

# NOXIOUS PLANTS' ORDINANCE, 1913.<sup>(1)</sup>

## No. 7 of 1913.

### An Ordinance for Preventing the Spread of Noxious Weeds and Plants.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Noxious Plants' Ordinance*, 1913.<sup>(1)</sup> Short title.

It shall commence on a day to be fixed by the Lieutenant-Governor by Proclamation published in the *Gazette*.<sup>(1)</sup> Commencement.

2. In this Ordinance the expression "Noxious weed or plant" means a weed or plant declared under the provisions of this Ordinance to be a noxious weed or plant. Interpretation.

"Native-owned land" means any land owned by natives which has never been acquired by the Crown.

3. The Lieutenant-Governor<sup>(2)</sup> may by a notice<sup>(3)</sup> published in the *Gazette* declare any weed or plant to be a noxious weed or plant for the purposes of this Ordinance. Noxious plants may be proclaimed.

4.—(1.) When any noxious weed or plant is found existing upon any land (other than native-owned land) within the Territory the Commissioner for Lands shall cause to be served upon the occupier or person in charge thereof or if there is no occupier or person in charge upon the owner requiring him to extirpate and destroy the weed or plant within thirty days from the service of the notice or such extended period as the Commissioner for Lands may grant and to keep the land free from the same during a period of one year thereafter. Notice to destroy noxious weeds or plants.  
Q. 2 Ed. VII. No. 19, s. 154.  
Q. 1 Geo. V. No. 22, s. 31.

(2.) Within such period of thirty days or within such extended period as aforesaid the owner or occupier shall effectually extirpate Penalty.  
Cl. S.A. 26 of 1862, s. 2.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
14.8.1913	4.3.1913	1.11.1913 (Papua Govt. Gaz. of 1.10.1913)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) No notice has been published in Papua Govt. Gaz.

and destroy all noxious weeds or plants growing or being upon such land and keep the land free from the same for a period of one year thereafter. If any person contravenes any of the provisions of this subsection he shall be liable to a penalty not exceeding Ten pounds or in default of payment to imprisonment with or without hard labour for any period not exceeding two months.

(3.) No conviction under this section shall take place if it be proved to the satisfaction of the justices that the person so receiving such notice has used and is using reasonable exertions to extirpate and destroy such noxious weeds and plants.

Notice how served.  
Cf. S.A. 26 of 1862, ss. 2 and 3.

5.—(1.) A notice under the last preceding section shall be duly served if served personally upon or left at the usual or last known place of abode of the owner or occupier or if sent by post.

(2.) If there be no occupier the notice may be effected by and shall take effect from its publication in the *Gazette*.

When Commissioner for Lands may enter and destroy weeds and plants.  
Cf. Q. 2 Ed. VII. No. 19, s. 154.  
Cf. Q. 1 Geo. V. No. 22, s. 31.

6.—(1.) If at the expiration of such period of thirty days or such extended period as aforesaid the weed or plant has not been extirpated and destroyed or if during the said period of one year the land has not been kept clear from the same the Commissioner for Lands may forthwith enter or authorize any person appointed by him to enter upon such land and may expend such sums of money as may be made available for that purpose as he deems expedient in endeavouring to extirpate any such weed or plant that may be growing thereon.

(2.) Any reasonable expense so incurred by the Commissioner for Lands with the intention of extirpating and destroying any such weed or plant shall be recoverable from the occupier thereof or if there shall be no occupier then (except in the case of unoccupied Crown land) from the owner. The liability of the occupier or owner for such expense shall be in addition to the liability for any penalty under this Ordinance.

Persons authorized to enter upon land to search for noxious weeds &c.  
Cf. S.A. *Ib.* s. 6.

7. Any person authorized by the Lieutenant-Governor<sup>(2)</sup>, the Commissioner for Lands or a magistrate may without notice enter upon lands for the purpose of ascertaining whether any noxious weeds or plants are thereon.

Destruction of noxious weeds &c. on lands of the Crown.  
S.A. *Ib.* s. 7.

8. The Commissioner for Lands may out of moneys available for that purpose employ the necessary labourers for the purpose of the extirpation and destruction and may eradicate and destroy noxious weeds and plants upon any unoccupied lands of the Crown.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.