

The schedule.

**3** The schedule to the Principal Act is amended by omitting the form of certificate set forth therein and substituting therefor the following form of certificate:—

**“FORM OF CERTIFICATE TO BE GIVEN BY ATTORNEY-GENERAL.**

I, \_\_\_\_\_, Her Majesty's Attorney-General for Tasmania, do hereby certify that the reprint of the Acts of the Parliament of Tasmania, with amendments incorporated, as contained in this volume, correctly expresses and sets forth the laws enacted by the several Acts contained in this volume \*[other than the Act(s) specified hereunder], as at the thirty-first day of December 1959.

\* [I further certify that the reprint of the Act(s) specified hereunder correctly expresses and sets forth the law enacted by † *that Act* as at † *the* \_\_\_\_\_ *day of* \_\_\_\_\_ 19 † *those Acts* as at † *the dates specified opposite those Acts respectively.*].

Given under my hand at Hobart in Tasmania this  
day of \_\_\_\_\_ 19 \_\_\_\_\_.

Attorney-General.

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\* The words in square brackets are to be inserted if the volume contains any Act that is reprinted as at a date later than 31st December 1959.

† Leave out whichever words are inapplicable.”.

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## NOXIOUS WEEDS.

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### No. 3 of 1964.

AN ACT to repeal the *Noxious Weeds Act 1938*, and to make fresh provision to secure the eradication or control of certain weeds.

[ 5 August 1964. ]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Noxious Weeds Act 1964*.

(2) This Act shall commence on a date to be fixed by proclamation.

Short title  
and com-  
mencement.

Repeal:

**2** The *Noxious Weeds Act 1938* is repealed.

- 3**—(1) In this Act, unless the contrary intention appears— Interpre-  
tation.
- “appeal board” means an appeal board appointed under section seven;
  - “appeal board area” has the meaning assigned to that expression by section seven;
  - “article” includes a vehicle and any implement or machinery;
  - “committee” means a weeds advisory committee appointed under section five;
  - “dangerous weed” means, in respect of any part of the State, any plant that is declared under section four to be a dangerous weed in respect of the whole of the State or that part of the State;
  - “default area” means any municipal district or part thereof, or any land, that is declared to be a default area under section eleven;
  - “Director” means the Director of Agriculture;
  - “enforcement notice” has the meaning assigned to that expression by section fourteen;
  - “infested area” has the meaning assigned to that expression by section nineteen;
  - “inspector” means a State inspector or a municipal inspector;
  - “materials” includes soil, gravel, shingle, sand, and any other material taken from the land;
  - “municipal district” means a city or a municipality or a part of a city or a municipality;
  - “municipal inspector” means a municipal inspector appointed under subsection (3) of section eight;
  - “noxious weed” means, in respect of any part of the State, any plant that is declared under section four to be a noxious weed in respect of the whole of the State or that part of the State;
  - “occupier”, when used in relation to any land, includes any person having the control or management of that land and, if the land is unoccupied, the owner thereof;
  - “plant” includes any tree, vine, shrub, vegetable, or other vegetation;
  - “Regional Weeds Inspector” means a Regional Weeds Inspector appointed under subsection (2) of section eight;
  - “State inspector” means an inspector appointed under subsection (1) of section eight and includes the Chief Weeds Inspector appointed under that subsection.

(2) For the purposes of this Act, but without prejudice to the generality of the provisions thereof, a person shall be deemed to have the control and management of any land if—

- (a) he uses or has the right to use that land for any agricultural or pastoral pursuit or for any purpose that involves the cultivation of that land or the use of any plants growing or standing thereon;

- (b) he is in possession of the land under a contract for the purchase thereof;
- (c) he holds a lease, a temporary licence, an occupation licence, a residence licence, or a business licence in respect of that land under the *Crown Lands Act 1935*;
- (d) he holds a permit or a forest lease in respect of that land under the *Forestry Act 1920*; or
- (e) he holds in respect of that land a lease within the meaning of the *Mining Act 1929*.

(3) References in this Act to a plant shall be deemed to include references to the fruit, seed, root, stem, or other product of that plant, and to any part thereof that is capable of vegetative growth.

(4) Where any land is vested in a body corporate constituted by or under any enactment that body shall, for the purposes of this Act, be deemed to be the owner of that land, notwithstanding any limitation imposed by or under any enactment on the manner in which or the purposes for which it may be used or any requirement so imposed that it should be used for a specific purpose.

(5) Where by virtue of any Act any land vested in the Crown has been acquired, set apart, or reserved for any purpose and any body corporate constituted by or under any Act has, under that Act or the Act by virtue of which that land was so acquired, set apart, or reserved, any power or duty to use that land for any purpose or to carry out any work thereon or to control, regulate, or manage that land, either generally or for a particular purpose, that body shall be deemed for the purposes of this Act to be the owner of that land.

(6) A local authority for a municipal district shall, for the purposes of this Act, be deemed to be, to the exclusion of any other person, the owner of any highway or part of a highway that is repairable by it.

(7) The provisions of this Act are binding on a body corporate that is the owner or occupier of any land notwithstanding that the functions of that body are exercised or that land is held by that body, for or on behalf of, or as agent of, the Crown or the State, and are binding on a person who is the owner or occupier of any land notwithstanding that any estate or interest in that land is vested in the Crown.

(8) Where in any order, notice, or other document made or issued under this Act it is necessary to specify or refer to any land, it is sufficient, in that order, notice, or other document to specify or refer to that land by reference to the entry relating thereto contained in any valuation roll prepared under the *Land Valuation Act 1950*.

Declaration of  
dangerous  
and noxious  
weeds.

4—(1) The Governor may by order declare any plant to be a noxious weed in respect of the whole or any part of the State.

(2) The Governor may by order declare any plant that is a noxious weed in respect of the whole of the State to be a dangerous weed in respect of the whole or any part of the State and may by order declare any plant that is a noxious weed in respect of any part of the State to be a dangerous weed in respect of that part of the State or any part of the State included in that part.

**5**—(1) The Governor may by order declare any part of the State to be a region for the purposes of this Act and for each region there shall be a weeds advisory committee.

Weeds  
Advisory  
Committee.

(2) Where in pursuance of an order under this section a region (in this subsection referred to as "the new region") is constituted that comprises or includes the whole or any part of a region (in this subsection referred to as "the existing region") that existed before that order came into force, the order may provide that the committee for the existing region shall continue as if it had been constituted the committee for the new region; and, unless in such a case provision is made for the continuance of that committee by that or some other order, it shall cease to exist.

