

NOXIOUS WEEDS BILL

EXPLANATORY NOTE

1. This Bill consolidates and amends the Noxious Weeds Act, 1928, and its amendments. It gives effect to the main recommendations made by a Special Committee set up in 1945 to consider the control of noxious weeds in New Zealand.

2. To enable a comparison to be made with the present legislation references thereto are given in the margin of the Bill, and a table is annexed which indicates those sections of existing Acts which have, with necessary modifications, been incorporated in or which have been omitted from the Bill.

3. The principal amendments and new provisions in the Bill are as follows:—

Clause 2: Definitions of “Inspector”, “Government Inspector”, “local authority Inspector”, “land of the Crown”, and “Maori land” have been included in the Bill. The definition of the term “clear” has been amended so as to impose an obligation to destroy any weed which has to be cleared and not merely to control its spread. The definition of the term “noxious weeds” has been redrafted because in future plants are to become noxious weeds only when they have been so declared by the local authority; and the definition of the term “local authority” has been redrafted for greater clarity.

Clause 3 has been recast to enable a declaration of plants as weeds to apply to the whole or a specified part of the district of a local authority.

Clauses 5 (7) and 6 (5): The proviso in each case has been added so as to restrict the liability of agents and trustees for fines where they are not in occupation of the land and are not legal and beneficial owners of the land.

Clause 6 (3) requires Bermuda buttercup and nut grass to be cleared from nurseries.

Clause 11 prevents the propagation, planting, sowing, and sale of any of the plants mentioned or included in the *First Schedule* to the Bill without the consent of the Minister. There is an absolute prohibition in respect of water hyacinth and two species of hawthorn.

Clauses 14 and 15 recast the existing provisions relating to land of the Crown and Maori land so as to enable the land to be cleared, with the consent of the Minister, at the expense of the Crown. Money expended by the Crown in clearing Maori land may be recovered as a rate.

Clause 17 recasts the existing provisions regarding Inspectors so as to clarify the distinction which has hitherto existed between Inspectors appointed as officers or employees of the Public Service and Inspectors appointed by local authorities.

Clause 21 makes every Borough Council, and every Town Board of a town district which does not form part of a county, liable for the administration of the legislation in its district.

Clause 22 (4) provides for payment of a subsidy to any County Council or to any Road Board in a county where the Counties Act, 1920, is suspended or is not in operation, if the Council or Board assumes responsibility for the administration of the legislation in its district.

Clause 23 authorizes local authorities to act together in administering the legislation.

Clause 26 authorizes a local authority to plant trees, subject to restrictions, for the purpose of controlling the spread of noxious weeds.

Clause 27 empowers a local authority to take land under the Public Works Act, 1928, or otherwise acquire land, for the purpose of clearing the land of noxious weeds or of controlling the spread of noxious weeds; and authorizes a local authority to sell, lease, sublease, or let any land so taken or acquired by it.

First Schedule: The list of plants which may be declared to be noxious weeds has been revised and brought up to date, and all the plants are now specified in one Schedule.

4. Except as indicated in paragraph 3, the Bill follows substantially the existing legislation.

TABLE OF CORRESPONDING SECTIONS OF ENACTMENTS
REPEALED

THE NOXIOUS WEEDS ACT, 1928, No. 10 (REPRINT OF STATUTES, VOL. I, p. 124).

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	1	16	14, 15
2	2	17	14, 15
3	9	18	14, 15
4	3	19	14
5	3	20	16
6	..	21	19
7	4	22	29
8	11	23	..
9	12	24	..
10	13	25	..
11	5, 6	26	28
12	5	27	17
13	7	28	21
14	8	29	30
15	10	30	31

THE NOXIOUS WEEDS AMENDMENT ACT, 1934, No. 35

Section of Act.	Clause of Bill.	Section of Act.	Clause of Bill.
1	1	8	25
2	2	9	28
3	6	10	18
4	7	11	20
5	8	12	..
6	28	13	First Schedule.
7	22		

THE FINANCE ACT, 1936, No. 16

Section of Act.	Clause of Bill.
31	24

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
15th November, 1950*

Hon. Mr. Holyoake

NOXIOUS WEEDS

ANALYSIS

	<i>Inspectors</i>
Title.	17. Inspectors.
1. Short Title and commencement.	18. Inspector, &c., not deemed a trespasser.
2. Interpretation.	19. Hindering or obstructing an Inspector.
3. Declarations by local authorities.	20. Penalty for personating Inspector.
4. Governor-General may extend <i>First Schedule.</i>	
<i>Control of Noxious Weeds and Hedges</i>	<i>Duties and Powers of Local Authorities</i>
5. Inspector may require occupier to clear land.	21. Borough Councils and certain Town Boards to be responsible for administration of Act within their districts.
6. Trimming of hedges and special provisions in respect of ragwort, nut grass, and Bermuda buttercup.	22. County Councils and certain Road Boards may assume responsibility for administration of Act.
7. Inspector may clear land and trim hedges if occupier fails.	23. Local authorities may act together.
8. Penalty for continued default.	24. County Councils may raise loans without polls for eradication of noxious weeds.
9. Occupier of land adjoining road to clear half width of road.	25. Levying of rates for clearing noxious weeds in county or road district.
10. Proportion of cost of clearing to be borne by owner.	26. Afforestation and sale of timber, &c.
11. Propagation and sale of weeds.	27. Power to take, hold, and dispose of land.
12. No person to sow or sell uncleaned seeds or grain.	
13. Threshing machines, &c., to be thoroughly cleaned.	<i>Miscellaneous</i>
<i>Land of the Crown, Maori Land, and Land of Local Authorities</i>	28. Notices.
14. Clearing of land of the Crown and Maori land.	29. General penalty for offences.
15. Crown may recover from occupier of Maori land.	30. Regulations.
16. Local authority to clear lands under its control.	31. Repeals and savings. Schedules.

