

City of Kwinana

Pest Plants Local Law 2026



City of Kwinana
PEST PLANTS LOCAL LAW 2026

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SCHEDULE 1 – PEST PLANTS

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Local Government Act 1995

Biosecurity and Agriculture Management Act 2007

City of Kwinana

Pest Plants Local Law 2026

Under the powers conferred on it by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Kwinana resolved on 23 September 2026 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Kwinana Pest Plants Local Law 2026*.

1.2 Commencement

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

1.3 Repeal

The *Town of Kwinana Pest Plants Local Law* published in the *Government Gazette* on 18 November 2003 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Definitions

(1) In this local law unless the context specifies otherwise —

Act means the *Biosecurity and Agriculture Management Act 2007*;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

district means the district of the local government;

local government means the City of Kwinana;

occupier has the meaning given in the *Local Government Act 1995*;

owner has the meaning given in the *Local Government Act 1995*;

pest plant means a plant described in clause 2.1 of this local law;

treat means to take action to either —

- (a) destroy the plant so that the plant is fully and continuously suppressed and destroyed;
 - (b) eradicate the plant from the land so that the land is kept free of the plant; or
 - (c) control the growth of the plant so that the plant does not spread.
- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

PART 2 – GENERAL

2.1 Pest plants

Every plant described in Schedule 1 to this local law is a pest plant. It excludes any species declared under the *Biosecurity and Agricultural Management Act 2007*.

PART 3 – NOTICES

3.1 Notices

The local government or an authorised person may serve a notice on the owner or occupier of private land within the district requiring the owner or occupier to treat the identified pest plant on that land in the manner specified in the notice.

3.2 Form

A notice served under clause 3.1 must be in the form of Schedule 2 to this local law.

3.3 Compliance with a notice

An owner or occupier served with a notice under clause 3.1 must comply with that notice within the time and in the manner specified in the notice.

3.4 Non-compliance with a notice

Where an owner or occupier fails to comply with a notice served on them under clause 3.1, the local government may —

- (a) without payment of any compensation, take the action that was required by the notice; and
- (b) recover in a court of competent jurisdiction the amount of the expense of the action from that owner or occupier.

PART 4 – OFFENCES AND PENALTIES

4.1 Offences and penalties

- (1) A person who —
- (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
 - (c) does anything which under this local law that person is prohibited from doing;
- commits an offence.
- (2) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

4.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount of the modified penalty for a prescribed offence —
- (a) for a first offence is that specified adjacent to the clause in the fourth column of Schedule 3;
 - (b) for a subsequent offence is that specified adjacent to the clause in the fifth column of Schedule 3.

4.3 Form of infringement notices

For the purposes of this local law —

- (a) the form of the infringement notice given under section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 2 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice given under section 9.20 of the *Local Government Act 1995* withdrawing an infringement notice is that of Form 3 in Schedule 2 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1 – PEST PLANTS

[clause 2.1]

Common Name	Scientific Name
Blowngrass	Lachnagrostis filiformis
Caltrop	Tribulus terrestris
Castor Oil Bush	Ricinus communis
Carnation Weed	Euphorbia terracina
Dock	Rumex species (excluding those declared species under the <i>Biosecurity and Agriculture Management Act 2007</i>)
Evening Primrose	Oenothera species (excluding those declared species under the <i>Biosecurity and Agriculture Management Act 2007</i>)
Gladiolus	Gladiolus caryophyllaceus
Lovegrass	Eragrostis curvula
Pampas Grass	Cortaderia selloana
Pigface	Carpobrotus edulis
Thistle	Carduus or Cirsium species (excluding those declared species under the <i>Biosecurity and Agriculture Management Act 2007</i>)
Perennial Veldt Grass	Ehrharta calycina
Brazilian Pepper	Schinus terebinthifolia
Black Flag	Ferraria crispa
Coastal Teatree	Gaudium laevigatum
Giant Reed	Arundo donax
Watsonia	Watsonia species
Gazania	Gazania linearis
Veldt Daisy	Osteospermum ecklonis
Freesia	Freesia leichtlinii
Sydney Golden Wattle	Acacia longifolia
Flinders Range Wattle	Acacia iteaphylla

SCHEDULE 2 – NOTICE

[clause 3.2]

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

PEST PLANT NOTICE

City of Kwinana

Ref: _____

To _____
(full name)

of _____
(address)

You are hereby given notice under the above local law that you are required to:

_____ (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 _____

_____ (specify manner of achieving destruction, eradication or control)

Such measures must be commenced not later than _____
(date)

and must be completed by _____
(date)

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control 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 City of Kwinana)

SCHEDULE 3 – PRESCRIBED OFFENCES

Item No.	Clause	Description	[clause 4.2]	
			Modified Penalty – First Offence	Modified Penalty – Subsequent Offences
1	3.3	Failure to comply with Pest Plant Notice	\$250	\$500

Dated this

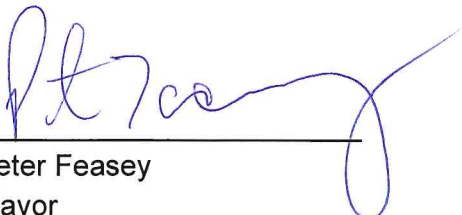
16th

day of October 2026

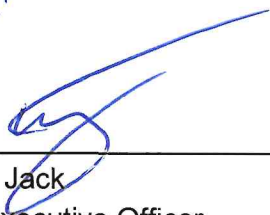
The Common Seal of the
City of Kwinana was hereunto
affixed in the presence of :

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)





Peter Feasey
Mayor



Wayne Jack
Chief Executive Officer