WEEDS ACT AMENDMENT BILL 1969

House of Assembly, 19 February 1969, page 3718

Second reading

Received from the Legislative Council and read a first time.

**The Hon. D. N. BROOKMAN (Minister of Lands):** I move:

*That this Bill be now read a second time.*

Its purpose is to give effect to various suggestions of the Weeds Advisory Committee that are designed to render the provisions of the Weeds Act more effective. The provisions of the Act, which deals with the destruction and control of dangerous and noxious weeds, are, of course, of vital importance to agriculture in this State. Since the Act was last amended, it has been found inadequate in certain aspects of its operation, and the present Bill is designed to repair that inadequacy.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 amends the definition of “area” to include the areas under the jurisdiction of such authorities as the Whyalla City Commission and the Garden Suburb Commissioner, which have not hitherto fallen within the definition. A corresponding alteration is made to the definition of “council”. Clause 4 amends section 11a of the principal Act, which provides for the Government to subsidize the employment of the local authorized officers who carry out weed control. As a large annual expenditure is now involved in subsidizing the salaries of authorized officers, the Weeds Advisory Committee has recommended a greater measure of control over this expenditure.

Subsection (4) is amended to provide that the employment of an authorized officer may be subsidized if he is employed for at least 50 days in the year instead of 60 days as at present. New subsections (4a), (4b) and (4c) are inserted in the section. New subsection (4a) provides that, where two or more authorized officers are employed at the same the council must obtain Ministerial approval for the employment of the additional officers in excess of one, if a subsidy is to be paid in respect of their salaries. New subsection (4b) requires the council to keep records of the time spent by authorized officers in their employment and of the nature of the duties performed by them. New subsection (4c) provides that a subsidy to a council may be withheld if it is not exercising proper diligence in the destruction and control of proclaimed weeds.

Clause 5 makes formal amendments to section 17 of the principal Act. Clause 6 amends section 19 of the principal Act. The section is expanded to include all councils, instead of being confined to district councils as at present. This should encourage better weed control in municipalities surrounded by agricultural land. These areas are currently presenting some of the most difficult weed control problems in the State. The provision that the cost of weed control along public roads is to be borne by the landholders whose property abuts the road rateably, according to the frontage of the property, has been found impracticable. The only fair and practical method of charging landowners for the destruction of weeds along the frontage of their property is to measure the amount of weed poison used in destroying the weeds. Thus, the old provisions for assessing the liability of a landowner are struck out and a new provision is inserted, making the owners and occupiers of land abutting a public road liable for the actual expense of destroying the weeds along the frontage of their property.

The present subsection (5), which is no longer necessary in view of the expanded definition of “council”, is struck out and a new subsection (5) inserted empowering a council where it is just to do so, with the approval of the Minister, to exempt a landowner wholly or partially from his liability under the section. The Weeds Advisory Committee has found that in some areas (for example, areas near silos) the roadsides are subjected to severe weed invasion, which has become discouraging and costly to adjoining landowners. In such cases it is considered that there should be a discretion to remit the charges under the section. Clause 7 makes a decimal currency amendment to section 24 of the principal Act. Clause 8 enacts new section 36a of the principal Act. This section makes the charges that are recoverable from the owner or occupier of land under the Act a charge on the land. This provision corresponds with provisions in Weeds Acts in other States and with provisions in our own Land Tax Act, Waterworks and Sewerage Acts and Local Government Act in relation to rates and charges imposed under those Acts.

Mr. CASEY (Frome): I do not want to delay the passage of the Bill. I had a good look at it over the last weekend and early this week, and I discussed this matter with members of the Opposition, who are satisfied that its provisions are satisfactory in every way. I therefore have much pleasure in supporting the Bill.

