Program's entry is authorised and to issue a warning that it is an offence under the Act to obstruct a field officer.
FAMS	Fire Ant Management System
Forage	The Program's field mobility application
Gaps team	A team within the Planning and Quality Management unit that is responsible for monitoring gaps in planned treatment and implementing solutions to fill gaps in a timely fashion
No More Gaps Group	A group established to consider the issues causing gaps in treatment and to implement solutions or recommend options for rectifying the issues to management for approval.
Occupier	A person including the following – <ul style="list-style-type: none">• if there is more than 1 person who apparently occupied the place - any 1 of the persons• any person at the place who is apparently acting with the authority or a person who apparently occupies the place• if no-one apparently occupies the place - any person who is an owner of the place.
PIN	Penalty infringement notice
Place	A place within the State of Queensland and includes – <ul style="list-style-type: none">• premises• vacant land• a place in Queensland waters• a place held under more than 1 title or by more than 1 owner



Term	Definition
	<ul style="list-style-type: none"> the land or water where a building or structure, or a group of buildings or structures, is situated.
Program	National Red Imported Fire Ant Eradication Program
Residence	Means the premises or a part of the premises that is a residence within the meaning of s.259(2), (3) of the <i>Biosecurity Act 2014</i> .
RTR group	The RTR, or Real Time Review, group consists of the Program's leadership team and other staff with progress reporting responsibilities. The group meets once a week to discuss the Program's weekly priorities and to provide strategies for rectifying issues that may impact on progress.
SMS	Short Message Service (telephone text message)
SOP	Standard Operating Procedure
Unconfirmed bookings	A process for visiting previously restricted properties, where no client contact can be made, on a weekend when the client is more likely to be home.

6 Procedure

The Act provides that the Chief Executive may authorise a biosecurity program to enable the government to respond to significant biosecurity risks. There are two biosecurity programs for the eradication of red imported fire ants:

- A surveillance program to check for the presence or absence of fire ants
- A prevention and control program to manage, control or eradicate fire ants.

Section 261 of the Act empowers field officers, at reasonable times, to enter a place to take any action authorised by the biosecurity program.

Field officers are responsible for establishing contact with the occupant and/or landowner to arrange access to the property. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible.

6.1 Locate an occupier

Before entering a property, field officers must make a reasonable attempt to locate an occupier and obtain the occupier's consent to the entry (s.270). An occupier can be any resident, aged 18 or over, living at the property or a person who is acting with authority of an occupier. Where there are no occupants present, field officers should attempt to contact the person listed as the occupier in Forage to arrange a suitable time to enter.

Business owners/operators may nominate persons to be a representative for the business. They may also insist on site inductions for field officers prior to undertaking the purpose of the visit to outline any safety or work site concerns and/or risks. Field officers will take reasonable steps, such as flashing amber lights or reversing beepers, to mitigate any concerns and/or risks.



The Act provides that a field officer may enter land around the premises for the purpose of asking the occupier for consent to enter the place. Field officers may enter land around the premises to the extent that is reasonable to contact the occupant (s.266(a)) or may enter a part of a property the field officer reasonably considers members of the public ordinarily are allowed to enter when they wish to contact an occupant (s.266(b)).

Field officers may walk around the back of premises, for example, or up to outbuildings such as sheds. This would only be considered appropriate if attempts to contact the occupier via phone or the front entrance of the place were unsuccessful. Entry to the back of a house is not appropriate, for example in a suburban area where the back of the house is enclosed with a fence and locked gates.

Examples of a reasonable attempt include but are not limited to:

- knocking on the door
- rattling the gate
- announcing your presence with a raised voice e.g., "hello, is anyone home?"
- checking with neighbours
- phoning the contact person listed on Forage.

6.2 Greet the occupier

When an occupier is located, a field officer **must**:

- introduce themselves, identify themselves as an authorised officer under the Act and produce a departmental identity card
- introduce anybody else that is accompanying them
- verify that the person being addressed is an occupant of the place and is over the age of 18 (and if referred to another person, repeat the process)
- outline the purpose of the visit, including the powers intended to be exercised
- seek consent for the field officers to enter the place (s.270).

The field officer must be clear about the powers that will be used under the Act and provide an opportunity for the occupant to ask questions about the purpose of the visit and how powers will be exercised. For example, the occupant may have questions about the sampling process or the bait.

