

**NORTHERN TERRITORY OF AUSTRALIA**

**WEEDS MANAGEMENT ACT 2001**

As in force at 1 July 2001

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2001

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## WEEDS MANAGEMENT ACT 2001

**An Act to protect the Territory's economy, community, industry and environment from the adverse impact of weeds**

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Weeds Management Act 2001*.

#### 2 Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

#### 3 Purpose

The purpose of this Act is:

- (a) to prevent the spread of weeds in, into and out of the Territory and to ensure that the management of weeds is an integral component of land management in accordance with the Northern Territory Weeds Management Strategy 1996 – 2005 or any other strategy adopted to control weeds in the Territory;
- (b) to ensure there is community consultation in the creation of weed management plans; and
- (c) to ensure that there is community responsibility in implementing weed management plans.

#### 4 Definitions

In this Act, unless the contrary intention appears:

***access permit*** means an access permit granted under section 22.

***approved*** means approved by the Minister in writing.

***authorised person*** means an authorised person appointed under section 25.

**cleaning area** means land declared to be a cleaning area under section 23.

**declared weed** means a plant declared to be a declared weed under section 7.

**designated weed disposal area** means an area declared under section 8.

**fodder** includes hay, chaff, meal, grain, silage and other plant-based animal feed preparations.

**land** includes buildings and water on land.

**officer** means a weed management officer appointed under section 24.

**permit** means a permit granted under section 30.

**plant** means vegetation, whether living or dead, and includes:

- (a) trees, shrubs, bushes, grasses, sedges, herbs, ferns, algae and fungi; and
- (b) a part or product of a plant including flowers, fruit, seed, spore, cuttings, roots and rhizomes.

**potential weed** means a plant declared to be a potential weed under section 7.

**quarantine area** means land declared to be a quarantine area under section 21.

**remedial weed management plan** means a remedial weed management plan approved under section 14.

**soil** includes sand, gravel and rock.

**this Act** includes the Regulations.

**vehicle** means:

- (a) a conveyance or other device designed to be propelled or drawn by any means; or
- (b) a device that runs on wheels or tracks whether or not with motive power including agricultural machinery, equipment and implements, trailers and caravans.

**weed management plan** means a weed management plan approved under section 10.

**5 Act binds Crown**

This Act binds the Crown in right of the Territory and, in so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

**6 Delegation**

- (1) The Minister may, in writing, delegate to a person, including the person from time to time holding, acting in or performing the duties of an office, designation or position, any of his or her powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, is to be taken to have been exercised or performed by the Minister.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister.

**Part 2 Declared and potential weeds****7 Declared and potential weeds**

- (1) The Minister may, by notice in the *Gazette*, declare a plant to be a declared weed and may classify the declared weed for the purposes of preventing the plant entering into, or managing the plant in, the Territory or a part of the Territory.
- (2) The Minister may, by notice in the *Gazette*, declare a plant to be a potential weed for the purposes of managing the plant in the Territory or a part of the Territory.
- (3) The Minister may only make a declaration under subsection (1) or (2) after he or she has consulted with the Minister responsible for the administration of the *Territory Parks and Wildlife Conservation Act* concerning the proposed declaration.
- (4) A declaration under subsection (1) may classify a declared weed having regard to whether it is:
  - (a) necessary to eradicate the declared weed;
  - (b) necessary to prevent the growing and spreading of the declared weed; or
  - (c) necessary to prevent the introduction of the declared weed into the Territory.

- (5) The classification of a declared weed may be in accordance with a nationally agreed classification scheme or code.

## **8            Designated weed disposal areas**

The Minister may, by notice in the *Gazette*, declare an area to be a designated weed disposal area where potential weeds may be disposed of.