(3) The members of a committee for a region shall comprise—

- (a) the person holding such office in the Department of Agriculture as may be specified by the Director;
- (b) the person holding such other office in the Department of Agriculture as may be specified by the Director or such other officer in that Department as may be nominated by that person; and
- (c) four other persons appointed by the Governor.

(4) Of the four persons appointed as members of a committee for a region under paragraph (c) of subsection (3) of this section—

- (a) two shall be persons appointed to represent the interests of persons engaged in primary industry in the region; and
- (b) two shall be persons appointed to represent the interests of the local authorities of the municipal districts within the region.

(5) The person who is for the time being a member of a committee under paragraph (a) of subsection (3) of this section shall be the chairman of the committee.

(6) The persons appointed as members of a committee under paragraph (c) of subsection (3) of this section shall hold and vacate office under the terms of the instruments under which they are respectively appointed, but may resign office by notice in writing to the Minister.

(7) The chairman of a committee, or, if he is absent or if there is no chairman of the committee, such one of the other members as they may choose, shall preside at meetings of the committee.

(8) The person presiding at a meeting of a committee has a deliberative vote only.

(9) In the event of an equality of votes on any matter before a committee the matter stands adjourned to the next meeting of the committee.

(10) Three members of a committee constitute a quorum at any meeting of the committee.

(11) Subject to this Act, a committee may regulate its own proceedings.

(12) The Minister may appoint a person to be the secretary of a committee and may make arrangements to render available to the committee such staff and accommodation as the committee may require.

(13) The Minister may pay to the members of a committee appointed under paragraph (c) of subsection (3) of this section such travelling or other allowances as the Governor may approve.

Functions  
of weeds  
advisory  
committees.

**6**—(1) It is the duty of a committee appointed for any region to consider—

- (a) the extent to which noxious weeds are growing in that region;
- (b) the policy to be adopted in that region in relation to the eradication or control of noxious weeds;
- (c) the effectiveness of any measures taken in the region for the eradication or control of any noxious weeds; and
- (d) the measures that may be taken in the region to eradicate or control any noxious weeds.

(2) A committee may make recommendations to the Minister with regard to—

- (a) the declaring of any plant to be a noxious weed or a dangerous weed;
- (b) any matters that the committee is required to consider under this Act;
- (c) the granting of exemptions under section twenty-three; and
- (d) any other matters arising in connection with the administration of this Act.

Appeal  
boards.

**7**—(1) There shall be established for the purposes of this Act one or more appeal boards.

(2) The Governor may by order declare the parts into which the State shall be divided for the purposes of this section, and any such part of the State is in this Act referred to as an “appeal board area”.

(3) There shall be an appeal board for each appeal board area, and, if the State is not divided into appeal board areas, there shall be one appeal board.

(4) Where in pursuance of an order under this section an appeal board area (in this subsection referred to as “the new area”) is constituted that comprises or includes the whole or any part of an appeal board area (in this subsection referred to as “the existing area”) that existed before that order comes into force, the order may provide that the appeal

board for the existing area shall continue as if it had been constituted the appeal board for the new area; and, unless in such a case provision is made for the continuance of that appeal board by that or some other order, it shall cease to exist, except in relation to the proceedings on an appeal that is instituted before the date on which that appeal board would otherwise so cease to exist.

(5) The members of an appeal board shall be appointed by the Governor and shall comprise—

- (a) one person nominated by the Tasmanian Farmers' Federation;
- (b) one person nominated by the Tasmanian Farmers', Stockowners', and Orchardists' Association; and
- (c) one person nominated by the Municipal Association of Tasmania.

(6) The members of an appeal board shall appoint one of their number to be chairman of the board.

(7) Subject to this section, each member of an appeal board shall hold office for a term of three years, except that where a member of an appeal board dies or ceases to hold office otherwise than by reason of the effluxion of time, the person appointed to fill the vacancy shall hold office only for the unexpired portion of the term of office of the member in whose place he was appointed.

(8) Where an appeal is required under this Act to be heard by an appeal board and there is a vacancy in the membership of that appeal board the Minister may appoint a member of some other appeal board to be a member of that appeal board for the purpose of the hearing and determination of that appeal.

(9) Where the Minister is satisfied that a member of an appeal board is incapable of acting, or unwilling to act, as a member of that appeal board for the purpose of the hearing or determination of an appeal under this Act, or that it is not reasonably practicable, or is undesirable, for him so to act, he may appoint a member of some other appeal board to act in his stead, and, for the purpose of the hearing and determination of that appeal, the person so appointed shall be deemed to have been appointed a member of the appeal board by which the appeal is heard in place of the member first referred to in this subsection.

(10) A member of an appeal board who has been appointed as such on the nomination of a body referred to in subsection (5) of this section may not be appointed as a member of another appeal board under subsection (8) or subsection (9) of this section unless he is so appointed to fill a vacancy that could have been filled by a person appointed on the nomination of that body or is so appointed in place of a member who was appointed a member of that appeal board on the nomination of that body.

(11) Where a person is appointed a member of an appeal board under subsection (8) or subsection (9) of this section and there would otherwise be no chairman of the board for the purpose of the hearing or determination of the appeal in respect of which the appointment was made, the persons constituting the board for the purpose of hearing and determining that appeal shall appoint one of their number to be chairman of the board for that purpose.

(12) Where a person is required to be appointed a member of an appeal board on the nomination of any body referred to in subsection (5) of this section, the Minister shall serve a notice in writing on that body inviting it to nominate a person as a member of that board and if within thirty days of the service of that notice that body notifies to the Minister in writing the name of the person it nominates, that person shall be deemed for the purposes of this section to have been nominated by that body.

(13) Where in pursuance of a notice served on any body under subsection (12) of this section no person is nominated by that body, the Governor, in lieu of appointing as a member of the appeal board a person nominated by that body, may appoint such person as he thinks suitable as a member of the board, and the person so appointed shall be deemed to have been appointed on the nomination of that body.

(14) A notice required to be served under subsection (12) of this section on any body may be served by post addressed to the secretary of that body at its ordinary place of business, and a notice in writing served on the Minister purporting to be signed by the secretary of that body that any person has been nominated by that body is sufficient evidence that that person has been so nominated.

(15) The chairman of an appeal board shall preside at all sittings of the board and shall have a deliberative vote only.

