**NOXIOUS WEEDS ACT AMENDMENT BILL 1939**

**Legislative Council, 20 July 1939, pages 245-6.**

Second reading

**The Hon. A. P. BLESING (Northern— Minister of Agriculture)—**This Bill amends the provisions of the Noxious Weeds Act, 1931-38. Section 10 of the principal Act provides that, if the Minister has reason to believe that a council is failing to enforce the provisions of the Act within its area, he may cause an authorized officer to inspect the area and report to the Minister. If the Minister is then satisfied that the council is failing in its duties, he may give notice to the council to enforce the provisions of the Act within its area. If the council fails to comply with the notice, the Minister may himself administer the Act within the area of the council.

Clause 2, which is similar to recent New South Wales legislation, amplifies the provisions of the section as regards the notice given: by the Minister to a council. The clause provides that the notice may be given to two or more councils requiring the councils to act together and specifying the proportion in which the expenses shall be borne by each council. If two or more adjoining councils have been remiss in their duties under the Act it may in some circumstances be desirable that any action taken by the councils should be taken simultaneously. If those circumstances arise the clause will give the Minister power to act accordingly.

Clause 3 amends the law relating to African boxthorn. Section 12 of the principal Act provides that the Act is not to apply to African boxthorn grown as a hedge at the commencement of the Act and kept trimmed to a width not exceeding 4ft. 6in. and a height not exceeding 7ft. Subject to the exceptions imposed by section 12, African boxthorn has been declared a noxious weed for the whole State. In some council areas, the exemption given by section 12 has prevented an effective clearance of boxthorn. In some instances, a council has taken steps to eradicate boxthorn but reinfestation of cleared areas has occurred, seeds obtained from the hedges being distributed by birds. Clause 3 therefore provides that the Governor by proclamation may, in respect of any part of the State, remove the exemption given by section 12. If any such proclamation is made the effect will be that boxthorn grown as a hedge will be a noxious weed in the part of the State referred to in the proclamation.

Clause 4 deals with a difficulty which has arisen in the administration of the Act in certain areas. It sometimes happens that land has been subdivided and sold to different owners but the owners have not erected dividing fences. There may be noxious weeds throughout the whole of the subdivided land and the council may, after default by the owners or occupiers, destroy the weeds. In such a case the council can recover the costs from the owners and occupiers but each owner or occupier is only liable for the cost of weeds destroyed on his own land. In the circumstances mentioned, however, the work would in all probability be carried out as one operation, and in many cases, by so doing, the total cost is considerably reduced. In the absence of dividing fences, however, it is extremely difficult to apportion the cost between the separate landholders as required by the Act. Clause 4 therefore provides that where the work of destroying noxious weeds is carried out by the council on an area of land 3 acres or more in extent, and the work is carried out substantially over the whole area involved, and there are no dividing fences erected on the land, the total cost may be apportioned between the owners and occupiers concerned according to the proportion of the land owned or occupied by each owner or occupier. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.