A BILL INTITULED

Title.	AN ACT to Consolidate and Amend Certain Enactments of the General Assembly Relating to Weeds and the Trimming of Hedges.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Noxious Weeds Act, 1950, and shall come into force on the first day of April, nineteen hundred and fifty-one.	10
Interpretation. Noxious Weeds Act, 1928, s. 2, see Reprint of Statutes, Vol. I, p. 124; 1934, No. 35, s. 2	2. In this Act, unless the context otherwise requires,— “ Clear ”, in relation to any plant, means to do any act which destroys that plant: “ Government Inspector ” means any Government Inspector appointed under this Act: “ Inspector ”, in relation to any land situated within any borough, town district, county, or road district the Council or Board of which is responsible, or has assumed responsibility, for the administration of this Act in its district, means an Inspector who is, or is deemed to be, a local authority Inspector for the district, and includes a Government Inspector in any case where a Government Inspector is authorized by this Act to exercise any power or perform any duty under this Act within the district; and, in relation to any other land, means a Government Inspector: “ Land of the Crown ” means any land, other than Maori land, which is not alienated from the Crown in fee simple or for any less estate or interest: “ Local authority ” means,— (a) In relation to any borough, town district, or road district, the Borough Council, Town Board, or Road Board of that borough or district; and	15 15 20 25 30 35

(b) In relation to such part of any county as is not comprised in any town district or road district, the County Council or (in the case of a County where the Counties Act, 1920, is suspended or is not in operation) the Minister:

See Reprint of Statutes, Vol. V, p. 180

“Local authority Inspector” means any local authority Inspector appointed under this Act:

“Maori land” means Maori land within the meaning of the Maori Land Act, 1931:

Ibid., Vol. VI, p. 103

“Minister” means the Minister of Agriculture:

“Noxious weeds”, in relation to any area, means such of the plants mentioned or included in the *First* Schedule to this Act as have been declared under this Act to be noxious weeds in that area:

“Occupier”, in relation to any land, means any person in actual occupation of the land, and includes the owner of the land, and any other person in receipt of the rents and profits thereof, and any agent or trustee of an occupier of the land.

3. (1) A local authority may at any time, and from time to time, declare that all or any one or more of the plants mentioned or included in the *First* Schedule to this Act are noxious weeds within the district of that local authority or within any specified portion of that district, whereupon all the plants to which the declaration relates shall be deemed to be noxious weeds within the area specified in the declaration.

Declarations by local authorities. 1928, No. 10, ss. 4, 5

(2) With respect to any district or portion of a district of which the Minister is the local authority, the declaration shall be by notice by the Minister published in the *Gazette*.

(3) With respect to any portion of New Zealand of which the Minister is not the local authority, the declaration shall be by special order.

(4) A copy of every such special order shall be forwarded to the Minister by the local authority making it within one month after the making thereof, and the Minister shall thereupon cause it to be gazetted.

Governor-General may extend *First* Schedule. 1928, No. 10, s. 7

4. The Governor-General may from time to time, by Order in Council gazetted, extend the *First* Schedule to this Act by including therein any plants other than those mentioned therein.

Control of Noxious Weeds and Hedges

5

Inspector may require occupier to clear land. Ibid., s. 11

5. (1) Any Inspector may require any occupier of land on which noxious weeds are growing to clear that land of such of those weeds as may be specified by the Inspector in the notice or notification mentioned in this subsection within such time as may be specified by the Inspector either by a notice in the form in the *Second* Schedule to this Act or to the like effect served on the occupier of the land, or by public notification in the form in the *Third* Schedule to this Act or to the like effect in one or more newspapers circulating in the district in which the occupier's land is situated: 10 15

Provided that nothing in this subsection shall require any notice or notification to be so given in respect of any work which every occupier of the land is required to do under section *six* of this Act: 20

Provided also that this subsection shall not apply to hedges or live fences consisting of hawthorn, barberry, sweetbrier, gorse, boxthorn, broom, or hakea.

(2) Every occupier on whom such a notice is served, or who is required by any such notification to do any work, may, within fourteen days after the service of the notice or after the last such notification in any newspaper, appeal in writing to the appeal authority mentioned in the *next succeeding* subsection against the requirements of the Inspector, so far as they affect him, on the ground that those requirements are unreasonable. 25 30

(3) The appeal authority to which any such appeal shall be made shall be—

(a) The local authority for the district where the land is situated or such person as that local authority by notice published in a newspaper circulating in its district appoints in that behalf in any case where the Inspector who specified the work was a local authority Inspector: 35 40

(b) The Minister or such person as the Minister by notice published in the *Gazette* appoints in that behalf in any other case.

