

NOXIOUS WEEDS.

3° and 4° GEO. VI., No. XXXVIII.

No. 38 of 1939.

AN ACT to amend the Noxious Weeds Act, 1924.

[Assented to 20th December, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Noxious Weeds Act Amendment Act, 1939*, and shall be read as one with the Noxious Weeds Act, 1924 (No. 19 of 1924), hereinafter referred to as the principal Act.

Amendment
of s. 3.

2. Section three of the principal Act is amended as follows:—

(a) by inserting in the definition of “destroy” after the word “thoroughly” in line three of the said definition, the words “or otherwise to render such weeds completely innocuous”;

(b) by inserting after the definition of “plant” a new definition as follows:—

“Prevent” in relation to any noxious weeds means to control or prevent the growth,

spread, or propagation of any noxious weed, and "prevention" has a corresponding meaning.

3. A section is inserted in the principal Act after section five as follows:— New section.

5A. (1) The Minister may by notice published in the *Government Gazette* from time to time declare the methods which may be adopted or used by persons for the purpose of destroying or preventing noxious weeds in compliance with the provisions of this Act, and by a similar notice may revoke or vary such notice. Minister may declare methods for destroying or preventing noxious weeds.

(2) When the Minister has declared methods as aforesaid, and until the notice declaring the same is revoked or varied, any person who duly and faithfully adopts and uses such methods for the destruction or prevention of noxious weeds in the discharge of a duty under this Act shall be deemed to have complied with the provisions of this Act, to the extent that he shall not be guilty of an offence under this Act for failing to destroy or prevent noxious weeds, or be liable for the expenses incurred by an inspector in subsequently destroying or preventing the noxious weeds when the adoption and use of the methods by him as aforesaid prove ultimately not to have been completely effective for the destruction or prevention of the noxious weeds in connection with which the said methods were adopted or used.

(3) Where in any case, whether in the prosecution for an offence or in an action for the recovery of expenses incurred in destroying or preventing noxious weeds, the court is satisfied that the person charged or sued adopted or used methods declared by the Minister as aforesaid for the destruction or prevention of the noxious weeds and so adopted or used such methods duly and faithfully in a manner necessary to render them effective, but the court is also satisfied that the complainant or the plaintiff, as the case may be, had reasonable ground for his belief that the defendant had not adopted or used the methods aforesaid or had not adopted or used such methods duly and faithfully in a manner necessary to render them effective, the court shall not

make any order as to costs against the complainant or the plaintiff, as the case may be.

Amendment
of s. 7.

4. Section seven of the principal Act is amended as follows:—

(a) by deleting subsection (1) and inserting in lieu thereof a subsection as follows:—

(1) Subject to section nine of this Act, any local authority may give notice in writing to the owner or occupier of any land within its district to destroy or prevent (as the case may require) any noxious weeds growing or being upon such land;

(b) by inserting in subsection (2) after the word “destroy” in line four of the said subsection the words “or prevent,” and after the word “destruction” in the last line of the said subsection the words “or prevention”;

(c) by inserting in subsection (3) after the word “destruction” in line two of the said subsection the words “or prevention.”

Amendment
of s. 8.

5. Section eight of the principal Act is amended by inserting therein after the word “destroy” in line one of the section the words “and prevent.”

Amendment
of s. 9.

6. Section nine of the principal Act is amended by inserting therein after the word “destruction” in line two of the section the words “or prevention.”

Amendment
of s. 11.

7. Section eleven of the principal Act is amended as follows:—

(a) by deleting from subsection (1) the word “clearing” in line two of the said subsection and inserting in lieu thereof the words “destroying or preventing noxious weeds growing or being on any”;

(b) by inserting in subsection (3) after the word “destruction” in line four of the said subsection the words “or prevention.”

8. Section twenty-two of the principal Act is amended by inserting in subsection (2) after the word "destroy" in the last line of the said subsection the words "or prevent." Amendment of s. 22.

9. Section twenty-six of the principal Act is amended as follows:— Amendment of s. 26.

(a) by deleting therefrom the words "the spread or propagation of" in line four of the section;

(b) by inserting therein after the word "Governor" in the last line but one of the said section the words "or with any notice given by the Minister under section five A of this Act and in operation."

10. The principal Act as amended by this Act may be cited as the Noxious Weeds Act, 1924-1939. Citation of principal Act as amended.