The field officer **must** also identify any hazards which may prevent safe access and treatment or pose a workplace health and safety risk (an example of a risk assessment can be found at appendix 2). Hazards should be updated in Forage.

The field officer must confirm the details of the occupier and affirm/update Forage, as applicable.

Field officers shall carry out activities at a property as directed by the Team Leader in accordance with Program procedures.

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6.3 Entry of a Place where consent has not been established

Program field officers have the authority to enter a place under the biosecurity programs (*Prevention and Control and Surveillance*) for eradicating red imported fire ants (s.261).

If a field officer has not been able to locate an occupier, they may enter a property other than a residence (the building or structure in which the occupier resides (s.259(2)) without consent. For example, if there is nobody at home or the place is apparently not occupied.

Upon completion of activities, the field officer must leave a Fire Ant Activity report (refer appendix 3) in a conspicuous position and in a reasonably secure way to notify the occupant of:

- activities undertaken and authority to do so,
- the time and date of entry, and
- in respect to treatment activities, the request not to water, mow or disturb land for 48 hrs.

6.4 Entry of a place when access is restricted

If contact with an owner/occupier of a place is unable to be made after following the above steps, field officers must complete a risk assessment to determine if there are physical restrictions to accessing the property e.g., locked gates or dangerous dogs.

Sites that are unable to be accessed are to be set to *revisit required* in Forage after the first visit. A gap coverage can be drawn citing the specific gap description indicating why the site was restricted². At the end of each day the Team Leader will check that the visiting field officer has:

- attempted to contact the occupier / owner,
- ensured an Entry Notice (refer appendix 4) was left at the site in a secured manner, in clear view,
- selected *Entry notice* as the method of notifying the client in Forage, and
- captured an appropriate gap reason and provided comments where required

The Entry Notice informs the occupier that the team will return within 5-7 business³ days to complete the activity.

This notice requests the occupier to contact the Department's Customer Service Centre (CSC) so that arrangements can be made to enable field team access before the next visit. The CSC will record the client's details in an online property information form, which is submitted electronically to the Program's Customer Services Berrinba Team (CSB).

The Program's CSB team will enter the client's updated contact details and specific visit requirements into the Fire Ant Management System (FAMS) for 1-7 days after the first visit. After this timeframe the team has generally moved out of the area, so the CSB team will provide the details to the Job Dispatch team for follow up actions.

² If the gap reason is locked gate, the field officer should provide a comment to state whether the lock can be cut by the Program.

³ This timeframe is not legally binding; it is provided to allow time for the occupier to plan for the revisit.

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If a property is inaccessible on the second visit, the field officer will record the site as *restricted*, if completely inaccessible, or *partial* if partially treated, in Forage and capture the description indicating the reason the site, or part thereof, could not be treated. Forage will progress the job to the *jobs pending approval* report for review.

The Job Dispatch team will review all incomplete sites and reset those that are genuinely restricted to *booking required*, whereupon the site progresses to the *Awaiting Bookings Queue* in FAMS under its existing job. The Job Dispatch team will consult with the Area Coordinator from the depot that the job was originally dispatched to if the reason for restriction is not acceptable. The site will be reset to *revisit required* and the Area Coordinator is to ensure the field team returns to complete the task. If a property is partially or fully restricted owing to non-suitable habitat; dense forest or flood water, the Job Dispatch team will ask the visiting team to provide photos as evidence of the obstruction. Once evidence is provided the visit status will be set to *restricted-complete* or *partial-complete*.

Sites that progress to the Awaiting Bookings Queue will be assessed by the Gaps team who will perform one of the following actions:

- If there are no client contact details available, staff will attempt, using RP Data and White Pages, to locate the client's contact details and will call to determine the client's availability and any hazards to entry. The client will then be referred to the Job Dispatch team so the job can be re-assigned to a team when the client is available.
- If the client is unable to be contacted, and access is restricted owing to locked gates that cannot be cut, or a dangerous animal onsite, the Gaps team may coordinate an *unconfirmed bookings* run on a day when clients are more likely to be home, such as during school holidays or a Saturday. The run must also include sufficient confirmed work for the team to make the best use of resources. An Area Coordinator must accompany a team when they are working on a Saturday.
- If the client is not home during the unconfirmed bookings run, and access to the site remains restricted, the field officer will record the site as *restricted* (if completely inaccessible) or *partial* (if partially treated) in Forage and capture the description indicating the reason the site, or part thereof, could not be treated. Forage will progress the job to the *jobs pending approval* report for review.
- Once the unconfirmed bookings run is complete the Job Dispatch team or the Gaps team will review the returned jobs and set the visit status for those with *restricted – approval required* and *partial – approval required* to a complete status.
- Sites that have a complete status, but still have gaps, will be recorded in the Gaps team's gap register. At the end of the treatment season all properties with gaps will be risk assessed and risk mitigation measures implemented to ensure the gaps are treated, or the risk is mitigated in some other way.
- Sites that are restricted owing to gates that are locked with a padlock and a chain may be referred to the Program's Direct Nest Injection (DNI) Team for management as they have the required tools for cutting and replacing locks.

6.5 Entry to a place when an occupier refuses access

An occupier may for many reasons, attempt to refuse entry. Field officers should enquire why the person has refused the entry and record the reason. Where there is a lawful or reasonable excuse, the field officer must withdraw from the place, record the reasons for withdrawal in Forage, set the visit

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status to *revisit required* and report the withdrawal to their Team Leader the same day. An example of a valid reason for refusal is the requirement for a site induction to be undertaken before entry. Before departing, the field officer should attempt to book a date and time to revisit the property and/or obtain correct contact details so the occupant can be contacted later.

If the occupier does not understand the reason for entry, the field officer should be clear on the purpose of the visit and try to answer the occupier's questions. If the occupier's questions are beyond the field officer's delegation to answer or knowledge base, the concerns should be noted in Forage, visit status set to *revisit required*, and the field officer should withdraw from the place. An Area Coordinator will review the case within 24 – 48 hours and take one of the following actions:

- contact the occupier to address the concerns, and subsequently make an appointment to revisit the property,
- refer the case to a Principal Operations Coordinator, by way of a Cases interaction, for action if the client requests to speak with a manager,
- or progress the case to enforced entry (refer to section 6.7.1). If the site is to be progressed, the Area Coordinator should set the visit status to *restricted* and draw a gap with *refusal* as the reason. The reason for the refusal should be clearly documented against the site in Forage. The Job Dispatch team will assess the site and change the status to *enforced entry* for progression to the next stage within 24 – 48 hours.

The field officer **must** determine any hazards which may prevent safe access and may ask for assistance (s.297) such as asking the occupier to restrain an aggressive dog or unlock a gate.

If the refusal of entry seems unreasonable, or if the occupant becomes unduly distressed or aggressive⁴ and/or there is apparent risk to the field officers, then all field officers will leave the property. The actions undertaken by the field officers and the occupier's response must be recorded in Forage and the visit status set to *revisit required*. An entry notice for refusals slip (appendix 5) must be left at the premises and should be:

- handed directly to the occupant,
- or left in a secured manner, in clear view,
- or, as a last resort, left in the letterbox of the place.

The Team Leader should discuss the case with their Area Coordinator on the day that the refusal occurs. The Area Coordinator will review the case and take one of the following actions within 24 – 48 hours:

- contact the occupier to address the concerns and subsequently make an appointment to revisit the property. If the occupier refuses again the Area Coordinator must advise the occupier that the case will be escalated to the Program's Compliance Team, whereupon compliance action may be taken against them.

⁴ Client hazard check box **MUST** be ticked when a client has been aggressive.



- progress the case to enforced entry (refer to section 6.7.1). If the site is to be progressed, the Area Coordinator or Team Leader should set the visit status to *restricted* and draw a gap with *refusal* as the reason. All notes pertaining to the conversation with the client and the nature of the refusal should be documented in Forage. Furthermore, for sensitive cases, the Area Coordinator should indicate whether the enforced entry visit should be undertaken by an Area Coordinator from a different depot. The Job Dispatch team will assess the site within 24 to 48 hours and change the status to *enforced entry* for progression to the next stage.

If the reason for refusal is owing to crops, the site should be restricted/partialled and a gap drawn citing *cropping* as the reason for the gap. It is important for the field officer to specify what type of crop(s) the client has in the ground and when the crop will be harvested⁵. The Job Dispatch team will refer the site to the Gaps team who will liaise with the client to determine a suitable date for a team to return when the crop has been harvested.