(16) All questions to be determined by an appeal board shall be determined by a majority of the votes of the members of the board.

(17) Subject to this Act, an appeal board may regulate its own proceedings.

(18) The Minister may appoint a person to be the secretary of an appeal board and may make arrangements to render available to the board such staff and accommodation as it may require.

(19) The Minister may pay to the members of an appeal board such travelling or other allowances as the Governor may determine.

Weeds  
inspectors.

**8**—(1) For the purposes of this Act, the Governor may appoint, in accordance with the *Public Service Act 1923*, a Chief Weeds Inspector and such inspectors as he considers necessary.

(2) For any region declared under section five the Governor may appoint a State inspector to be a Regional Weeds Inspector for that region.

(3) A local authority shall appoint for its municipal district a sufficient number of municipal inspectors.

**9**—(1) Where a Regional Weeds Inspector notifies a local authority of a municipal district that is situated in the region for which he is appointed that he requires—

Reports and inspections by municipal inspectors.

(a) reports to be made to him of any action taken by a municipal inspector in the exercise of his functions under this Act; or

(b) an inspection to be made under this Act at any place that is situated in that municipal district,

it is the duty of the local authority to secure that those requirements are complied with.

(2) Not later than the seventh day of any month, a municipal inspector shall furnish to the local authority by which he was appointed a report in writing setting forth particulars of the action taken by him in the exercise of his functions under this Act during the preceding month.

(3) Where a report made for the purposes of subsection (2) of this section is furnished to a local authority for a municipal district, that local authority shall cause a copy of that report to be furnished to the Regional Weeds Inspector of the region in which the municipal district is situated not later than the fifteenth day of the month in which it was furnished to the local authority.

**10**—(1) The Minister, by agreement with a local authority, may relieve that local authority and its municipal inspectors from any of the duties imposed upon it or them by this Act in respect of the whole or any part of the municipal district of that local authority or any land situated therein.

Relinquishment of functions by local authority.

(2) So long as an agreement is subsisting under this section in respect of the municipal district of a local authority, or any part thereof or land situated therein, the local authority and its municipal inspectors shall not exercise any of the powers conferred by this Act in relation to that municipal district or that part thereof or that land (as the case may be), except as may otherwise be provided in the agreement or approved by the Minister.

(3) An agreement under this section may provide for the making of payments by the local authority to the Minister.

**11**—(1) Where the Minister is of the opinion that any of the powers or duties conferred or imposed by this Act on a local authority or the municipal inspectors appointed by it have not been exercised or carried out or have not been exercised or carried out in a satisfactory manner, either in respect of the whole or any part of the municipal district of that authority or in respect of any land situated therein, he may serve a notice on the local authority informing it of his opinion and inviting it to make representations to him in the matter within twenty-eight days of the service of the notice.

Action in default of local authority.

(2) Where, after considering any representations made by the local authority in accordance with a notice served under subsection (1) of this section, the Minister is not satisfied



that proper steps will be taken by the local authority to secure that this Act is administered to his satisfaction in the municipal district of the local authority or in any part thereof or in respect of any land situated therein, he may serve on the local authority a notice declaring that municipal district or that part thereof or that land, as the case may be, to be a default area.

(3) The Minister may, by notice in writing to a local authority whose municipal district comprises or includes the whole or a part of a default area, declare that that municipal district, or any part thereof, or any land situated therein, shall cease to be, or form part of, a default area.

(4) No local authority or municipal inspector shall exercise in respect of a default area any of the powers or duties conferred or imposed by this Act otherwise than in accordance with directions given by a Regional Weeds Inspector, and the Minister may recover from the local authority of a municipal district that comprises or includes the whole or any part of a default area the cost of administering this Act in that default area, or that part thereof, as the case may be.

(5) References in this section to the cost of administering this Act in a default area, or any part thereof, shall be construed as references to the cost incurred in the carrying out by the Minister or any State inspector of any powers or duties conferred or imposed by this Act that could have been carried out by the local authority for the municipal district that comprises or includes that default area or part thereof, or by a municipal inspector appointed by that local authority, and the cost incurred in securing that proper arrangements are made and adequate staff are available for securing that those powers and duties are carried out in that default area or part thereof to the satisfaction of the Minister.

*Eradication,  
&c., by  
agreement.*

**12**—(1) The Minister or a local authority may enter into and carry out agreements with the owner or occupier of any land for the carrying out of any work, or the doing of any other thing, to eradicate any noxious weed from that land, to prevent or minimize the dissemination of any noxious weed growing on that land, or to prevent, or reduce the risk of, any noxious weed being disseminated on to that land.

(2) An agreement entered into under this section by the Minister or a local authority shall make provision for the recovery by the Minister or the local authority, as the case may be, of the expenses incurred by him or it in carrying out the agreement.

*Prescribed  
measures for  
eradication,  
&c.*

**13**—(1) Where the owner or occupier of any land is aware that any noxious weed is growing on that land he shall take or cause to be taken in relation thereto such measures as may be prescribed for the eradication of that weed or for preventing or minimizing its dissemination.

(2) Without prejudice to the generality of the provisions of this section, the owner or occupier of any land shall, for the purposes of this section, be deemed to be aware of any matters to which his attention is drawn by an inspector or which may be specified in a notice served on him by an inspector.

(3) Regulations under this Act may prescribe for the purposes of this section the measures or precautions to be taken for the eradication of any noxious weed or for preventing or minimizing its dissemination.

(4) It is the duty of the appropriate Minister to take in relation to lands vested in the Crown (other than lands of which some other person is the occupier or of which some other person is, for the purposes of this Act, deemed to be the owner) the measures referred to in subsection (1) of this section.

(5) In subsection (4) of this section "appropriate Minister" means—

- (a) in respect of any Crown lands within the meaning of the *Crown Lands Act 1935* that are not such lands as are referred to in paragraph (b) of this subsection, the Commissioner for Crown Lands; and
- (b) in respect of any lands acquired, set apart, reserved, or used for the purposes of any Act or the purposes of any Government department or for any other defined purpose, the Minister administering that Act or that department or whose duties include responsibility for the carrying out, or controlling the carrying out of, those services.

**14—**(1) Where an inspector is satisfied that any measures should be taken to secure the eradication of any noxious weed from any land or that any measures or precautions should be taken in respect of any land to prevent or minimize the dissemination of any noxious weed he may serve on the owner or occupier of that land a notice (in this Act referred to as an "enforcement notice") requiring those measures to be taken or those precautions to be observed.

