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**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976****LOCAL GOVERNMENT ACT 1995****City of Joondalup****PEST PLANT LOCAL LAW 2012**

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 City of Joondalup resolved on [date] [month] [year] to make the following local law.

**ARRANGEMENT****PART 1 - PRELIMINARY**

- 1.1 Title
- 1.2 Commencement
- 1.3 Purpose
- 1.4 Effect
- 1.5 Application
- 1.6 Definitions

**PART 2 - DESCRIPTION OF PEST PLANTS**

- 2.1 Description of Pest Plants

**PART 3 - SERVING OF NOTICES**

- 3.1 Serving of Notices

**PART 4 - OFFENCES**

- 4.1 Penalties

**SCHEDULE 1**

Pest Plants

**SCHEDULE 2**

Notice

**PART 1 - PRELIMINARY****1.1 Title**

This local law may be referred to as the *City of Joondalup Pest Plant 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 Purpose**

The purpose of this local law is to prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

#### **1.4 Effect**

The effect of this local law is to require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.

#### **1.5 Application**

This local law applies throughout the district.

#### **1.6 Definitions**

In this local law unless the context requires otherwise:

“authorised person” means a person authorised in accordance with section 9.10 of the *Local Government Act 1995*;

“district” means the district of the local government;

“local government” means the City of Joondalup;

“occupier” is as defined by the *Local Government Act 1995*;

“owner” is as defined by the *Local Government Act 1995*;

“pest plant” means a plant described as a pest plant by clause 2.1 of this local law.

### **PART 2 – DESCRIPTION OF PEST PLANTS**

#### **2.1 Description of Pest Plants**

Every plant described in Schedule 1 to this local law is a pest plant.

### **PART 3 – SERVING OF NOTICES**

#### **3.1 Serving of Notices**

- (a) 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 to this local law requiring the destruction, eradication or otherwise control of any pest plant on that land.
- (b) A person served with a notice under sub clause (a) shall comply with that notice within the time and in the manner specified therein.

### **PART 4 - OFFENCES**

#### **4.1 Penalties**

- (a) Where a person fails to comply with a notice served under clause 3.1 of this local law, the local government may –
  - (i) 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
  - (ii) 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.

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

**LOCAL GOVERNMENT ACT 1995**

**City of Joondalup**

**PEST PLANT LOCAL LAW 2012**

**SCHEDULE 1**

**PEST PLANTS**

**Common Name**

Caltrop

**Scientific Name**

*Tribulus terrestris*

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**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976****LOCAL GOVERNMENT ACT 1995****City of Joondalup****PEST PLANT LOCAL LAW 2012****SCHEDULE 2****NOTICE**

No:.....

To .....

(Full Name)

of .....

(Address)

You are hereby given notice that under the *City of Joondalup Pest Plant Local Law 2012* 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 the manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than .....

(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

Dated [date of adoption]

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

T. PICKARD, Mayor.

G. HUNT, Chief Executive Officer.