

NOXIOUS WEEDS.

No. 2 of 1921.^(a)

An Ordinance relating to the Eradication of Noxious Weeds.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows:—

Short title. 1. This Ordinance may be cited as the *Noxious Weeds Ordinance* 1921.

Definitions. 2. In this Ordinance, 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 Ordinance;
 “ Owner ” includes occupier, lessee, licensee, manager, or other person entitled to any land whether on his own account, or as agent, trustee, or attorney.

Delegation by Minister. 3.—(1.) Subject to this Ordinance, the Minister may by writing under his hand delegate to any officer or authority all or any of his powers and functions under this Ordinance except his power of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Minister.

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

Minister may give notice to destroy noxious weeds. 5.—(1.) The^(b) Minister may give notice to any owner calling upon him to destroy, eradicate, or otherwise deal with noxious weeds growing on the land specified in the notice.

(2.) The notice may be in accordance with the form in the Schedule.

(3.) Within fourteen days after the receipt of the notice the owner shall carry out the direction contained therein.

Penalty: Twenty pounds.

(a) Made on 28th September, 1921; notified in *Gazette* of 29th September, 1921; affected by No. 12 of 1924, *infra* p. 114.

(b) This section has since been amended by No. 6 of 1922, *infra* p. 86.

(4.) If the owner of the land is unknown or is absent from the Territory, and has no known agent resident in the Territory, the notice may be given by being affixed in some conspicuous place upon the land and by being published in some newspaper circulating in the neighbourhood thereof, and every notice so affixed and published shall, from the time of its being so affixed and published, be deemed to be sufficient notice to the owner of the land.

(5.) It shall not be necessary for any notice given in pursuance of the last preceding sub-section to specify the name of any person as the owner of the land therein referred to.

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.

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

(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.

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.

Power to sell or lease land to pay expenses of carrying out requirements of notice.

(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.