

THURINGOWA CITY COUNCIL
LOCAL LAW NO. 7M (CONTROL OF PESTS)
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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 7M (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:-

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

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

“**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.

“**the Act**” means the *Local Government Act 1993*.

Application

4. This local law does not apply to an animal that is a declared animal, or a plant that 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 government’s 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 enter¹ land and search the land for declared pests.

Notice to control declared pest

9. (1) An authorised person may, by written notice (a “**control notice**”) given to the owner of 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.

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 enter the land and have the work carried out.

Powers of entry and cost recovery

- 12.(1) The local government may enter land to perform work under section 1066 of the Act.
- (2) The amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) from the owner of the relevant land under sections 1066, 1067 and 1068 of the Act.

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.

PART 5-LOCAL LAW POLICIES

Local law policies

14. The local government may make local law policies about:-

- (a) declaring animals or plants of specified species to be pests;² or
- (b) other matters about which this local law specifically allows for the making of local law policies.

Footnotes

1 For power to enter premises, see Chapter 15, Parts 4 and 5 of the Act.

2 See section 5(1).

This and the preceding 3 pages bearing my initials is a certified copy of Local Law No. 7M (Control of Pests) made in accordance with the provisions of the Local Government Act 1993, by the Thuringowa City Council by resolution dated nineteenth day of May, 1999.

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Chief Executive Officer