(4) The appeal authority shall either cancel the notice or notification so far as it affects the person who is making the appeal, or confirm it so far as it affects that person either absolutely or partially or subject to such conditions and modifications as it thinks fit. The decision of the appeal authority shall be final.

(5) Upon the determination of any appeal, the Inspector whose requirements are the subject of the appeal shall serve upon the person who made the appeal a further notice which shall state the decision of the appeal authority and, if the effect of the decision is to confirm the requirements of the Inspector partially or subject to conditions or modifications, shall set forth those requirements as so varied:

Provided that the further notice required under this subsection may be given by any other Inspector.

(6) As from the lodging of an appeal in writing with the appeal authority under this section and pending the service of a further notice upon the determination of the appeal, the notice or notification setting out the requirements which are the subject of the appeal shall be suspended so far as the notice or notification affects the person who is making the appeal.

(7) Every occupier of any land who fails or neglects to comply with any notice or notification of an Inspector under this section that is served on or affects him and is not cancelled or for the time being suspended as the result of an appeal commits an offence against this Act:

Provided that for the purposes of this subsection an agent or trustee of an occupier of any land shall be deemed not to be an occupier of the land unless the agent or trustee is in actual occupation of the land or is both a legal and a beneficial owner of the land.

6. (1) Every occupier of land on which there are hedges or live fences consisting of hawthorn, barberry, sweetbrier, gorse, boxthorn, broom, or hakea (whether or not those plants are noxious weeds where the land is situated) shall in every year cut or trim those hedges or fences in a workmanlike manner:

Trimming of hedges and special provisions in respect of ragwort, nut grass, and Bermuda buttercup. 1928, No. 10, ss. 11, 12; 1934, No. 35, s. 3

Provided that where the cutting or trimming would destroy the effectiveness of any hedge or live fence for shelter purposes an Inspector may, by writing under his

hand, suspend the operation of this subsection with respect to that hedge or live fence for such period as he thinks fit.

(2) In any area in which ragwort is declared pursuant to this Act to be a noxious weed, every occupier of land on which ragwort is growing shall clear that land of ragwort and keep that land so cleared. 5

See Reprint of
Statutes, Vol. I,
p. 136

(3) Every occupier of land which is registered as a nursery under any regulations under the Orchard and Garden Diseases Act, 1928, and on which Bermuda buttercup (*Oxalis cernua*) or nut grass (*Cyperus rotundus*) is growing, shall clear the land of those plants and keep the land so cleared. 10

(4) In any case where an occupier of land takes such measures for controlling the spread of noxious weeds as may be agreed upon between the occupier and an Inspector, the Inspector may, by notice in writing under his hand, suspend or modify to the extent set forth in the notice the operation of the provisions of this section with respect to the land. Any such notice may be at any time in like manner revoked. 15 20

(5) Every occupier of any land who fails or neglects to comply with any of the provisions of this section commits an offence against this Act:

Provided that for the purposes of this subsection an agent or trustee of an occupier of any land shall be deemed not to be an occupier of the land unless the agent or trustee is in actual occupation of the land or is both a legal and a beneficial owner of the land. 25

Inspector may
clear land
and trim
hedges if
occupier fails.
1928, No. 10,
s. 13;
1934, No. 35,
s. 4

7. (1) An Inspector may enter at all reasonable times on any land, whether enclosed or not, and inspect that land for the presence of noxious weeds, or for the purpose of ascertaining whether there has been compliance with the requirements of this Act. 30

(2) In any case where default is made by an occupier in complying with any of the requirements of section six of this Act, any Inspector may, by notice in the form in the *Second* Schedule to this Act or to like effect served on that occupier, specify the requirements as to which default has been made, and require him to comply with them by doing the necessary work within the time specified in the notice. 35 40

(3) If any occupier fails or neglects to comply with any notice which is served upon him under the *last preceding* subsection, or with any notice or public notification under subsection *one* of section *five* of this Act
5 which is given to him and is not cancelled or for the time being suspended so far as it affects him as the result of an appeal, in addition to or instead of proceedings for the recovery of a fine for that failure or neglect, any Inspector or person authorized in
10 writing by an Inspector may enter upon that land and may, at the expense in all things of the occupier, take in respect thereof such measures and do thereon such work as may be necessary to comply in whole or in part with the notice.

15 (4) The amount of all such expenses shall be recoverable, with costs, from the occupier by the Inspector, or such other person as the Minister or the local authority authorizes in that behalf, by action in any Court of competent jurisdiction.

20 (5) Any judgment obtained under the *last preceding* subsection may be enforced by the judgment creditor as if it were a judgment for rates, and, in the case of Maori land, the amount of all such expenses may be recovered in the manner in which rates on the land may
25 be recovered. The provisions of section seventy-three and sections seventy-eight to eighty-four and Part II of the Rating Act, 1925, and any other enactment relating to the enforcement of such judgments, or to the recovery of rates on Maori land, shall, with the necessary
30 modifications, apply accordingly.

(6) Where the mortgagee of any land pays any expenses incurred by an Inspector in respect of that land pursuant to subsection *three* of this section, or satisfies any judgment obtained against the occupier of
35 that land pursuant to the provisions of subsection *four* of this section, the amount so paid by the mortgagee shall be recoverable by him from the mortgagor and, until it is recovered, shall be deemed to be added to and to form part of the principal moneys secured by the
40 mortgage and to be chargeable with interest accordingly from the date of its payment by the mortgagee.

See Reprint
of Statutes,
Vol. VII, p. 977

Penalty for continued default.
1928, No. 10, s. 14;
1934, No. 35, s. 5

8. A person convicted of any offence under section *five* or section *six* of this Act shall not thereby be relieved from the obligation to comply with the provisions of those sections or with the requirements of any notice or notification under subsection *one* of section *five* of this Act, but shall do so within two months after the date of his conviction. If he fails to comply with this requirement he shall be deemed to have committed a further offence, and shall be liable on summary conviction to a further fine not exceeding one hundred pounds. 5

Occupier of land adjoining road to clear half width of road.
1928, No. 10, s. 3

9. Where land abuts on a road or is intersected by a road, the boundaries of the land on each side of the road shall, for the purposes of this Act relating to the clearing of noxious weeds, be deemed to extend to the middle line of the road, and the occupier of the land shall accordingly be deemed to be the occupier of so much of the road as is within the extended boundaries. 10 15

Proportion of cost of clearing to be borne by owner.
Ibid., s. 15

10. Subject to the provisions of his lease, the reasonable expenses incurred by an occupier under sections *five*, *six*, and *seven* of this Act, including reasonable compensation for his own labour or superintendence, may be recovered by him as a debt from the owner to the extent following, that is to say:— 20

(a) One fourth of the total amount of the expenses where the unexpired term of the lease is not less than four years at the date when the expenses are incurred; or 25

(b) Where the unexpired term is then less than four years, such proportion of the aforesaid total amount as, in the absence of agreement between the parties, is fixed by a Magistrate's Court. 30

Propagation and sale of weeds.
Ibid., s. 8

11. (1) Every person commits an offence against this Act who (without the consent of the Minister) propagates, plants, sows, sells, or offers for sale, any of the plants mentioned or included in the *First Schedule* to this Act, or any seeds, cuttings, or portions of any such plants. 35

(2) The Minister shall not give any such consent in respect of any area of which he is not the local authority unless he is recommended so to do by the local authority in whose district the plants, seeds, cuttings, or portions of the plants are to be planted, sown, propagated, sold, or offered for sale, as the case may be.

(3) Any such consent may be subject to such conditions as the Minister thinks fit.

(4) Except as provided in the *next succeeding* subsection, any such consent may be so given as to apply generally throughout the district of any local authority or within any specified part or parts thereof, or within the whole of the district except any specified part or parts thereof; and may be so given as to apply to all the plants mentioned or included in the *First* Schedule to this Act or to any one or more of those plants; and may be so given as to apply to all persons or to any person or class or classes of persons within the area to which it relates.

(5) No such consent shall be given in respect of hawthorn (*Crataegus oxycantha* and *Crataegus monogyna*) or water hyacinth (*Eichhornia crassipes*).

(6) This section shall not apply to barberry, box-thorn, or *hakea saligna* propagated, planted, sown, sold, or offered for sale for use as part of a hedge or live fence.

12. (1) Every person commits an offence against this Act who knowingly sows, sells, or offers for sale any seed-grain, grass-seed, or seed of any other plant not mentioned or included in the *First* Schedule to this Act if the seed-grain, grass-seed, or seed has not been thoroughly cleaned by means of a seed cleaning machine or other sufficient process for the purpose of removing all seeds of any of the plants mentioned or included in the *First* Schedule to this Act:

No person to sow or sell uncleaned seeds or grain. 1928, No. 10, s. 9

Provided that in any legal proceedings under this section for knowingly selling or offering for sale it shall be a sufficient defence if the defendant satisfies the Court that the person to whom he sold the seed-grain, grass-seed, or seed, or offered it for sale, knew it had not been cleaned.

(2) In any legal proceedings against any person for sowing, selling, or offering for sale any such seed-grain, grass-seed, or seed which has not been thoroughly cleaned as aforesaid it shall be presumed until the contrary is proved that he knew that the seed-grain, grass-seed, or seed was not thoroughly cleaned as aforesaid. 5

Threshing machines, &c., to be thoroughly cleaned. 1928, No. 10, s. 10

13. Every person owning or being in charge of any machine (being a threshing machine, header harvester, clover dresser, mobile seed cleaning plant, baling machine, or chaff cutter) which is used on more farms than one commits an offence against this Act if he fails to clean out the machine thoroughly immediately after using it at each farm, and before removing the machine or any part thereof to another farm. 10 15

Land of the Crown, Maori Land, and Land of Local Authorities

Clearing of land of the Crown and Maori land. Ibid., ss. 16-19

14. (1) With the consent of the Minister, any Inspector or person authorized in writing by an Inspector may enter upon any land of the Crown or any Maori land and take in respect thereof such measures and do thereon such work as may be necessary— 20

(a) To clear that land of noxious weeds; and

(b) To cut or trim hedges or live fences which are growing on that land and which consist of hawthorn, barberry, sweetbrier, gorse, box-thorn, broom, or hakea (whether or not those plants are noxious weeds where the land is situated). 25

(2) The Minister may in his discretion refuse his consent under this section or give his consent either unconditionally or upon or subject to such terms and conditions as he thinks fit. 30

(3) Where any measures are taken, or any work is done, under this section to the satisfaction of the Minister, all costs, charges, and expenses which the Minister considers have been reasonably incurred in respect of the measures or work shall be defrayed out of moneys from time to time appropriated for the purpose by Parliament. 35 40

15. The amount of all costs, charges, and expenses paid by the Crown in respect of any Maori land may be recovered by the Crown in the manner in which rates on the land may be recovered; and the provisions of Part II of the Rating Act, 1925, and any other enactment relating to the recovery of rates on Maori land, shall, with the necessary modifications, apply accordingly.
16. Every local authority other than the Minister shall, out of its general revenues, from time to time clear, as required by or under sections *five* and *six* of this Act, all lands under its control, and if it fails or neglects to do so the Minister may cause the lands to be cleared at its expense.

Crown may recover from occupier of Maori land.

See Reprint of Statutes, Vol. VII, p. 1017

Local authority to clear lands under its control. 1928, No. 10, s. 20

Inspectors

17. (1) There may from time to time be appointed for the purposes of this Act Inspectors of the following classes:—
- (a) Government Inspectors who shall be appointed as officers or employees of the Public Service:
- (b) Local authority Inspectors who shall be appointed by a Borough Council, Town Board, County Council, or Road Board as provided in sections *twenty-one*, *twenty-two*, and *twenty-three* of this Act.
- (2) No person shall be both a Government Inspector and a local authority Inspector at the same time.
- (3) Except for the purpose of enforcing subsection *three* of section *six* of this Act, no Government Inspector shall exercise any powers or perform any duties under this Act—
- (a) Within any county or road district the Council or Board of which has for the time being a local authority Inspector appointed by it for its district, unless he acts by direction of the Minister and after written notice has been given to the Council or Board; or
- (b) Within any borough or within any town district which does not form part of a county.

Inspectors. Ibid., ss. 27, 28

(4) No person shall be entitled by virtue of his appointment as a local authority Inspector to exercise any of the powers or perform any of the duties of an Inspector under this Act within any area other than a borough, town district, county, or road district for which (in accordance with this Act) he is appointed, or is deemed to be, a local authority Inspector. 5

(5) Subject as aforesaid, Inspectors shall have the powers and shall perform the duties set out in this Act, and shall have such other powers and shall perform such other duties as may be necessary to carry into effect the provisions of this Act or as may be prescribed by regulations under this Act. 10

Inspector, &c.,
not deemed a
trespasser.
1934, No. 35,
s. 10

18. An Inspector, or any person authorized in writing in that behalf by an Inspector, shall not be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers, or the performance of the duties, conferred on the Inspector under this Act, unless the damage is occasioned otherwise than in the reasonable exercise or performance of the powers or duties. 15 20

Hindering or
obstructing an
Inspector.
1928, No. 10,
s. 21

19. (1) Every person commits an offence against this Act who obstructs or hinders any Inspector, or any person duly employed or authorized, in the exercise of any power or function conferred on him by or under this Act. 25

(2) No proceedings for the recovery of any fine in respect of any such offence shall be a bar to an action at law by any such Inspector or person in respect of any such act as aforesaid, but every such action may be commenced and proceeded with as if no such proceedings had been taken under this Act. 30

Penalty for
personating
Inspector.
1934, No. 35,
s. 11

20. Every person shall be liable on summary conviction to imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, who personates or falsely represents himself to be an Inspector under this Act, or falsely represents himself to be a person authorized by any such Inspector. 35

Duties and Powers of Local Authorities

21. (1) Every Borough Council, and every Town Board of a town district which does not form part of a county, shall be responsible for the administration of this Act within its district.

Borough Councils and certain Town Boards to be responsible for administration of Act within their districts. 1928, No. 10, s. 28

(2) Any such Council or Board may from time to time appoint an Inspector or Inspectors for its district.

22. (1) The Council of any county, or the Road Board of any road district in a county where the Counties Act, 1920, is suspended or is not in operation, may at any time by resolution assume responsibility for the administration of this Act within its district from a date to be specified in that behalf in the resolution.

County Councils and certain Road Boards may assume responsibility for administration of Act. 1934, No. 35, s. 7 See Reprint of Statutes, Vol. V, p. 180

(2) A copy of every such resolution shall forthwith be forwarded by the Council or Board to the Minister, who shall cause it to be published in the Gazette.

(3) Any Council or Board which has under this section assumed responsibility for the administration of this Act as aforesaid may from time to time appoint an Inspector or Inspectors for its district.

(4) The Minister of Finance may pay, out of moneys appropriated by Parliament for the purpose, to any County Council or Road Board which, either before or after the commencement of this Act, has assumed responsibility for the administration of this Act as aforesaid such subsidy as he thinks fit towards costs incurred or to be incurred by it in administering this Act or in exercising the powers conferred thereby.

23. (1) Any two or more local authorities which are for the time being responsible for the administration of this Act may act together in the exercise of their powers and functions under this Act, and may, upon such terms and conditions as they think fit, jointly appoint Inspectors and other officers and servants for that purpose.

Local authorities may act together.

(2) Any local authority which is for the time being responsible for the administration of this Act may from time to time arrange with any other local authority and its Inspectors and officers on behalf of the first mentioned local authority to exercise and perform the powers and functions of the first mentioned local authority under this Act and to enforce the observance of the provisions

of this Act. All such Inspectors shall be deemed to be local authority Inspectors for the district of the first mentioned local authority while the arrangement remains in force.

(3) Any local authority may, for the purposes of this section, enter into such agreements as it thinks fit, and the agreements may contain all such provisions as to the local authority seem necessary or expedient. 5

County Councils may raise loans without polls for eradication of noxious weeds.

1936, No. 16, s. 31

See Reprint of Statutes, Vol. V, p. 360

Ibid., p. 415 1932, No. 30

Levying of rates for clearing noxious weeds in county or road district.

1934, No. 35, s. 8

24. (1) For the purpose of making provision for the eradication of noxious weeds within the county any County Council may from time to time raise a special loan without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926. 10

(2) The term for which any moneys may be borrowed under this section, as determined by the Governor-General in Council under section eleven of the Local Government Loans Board Act, 1926 (as set out in section twenty-nine of the Finance Act, 1932 (No. 2)), shall not exceed ten years. 15

25. (1) Any County Council or Road Board that has assumed responsibility for the administration of this Act within its district may, in addition to its other rating powers, make and levy a rate on all rateable property within the county or road district which is not exempt from the rate by virtue of subsection seven of this section for the purpose of providing funds for the eradication of noxious weeds within its district, or otherwise for the purposes of the administration of this Act. 20 25

(2) Any such rate may be levied on the basis of the rateable value of the land occupied by the ratepayer or on the basis of the acreage of rateable land occupied by the ratepayer. 30

(3) Where the rate is to be levied on the basis of the rateable value of the land, the maximum rate that may be levied in any year shall not exceed a halfpenny in the pound on the capital value of that land; but the total amount payable by any ratepayer shall not in any case exceed sixpence per acre of his holding. 35

(4) Where the rate is to be levied on the basis of the acreage of land occupied by the ratepayer, the maximum rate that may be levied in any year shall not exceed sixpence per acre of the land. 40

(5) The Council or Board may, if it thinks fit, from time to time divide the county or road district, for the purposes of the rate, into any number of subdivisions, and may make and levy the rate separately in each subdivision and in such manner that the rate made and levied in any one or more of the subdivisions may vary from that in another or others:

Provided that the maximum rate to be made and levied in any one year in any one subdivision shall not exceed the rate prescribed by subsection *three* or, as the case may be, subsection *four* of this section.

(6) Before making any rate under this section the Council or Board shall, by resolution, classify all the lands in the county or road district, or in the several subdivisions, as the case may be, into one or more of the following classes, namely:—

Class A lands, being lands for the immediate and direct benefit of which the Council or Board proposes to expend the proceeds of the rate;

Class B lands, being lands for the less direct benefit of which the Council or Board proposes to expend the proceeds of the rate; and

Class C lands, being all other lands.

(7) The rate shall be made and levied only on Class A and Class B lands and in such proportions as the Council or Board in each case appoints:

Provided that before the appointment of such proportions as aforesaid the Council or Board shall cause public notice to be given of the respective proportions it proposes to appoint; and shall, at a meeting of the Council or Board to be held after the expiration of a period of twenty-eight days after the first publication of the notice, consider all objections in writing (if any) received by the Council or Board to the proposed proportions.

(8) Every classification so made shall be set forth in a list to be sealed with the common seal of the county or road district and the Council or Board shall immediately cause public notice of the classification to be given, and of the place where and of the period during which the classification list may be inspected, and shall allow it to be inspected at reasonable times at that place for a period of not less than twenty-one days.

(9) Any person aggrieved by the classification may appeal against it on the ground that the land of the appellant, or any other land in the rating area, has not been fairly classified in accordance with the benefit received or likely to be received from the expenditure aforesaid, or has not been classified. 5

(10) A notice of appeal setting out the grounds thereof shall, within seven days next after the expiration of the period of twenty-one days appointed for the inspection of the classification list, be given to the Registrar of the Magistrate's Court nearest to the public office of the Council or Board, and a copy thereof shall within the same seven days be lodged at that office. 10

(11) The appeal shall be heard by a Magistrate at such convenient time and place as he appoints, of which not less than three days' notice shall be given to the County Clerk or the Clerk of the Road Board and to the appellant. 15

(12) On the hearing of any such appeal the Magistrate may cause the classification list to be amended in such manner as he thinks reasonable, and he shall sign the list so amended, and the determination of the Magistrate shall be final and conclusive. 20

(13) Every classification list sealed with the seal of the county or road district, or signed by a Magistrate in the case of any such appeal as aforesaid, shall, for the purpose of any proceedings for the recovery of rates, be sufficient evidence of a classification duly made by the Council or Board in accordance with the requirements of this section. 25 30

(14) The classification list may from time to time be amended by the Council or Board:

Provided that no such amendment shall have effect until the expiration of two months after the service of notice of the amendment on all ratepayers affected thereby. 35

(15) The provisions of this section relating to appeals and to the authentication of the classification list shall apply to every such amendment of the list.

(16) Except as otherwise provided herein, the provisions of the Rating Act, 1925, shall apply to all rates made under this section. 40

Afforestation
and sale of
timber, &c.

26. (1) Whenever it considers it expedient for the purposes of this Act so to do, any local authority may, with the written consent of the Minister of Forests and subject to such conditions as he may
5 impose, plant, sow, or maintain trees on any piece of land belonging to that local authority or (subject to the terms of the lease) on any land held on lease by it for the purpose, or (with the consent of the owner) on any other
10 piece of land within its jurisdiction; and may, with the consent of the Minister of Forests and subject to such conditions as he may impose, cut or sell any such trees:

15 Provided that no such trees shall be cut or sold in contravention of the terms of the lease where the land is leased, or without the consent of the owner of the land in any other case where the local authority is not the owner of the land.

(2) Whenever it considers it expedient for the purposes of this Act so to do, any local authority may plant, sow, or maintain shrubs, grasses, or plants other
20 than trees on any land belonging to that local authority, or (subject to the terms of the lease) on any land held on lease by it for the purpose, or (with the consent of the owner) on any other piece of land within its jurisdiction; and may cut or sell any such shrubs, grasses,
25 or plants:

30 Provided that no such shrubs, grasses, or plants shall be cut or sold in contravention of the terms of the lease where the land is held on lease, or without the consent of the owner of the land in any other case where the local authority is not the owner of the land.

(3) Any local authority may erect and maintain fences on the boundaries or any other part of any land on which it so plants, sows, or maintains trees, shrubs, grasses, or plants.

35 (4) Where any local authority does any work under this section on any land with the consent of the owner thereof, the local authority may make such arrangements as it thinks fit with the owner or occupier of the land for any purpose in relation to the work, whether as to
40 the payment by the owner or occupier of the whole or any part of the cost of the work or otherwise.

Power to take,
hold, and
dispose of
land.

See Reprint
of Statutes,
Vol. VII, p. 622

27. Any local authority may take under the Public Works Act, 1928, or purchase, take on lease, or otherwise acquire and hold any land within the jurisdiction of the local authority for the purpose of clearing the land of noxious weeds or of controlling the spread of noxious weeds; and may sell, lease, sublease, or let its interest in any land held by it for any such purpose. 5

Notices.

1928, No. 10,
s. 26;
1934, No. 35,
ss. 6 and 9

Miscellaneous

28. (1) Any notice under this Act may be served either by delivering it personally to the person upon whom it is to be served; or by leaving it, or by sending it by post in a registered letter addressed to him, at his usual or last known place of abode in New Zealand; or, if the whereabouts or last known place of abode in New Zealand of the person to whom the notice is addressed is not known to the person issuing the notice, by publishing it at least twice in a newspaper circulating in the locality in which the land affected by the notice is situated. 10 15

(2) The description of any land required to be inserted in any notice served under this Act need not define the land to which it refers, but shall be sufficient if it makes such reference to the land whether by name, by number of section or allotment, by boundaries, or otherwise, as allows of no reasonable doubt as to the land to which it refers. 20 25

(3) Where a notice is sent by post in the manner prescribed by subsection *one* of this section it shall be deemed to be given at the time at which the letter would have been delivered in the ordinary course of post. 30

General
penalty for
offences.
1928, No. 10,
s. 22

29. Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding fifty pounds. 35

Regulations.
Ibid., s. 29

30. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. 35 40

(2) All such regulations shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

31. (1) The enactments specified in the *Fourth* Schedule to this Act are hereby repealed.

Repeals and savings.
1928, No. 10
s. 30

(2) The Orders in Council specified in the *Fifth* Schedule to this Act are hereby revoked.

5 (3) All Orders in Council, regulations, appointments, orders, special orders, notices, instruments, and generally all acts of authority which originated under any of the enactments hereby repealed or revoked, or under the corresponding provisions of any former enactment, and
10 are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

15 (4) All matters and proceedings commenced under any such enactment, and pending or in progress at the commencement of this Act, may be continued, completed, and enforced under this Act.

SCHEDULES

FIRST SCHEDULE

Section 3

PLANTS WHICH MAY BE DECLARED TO BE NOXIOUS WEEDS

Barberry (*Berberis vulgaris*).

Bathurst bur (*Xanthium spinosum*).

Bindweed (*Convolvulus arvensis*).

Blackberry (*Rubus fruticosus* and *Rubus laciniatus*).

Boxthorn (*Lycium ferocissimum* syn. *Lycium horridum*).

Burdock (*Arctium*, any species).

Californian thistle, Canadian thistle, or creeping thistle (*Cirsium arvense*).

Cape tulip (*Homeria collina*).

Charlock (*Sinapis arvensis*).

Common broom (*Cytisus scoparius*).

