

NORTHERN TERRITORY OF AUSTRALIA

NOXIOUS WEEDS ACT

As in force at 1 October 1994

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NORTHERN TERRITORY OF AUSTRALIA

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NOXIOUS WEEDS ACT

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NOTE - THIS REPRINT SHOWS THE ACT AS IN FORCE AT 1 OCTOBER 1994. ANY AMENDMENTS THAT MAY COME INTO OPERATION AFTER THAT DATE ARE NOT INCLUDED

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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*. (See back note 1)

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The *Noxious Weeds Ordinance* 1916-1959 is repealed.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

(2) [Omitted]

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.

*Noxious Weeds*

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.

*Noxious Weeds*

(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.

(7) [Omitted]

(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 *Real Property 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.

12. - 15. [Repealed]

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.

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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.

*Noxious Weeds*

TABLE

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| Classes of Plants declared to be Class A noxious weeds | Means of Eradication |
|--|----------------------|
|--|----------------------|

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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

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

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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 |
|-------------------------------------|------------------------|----------------------|
|                                     |                        |                      |
|                                     |                        |                      |

*Noxious Weeds*

*Notes*

1. The *Noxious Weeds Act* comprises the *Noxious Weeds Ordinance* 1962 as amended by the other Ordinances and Acts specified in the following table:

| Ordinance, Act   | Number and year | Date of notification of Governor-General's assent in <i>N.T. Government Gazette</i> | Date of commencement  |
|--|-----------------|---|---|
| <i>Noxious Weeds Ordinance</i> 1962                        | No. 39, 1963    | 27 May 1963   | 8 Jan 1964  |
|  |                 | Date of assent by Administrator   |   |
| <i>Ordinances Revision Ordinance</i> 1973 as amended (a)   | No. 87, 1973    | 11 Dec 1973   | 11 Dec 1973, but see s. 12(2)   |
|  | No. 34, 1974    | 26 Aug 1974   | 11 Dec 1973, but see s. 3(2)  |
|  | No. 69, 1974    | 24 Oct 1974   | 11 Dec 1973, but see s. 3   |
|  | No. 27, 1976    | 28 June 1976  | Ss 1, 2 and 6: 28 June 1976, but see s. 6(2)<br>Ss 3 and 4: 11 Dec 1973<br>S 5: 24 Oct 1974 |
| <i>Transfer of Powers (Self-Government) Ordinance</i> 1978 | No. 54, 1978    | 1 July 1978   | 1 July 1978, but see s. 8   |
| <i>Statute Law Revision Act</i> 1978                       | No. 95, 1978    | 5 Sept 1978   | 5 Sept 1978   |
| <i>Statute Law Revision Act (No. 4)</i> 1981               | No. 4, 1982     | 12 Feb 1982   | 12 Feb 1982   |
| <i>Criminal Law (Regulatory Offences) Act</i> 1983         | No. 68, 1983    | 28 Nov 1983   | 1 Jan 1984  |

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- (a) 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.
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*Table of Amendments*

|            |   |
|------------|---|
| Long title | Amended by No. 4, 1982, s. 3  |
| Section    |   |
| 1.         | Amended by No. 58, 1978, s. 4; No. 4, 1982, s. 3                      |
| 2.         | Amended by No. 4, 1982, s. 3  |
| 4.(1)      | Amended by No. 4, 1982, s. 3  |
| 4.(2)      | Omitted by No. 4, 1982, s. 3  |
| 5.(1)      | Amended by No. 54, 1978, s. 4; No. 4, 1982, s. 3                      |
| 5.(2)      | Amended by No. 54, 1978, s. 4   |
| 5.(3)      | Amended by No. 54, 1978, s. 4   |
| 5.(4)      | Amended by No. 54, 1978, s. 4   |
| 6.         | Amended by No. 54, 1978, s. 4   |
| 7.(1)      | Amended by No. 54, 1978, s. 4   |
| 7.(2)      | Amended by No. 54, 1978, s. 4   |
| 7.(3)      | Amended by No. 54, 1978, s. 4; No. 4, 1982, s. 3                      |
| 7.(4)      | Amended by No. 4, 1982, s. 3  |
| 7.(4A)     | Inserted by No. 4, 1982, s. 3   |
| 7.(5)      | Amended by No. 54, 1978, s. 4   |
| 7.(7)      | Omitted by No. 4, 1982, s. 3  |
| 8.         | Amended by No. 54, 1978, s. 4   |
| 9.         | Amended by No. 54, 1978, s. 4   |
| 10.(1)     | Amended by No. 54, 1978, s. 4; No. 4, 1982, s. 3; No. 77, 1993, s. 10 |
| 10.(2)     | Amended by No. 54, 1978, s. 4; No. 4, 1982, s. 3                      |
| 12.        | Repealed by No. 77, 1993, s. 10                                       |
| 12.(1)     | Amended by No. 54, 1978, s. 4   |
| 12.(2)     | Substituted by No. 4, 1982, s. 3                                      |
| 13.        | Amended by No. 54, 1978, s. 4; repealed by No. 77, 1993, s. 10        |
| 14.        | Repealed by No. 77, 1993, s. 10                                       |
| 14.(1)     | Amended by No. 54, 1978, s. 4   |
| 15.        | Repealed by No. 77, 1993, s. 10                                       |
| 16.        | Amended by No. 4, 1982, s. 3  |
| 17.        | Amended by No. 4, 1982, s. 3  |
| 18.        | Amended by No. 95, 1978, s. 14; No. 4, 1982, s. 3                     |
| Heading    |   |
| Schedule   | Amended by No. 4, 1982, s. 3  |
| SCHEDULE   | Amended by No. 54, 1978, s. 4; No. 4, 1982, s. 3                      |

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