

No. , 1912.

A BILL

To provide for the destruction of the Water Hyacinth;
for purposes consequent on or incidental thereto; and
to amend certain Acts.

BE it enacted by the King's Most Excellent Majesty, by and with
the advice and consent of the Legislative Council and Legisla-
tive Assembly of New South Wales in Parliament assembled, and by
the authority of the same, as follows :—

Preliminary.

1. This Act may be cited as the "Water Hyacinth Act, 1912." Short title.
It shall commence and come into force on a day to be fixed
by the Governor by proclamation in the Gazette.

2. In this Act—

Definitions.

- “Area” means municipality or shire.
- “Council” means council of an area.
- “Minister” means Minister administering Local Government Act, 1906.
- “Navigable waterway” means waterway, or any part thereof, which is declared under this Act to be a navigable waterway.
- “Non-navigable waterway” means waterway or any part thereof which is not a navigable waterway.
- “Owners” includes lessees or licensees of Crown lands; and trustees of works of water supply, irrigation, or drainage are deemed to be owners of all lands, works, and channels under their control.
- “Prescribed” means prescribed by regulations under this Act.
- “Proclamation” means proclamation published in the Gazette.
- “Water hyacinth” means the plant *Pontederia crassipes*.
- “Waterway” means river, stream, creek, lagoon, swamp, pond, or land covered by water, and includes an artificial waterway.

3. The Governor, by proclamation, may declare any waterway, ^{Navigable water-} or any part thereof, whether tidal or non-tidal, mentioned or described ^{way.} therein, to be a navigable waterway for the purposes of this Act, and in like manner may amend or rescind any such proclamation.

Application of Act.

4. The Governor, by proclamation, may declare that this Act ^{Application of Act.} shall apply to the land included in any municipalities or shires, or any parts thereof specified or described in the proclamation, and to the waterways situated therein, and this Act shall accordingly so apply. The Governor may in like manner amend or rescind any such proclamation :

Provided that the Governor by proclamation may, on the application of any owner, from time to time exempt any swamp land or any part thereof from the operation of this Act for any period not exceeding twelve months at any one time, on condition that during such period no plants of water hyacinth shall be carried or shall be allowed to extend from such swamp land to any other waterways, and on such other conditions as he may think fit to impose. If any such condition is not fulfilled, the Governor, by proclamation, may revoke such exemption.

Duties of owners.

5. (1) A council shall each year give notice to the owners of ^{Owners to destroy.} any land within its area to which this Act applies, requiring them within the time fixed by the council and stated in such notice to destroy water hyacinth as in this Act provided. (2)

(2) If a council fails to give such notice with respect to any owner of any such land in which, or on the boundary of which, is any non-navigable waterway, or any part thereof, such council shall be liable to pay to His Majesty the sum of *fifty* pounds. Such sum may be recovered by the Attorney-General as a Crown debt, and shall be paid out of the proceeds of a special or local rate which the council shall levy within twelve months after judgment.

6. On such notice being given to any such owner, he shall, within the time stated in such notice, destroy all water hyacinth— Waterways in which hyacinth is to be destroyed.

- (a) in any non-navigable waterway, or in any part thereof which is within his land; and
- (b) in any non-navigable waterway forming a boundary of but not within his land, up to the middle line of the waterway, but not exceeding a distance of one chain from the bank on his side of such middle line.

He shall also, after such destruction, keep such waterway or part thereof free from water hyacinth.

7. If any such owner fails to comply with the requirements of the last preceding section, the council, by its officers and servants, shall enter his land and, at his cost, destroy the water hyacinth in any such waterway. Such cost may be recovered by the council from the occupier or owner as a debt. On non-compliance council may enter and destroy.

Duties of councils.

8. A council shall destroy all water hyacinth in any non-navigable waterway, or any part thereof which is— Destruction by council of water hyacinth in non-navigable waterways.

- (a) beyond the distance of one chain from the boundary of the land of any owner; or
- (b) situate within or on the boundary of the land of an owner who is unknown to the council or who cannot be served with a notice under this Act; or
- (c) situate within land of the Crown which is not under lease or licence; or
- (d) situate within land vested in or under the control of the council.

