

1911-1912.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

Ordered by the Legislative Assembly to be printed, 27 March 1912.

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.

Definitions.

2. In this Act—

“Area” means municipality or shire.

“Council” means council of an area.

“Navigable waterway” means waterway, or any part thereof, which is declared by proclamation under this Act to be a navigable waterway.

“Non-navigable waterway” means waterway or any part thereof which is not a navigable waterway.

“Prescribed” means prescribed by regulations under this Act.

“Proclamation” means proclamation published in the Gazette.

“Water hyacinth” means the plant *Pontederis crassipes*.

“Waterway” means river, stream, creek, lagoon, swamp, or land covered by water.

Navigable waterway.

3. The Governor, by proclamation, may declare any waterway, or any part thereof, whether tidal or non-tidal, mentioned or described therein, to be a navigable waterway, and in like manner may amend or rescind any such proclamation.

Application of Act.

Application of Act.

4. The Governor, by proclamation, may declare that this Act shall apply to the land included in the municipalities or shires, or to the 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.

Duties of occupiers and owners.

Owners or occupiers to destroy.

5. (1) A council shall each year, within the period prescribed, serve notice in writing on the occupiers, including Crown lessees, of any land within its area to which this Act applies, or in the case of unoccupied land on the owners thereof, requiring them within the time prescribed to destroy water hyacinth as in this Act provided.

Waterways in which hyacinth is to be destroyed.

6. On the receipt of such notice any such occupier or owner shall, in the manner and within the time prescribed, destroy all water hyacinth—

(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 boundary.

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

On non-compliance council may enter and destroy.

7. If any such occupier or owner fails to comply with the requirements of the last preceding section, the council shall, by its officers and servants, enter his land and, at the cost of such occupier

or

or owner, destroy the water hyacinth in any such waterway. Such cost may be recovered by the council from the occupier or owner as a debt.

Duties of councils.

- 8.** (1) A council shall destroy all water hyacinth—
- (a) in such part of a non-navigable waterway as is beyond the distance of one chain from the boundary of the land of any occupier or owner; Waterways in which water hyacinth shall be destroyed by council.
 - (b) in any waterway 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;
 - (c) in any waterway situate within land of the Crown, or on any navigable waterway; and
 - (d) in any waterway 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.

(2) The Colonial Treasurer, on the recommendation of the Minister, may, in accordance with the regulations under this Act, and in pursuance of any scale prescribed, pay to a council the cost, or any part of the cost, of the destruction of the water hyacinth in pursuance of paragraphs (a), (b), and (c) of the last preceding subsection, but shall not pay to the council any cost incurred thereafter in keeping any waterway free from water hyacinth.

(3) If a council fails to carry out the requirements of this section 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 may recover the cost of the same from the council as a debt due to His Majesty.

Powers of Minister.

9. The Minister may, by his officers and servants, destroy water hyacinth in any navigable waterways, and for that purpose may enter any land. Minister may destroy.

General provisions.

10. A council may, for defraying the expenses of carrying out this Act, 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.

11. A notice by a council under this Act may be served in the same way as a notice under the Local Government Act, 1906, may be given or sent to any person, and for that purpose the council shall have the powers conferred by section one hundred and ninety-five of that Act. Service of notices.

12. 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.

13.

Regulations.

13. The Governor may make regulations—

- (a) prescribing the method in which water hyacinth shall be destroyed ;
- (b) providing for the certification by a person appointed by the Minister of the effectual destruction of water hyacinth in an area ;
- (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 its area ;
- (e) generally for carrying out the provisions of this Act ;
- (f) imposing any penalty not exceeding £50 for any breach of such regulations.

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

Any penalties imposed by such regulations may be recovered in any court of petty session.

No. , 1911.

A BILL

To make better provision for the collection of harbour rates, wharfage and tonnage rates, and berthing charges in all ports in New South Wales other than the port of Sydney ; and for purposes consequent thereon or incidental thereto.

WHEREAS it is expedient to amend the law regulating the imposition and collection of wharfage and tonnage rates, and berthing charges, and to impose harbour rates in all ports in New South Wales other than the port of Sydney, and to embody the same in one Statute : Be it therefore enacted by the King's Most Excellent Majesty,