

Control of Pests (Amendment) Local Law (No. 1) 2006

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Part 1 Preliminary

1 Short title

This local law may be cited as *Control of Pests (Amendment) Local Law (No. 1) 2006*.

2 Local law amended

This local law amends *Local Law No.7 (Control of Pests)*.

Part 2 Amendment of Local Law No.7 (Control of Pests)

3 Amendment of s4 (Application)

Section 4-

omit, insert-

‘This local law does not apply to an animal or plant that is declared under section 36 or 37(2) of the *Land Protection (Pest and Stock Route Management) Act 2002*—

- (a) as a class 1 pest or a class 2 pest; or
- (b) as a class 3 pest that is causing, or has the potential to cause, an adverse economic, environmental or social impact on—
 - (i) land that is, or is in or adjacent to, an environmentally significant area; or
 - (ii) an environmentally significant area adjacent to the owner’s land.’

4 Amendment of s5 (Declaration of pests)

- (1) Section 5(1), ‘local law policy’-

omit, insert-

‘subordinate local law’.

- (2) Section 5(2), ‘of the Department of Natural Resources or any other statutory body having jurisdiction over the matter’-

omit, insert-

‘that administers the *Land Protection (Pest and Stock Route Management) Act 2002*.’.

5 Amendment of s8 (Inspection)

Section 8-

omit, insert-

‘An authorised person may enter¹ land and search the land for declared pests.’.

6 Amendment of s11 (Local government’s power to have work carried out)

Section 11, ‘, under section 661 of the Act, enter the land and have the work carried out’-

omit, insert-

‘carry out the work.’.

7 Amendment of PART 5 – LOCAL LAW POLICIES

- (1) Part 5, heading ‘**PART 5 – LOCAL LAW POLICIES**’-

omit, insert-

‘PART 6 – SUBORDINATE LOCAL LAWS’.

- (2) Section 14, heading ‘**Local law policies**³’-

omit, insert-

‘Subordinate local laws’.

- (3) Section 14, ‘local law policies’-

omit, insert-

‘subordinate local laws’.

- (4) Section 14(b), ‘local law policies’-

omit, insert-

‘subordinate local laws’.

¹ For power of entry, see Chapter 15, parts 4 and 5, of the *Local Government Act 1993*.

- (5) Section 14-
renumber as section 18.

8 Insertion of new PART 5 - REVIEW

After PART 4 –

insert-

‘PART 5 – REVIEW

14. Reviewable Decisions

- (1) A decision of the local government or an authorised person under the local law is reviewable unless it is –
- (a) a decision made by resolution of the local government; or
 - (b) a decision to dispose of goods that has been implemented; or
 - (c) a decision made on an earlier application under section 11.

15. Application for Review

- (1) A person who is aggrieved by a reviewable decision may apply to the local government for a review of the decision.
- (2) An application for review of a decision must –
- (a) be in writing; and
 - (b) state the reasons why the applicant considers the decision should be reviewed; and
- (3) be lodged at the office of the local government within 28 days after the day on which notice of the decision was given to the applicant or within a further period allowed by the local government (before or after the end of that period).

16. Carrying out Review

- (1) The local government must either –
- (a) carry out a review at a meeting of the local government; or;

- (b) have the review carried out by an authorised person.
- (2) An authorised person who carries out a review under subsection (1)(b) must not be the original decision maker and must be a person who is no less senior than the original decision maker.

17. Decision on Review

- (1) On completing a review, the local government may confirm, vary or reverse the decision under review.
- (2) The local government must give the applicant written notice of the result of the review.
- (3) If the local government does not decide an application for review within 28 days after receiving the application, the local government is taken to have confirmed the decision under review.’.