# **Part 3            Management of weeds**

## **Division 1        General duties**

### **9            General duties**

- (1) The owner and occupier of land must:
- (a) take all reasonable measures to prevent the land being infested with a declared weed;
  - (b) take all reasonable measures to prevent a declared weed or potential weed on the land spreading to other land; and
  - (c) within 14 days after first becoming aware of a declared weed that has not previously been, or known to have been, present on the land, notify an officer of the presence of the declared weed.
- (2) The owner and occupier of land on which a declared weed or potential weed is present must comply with a weed management plan relating to the weed.
- (3) The owner and occupier of land on which a potential weed is present must dispose of the weed only on the land or at a designated weed disposal area.
- (4) A person must not, except in accordance with a permit:
- (a) bring a declared weed or take part in, or be responsible for, bringing a declared weed into the Territory;
  - (b) propagate or scatter a declared weed;
  - (c) sell or offer to sell a declared weed or any thing that contains or carries a declared weed;
  - (d) hire any equipment, device or thing that contains or carries a declared weed or potential weed;

- (e) purchase or offer to purchase a declared weed or any thing that contains or carries a declared weed;
  - (f) store, grow or use a declared weed or any thing that contains or carries a declared weed; or
  - (g) transport or carry on his or her person a declared weed or anything that contains or carries a declared weed.
- (5) Despite subsection (4)(g), if a person has a plant that the person thinks may be a declared weed, he or she may transport or carry the plant or anything that contains or carries the plant to an officer for the purpose having it identified.
- (6) A plant or thing referred to in subsection (5) must be transported or carried in a sealed container.
- (7) A person who transports or carries a thing that contains or carries a declared weed does not commit an offence against subsection (4)(g) if the person proves that:
- (a) he or she was instructed to transport or carry the thing that contained or carried the declared weed; and
  - (b) he or she did not know, or could not reasonably have known, that the thing contained or carried the declared weed.
- (8) An offence against this section is an environmental offence level 3.

## **Division 2 Weed management plans**

### **10 Weed management plans**

- (1) The Minister may, by notice in the *Gazette*, approve a plan as a weed management plan for one or more of the following purposes:
- (a) to prevent a declared weed or potential weed entering the Territory;
  - (b) to prevent anything containing or carrying a declared weed or potential weed being brought into or taken out of the Territory;
  - (c) to manage a declared weed or potential weed within the Territory or a part of the Territory; or
  - (d) to prevent a declared weed or potential weed being propagated or moved within the Territory.

- (2) A weed management plan is to include the following particulars:
- (a) the name of the plan;
  - (b) the area or activity to which the plan applies;
  - (c) the general and specific objectives of the plan;
  - (d) the name and classification of the declared weed or potential weed to which the plan applies;
  - (e) the methods to be used to achieve the objectives of the plan and the time during which the methods are to be used, and other specifications required, to achieve the objectives of the plan;
  - (f) the methods to be used to prevent the spread within or from the area to which the plan applies;
  - (g) the requirements for owners and occupiers of land and officers to monitor the results of the plan and the methods used.
- (3) A weed management plan may include the following particulars:
- (a) the procedures for inspecting land, animals, vehicles, plants, fodder, soil and other things for the presence of declared weeds or potential weeds;
  - (b) the processes to be adopted following the removal of declared weeds or potential weeds from land to rehabilitate the land;
  - (c) the use of declared weeds under a permit;
  - (d) the program for educating the owners and occupiers of land in the area to which the plan applies and other persons to whom the plan applies on how to manage declared weeds or potential weeds;
  - (e) the criteria for obtaining assistance to carry out the obligations imposed under the plan and the extent of the assistance;
  - (f) any other particulars that are determined by the Minister.
- (4) A weed management plan may prohibit or restrict the use of a substance or class of substances or a methodology used to manage declared weeds or potential weeds.
- (5) A weed management plan may adopt or incorporate by reference any code, standard, methodology or publication, or a part of any code, standard or publication, published by any authority or body.

## **11 Approval of weed management plans**

- (1) Before approving a weed management plan, the Minister is to cause a notice of the proposed plan to be published in a newspaper circulating in the Territory.
- (2) A notice under subsection (1) is to specify the place where copies of the proposed plan may be inspected and a period, not less than 4 weeks, during which comment on the proposed weed management plan may be sent to the Minister.
- (3) The Minister is to consider the comments received under subsection (2) and may approve the proposed weed management plan or amend it and approve it as amended.
- (4) A weed management plan remains in force for a period, not longer than 10 years, as specified by the Minister.
- (5) A weed management plan is to be published in a form approved by the Minister.

