

CITY OF GREATER GERALDTON

PEST PLANTS LOCAL LAW 2011

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AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

PEST PLANTS LOCAL LAW 2011

Under the powers conferred by section 110 of the *Agriculture and Related Resources Protection Act 1976*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the [insert date] to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *City of Greater Geraldton Pest Plants Local Law 2011*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed —

- (a) the *Town of Geraldton Pest Plant By-laws 1982* published in the *Government Gazette* of 3 September 1982;
- (b) the *Greenough Road Board By-law for Star Thistle* published in the *Government Gazette* of 25 May 1928;
- (c) the *Shire of Greenough Pest Plant By-laws 1980* published in the *Government Gazette* of 16 January 1981 and as amended and published in the *Government Gazette* of 30 June 1992; and
- (d) the *Shire of Mullewa Pest Plant By-laws 1979* published in the *Government Gazette* of 24 April 1980.

1.5 Interpretation

In this local law, unless the contrary intention appears —

district means the district of the local government;

local government means the City of Greater Geraldton;

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

Part 2 — Pest plants

2.1 Pest plants

Every plant described in 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 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.

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, 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

[cl. 2.1]

Common Name

Scientific Name

Box thorn
Caltrop
Fountain Grass
Golden Crown Beard

Lycium ferocissimum
Tribulus terrestris
Pennisetum setaceum
Verbesina encelioides

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Schedule 2 — Pest plant notice

[cl. 3.1]

No
To
(Full Name)
of
(Address)

You are hereby given notice under the *City of Greater Geraldton Pest Plants Local Law 2011* 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 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 person authorised
by the City of Greater Geraldton

Dated _____

The Common Seal of the)
City of Greater Geraldton)
was affixed by authority of a)
resolution of the Council in)
the presence of —)

Chairman of Commissioners

Chief Executive Officer