The definition of “council” will now include corporations as well as district councils which, I think, is a move in the right direction, because many municipalities in the past have been over-infested with weeds and there has been no adequate control to safeguard the owners of adjoining agricultural land from seeds blowing in from the infested areas. Weeds have become a major problem to the agricultural land in this State, and anything we can do to minimize their effects will be of definite benefit to the agricultural industry. Bringing municipalities under the definition of “council” is a step in the right direction.

Another amendment with which I agree is that the landholder will now be charged for the cost of poison used to combat weeds. It was difficult in the past to assess what the rate should be, but it will be fair to everyone that the charge to the landowner abutting the road will be the cost of the weed poison used. Another good provision is that which gives councils power to remit charges made against landowners in cases where they are not responsible for the infestation of weeds along a particular section of the property, particularly when it is near a silo. Much of our countryside near silos is subject to heavy weed infestation, which is often caused by the trucks used to cart grain.

When a charge for weed control is made by a council on the owner of a property and the property is sold, the charge automatically transfers to the new owner. Under the pro­visions of various Statutes, certain costs become a liability to the new owner, but I consider that the council should automatically notify the new owner that a charge has been made against him. I ask the Minister of Lands to ensure that the Minister of Agriculture will direct councils to notify the new owners of any liability under this legislation, because purchasers should be protected as much as possible. I support this Bill, which is essential to protect our agricultural country. We do not have a large area of fertile land so we must make as much use as we can of what we have, and the best way to do this is to clean up weeds as quickly as possible with the least liability to the owners of properties.

Mr. FERGUSON (Yorke Peninsula): I, too, support the Bill. I would support any measure that would assist in eradicating weeds. I disagree with the suggestion made by the member for Frome that the council should notify the purchaser of a property of any money owing for the cost of weed eradication. Acts dealing with water rates and council rates make it incumbent on the purchaser to inform himself whether any rates are owing on the property. I cannot see why the council should have to notify an intending buyer in this instance.

The Hon. B. H. Teusner: They would not know who he was.

Mr. FERGUSON: Of course not. As the intending buyer must inquire whether any water or council rates are owing he should also inquire about what is owing for weed eradication.

*[Sitting suspended from* 6 *to* 7.30 *p.m.]*

Mr. RYAN: Mr. Speaker—

The SPEAKER: The honourable member cannot ask a question now.

Mr. RYAN: I do not know whether it is correct to raise a point of order or how I can get around the problem—

The SPEAKER: The honourable member will have to wait. The member for Yorke Peninsula.

Mr. FERGUSON: Requiring a council to notify an intending purchaser of land in regard to moneys that may be owing on that land could put the council in a difficult position. In some cases, half a dozen local people may intend to purchase a certain piece of land and, in others, 20 people living a long distance away may be intending purchasers. How would a council know who was the intending buyer in these circumstances? I hope that we shall have a provision similar to those provisions in respect of council and water rates and that the onus will be on the purchaser to ascertain whether any encumbrances exist. Although I agree totally with the member for Frome that weeds around silos must be eradicated, I suggest that it is more important first to eradicate weeds in the paddocks. This would beto primary producers’ benefit, because in some cases they would be able to deliver to the Wheat Board grain that might otherwise not be saleable. I would then suggest that the operation, having started in the paddock, be continued in the areas around silos and in railway yards.

Mr. EVANS (Onkaparinga): In supporting the Bill, I should like to refer to some of the problems existing in the Adelaide Hills, particularly now that we have the Planning and Development Act, which restricts the subdivision of certain areas and prohibits it in respect of the hills face zone. The areas to which I refer contain a poor type of soil that is not profitable for agriculture. Many of the areas concerned are heavily infested with noxious weeds and are inaccessible, especially just over the range, so it is practically impossible for landholders and councils to try to eradicate the weeds. I include in this area the Cleland Wild Life Reserve and the reserves of the Engineering and Water Supply Department at Mount Bold and Happy Valley. Although the Happy Valley area is easy to control, the Mount Bold area is practically impossible, and the problem will increase when a new reservoir is constructed on the Onkaparinga River. It is easy to say to the landholder, “You must pay for the clearing of weeds,” but is this a fair thing when Government land adjoining his property may be covered with noxious weeds? I would say that it is impossible to take all noxious weeds off the land. The prevailing winds cart seed over a wide area on to adjoining farm land. We must consider owners of properties adjoining Government reserves, and at least give them fair consideration when it comes to Government action. The State must do everything it can to control noxious weeds. As the years go by the position will be more difficult in the Adelaide Hills where large building allotments are becoming the order of the day. Within the next 10 years I believe we will have to alter the legislation to deal with this problem.