## **12 Review of weed management plans**

- (1) The Minister is to review a weed management plan not later than 3 years after it is approved and thereafter at intervals not longer than 3 years.
- (2) Each time a weed management plan is to be reviewed, the Minister is to publish a notice of the review in a newspaper circulating in the Territory.
- (3) A notice under subsection (2) is to specify a period, not less than 2 weeks, during which comments on the review may be sent to the Minister.
- (4) The Minister is to consider the comments received under subsection (3) and may confirm, revoke or amend the weed management plan.
- (5) If the Minister amends a weed management plan, notice of the amendment, with an explanation of the reason for the amendment, is to be published in the *Gazette*.

## **13 Revocation or amendment of weed management plans**

In addition to section 12, the Minister may by notice in the *Gazette*, revoke or amend a weed management plan at any time.

## **Division 3 Remedial weed management plans**

### **14 Remedial weed management plans**

- (1) If, in the opinion of the Minister, the owner or occupier of land has contravened or failed to comply with a weed management plan, the Minister may notify the owner or occupier of the contravention or failure and direct the owner or occupier to:
  - (a) comply with the weed management plan within the time specified by the Minister; or
  - (b) prepare and submit to the Minister within the time specified by the Minister a proposed remedial weed management plan in accordance with this section.
- (2) A direction under subsection (1)(a) may require the owner or occupier to carry out work specified by the Minister to ensure that any damage caused by the contravention or failure to comply with the weed management plan is remedied.
- (3) If an owner or occupier of land fails to comply with a direction to carry out work given under subsection (1)(a), the work may be carried out by an officer or authorised person and the cost of the work is a debt due and payable by the owner or occupier to the Territory.
- (4) The owner or occupier of land who is given a direction under subsection (1)(b) must prepare a proposed remedial weed management plan for the land and submit it to the Minister in the time directed.
- (5) A remedial weed management plan is to include:
  - (a) the name of the remedial weed management plan;
  - (b) the name of the weed management plan to which the remedial weed management plan relates;
  - (c) the objectives of the remedial weed management plan;
  - (d) the time within which the objectives of the remedial weed management plan are to be achieved and the methods to be used to achieve the objectives; and
  - (e) the intervals at which the owner or occupier of the land is to report to the Minister on the operation of the plan.

- (6) The Minister may:
- (a) approve a proposed remedial weed management plan submitted under this section; or
  - (b) return it to the owner or occupier of the land for revision in accordance with the requirements, and within the time, specified by the Minister.
- (7) The Minister may return a remedial weed management plan prepared under this section for revision on not more than 2 occasions.
- (8) The Minister may prepare a remedial weed management plan if the owner or occupier of land:
- (a) fails to submit a proposed remedial weed management plan when directed under subsection (1)(b); or
  - (b) submits a proposed remedial weed management plan that the Minister does not consider satisfactory after the proposed plan has been returned for revision on the second occasion.
- (9) The cost of the Minister having a remedial weed management plan prepared is:
- (a) a debt due and payable by the owner or occupier of the land; and
  - (b) an overriding statutory charge, within the meaning of the *Land Title Act*, on the land to which it relates.
- (10) A remedial weed management plan is, for the purposes of section 35 of the *Land Title Act*, to be taken to impose a restriction on the use and occupation of the land to which it relates and the Minister must lodge with the Registrar-General a memorandum in accordance with that section.
- (11) A remedial weed management plan is binding on a mortgagee in possession of, and on successors in title to, the land to which it relates.
- (12) A person to whom a remedial weed management plan applies must not contravene or fail to comply with the plan.
- (13) An offence against this section is an environmental offence level 3.