Enforcement notices.

(2) An enforcement notice shall not be served by a municipal inspector without the approval of a Regional Weeds Inspector.

(3) Without prejudice to the generality of subsection (1) of this section, an enforcement notice served in respect of any land may require—

- (a) the cutting, rooting up, treatment, or destruction of any noxious weeds;
- (b) the subjection of the land, or any plants, animals, materials, articles, or other things to any treatment, process, or operation; and
- (c) the removal to, or confinement in, any place, of any plants, animals, materials, articles, or other things,

but nothing in this section authorizes the service of an enforcement notice that requires the carrying out of any other measure, if that measure requires the destruction of any plants, animals, materials, articles, or other things, unless an inspector has reason to believe, and it is stated in the enforcement notice that there is reason to believe, that those plants, animals, materials, articles, or other things are or may be infested with a dangerous weed.

(4) Without prejudice to the generality of subsection (1) of this section, an enforcement notice served in respect of any land may prohibit or restrict—

- (a) the removal from the land of any noxious weeds or other plants, or any animals, materials, articles, or other things;
- (b) the felling, cutting, injuring, or destruction of any trees or other plants on the land; or
- (c) the carrying out of any other operation on the land.

(5) An enforcement notice served in respect of any land may require the measures or precautions specified in the notice to be taken or observed in respect of any part of that land or in respect of any building or structure on the land or any part of such a building or structure.

(6) Where an enforcement notice requires any measures to be taken in respect of any land it may require those measures to be taken within such period, or on or before such date, as may be specified in the notice, but nothing in this subsection prevents an enforcement notice from requiring any measures to be taken from time to time or in such circumstances as may be specified in the notice.

(7) A Regional Weeds Inspector, in any case in which he considers it proper so to do, may rescind an enforcement notice, and, on being so rescinded, that enforcement notice ceases to have effect except as regards anything done thereunder before it so ceased to have effect.

(8) An owner or occupier of any land who—

- (a) fails to comply with the requirements of an enforcement notice served in respect of that land; or
- (b) does, or causes or allows to be done, any act or thing in contravention of such a notice,

is guilty of an offence.

Appeals  
against  
enforcement  
notices.

**15**—(1) A person aggrieved by an enforcement notice may appeal to an appeal board in accordance with this section.

(2) An appeal under this section shall be instituted by a notice of appeal served on the Minister within seven days after the service of the enforcement notice.

(3) A notice of appeal shall be in the prescribed form setting forth the grounds of the appeal and shall be accompanied by the prescribed fee.

(4) After receiving a notice of appeal together with the prescribed fee the Minister shall forward the notice, or a copy thereof, to the chairman of the appeal board or, if there

is more than one appeal board, to the chairman of the appeal board for the appeal board area in which the land to which the notice of appeal relates is situated, and, if the appeal relates to an enforcement notice served by a municipal inspector, shall forward a copy of the notice of appeal to the local authority of the municipal district in which the land is situated.

(5) Notwithstanding anything in subsection (4) of this section, where the hearing of an appeal by an appeal board has not been commenced before the expiration of a period of twenty-one days after the forwarding of the notice of the appeal, or a copy thereof, to the chairman of that appeal board, or the Minister considers that the appeal is unlikely to be heard and determined by that appeal board before the expiration of that period, the Minister may forward the notice or a copy thereof to the chairman of some other appeal board that in his opinion can conveniently deal with the appeal.

(6) An appeal under this section shall be heard and determined by the appeal board to the chairman of which the notice of the appeal, or a copy thereof, has been forwarded under this section, unless the notice, or a copy thereof, has subsequently been forwarded under this section to the chairman of some other appeal board.

(7) On the hearing of an appeal under this section, an appeal board may either dismiss the appeal or quash the enforcement notice in respect of which the appeal is brought.

(8) The decision on an appeal under this section is final.

(9) Subject to this section, the procedure on the hearing of an appeal under this section shall be as prescribed.

(10) Where an appeal is brought under this section in respect of an enforcement notice that requires any work to be carried out or other thing to be done before the expiration of a specified period or on or before a specified date, and that period expires or that date falls before the expiration of a period of seven days after the determination or abandonment of the appeal, the enforcement notice has effect as if it required that work to be carried out or that thing to be done before the expiration of that period of seven days.

**16**—(1) Where an enforcement notice served in respect of any land requires the carrying out of any work, or the doing of any other thing, and that work has not been carried out, or that thing has not been done, in accordance with the notice, the Minister or the local authority of the municipal district in which the land is situated may carry out that work or cause that thing to be done.

Works, &c.,  
in default  
of compliance  
with enforce-  
ment notices.

(2) The powers of the Minister or a local authority under subsection (1) of this section to do any work or cause any other thing to be done in relation to any land include power to take all such steps and do or cause to be done all such things as may be necessary to secure the carrying out of that work or the doing of that thing, including the making or improvement of any means of access to any place.

(3) Where an enforcement notice has been served by a State inspector, a local authority shall not, except with the consent of the Minister, exercise in relation to that notice the powers conferred by subsection (1) of this section.

(4) Subject to subsection (5) of this section, the Minister may recover from the owner or occupier of any land in respect of which an enforcement notice has been served any expenses incurred by him in the exercise of the powers conferred by this section in relation to that notice.

(5) The Minister may, instead of recovering any sum under subsection (4) of this section from the owner or occupier of any land in respect of which an enforcement notice has been served, recover that sum from the local authority of the municipal district in which the land is situated, if—

- (a) the land comprises, or is situated in, a default area;
- (b) the enforcement notice was served by a State inspector with the agreement or approval of the local authority; or
- (c) the enforcement notice was served by a municipal inspector and either the local authority agreed to the exercise by the Minister of the powers conferred on him by subsection (1) of this section in relation to that notice or the exercise of those powers was, in the opinion of the Minister, occasioned by the failure of the local authority properly and without undue delay to exercise the powers conferred on it by that subsection.

(6) A local authority may recover from the owner or occupier of any land in respect of which an enforcement notice has been served any expenses incurred by it in the exercise of the powers conferred by this section in relation to that notice and any sum paid by the local authority to the Minister under subsection (5) of this section in relation to that notice.

(7) Any sum recoverable under this section from the owner or occupier of any land is a charge on that land.

(8) The provisions of the first schedule have effect with respect to sums recoverable by the Minister under this section from the owner or occupier of any land.

