**WEEDS BILL 1956**

**LEGISLATIVE COUNCIL, 6 NOVEMBER 1956, PAGE 1371**

**Second Reading**

Received from the House of Assembly and read a first time.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill repeals the Noxious Weeds Act, 1931-1939, and enacts other provisions relating to the destruction and control of noxious and other weeds. Whilst the Bill is substantially similar to the Bill introduced into Parliament last session, some alterations have been made to give effect to suggestions of local governing bodies. In general, the Bill continues the method now provided by the Noxious Weeds Act under which the primary duty of securing the destruction of noxious weeds is placed upon councils but, in addition, there is a number of other provisions intended to bring about the more effective control of weeds.

It is proposed by Part II of the Bill to establish a committee to be called the Weeds Advisory Committee. The members of the committee are to be appointed by the Minister and the committee is to have the general duty of advising the Minister upon matters arising from the administration of the Act. In addition, it is proposed that the committee shall have some administrative duties, such as acting as an appellate tribunal to which landholders may appeal against notices of councils requiring them to destroy weeds.

Clause 8 provides that the Minister may appoint what are termed Government authorized officers who will have authority to act throughout the State or within such part of the State as is specified by the Minister. Clause 9 enables councils to appoint authorized officers for their particular areas. An authorized officer is under Clause 10 given power to enter and inspect land whilst Clause 11 requires him to inform the council of any breach of the Bill which comes to his knowledge.

Clause 12 provides that, as regards the part of the State situated outside local government areas, the Minister is to have the powers given by the Bill to councils. Clause 13 deals with the position of what may be termed occupied lands of the Crown, that is, land vested in or occupied by a Minister or a Government Department. Clause 13 provides that, if any weeds are upon land of this kind and the Minister controlling the land is satisfied that the adjoining land is free from weeds or that action is being taken to clear the weeds from the adjoining land, the controlling Minister may take steps to clear the weeds from the land of the Crown under his control. As will be explained later, clause 17 provides that councils are to undertake certain obligations with respect to what may be termed unoccupied land of the Crown.

The Bill makes no provision as regards land of instrumentalities of the Crown such as the Railways Commissioner. This is the position under the present Act. It can, however, be expected that these Crown instrumentalities will take proper measures to clear weeds from their land.

Clause 14 provides that the Governorby regulation declare any plant to be dangerous weed. Any such declaration is to operate throughout the whole State.

Clause 15 provides that any plant may be declared a noxious weed either for the whole or any part of the State. As will be shown later, a stricter measure of control is proposed for dangerous weeds than is proposed for noxious. weeds. Both classes of weeds are, for the purpose of the Bill, described as proclaimed weeds.

Clause 16 imposes on councils the duty of enforcing the provisions of the Bill whilst Clause 17 specifically places on every council the duty of destroying all dangerous weeds and of destroying or controlling all noxious weeds upon land vested in it or under its control and upon all public roads and travelling stock reserves in the council’s area. The clause provides that a council may, without the consent of the ratepayers, impose a special rate on weed infested land. This provision is similar to one already in the Noxious Weeds Act.

Subclause (2) of Clause 17 provides that the council is to destroy or control weeds on all lands of the Crown within its area which are not granted, leased or occupied by any person or which are not granted to or occupied by a Minister of the Crown, Government Department or instrumentality of the Crown. Thus, this subclause will place on councils the duty of clearing weeds upon unoccupied Crown lands within their areas. However, clause 18 provides that, if this work is carried out in a manner approved by the Minister, the Minister may pay to the council the expense incurred by it. This provision for payment to councils breaks new ground. At present, the power to pay subsidies is limited to payments for the destruction of weeds on stock reserves and roads of a width of three chains or more.

As before mentioned, clause 17 places the duty upon councils to destroy weeds on public roads. The present Act provides that, in district council districts, landholders are to be responsible for weed destruction on roads abutting their land. The existing policy is continued in clause 19.

