

NOXIOUS INSECTS (AMENDMENT) ACT.

Act No. 44, 1954.

An Act to make further provision for the suppression and destruction of noxious insects; for this purpose to amend the Noxious Insects Act, 1934, the Pastures Protection Act, 1934, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 14th December, 1954.] Elizabeth II,
No. 44, 1954.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the “Noxious Insects (Amendment) Act, 1954.” Short title
and
citation.

(2) The Noxious Insects Act, 1934, as amended by this Act, may be cited as the Noxious Insects Act, 1934-1954.

(3) The Pastures Protection Act, 1934, as amended by subsequent Acts and by this Act, may be cited as the Pastures Protection Act, 1934-1954.

2. The Noxious Insects Act, 1934, is amended— Amendment
of Act No.
22, 1934.

(a) by omitting subsection one of section three and by inserting in lieu thereof the following subsection :— Sec. 3.
(Declara-
tion of
noxious
insects.)

(1) The Australian plague locust and the small plague grasshopper shall be noxious insects for the purposes of this Act.

(b)

No. 44, 1954.**New sec.****7A.****Duties of
boards in
destruction
of noxious
insects.**

(b) by inserting next after section seven the following new section:—

7A. Where the Under Secretary and Director of the Department of Agriculture gives notice in writing to a board that an outbreak of noxious insects is predicted in the district the board shall—

- (a) in such manner and at such times as may be specified in the notice from the Under Secretary and Director of the Department of Agriculture, give public notice in the district that—
 - (i) an outbreak of noxious insects is predicted;
 - (ii) occupiers are required to give notice to the secretary of the board when noxious insects appear on their land;
 - (iii) occupiers are required continuously to suppress and destroy noxious insects on their land; and
 - (iv) occupiers who require materials for the suppression and destruction of noxious insects may apply to the board for those materials;
- (b) from time to time, having regard to the information available to it of the extent or probable extent of the outbreak, determine the quantity of materials required for the suppression and destruction of the noxious insects and inform the Under Secretary and Director of the Department of Agriculture accordingly;
- (c) receive and store materials for the suppression and destruction of the noxious insects supplied to the board by the Department of Agriculture and,
if

if the outbreak occurs, establish in the district depots from which supplies of those materials may be obtained free of charge by occupiers; No. 44, 1954.

(d) comply with any direction given to the board by the Minister for or in connection with the suppression or prevention of the predicted outbreak.

(e) (i) by inserting in subsection one of section eight after the word "by" the words "the Minister or"; Sec. 8.
(Power of entry—
private
lands.)

(ii) by inserting at the end of the same section the following new subsections:—

(3) The Minister or the board may at any time by his or its officers, servants, agents or contractors enter any land within the district, other than land referred to in subsection one of section nine of this Act, and take such measures and carry out such work as the Minister or the board, as the case may be, deems necessary for or with respect to the suppression and destruction of noxious insects thereon.

(4) Any costs or expenses reasonably incurred by the Minister or the board in the exercise of his or its powers under subsection three of this section, other than the cost of materials for the suppression and destruction of noxious insects, may be recovered in any court of competent jurisdiction by the Minister or the board, as the case may be, from the occupier or owner for the time being of the land in respect of which such powers were exercised as a debt due and owing by him to the Minister or the board, as the case may be.

The amount of any judgment recovered by the Minister or the board under this subsection and of any costs awarded to the Minister or the board in respect of his or its

No. 44, 1954.

its claim shall be a charge on the said land and such charge shall be a charge upon land within the meaning of section one hundred and eighty-seven of the Conveyancing Act, 1919, as amended by subsequent Acts, and may be registered accordingly.

Sec. 9.
(Power of
entry—
Crown
lands, etc.)

(d) (i) by inserting in subsection one of section nine after the words “authorised by” the words “the Minister or”;

(ii) by omitting subsection two of the same section;

New sec. 9A.

(e) by inserting next after section nine the following new section:—

Crown and
others not
liable for
damages.

9A. The Crown, the Minister and any other person shall not be liable for compensation or damages by reason of anything done or omitted to be done in the exercise of any power conferred by section eight or nine of this Act or in respect of any injury that may directly or indirectly result therefrom unless such thing was done or omitted to be done wilfully, negligently or maliciously.

Sec. 10.
(Boards to
levy a
special
rate.)

(f) (i) by omitting from subsection one of section ten the words “one penny” and by inserting in lieu thereof the word “threepence”;

(ii) by omitting from the same subsection the words “one-sixth of a penny” and by inserting in lieu thereof the words “a half-penny”;

(iii) by inserting at the end of the same section the following new subsection:—

(3) Any proclamation under this section may be varied or revoked by any subsequent proclamation published in the Gazette.

(g)

- (g) (i) by omitting from subsection two of section **No. 44, 1954.**
 eleven the words "purchase of materials **Sec. 11.**
 for the suppression and destruction of (Contribu-
 noxious insects" and by inserting in lieu tion to be
 thereof the words "purposes specified in paid into
 paragraphs (a) and (ai) of subsection three Noxious
 of this section"; Insects
 Destruction
 Account.)
- (ii) by inserting next after paragraph (a) of
 subsection three of the same section the
 following new paragraph:—
- (ai) to meet the costs of suppressing
 and destroying noxious insects pur-
 suant to subsection three of section
 eight or subsection one of section
 nine of this Act and for other
 purposes connected therewith or
 incidental thereto;
- (iii) by inserting at the end of the same section
 the following new subsection:—
- (4) Any moneys received or recovered by
 the Minister pursuant to subsection four of
 section eight of this Act for or in respect of
 costs or expenses incurred by him pursuant
 to subsection three of that section shall be
 paid into such account.

3. The Pastures Protection Act, 1934-1951, is **Amendment**
 amended— of Act No.
 35, 1934.

- (a) by inserting in paragraph (b) of subsection one **Sec. 8A.**
 of section 8A after the words "under this Act" (Removal
 the words "or the Noxious Insects Act, 1934- of board
 1954,"; from office
 and appoint-
 ment of
 administra-
 tor.)
- (b) (i) by inserting in subsections one and two of **Sec. 160A.**
 section 160A after the words "under this (Official
 Act" the words "or the Noxious Insects defaults
 Act, 1934-1954,"; of a
 board.)
- (ii) by inserting in subsection one of the same
 section after the words "of this Act," where
 firstly occurring the words "or the Noxious
 Insects Act, 1934-1954,".

STATE