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 *Agriculture 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 Interpretation

In this local law-

- "Act" means the Agriculture and Related Resources Protection Act
- "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 that land.

3 9 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

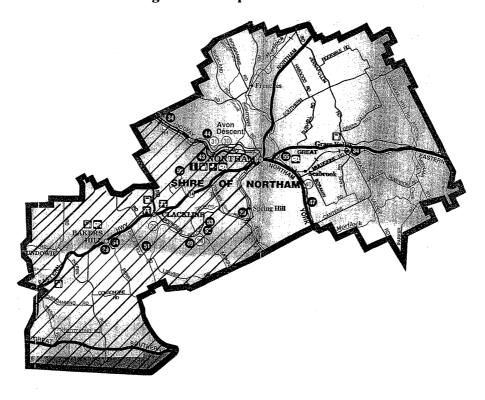
4.1 Failure to comply

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	
		List	[cl.2.1]
Common Name		Scientific Name	
Watsonia		Watsonia meriana var bulbillifera Watsonia meriana var meriana	
	SCHEDUL	E 2—FORM FOR NOTICE	[cl.3.2.]
Notice to o		owner or occupier of land	[C1.3.2.]
No			
		(full names)	
01	•••••	(address)	•••••
are required to—		inder the Pest Plant Local Law 201	_
(specify whether r	equired to d	the following polestroy, eradicate, or otherwise conf	trol)
(Common Name)		(Scientific Name)	
on	(s	specify the land)	•••••
of which you are t	he(ov	wner or occupier)	
This notice may be	e complied w	vith by	•••••
(specify man	ner of achie	ving destruction, eradication or con	itrol)
Such measures sh	all be commo	enced not later than(date)	
and shall be comp	leted by	(uate)	
_	-	(date)	
government may specified pest plan	destroy, era it at your ex	_	ny be, any
Date of service of	notice		•••••

(Signature of authorised person)

Diagram 1—Pest plant control area



Dated: 19 July 2011.

The Common Seal of the Shire of Northam was affixed by authority of a resolution of the Council in the presence of— $\,$

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