Clause 19 provides that where a district council destroys weeds on a public road, the cost is to be borne as to one half by the landholders of land abutting one side of the road, and as to the other half by the landholders of land on the other side of the road. If weeds are present only along one side of the road, the landholders of the weed free side are to be free from liability, and the cost is then to be borne by the landholders on the weed infested side of the road. As a corollary to this, subclause (2) of clause 21 gives a landholder the right to clear weeds on abutting roads.

If any of the abutting land is council property or is land of the Grown, the council is to bear the landholder’s proportion of the cost attributable to that land. Thus, as regards district council districts, the effect of clauses 17, 19 and 21 is that, whilst the council has the duty to destroy weeds on roads, the cost is to be shared by the abutting landholders and that, if a landholder keeps his side of the road free from weeds, he will not be under liability to the council. As regards land in municipalities, the position is that, as under the present law, landholders will not be responsible for the destruction of weeds on roads.

Clause 20 is similar to an existing section of the Act and provides that, in case of default by a council in enforcing the provisions of the Bill, the Minister may enforce those provisions within the council’s area. Clause 21 provides that every owner or occupier of land is to destroy all dangerous weeds on his land and is to destroy or control all noxious weeds on his land. By control is meant, under the definition in clause 5, to take measures to prevent the propagation and spread of the weed.

Clause 22 provides that the council may serve notice in writing on a landholder requiring him to take such action as is specified in the notice to destroy or control proclaimed weeds on his land. From this requisition, the landholder may appeal to the Weeds Advisory Committee which may allow or refuse the appeal or may amend the notice given by the council.

Clause 23 provides that a council may declare a period during which simultaneous destruction of proclaimed weeds by landholders is to be carried out. This provision is similar in principle to the provisions of the Vermin Act relating to simultaneous vermin destruction months. The sanctions for Clauses and 23 are provided in Clauses 24 to 26. Clause 24 makes it an offence to fail to comply with the requirements of the Bill or any notice as to destruction of weeds whilst Causes 25 and 26 enable an authorized officer to destroy weeds on default by the landholder and to recover the cost of so doing. It is realized that instances can occur where the duty imposed by the Bill on a landholder maybe impossible or extremely difficult of performance, either in whole or in part, and clause 27 therefore provides that the Minister may exempt any landholder from any such duty, either in whole or in part, but subject to such conditions as the Minister thinks fit to impose. It is provided that an exemption under this clause can only be granted by the Minister on the recommendation of the Committee.

Clause 28 provides that, for the purpose of preventing the spread of any proclaimed weed, the Minister may prohibit the movement of any animals, substances or matter of any kind from any specified part of the State to any other specified part of the State. Clause 29 provides that, if the Minister is of opinion that, for the purpose of preventing the spread of proclaimed weeds, it is desirable that trees, shrubs, plants or grasses upon any land should not be destroyed or injured, he may serve notice on the landholder accordingly. After considering any representations made by the landholder the Minister may make an order forbidding the destruction of trees, etc., on the land.

Clause 30 makes it an offence to remove any vehicle, implement, machine or equipment from any farm to any road without having taken reasonable precautions to ensure that it is free from seeds or viable portions of any proclaimed weeds. Clause 31 makes it an offence to bring into the State or to bring from one part of the State to another part any proclaimed weed or its seed.

Clause 32 provides that if an authorized officer discovers any seeds of dangerous weeds he is to seize and destroy them and that he may destroy any noxious weeds found by him. Clause 33 provides that the Minister may provide technical advice to councils relating to the destruction or control of proclaimed weeds.

The remaining clauses are machinery provisions dealing with such matters as the service of notices, hindering authorized officers in the course of their duty, the making of regulations, evidentiary provisions, and so on which are substantially similar to provisions of the present Act.

Clause 40 differs from the existing law and provides that the time for laying a complaint for an offence against the Bill shall be 12 months after the commission of the offence instead of the six months provided by the Justices Act. The Bill deals with a major problem associated with our primary industries find I therefore commend it to the consideration of honourable members.

The Hon. K. E. J. BARDOLPH secured the, adjournment of the date.