

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

PEST PLANTS LOCAL LAW 2019

CONTENTS

PART 1 – PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Application
- 1.5 Interpretation

PART 2 – PEST PLANTS

- 2.1 Pest Plants

PART 3 – NOTICES

- 3.1 Serving of a notice
- 3.2 Obligation to comply with a notice
- 3.3 Failure to comply with a notice

**FIRST SCHEDULE
PEST PLANTS**

**SECOND SCHEDULE
PEST PLANT NOTICE**

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

PEST PLANTS LOCAL LAW 2019

**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

PEST PLANTS LOCAL LAW 2019

Under the powers conferred by the *Biosecurity and Agriculture Management Act 2007*, *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Northam resolved on 20 November 2019 to make the *Shire of Northam Pest Plants Local Law 2019*.

PART 1 - PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Northam Pest Plants Local Law 2019*.

1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Repeal

The *Shire of Northam Pest Plants Local Law 2011* published in the *Government Gazette* on 22 July 2011 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Application

This local law applies throughout the district or part thereof, as prescribed in the First Schedule.

1.5 Interpretation

In this local law, unless the context requires otherwise –

Act means the *Biosecurity and Agriculture Management Act 2007*;

Authorised Person means a person appointed by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an Authorised Person under this local law;

Council means the Council of the Shire of Northam;

district means the district of the local government;

land means land in the district and includes houses, buildings, works and structures, in or upon the land;

local government means the Shire of Northam;

notice means a notice referred to in clause 3.1;

occupier has the meaning given to it in the *Local Government Act 1995*;

owner has the meaning given to it in the *Local Government Act 1995*;

person means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder, but does not include the local government;

pest plant means a plant described in the First Schedule of this local law;

Schedule means a schedule to this local law; and

treat means to take action to either –

- (a) destroy the pest plant so that the pest plant is fully and continuously suppressed and destroyed;
- (b) eradicate the pest plant from the land so that the land is kept free of the pest plant; or
- (c) control the growth of the pest plant so the pest plant does not spread.

PART 2 – PEST PLANTS

2.1 Pest Plants

Every plant described in the First Schedule of these local laws is a Pest Plant.

PART 3 – NOTICES

3.1 Serving of a notice

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 the owner or occupier to treat any pest plant on that land

3.2 Obligation to comply with a notice

A person served with a notice under clause 3.1 shall comply with the notice within the time and manner specified in the notice.

3.3 Failure to comply with a notice

Where an owner or occupier fails to comply with a notice under clause 3.1 of this local law, the local government may:

- (a) without payment of any compensation in respect thereof, take the action that was required by the notice; and
- (b) recover in a court of competent jurisdiction the amount of the expense of the action from that owner or occupier.

First Schedule

PEST PLANTS

[clause 2.1]

COMMON NAME	SCIENTIFIC NAME	DISTRICT FOR WHICH DESCRIBED
Watsonia	<i>Watsonia meriana var bulbillifera</i> <i>Watsonia merians var meriana</i>	The whole of the district
African Love Grass	<i>Eragrostis curvula (Schrad.) Nees</i>	The whole of the district
Caltrop	<i>Tribulus terrestris</i>	The whole of the district

SECOND SCHEDULE

[clause 3.1]

PEST PLANT NOTICE

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

Shire of Northam Pest Plants Local Law 2019.

No: _____

To _____
(full names)

of _____
(address)

You are hereby given notice under the above local law that you are required to:
(specify whether required to destroy, eradicate, or otherwise control) the following 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 expense in a court of competent jurisdiction.

Date of service of notice/...../.....

Signature of Person Authorised by the Shire of Northam

Dated this 26th day of November 2019

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



A handwritten signature in black ink, appearing to read "Christopher Antonio", written over a horizontal dotted line.

CHRISTOPHER ANTONIO
President

A handwritten signature in black ink, appearing to read "Jason Whiteaker", written over a horizontal dotted line.

JASON WHITEAKER
Chief Executive Officer

