

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
LOCAL GOVERNMENT ACT 1995
SHIRE OF CUNDERDIN
PEST PLANTS LOCAL LAW 2015

Under the powers conferred by the *Biosecurity and Agriculture Management Act 2007*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cunderdin resolved on 19th March 2015, to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law is cited as the *Shire of Cunderdin Pest Plants Local Law 2015*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Definitions

In this local law, unless the contrary intention appears—

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

district means the district of the local government;

local government means the Shire of Cunderdin;

pest plant means a plant described as a pest plant under clause 2.1.

1.4 Application

This local law applies throughout the district.

1.5 Repeal

The *Municipality of the Shire of Cunderdin By-Laws Relating to Pest Plants*, as published in the *Government Gazette* on 6 November 1981, is repealed.

PART 2 – DESCRIPTION OF PEST PLANTS

2.1 Description of Pest Plants

Every plant described in the Schedule 1 of this local law is a pest plant.

PART 3 - SERVING OF NOTICES

3.1 Serving of Notice

- (1) The local government may serve on the owner or occupier of private land within the district, a duly completed notice in the form of the Schedule 2 to these local laws requiring the owner or occupier to destroy, eradicate or otherwise control any pest plant on that land.
- (2) A person served with a notice under subclause (1) shall comply with that notice within the time and in the manner specified therein.

PART 4 - OFFENCES

4.1 Penalties

Where a person fails to comply with a notice issued under clause 3.1, the local government may—

- (a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant, the destruction, eradication or control of which was required by the notice; and
- (b) recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

Schedule 1 – Pest plants

[Clause 2.1]

Common Name

Caltrop

Scientific Name

Tribulus Terrestris L.

Schedule 2 - Pest plant notice

[Clause 3.1]

No.

To

(Full name)

of

(Address)

You are given notice under the above local law that you are required to:

.....
(here specify whether required to destroy, eradicate or otherwise control)

the pest plant —

(Common Name)

(Scientific Name)

on

(here specify the land)

of which you are the

(owner or occupier)

This notice may be complied with by

(here specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than

(Date)

and shall be completed by

(Date)

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover the same in a Court of competent jurisdiction.

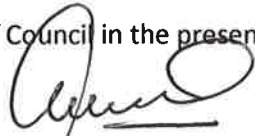
Date of service of notice:

.....
Signature of authorised person

Dated: 17th April 2015

The Common Seal of the Shire of Cunderdin was affixed by a resolution of Council in the presence of —




R C GIBSONE, Shire President.


P T NAYLOR, Chief Executive Officer.