The council shall also, after such destruction, keep such waterway free from water hyacinth.

The Colonial Treasurer, on the recommendation of the Minister, may, in accordance with any scale prescribed, pay to a council the cost of the destruction of water hyacinth in pursuance of this section, but shall not pay to the council any subsequent cost of such destruction: Provided that if the council subsequently recovers the cost of the destruction of the water hyacinth in any non-navigable waterway or any part thereof which is situated within or on the boundary of the land of an owner who is unknown to the council, or who cannot be served with a notice under this Act the council shall refund such cost to the Colonial Treasurer.

9.

9. A council shall destroy all water hyacinth in any navigable waterway, or part thereof, which the Governor by proclamation allocates to that council, and shall keep such waterway free from water hyacinth. Destruction in navigable waterways.

The Colonial Treasurer shall pay to such council the cost of the destruction of water hyacinth in pursuance of this section.

10. If a council fails to carry out any of the requirements of the two last preceding sections as to the destruction of water hyacinth, and the keeping of any waterway free from water hyacinth, the Minister, by his officers and servants, may enter any land and any waterway, and cause any water hyacinth therein to be destroyed, and the cost of such destruction shall be repaid to the Colonial Treasurer by the council out of the proceeds of a special or local rate which the council shall levy within twelve months after receipt of demand for such repayment from the Colonial Treasurer. Penalties.

Duties of Minister.

11. The Minister, by his officers and servants, shall destroy water hyacinth in all navigable waterways, except such as are under this Act allocated to councils, and for that purpose may enter any land. Minister may destroy.

General provisions.

12. The Governor may, for the purposes of this Act, appoint inspectors. Appointment of inspectors.

Any such inspector and a council, by its officers and servants, or any member of a council, may, at any reasonable time, enter any land in or near to which is any waterway reasonably suspected to contain water hyacinth, and inspect the same, and do any acts or things which such inspector or council is by this Act authorised or directed to perform; and may inspect any destruction of water hyacinth thereon. Power of entry and inspection.

13. (1) For defraying the expenses of carrying out this Act, and in any case where by this Act a council is directed to repay any cost of the destruction of water hyacinth out of the proceeds of a special or local rate, a council may, under the Local Government Act, 1906, or any Act amending it, make and levy a special or a local rate on the unimproved or on the improved capital value of ratable land in its area or in a portion of its area : Local or special rate.

Provided that no poll shall be taken on the question whether the rate shall be made :

Provided also that such rate may be made and levied notwithstanding that the amount of rates levied in the area would exceed or exceeds that prescribed by the said Acts.

(2) A council shall keep accounts of all moneys received and paid by it under this Act. Such accounts shall be kept in such form, and shall be audited and published as provided by regulations made under the Local Government Act, 1906, and any Act amending it; and the provisions of the said Acts and regulations relating to the accounts of councils shall apply in relation to accounts kept under this Act. Accounts to be kept.

14. A notice by a council under this Act may be given by serving it in the same way as an order under the Local Government Act, 1906, may be served on any person, and for that purpose section one hundred and ninety-five of that Act shall apply. Service of notices.

15. Any person resisting or inciting others to resist any entry or destruction authorised by this Act shall be liable to a penalty not exceeding *fifty* pounds. Penalty for resisting entry, &c.

16. The Governor may make regulations—

Regulations.

- (a) prescribing the method by which water hyacinth shall be destroyed;
- (b) providing for the certification by an inspector appointed by the Minister of the destruction of water hyacinth;
- (c) prescribing the conditions to be fulfilled before the Minister recommends a grant by the Colonial Treasurer towards the cost of the destruction of water hyacinth;
- (d) prescribing the making of returns by councils as to the destruction of water hyacinth in their areas;
- (e) generally for carrying out the provisions of this Act;
- (f) imposing any penalty not exceeding *fifty* pounds for any breach of such regulations.

Any such regulations shall be published in the Gazette and laid before Parliament without delay.

17. Any penalties imposed by this Act or by any regulations made thereunder may be recovered in any court of petty sessions. Recovery of penalties.