**Division 4      Emergency weed management plans****15      Emergency weed management plans**

- (1) The Minister may, by notice in the *Gazette*, declare a plan to be an emergency weed management plan if the extent or severity of an infestation of a declared weed requires, or is likely to require, that the infestation be managed immediately.
- (2) An emergency weed management plan may include particulars that are required or permitted to be included in a weed management plan.
- (3) An emergency weed management plan:
  - (a) remains in force for 6 months; and
  - (b) may be extended by the Minister, by notice in the *Gazette*, for one period, not longer than 6 months, as specified in the notice.
- (4) A notice under subsection (1) is to state the place where the emergency weed management plan is available for inspection by the public.
- (5) A person to whom an emergency weed management plan applies must not contravene or fail to comply with the plan.
- (6) An offence against this section is an environmental offence level 3.

**Part 4      Weed advisory committees****16      Weed advisory committees**

- (1) The Minister may establish weed advisory committees for regions, districts or catchment areas, or for specific purposes.
- (2) A weed advisory committee consists of persons appointed by the Minister who, in the opinion of the Minister, have expertise or experience relevant to the management of declared weeds or who represent groups or organisations that are concerned with the management of declared weeds or related matters.
- (3) The Minister is to appoint a member of a weed advisory committee to be the Chairperson of the committee.
- (4) A member of a weed advisory committee holds office for 3 years and is eligible to be re-appointed.

- (5) A member of a weed advisory committee may resign by writing delivered to the Minister.

## **17 Functions of weed advisory committees**

The functions of a weed advisory committee are:

- (a) to develop draft weed management plans in consultation with appropriate persons, groups or organisations, and with persons whose land may be affected by a declared weed infestation;
- (b) to advise the Minister on the progress of weed management in the region, district, catchment area or the specific purpose for which it was established; and
- (c) to advise the Minister on other matters as the Minister may request from time to time.

## **18 Meetings of weed advisory committees**

- (1) The Chairperson of a weed advisory committee is to call meetings of the committee as and when required to perform its functions.
- (2) The Chairperson of a weed advisory committee is to convene a meeting of the committee when directed to do so by the Minister.
- (3) At a meeting of a weed advisory committee:
  - (a) one more than half of the members of the committee holding office constitutes a quorum;
  - (b) the Chairperson, if present, is to preside but in the absence of the Chairperson the members present are to elect one of their number to act as Chairperson and that person may exercise the powers and perform the functions of the Chairperson at the meeting;
  - (c) questions arising are to be determined by a majority of the votes of the members present and voting and in the event of an equality of votes the Chairperson or other member presiding at the meeting has, in addition to his or her deliberative vote, a casting vote; and
  - (d) the Chairperson or other member presiding at the meeting is to determine the procedure to be followed at or in connection with the meeting.
- (4) A weed advisory committee must cause records of its meetings to be kept.

**19 Disclosure of interest**

- (1) A member of a weed advisory committee who has or has had a direct or indirect proprietary or other pecuniary interest in a matter being considered or about to be considered by the committee (other than an interest held in common with other land owners or users of land in the area) must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of his or her interest at a meeting of the committee.
- (2) A disclosure under subsection (1) is to be recorded in the minutes of the meeting of the weed advisory committee and the member, in relation to the matter:
  - (a) is not, while he or she has that interest (otherwise than as a member of, and in common with the other members of, a corporation consisting of not less than 25 persons and of which he or she is not a director) to take part after the disclosure in any deliberation or decision of the committee; and
  - (b) is to be disregarded for the purpose of constituting a quorum at the meeting.

**20 Confidentiality**

A member of a weed advisory committee must not disclose information obtained in the course of his or her duties as a member unless the disclosure is made in the course of those duties.

Penalty: 50 penalty units.

**Part 5 Quarantine and cleaning areas****21 Quarantine areas**

- (1) The Minister may, by notice in the *Gazette*, declare land described in the notice to be a quarantine area for the purpose of preventing a declared weed entering into the Territory or to manage a declared weed in the Territory or a part of the Territory.
- (2) A notice under subsection (1):
  - (a) is to specify the period the declaration is to remain in force; and

- (b) may impose restrictions on the movement of persons, animals, vehicles, aircraft, boats, plants, fodder, soil or any other thing in, into or out of the quarantine area except in accordance with an access permit.
- (3) A person must not contravene or fail to comply with a restriction specified in a notice under subsection (1).
- (4) An offence against subsection (3) is an environmental offence level 3.

