

# NOXIOUS WEEDS.

No. 51 of 1972.

## AN ACT to amend the Noxious Weeds Act, 1950-1971.

[Assented to 2nd October, 1972.]

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

1. (1) This Act may be cited as the *Noxious Weeds Act Amendment Act, 1972.*

Short title and citation.

(2) In this Act the Noxious Weeds Act, 1950-1971 is referred to as the principal Act.

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Acts, as  
amended by  
Acts Nos.  
33 of 1963,  
113 of 1965,  
44 of 1969,  
21 and 96  
of 1970 and  
15 of 1971.

(3) The principal Act as amended by this Act may be cited as the Noxious Weeds Act, 1950-1972.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 3  
amended.

3. Section 3 of the principal Act is amended—

- (a) by substituting for the passage “ss. 8-25” in line five, the passage “ss. 8-25A”;
- (b) by substituting for the passage “ss. 20-25” in line eleven, the passage “ss. 20-25A”; and
- (c) by adding after the arrangement of PART VII, the heading “PART VIII.—s. 68—SAVINGS.” .

Section 5  
amended.

4. Section 5 of the principal Act is amended by adding before the interpretation “Protection Board” an interpretation as follows—

“prohibited material” means—

- (a) a primary or secondary noxious weed;
- (b) any part of a primary or secondary noxious weed; or
- (c) the seed of a primary or secondary noxious weed,

and includes any packet, parcel, packing material, seeds, soil, vegetable matter or other substance in or with which that weed, part of a weed, or seed is packed or associated; .

Section 7  
amended.

5. Subsection (2) of section 7 of the principal Act is amended by substituting for the word “him” in line four, the word “it”.

Section 26  
repealed  
and  
re-enacted.

6. Section 26 of the principal Act is repealed and re-enacted as follows—

Prohibition  
of intro-  
duction or  
spread of  
primary or  
secondary  
noxious  
weeds.

26. Any person who for any purpose, or in any manner brings any prohibited material—

- (a) into the State from elsewhere; or

(b) into any part of the State from some other part of the State,  
commits an offence.

Penalty: Two hundred dollars. .

7. The principal Act is amended by adding after section 26 sections as follows—

Sections  
26A and 26B  
added.

26A. Any animal or thing which is intended to be, is being, or has been brought—

Government  
inspector  
may detain  
and deal  
with con-  
taminated  
animals or  
things.

(a) into the State from elsewhere; or

(b) into any part of the State from some other part of the State,

and which is found by a Government inspector to carry or contain prohibited material, may be detained and dealt with in accordance with the regulations.

26B. (1) In sections twenty-seven and twenty-eight of this Act—

Interpre-  
tation and  
declara-  
tions.

“coat” means wool, or the coat of a restricted animal;

“fodder” means hay, chaff, meal or grain or any animal feed preparation of which hay, chaff, meal or grain is an ingredient or to which the provisions of sections twenty-seven and twenty-eight of this Act are declared to apply;

“machinery” means a vehicle or machine which has been used for agricultural, excavation or earthmoving purposes;

“restricted animal” means a sheep, a bovine or equine animal, or any other animal to which the provisions of sections twenty-seven and twenty-eight of this Act are declared to apply;

“sack” means an empty, used sack;

“wool pack” means an empty, used wool pack.

(2) The Protection Board may from time to time by declaration—

- (a) declare that the provisions of sections twenty-seven and twenty-eight of this Act apply to such animal feed preparations and animals as it thinks fit; and
- (b) vary the provisions and operation of a declaration made pursuant to the power conferred by this section by cancelling those provisions and that operation wholly or in part absolutely, or by cancelling those provisions and that operation wholly or in part and substituting other provisions and their operation for those so cancelled. .

Section 27  
repealed  
and  
re-enacted.

8. Section 27 of the principal Act is repealed and re-enacted as follows—

Notice to  
be given  
of import  
of certain  
animals and  
things.

27. (1) A person shall not bring or receive into the State from elsewhere any coat, fodder, machinery, sack, wool pack or restricted animal without first giving —

- (a) notice, in the manner prescribed, of his intention to do so; and
- (b) such particulars relating to that coat, fodder, machinery, sack, wool pack or animal as may be prescribed,

to the Protection Board.

