

# CANTERBURY CHAMBER OF COMMERCE

## AGRICULTURAL BULLETIN

# NOXIOUS WEEDS, THE NOXIOUS WEEDS ACT, AND THE NASSELLA TUSSOCK ACT

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The Noxious Weeds Act defines noxious weeds in three different schedules and unless a plant is specifically mentioned in these lists neither the plant nor the seeds are considered noxious legally.

The First Schedule sets out noxious weeds for the whole of New Zealand. The Second Schedule sets out noxious weeds for particular local areas. The noxious weeds for North Canterbury areas will be set out in detail. The Third Schedule sets out noxious seeds for the whole of New Zealand; it is an offence to sell or offer for sale seeds of the plants listed in this schedule unless it is made perfectly clear to the purchaser that the seed has not been machine dressed. Further it is an offence to "knowingly sow" such seeds. This is as it should be, for further propagation of our already widespread noxious weed population is one of the greatest disservices which can be done to our farm lands.

### FIRST SCHEDULE

**Weeds declared noxious for New Zealand:—**

**Blackberry.**  
Californian or Canadian thistle (*Cirsium Arvense*).  
Ragwort or Radweed (*Senecio jacobaea*).  
Sweetbriar (*Rosa rubiginosa* (including *R. Eglantena*, *R. mirantha* and *R. agrestis*).

There is, however, an exception to this: A local authority may declare either Californian thistle or ragwort not to be noxious in its district. This does not apply to blackberry or sweet briar.

### SECOND SCHEDULE

**Weeds declared noxious by Local Authority (North Canterbury) in addition to weeds of First Schedule:**

**Akaroa:** Bathurst burr, broom, giant burdock, hakea, St. John's wort, fennel, hemlock, milk thistle, periwinkle, oxeye daisy, star thistle.  
**Ashley:** Gorse, broom.

**Amuri:** Prickly pear, weeds of 1st Schedule except Californian thistle.

**Ashburton B.C.:** Hemlock, variegated thistle.

**Ashburton C.C.:** Bathurst burr, broom, giant burdock, gorse, hakea, fennel, wild turnip, dock, burdock, oxeye daisy, hemlock, stemless scotch, woolly headed and star thistles, musk, spiderwort.

**Cheviot:** Broom and gorse.

**Heathcote:** African boxthorn, Bathurst burr, burdock, cape honey flower, dock, fennel, goats rue, hakea, Japanese wineberry, lantana, oxeye daisy, pennyces, Canadian stinkweed, periwinkle, St. John's wort, toad flax, vipers bugloss, winged, stemless, scotch, woolly headed, star and milk thistles, barberry, broom, capeweed, cut-leaved psoralea, elderberry, foxglove, gorse, hemlock, kangaroo acacia, lupin, Patersons curse, prickly pear, pennyroyal, spiderwort, tauhinu, tutsan, wild turnip, woolly nightshade and weeds of 1st Schedule.

**Halswell:** Broom, gorse, hemlock.

**Kowai:** Oxeye daisy, vipers bugloss.

**South Malvern:** Broom and oxeye daisy.

**Mt. Herbert:** Gorse, broom, hemlock.

**Rangiora B.C.:** Oxeye daisy, hemlock, periwinkle.

**Rangiora C.C.:** Blackberry, Californian thistle, hemlock, bathurst burr, fennel, oxeye daisy.

**Waimairi:** Lupin, broom, gorse, elderberry, hemlock.

**Wairewa:** Broom, gorse, oxeye daisy, foxglove, hemlock.

**The remaining Counties:** (i.e. Ohoka, Ellesmere, Malvern, Oxford, Paparua, Selwyn, Springs, Tawera and Waipara): Weeds of 1st Schedule.

### THIRD SCHEDULE

**Noxious Seeds:**

Bathurst burr (*xanthium spinosum*), blackberry, broom (*cytiscus scoparius*), burdock (*arctium species*), burr clovers (*medicago his-*

pida and *M. arabica*), clover dodder (*Cuscuta trifolii*), dock (*Rumex* species), fat hen (*Chenopodium album*), fennel (*Foeniculum vulgare*), gorse (*Ulex europaeus*), hemlock (*Conium maculatum*), oxeye daisy (*Chrysanthemum leucanthemum*), penny royal (*Mentha pulegium*), ragwort (*Senecio jacobaea*), St. John's wort (*Hypericum perforatum* or *H. humifusum*), sweetbriar (*Rosa rubiginosa* and including *R. elantheria*, *R. mirantha* and *R. agrestes*); thistles, any species of *Carlina* (stemless thistle), *Cirsium* (common Scotch thistle), *Cirsium* (Californian thistle and woolly headed thistle), *Centaurea* (star thistle), *Silybum* (milk thistle), tutsan (*Hypericum androsaemum*), wild turnip (*Brassica campestris*).

