

LOCAL GOVERNMENT ACT 1995

**AGRICULTURE AND RELATED
RESOURCES PROTECTION ACT 1976**

SHIRE OF NORTHAM

PEST PLANT LOCAL LAW 2011

LOCAL GOVERNMENT ACT 1995
AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

Shire of Northam

PEST PLANT LOCAL LAW 2011

Under the powers conferred by the *Agricultural and Related Resources Protection Act 1976* and the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Northam resolved on 18 May 2011 to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This is the *Shire of Northam Pest Plant Local Law 2011*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*

1.3 Application

This local law applies in respect of the western side of the Avon River in the district. The western side area is indicated in the diagram in Schedule 3.

1.4 Interpretations

In this local law-

“**Act**” means the *Agriculture and Related Resources Protection Act 1976*;

“**Authorised Person**” means a person appointed by the Council under section 9.10 of the *Local Government Act 1995* 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 Northam;

“**occupier**” has the same meaning as in the *Local Government Act 1995*

“**owner**” has the same meaning as in the *Local Government Act 1995*

“**pest plant**” has the meaning given to it in section 109 of Part IX of the Act;

“**treat**” means to take action to either-

- (a) Destroy the plant so that the plant is fully and continuously suppressed and destroyed;
- (b) Eradicate the plant from the land so that the land is kept free of the plant;
- (c) Control the growth of the plant so that the plant does not spread.

PART 2 - GENERAL

2.1 Pest Plants

For the purpose of this local law, the pest plants are identified in Schedule 1.

2.2 Responsibility of owner or occupier

The owner or occupier of private land has the responsibility to treat and continuously treat pest plants to achieve the required outcome.

2.3 Required Outcome

For the purpose of this local law, the required outcome is for the owner or occupier to destroy, eradicate or otherwise control the pest plants.

PART 3 - NOTICE

3.1 Notice

The local government may serve a notice on the owner or occupier of private land within the district requiring the owner or occupier to treat the identified pest plants on the land.

3.2 Form

The notice may contain necessary information as indicated in the form in Schedule 2.

3.3 Compliance to Notice

An owner or occupier served with a notice under clause 3.1 shall comply with that notice within the time and in the manner specified in the notice.

PART 4 - OFFENCES

4.1 Failure to Comply

Where an owner or occupier fails to comply with a notice under clause 3.1 of this local law, in accordance with section 110 of the Act, the local government may treat the identified plant and recover in a court of competent jurisdiction from the owner or occupier the amount of the expense of such treatment.

SCHEDULE 1 - LIST OF PEST PLANTS

[cl.2.1]

List

Common Name

Watsonia

Scientific Name

Watsonia meriana var *bulbillifera*

Watsonia meriana var *meriana*

SCHEDULE 2 - FORM FOR NOTICE

[CL.3.2]

No.....

To _____
(full names)

of _____
(address)

You are hereby given notice under the *Pest Plant 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.

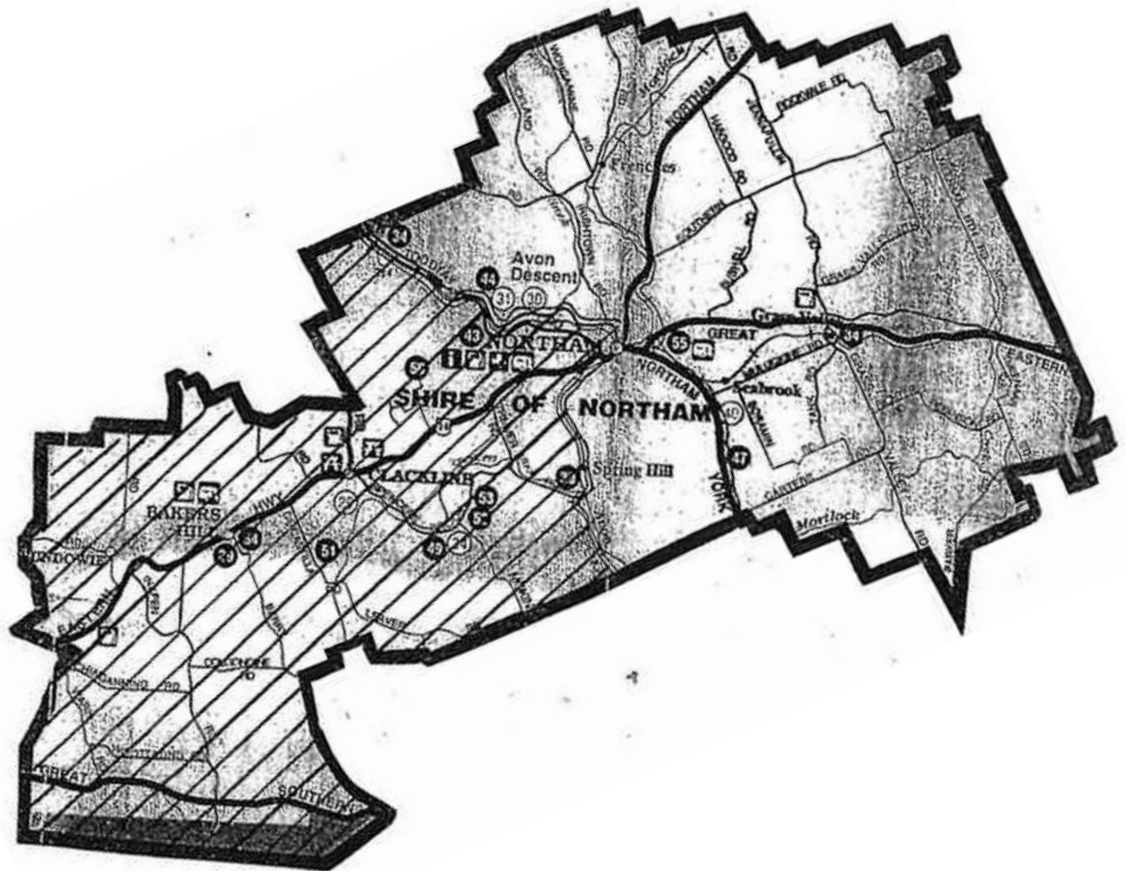
Date of service of notice _____

Signature of person authorised

SCHEDULE 3 – MAP OF AREA

[cl.1.3]

Diagram 1 – Pest plant control area



Dated: 19 July 2011

The Common Seal of the Shire of the Shire of Northam was hereto affixed by authority of a resolution of the Council in the presence of :

Cr B. POLLARD President
N.A. HALE, Chief Executive Officer