Crack willow (*Salix fragilis*).

Cut-leaved psoralea (*Psoralea pinnata*).

Fennel (*Foeniculum vulgare*).

Field horsetail (*Equisetum arvense*).

Foxglove (*Digitalis purpurea*).

Goat's rue (*Galega officinalis*).

Gorse (*Ulex*, any species).

Greater bindweed (*Galystegia sepium*).

Grey willow (*Salix cinerea*).

Hakea (*Hakea saligna*, *Hakea suaveolens*, *Hakea pubescens*, and *Hakea acicularis*).

Hawthorn (*Crataegus oxycantha* and *Crataegus monogyna*).

Heath (*Erica lusitanica* and *Erica arborea*).

FIRST SCHEDULE—continued

PLANTS WHICH MAY BE DECLARED TO BE NOXIOUS WEEDS—
continued

- Hemlock (*Conium maculatum*).
 Hoary cress (*Cardaria draba* syn. *Lepidium draba*).
 Japanese wineberry (*Rubus phoenicolasius*).
 Johnson grass (*Sorghum halepense*).
 Kangaroo acacia (*Acacia armata*).
 Knapweed (*Centaurea nigra*).
 Lantana (*Lantana camara*).
 Lupin (*Lupinus arboreus*).
 Malta thistle (*Centaurea melitensis*).
 Manchurian wild rice (*Zizania latifolia*).
 Milk thistle or variegated thistle (*Silybum marianum*).
 Mist flower or Mexican devil (*Eupatorium adenophorum*).
 Mountain hypericum (*Hypericum montanum*).
 Nassella tussock (*Nassella trichotoma*).
 Needle grass (*Stipa neesiana*).
 Nodding thistle (*Carduus nutans*).
Oxylobium callistachys.
 Pennisetum (*Pennisetum macrourum*).
 Prickly pear (*Opuntia monacantha*).
Pultenaea daphnoides.
 Pussy willow (*Salix discolor*).
 Ragwort (*Senecio jacobaea*).
 Russian knapweed (*Centaurea repens*).
 St. John's wort (*Hypericum perforatum*).
 Saffron thistle (*Carthamus lanatus*).
 Scotch thistle or plume thistle (*Cirsium lanceolatum*).
 Silver poplar (*Populus alba* var. *nivea*).
 Spiderwort (*Leycesteria formosa*).
 Spiny broom (*Calycotome spinosa*).
 Squirrel grass (*Hordeum jubatum*).
 Star thistle (*Centaurea calcitrapa*).
 Sweetbrier (*Rosa eglanteria* syn. *Rosa rubiginosa*).
 Tall cinquefoil (*Potentilla recta*).
 Tauhinu or New Zealand cotton-wood (*Cassinia leptophylla*
or *cassinia fulvida*).
 Thorn apple or jimson weed (*Datura stramonium*).
 Tutsan (*Hypericum androsaemum*).
 Viper's bugloss (*Echium vulgare*).
 Water hyacinth (*Eichhornia crassipes*).
 Watsonia (*Watsonia bulbifera*).
 Wild turnip (*Brassica campestris*).
 Winged thistle (*Carduus tenuiflorus* and *Carduus pycnocephalus*).
 Woolly nightshade (*Solanum auriculatum*).
 Yellow star thistle (*Centaurea solstitialis*).

SECOND SCHEDULE

Section 5 (1)

NOTICE TO OCCUPIER TO CLEAR LANDS OF NOXIOUS WEEDS.

The Noxious Weeds Act, 1950

To A. B. [*Address and occupation*]

TAKE notice that, in respect of the land occupied by you and hereunder described, you are hereby required to comply with the requirements of the said Act as mentioned below; and I hereby call upon you to commence the necessary work within _____ days from the date of this notice, and thereafter to continue the work until the said requirements are effectively complied with, being not later than the _____ day of _____, 19 _____.

Land.	Noxious Weeds to be Cleared, or Description of Cutting or Trimming or Other Work to be Done.

Dated this _____ day of _____, 19 _____,
C. D.,
Inspector.

THIRD SCHEDULE

Section 5 (1)

NOTIFICATION TO CLEAR NOXIOUS WEEDS

PURSUANT to the Noxious Weeds Act, 1950, all occupiers of land in [*Specify the district or area*] are hereby required to clear the land of [*Specify noxious weeds*] before [*Specify date*].

C. D.,
Inspector.

FOURTH SCHEDULE

Section 31 (1)

ENACTMENTS REPEALED

- 1928, No. 10—
The Noxious Weeds Act, 1928. (Reprint of Statutes, Vol. I, p. 124.)
- 1934, No. 35—
The Noxious Weeds Amendment Act, 1934.
- 1936, No. 16—
The Finance Act, 1936, section 31.

Section 31 (2)

FIFTH SCHEDULE**ORDERS IN COUNCIL REVOKED.**

Title.	Statutory Regulations Serial Number.
The Noxious Weeds Act Extension Order 1944	1944/122
The Noxious Weeds Act Extension Order 1945	1945/130
The Noxious Weeds Act Extension Order 1946	1946/173
The Noxious Weeds Act Extension Order 1947	1947/40