



ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2395.

An Act to amend the Noxious Weeds Act, 1931-1935.

[Assented to 6th October, 1938.]

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, 1938". Short titles.

(2) The Noxious Weeds Act, 1931-1935, as amended by this Act, may be cited as the "Noxious Weeds Act, 1931-1938".

(3) The Noxious Weeds Act, 1931-1935, is hereinafter in this Act referred to as "the principal Act".

2. Subsection (1) of section 6 of the principal Act is amended by striking out all the words therein after the words "authorised officer for" and by inserting in lieu thereof the words "the purposes of this Act for the whole State". Amendment of principal Act, s. 6—
Authorised officers.

3. Section 8 of the principal Act is amended by adding at the end of subsection (1) thereof the words "and every district council, shall at its own expense, destroy all noxious weeds upon that part of any public road in respect of which it is, under subsection (2) of section 24, not the duty of owners and occupiers of land to destroy noxious weeds". Amendment of principal Act, s. 8—
Duties of council.

4. Section 8a of the principal Act is amended by adding at the end of subsection (1) thereof the words "and on unoccupied Crown lands within the district of the council". Amendment of principal Act, s. 8a—
Subsidies.

Noxious Weeds Act Amendment Act, 1938.

Amendment of
principal Act—

5. The principal Act is amended by inserting therein after section 15 the following section :—

Simultaneous
destruction
of noxious
weeds.

15a. (1) A council may by notice published in the *Government Gazette* and in a newspaper circulating in the district of the council from time to time declare any period during which the destruction of any noxious weed specified in the notice shall be simultaneously proceeded with by all owners and occupiers of land within the district of the council.

(2) The owner or occupier of any land who does not within the period prescribed by the notice destroy all noxious weeds of the kind specified in the notice upon the said land and upon the half width of all public roads adjoining the same, shall be liable to a penalty for a first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds. If any owner or occupier is convicted by a court of any offence under this section, and the court is satisfied that such owner or occupier has at all material times used all reasonable exertions to destroy the said noxious weeds upon the said land or road, the court may enter a conviction without any penalty.

(3) The provisions of this section shall be in addition to and not in substitution for any other provisions of this Act.

(4) A complaint for any offence under this section—

(a) shall not be laid except by an authorised officer :

(b) shall be laid within six months from the expiration of the period fixed pursuant to subsection (1).

Amendment of
principal Act,
s. 24—
Exemptions.

6. Section 24 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) Nothing in this Act contained shall be construed to render it the duty of an owner or occupier to destroy noxious weeds upon the half width of any public road adjoining the land of the owner or occupier to any greater extent than a duty to destroy noxious weeds upon the public road to a width of one chain from the boundary of the land of the owner or occupier.

Amendment of
principal Act—

7. The principal Act is amended by inserting therein after section 29 the following section :—

Simultaneous
destruction
of noxious
weeds.

29a. (1) A council may by notice published in the *Government Gazette* and in a newspaper circulating in the district of the council from time to time declare any

period during which the destruction of any noxious weed specified in the notice shall be simultaneously proceeded with by all owners and occupiers of land within the district of the council, who are bound by section 27 to destroy noxious weeds on any breakwind reserve or drainage lands.

(2) The owner or occupier of any land who, being bound by section 27 to destroy noxious weeds on any breakwind reserve or drainage lands, does not within the period prescribed by the notice destroy all noxious weeds of the kind specified in the notice upon the breakwind reserve or drainage lands and upon the half width of all public roads adjoining the same, or on the part or parts thereof in respect of which he is so bound (as the case may be), shall be liable to a penalty for a first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds. If any owner or occupier is convicted by a court of any offence under this section, and the court is satisfied that such owner or occupier has at all material times used all reasonable exertions to destroy the said noxious weeds upon the said breakwind reserve, drainage lands or road, the court may enter a conviction without any penalty.

(3) The provisions of this section shall be in addition to and not in substitution for any other provisions of this Act.

(4) A complaint for any offence under this section—

(a) shall not be laid except by an authorised officer :

(b) shall be laid within six months from the expiration of the period fixed pursuant to subsection (1).

8. Paragraph (b) of section 41 is amended so as to read as follows :—

Amendment of
principal Act
s. 41—

(b) shall be laid within six months from the expiration of the time prescribed for compliance with the notice.

Time for
proceedings.

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

W. DUGAN, Governor.