#### INSPECTORS AND THEIR DUTIES

The officers principally concerned with the supervision of the noxious weed position are the stock inspectors of the Agricultural Department together with inspectors appointed for their districts by borough councils and town boards or county councils. It is their duty to advise occupiers of land that the land is carrying a noxious weed or weeds and to advise them as to how best to control the spread. They may specify in writing the work to be done within a given time and these requirements must be complied with, unless, through an appeal to the Minister (within fourteen days of receiving the notice), the occupier is granted a modification of the demands, made on the grounds that such demands were unreasonable.

If the occupier fails or neglects to comply with the inspector's notice the inspector may come on to his land and do the work, charging costs to the occupier who is, in addition, liable to be fined for his neglect. Or again the occupier who neglects to comply with the inspector's demand may be fined and still remain liable to do the necessary work which if further neglected may result in further prosecution.

It is of interest to consider the position of mortgagor and mortgagee and that relating to leasehold agreements. The Act states that "The occupier means every person in occupation of land and includes the owner of the land and any person in receipt of rents and profits thereof"; it includes also "any agent or trustee of an occupier." Where the mortgagee of any lands pays any expenses incurred by the inspector in respect of that land (i.e., does the clearing where the occupier neglects to do so), or satisfies

any judgment obtained against the occupier (as when the occupier is fined), the amount so paid by the mortgagee shall, at his option, be recoverable by him from the mortgagor, or be added to and deemed, as from the date of payment, to form part of the principal moneys secured by the mortgagee and to be chargeable with interest accordingly.

In the case of leasehold property: "Subject to the provisions of his lease the reasonable expenses incurred by an occupier . . . may be recovered by him as a debt from the owner to the extent following, that is to say: (a) one fourth of the total amount of such expenses where the unexpired term of the lease is not less than four years at the date when the expenses were incurred; or (b) where such 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. . . ."

While in the main the administration of the Act is a function of the Government, the council of any county may undertake the work and is empowered to rate its district in order to provide funds for the eradication of noxious weeds. The amended Act (1934) states: "Such rates 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."

"Where the rate is levied on the basis of the **rateable value** the maximum rate that may be levied in any year shall not exceed **one half-penny in the pound on the capital value** of the land; but the total amount payable by any ratepayer shall not in any case exceed **sixpence per acre of his holding**."

"Where the rate is to be levied on the basis of the **acreage of land** occupied by the ratepayer the maximum rate in any year shall not exceed **sixpence per acre** of such land."

In the event of a county council deciding to strike such a rate it may be desirable to differentiate between the amount to be paid by ratepayers in different parts of the county and so there are set up:—

"Class A" lands which benefit directly.

"Class B" lands which benefit indirectly.

"Class C" all other land where the benefit is at the moment negligible.

Rates for each class are decided by the council and may be objected to by those ratepayers who consider

that their land has been unfairly classified. Appeals against the council classification are heard before a magistrate who may cause the classification list to be amended in such a manner as he thinks reasonable.

#### Hedges and Road Frontages:

"Every occupier of land on which there are hedges or live fences consisting of barberry, sweet briar, gorse, broom or hakea (whether the same are noxious weeds or not) shall in every year cut or trim such hedges in a workmanlike fashion." This clause of the Act—had it been rigorously enforced—would have saved much of our country from being over-run, particularly with gorse, which all too often in Canterbury has spread from the hedge lines to cover acres of land on either side. In the matter of hedges there is a clause in the Act which states that "a person commits an offence against the Act who propagates hawthorn in any manner or who does any act with intent to propagate hawthorn. . . ." This is in order to prevent the spread of fireblight in orchards.

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 clearance of noxious weeds be deemed to extend to the centre 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 such extended boundaries." This particular clause should be seriously regarded by an intending purchaser of a property as the overgrown roadsides—so often evidence of unprofitable occupation in the past—may be classed by the local inspector as a matter for immediate attention by an incoming purchaser.

#### THE NASSELLA TUSSOCK ACT

In 1946, Parliament gave approval to the Nassella Tussock Act which is "an Act to make provision for the control and eradication of the plant known as nassella tussock and for the constitution of the North Canterbury and Marlborough Nassella Tussock Boards."

