

**LOCAL GOVERNMENT ACT 1995**  
**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

**SHIRE OF HARVEY**

**PEST PLANTS 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 Harvey resolved on the 2nd August, 2011 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the Shire of Harvey Pest Plants Local Law 2011.

**1.2 Definitions**

In this local law, unless the context otherwise requires—

“**district**” means the district of the Shire of Harvey;

“**local government**” means the Shire of Harvey;

“**pest plant**” means a plant described as a pest plant by clause 2.1 of this local law.

**1.3 Application**

This local law applies throughout the district.

**PART 2—DESCRIPTION OF PEST PLANTS**

**2.1 Description of Pest Plants**

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

**PART 3—SERVING OF NOTICES**

**3.1 Serving of Notices**

- (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 Second Schedule to this local law requiring that person to destroy, eradicate or otherwise control any pest plant on that land;
- (2) A person served with a notice under sub clause (1) of this clause 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 served under clause 3.1 of this local law, 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.

**FIRST SCHEDULE**  
*PEST PLANTS*

**Common Name**

Caltrop

**Scientific Name**

*Tribulus terrestris*

**SECOND SCHEDULE**

*AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976*  
*LOCAL GOVERNMENT ACT 1995*

SHIRE OF HARVEY

PEST PLANTS LOCAL LAW 2011

**PEST PLANT NOTICE**

No. ....

To

.....  
(Full name)

of.....

..

(Address)

You are hereby 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 2nd August, 2011.

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

\_\_\_\_\_  
Cr. P.F. MONAGLE, Shire President

\_\_\_\_\_  
M.A. PARKER, Chief Executive Officer