

**WARWICK SHIRE COUNCIL  
LOCAL LAW NO. 7  
(CONTROL OF PESTS)**

**SUMMARY OF PROVISIONS**

**PART 1 - PRELIMINARY**

1. Citation
2. Objects
3. Definitions
4. Application

**PART 2 - DECLARED PESTS**

5. Declaration of pests
6. Emergency declarations
7. Application of declaration

**PART 3 - CONTROL OF DECLARED PESTS**

8. Inspection
9. Notice to control declared pests
10. Obligation to comply with control notice
11. Local government's power to have work carried out
12. Recovery of costs

**PART 4 - PROHIBITION OF SALE**

13. Prohibition of sale

**PART 5 - LOCAL LAW POLICIES**

14. Local Law Policies

**WARWICK SHIRE COUNCIL**  
**LOCAL LAW NO. 7**  
**(CONTROL OF PESTS)**

**PART 1 - PRELIMINARY**

**Citation**

1. This local law may be cited as Warwick Shire Council Local Law No. 7 (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 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.

*Warwick Shire Council*  
*Local Law No. 7*  
*(Control of Pests)*

---

- (2) Before the local government makes a declaration under this section, it must consult with the chief executive of the Department of Natural Resources or any other statutory body having jurisdiction over the matter 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 under section 665 of the Act<sup>1</sup>, enter 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.

---

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

*Warwick Shire Council*  
*Local Law No. 7*  
*(Control of Pests)*

---

- (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 re-appearance 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, 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.

---

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

Warwick Shire Council  
Local Law No. 7  
(Control of Pests)

---

## **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<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 allows for the making of local law policies.

---

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

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