

# **LOCAL LAW NO. 13 (CONTROL OF PESTS)**

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## PART 1 – PRELIMINARY

### Citation

1. This model local law may be cited as Model Local Law No. 13 (Control of Pests).

### Objects

2. The objects of this local law are to protect the environment against animal and plant pests for which adequate protection does not exist under other laws.

### Definitions

3. In this local law –

“**authorised person**” means a person authorised by the local government to exercise the powers of an authorised person under this local law.

“**animal**” means an organism (other than a human being) that is not a plant and includes eggs and semen.

“**declared pest**” means a plant or animal declared to be a pest under section 5 or 6.

“**plant**” means vegetation of any type, including its flowers, roots, seeds and other parts.

### Application

4. This local law does not apply to an animal that is a declared animal, or a plant this is a declared plant under the Rural Lands Protection Act 1985.

## PART 2 – DECLARED PESTS

### Declaration of pests

5. (1) The local government may, by local law policy, declare an animal or plant of a specified species to be a pest.  
  
(2) Before the local government makes a declaration under this section, it must consult with the chief executive of the Department of Lands about the desirability of the declaration.

### Emergency declarations

6. (1) If there is an urgent need for a declaration of an animal or plant as a pest to avoid or minimise an immediate risk of serious environmental harm, the local government may by resolution, declare an animal or plant of the relevant species to be a pest.

- (2)** A declaration under this section
  - (a) must be published in a newspaper circulating generally in the local governments area; and
  - (b) comes into force on the date of publication; and
  - (c) comes to an end three months after the date of publication.

#### **Application of declaration**

- 7. A declaration may apply
  - (a) to the whole of the area or in a specified part or parts of the area; and
  - (b) generally or only in specified circumstances.

### **PART 3 – CONTROL OF DECLARED PESTS**

#### **Inspection**

- 8. An authorised person may, under section 665 of the Act<sup>1</sup>, enter the land and search the land for declared plants.

#### **Notice to control declared pest**

- 9. **(1)** An authorised person may, by written notice (a “control notice”) given to the owner of the land, require the owner to take specified action to destroy or control a declared pest.
  - (2)** A control notice may, for example, require the owner to take specified action to;
    - (a) destroy declared pests on the land, or minimise the risk of an outbreak of declared pests on the land; or
    - (b) prevent or minimise seeding or reproduction; or
    - (c) contain infestation within a localised area; or
    - (d) reduce the density or extent of infestation by declared pests.
  - (3)** A control notice may require the repetition of the specified action at stated intervals or on the reappearance of the declared pest within a specified period.

#### **Obligation to comply with control notice**

- 10. The owner of land to whom a control notice is given under this local law must comply with the notice.  
Maximum penalty – 20 penalty units.

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<sup>1</sup> See Chapter 11, Parts 4 and 5 of the Local Government Act 1993

### **Local government's power to have work carried out**

11. If the owner of land fails to have work required by a control notice carried out, the local government may itself, under section 661 of the Act, enter the land and have the work carried out.<sup>2</sup>

### **Recovery of costs**

12. (1) The land owner is liable to the local government for the amount properly and reasonably incurred by the local government in having the work carried out.
- (2) The local government must give the owner an account for the amount for which the owner is liable under subsection (1).
- (3) If the amount is not paid on or before a date for payment fixed in the account, the local government may recover the amount from the owner as an overdue rate.

## **PART 4 – PROHIBITION OF SALE**

### **Prohibition of sale**

13. A person must not;
- (a) sell or supply a declared pest; or
  - (b) offer or display a declared pest for sale or supply.

Maximum penalty – 50 penalty units.

### **Local law policies<sup>3</sup>**

14. The local government may make local law policies about;
- (a) declaring animals or plants of specified species to be pests;<sup>4</sup> or
  - (b) other matters about which this local law specifically allow for the making of local law policies.

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<sup>2</sup> See section 661 of the Local Government Act 1993

<sup>3</sup> See section 464 of the Local Government Act 1993

<sup>4</sup> See sections 5, 6 and 7