

# NOXIOUS INSECTS ACT.

Act No. 22, 1934.

**George V,  
No. 22, 1934.**

An Act to provide for the suppression and destruction of noxious insects; and for purposes connected therewith. [Assented to, 6th November, 1934.]

**B**E it enacted by the King'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:—

**Short title.**

**1.** This Act may be cited as the "Noxious Insects Act, 1934."  
**2.**

2. In this Act, unless the context or subject-matter otherwise indicates or requires—

No. 22, 1934.

Interpre-  
tation.

“ Board ” means the pastures protection board for any district constituted under the Pastures Protection Act, 1912, or any Act amending or replacing the same.

“ District ” means any pastures protection district constituted under the Pastures Protection Act, 1912, or any Act amending or replacing the same.

“ Occupier ” means the person for the time being entitled to the possession of any land and includes where the person so entitled does not reside on the land his resident manager or other person in charge of the land and also includes the trustees of commons and public reserves.

“ Travelling stock reserve ” means a travelling stock reserve as defined by the Pastures Protection Act, 1912, or any Act amending or replacing the same.

3. (1) The grasshopper shall be a noxious insect for the purposes of this Act.

Declaration  
of noxious  
insects.

(2) The Governor may by proclamation published in the Gazette declare any other insect to be a noxious insect throughout the State or within any district or portion of a district specified in the proclamation and may in like manner revoke or vary any such declaration.

4. The regulations may prescribe methods for the suppression and destruction of any noxious insect.

Method for  
suppression  
and  
destruction.

5. (1) It shall be the duty of the occupier of any land continuously to suppress and destroy by any prescribed method and in accordance with the requirements of a board all noxious insects which are upon such land or upon any road intersecting such land which is not separated therefrom by a fence.

Duty of  
occupier to  
destroy  
noxious  
insects.

Where any road is vested in or under the control of the council of a municipality or shire it shall be the duty of such council to comply with the provisions of this subsection in respect of all noxious insects upon such road.

Where any travelling stock reserve is under the control of a board it shall be the duty of the board continuously to suppress and destroy by any prescribed method all noxious insects which are upon such reserve.

(2)

No. 22, 1934.

(2) The board may under subsection one of this section require the occupier of the land to use, for the suppression and destruction of such noxious insects, the materials supplied to the occupier by the board and to use the same in accordance with the directions of the board.

Such materials shall be supplied free of charge to the occupier by the board.

(3) Any occupier who fails to carry out such duty fully and continuously shall be liable on summary conviction for the first offence to a penalty not exceeding fifty pounds and for any subsequent offence to a penalty not exceeding one hundred pounds.

Occupier to  
give notice  
of noxious  
insects.

**6.** Whenever any noxious insects appear on any land the occupier thereof shall as soon as the fact is brought to his knowledge immediately give notice of the fact in writing or otherwise to the secretary of the board. In such notice the occupier shall state the locality of the land upon which such insects have appeared and such other particulars as may be prescribed.

Any occupier who fails to comply with the provisions of this section shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Power to  
require  
destruction.

**7.** (1) The board may by notice published in one or more newspapers circulating in the district require all occupiers of land within the district or part thereof specified in the notice to adopt within a time specified in the notice any one or more of the prescribed methods mentioned in the notice for the suppression and destruction of any specified noxious insect and to continue such method during his occupation of the land unless the land is free of the noxious insects.

(2) The board may in the prescribed manner order any occupier of land to adopt any one or more of the prescribed methods specified in the order for the suppression and destruction of any noxious insects, and to continue such method during his occupation of the land unless the land is free from noxious insects.

(3) Any occupier who—

(a) fails to adopt any method for the suppression and destruction of a noxious insect when required so to do by the terms of any notice or order published or made under this section; or

(b)

(b) fails to continue such methods during his occupation while any noxious insect is on the land,

shall be liable on summary conviction for the first offence to a penalty not exceeding fifty pounds, and for any subsequent offence to a penalty not exceeding one hundred pounds.

8. (1) Any person authorised by the board may enter any land within the district for the purposes of ascertaining whether the provisions of this Act or of any notice or order published or made thereunder are being complied with.

Power of entry—private lands.

(2) Any person who obstructs, hinders, interrupts, threatens or assaults any such authorised person whilst in the performance of his duty shall on summary conviction be liable to a penalty not exceeding fifty pounds.

9. (1) Any person authorised by the board may enter any unoccupied Crown lands, State forest, timber reserve, land vested in the Commissioner for Railways and land occupied by the Rural Bank of New South Wales as mortgagee in possession for the purpose of ascertaining whether there are any noxious insects thereon and such person may with any necessary assistants adopt any prescribed method to suppress and destroy any noxious insects thereon.

Power of entry—Crown lands, etc.

(2) Such person shall not be liable for compensation or damages by reason of anything done by him or any assistant in the exercise of any power conferred by subsection one of this section or in respect of any loss or injury that may directly or indirectly result therefrom unless the same is occasioned wilfully, negligently or maliciously.

Board not liable for damages.

10. (1) Such boards as are from time to time specified by proclamation published in the Gazette shall in each year make and levy a special rate in the amount prescribed in respect of such year on each owner or occupier of rateable land within the district in respect of the large stock and sheep for which he is liable to pay rates under Part II of the Pastures Protection Act, 1912, or under any Act amending or replacing the same.

Boards to levy a special rate.

Such

No. 22, 1934

Such special rate shall not exceed one penny per head in the case of large stock and one-sixth of a penny per head in the case of sheep.

The provisions of the Pastures Protection Act, 1912, or any Act amending or replacing the same shall, *mutatis mutandis*, apply to the making, calculation, notification, collection, payment and recovery of such special rate.

Contribution to destruction of noxious insects to be made by boards.

(2) All amounts received in respect of the rates so levied shall be paid by the board to the Minister as a contribution to the cost of the suppression and destruction of noxious insects at such times and in such manner as may be prescribed.

Any such contribution which is not so paid at the time prescribed may be recovered as a debt in any court of competent jurisdiction.

Contribution to be paid into Noxious Insects Destruction Account.

**11.** (1) All contributions received by the Minister shall be paid into an account in the Special Deposits Account at the Treasury to be called the "Noxious Insects Destruction Account."

(2) The Colonial Treasurer may advance any moneys required for the purchase of materials for the suppression and destruction of noxious insects and all moneys so advanced shall be paid into such account.

Application of moneys in such account.

(3) The moneys at credit of such account shall be applied by the Minister—

(a) to the purchase of materials for the suppression and destruction of noxious insects and for other purposes connected therewith or incidental thereto;

(b) to repay to the Colonial Treasurer any moneys advanced by him.

Regulations.

**12.** The Governor may make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Such regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of publication or from a later date specified in the regulations;

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

No. 22, 1934

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

---