

LOCAL GOVERNMENT ACT 1995

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

SHIRE OF YORK

Local Laws Relating to Pest Plants

In pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it, the Council of the Shire of York hereby records having resolved on the 21st February 2000, to make and submit for confirmation by the Governor, the following local laws:-

1. These local laws may be cited as the Shire of York Pest Plant Local Law 2000.
2. In these local laws, unless the contrary intention appears –
“district” means the district of the local government;
“local government” means the Shire of York;
“Pest Plant” means a plant described as a pest plant by clause 4 of these local laws.
3. These local laws apply in respect of the district.
4. Every plant described in the First Schedule to these local laws is a pest plant.
5. (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 the Second Schedule to these local laws requiring him to destroy, eradicate or otherwise control any pest plant on that land.
(b) A person served with a notice under subclause (a) of this clause shall comply with that notice within the time and in the manner specified therein.
6. Where a person fails to comply with a notice under clause 5 of these local laws 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
Pest Plants**

Common Name
Afghan Thistle

Scientific Name
Solanum hystrix
Solanum hoplopetalum

**Second Schedule
Agriculture and Related Resources Protection Act 1976
Shire of York Pest Plant Local Laws 1983**

PEST PLANT NOTICE

To No.
.....
..... (Full name)
of
..... (Address)

You are hereby given notice under the above local laws 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 authorized person

.....
Dated this 21th day of August, 2000

The Common Seal of the)
of the Shire of York was)
hereunto affixed in the)
presence of –)

.....
GW Marwick JP, President

.....
P Marshall, Chief Executive Officer