

NOXIOUS PLANTS ORDINANCE 1951.⁽¹⁾

No. 67 of 1951.

An Ordinance relating to the Prevention of the Spread of Noxious Weeds and Plants.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Noxious Plants Ordinance 1951*.⁽¹⁾ Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice⁽¹⁾ in the *Gazette*. Commencement.

3.—(1.) The *Noxious Plants Ordinance, 1913*⁽²⁾ of the Territory of Papua is repealed. Repeal and amendment.

(2.) The *Diseases of Plants Ordinance 1934*⁽³⁾ of the Territory of New Guinea is amended by omitting from section four the definition of “pest” and inserting in its stead the following definition:—
“‘pest’ means insect pest;”.

(3.) The *Diseases of Plants Ordinance 1934*⁽³⁾ of the Territory of New Guinea, as amended by this Ordinance, may be cited as the *Diseases of Plants Ordinance 1934-1951*.

4. In this Ordinance, unless the contrary intention appears— Definitions.

“Director” means the Director of Agriculture, Stock and Fisheries;

“native customary rights” means rights of a proprietary or possessory kind belonging to a native or native community in relation to land which arise from and are regulated by native custom;

“native land” means land which is owned or possessed by a native or native community by virtue of native customary rights;

“noxious weed or plant” means a weed or plant declared under the provisions of this Ordinance to be a noxious weed or plant.

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

Date on which made by Cwth. Administrator in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
13.11.1951	13.11.1951	22.11.1951 (<i>Papua and N.G. Govt. Gaz.</i> of 22.11.1951)

(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. III., on pp. 2557-2558.

(3) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 3969-3973.

PART A : LAND—

Noxious plants
may be
proclaimed.

5. The Administrator may by notice⁽⁴⁾ published in the *Gazette* declare a weed or plant to be a noxious weed or plant for the purposes of this Ordinance.

Notice to
destroy noxious
weeds or
plants.

6.—(1.) When a noxious weed or plant is found existing upon land (other than native land) within the Territory the Director 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, a notice 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 Director may grant and to keep the land free from the same during a period of one year from the end of that period.

(2.) Within the period of thirty days or within such extended period as the Director may grant the occupier, person in charge or owner who is served with the notice pursuant to the last preceding sub-section shall effectually extirpate and destroy the noxious weed or plant growing or being upon the land and keep the land free from the same for a period of one year from the end of that period.

Penalty: Ten pounds.

(3.) A person who has received a notice in pursuance of sub-section (1.) of this section shall not be convicted under the last preceding sub-section if he has used and is using reasonable exertions to extirpate and destroy the noxious weed or plant.

Service of
notices.

7.—(1.) A notice under the last preceding section may be served—

- (a) by delivering it to the occupier, owner or person in charge;
- (b) by leaving it at his usual or last known place of abode;
- or
- (c) by forwarding it by post in a prepaid letter addressed to the occupier, owner or person in charge at his usual or last known place of abode.

(2.) If there be no occupier or person in charge and the place of abode of the owner is not known, the notice may be served by publication in the *Gazette*, and takes effect from the date of its publication.

When Director
may enter and
destroy weeds
and plants.

8.—(1.) If at the expiration of the period of thirty days or such extended period as the Director may grant the weed or plant has not been extirpated and destroyed, or if during the period of one year the land has not been kept clear from the weed or plant, the Director may forthwith enter or authorize a person

(4) No notice has been published in Papua and N.G. *Govt. Gaz.* before 1.1.1952.

appointed by him to enter upon the land and may expend such sums of money as may be made available for that purpose as he deems expedient in endeavouring to extirpate the noxious weed or plant that may be growing thereon.

(2.) Any reasonable expense so incurred by the Director with the intention of extirpating and destroying the noxious weed or plant is recoverable from the occupier thereof or if there be no occupier then (except in the case of unoccupied lands of the Administration) from the owner.

(3.) The liability of the occupier or owner for the expense recoverable under the last preceding sub-section shall be in addition to the liability for a penalty under this Ordinance.

9. A person authorized by the Administrator, the Director or a District Commissioner may without notice enter upon lands for the purpose of ascertaining whether any noxious weed or plant is thereon.

Persons authorized to enter upon land to search for noxious weeds, &c.

10. The Director may out of moneys available for that purpose employ the necessary labourers for the purpose of the extirpation and destruction of, and may eradicate and destroy, noxious weeds and plants upon any unoccupied lands of the Administration.

Destruction of noxious weeds, &c. on lands of the Administration.