## **22 Access permit**

- (1) A person may apply to an officer for an access permit.
- (2) The application is to be in the approved form and accompanied by the prescribed fee.
- (3) Subject to subsection (4), an officer may grant or refuse to grant an access permit.
- (4) The Minister may, by notice in the *Gazette*, give directions relating to matters that an officer must consider before granting an access permit, including whether the person, animal, vehicle, aircraft, boat, plant, fodder, soil or other thing has been disinfected or treated in the manner specified in the notice.
- (5) An access permit is subject to the conditions determined by the officer and endorsed on the access permit.

## **23 Cleaning areas**

- (1) The Minister may, by notice in the *Gazette*, declare land described in the notice to be a cleaning area for the purpose of preventing a declared weed or potential weed entering into the Territory or to manage a declared weed or potential weed in the Territory or a part of the Territory.
- (2) The Minister may determine rules that apply to the management of a cleaning area and to persons using a cleaning area and the fees to be paid to use facilities on a cleaning area.
- (3) A person must not contravene or fail to comply with a rule determined under subsection (2).
- (4) An offence against subsection (3) is an environmental offence level 3.

## **Part 6 Weed management officers and authorised persons**

### **24 Weed management officers**

- (1) The Minister may, by notice in the *Gazette*, appoint an employee, within the meaning of the *Public Sector Employment and Management Act*, to be a weed management officer.
- (2) The Minister is to issue to an officer an approved identity card containing the officer's photograph, signed by the officer and verified by the Minister.
- (3) An officer who enters land under section 28 is to produce the card issued under subsection (2) on the request of the owner or occupier of the land.
- (4) An officer's appointment remains in force only while he or she is an employee, within the meaning of the *Public Sector Employment and Management Act*.
- (5) A person must, as soon as practicable after ceasing to be an officer, return to the Minister the card issued under subsection (2).

Penalty: 50 penalty units.

### **25 Authorised persons**

- (1) The Minister may, in writing, appoint a person to be an authorised person.
- (2) An authorised person may, subject to the conditions determined by the Minister, exercise the powers of an officer that are specified in his or her appointment.
- (3) An authorised person must, when exercising a power of an officer specified in his or her appointment, produce to a person his or her appointment as an authorised person when requested to do so by the person.

### **26 Obstructing and hindering officers and authorised persons**

- (1) A person must not obstruct or hinder an officer exercising or attempting to exercise a power or function under this Act.
- (2) A person must not contravene or fail to comply with an order given by an officer or authorised person under this Act.

Penalty: 100 penalty units.

**27 False or misleading statements to officers and authorised persons**

A person must not knowingly give to an officer or authorised person information that is false or misleading in a material particular.

Penalty: 100 penalty units.

**28 Powers of officers**

- (1) An officer may, for the purposes of this Act, do any of the following:
- (a) enter land, other than a dwelling, and do any of the following:
    - (i) search the land and any thing found on the land;
    - (ii) take photographs, including video recordings, make sketches or other records of the land and any thing found on the land;
    - (iii) inspect and take copies of any documents found on the land;
    - (iv) take samples of any thing found on the land;
    - (v) open any packages and cartons on the land and inspect and take samples of the contents;
    - (vi) require any person on the land to provide his or her name and address;
    - (vii) require any person on the land to provide information concerning the origin and destination of any thing found on the land;
    - (viii) order the owner or occupier of the land to treat the land to control or eradicate declared weeds or potential weeds on the land;
  - (b) order the owner or person in control of a vehicle, boat, aircraft or animal to stop the vehicle, boat, aircraft or animal and search or inspect it for the presence of declared weeds or potential weeds;
  - (c) order the owner or person in control of a vehicle, boat, aircraft, animal, plant, fodder, soil or any other thing that contains or may contain, or is or may be contaminated by, a declared weed or potential weed to take it to a cleaning area or other place specified by the officer in the manner and within the period specified by the officer and to clean or treat the vehicle,