Mr. McANANEY (Stirling): The Bill is a step in the right direction by providing powers so that charges need not be enforced. Councils are often responsible for taking rubble and other metal to roads; seeds of noxious weeds are put there. Then they come along and spray and the farmer has to pay. I hope that in future landholders will not have to pay for the destruction of noxious weeds. Provided a farmer’s own place is cleared, he should not be responsible for destroying noxious weeds on the roads that emanate from other sources. As I believe the Bill is in the interests of justice, I support it wholehearted.

Mr. GILES (Gumeracha): I, too, support Bill. We have many problems in South Australia now because noxious weeds were not effectively controlled earlier. Recently, when travelling between Cummins and Edillilie, I noticed on the side of the road a few African daisies. I thought then that if these were controlled at once they would not spread into valuable farming land. I reported what I had seen to the Clerk of the council at Tumby Bay and he assured me that the council was constantly aware of the situation and hoped to be able to do something about it. In the Adelaide Hills green belt people are not allowed to divide areas into blocks of less than 10 acres. Many blocks of land have a small section that is arable and the rest is too steep to walk on let alone try to cultivate.

In these inaccessible stretches of land there is infestation of blackberries, furze, African daisies and other noxious weeds, and it is difficult to control such areas. I believe there is merit in the suggestion that a buffer zone be declared around the more accessible areas of the Adelaide foothills. In this zone every effort could be made to control noxious weeds so that they would not spread into valuable agricultural and horticultural areas outside the buffer zone. I believe the Minister should examine this suggestion because, if African daisy is not controlled more closely, we will soon find much of our good agricultural and horticultural land infested with these undesirable noxious weeds and it will become useless.

Many of the weeds found on the road are not the responsibility of the adjacent landholders. Often trucks carting hay and so on cart noxious weed seeds also. These seeds are also carried on the bumper bars of cars and on other similar places, and these vehicles are responsible for noxious weeds being found in these places. We are placing the responsibility on the landholder, and I stress the necessity of getting rid of all noxious weeds.

Mr. ALLEN (Burra): I support the Bill. Amendments to legislation become necessary from time to time, because anomalies are found. This is particularly so in the case of the Weeds Act, which has operated since 1956, and these amendments will improve the Act. I understand that provision will be made for a minimum charge and that the suggestion about that came from my district, where we have the noxious weed St. John’s wort, which originated in the Penwortham area. This plant, when in flower, is conspicuous by its orange colour, and it is about 2ft. high. It is spreading as far north as Gladstone and as far south as Rhynie. The Clare District Council is having trouble controlling the weed, although a weeds officer checks on small outbreaks. The Clerk of the council has made the following statement on the matter:

It is, however, too common for people to bother to report small infestations and the only successful way of controlling is to inspect all roads at flowering time and to spray as and when found. As part of this campaign, on December 3, 1968, the weeds officer inspected a number of roads and travelled 62 miles. He sprayed three plants adjacent to one property, taking about five minutes. At the next stop he sprayed about 20 plants over some several hundreds of yards. These were adjacent to a council property, so costs were not recoverable. He then sprayed two patches adjacent to another property taking five minutes (approximately) each. The last for the day was a small patch adjacent to another property; again five minutes. Cost of LV 57 used was about 18c. How should these be dealt with? Should each stand same travelling costs?

