

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	<i>Eragrostis curvula</i>
Bridal Creeper	<i>Myrsiphyllum asparagoides</i>
Pampas Grass	<i>Cortaderia selloana</i>
Caster Oil Tree	<i>Ricinus communis</i>
Onhunga	<i>Soliva pterosperma</i>
Inkweed	<i>Phytolacca octandra</i>
Cotoneaster	<i>Cotoneaster</i> sp.
Dolichos Pea	<i>Dipegon lignosus</i>
Fleabane	<i>Conyza</i> sp.
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Sydney Golden Wattle	<i>Acacia longifolia</i>
Taylorina	<i>Psoralea pinnata</i>
Coastal (Victorian) Tea tree	<i>Leptospermum laevigatum</i>
Watsonia	<i>Watsonia</i> sp.
Tree of Heaven	<i>Ailanthus altissima</i>
Doublegee	<i>Emex australis</i>
Angels Trumpet	<i>Datura suaveolens</i>

Second Schedule

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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: