

(3) All moneys received by the Treasurer from the Board under subsection (2) of this section shall be paid by him into the Consolidated Revenue.

Moneys owing by Board to Treasurer to be a first charge on the property, &c. of the Board. *Ibid.*, s. 6.

**7**—(1) All moneys owing by the Board to the Treasurer on account of any payments made by him under section six shall be a charge upon the real and personal property and assets of the Board until those moneys have been fully paid.

(2) The Treasurer may, at any time, give to the Board one month's notice in writing of his intention to enforce payment of any moneys owing to him by the Board, and, if at the expiration of the notice those moneys remain, or any part thereof remains, unpaid, the Governor may appoint a receiver of the revenues and other income of the Board.

(3) The provisions of sections twenty-one, twenty-two, and twenty-three of the *State Loans to Local Bodies Act 1929\**, so far as they are applicable, shall apply to and in respect of a receiver appointed under this section and to and in respect of any moneys owing by the Board to the Treasurer, as if the receiver had been appointed under that Act in respect of a local body as therein defined, and as if the moneys had been moneys overdue and unpaid by the Board to the Treasurer in respect of a loan granted to the Board under that Act.

\* 20 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 615.

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## NOXIOUS INSECTS.

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No. 65 of 1951.

AN ACT to provide for the eradication, and for preventing the introduction and spread, of noxious insects; and for matters incidental thereto.

[20 November, 1951.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

**1** This Act may be cited as the *Noxious Insects Act 1951*.

**2** In this Act, unless the contrary intention appears—

Interpretation.  
Cf. 21 Geo. V.  
No. 24. s. 2.

“animal” means any member of the animal kingdom other than a human being;

“goods” includes all kinds of personal chattels (other than things in action, animals, money, and securities for money) and, whether or not they are goods by reason of the foregoing definition, includes any plant and any soil (whether containing, or adhering to, any plant or not);

“infested” means infested with any noxious insect;

“infested area” means any part of this State which is declared, pursuant to section six, to be an infested area for the purposes of this Act;

“infested premises” means any premises which are declared, pursuant to section six, to be infested premises for the purposes of this Act;

“inspector” means an inspector appointed under this Act, and includes the Chief Inspector;

“noxious insect” means—

(a) the Argentine ant (*Iridomyrmex humilis*, Mayr); and

(b) any member of the *Phylum arthropoda* which is declared by the Governor, by proclamation, to be a noxious insect for the purposes of this Act,

and includes the eggs, larva, and pupa thereof;

“occupier” includes the agent of any occupier and the manager, overseer, or person in charge, of any premises;

“plant” means any tree, timber, flower, shrub, vegetable, or other vegetation, and includes any seed, fruit, or part thereof, and any product thereof;

“timber” means timber within the meaning of the *Forestry Act 1920*\*.

**3**—(1) The Governor may appoint such and so many inspectors and other officers as he may consider necessary for the purposes of this Act.

Appointment of officers.  
*Ibid.*, s. 5.

(2) The person for the time being holding office as Chief Entomologist in the Department of Agriculture shall, by virtue of his office and without further or other authority, be the Chief Inspector for the purposes of this Act.

**4** The powers and duties conferred and imposed by this Act shall be in addition to, and not in derogation of, any powers and duties conferred and imposed by or under the *Plant Diseases Act 1930*†, the *Stock Act 1932*‡, the *Fruit*

Saving of other Acts.  
Cf. 26 Geo. V. and 1 Edw. 8, c. 49 (Imp.). s. 328.

\* 11 Geo. V. No. 60. For this Act, as amended to 1946, see Appendix B to the Annual Volume of the Statutes for 1949.

† 21 Geo. V. No. 24. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 113.

‡ 23 Geo. V. No. 54. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 129. Subsequently amended by 2 Geo. VI. No. 63. 3 & 4 Geo. VI. No. 46, 4 Geo. VI. No. 36, 11 Geo. VI. No. 71, and No. 29 of 1949.

*Board Act 1934\**, and the *Seeds Act 1950†*, and those Acts shall continue to have effect, and the powers and duties thereby conferred and imposed may be exercised and performed, as if this Act had not been enacted.

Restrictions  
on introduc-  
tion of goods,  
&c.  
Cf. 21 Geo. V.  
No. 24, s. 2.

**5** If, on the report of the Chief Inspector, it appears to the Governor that it is necessary or desirable so to do in order to prevent the introduction into this State of any noxious insect or, as the case may be, the further introduction of any noxious insect which exists or has been observed (whether before or after the commencement of this Act), at any place in this State, he may, by proclamation, prohibit (either wholly or except upon and subject to the observance of such conditions and precautions as are specified either in that proclamation or in any subsequent proclamation) the introduction into this State of—

- (a) goods or animals, or both; or
- (b) any specified class or classes of goods or animals, or both.

Restrictions  
on removal of  
goods, &c.,  
from infested  
areas or  
infested  
premises.

**6**—(1) If, on the report of the Chief Inspector, it appears to the Governor that any noxious insect exists or has been observed (whether before or after the commencement of this Act), in any part of the State or on any particular premises, he may, by proclamation, declare that part of the State to be an infested area, or, as the case may be, those premises to be infested premises, for the purposes of this Act.

(2) Where a proclamation is made under subsection (1) of this section declaring any part of the State to be an infested area or any premises to be infested premises the Governor may, either by that proclamation or by any subsequent proclamation, prohibit (either wholly or except upon and subject to the observance of such conditions and precautions as are specified, either in the proclamation containing that prohibition or in any subsequent proclamation) the removal from that infested area or from those infested premises of—

- (a) goods or animals, or both; or
- (b) any specified class or classes of goods or animals, or both.

Powers of  
inspectors.  
*Ibid.*, s. 6.

**7**—(1) An inspector may—

- (a) at all reasonable times, enter and inspect any infested premises, or any premises (whether infested premises or not) situated within any infested area, and inspect and examine those premises and any goods or animals kept therein;
- (b) with the authority in writing of the Minister, enter any premises where there are, or are reasonably suspected to be, any goods or animals which are infested, at such time or times as may be agreed upon between the inspector and the

\* 25 Geo. V. No. 49. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 180. Subsequently amended by 2 Geo. VI. No. 18, 6 Geo. VI. No. 67, No. 73 of 1948, No. 51 of 1949, and No. 26 of 1950.

† No. 4 of 1950.

occupier of the premises, or, in default of agreement, as the Minister may determine, and inspect and examine the premises and any goods or animals kept therein;

- (c) carry out, or direct the occupier of any infested premises or any premises on which any inspector has discovered the presence of any noxious insects to carry out, such measures as may be prescribed (either generally or in respect of any particular class or classes of noxious insects) for the eradication, or for preventing, or minimising, the spread of those noxious insects, and for the destruction of any nests thereof and of any infested goods;
- (d) where the presence or absence of any noxious insect or of the nest thereof cannot be conveniently or definitely determined in the place of inspection, remove any goods, or any package or container, to some prescribed place for the purpose of determining whether any noxious insect or any nest thereof is present or not;
- (e) with the authority in writing of the Minister, or upon the order of any court of competent jurisdiction, seize and destroy any infested goods and any package or container found in contact therewith; and
- (f) where any goods are, or any package or container is, found to be infested, prohibit the removal of any such goods, package, or container from the place where the same are or is found, or order the removal thereof to some prescribed place for the purpose of being treated or destroyed.

(2) If any occupier fails to comply with any direction of an inspector under this section, the inspector may do, or cause to be done, any act required by that direction, and all expenses incurred in so doing shall be paid by that occupier on demand, and, in default of payment by the occupier, shall be recoverable by the inspector by action in any court of competent jurisdiction.

(3) Any direction under paragraph (c) of subsection (1) of this section may be given to the occupier of any premises either orally or in writing, or, if the premises are apparently unoccupied and the occupier thereof cannot be found, the direction may be affixed to the premises in some conspicuous position thereon and thereupon shall be deemed to have been duly given to the occupier.

**8**—(1) The occupier of any infested premises or of any premises (whether infested premises or not) which are situated within any infested area shall take, in relation to any noxious insect known to exist on those premises or in that area, such precautions as may be prescribed (either generally

Duties of  
occupiers  
*Ibid.*, s. 9, No.  
2193 of 1984  
(S.A.), s. 7.

or in respect of the appropriate class or kind of noxious insect), or, in the absence of regulations in that behalf, as an inspector may direct, for the eradication of that noxious insect or for preventing or minimising the spread thereof, and for the destruction of any nest thereof and of any infested goods.

(2) If a noxious insect appears on any premises, the occupier of those premises shall, as soon as the fact of the appearance of that insect comes to his knowledge, notify an inspector or a police officer thereof, and shall, when so notifying the appearance of that insect, state the address or situation of the premises and such other particulars (if any) as may be prescribed.