The time spent by the Clerk in working out the cost of this spraying would be considerable, and the council thinks that a minimum charge of $1 will overcome the difficulty. This charge would encourage a landholder to attend to small infestations, because otherwise he might be called on to pay $1 for the eradication of three plants. He will be encouraged to keep an eye out in future and try to eradicate an outbreak. Regarding remarks that have been made about land for which the Government is responsible, in my district the Railways Department and Engineering and Water Supply Department have co-operated admirably with the councils, and we have no complaints about Government undertakings.

Mr. HUGHES (Wallaroo): I would not have spoken but for the misunderstanding by members opposite of statements made by the member for Frome (Mr. Casey) this afternoon. After the dinner adjournment the member for Yorke Peninsula (Mr. Ferguson) added to that misunderstanding by saying that he did not think that councils should tell a prospective buyer of land that money was owing for work done by councils to eradicate noxious weeds. What the honourable member for Frome meant (and I understood him well, but apparently members opposite were not listening) was that, when a prospective purchaser of land inquired at the council office as to what rates (including water rates) were owing on the land, the clerk or the official in the office at the time could also advise him that money was also owing to the council for work it had carried out.

Mr. Ferguson: It’s a good job the member for Frome has a good interpreter.

Mr. HUGHES: It is a pity the honourable member for Yorke Peninsula was not listening carefully, as I understood what my colleague meant. There was no need for the member for Yorke Peninsula to say twice that it was unnecessary for the council to inform anyone of this, because when the member for Angas interjected, he said, “How would they know?” They would not know unless they made inquiries. A prospective buyer would not know, but it is the normal thing that, when a person in a certain district is interested in the purchase of certain land, he would inquire. The only thing the member for Frome meant was that the person should be given this additional information. The member for Frome, as a former Minister of Agriculture, would know that it would not entail very much more work for the council official to pass on this information.

Mr. Burdon: It would be only a matter of common courtesy.

Mr. HUGHES: Of course it would, and that is what the member for Frome was trying to convey to the Government members.

Mr. McKee: The land agent might know this.

Mr. HUGHES: Yes, but he is not obliged to tell the prospective purchaser.

The SPEAKER: Order! The honourable member cannot have a conversation with the honourable member for Port Pirie.

Mr. HUGHES: I bow to your ruling, Mr. Speaker, but I do refer to my friend for legal advice, which he gives me free of charge. However, on this occasion I do not need any advice because it is clear what the member for Frome (Mr. Casey) meant. I sincerely hope that that matter has been cleared up in the minds of the member for Yorke Peninsula (Mr. Ferguson) and the member for Angas (Hon. B. H. Teusner). Clause 6 is a good provision; I live in a corporation district, and I know that noxious weeds grow on land fronting the various sides of Wallaroo as vigorously as they grow on other land. Consequently, this amendment, which brings in corporations as well as district councils, is good, because certain money is made available by grant or subsidy to the various councils to enable weeds inspectors to police this matter.

This provision will give a greater opportunity for noxious weeds to be controlled, and it give the departmental officers more authority in carrying out their work. Undoubtedly corporations will give the same assistance that the various councils have given for a long time. The Bill provides that a council may receive a subsidy if an authorized officer is employed for at least 50 days in the year instead of 60 days as at present. This, too, is a good provision. Any Government, irrespective of its political affiliations, should have quite a say in how this money is spent in controlling noxious weeds. By reducing the period to 50 days, there will be an improvement in weed control in this State.

I agree with the member for Yorke Peninsula that the right place to control weeds is in the paddock, and that we should not wait until they are around the silos. I know from practical experience that in carting gram various weeds are dropped along the roads leading to the silos. If there was more effective control in the paddock this would not happen. I support the Bill.

Mr. HUDSON (Glenelg): Some protest should be registered about the way in which the Opposition is being treated. I asked the Minister for a copy of the Bill and was told that it was not available. He also said that he did not have a copy of the second reading explanation. I have just been provided with a copy of the Bill.

