

LOCAL GOVERNMENT ACT 1960-1981

AGRICULTURAL AND RELATED RESOURCES PROTECTION ACT 1976

The Municipality of the Shire of Wyalkatchem

By-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 abovementioned Municipality hereby records having resolved on 15 October 1981, to make and submit for confirmation by the Governor the following by-laws –

1. These by-laws may be cited as the Shire of Wyalkatchem Pest Plant By-laws, 1981.
2. In these by-laws, unless the contrary intention appears –
“Council” means the Council of the Municipality of the Shire of Wyalkatchem;
“District:” means the district of the Council;
“Pest Plant” means a plant prescribed as a pest plant by by-law 4 of these by-laws.
3. These by-laws apply in respect of the Townsites of Wyalkatchem, Korrelocking, Benjaberring and Cowcowing and the Railway Sidings of Nalkain, Gnuca and Nembudding.
4. Every plant described in the First Schedule to these by-laws is a pest plant.
5. (1) 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 by-laws requiring him to destroy, eradicate or otherwise control any pest plant on that land.
(2) Any person served with a notice under by-law (1) of this by-law 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 by-law 5 of these by-laws served upon him, the Council may –
 - (a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be any pest plant and 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

Scientific Name

Caltrop

Tribulus Terrestris

Second Schedule

Agricultural and Related Resources Protection Act, 1976

Shire of Wyalkatchem Pest Plant By-laws, 1981

PEST PLANT NOTICE

No.....

To.....
(Full Names)

of.....
(Address)

You are hereby given notice under the above by-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 Council 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 Council of the Municipality
of the Shire of Wyalkatchem.
