



ANNO DECIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1969

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## No. 19 of 1969

An Act to amend the Weeds Act, 1956-1963.

[Assented to 6th March, 1969.]

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

**Short titles.**

1. (1) This Act may be cited as the "Weeds Act Amendment Act, 1969".

(2) The Weeds Act, 1956-1963, as amended by this Act, may be cited as the "Weeds Act, 1956-1969".

(3) The Weeds Act, 1956-1963, is hereinafter referred to as "the principal Act".

**Commence-  
ment.**

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

**Amendment of  
principal Act,  
s. 5—  
Interpretation.**

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "area" the passage "council district" and inserting in lieu thereof the passage "as defined in the Local Government Act, 1934-1967, as amended, and includes an area in relation to which any body corporate is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council";

(b) by inserting after the passage "district council" in the definition of "council" the passage "and includes any body corporate that is, by virtue of any Act, deemed to be, or vested with the powers of, a municipal council or district council";

(c) by striking out from the definition of "Government department" the passage "Public Service Act, 1936-1954" and inserting in lieu thereof the passage "Public Service Act, 1967, as amended";

and

(d) by striking out from the definition of "public road" the passage "Local Government Act, 1934-1954" and inserting in lieu thereof the passage "Local Government Act, 1934-1967, as amended" and by striking out from that definition the passage "Highways Act, 1926-1955" and inserting in lieu thereof the passage "Highways Act, 1926-1967, as amended,".

4. Section 11a of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (4) the passage "sixty days during the year or for at least one day in each week during the year" and inserting in lieu thereof the passage "fifty days during the year";

and

(b) by inserting after subsection (4) the following subsections:—

(4a) Where a council employs two or more local authorized officers at the same time, a subsidy shall be paid in respect only of the salary or wages of one local authorized officer and of the additional local authorized officer or officers whose employment as such has been authorized in writing by the Minister.

(4b) A council shall keep or cause to be kept a record of the time occupied by each local authorized officer in his employment as such and of the nature of the duties performed by him, and shall, at the request of the Minister supply him with a copy of that record and with such further or other information in relation to the destruction or control of proclaimed weeds as the Minister may require.

Amendment of  
principal Act,  
s. 11a—  
Subsidy.

(4c) A subsidy shall not be paid to a council under this section if, in the opinion of the Minister, the council is not exercising proper diligence in the destruction and control of proclaimed weeds.

Amendment of  
principal Act,  
s. 17—  
Duty of  
council to  
destroy weeds.

5. Section 17 of the principal Act is amended by striking out from subsections (5) and (6) the passage "Local Government Act, 1934-1954" and inserting in lieu thereof, in each case, the passage "Local Government Act, 1934-1967, as amended,".

Amendment of  
principal Act,  
s. 19—  
Contribution  
by owners and  
occupiers.

6. Section 19 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "district council" and inserting in lieu thereof the word "council";

(b) by striking out paragraphs I and II of subsection (1) and inserting in lieu thereof the following paragraph:—

I. The owners and occupiers of land abutting upon the road shall be liable for the expense of destroying or controlling the weeds on that part of the side of the road on which their land abuts;

(c) by inserting after subsection (1) the following subsection:—

(1a) A council may, with the approval of the Minister, fix a minimum charge under this section;

and

(d) by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) A council may, if it is satisfied that it is just so to do, with the consent of the Minister, exempt a person, wholly or in part, from his liability under this section.

Amendment of  
principal Act,  
s. 24—  
Liability of  
owner or  
occupier.

7. Section 24 of the principal Act is amended by striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars".

Enactment of  
new s. 36a  
of principal  
Act—  
Statutory  
charge.

8. The following section is enacted and inserted in the principal Act after section 36:—

36a. Where any pecuniary liability attaches to the owner or occupier of land pursuant to any provision of this Act, that liability shall, until discharged, become and remain a charge upon the land, and the owner or occupier of the

land, and any subsequent owner or occupier of the land, shall be jointly and severally liable to discharge that liability, which may be enforced by action in any court of competent jurisdiction.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.