The Hon. D. N. Brookman: I was informed that your Party wanted to go on with the debate.

Mr. HUDSON: We want to discuss certain features, and the Minister should be able to organize the affairs of his department so that printed copies of a Bill introduced on the second last day of the session were available. That would be common courtesy.

The Hon. Robin Millhouse: But your people wanted to go on with it.

Mr. HUDSON: Surely the business of the House could be arranged in such a way that a minor Bill such as this—

The Hon. Robin Millhouse: Who does lead your Party?

Mr. HUDSON: —could be introduced and a printed copy made available to members when it was introduced.

The SPEAKER: Order! The honourable member cannot pursue that line of argument: it is not in the Bill.

Mr. HUDSON: It is a matter of courtesy. The substantive matter that I wish to discuss concerns the change made by clause 8, which enacts new section 36a and which now effectively means that it is possible for any council to proceed against subsequent owners of land for moneys owing, whereas under the existing Act this was not possible. I am not altogether satisfied with the assurances given about intending buyers of the land always being informed. I ask leave to continue my remarks.

Leave granted; debate adjourned.

*Later:*

Mr. HUDSON: When the House adjourned for the conference, I was referring to the provision in clause 8 that enacts new section 36a and enables a council to obtain from the subsequent owner any sums owing as a result of moneys expended by the council for the eradication of weeds before the property changed hands. The only substantial reason offered for the change is that it may induce councils to spend more money on eradicating weeds. Personally, I doubt that it would have this effect. It seems to me that the only change introduced is that the loser, should there be any moneys owing, will no longer be the council but the new owner of the land, and this change is being introduced in a way that is unlikely to produce the desired effect.

I agree that it may be worthwhile to give this a try, but I think members should be clear that, if this does not work and does not result in councils being much more active than they have been in the past, some other method of trying to achieve the result should be considered. I do not believe that the assurance that councils will be informed that they should notify any intending buyer of land that certain debts are owing on that land on account of the provisions of this legislation is a guarantee that all intending buyers will be informed.

Mr. Riches: How can a council notify them if it does not know who they are?

Mr. HUDSON: Quite. No guarantee can be given by the Minister or any member of this House that where an intending buyer approaches the council and inquires about the rates the council officers will necessarily remember to inform him of other debts against this land. We will be relying purely on the efficiency of the council officers. No clause in the Bill requires the council to inform intending buyers.

I believe the Minister said that councils would be written to and requested to make sure that intending buyers were informed, should they approach the council, about any debts owing to the council on the land. We are relying for this protection to the intending buyer not on the Minister writing his letter, but on the efficiency with which council officers carry out their job. In many cases intending buyers may not be informed of moneys owing.

Anyone who travels around South Australia is aware of the problems that exist with weeds and the fact that insufficient eradication measures are taken, but I do not consider that this measure will give to councils the necessary interest to ensure that adequate eradication measures are taken. I think all that is likely to result is that, whereas in the past some loss was borne by a council because it was unable to collect moneys owing by a previous owner of land, this loss will in future be borne by a subsequent owner, not by the council. It is possible that, under this Bill, a council will have to wait a long time for repayment of money spent, and that may well be why councils will not be stimulated to meet additional sums in any one year under this heading, because they will have no real expectation of recovering the money quickly enough. I hope that, if what I have said eventuates, further consideration will be given this matter and a more appropriate method of dealing with the problem evolved.

Mr. EDWARDS (Eyre): I support the Bill. The growth of noxious weeds along our roads and highways is increasing. When one travels from the city, one sees such weeds as Bathurst burr, horehound and saffron thistle, as well as many other types. There is more saffron thistle on roadsides this year than there has been in any year that I can remember. Further, onion weed abounds on roadsides, to say nothing of Ward’s weed and false caper. Much of this weed growth spreads from roads to neighbouring paddocks and neglect of land by the persons responsible results in the further spreading of the pest. I suggest that councils, farmers or joint owners of property band together to eradicate weeds. The problem is not always one for the councils. Although it is a council problem on extremely wide roads, many landholders are to blame for allowing the weeds to spread. We can eradicate weeds if we try.