If the client refuses to let the Program treat the property, but will permit the team to survey it, and the team feels their reason for refusal is warranted, the team should refer the case to their Area Coordinator, who will contact the Quality Management team for assessment. If the surveillance is approved the team should undertake the work and process the site using surveillance as the treatment method. A note should be included against the site that the surveillance was approved by Quality Management and include the date DD/MM/YYYY of the approval.

6.6 Departing a Place

Once activities have been completed, the occupier should be advised, if present. Field officers should ensure the place is as undisturbed as possible; gates etc. are left as they were found and ensure pets/livestock have not escaped. The job data in Forage should be completed and the relevant report/notice left (refer appendix 11 – Operational Field Slips Chart).

6.7 Incomplete jobs

Where a site cannot be fully accessed, a subsequent visit will be required. The number of return visits to be undertaken will depend on whether the site is in an area in which the Program is enforcing its legal right of entry. In such areas field officers will return as many times as necessary to complete the required surveillance or treatment activity on the site. In areas where the Program does not intend to enforce its legal right to entry there will only be one return visit (two visits in total).

6.7.1 Enforced entry process

If an occupier has refused access and an Area Coordinator has progressed the case to the enforced entry stage, the following actions will occur (refer appendix 6):

- The Job Dispatch Coordinator will set the visit status for the property to enforced entry within 24 – 48 hours and will assign the job to the Gaps team for assessment.
- The Gaps team will assess the reason for the refusal within 24 – 48 hours and decide whether to escalate the case for compliance action or find another solution.
- When a case is referred for compliance action, the Compliance Officer will contact the client within 24 – 48 hours to discuss the enforced entry process and make a further attempt to gain consent to enter the property by arranged date and time.

⁵ Harvest date should be included in the date field next to the gap comments field in Forage.



- o If the client refuses again, the Compliance Officer will advise the client that a QPS officer will be engaged⁶ to keep the peace when accompanying the Compliance Officer and a field team when they return to enforce entry to the place.
- o A warning should be given to the occupier that it is an offence under the Act (s.336) to obstruct a designated officer, and that it is an offence (s.298) to contravene a *help requirement* (s.297) made of a person by an authorised officer, at the time the power of entry is sought.
- o The Gaps team will engage a QPS officer and will liaise with the Job Dispatch and Compliance teams to organise a revisit.
- o The field team will return to the property with the QPS officer, a DNI technician and a Program Compliance officer and attempt to gain access. Ideally the Compliance Officer who received the refusal should be the one to attend.
- o The Compliance Officer, accompanied by the QPS officer, will speak with the occupier to seek consent to enter the place. Where consent is not provided, the Compliance Officer will produce their identity card and inform the occupier of the reason for entering the place, that the authorised officer is authorised under the Act to enter without the occupier's permission, and advise the occupier of any steps taken or to be taken (s.270)
- o The occupier should again be issued with a warning as outlined above, in respect of obstruction of a designated officer⁷ and a help requirement made by an authorised officer. All interactions with the occupier must be recorded in the Compliance Officer's body worn camera (s.337A – Use of Body Worn Cameras).⁸
- o The Compliance Officer may formally request help (*help requirement s.297*) from an occupier to help remove an obstruction to treatment, such as unlocking a gate or containing animals. It is an offense for an occupier to contravene the help requirement (s.298). The Program has purchased temporary fencing, which can be used to house poultry or other small animals where the occupier has no such facilities⁹.
- o Under the Police Powers and Responsibilities Act 2000 - *helping public officials exercise powers under other Acts* (s.16.6, s16.7 and s.18), Police Officers can use accoutrements to deal with attacking dogs. Should an occupier obstruct and continue to obstruct after being advised to desist the officer is able to use force upon the dog. The officer would need to be compliant with QPS policy/ procedures by using minimal force to overcome the dog. Before a QPS officer can assist with restraining an animal they must be advised of the public official's powers under the authorising law (s.16.4). The Program will provide information relating to which sections of the *Biosecurity Act 2014* apply when entering properties each time a QPS officer is engaged to assist the Program.

⁶ The QPS officer may be engaged on a fee for service basis by way of an application for special services.

⁷ Designated officer means an authorised person, an inspector, or a barrier fence employee.