Government  
assistance  
to local  
authorities  
in respect of  
irrecoverable  
sums.

**17—(1)** Where a local authority has, with the prior approval of the Minister and in accordance with any conditions attached to his approval, exercised in respect of an enforcement notice any of the powers conferred on it by section sixteen and the Minister is satisfied that the local authority will be unable, or will be unable unless the land to which the enforcement notice relates is sold or is taken possession of by the local authority, to recover from the owner or occupier of the land any sum that it is entitled to recover from him under that section in respect of that notice, the Minister shall pay to the local authority half the amount of its loss.

(2) Where the Minister has made any payment under subsection (1) of this section to a local authority in respect of a sum that the local authority is entitled to recover from the owner or occupier of any land (in this section referred to as the "irrecoverable sum") the following provisions of this subsection have effect, that is to say:—

- (a) The Minister has the like powers with respect to the recovery of that irrecoverable sum as he would have had if it were a sum recoverable by him under section sixteen from the owner or occupier of that land;
- (b) The local authority shall not take any proceedings for the recovery of that irrecoverable sum without the consent of the Minister, but, subject to this subsection, nothing in this section prejudices or affects the rights of the local authority with respect to that sum; and
- (c) Where the whole or any part of the irrecoverable sum is recovered the Minister is entitled to that portion of the sum so recovered as bears to the amount of that sum the same proportion as the amount of the payment made by the Minister to the local authority in respect of the irrecoverable sum bears to the amount of that irrecoverable sum and the local authority is entitled to the remainder of the sum so recovered.

(3) Where in pursuance of this Act any land on which an irrecoverable sum is charged reverts to Her Majesty or becomes vested in a local authority regard shall be had to the value of that land in determining the extent to which that irrecoverable sum that has been recovered.

(4) Such payments shall be made by the Minister or the local authority as may be necessary to secure that the provisions of paragraph (c) of subsection (2) of this section are complied with.

**18**—(1) Where an owner or occupier of any land has incurred expense in carrying out any work, or in doing any other thing, that was carried out or done in order to secure that the requirements of section thirteen or of an enforcement notice were complied with in respect of that land, he may recover as a debt due to him from any other person who is also an owner or occupier of the land such proportion of that expense as the court considers reasonable.

Liability  
as between  
owners and  
occupiers.

(2) Where consequent upon the service of an enforcement notice in respect of any land, any sum is recovered from the owner or occupier thereof under section sixteen, or any loss is suffered by him by reason of any action taken under that section to recover any sum charged on that land in pursuance of that section, this section applies in respect of that sum and the amount of that loss as if it were a sum expended by him in carrying out work to secure that the requirements of the enforcement notice were complied with.

(3) In determining any claim under this section the court shall have regard to the nature of the estates or interests of the parties in the land, the benefits accruing or likely to accrue to them by reason of the carrying out of the work or the doing of the thing in respect of which the claim arose, and generally to all the circumstances of the case.

(4) In exercising the discretion conferred on it by this section the court is entitled to assume that where the land is occupied under a lease granted at the best rent reasonably obtainable the cost of carrying out any work or other thing referred to in subsection (1) of this section should be borne—

(a) where the unexpired term of the lease is not less than four years, as to not less than three-quarters by the person so occupying the land; or

(b) where the unexpired term of the lease is not more than two years, as to not more than one-quarter by that person,

and, if the unexpired term of the lease is less than four years but more than two years, that person should bear that fraction of the cost that is obtained by multiplying one-quarter by the length of the period (measured in years and fractions of a year) by which the unexpired term of the lease exceeds one year.

(5) In relation to the recovery of any sum under this section in respect of the carrying out of any work or the doing of any other thing references in subsection (4) of this section to the unexpired term of a lease are to be construed as references to the term of the lease that had not expired at the time at which that work or thing was carried out or done.

(6) In determining, for the purposes of this section, the cost of any work or the doing of any other thing a reasonable sum may be included in respect of any labour or equipment provided by the owner or occupier of the land.

(7) This section has effect subject to the terms and conditions of any lease, covenant, or agreement binding on the owner or occupier of the land.

Infested  
areas.

**19**—(1) Where the Governor is satisfied that a dangerous weed has been found to exist at any place he may by order declare any area or any land within which that place is situated to be an infested area, and any area or any land so declared to be an infested area is in this Act referred to as an “infested area”.

(2) Regulations under this Act may prohibit or control the movements of plants, animals, materials, articles, and other things from or within an infested area and the movement, possession, use, and disposal of plants, animals, materials, articles, and other things that have been in, or have been taken from, an infested area or any place therein.

(3) Without prejudice to the generality of subsection (2) of this section, regulations made for the purposes of this section may—

- (a) prohibit or restrict the removal of any plant, animal, material, article, or other thing from an infested area or any place therein, and the movement, possession, use, or disposal of any plant, animal, material, article, or other thing that has been in, or has been removed from, an infested area or any place therein;
- (b) require, in relation to the removal of any plant, animal, material, article, or other thing from an infested area or any place therein or the movement, possession, use, or disposal of any plant, animal, material, article, or other thing that has been in, or has been removed from, an infested area or any place therein, the compliance with such conditions, the observance of such precautions and the taking of such measures as may be specified in, or directed to be complied with, observed, or taken in pursuance of, the regulations; and
- (c) require or regulate the treatment, disposal, or destruction of any plant, animal, material, article, or other thing that has been in, or has been taken from, an infested area or any place therein, including the removal back to an infested area or any place therein, of any such plant, animal, material, article, or thing.

(4) Regulations made for the purposes of this section may make different provisions with respect to different infested areas and with respect to different dangerous weeds.

**20**—(1) Except as may otherwise be authorized or required under this Act, no person shall remove a noxious weed from any place, or cause or allow a noxious weed to be removed from any place, whether or not while being removed the noxious weed is mixed with any other plants or materials or is on, or carried by, any animal, material, article, or other thing.

Prohibition  
on removal  
of noxious  
weeds.

(2) Nothing in this section prohibits the removal of a noxious weed for the purpose of—

- (a) its being identified or destroyed;
- (b) its being used for human consumption; or
- (c) its being manufactured or processed into any material, article, or other thing, whereby its ability to propagate will be destroyed,

if, while being so removed, reasonable precautions are taken to prevent the dissemination or propagation of the noxious weed.

(3) Nothing in this section prohibits the removal of a noxious weed that takes place entirely within land in the same occupation and does not involve traversing a highway if that removal is carried out by, or with the approval of, the owner or occupier of that land.