The Hon. D. N. BROOKMAN (Minister of Lands): I thank members for their consideration of the Bill. Before dealing with details, I wish to refute the unjust criticism made by the member for Glenelg (Mr. Hudson) before the House adjourned, when he suggested that I was trying to push this Bill through against the wishes of the Opposition and without having copies of the measure available. The honourable member knows that, towards the end of a session, there is always an accumulation of Bills, many of which are important but do not call for lengthy debate. In the last two days the Minister of Agriculture has sent to me four Bills for which I have had to be responsible here.

I have never tried to push Bills through against the wishes of the House. I have always approached the Opposition to find out its reaction to my taking a Bill through its various stages without delay. This request has not been refused in any instance. I approached more than one member of the Opposition about this Bill and was given to understand that, although there was a problem, there was not an objection that would prevent our going ahead with the debate. The debate proceeded, with members from both sides participating, and it was constructive until the member for Glenelg threw everything into doubt by saying that I was trying to push the measure through.

Mr. Hudson: You might have made some effort to—

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: All I was trying to do was to get the agreement of members of the Opposition who might be interested in the Bill, who were men of their word, and who would carry out what they told me. I do not blame those members because what they told me turned out to be wrong information! I blame the member for Glenelg, who is always the first member to throw abuse at the Government. When looking for a few words to describe his action tonight, I turned up his comment on the occasion when he had the nerve to describe the front bench of the Government as members who were putting over a dirty, rotten, crooked deal. That statement was most unjust, as was proved by subsequent actions of the Government. The honourable member said that he had been double dealt. Now he says that I am trying to do some manoeuvring that is against the democratic practices of the House.

Mr. Hudson: I never used that phrase. I—

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: The honourable member knows well that interjections are out of order and he has to listen to this. We have listened to this talking machine—

The Hon. D. A. Dunstan: All you can do is winge.

The SPEAKER: Order! Interjections are out of order. The Minister is replying. These allegations have been made and I consider that the Minister has the right to reply to them.

The Hon. D. N. BROOKMAN: I have appreciated the co-operation that I have received in my dealings with the Opposition and this is the first time that someone has complained about what I have been trying to do. Each of the Bills that I have mentioned to the Opposition is justified, and none has been opposed by the Opposition, although points have been raised and doubts about certain aspects have been mentioned. That is fair enough, but I do not like being accused of trying to push legislation through unfairly. If members of this House want to insist that Standing Orders be observed and that the stages of a Bill be carried through as set out, I will need an extreme emergency before I urge that any other action be taken. However, when common sense is required, I do not expect a complaint, and I do not like such a complaint coming from a person who is calling the kettle black, while being a very black kettle himself.

The main debate on the Bill has been about the charge being made on the land for work done by the council instead of being made against the landowner. The member for Frome (Mr. Casey) was the first to raise that matter, and several other members have discussed it since. This matter was also mentioned in the other place and I will read what the Minister of Agriculture said in satisfying the other place that this legislation was sound. My colleague said:

I will give an undertaking that, through the Minister of Local Government, we will notify all district councils of amendments made here, and also ask district councils that, when information is sought, it be freely given. I think this should be a recurring thing every 12 months or so and that a reminder notice should be sent out to councils about it.

That is what the Minister said. There is no undertaking that councils will definitely inform intending buyers of land about a charge on that land. In fact, in most cases they would not know until the transaction had been completed that the land was changing hands. So, the Minister has done the best he can do in this respect. This provision was satisfactory to another place, and I believe it is satisfactory to most members here. It is quite legitimate for members to raise doubts about its effectiveness. If it later turns out not to be effective, I agree that the legislation should then be reconsidered.

