Pest Plant Local Law

Local Government Act 1995

Council Adopted – 26 August 2013 D50/8/13
Government Gazette – 10 September 2013 No. 168
Effective Date – 1 July 2014

Amendments

Council Adoption	Government Gazette	Effective Date

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

CITY OF ARMADALE

PEST PLANT LOCAL LAW 2013

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Armadale resolved on 26 August 2013 to make the following Local Law.

PART 1 - PRELIMINARY

1.1. Citation
This local law may be cited as the *City of Armadale Pest Plant Local Law 2013.*

1.2. Commencement
This local law comes into operation on 1 July 2014.

1.3. Interpretation
In this local law, unless the context otherwise requires -
"district" means the district of the local government;
"local government" means the City of Armadale; and
"pest plant" means a plant described as a pest plant by clause 2.1.

1.4. Application
This local law applies throughout the district.

PART 2 – PEST PLANTS

2.1. Description of Pest Plants
Every plant described in the Schedule 1 is a pest plant.

PART 3 - NOTICES

3.1. Serving of a 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 requiring him 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.

3.2. Failure to comply with a notice
Where a person fails to comply with a notice under clause 3.1 served upon him, 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.

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Schedule 1 – Pest Plants

(clause 2.1)

Common Name	Scientific Name
Cotton bush	*Gomphocarpus fruiticosus*

Schedule 2

PEST PLANT NOTICE
(Clause 3.1)

No. .....

To .....

(Full name)

of .....

(Address)

You are hereby given notice under the *City of Armadale Pest Plant Local Law 2013* that you are required to.....

(specify whether required to destroy, eradicate or otherwise control) the pest plant—

……..... …….....

(Common Name) (Scientific Name)

on ……..

(specify the land)

of which you are the .....

(owner or occupier)

This notice may be complied with by ……..

(specify the 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 by the City of Armadale

_____

Dated: …….

The Common Seal of the
City of Armadale was affixed by
authority of a resolution of the
Council in the presence of –

_____ _____

HA ZELONES JP, Mayor. RS TAME, Chief Executive Officer.