



ANNO TERTIO

GEORGI VI REGIS.

A.D. 1939.

No. 19 of 1939.

An Act to amend the Noxious Weeds Act, 1931-1938.

[Assented to 22nd November, 1939.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Noxious Weeds Act Amendment Act, 1939". Short titles.

(2) The Noxious Weeds Act, 1931-1938, as amended by this Act, may be cited as the "Noxious Weeds Act, 1931-1939".

(3) The Noxious Weeds Act, 1931-1938, is hereinafter referred to as "the principal Act".

2. (1) Subsection (1) of section 5 of the principal Act is amended by inserting after the word "Act" in the second line of the definition of "noxious weed" therein the passage "(whether the plant is living or dead)". Amendment of principal Act, s. 5—
Definition of "noxious weed".

(2) Section 7 of the principal Act is amended by adding at the end of subsection (1) thereof the following passage:—

A regulation declaring any plant to be a noxious weed shall not apply to any such plant when dead unless it is specifically stated by regulation that such plant when dead shall be a noxious weed.

3. Section 10 of the principal Act is amended by adding at the end of subsection (3) thereof the following passage:— Amendment of principal Act, s. 10—
Notice to council.

Any such notice may be given to two or more councils in terms requiring the councils to act together and specifying the proportion in which the expenses shall be borne by each council.

Noxious Weeds Act Amendment Act, 1939.

Amendment of
principal Act,
s. 12—
Exemptions as
to African
boxthorn.

4. Section 12 of the principal Act is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) The Governor may from time to time by regulation declare that subsection (1) shall from the date specified in the regulation cease to have operation in any part of the State specified in the regulation, and from the date specified in any such regulation subsection (1) shall cease to have operation in the part of the State specified in the regulation. The date specified as aforesaid in any regulation shall be a date which is at least twelve months later in time than the date upon which the regulation is made.

Amendment of
principal
Act—

5. The principal Act is amended by inserting therein after section 17 the following section:—

Apportionment
of cost of
clearing
noxious weeds
from unfenced
land in separate
ownership or
occupancy.

17a. (1) If—

(a) any area of land which is three acres or more in extent is owned or occupied by different owners or occupiers and there are no dividing fences defining the parts of the land separately owned or occupied; and

(b) an authorised officer acting in pursuance of the powers conferred by section 16 enters upon the land and incurs cost or expense in work to ensure the destruction of noxious weeds upon the land (including the destruction of noxious weeds upon any roads adjoining the same); and

(c) the work is carried out upon the land of each such owner or occupier,

the authorised officer may by notice published in the *Government Gazette* apportion the total cost and expense so incurred among the several owners or occupiers of the said area of land according to the proportion of the said area of land separately owned or occupied by such owners or occupiers.

(2) The amounts so apportioned shall be recoverable pursuant to section 18 as if the amount apportioned to each owner or occupier were the amount of the cost and expense actually incurred with respect to the land owned or occupied by that owner or occupier.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.