This has been asked for by the Weeds Advisory Committee and, in doing so, it has discussed this matter with the Local Government Association. The committee is a very responsible organization which has been in operation since the enactment of the Weeds Act in 1956. In general, the situation and the committee’s operations have been improved as a result of that Act. Therefore, I think we might check its features in this respect and accept the matter as it stands. If there is any obvious failure in the legislation, it should be reconsidered later.

The other matters raised by members were, I think, of a more general nature. One or two members referred to the occurrence of weeds on Government land. This matter is frequently and, I think, justly raised. No-one would pretend that Government land is free from weeds, and no-one would be rash enough to forecast that it will be free from weeds in the future. I do, however, maintain that weed control is the responsibility of everyone who owns or occupies land, and I agree in that respect with the member for Eyre (Mr. Edwards). It is the responsibility of everyone, not simply of one group or another. If we are, in effect, to expect the Government to clean up every weed on its land before it can tell anyone else to clean up his weeds, then obviously we will not make any progress at all. If every weed problem in this State was tackled at the same time with complete effectiveness, there would not be enough money in the State to deal with it. No landowner could do it and no organization could do it.

Weeds such as African daisy in national Parks and in rocky scrub country just cannot be effectively eradicated quickly. The best that can be done is to tackle them methodically and, in the first place, to check their spread. There are many other weeds which vary in different climates and have different effects. All these pose problems. In general the State is showing an awareness of the weed problem, and in many areas the position has been vastly improved. Certainly the Lower South East has improved tremendously in this respect over the last few years. This Bill, small though it is in some respects, will nevertheless be a useful weapon in furthering the campaign against weeds.

Mr. HUDSON (Glenelg): Mr. Speaker, I ask leave to make a personal explanation.

The SPEAKER: Not at this stage.

Mr. HUDSON: Mr. Speaker, I draw your attention to Standing Orders 137 and 141.

The SPEAKER: Are you raising a point of order?

Mr. HUDSON: Yes, the point being that Standing Order 141 provides:

A member who has spoken to a question may again be heard, to explain himself in regard to some material part of his speech, but shall not introduce any new matter, or interrupt any member in possession of the Chair.

Standing Order 137 provides:

By leave of the House, a member may explain matters of a personal nature . . .

Under these Standing Orders I put to you, Mr. Speaker, that it is in order for me at this point to seek leave to make a personal explanation.

The SPEAKER: I will give the honourable member an opportunity of seeking leave of the House to make a personal explanation, but I say it is most unusual at this stage of the debate.

Leave granted.

Mr. HUDSON: I have an interest in certain matters in this Bill. I went to see the member for Wallaroo (Mr. Hughes) because I heard he was next to speak, and I wanted to see whether he could make available to me a copy of the Bill or a copy of the Minister’s second reading explanation. Because the honourable member wanted to use that material, he was not able to make those things available to me. I then approached the Minister and asked him to make a copy of the Bill available to me and he said he did not have one. It is an extraordinary situation indeed when the Minister is seeking the Opposition’s co-operation yet copies of a Bill cannot be made available to it. My complaint was that no copy of the Bill was made available to me when I requested it. The Minister implied that other members of the Opposition were men of their word but that I was not, and I just throw that completely back in his face.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—“Interpretation.”

Mr. HURST: What is the number of the Bill?

The CHAIRMAN: Order! I think a copy will be provided for the honourable member.

The Hon. D. N. BROOKMAN (Minister of Lands): I understood members of the Opposition were happy about putting this Bill through. If they are not happy about it, I am willing to report progress and suspend consideration of the Bill. I should like to get it through this session. If I do not do so, I shall make quite certain that everyone interested in it knows why it did not go through.

Mr. HUDSON: On a point of order, Mr. Chairman, what clause is the Minister speaking to?

