

## NOXIOUS INSECTS ACT, 1934.

### No. 2193 of 1934.

An Act to provide for the destruction and suppression of  
noxious insects, and for other purposes.

[Assented to 29th November, 1934.]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

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

Short title.  
Cf. U.K.  
40 & 41  
Vict. c. 68.  
Cf. U.K.  
7 Edw. 7  
c. 4.  
Cf. U.K.  
17 & 18  
Geo. 5 c. 32.

2. In this Act—

Interpretation.

"area" means a municipality or district council district :

"council" means a municipal or district council :

"noxious insect" means any species of migratory or gregarious grasshopper.

3. (1) The Governor may by proclamation declare that this Act shall apply to any part of the State.

Powers of  
Governor.

(2) The Governor may by proclamation revoke or vary any proclamation made pursuant to this section.

(3) This Act shall apply within the parts of the State to which any proclamation as aforesaid relates, and shall so apply until such time as the proclamation is revoked.

**Administration:** The administration of this Act was by proclamation committed to the Minister of Agriculture: *Gazette* 10th January, 1935, p. 263.

s. 3. At 24th May, 1937, the following proclamations under s. 3 were in force:—*Gazette* 10th January, 1935, p. 263 (whereby it was declared that this Act shall apply to all the counties of the State with the exception of the counties of Grey, Robe, MacDonnell, Cardwell and Buckingham); *Gazette* 21st February, 1935, p. 547 (whereby it was declared that this Act shall apply to that part of the State comprised in the counties of Grey, Robe, MacDonnell, Cardwell, and Buckingham).

Duties of  
councils.

4. (1) Every council to the area of which this Act applies shall take all prescribed steps for the destruction and suppression of noxious insects within the area.

(2) Any council may expend any portion of its revenue in complying with the provisions of this section.

(3) In addition to exercising the power conferred by subsection (2) any council may for the purpose of complying with the provisions of this section declare a special rate on the ratable property within its area.

(4) Any such special rate may be declared without obtaining the consent of the ratepayers and shall be in addition to any special rate authorised to be declared and levied under the Local Government Act, 1934.

(5) Except where inconsistent with this Act all the provisions of the Local Government Act, 1934, shall apply to and in respect to the declaring, levying, and recovery of the said special rate.

(6) All moneys raised by means of the said special rate shall be spent in carrying out the provisions of this Act.

Powers of  
councils to  
enter land.

5. (1) For the purpose of carrying out any work for the destruction or suppression of noxious insects a council and any person authorised by the council may enter upon any land (including land of the Crown) within the area and may carry out any prescribed work or operation (including the laying or applying of poisons or the digging of trenches) as may be necessary for the said purpose.

(2) No person shall be entitled to any compensation or damages for any injury or loss arising directly or indirectly from the exercise of any power conferred by this section unless the injury or loss is occasioned negligently, wilfully, or maliciously.

Power of  
councils to give  
directions to  
occupiers of  
land.

6. (1) The council may from time to time by notice published in one or more newspapers circulating in the area require all occupiers of land within the area or any part thereof specified in the notice to take within the time specified in the notice all such prescribed measures as are mentioned in the notice for the destruction and suppression of noxious insects.

(2) The council may by notice in writing to the occupier of the land require the occupier to take within the time specified in the notice such prescribed measures for the destruction and suppression of noxious insects on the land as are set forth in the notice.

(3) Any occupier who neglects to comply with the requirements of any notice under subsection (1) or (2) shall be guilty of an offence, and liable to a penalty not exceeding twenty pounds.

7. (1) If 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 clerk of the area in which the land is situated, or if the land is not situated in an area, to the nearest member of the police force. In the notice the occupier shall state the locality of the land upon which the insects have appeared, and such other particulars as may be prescribed.

Duty of occupier to give notice of noxious insects.

(2) Any occupier who fails to comply with any of the provisions of this section shall be guilty of an offence, and liable to a penalty not exceeding twenty pounds.

8. The Minister may out of moneys provided by Parliament for the purpose make grants to any council for the purposes of this Act.

Government subsidy.

9. (1) If the Minister has reason to believe that any council has failed, or is failing, to carry out within its area the provisions of this Act, he may give notice in writing to the council requiring the council to carry out the said provisions.

Failure of councils to enforce Act.

(2) If the council fails to comply with such a notice within the time specified in the notice, the Minister may himself carry out the provisions of this Act within the area, and may recover from the council by action in any court of competent jurisdiction the costs of so doing, or may deduct the costs from any subsidy or grant which the council is entitled to be paid under any Act.

(3) For the purpose of enforcing the provisions of this Act as mentioned in this section the Minister may within any area exercise all the powers, functions, authorities, and discretions which the council itself may exercise.

10. Any person who obstructs, hinders, or interrupts any person employed by any council or the Minister in the performance of anything that the council or the Minister is by this Act empowered to do shall be guilty of an offence, and liable to a penalty not exceeding twenty pounds.

Obstructing councils.

11. The Minister may out of moneys provided by Parliament—

Powers of Minister.

(a) take any measures in any part of the State outside an area for the destruction or suppression of noxious

insects, and for that purpose shall have all the powers, functions, authorities, and discretions given to a council by this Act :

(b) institute any research work.

Regulations.

**12.** The Governor may make regulations—

(a) prescribing methods for the destruction and suppression of noxious insects :

(b) prescribing the functions and procedure of the committee authorised by section 13 to be appointed by the Minister :

(c) prescribing any matters necessary or convenient for carrying out or giving effect to this Act.

Advisory  
committee.

**13.** (1) The Minister may appoint a committee for the purposes of this Act. Not less than two members of the committee shall be persons actively engaged in any pastoral, agricultural, or horticultural pursuit.

(2) The committee shall advise the Minister on the making of regulations under this Act, and on any other matter arising out of the administration of this Act.

Summary  
procedure.

**14.** All proceedings in respect of offences against this Act shall be disposed of summarily.

### Regulations.

The following regulations were in force under this Act on 24th May, 1937:—

*Gazette*—10th January, 1935, p. 264.