

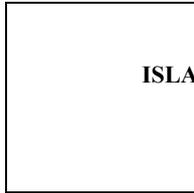
NOXIOUS WEEDS ACT 1916

[Consolidated as at 20 May 1985
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

TABLE OF PROVISIONS

1. Short title
2. Definitions
3. Noxious weeds
4. Plants may be declared noxious weeds
5. Notice to owners of infested land
6. Forfeiture of right of pasturage
7. Obstruction of officers or aiding and abetting offences
8. Regulations
 - Schedule 1
 - Schedule 2

NORFOLK



ISLAND

Noxious Weeds Act 1916

An Act relating to noxious weeds

Short title

1. This Act may be cited as the *Noxious Weeds Act 1916*.

Definitions

2. In this Act —
“owner” includes occupier, lessee or other person entitled to any land whether on his own account or as agent, trustee or attorney.

Noxious weeds

3. For the purposes of this Act, the plants specified in Schedule 1 shall be deemed to be noxious weeds.

Plants may be declared noxious weeds

4. The executive member may, by notice published in the Gazette, declare any plant not specified in Schedule 1 to be a noxious weed for the purposes of this Act.

Notice to owners of infested land

5. (1) The executive member may cause to be served upon the owner of any land which is infested with noxious weeds a notice in the form in Schedule 2 requiring him to eradicate noxious weeds from the land.

(2) If the owner of any land is unknown or absent from, or has no known agent resident in, Norfolk Island, a notice in the form in Schedule 2 may be affixed in a conspicuous place on the land, and a copy of the notice shall be published in the Gazette, and a notice so affixed and published shall, for the purposes of this section, be deemed to be sufficient notice to the owner of the land:

Provided that it shall not be necessary for any such notice to specify the name of any person as the owner of the land referred to therein.

(3) If the owner of any land fails, within one month after service upon him of a notice in accordance with subsection 5(1) or 5(2), to eradicate noxious weeds from his land or to take such steps for the suppression of the weeds as the executive member deems sufficient, the executive member may cause the land to be cleared of noxious weeds, and require the owner of the land to pay the expense incurred by the executive member in clearing the land, and, if necessary, may recover the amount summarily.

(4) If the owner of any land which has been cleared of noxious weeds allows the land to become again infested with the weeds, he shall be guilty of an offence against this Act, and shall, on summary conviction, be liable to a penalty not exceeding 10 penalty units in addition to the cost of again clearing the land.

(5) If the owner of any land is unknown or absent from, or has no known agent resident in, Norfolk Island, and an order is made against him by virtue of subsections 5(3) and 5(4), the executive member may send notice of the order to the last known address of the owner, or, where the owner is not known, may notify the making of the order in the Gazette, and if, at the end of 6 months from the date of the making of the order, the expenses and penalty (if any) and all costs attending them have not been paid, the executive member may sell by public auction the land or so much thereof as is required for the payment of the expenses, penalty (if any) and costs, and may execute a conveyance thereof to the purchaser, and every such conveyance shall operate to vest absolutely in the purchaser the land described therein. Out of the proceeds of the sale the executive member shall reimburse himself for the expenses in connection with the sale and conveyance of the land and shall deduct the amount of the expenses of carrying out the requirements of the notice, of the penalty (if any), and of the costs of obtaining the order, and shall hold the balance (if any) in trust for the owner.

Forfeiture of right of pasturage

6. Notwithstanding anything contained in the *Pasturage and Enclosure Act 1949*, any right of pasturage granted to an owner of land under that law, who allows any portion of his land to become infested with noxious weeds to the detriment of adjoining land, shall be suspended unless and until —

- (a) he clears the land in pursuance of section 5; or

- (b) the land is cleared by the executive member in pursuance of section 5, and he pays the expense incurred by the executive member in so clearing the land.

Obstruction of officers or aiding and abetting offences

7. Any person who wilfully obstructs, resists, or hinders any person authorised by the executive member to clear any land of noxious weeds or who aids, abets, counsels or procures the commission of any offence against this Act or the Regulations made thereunder, shall be liable, upon summary conviction, to a penalty not exceeding 10 penalty units.

Regulations

8. 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 1

Sections 3 and 4

Poison plant (*solanum sodomaeum*).

Salvia (*salvia pseudoccinea*).

Cape tulip (*homeria collina*).

Lantana (*Lantana Camara*).

Prickly pear (*Opuntia brasiliensis*).

Fine-leaved Verbena (*Verbena officinalis L. Verbenaceae*).

SCHEDULE 2

Section 5

To owner of acres roods perches of land,
being part of portion No situate at .

You are hereby required to (state action required) the (set out weeds to be dealt with) growing upon your land specified above, within (state time).

Executive member

NOTE - If, at the end of a month from the date of this notice the terms of this notice have not been complied with, the executive member may cause the land to be cleared, and require the owner of the land to pay the expense incurred by the executive member in clearing the land, and if necessary, may recover the amount summarily.

If the land again becomes infested with weeds the owner shall be liable to a penalty in addition to the cost of again clearing the land.

NOTES

The *Noxious Weeds Act 1916* as shown in this consolidation comprises Act No. 4 of 1916 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Noxious Weeds Act 1916</i>	4, 1916	27.12.16	
<i>Noxious Weeds Act 1936</i>	9, 1936	31.3.36	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Ordinances Revision Act 1964</i>	6, 1964	30.6.64	6
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	5
<i>Ordinances (Executive Members) Act 1980</i>	8, 1980	6.11.81	5
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
1	am 2, 1963; 11, 1976
2	am 9, 1936
4	am 6, 1964; 8, 1980
5	am 9, 1936; 6, 1964; 8, 1980; 31, 1980; 9, 1985
6	am 9, 1936; 6, 1964; 11, 1976; 8, 1980

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected
7	am 9, 1936; 8, 1980; 31, 1980; 9, 1985
8	am 13, 1979
Schedule 2	am 9, 1936; 8, 1980; 31, 1980; 9, 1985

© Norfolk Island Government 2002

The *Copyright Act 1968* of the Commonwealth of Australia permits certain reproduction and publication of this legislation. For reproduction or publication beyond that permitted by the Act, written permission must be sought from the Legislative Draftsperson, Administration of Norfolk Island, Norfolk Island, South Pacific 2899.