

NORTHERN TERRITORY OF AUSTRALIA

NOXIOUS WEEDS ACT

As in force at 1 December 2000

Table of provisions

1	Short title	1
2	Commencement	1
3	Repeal	1
4	Interpretation	1
5	Declaration of plants to be noxious weeds	1
6	Appointment of inspectors	2
7	Notice to eradicate or control noxious weeds	2
8	Notice not to be given in certain circumstances.....	3
9	Minister may provide assistance in controlling weeds	3
10	Minister may eradicate or control noxious weeds and recover cost of doing so	4
11	Person not to obstruct authorized person	4
16	Owner to be liable for cost of destroying infested hay, &c.	4
17	Service of notice	4
18	Regulations.....	5

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 December 2000

NOXIOUS WEEDS ACT

An Act to provide for the eradication or control of noxious weeds

1 Short title

This Act may be cited as the *Noxious Weeds Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

The *Noxious Weeds Ordinance* 1916-1959 is repealed.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

appropriate person means an owner, lessee, licensee, mortgagee in possession or occupier of land specified in a notice under section 7, or a manager or other person managing or controlling the use of that land.

noxious weed means a plant declared under this Act, by a notice that is in force, to be noxious weed.

subject land means land that is the subject of a notice given under section 7.

5 Declaration of plants to be noxious weeds

- (1) Subject to this section, the Minister may, by notice in the *Gazette*, declare a plant to be a Class A noxious weed, a Class B noxious weed or a Class C noxious weed.
- (2) A plant shall not be declared to be a Class A noxious weed under this section unless the Minister is of the opinion that it is necessary to eradicate the plant.

-
- (3) A plant shall not be declared to be a Class B noxious weed unless the Minister is of the opinion that it is desirable to control the growing and spreading of the plant.
 - (4) A plant shall not be declared to be a Class C noxious weed unless the Minister is of the opinion that it is desirable to control the introduction of the plant into the Territory.
 - (5) A notice under this section may specify a part of the Territory in relation to which the notice applies; and if it does so, the notice applies only in relation to that part of the Territory.

6 Appointment of inspectors

The Minister may, by notice in the *Gazette*, appoint such persons as he thinks fit to be Inspectors of Noxious Weeds.

7 Notice to eradicate or control noxious weeds

- (1) The Minister or a person authorized by him in writing to do so may give notice in accordance with Form 1 in the Schedule to an appropriate person requiring that person to eradicate Class A noxious weeds from the land specified in the notice by the means specified in the notice.
- (2) The Minister or a person authorized by him in writing to do so may give notice in accordance with Form 2 in the Schedule to an appropriate person requiring that person to control Class B noxious weeds on the land specified in the notice by means specified in the notice.
- (3) The Minister or a person authorized by him in writing to do so may give notice in accordance with Form 3 to a person in whose possession or under whose control there is hay or other animal fodder which contains seeds of Class A, Class B or Class C noxious weeds, requiring that person:
 - (a) not to sell; and
 - (b) to destroy, by the means specified in the notice,the hay or animal fodder.
- (4) A person served with a notice under this section shall comply with the requirements set out in the notice.

Penalty: \$200 and in addition \$100 for each month during which the offence continues.

-
- (4A) An offence of contravening or failing to comply with subsection (4) is a regulatory offence.
- (5) Where an appropriate person, being for the purpose of managing or controlling subject land a servant or agent of a person who is an owner, a lessee or a mortgagee in possession or, where the land is land held in fee simple, a licensee of the subject land, incurs expense in complying with the requirements of a notice served on him under subsection (1) or (2) or pays an amount recoverable from him as a debt under section 10 he may recover the amount of the expense or the amount paid as a debt to him by the owner, lessee, mortgagee in possession or licensee of whom he is the servant or agent.
- (6) Where an appropriate person, not being such a servant or agent, incurs expense in complying with a notice served on him under subsection (1) or (2) he may bring an action against a person who is an owner, a lessee or a mortgagee in possession or, where the subject land is land held in fee simple, a licensee of the subject land, claiming contribution towards the expense.
- (8) The court in which the action is brought shall take into consideration the relative benefit to the plaintiff and the defendant of what has been done in incurring the expense and shall make such order as to payment of an amount as contribution and as to costs as it thinks just.

8 Notice not to be given in certain circumstances

Notice shall not be given to any person under section 7 where there are on Crown lands adjoining the land specified in the notice weeds of the type specified in the notice, unless the Territory is taking reasonable action to control those weeds.

9 Minister may provide assistance in controlling weeds

Where the Minister or a person authorized by him in writing has given notice to a person in accordance with section 7, the Minister may:

- (a) provide without expense to that person any materials or equipment which may be necessary to carry out the measures for eradication or control specified in the notice; and
- (b) provide such other assistance, by way of labour or otherwise, as he considers necessary or desirable.

10 Minister may eradicate or control noxious weeds and recover cost of doing so

- (1) Where a person on whom a notice has been served under section 7(1) or (2) fails to comply with the notice, the Minister may authorize a person, whether by himself or his employees, agents, licensees, servants or contractors, with or without horses, vehicles, machinery and assistants, to enter upon the subject land and do such things as are necessary to carry out the work specified in the notice and may sue for and recover as a debt due by the first mentioned person to the Territory, the cost to the Territory arising from the entry and the carrying out of the work and the debt is a statutory charge, within the meaning of the *Land Title Act*, on the land.
- (2) Where a person on whom a notice has been served under section 7(3) fails to comply with the notice, the Minister may authorize a person, whether by himself or his employees, agents, licensees, servants or contractors, with or without horses, vehicles, machinery and assistants, to enter upon any land and do such things as are necessary to carry out the work specified in the notice and may sue for and recover as a debt due by the owner of the hay or fodder, to the Territory, the cost to the Territory arising from the entry (if any) and the carrying out of the work.

