

Agriculture and Related Resources Protection Act 1976

Shire of Denmark

LOCAL LAWS RELATING TO PEST PLANTS

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In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

REVOCATION

- (1) The following local laws are hereby revoked-
By-laws Relating to Pest Plants published in the Government Gazette on 21 April 1989 and 22 January 1993.

APPLICATION

- (2) The following local laws are made in substitution therefore and maybe cited as the
Local Laws Relating to Pest Plants.

INTERPRETATION

- (3) In these local laws, unless the context otherwise requires;

"**Council**" means the Council of the Shire of Denmark;

"**district**" means the district of the Shire of Denmark;

"**pest plant**" means a plant described as a pest plant by local law (5) of these local laws;

- (4) These local laws apply in respect of the district.

- (5) Every plant described in the First Schedule of these local laws is a pest plant.

- (6) i. The Council may serve on the owner or occupier of private land within the district a duly completed notice in the form of the Second Schedule to these local laws, requiring him/her to destroy, eradicate or otherwise control any pest plant on that land.
ii. A person served with a notice under sub local law (1) of this local law shall comply with that notice within the time and in the manner specified therein.

- (7) Where a person fails to comply with a notice under local law (6) of these local laws served upon him/her, the Council 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 and 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

Pest Plants

COMMON NAME

SCIENTIFIC NAME

African Love Grass
Bridal Creeper
Pampas Grass
Caster Oil Tree
Onehunga
Inkweed
Cotoneaster
Dolichos Pea
Fleabane
Sweet Pittosporum
Sydney Golden Wattle
Taylorina
Coastal (Victorian) Tea tree
Watsonia
Tree of Heaven
Doublegee
Angels Trumpet

Eragrostis curvula
Myrsphyllum asparagoides
Cortaderia selloana
Ricinus communis
Soliva pterosperma
Phytolacca octandra
Cotoneaster sp.
Dipegon lignosus
Conyza sp.
Pittosporum undulatum
Acacia longifolia
Psoralea pinnata
Leptospermum laevigatum
Watsonia sp.
Ailanthus altissima
Emex australis
Datura suaveolens

Second Schedule

Agriculture and Related Resources Protection Act 1976

Shire of Denmark Pest Plant Local Laws 1996

No.

To:
(full name)

of:
(address)

You are hereby given notice under the above local laws 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 Council may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover those expenses in a court of competent jurisdiction.

Date of service of notice:

Signature of Authorised Person:

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

Shire of Denmark

Pest Plants Local Law 2025

Under the powers conferred on it by the *Biosecurity and Agriculture Management Act 2007* and *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Denmark resolved on (insert date) to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the Shire of Denmark Pest Plants Local Law 2025.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

Local Laws Relating to Pest Plants 2008 published in the Government Gazette on 25 June 1997 is repealed.

1.5 Meaning of terms used in this local law

(1) In these local laws -

district means the district of the local government;

Local Government means Shire of Denmark;

Pest Plant means a plant described in the first schedule of this local law.

Part 2 – Pest Plants

- 2.1** Every plant described in the First Schedule of these local laws is a Pest Plant.
- 2.2** The Council may serve on the owner or occupier of private land within the district a duly completed notice in the form of the Second Schedule to these local laws requiring him/her to destroy, eradicate or otherwise control any Pest Plant on that land and any person so served shall comply with that notice within the time and in the manner specified therein.
- 2.3** Where a person fails to comply with a notice under clause 2.1 of this local law served upon him/her, the Council 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 and control of which was required by the notice; and
 - (b) recover in a court of competent civil jurisdiction, as a debt due to the Local Government, from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

First Schedule

Pest Plants

COMMON NAME	SCIENTIFIC NAME
african love grass	Eragrostis curvula
pampas grass	Cortaderia selloana
caster oil tree	Ricinus communis
onehunga	Soliva pterosperma
inkweed	Phytolacca octandra
cotoneaster	Cotoneaster sp.
dolichos pea	Dipegon lignosus
fleabane	Conyza sp.
sweet pittosporum	Pittosporum undulatum
sydney golden wattle	Acacia longifolia
taylorina	Psoralea pinnata
coastal (victorian) tea tree	Leptospermum laevigatum
watsonia	Watsonia sp.
tree of heaven	Ailanthus altissima
doublegee	Emex australis
angels trumpet	Datura suaveolens
ground asparagus / basket fern	Asparagus aethiopicus
bridal veil	Asparagus declinatus
asparagus fern / climbing asparagus	Asparagus scandens
montpellier / cape broom	Genista monspessulana
bleeding heart	Homolanthus novo-guineensis
wonga vine	Pandorea pandorana
tasmania blackwood	Acacia melanoxylon

Second Schedule

Biosecurity and Agriculture Management Act 2007

Shire of Denmark

Ref: _____

To _____
(full name)

of _____
(address)

You are hereby given notice under the above local laws 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 Council may destroy, eradicate or control, as the case may be, any specified Pest Plant at your expense.

Date of service of notice _____

Signature of person authorised by Shire of Denmark

Dated this day of year

The Common Seal of the Shire of Denmark
was hereto affixed by authority of a
resolution of the Council in the presence of:

Shire President

Chief Executive Officer