Movement of agricultural implements, vehicles, and animals.

**21**—(1) No person shall move, or cause or allow to be moved, from any place—

- (a) an agricultural implement;
- (b) a vehicle that is ordinarily used or is being used for the carriage of plants, agricultural produce, livestock, or agricultural implements; or
- (c) an ovine, bovine, or equine animal,

unless reasonable measures have been taken to ensure that that implement, vehicle, or animal, while it is being so moved, is free from noxious weeds.

(2) This section does not apply to the movement of any agricultural implement, vehicle, or animal that takes place entirely on land in the same occupation and does not involve traversing a highway if that movement is carried out by, or with the approval of, the owner or occupier of that land.

Importation of noxious weeds and other plants, and animals.

**22**—(1) No person shall bring any noxious weed into the State or cause or allow any noxious weed to be brought into the State.

(2) For the purpose of preventing the bringing into the State of noxious weeds that are mixed with other plants or are on, or carried by, animals, or of preventing the propagation or dissemination of any noxious weeds so brought into the State, regulations under this Act may—

- (a) require notifications to be made and information to be furnished with respect to any plants or animals that are brought or intended to be brought into the State, including information with respect to the origin of those plants and with respect to the places at which those animals were kept or depastured before being brought into the State;
- (b) require any plants or animals brought into the State to be removed to or kept in any place;
- (c) authorize and regulate the inspection or examination of plants and animals required to be removed to or kept in any place in pursuance of the regulations; and
- (d) require or regulate the treatment, destruction, killing, disposal, or removal from the State of any plant or animal that on an inspection or examination made under the regulations is found to be infested with noxious weeds.

Exemptions

**23**—(1) The Director may, by notice in writing, exempt any person from compliance with all or any of the provisions of this Act or of any notice or requirement made thereunder.

(2) An exemption under this section may be granted subject to such conditions as may be agreed between the Director and the person to whom the exemption is granted.

(3) A person to whom an exemption is granted under this section who fails to comply with the conditions subject to which it is granted, or who fails to secure that those conditions are complied with, is guilty of an offence.

**24**—(1) An inspector may examine and search any land for the presence of noxious weeds and where any noxious weed is found on any land may examine that land to determine the extent to which it is infested with that noxious weed. Powers of inspection, &c.

(2) An inspector may inspect and examine any plant that is offered, kept, or exposed for sale, and any premises where any plant is grown for sale or is offered, exposed, or kept for sale.

(3) An inspector may inspect and examine for the presence of noxious weeds—

- (a) any vehicle that is being used, or appears to him to have recently been used, for the conveyance of any plants, animals, agricultural produce, or agricultural implements;
- (b) any agricultural implement; and
- (c) any ovine, bovine, or equine animal.

(4) An inspector may inspect and examine any plants, animals, materials, articles, and other things that he has reason to believe have been removed from an infested area or any place therein, or may be infested with dangerous weeds, and any premises or vehicle in or on which any such plants, animals, materials, articles, or things are found, or in or on which the inspector has reason to believe there are, or have recently been, any such plants, animals, materials, articles, or things.

(5) An inspector may remove from any premises any plant or any part of a plant for the purpose of determining whether that plant is a noxious weed.

(6) With the authority in writing of the Minister an inspector may—

- (a) seize a noxious weed and destroy it or cause it to be destroyed; and
- (b) take such measures as he considers necessary to destroy a noxious weed found at any place or to prevent or minimize its dissemination.

(7) An authority given for the purposes of subsection (6) of this section may be given generally or in relation to a particular case or to cases or circumstances of such a nature or character as may be specified in the authority.

**25**—(1) For the purpose of the exercise of his functions under this Act, an inspector may enter upon any land taking with him such persons as he may consider necessary to assist him in the carrying out of the purpose for which he has the right to enter that land. Entry on land.

(2) For the purpose of carrying out any work on any land or the doing of any other thing in relation to any land that, under this Act, the Minister or a local authority has power to carry out or do or cause to be carried out or done, any person authorized by the Minister or the local authority may enter upon that land.

## Obstruction.

**26**—(1) No person shall obstruct, hinder, or interfere with—

- (a) any inspector in the exercise of the functions conferred on him by this Act; or
- (b) any other person in the exercise of the power conferred on him by this Act to enter upon any land.

(2) No person shall obstruct, hinder, or interfere with the carrying out of any work or the doing of any thing that, under this Act, the Minister or a local authority is empowered to carry out or do or cause to be carried out or done.

## Penalties.

**27** A person who contravenes or fails to comply with any provision of this Act that is applicable to him is guilty of an offence, and, except as otherwise expressly provided in this Act, a person who is convicted of an offence under this Act is liable to a penalty of one hundred pounds.

## Service of notices.

**28**—(1) Where under this Act a notice or other document is authorized or required to be served on, or given to, any person that notice or document may be served on, or given to, that person—

- (a) by delivering it to him personally;
- (b) by leaving it at his usual or last-known place of abode; or
- (c) by sending it by registered post addressed to him at his usual or last-known place of abode,

and, where such a notice or document is authorized or required to be served or given in respect of any land that appears to be unoccupied and the owner of which cannot, after reasonable inquiry, be found, the notice or document may be served or given by fixing it on some conspicuous part of the land.

(2) Where a notice or other document is authorized or required under this Act to be served on or given to the owner or occupier of any land it may, if the name of that owner or occupier is not known, be addressed to him as the "owner" or "occupier" of that land without further name or description.

## Proceedings by local authorities.

**29** Without prejudice to the powers of any other person, a local authority may take proceedings in respect of any offence alleged to have been committed under this Act.

## Expenses of Act.

**30** The expenses incurred by the Minister under this Act shall be provided out of moneys provided by Parliament for the purpose.

## Protection of officers.

**31** No person exercising any powers or authorities conferred on him by this Act shall be liable to any proceedings in respect of any act done in the exercise of those powers or authorities unless the act was done in bad faith or without reasonable care.

**32**—(1) The Minister may pay compensation wholly or in part to an owner or occupier of lands in an infested area for his losses in doing things that he would not ordinarily be expected to do if not required so to do by regulations for the purposes of section nineteen.

Compensation and reimbursement of owners and occupiers.

(2) The Governor may by order declare lands within an infested area on which common weeds would not be dealt with in the ordinary course of farming to be difficult infested lands.

(3) The Minister may pay owners and occupiers of difficult infested lands subsidies in respect of work done thereon to comply with this Act.