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boat, aircraft, animal, plant, fodder, soil or thing in the manner and within the time specified by the officer;

- (d) order the owner or person in control of an animal, plant, fodder, soil or other thing that contains or may contain, or is or may be contaminated by, a declared weed or potential weed not to sell the animal, plant, fodder, soil or thing until an officer certifies that it has been cleaned to the satisfaction of the officer;
  - (e) order the owner or person in control of a plant, fodder, soil or other thing that contains or may contain, or is or may be contaminated by, a declared weed or potential weed to destroy it if it has not been cleaned to the satisfaction of the officer;
  - (f) order the owner or person in control of an animal that the officer suspects has been exposed to or is carrying a declared weed or potential weed to take the animal to a place or cleaning area specified by the officer and to remain there for the period that the officer thinks is necessary to enable the declared weed or potential weed to be cleared from the animal's gut.
- (2) An order under this section may be given orally but must be confirmed in writing as soon as practicable after it is given.
  - (3) An officer who is satisfied that a person has complied with an order given under subsection (1)(c) is to issue a certificate that the vehicle, boat, aircraft, animal, plant, fodder, soil or thing has been cleaned in accordance with the order on being requested to provide a certificate by the person.
  - (4) If an order is given to an owner or person in control of an animal under this section, the owner or person remains responsible for the animal's welfare (including the feeding of the animal) while the order remains in force.

## **Part 7                      Miscellaneous**

### **29                      Notification of presence of plants or weeds**

- (1) The Minister may, by written notice to the owner or occupier of land, require the owner or occupier to notify the Minister, in writing, of the presence of a plant, declared weed or potential weed on the land within the time specified in the notice.
- (2) The Minister may, by notice in the *Gazette* and in a newspaper circulating in the Territory, require the owners and occupiers of land

specified in the notice or the owners and occupiers of land in an area of the Territory specified in the notice to notify the Minister, in writing, of the presence of a plant, declared weed or potential weed on the land within the time specified in the notice.

- (3) A notice under this section may require the following be given by the person to whom the notice applies:
  - (a) particulars of where the plant, declared weed or potential weed is situated on the land;
  - (b) an estimate, based on investigations conducted in a specified manner, of the quantity of the plant, declared weed or potential weed on the land;
  - (c) any other information that the Minister may require and specifies in the notice.
- (4) A person to whom a notice under this section applies must not contravene or fail to comply with the notice.
- (5) An offence against subsection (4) is an environmental offence level 3.

### **30 Permits to use declared weeds**

- (1) A person may apply to the Minister for a permit.
- (2) An application is to be in the approved form accompanied by the prescribed fee.
- (3) The Minister may require an applicant for a permit to lodge a bond with the Minister that, in the opinion of the Minister, is sufficient to provide a security against costs and expenses that may be incurred by the Minister to prevent the spread of a declared weed as a result of an action taken under the permit.
- (4) The Minister may grant or refuse to grant a permit.
- (5) A permit is subject to the conditions determined by the Minister.
- (6) A person must comply with and not contravene a condition to which a permit under this section is subject.
- (7) An offence against subsection (6) is an environmental offence level 3.

**31 Cutting declared weeds in certain areas**

- (1) Except to manage a declared weed in accordance with a weed management plan, a person must not cut or mow an area for the purpose of producing fodder or mulch if the person knows or should reasonably know that the area is infested or contaminated with a declared weed.
- (2) An offence against subsection (1) is an environmental offence level 3.

**32 Moving animals and vehicles on roads**

- (1) A person must not move or drive an animal or vehicle that the person knows or should reasonably know contains or carries a declared weed:
  - (a) on a public road; or
  - (b) from the person's land to another person's land,unless the animal or vehicle has been cleaned in accordance with a declared weed management plan or in compliance with the direction of an officer.
- (2) A person does not commit an offence against subsection (1) if the person proves that:
  - (a) he or she was instructed to move or drive the animal or vehicle; and
  - (b) he or she could not reasonably have known that the animal or vehicle contained or carried the declared weed.
- (3) An offence against subsection (1) is an environmental offence level 3.