⁸ It is lawful for an authorised officer to use a body-worn camera to record images or sounds while the authorised officer is exercising a power under this chapter (10).

⁹ The temporary fencing is stored in the Berrinba office, so arrangements would need to be made prior to visit, or a second visit may need to be organised.

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- The field team may commence work at the place once the occupier has consented to the entry, or where consent has been refused and the occupier advised of the steps to be taken by the Compliance Officer and field teams at the place (s.270).
- If the owner/occupier threatens the welfare of Program staff the QPS officer may detain him/her for the duration of the activities being undertaken onsite.
- Where consent is provided to the entry by the occupier, an acknowledgement of consent form should be completed and signed by the occupier and a copy retained by the Compliance Officer.
- If the client is not home, the DNI technician is authorised to cut the chain on a locked gate to provide access to the team (s.296). The chain will be secured with a new padlock and a note will be left that notifies the client what action has been taken and provides a number to contact should the client wish to obtain the key to new padlock. The DNI technician will also inject any fire ant nests detected at the enforced entry property.
- Once the work is complete, a treatment slip for refusals (refer appendix 7) should be provided to the occupier and a copy retained (photographed) by the Compliance Officer.
- Where an offence for obstruction or contravening a help requirement has been established the Compliance Officer should follow the procedure for conducting investigations and obtain authorisation from the Compliance Coordinator to complete an appropriate enforcement response, which may include issuing a penalty infringement notice (PIN). This may be issued at the time or later once an investigation report has been completed satisfactorily.
- Any subsequent obstructions by the owner/occupier will result in legal action being undertaken by the Program and will not prevent the Program from carrying out the required activity onsite
- The field team should process the job as complete in Forage if the work is carried out successfully

If the Gaps team, or Operations Management, determines that a case requires escalation it may be referred to the No More Gaps group and/or Real Time Review (RTR) group for assessment and direction on follow up actions.

The Planning and Quality Management team will monitor gaps in treatment, including partially treated and restricted sites, and will employ measures to address them. Sites and areas of concern will be escalated to the No More Gaps group so a plan of action can be determined.

6.7.2 Process in areas where enforced entry will not be required

On the first visit, if field officers cannot gain access to all or some of the property, they will leave a *we urgently need to contact you* slip (refer appendix 8) which informs the occupier that the Program needs to contact them to arrange surveillance or treatment of their property. The following data is to be written onto the slip by the field team:

- Date of attempted visit
- Site ID

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- Team #
- Job number
- JC (job complete) date

This notice requests the occupier to contact the Department's Customer Service Centre (CSC) so that arrangements can be made to enable field team access before the next visit. The CSC will record the client's details in an online property information form, which is submitted electronically to the Program's Customer Services Berrinba Team (CSB).

The Program's Customer Services Berrinba Team (CSB) will provide the client's updated details and/or booking to the Team Leader by means of the SMS system in the Fire Ant Management System (FAMS), up to and including the JC date written on the slip. After this timeframe the team has generally moved out of the area, so the CSB will make a booking for a responsive team to return to the property to carry out the required activity.

If the property is still inaccessible on the second visit, the field team will record the site as restricted or partially treated in Forage and will draw a gap coverage citing the reason the site, or part thereof, could not be treated.

Further visits to those sites will not be scheduled.

6.8 Reporting

The Program has a KPI of no more than 1% opposition to treatment annually, which is recorded in monthly reports. To aid in the reporting of activities, Operations staff are to:

- record access and contact details in Forage
- record actions on daily run sheets for the team
- record and report any safety issues and concerns to the Area Coordinator in a timely manner
- accurately draw gap coverages, citing the specific reason for the gap, in Forage
- Record *refusal* as the reason for the gap when a client has refused access, rather than client

The Planning and Quality Management team will report on gaps in treatment, and the solutions for rectifying the gap, to the No More Gaps and/or the RTR group as required. This data will also be included in Program reports. It is essential, therefore, that all work is processed and progressed to each stage of the enforced entry process accurately and in a timely fashion (refer appendix 8).