(3) Upon receipt of any notification under subsection (2) of this section, a police officer shall forthwith advise the Chief Inspector thereof, stating the address or situation of the premises to which the notification relates, and the other particulars (if any) given to him by the person making the notification.

Protection of  
officers, &c.  
21 Geo. V.  
No. 24, s. 11.

**9**—(1) No person acting under or in pursuance of any authority conferred upon him by or under this Act shall be deemed to be a trespasser, or be liable to damages, by reason of the entry of that person upon any premises, or the removal from any premises of any goods, or by reason of anything done in good faith by that person under or in pursuance of that authority.

(2) Except in such cases, and upon such conditions, if any, as may be prescribed, no person shall have any claim for compensation in respect of the destruction of any goods or other things in pursuance of this Act, or in respect of any measures taken for the eradication of any noxious insects in relation to any premises or property of that person, or in respect of any damage caused thereby.

Offences.  
*Ibid.*, s. 12.

**10** No person shall—

- (a) import or bring into this State any noxious insect except for scientific purposes and with the prior approval, in writing, of the Minister;
- (b) import into this State, or remove or otherwise deal with, any goods, or any animal, package, or container, in contravention of the provisions of this Act or of any proclamation made thereunder;
- (c) knowingly sell, or offer or keep or expose for sale, any infested animal or infested goods;
- (d) fail to do any act or take any measures or precautions which is or are prescribed for the purposes of eradicating any noxious insect or preventing or minimising the spread thereof, or destroying any nest thereof, or any infested goods;

- (e) fail to comply with any direction lawfully given to him by any inspector pursuant to this Act; or
- (f) contravene or fail to comply with any provisions of this Act which are applicable to him:

Penalty: One hundred pounds or imprisonment for three months, or both.

**11**—(1) The Governor may make regulations prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act, and, in particular—

*Regulations.*  
*Ibid.*, s. 13.

- (a) prescribing the places at which, and the manner in which, infested goods or any packages or containers therefor, may be quarantined, examined, or otherwise treated, and declaring any place to be a quarantine for the purposes of this Act;
- (b) providing for and regulating the isolation of any building, premises, or area of land in or on which any noxious insect is found to exist, either for a specified period or until released as prescribed;
- (c) prescribing the cases in which, and the form and manner in which, notice shall be given before animals or goods are imported into the State, and the procedure to be adopted and the measures and precautions to be taken in relation thereto;
- (d) prescribing the measures and precautions to be taken for the eradication of any noxious insects and for preventing or minimising the spread thereof, and for the destruction of any nest thereof, and of any infested goods, and the persons by whom, the times at which, and the manner in which, the same shall be taken;
- (e) prescribing the fees to be charged for the inspection of any animal, goods, package, or container, or of any premises, and the persons by whom, and the times at which, the same shall be payable;
- (f) prescribing and regulating the making, hearing and determination of claims for compensation in respect of the destruction of any goods or other things in pursuance of this Act; and prescribing the cases in which, and the conditions upon which, compensation shall be payable, and the limits of compensation so payable;
- (g) prescribing penalties (not exceeding one hundred pounds) for offences against the regulations.

(2) The regulations may require the verification by statutory declaration of any notice, claim, or other document made, given, or used under or for the purposes of any of the provisions of the regulations.

- (3) Any regulation made under or for the purposes of—
- (a) paragraph (d) of subsection (1) of this section, may prescribe different measures and precautions in respect of different classes of noxious insects; or
  - (b) paragraph (e) of that subsection, may prescribe different fees in respect of the inspection of different classes of animals, goods, packages, containers, or premises, or in respect of inspections carried out in different localities or places.

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## CHRIST COLLEGE.

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No. 66 of 1951.

AN ACT to amend the *Christ College Act 1926*.  
[20 November, 1951.]

**PREAMBLE.**

WHEREAS by "The Christ College Act 1926"\* a body known as Christ College Trust was incorporated for the purpose of holding Trust property previously vested in three institutions called Christ College, The Hutchins School, and The Launceston Church of England Grammar School, and certain powers relating thereto were thereby conferred upon Christ College Trust:

And whereas it is desirable to amend "The Christ College Act 1926" by granting to Christ College Trust, in addition to the powers conferred upon it by the said Act, the further power to sell lease or otherwise alienate other lands vested

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\* 17 Geo. V. No. 66, as amended by 26 Geo. V. No. 99.