The CHAIRMAN: I am about to put clause 3. The Minister will have to refer to clause 3.

The Hon. D. N. BROOKMAN: Clause 3 is included in a Bill which I understood everyone in this Committee wanted passed.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—“Statutory charge.”

Mr. HUDSON: Although the Minister intends to tell councils that at least they have a moral obligation to inform intending buyers of any charges that may lie against the land as a result of the operation of this Act, some buyers may not be informed. Can the Minister assure me that, if this provision becomes a problem and complaints are received from intending buyers who subsequently purchase and discover debts against the land but had not been told of the charges owed for the destruction of weeds, an amendment will be introduced to protect the position of the intending buyer more fully than it is protected now? This clause shifts from the council to the subsequent owner of the land the problem of getting back money owed by a previous owner of the land.

The Hon. D. N. BROOKMAN: The Minister of Agriculture is responsible for this legislation, and I repeat what he said concerning this matter:

I will give an undertaking that, through the Minister of Local Government, we will notify all district councils of amendments made here and also ask district councils that, when information is sought, it be freely given. I think this should be a recurring thing every 12 months or so and that a reminder notice should be sent out to councils about it.

In these circumstances I am sure that councils will act upon this, because the advice will probably go on rate notices, and the information would be freely available if anyone asked for it. However, it is possible that someone will not receive this information and that landtransactions will take place without the knowledge of the council and without the buyer inquiring. Obviously, someone will buy land and find later that there is a charge upon it, and I cannot give any guarantee that *we* can avoid that situation. This same provision applies in other Acts here and in the Weeds Act of other States, but there is always the possibility that someone will overlook this matter. Knowing the Minister of Agriculture and officers of his department and knowing the practice of previous Ministers *of* Agriculture, I am sure that if this provision proves unsatisfactory, they will not hesitate to reconsider this legislation and amend it.

Mr. HUDSON: I thank the Minister for his reply. However, it is more likely that difficulties will arise in relation to weeds than in relation to rates or other charges. Everyone is aware that an adjustment must be made when a house is sold, but everyone will not automatically be aware that an adjustment may be necessary for charges for the eradication of weeds. Although land agents should make the appropriate inquiries, it is possible that a slip-up may occur, because many contracts are put through which have unsatisfactory features for the buyer but which do not result in the land agent losing his job. We are relying not on the Minister and his officers but on council officers to provide the necessary information, and they are under no statutory obligation to do so. They will be requested to provide it, but if they are not efficient there may be a series of complaints. In these circumstances, I hope more satisfactory arrangements will be considered.

Mr. RICHES: I understand that co-operation of councils will be sought to ensure that when inquiries are made advice will be given about any charge that is owed for weed destruction. However, as land agents and those dealing in the selling of land must be known to the Government, these people could just as easily be circularized as could councils, and it would be more satisfactory if the Minister also directed his appeal for cooperation to those people. I do not believe that any council would refuse to give information when it was asked for. However, I know that many transactions take place before a council ever hears of them, and in those cases the prospective purchaser would have no hope of knowing about any charge unless either he or somebody acting on his behalf made the inquiries suggested.

I think a far better approach would be for the government to circularize land agents so the information required would be available at the point of sale. Councils are notified in many cases only after a transaction has been completed. I offer that suggestion to the Minister and, at the same time, point out that, in my experience, if information is sought from the council and it is available, no doubt it will be supplied.

Mr. VENNING: I cannot see the necessity for this provision. All purchasers of land know that rates are considered and that an adjustment is made in the normal way. The councils have power to collect from the landholder any indebtedness that is incurred regarding the eradication of weeds, and I consider that it is only complicating the situation by allowing the debt to be carried on to the degree that when a land transaction takes place the council is then able to recoup the sum involved. I cannot see at this stage that it is necessary to have the provision in the Bill.

Clause passed.

Title passed.

Bill read a third time and passed.