7 Responsibilities and accountabilities

Field officers	<ul style="list-style-type: none"> • ensuring all relevant resources are available for use at the time of entry • implementing departure clean down procedures when leaving any property which has agricultural production, when requested or where a biosecurity plan requires it • following procedures in an accurate, consistent, and timely manner • ensuring the safety of self and team and the public
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	<ul style="list-style-type: none"> • conduct investigations and report on any identified offences which occurred during entry • conduct appropriate enforcement responses as authorised by Compliance Coordinator
Policy Team	<ul style="list-style-type: none"> • Coordinate No More Gaps meetings

8 Related and reference documents

Details of other internal and external documents which have relevance or bearing on the activities within this Procedure are listed below:

Document type	Document name	eDOCS #
Notice	Activity Report Slip	15992375/R
Notice	Entry Notice	16009399/R
Notice	Entry Notice for Refusals	TBA
Notice	Treatment report for refusals	TBA
Notice	We urgently need to contact you slip	6196532
Standard Operating Procedure	Field Treatment and Surveillance	6736254
Standard Operating Procedure	Risk Assessment Field Guide	6740425
Standard Operating Procedure	Conducting Investigations	10090288
Work Instruction	Issuing Access Request Notices	7151232
Work Instruction	Conducting Risk Assessments	6922432
Work Instruction	Refusal of Entry Process - Compliance	16159652
Work Instruction	Cutting locks to gain entry to a Place	TBA
Proportionality Assessment	PA for Entering Places	10988099
Policy	Considering the Human Rights Act 2019 in the application of policies and or procedures	8816898



10 Document Approval

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Revision history

Version no.	Approval date	Comments
1	10/11/2020	Initial release. This SOP has been reviewed on 16/09/2020 to ensure actions and decisions can be made in a way that is compatible with human rights.
2	29/03/2022	Updated to include additional compliance enforcement steps and new field slips.
3	20/06/2022	Update to include additional compliance steps and cutting locks references, plus revisions to terminology to bring it in line with Forage.

Appendix 10 Scripting & legislative references for enforced entry

Treatment scripting for clients that have refused entry

Intention of scripting?

This scripting applies to an area coordinator or authorised officer when attempting to contact a property owner who has previously refused entry and was previously provided with an entry notice.

Introduction

My name is (*your name*), I am from The National Fire Ant Eradication Program, and I am an authorised officer appointed under the Biosecurity Act. This is my identity card (*produce, show or direct the persons attention to your identity card*).

Locating the occupier of a place

Are you the occupier of this place? or are you the person in charge of this business?

Can I speak to the owner of the house? or Can I speak to the person in charge of this place?

Informing the occupier of the purpose of the entry

As you may already be aware, the National Fire Ant Eradication Program is responsible for controlling red imported fire ants (fire ants) in Queensland. Our aim is to prevent the spread of fire ants, and to manage the pest in areas that could pose a significant biosecurity risk. Our eradication activities are focused on areas within and surrounding the fire ant biosecurity zones which are in Southeast Queensland.

Eradication treatment **must be applied** to all properties in the treatment area.

Under section 261 of the *Biosecurity Act*, authorised officers such as myself can enter places and undertake preventative treatment to destroy fire ants. I would like to undertake preventative treatment on your property.

We only require access to the outside areas of your property; there is no need for us to enter your house or buildings. The teams will only be on the property for the time required to deliver fire ant treatment. We can work with you to answer any questions you may have, and if possible, find a mutually suitable time to treat your property.

Informing the occupier that the authorised officer may enter the place without consent

Under the *Biosecurity Act*, authorised officers can enter any property without the consent of the occupier or owner of the place. However, as a courtesy I am seeking your permission.

Seeking consent

Do we have permission to enter the property to treat for fire ants?

Informing the occupier when consent is declined (at time of enforced entry)

My name is (Compliance Officer name), this is my identity card (produce, show or direct the person's attention to your identity card). I am advising you that I am entering your property (located at – address) for the purpose of undertaking treatment for fire ants, under a prevention and control program authorised by the Chief Executive of the Department of Agriculture and Fisheries, under the

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Biosecurity Act 2014. I do not require your consent to enter the property pursuant to section 270 of the Act.

Informing the occupier that it is an offence to obstruct the officer exercising powers

I am legally required to warn you that it is an offence under section 336 of the Act to obstruct an authorised officer exercising power under the Act unless you have a reasonable excuse. The offence carries a maximum penalty of 100 penalty units. A single penalty unit is \$137.85.