(2) All coats, fodder, machinery, sacks, wool packs and restricted animals entering the State from elsewhere shall immediately on arrival be delivered into the custody of a Government inspector.

(3) A person who contravenes or fails to comply with a provision of subsection (1) or (2) of this section commits an offence.

Penalty: Two hundred dollars. .

9. Section 28 of the principal Act is repealed and re-enacted as follows—

Section 28  
repealed  
and  
re-enacted.

28. (1) A person who becomes the owner of, or takes possession or control of any coat, fodder, machinery, sack, wool pack or restricted animal shall examine it or cause it to be examined for the presence of prohibited material.

Owner or person in possession or control of certain animals or things to inspect for, and report presence of noxious weeds.

(2) Where an examination carried out as required by subsection (1) of this section discloses the presence of prohibited material the person referred to in that subsection shall notify the Protection Board or a Government inspector giving details of—

- (a) the number and description of coats, sacks, wool packs or animals affected and the place where they may be inspected; or
- (b) the quantity and description of fodder or machinery affected and the place where it may be inspected,

and describing the prohibited material which has been found.

(3) Any coat, fodder, machinery, sack, wool pack or animal mentioned in a notification given under the provisions of subsection (2) of this section may be inspected by a Government inspector.

(4) A person who contravenes or fails to comply with a provision of subsection (1) or (2) of this section commits an offence.

Penalty: One hundred dollars. .

Section 29  
repealed  
and  
re-enacted.

10. Section 29 of the principal Act is repealed and re-enacted as follows—

Destruction  
or disposal  
of noxious  
weeds.

29. (1) An inspector who discovers or is notified of the discovery of any prohibited material may seize and destroy that prohibited material forthwith or may notify the Protection Board of the discovery.

(2) On being notified under the provisions of this section or of section twenty-eight of this Act of the discovery of prohibited material, the Protection Board may cause the prohibited material to be destroyed or otherwise dealt with, or may direct that the prohibited material be destroyed or otherwise dealt with by the owner, consignor, consignee or person in possession, or control of it.

(3) A plant may be dealt with under this section notwithstanding that the plant may not be declared a primary or secondary noxious weed in respect of the part of the State in which the plant is discovered if the plant is declared a primary or secondary noxious weed in respect of any part of the State. .

Section  
31A added.

11. The principal Act is amended by adding after section 31 a section as follows—

Power to  
stop and  
search con-  
veyances or  
vessels.

31A. (1) A Government inspector may at any time stop any conveyance or vessel and, with or without assistants, enter into or upon the conveyance or board the vessel and thoroughly search and inspect the same and every part thereof, and everything in or on the same, in order to ascertain if any prohibited material is in or upon that conveyance or vessel.

(2) A person who, being in charge of a conveyance or vessel, fails to stop the conveyance or vessel when required to do so by a person who makes himself known as being a Government inspector, commits an offence.

Penalty: One hundred dollars. .

12. Section 49 of the principal Act is amended—

Section 49  
amended.

(a) by adding after paragraph (n) of subsection (1) a paragraph as follows—

(na) the shearing or clipping of wool or other animal coats known or likely to be carrying the seeds of primary noxious weeds; ;

(b) by adding after paragraph (q) of subsection (1) a paragraph as follows—

(r) the prevention of the introduction into the State, or into any part of the State from some other part of the State, of any prohibited material, and, without limiting the generality of the foregoing,—

(i) the shearing or clipping of wool or other animal coats known or likely to be carrying the seeds of primary or secondary noxious weeds;

(ii) the inspection, detention, cleansing treatment and disposal by release, export from the State, sale, destruction or other means, of animals or things found or likely to carry or contain prohibited material; and

(iii) the recovery by the Protection Board from the owner, consignor, consignee, or person in possession or control of any

animal, thing or prohibited material, of the expenses incurred by officers and other employees of the Protection Board in connection with that animal, thing or prohibited material. ; and

- (c) by repealing subsection (3) and re-enacting that subsection as follows—

(3) Any regulation made under this section may impose a maximum penalty only or a maximum penalty and, also, a minimum penalty irreducible in mitigation for any breach thereof, but no maximum penalty for any offence shall exceed two hundred dollars.

Heading  
added.

13. The principal Act is amended by adding after section 67 the heading "PART VIII.—SAVINGS."

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