11 Person not to obstruct authorized person

A person shall not obstruct or hinder a person authorized under section 10 or an employee, agent, licensee, servant or contractor of a person so authorized, in the course of doing or preparing to do any of the things he is so authorized to do.

16 Owner to be liable for cost of destroying infested hay, &c.

Where a person on whom a notice is served under section 7(3), not being the owner of the hay or other animal fodder referred to in that notice, complies with that notice by carrying out the work of destroying the hay or animal fodder:

- (a) he may sue for and recover as a debt due to him by the owner the cost to him of carrying out the work; and
- (b) he shall not be liable to the owner of the hay or animal fodder for the value of that hay or animal fodder.

17 Service of notice

A notice under this Act may be served on a person:

- (a) by handing it or tendering it to that person;

-
- (b) by posting it to that person at his last known or usual place of abode or business;
 - (c) by leaving it with some person apparently over the age of 16 years at the last known or usual place of abode or business of that person; or
 - (d) if the address of the person is not known, by publishing the notice in 4 consecutive numbers of the *Gazette*.

18 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

Schedule

Form 1

section 7

NORTHERN TERRITORY OF AUSTRALIA

NOXIOUS WEEDS ACT

NOTICE TO ERADICATE NOXIOUS WEEDS

You are hereby notified that the plants included in the classes of plants named in the table set out hereunder have been declared to be Class A Noxious Weeds in relation to the land described hereunder and you are hereby required as *owner/lessee/licensee/mortgagee in possession/occupier/manager of that land to eradicate each plant so included from that land within days from the date of service of this notice by the means indicated in that table opposite the class of plants in which the plant is included.

Dated this day of , 19 .

* Minister

* Person authorized to
give this notice

* Cross out whatever is inapplicable.

TABLE

Classes of Plants declared to be
Class A noxious weeds

Means of Eradication

DESCRIPTION OF LAND:

Form 2

section 7

NORTHERN TERRITORY OF AUSTRALIA

NOXIOUS WEEDS ACT

NOTICE TO CONTROL NOXIOUS WEEDS

You are hereby notified that the plants included in the classes of plants named in the table set out here-under have been declared to be Class B Noxious Weeds in relation to the land described hereunder and you are hereby required as *owner/lessee/licensee/mortgagee in possession/occupier/manager of that land to control the growing and spreading on that land of each plant so included within days from the date of service of this notice by means indicated in that table opposite the class of plants in which the plant is included.

Dated this day of , 19 .

* Minister

* Person authorized to
give this notice

* Cross out whatever is inapplicable.

TABLE

Class of Plants that are declared to be Class B Noxious Weeds	Means of Control
--	------------------

DESCRIPTION OF LAND:

Form 3

section 7

NORTHERN TERRITORY OF AUSTRALIA

NOXIOUS WEEDS ACT

NOTICE TO DESTROY HAY OR ANIMAL FODDER CONTAINING SEEDS
OF NOXIOUS WEEDS

You are hereby notified that the hay or animal fodder described hereunder contains seeds of noxious weeds of the *class/classes listed in that table and you are hereby required as *owner/person in possession/person having control of that hay or animal fodder:

- (a) not to sell that hay or animal fodder; and
- (b) to destroy that hay or animal fodder within days from the date of service of this notice by the means described hereunder.

Dated this day of , 19 .

* Minister

* Person authorized to
give this notice

* Cross out whatever is inapplicable.

TABLE

Description of Hay or Animal Fodder	Class of Noxious Weeds	Means of Destruction
--	---------------------------	----------------------

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Noxious Weeds Ordinance 1962 (Act No. 39, 1963)

Assent date	27 May 1963
Commenced	8 January 1964

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation

Ordinances Revision Ordinance 1974 (Act No. 34, 1974)

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 8)

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date	5 September 1978
Commenced	5 September 1978

Statute Law Revision Act (No. 4) 1981 (Act No. 4, 1982)

Assent date 12 February 1982
Commenced 12 February 1982

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

Real Property (Statutory Charges Consequential Amendments) Act 1993 (Act No. 77, 1993)

Assent date 23 November 1993
Commenced 1 October 1994 (s 2, s 2 *Real Property Amendment Act (No. 2) 1993* (Act No. 76, 1993) and Gaz G37, 14 September 1994, p 2)

Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)

Assent date 12 September 2000
Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and Gaz G38, 27 September 2000, p 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance* 1973 (as amended) to the following provisions: ss 3, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17 and The Schedule.

4 LIST OF AMENDMENTS

It	amd No. 4, 1982, s 3
ss 1 – 2	amd No. 4, 1982, s 3
s 4	amd No. 4, 1982, s 3
s 5	amd No. 54, 1978, s 4; No. 4, 1982, s 3
s 6	amd No. 54, 1978, s 4
s 7	amd No. 54, 1978, s 4; No. 4, 1982, s.3
ss 8 – 9	amd No. 54, 1978, s 4
s 10	amd No. 54, 1978, s 4; No. 4, 1982, s 3; No. 77, 1993, s 10; No. 45, 2000, s 11
ss 12 – 14	amd No. 54, 1978, s 4; No. 4, 1982, s 3 rep No. 77, 1993, s 10
s 15	rep No. 77, 1993, s 10
ss 16 – 17	amd No. 4, 1982, s 3
s 18	amd No. 95, 1978, s 14; No. 4, 1982, s 3
sch	amd No. 54, 1978, s 4; No. 4, 1982, s 3