**33** The Minister may agree with a local authority that it will employ additional municipal inspectors to enforce regulations for the purposes of section nineteen and that he will pay the local authority a subsidy towards the cost of those inspectors.

Additional municipal inspectors.

**34**—(1) The Governor may make regulations for the purposes of this Act and, without prejudice to the generality of the provisions of this section, those regulations may—

Regulations.

- (a) require fees to be paid for the inspection by an inspector of any plant, animal, material, article, or other thing, or any premises; and
- (b) require returns to be made by persons growing, selling, or importing into, or exporting from, the State any plant of a prescribed species or kind.

(2) Where under this Act power is given to make regulations prohibiting, restricting, requiring, or regulating the doing of any thing those regulations may authorize an inspector, or such an inspector or other person as may be specified in the regulations, to give directions prohibiting, restricting, requiring, or regulating the doing of that thing, and may prescribe the manner in which those directions are to be or may be given.

(3) Where by this Act power is given to make regulations requiring, or authorizing the giving of directions requiring the carrying out or performance of any operation, act, or other thing the regulations may—

- (a) authorize an inspector, or such an inspector or other person as may be specified in the regulations, in such cases or circumstances as may be so specified, to carry out or perform that operation, act, or other thing, and, for that purpose to seize, and remove to and detain in any place, any plants, animals, materials, articles, or other things; and
- (b) provide for the recovery from such persons as may be specified in the regulations the expenses incurred in the carrying out or performance by that inspector or other person of that operation, act, or other thing or that seizure, removal, or detention.

(4) Any fees required to be paid to, and any expenses recoverable by, the Minister under regulations made under this Act may be recovered by him as a debt due to the Crown.

(5) Subsections (2) and (3) of this section do not apply to regulations made for the purposes of section thirteen.

(6) Regulations made under this Act may impose penalties for contraventions of the regulations, including failures to comply with any directions given thereunder, not exceeding, in the case of regulations made for the purposes of paragraph (b) of subsection (1) of this section, twenty pounds, and, in any other case, one hundred pounds.

(7) Any person who, being required to furnish information or make a return in accordance with regulations under this Act, furnishes information or makes a return that is false in any material particular is guilty of an offence.

Continuation  
of existing  
appointments.

**35**—(1) The person who immediately before the commencement of this Act held office as Chief Inspector appointed under subsection (1) of section seven of the *Noxious Weeds Act 1938* shall be deemed to have been appointed Chief Weeds Inspector under subsection (1) of section eight of this Act.

(2) Any person who immediately before the commencement of this Act held office as an inspector appointed under subsection (1) of section seven of the *Noxious Weeds Act 1938* shall be deemed to have been appointed an inspector under subsection (1) of section eight of this Act, and any person who immediately before the commencement of this Act held office as a municipal inspector appointed under subsection (2) of section seven of that Act shall be deemed to have been appointed a municipal inspector under subsection (3) of section eight of this Act.

Consequential  
amendments  
of other  
Acts.

**36** The Acts that are specified in the second schedule are amended as respectively specified in that schedule.

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## THE FIRST SCHEDULE.

(Section 16 (8).)

### RECOVERY OF SUMS DUE TO THE MINISTER.

1.—(1) In this schedule “recoverable sum” means any sum that is recoverable by the Minister from the owner or occupier of any land under this Act and that is by virtue of this Act charged on that land, and, when used in relation to any land, means the recoverable sum that is so charged on that land.

(2) A demand for a sum shall for the purposes of this schedule be deemed to have been made when a notice requiring the payment of that sum has been served on any person from whom it is recoverable.

2.—(1) A recoverable sum ranks equally with all other debts due in respect of the land on which it is charged to any body constituted by or under an enactment that, by virtue of any enactment, are also charged on that land, but has priority to all other mortgages, charges, liens, and other incumbrances.

(2) Notwithstanding anything in the following provisions of this schedule, the taking possession, leasing, sale, conveyance, transfer, or vesting of any land under this schedule takes effect subject to any exceptions or reservations in the Crown grant of that land, to any public rights affecting that land, and to any easements, conditions, and covenants to which that land is subject and which any person is entitled to enjoy or enforce by virtue of his estate in any other land.

3. The Minister may enter into an agreement with any person liable to pay a recoverable sum for the payment of that sum by instalments together with interest, calculated at such rate and in such manner as the Minister may determine, on the amount for the time being outstanding.

4. A recoverable sum may be recovered from the owner or occupier of the land as a debt due to the Crown.

5.—(1) Where a recoverable sum due in respect of any land remains, in whole or in part, unpaid after the expiration of thirty days after a demand therefor has been made, the Minister may by warrant of any two justices in petty sessions levy the amount so remaining unpaid by distress and sale of goods found on the land, rendering the overplus to the person on whom the demand was made.

(2) The justices may in a warrant issued under this paragraph order that there shall also be levied under the warrant such sum as they consider reasonable for the costs and expenses of obtaining the warrant and such further sum as may be necessary to meet the cost of taking, keeping, and selling the goods distrained under the warrant.

(3) All goods and chattels not exempted by any Act from distress that are found on the land in respect of which a recoverable sum is payable, to whomsoever they belong, and notwithstanding any previous seizure or possession thereof by any landlord under any warrant for distress for rent, or by the holder of any bill of sale, are liable to be taken under a warrant under this paragraph.

(4) Any timber standing or lying on any land in respect of which a warrant is issued under this paragraph is under that warrant liable to be taken and sold, and for that purpose may be felled or removed.

(5) Where any timber is sold under a warrant issued under this paragraph the purchaser or any person authorized by him may enter on the land on which the timber is situated, and may cut and remove the same.

(6) Where the proceeds of any distress under this paragraph are insufficient to meet the whole of the sums for which the distress was levied, a further distress may be levied under the same warrant to recover the balance thereof.

(7) Where the person having the execution of any warrant of distress under this paragraph returns that he could find no goods, or no sufficient goods, whereon to levy the amount of the warrant, any two justices in petty sessions may certify to a court of competent jurisdiction that it appears to them that the amount of the warrant or a part of it has not been levied thereunder, and, when that certificate is filed in that court, the Minister may issue execution as if the certificate were a judgment of the court for the recovery by the Minister from the party named in the certificate of the amount thereby appearing not to have been levied.

