

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

SHIRE OF KENT

PEST PLANT LOCAL LAW 2011

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Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kent resolved on 18 May 2011 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Kent Pest Plant Local Law 2011*.

2. Application

This local law applies throughout the district.

3. Definition

In this local law, unless the contrary intention appears—

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

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

“**pest plants**” means a plant described as a pest plant by clause 5.

4. Repeal

(1) The former *Shire of Kent Pest Plant Local Laws* published in the *Government Gazette* on 5 September 2000 are repealed.

5. Pest Plants

Every plant described in the First Schedule is a pest plant.

6. Serving of a 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 the Second Schedule requiring him to destroy, eradicate or otherwise control any pest plant on that land.

(2) A person served with a notice under subclause (1) of this clause shall comply with that notice within the time and in the manner specified therein.

7. Failure to comply with a Notice

Where a person fails to comply with a notice under clause 6 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

First Schedule

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976
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PEST PLANTS

Common Name

Scientific Name

Caltrop
Afghan Thistle

Tribulus Terrestris
Solanum Hystrix or Solanum Hoplopetalum

Second Schedule
AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976
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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 person authorised by the Shire of Kent.

Dated.....2011.

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

CATHERINE CROSBY
President.

PETER BENTLEY
Chief Executive Office.