



Australian Capital Territory

# **Noxious Weeds Act 1921**

**A1921-2**

**Republication No 2**

**Effective: 15 December 1994 – 24 June 1997**

Republication date: 19 November 2008

Last amendment made by A1994-97

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Noxious Weeds Act 1921* effective 15 December 1994 to 24 June 1997.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

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## NOXIOUS WEEDS ACT 1921

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An Act relating to the Eradication of Noxious Weeds

#### Short title

1. This Act may be cited as the *Noxious Weeds Act 1921*.<sup>1</sup>

#### Interpretation

2. In this Act, unless the contrary intention appears—

“Land” includes any estate or interest in land;

“Noxious weeds” includes any plants that are by notice in the *Gazette* declared from time to time by the Minister to be noxious weeds under this Act;

“Owner” includes occupier, lessee, licensee, manager, or other person entitled to any land whether on his own account, or as agent, trustee, or attorney.

**Notification of noxious weeds**

4. The Minister may by notice in the *Gazette* declare any plant to be a noxious weed under this Act, and may from time to time, as occasion requires, remove any plant from the list of noxious weeds under this Act.

**Minister may give notice to owners**

5. (1) The Minister may give notice to owners specifying the plants which have been declared to be noxious weeds.

(2) The notice may be given by advertisement in some newspaper circulating in the neighbourhood of the land, and a copy of this section shall be included in or printed on the notice.

(3) In each year thereafter advertisements shall be published in some newspaper circulating in the neighbourhood of the land drawing attention to this section and to the notice aforesaid.

(4) All owners of land in the area shall destroy or eradicate, or otherwise deal with the noxious weeds growing on the land, and shall thereafter keep the land free therefrom.

(5) After the expiration of one month from the publication of the notice aforesaid, if the owner of any land has not in the opinion of the Minister taken reasonable steps to comply with the requirements of this section the Minister may, subject to the provisions of this Act—

- (a) recover from the owner a penalty not exceeding Forty dollars upon proving that the owner has not complied with the requirements of this section; and
- (b) cause all noxious weeds growing on the land to be destroyed, and may recover from the owner as a debt any reasonable expense incurred thereby.

(6) A certificate under the hand of the Minister that, in his opinion, the owner of any land liable to comply with the requirements of this section has not taken reasonable steps to comply with those requirements shall be *prima facie* evidence of the matters stated in the certificate.

**Power of Minister to enter on lands and destroy noxious weeds**

6. (1) In the event of the owner failing to comply with the requirements of any notice within the time specified in the notice, the Minister or an authorized person may, with a sufficient number of assistants, enter upon the land in respect whereof the notice has been given and carry out all things required by

the notice to be done; and may recover from the owner of the land by proceedings before a Court of competent jurisdiction, together with the costs of such proceedings, all expenses incurred in carrying out the requirements of the notice.

(2) For the purposes of this section “authorized person” means a person having authority from the Minister, and such authority may be a general authority.

**Power to sell or lease land to pay expense of carrying out requirements of notice**

7. (1) If the owner of any land is unknown or does not reside within the Territory, and has no known agent resident within the Territory, the Minister, after an order for payment of expenses and costs has been obtained in the last preceding section, shall send notice of the order in a registered letter to the last-known place of address of the owner, or, if the address of the owner is not known, shall publish notice of the order in four consecutive numbers of the *Gazette*, or in some newspaper circulating in the neighbourhood of the land, and, after a period of twelve months from the date of the order, if the said expenses and all costs thereof have not been paid may sell by public auction the land or so much thereof as is required for the purposes aforesaid and may execute a conveyance thereof to the purchaser.

(2) Every such conveyance shall operate to vest the land described therein absolutely in the purchaser.

(3) Out of the proceeds of the sale the Minister shall first reimburse himself for the expenses in connexion with the sale and conveyance of the land, and then for the expenses of carrying out the requirements of the notice, and the cost of obtaining the order aforesaid, and shall hold the balance (if any) in trust for the owner.

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**NOTE**

1. The *Noxious Weeds Act 1921* as shown in this reprint comprises Act No. 2, 1921 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Noxious Weeds Ordinance 1921</i>	2, 1921	29 Sept 1921	29 Sept 1921	
<i>Noxious Weeds Ordinance 1922</i>	6, 1922	26 Oct 1922	26 Oct 1922	—
<i>Noxious Weeds Ordinance 1936</i>	7, 1936	27 Feb 1936	27 Feb 1936	—
<i>Noxious Weeds Ordinance 1943</i>	11, 1943	21 Oct 1943	21 Oct 1943	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—

**Self-Government day 11 May 1989**

Table 2

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statutory Offices (Miscellaneous Provisions) Act 1994</i>	97, 1994	15 Dec 1994	Ss. 1 and 2: 15 Dec 1994 Remainder: 15 Dec 1994 (see <i>Gazette</i> 1994, No. S293)	Part III (ss. 4-9)

**Table of Amendments**

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

Provision	How affected
S. 2 .....	am. Act No. 97, 1994
S. 3 .....	rep. No. 21, 1959

**NOTE**—continued**Table of Amendments**—continued

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted	
Provision	How affected
S. 5 .....	am. No. 6, 1922 rs. No. 7, 1936 am. No. 11, 1943; No. 19, 1966
S. 6 .....	am. Act No. 97, 1994
S. 6A .....	ad. Act No. 97, 1994
The Schedule.....	rs. No. 6, 1922 rep. No. 7, 1936

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