(8) A distress under this paragraph is not unlawful on account of any defect or want of form in the warrant or any proceedings relating thereto, and a person distraining under this paragraph does not become a trespasser *ab initio* on account of any irregularity that he may afterwards commit.

(9) Subject to this paragraph, the *Justices Act 1959* applies to proceedings under this paragraph.

6. Where a recoverable sum remains in whole or in part unpaid for not less than four years after the payment of that recoverable sum was first demanded by the Minister and the amount thereof remaining unpaid, including any interest accruing thereon and any costs properly incurred in any proceedings taken for the recovery thereof, is not less than the aggregate of the amounts of the rates that have been levied in respect of the land by a local authority during the five years ending on the thirtieth day of June last past, the Minister may, in accordance with this schedule take possession of, sell, or purchase that land.

7.—(1) Before taking possession of any land under this schedule the Minister shall serve on every person appearing by the register book kept under the *Real Property Act* 1862 or by any instrument registered in the Registry of Deeds to have any estate or interest in the land a notice stating the amount of the sum remaining unpaid and the intention of the Minister to enter into possession of the land.

(2) Failure to comply with sub-paragraph (1) of this paragraph does not render invalid the exercise of any powers conferred by this schedule, but, subject thereto, nothing in this sub-paragraph relieves the Minister or any other person from any liability arising from the failure to comply with that sub-paragraph.

(3) On taking possession of any land under this schedule the Minister shall cause to be affixed upon some conspicuous part thereof a notice that possession of the land has been taken by the Minister and that the land is to be let on lease.

(4) Where the Minister has taken possession of any land under this schedule he may cause to be done such things as he may consider necessary to maintain the land in proper condition or to make it more readily capable of being let, and may insure any buildings or improvements thereon.

(5) Where the Minister has taken possession of any land under this schedule he may lease the land at the best rent that can reasonably be obtained for such term, not exceeding seven years, as he may think fit.

(6) So much of the rents received by the Minister in respect of a lease of any land under this paragraph as exceed—

- (a) the costs of and incidental to the preparation and execution of the lease;
- (b) the sums reasonably expended by the Minister under sub-paragraph (4) of this paragraph in respect of the land;
- (c) any taxes, rates, charges, and other outgoings due in respect of the land; and
- (d) any sums due to or recoverable by the Minister or the Crown in respect of the land,

shall be held by the Crown in trust for the person who would be entitled to the rents and profits of the land if the Minister had not taken possession of the land.

(7) Where the Minister takes possession of any land under this paragraph interest shall be deemed to accrue at the rate of five per centum per annum on the amount of the recoverable sum for the time being unpaid, and the interest so accruing due is recoverable in like manner as the recoverable sum.

(8) Where, at the expiration of a period of thirty years from the date on which the Minister took possession of any land under this schedule, any money is held by the Crown under sub-paragraph (6) of this paragraph in respect of a lease of that land granted under this paragraph and no demand has been made for the payment of that money by a person entitled thereto that money shall cease to be held on trust and shall be paid into the Consolidated Revenue.

(9) If within thirty years of the Minister taking possession of any land under this paragraph the recoverable sum and any interest accruing thereon is paid, the Minister shall, on demand being made to him by any person having an estate or interest in the land, relinquish the possession of that land.

(10) The relinquishment by the Minister of the possession of any land under this paragraph does not prejudice or affect any lease of that land granted under this schedule except that the rights, duties, liabilities, and obligations of the Minister under the lease shall vest in the person who, if that lease had not been granted, would for the time being be entitled to the rents and profits of the land.

(11) If the Minister is not required within thirty years of taking possession of any land under this schedule to relinquish possession of that land that land on the expiration of that period reverts to and reverts in Her Majesty absolutely freed and discharged from all estates and interests.

8.—(1) Where any land is sold by the Minister under this schedule, the Minister may, subject to this paragraph, convey or transfer the land to the purchaser for an estate in fee simple.

(2) Where any land subject to the *Real Property Act 1862* is transferred under this paragraph the Recorder of Titles shall, on the transfer being presented to him, cancel the existing Crown grant, or certificate of title, in respect of the land and shall issue to the purchaser a new certificate of title to that land for the estate transferred to him.

(3) Where the duplicate Crown grant or certificate of title is not presented to the Recorder of Titles with the transfer of any land under this paragraph that duplicate shall be deemed to have been wrongfully retained.

(4) So much of the purchase money received under this paragraph as exceeds the costs of and incidental to the sale and conveyance or transfer of the land and the amount of any taxes or other sums due to or recoverable by or on behalf of the Crown in respect of the land shall be held by the Crown in trust for the persons having estates or interests in the land immediately before the sale according to their respective estates and interests.

9.—(1) Where the Minister is authorized under this schedule to purchase any land he shall be deemed to have been so authorized for the purpose of the recovery of sums due under this Act in respect of that land, and, subject to this schedule, the *Lands Resumption Act 1957* applies accordingly.

(2) Section sixty-seven of the *Lands Resumption Act 1957* does not apply to any land purchased by the Minister under this schedule, but any land so purchased may be disposed of on such terms and conditions, and to such persons, as the Governor may approve or may be dealt with in such other manner as the Governor may direct.

(3) The proceeds of the disposal or other dealing with any land under sub-paragraph (2) of this paragraph shall be paid into the Consolidated Revenue.

10. If a mortgagee of any land in respect of which a recoverable sum is payable pays the whole or any part of that sum, the amount so paid may be added to the principal sum secured by the mortgage, and may be recovered as part of the principal with interest at the rate chargeable under the mortgage on the moneys thereby secured.

## THE SECOND SCHEDULE.

(Section 36.)

### CONSEQUENTIAL AMENDMENTS.

*Boundary Fences Act 1908.*

(8 Edw. VII No. 40.)

Section forty-eight is amended by omitting subsection (3) and substituting therefor the following subsection:—

“(3) In this section ‘noxious weed’ has the same meaning as it has for the purposes of the *Noxious Weeds Act 1964*.”

*Roads and Jetties Act 1935.*

(26 Geo. V No. 82.)

Section forty-nine is amended by omitting from subsection (2) the words “proclaimed by the Governor as such under the *Local Government Act 1906*” and substituting therefor the words “within the meaning of the *Noxious Weeds Act 1964*”.

*Local Government Act 1962.*

(No. 67 of 1962.)

Section one hundred and forty is amended by omitting paragraph (1) of subsection (1) and substituting therefor the following paragraph:—

“(1) municipal inspectors for the purposes of the *Noxious Weeds Act 1964*.”