



Western Australia.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. XI.

AN ACT for the Extirpation of Noxious Weeds.

[Assented to, 5th December, 1900.]

BE it enacted by the Queen'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:—

1. THIS Act may be cited as the Noxious Weeds Act, 1900.
2. THE Spanish Radish and Scotch Thistle Prevention Act, 1874, is hereby repealed.
3. IN this Act, save so far as the context otherwise requires,—
“Clear,” in relation to land, shall mean to cut down and keep cut down, or to grub or pull up the stems or roots of noxious weeds, so as to prevent any part of them from flowering

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flowering, or to enclose with a sheep-proof fence, and to graze sufficient sheep thereon to prevent noxious weeds from flowering:

“Inspector” shall mean an inspector appointed under this Act:

“Minister” shall mean the Minister presiding over the Department of Agriculture:

Schedule.

“Noxious Weeds” shall mean the plants mentioned in the Schedule hereto, and such other plants as the Governor, by proclamation, shall declare to be noxious; but, as regards plants so declared to be noxious only in a part or parts of this Colony, shall only bear that meaning in the part or parts in which they are declared by such proclamation to be noxious.

The Governor may declare plants to be noxious weeds.

4. THE Governor may, at any time, on the recommendation of a municipal council, road board, or of the advisory board of the Department of Agriculture, by proclamation published in the *Government Gazette*, declare any plants to be noxious weeds, either generally or in any particular locality, and may from time to time, on the like recommendation, revoke any such declaration.

Inspectors.

5. THE Governor may from time to time appoint such inspectors and other persons, with such powers and functions as he deems necessary to carry out the provisions of this Act.

Inspectors and persons authorised may enter upon land to search for noxious weeds.

6. IT shall be lawful for any inspector or any other person authorised in that behalf by the Minister, without notice, to enter upon any land for the purpose of ascertaining if any noxious weeds are growing thereon, and no such inspector or other person shall be deemed a trespasser by reason of such entry.

Penalty for not destroying noxious weeds after notice.

7. IF an inspector, or other person as aforesaid, reports to the Minister that any noxious weed is growing upon any land, the Minister may cause notice (a copy of which shall be delivered to the local authority of the District in which the land is situated) to be served upon the owner or occupier thereof to clear the land and the adjacent half of any road within such time as shall be specified in the notice, and if any owner or occupier, after such notice shall have been served upon him, or left for him at his usual or last known place of abode, shall not, within the time specified in such notice, have cleared the land, every such owner or occupier being convicted thereof shall be liable to a penalty of not less than Five pounds and not exceeding Fifty pounds, to be recoverable before two or more Justices of the Peace

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in a summary way: Provided that, in the case of sheep or cattle runs, such notice shall specify as nearly as possible upon what portion or portions of the land the noxious weed is growing: Provided, also, that it shall be lawful for any such Justices to suspend any conviction upon being satisfied that the person so receiving such notice has used and is using reasonable exertion to destroy such weed.

8. IF there is no occupier of any such lands, then notice as aforesaid may be given by advertisement in the *Government Gazette*, and every notice so given shall be deemed and taken to be sufficient notice to the owner of such land, from the time of its being so published as aforesaid: Provided that it shall not be necessary for such notice to specify the name of any person as owner of the land therein referred to, and provided, also, that no owner of any such land shall be liable to any payment beyond the expense of, and occasioned by, the destruction and eradication of the said weeds upon such land, and upon such adjacent half of the road, as hereinafter provided, together with the costs of suit.

Where no occupier of land, notice may be given in *Government Gazette*.

9. IF any such owner or occupier shall refuse or neglect to destroy the weeds specified in any such notice within the time therein stated, it shall be lawful for any person authorised in that behalf by the Minister to destroy and eradicate the same, and for that purpose, with sufficient assistants, to enter upon any lands in respect whereof any such notice shall have been given as aforesaid; and the Minister shall be entitled to recover from such owner or occupier the expense of and attending such destruction and eradication, together with the costs of suit by action or plaint in any Court of competent jurisdiction.

If noxious weeds not destroyed after notice, persons authorised may enter for the purpose of destroying them.

10. THE Minister may, on report being made to him by any municipal council or roads board, or the advisory board of the Department of Agriculture, that any noxious weed is growing upon any unoccupied Crown land adjacent to any freehold or leasehold estate, clear such land of such noxious weed.

Minister may clear unoccupied Crown land.

11. AS between owner and occupier, the expenses of clearing the land of noxious weeds shall be borne as follows:—If the occupier at the time of the service of the notice has a right of occupation for six years or more, he shall bear the whole of the cost; if for four years but less than six years, he shall bear two-thirds of the cost; if for two years but less than four years, he shall bear one-third of the cost; but if for less than two years, the owner shall bear the whole of the cost; and either party paying more than his proportion may recover the excess from the other: Provided that

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any owner having only a partial interest, present, future, or contingent, paying a sum beyond what is proportioned to such interest, may recover the same from any other owner or owners, or shall be entitled to a charge on the land for such excess.

Provision for expenses.

12. ALL expenses incurred in the administration of this Act shall be paid out of the moneys to be appropriated by Parliament for the purpose.

Regulations.

13. THE Governor may make regulations for carrying this Act into effect.

Appropriation of penalties.

14. ALL penalties under this Act shall be paid to the Colonial Treasurer for the public use of the Colony.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

SCHEDULE.

Stinkwort (*Inula graveolens*).

Bathurst Burr (*Xanthium spinosum*).

Nutgrass (*Cyperus rotundus*).