**33 Owner liable for costs incurred**

If a person who is not the owner of a vehicle, boat, aircraft, animal, plant, fodder, soil or other thing complies with an order under section 28, the person:

- (a) may sue for and recover from the owner the cost to the person of complying with the notice; and
- (b) is not liable to the owner for the value of any plant, fodder, soil or thing destroyed in accordance with the order.

**34 Fees**

The Minister may, by notice in the *Gazette*, prescribe the fees to be charged for a matter under this Act.

**35 Protection of officers and members**

- (1) An action, claim or demand, either civil or criminal, cannot be commenced or continued against the Territory, an officer, authorised person or a member of a weed advisory committee in respect of an act or omission of the officer, authorised person or member in good faith:
  - (a) in the exercise or purported exercise of a power of the officer, authorised person or member; or
  - (b) in the performance or purported performance of a function of the officer, authorised person or member.
- (2) Except as provided by this Act, the Territory is not liable to pay compensation to a person as a result of the operation of this Act or of the due exercise of a power, function, authority or discretion conferred by this Act unless, in a particular case, it is an acquisition of property within the meaning of section 50 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, in which case the acquisition is to be on just terms.

**36 Appeals to Local Court**

- (1) A person aggrieved by a decision of the Minister, an officer or authorised person under this Act may, not later than 28 days after the day on which the person received notice of the decision, appeal against the decision to the Local Court.
- (2) An appeal is by way of a hearing de novo.
- (3) At the hearing of an appeal, the Local Court may:
  - (a) confirm the decision of the Minister, officer or authorised person;
  - (b) set aside the decision; or
  - (b) set aside the decision and substitute any other decision that the Minister, officer or authorised person could have made as the Court specifies.

**37 Service of documents**

A document required by this Act to be given to a person may be given:

- (a) by delivering it to the person;
- (b) by posting it to the person; and
- (c) in the case of a corporation – by posting or delivering it to the corporation at its registered office in the Territory or otherwise as provided by the Corporations Law.

**38 Continuing offences**

On finding a person guilty of an offence against a provision of this Act, a court may, in addition to the penalty specified for the offence, impose a further penalty, not exceeding 10 penalty units, for each day after the first day during which the offence continues if it is satisfied that the person continued in breach of, or had not complied with, the provision after the date when the offence was committed.

**39 Commencement of prosecutions**

A prosecution for an offence against this Act may only be commenced by an officer.

**40 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the Regulations may prescribe:
  - (a) the particulars to be included in notices and certificates issued by officers;
  - (b) the methods for treating declared weeds, including biological, mechanical, chemical and management methods;
  - (c) the methods for cleaning declared weeds from vehicles, boats, aircrafts, animals, plants, fodder, soil and other things contaminated by declared weeds;

- (d) the payment of a prescribed amount in lieu of a penalty that may otherwise be imposed for an offence against this Act;
- (e) the service of notices on persons alleged to have infringed this Act and particulars to be included in such notices; and
- (f) penalties, not exceeding \$5,000, for offences, including regulatory offences, against the Regulations.

#### **41 Repeal**

The *Noxious Weeds Ordinance 1962*, No. 39 of 1963, is repealed.

#### **42 Savings**

- (1) In this section, ***repealed Act*** means the Act repealed by section 41.
- (2) If, immediately before the commencement of this Act:
  - (a) a person was an Inspector of Noxious Weeds under the repealed Act, the person is, on that commencement, an officer as if appointed under section 24; and
  - (b) a weed was a noxious weed under the repealed Act, the weed is, on that commencement, a declared weed as if declared under section 7 and it has the classification it had under the repealed Act.

## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Weeds Management Act 2001 (Act No. 2, 2001)***

Assent date	22 March 2001
Commenced	1 July 2001 ( <i>Gaz</i> S34, 1 July 2001)