

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Brookton*  
**PEST PLANTS 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 Shire of Brookton resolved on 16 February 2012 to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law is cited as the *Shire of Brookton Pest Plants local law 2012*.

**1.2 Commencement**

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

**1.3 Definitions**

In this local law, unless the contrary intention appears —

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

**local government** means the Shire of Brookton;

**Pest Plant** means a plant described as a pest plant under clause 2.1.

**1.4 Application**

This local law applies throughout the district.

**PART 2 – DESCRIPTION OF PEST PLANTS**

**2.1 Description of Pest Plants**

Every plant described in Schedule 1 is a pest plant.

**PART 3 - SERVING OF NOTICES**

**3.1 Serving of Notice**

- (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 Schedule 2 requiring him 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 4 - OFFENCES**

**4.1 Penalties**

Where a person fails to comply with a notice under clause 3.1 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

[cl. 2.1]

Common Name

Caltrop

Afghan Thistle

Sorrell

Scientific Name

*Tribulus Terrestris L.*

*Solanum hystrix R. Br.*

*Solanum hoplopetalum Bitter et Summ.*

*Rumex Acetosella*

**Schedule 2**  
**Pest Plant Notice**

[cl. 3.1]

No. ....

To .....

[Full name]

of.....

[Address]

You are 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

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Dated 22 February 2012

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



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B J Coote, President



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G A Clark, Chief Executive Officer