

**Biosecurity and Agriculture Management Act 2007
Local Government Act 1995**

SHIRE OF DANDARAGAN

PEST PLANT LOCAL LAW 2019

In accordance with the powers conferred by the Biosecurity and Agriculture Management Act 2007, the Local Government Act 1995 and all other powers enabling it, the Council of the Shire of Dandaragan resolved on the 22 August 2019 to make the following local law.

Part 1 - Preliminary

1.1 Title

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

1.2 Commencement

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

1.3 Repeal

The *Shire of Dandaragan Pest Plant Local Laws 2001* as published in the *Government Gazette* on 9 May 2001 are repealed.

1.4 Interpretation

In this local law, unless the contrary intention appears –

Act means the *Local Government Act 1995*;

district means the district of the local government;

local government means the Shire of Dandaragan;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

occupier has the meaning given to it by the Act;

owner has the meaning given to it by the Act;

pest plant means a plant described as a pest plant by clause 2.1 of this local law;

Regulations means the *Local Government (Functions and General) Regulations 1996*; and

Schedule means a schedule to this local law.

1.5 Application

This local law applies throughout the district.

Part 2 – Pest Plants

2.1 Pest Plants

Every plant described in the Schedule 1 to this local law is a pest plant, where it is in that portion of the district indicated in column (3) of Schedule 1.

2.2 Notice may require specified action to prevent

- (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 Schedule 2 to this local law requiring him or her 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 therein.

Part 3 - Objections and review

3.1 Objections and review

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Local Government Act 1995 and regulation 33 of the Regulations are to apply.

Part 4 - Offences and penalties

4.1 Offences

- (1) Any person who—
 - (a) fails to comply with a notice under clause 2.2(2);
 - (b) fails to do anything required or directed to be done under this local law; or
 - (c) does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

4.2 Failure to comply with a notice

Where a person fails to comply with a notice under clause 2.2 of this local law served upon him, 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.

Schedule 1 - Pest Plants

[Clause 2.1]

| (1) | (2) | (3) |
|---------------------|---|--|
| COMMON NAME | SCIENTIFIC NAME | DISTRICT FOR WHICH DESCRIBED |
| Afghan Thistle | <i>Solanum hystrix, R. Ba.</i> <i>Solanum hoplopetalum</i> | Whole of District |
| Mossman River Grass | <i>Cenchrus Echinatus</i> | Whole of District |
| Spiny Burrgrass | <i>Cenchrus Incertus</i> | Whole of District |
| Golden Crownbeard | <i>Verbesina encelioides</i> | Whole of District |
| African Boxthorn | <i>Lycium ferocissimum</i> | Whole of District |
| Doublegee | <i>Emex australis Steinh</i> | Townsites of Dandaragan, Badgingarra, Jurien Bay and Cervantes, and land which is zoned for rural development and special rural purposes under a local planning scheme |

Schedule 2 – Pest Plant Notice

Biosecurity and Agriculture Management Act 2007

Shire of Dandaragan Pest Plant Local Law 2019

No.

TO: _____ Full Name

OF: _____ Address

You are hereby given notice under the Shire of Dandaragan Pest Plant Local Law 2019 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 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 Dandaragan



The Common Seal of the Shire of Dandaragan was affixed in the presence of—

.....L. Holmes, Shire President.

.....B Bailey, Chief Executive Officer.

Dated 2019.