

Agriculture and Related Resources Protection Act 1976

Local Government Act 1995

City of Stirling

Pest Plant Local Law 2012

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Stirling resolved on 30 October 2012 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law is the *City of Stirling Pest Plant Local Law 2012*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law –

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

“**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;

“**district**” means the district of the local government;

“**local government**” means the City of Stirling;

“**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” means a plant referred to in clause 2.1;

“Schedule” means a schedule in this local law;

“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; or
- (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 plant is identified in Schedule 1.

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 plant on that land in the manner specified in the notice.

3.2 Form

A notice served under clause 3.1 must be in the form indicated in Schedule 2 and contain all necessary information.

3.3 Compliance with a 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.

3.4 Non-compliance with a notice

Where an owner or occupier fails to comply with a notice served to them under clause 3.1, the local government may –

- (a) without payment of any compensation, 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.

Schedule 1 – Pest Plants

[Clause 2.1]

PEST PLANTS

Common Name

Scientific Name

Caltrop

Tribulus terrestris

Schedule 2 – Pest Plant Notice

[Clause 3.2]

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

PEST PLANT NOTICE

No.

To

(Full name)

of

(Address)

You are hereby given notice under the City of Stirling Pest Plant Local Law 2012 that you are required to

.....

(specify whether required to destroy, eradicate or otherwise control) the following pest plant—

.....

(Common Name) (Scientific Name)

(here 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 same in a court of competent jurisdiction.

Date of service of notice ____/____/20____

.....

Signature of authorised person

Dated: 5 November 2012

The Common Seal of the City of Stirling was affixed by authority of a resolution of the Council
in the presence of –

DAVID BOOTHMAN, Mayor

STUART JARDINE, Chief Executive Officer