Informing the occupier of the steps that will be taken under the biosecurity program

Fire ant treatment is delivered by helicopter, field teams on foot with bait spreaders, blower trucks, or utility-terrain vehicles. The treatment methods we use include baiting with an insect growth regulator and/or a toxicant bait or liquid insecticide.

Treatment may require multiple applications.

After treatment, you must not water, mow or disturb the treated area for 48 hours. This will increase the effectiveness of the treatment. Under section 238 of the Act, you must comply with this direction unless you have a reasonable excuse. A maximum of 50 penalty units applies if you fail to follow a direction.

Informing the occupier of the next steps if they continue to refuse consent (to Area Coordinator or person seeking consent prior to an enforced entry)

A Compliance Officer will now visit your property, accompanied by a Queensland Police Officer, to assist with gaining access to carry out the treatment. I am issuing you with a notice of entry for refusal of treatment. Please advise me what your objections are to treatment for fire ants on your property¹⁰.

Additional reference docs

- [Aerial fact sheet](#) includes content relating to cropping and livestock.
- [Bait fact sheet](#) includes content relating to composition of the bait and safety.

Legislation references

261 Power to enter place under biosecurity program

(1) This section applies to a place situated in an area to which a biosecurity program applies.

(2) However, this section does not apply to the carrying out of an aerial control measure for biosecurity matter under [section 294](#) that is authorised by a biosecurity program in relation to a place.

(3) An authorised officer may, at reasonable times, enter the place to take any action authorised by the biosecurity program.

Notes—

¹⁰ To be recorded in Forage/FAMS for follow up by a Compliance Officer

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1See, however, the restrictions on entry under [section 259\(2\)](#).

2See [section 270](#) for the procedure for entry under this section.

336Obstructing designated officer

(1)A person must not obstruct a designated officer, or another person or a detection animal helping a designated officer, exercising a power under this Act unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(2)If a person has obstructed a designated officer, or another person or a detection animal helping a designated officer, and the officer decides to proceed with the exercise of the power, the officer must warn the person that—

- (a)it is an offence to cause an obstruction unless the person has a reasonable excuse; and
- (b)the officer considers the person's conduct an obstruction.

24General biosecurity obligation offence provision

(1)A person on whom a general biosecurity obligation is imposed must discharge the obligation.

Maximum penalty—

- (a)if the offence is an aggravated offence—3,000 penalty units or 3 years imprisonment; or
- (b)if the offence is not an aggravated offence—
 - (i)for a breach in relation to prohibited matter—1,000 penalty units or 1 year's imprisonment; or
 - (ii)for a breach in relation to restricted matter—750 penalty units or 6 months imprisonment; or
 - (iii)otherwise—500 penalty units.

(2)If the offence is not an aggravated offence, it is a defence for the person to show that the person had a reasonable excuse for failing to discharge the obligation

294Power to carry out aerial control measures under biosecurity program

(1)This section applies if a biosecurity program authorises the carrying out of an aerial control measure for biosecurity matter.

(2)An authorised officer may carry out, or direct another person to carry out, the aerial control measure for the biosecurity matter in relation to a place.



(3) The authorised officer must give notice of the proposed aerial control measure for the biosecurity matter to an occupier of the place at least 48 hours before carrying out the measure (the *notice period*) unless—

(a) the measure will be carried out from a height of more than 350 feet above the place; or

Editor's note—

350 feet is approximately 110m

(b) it would be impractical to give the notice because the measure will not be effective in controlling the biosecurity matter after the end of the notice period.

Example for paragraph (b)—

A biosecurity program authorises spraying pesticide on locusts but a swarm of locusts at a place is likely to move on before notice can be given to an occupier of the place.

Note—

Another law may require notice to be given to, or consent to be obtained from, an occupier of a place in the circumstances to which this section applies.

(4) However, if subsection (3)(b) applies, the authorised officer must make reasonable attempts to advise an occupier of the place about the aerial control measure before the measure is carried out.

(5) A notice under subsection (3) must include—

(a) a description of the biosecurity program authorising the aerial control measure; and

(b) a description of the aerial control measure; and

(c) the period during which the aerial control measure will be carried out.

(6) In this section—

aerial control measure, for biosecurity matter, means 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—

(a) surveying and monitoring the biosecurity matter.

(b) distributing an agricultural chemical to control the biosecurity matter.

airborne machine means a machine that can operate in air without carrying a person to pilot the machine.