The Act is a lengthy document containing 87 clauses with many sub-clauses; it is proposed to outline the principal clauses affecting land holders, omitting reference to that part of the Act which deals with the administration and financing of the boards and county authorities. The area of land affected by the Act is placed under the authority (for the purposes of the Act) of

(1) the North Canterbury Nassella Tussock District which comprises the Amuri, Cheviot, Waipara and Kowai Counties, and (2) the Marlborough Nassella Tussock District which comprises the Marlborough, Awatere and Kaikoura Counties. Under the Act "any county council may promote and carry out measures for the detection, control and eradication of nassella tussock." "The principal function of the board shall be to do all such acts and things as appear to the board to be necessary or expedient for eradicating nassella tussock in its district or for preventing the spread thereof."

The following clauses are of direct interest to owners of land in the affected areas:

Any council may require the owner, under the supervision of the council to do all or any of the following acts or things:—

1. "To grub any nassella tussock on the land."

2. "To plough under any nassella tussock on the land."

3. "To plant on the land. . . . such trees as the council considers necessary for the purpose of covering any area or areas affected by nassella tussock, or for the purpose of preventing the carriage by wind of nassella tussock seed from any area so infested to any area not so infested."

4. "To erect, in such positions as the council may direct on any land on which trees are planted as aforesaid, such fences as the council thinks fit or to repair any fence so erected."

5. "To do in respect of the land any other act or thing appearing to the council to be necessary or expedient for the control or eradication of nassella tussock or for preventing the spread of nassella tussock to or from other land."

The Act outlines the manner in which notices shall be served and provides for penalties in the event of the land owner failing to comply with the demands of the council. At the same time, provision is made for appeals against the demands made, to be lodged by the land owner within twenty-one days after notice is served.

#### Functions and Powers of Boards.

Each board is responsible for the administration of the Act within its district and its powers enable it to exercise powers similar to those outlined above. As the Act says "the principal function of the board shall be to do all such acts and such things as appear to the board to be necessary or expedient for the eradication of nassella tussock with-

in its district or for preventing the spread thereof." To do which the board "may exercise all the powers, rights and privileges conferred on county councils. . . ."

To further its work the board may make by-laws—

"(a) Prohibiting the lighting of fires in its district. . . ."

"(b) Regulating or prohibiting the destruction of, or interference with, trees, shrubs, plants or grasses within its district."

"(c) Generally preventing trespasses, nuisances and damage to plantations, fences or other works established or maintained by the board. . . ."

As with the Noxious Weeds Act, this Act outlines the extent of power which may be exerted by the boards to enforce the policy they have adopted, and there are clauses dealing with the power of the mortgagee to carry out work in the event of the owner failing to comply with the board's demands. ". . . Where the owner fails or refuses . . . any registered mortgagee of the land . . . may do the act or thing," (required by the board or council). In such an event any expenses incurred by the mortgagee may be recovered by him from the owner of the land; and at the same time the owner still remains liable to penalty for failure to comply with the requirements of the notice issued by the board.

It is further provided in the Act that regulations may be made by the Governor-General by Order in Council for the following purposes:

(a) "Prohibiting the sowing, sale, or offering for sale of grass-seed or other seed or grain . . . . except under certain prescribed regulations."

(b) "Regulating or prohibiting the moving of livestock from any area infested with nassella tussock into or over an area not so infested."

(c) "Prescribing means to be adopted for the eradication or control of nassella tussock."

(d) "Generally for the requiring the doing on or in respect of any land of any act or thing likely to prevent the spread of nassella tussock or to facilitate the eradication or control thereof and for prohibiting the doing on or in respect of any land any act or thing likely to facilitate the spread of nassella tussock."

(e) "Prescribing fines for breach of any regulation . . . not exceeding

fifty pounds in any case, or, where the breach is a continuing one, not exceeding five pounds for every day or part of a day during which the breach continues."

In addition to other regulations which may be made, there may also be provision for "Regulating or prohibiting any change in the use of any land in any district," and for "Regulating or restricting the use of any land in any district for agricultural or pastoral purposes."

Both the Noxious Weeds Act and the Nassella Tussock Act provide ample powers for councils and boards to take action as they see fit to achieve their purpose. But it should be realised that the furthering of the purposes of the Acts is the concern of all farmers and the success of any attempt to check the spread of weeds over some of Canterbury's best grazing land must depend on the co-operation of land owners with the established authorities.

In some districts noxious weeds have spread so that they appear to be beyond the control of the individual farmer and good land has gone out of production. The lesson taught, of the cumulative effect of neglect, should be taken to heart, and both farmers and inspectors might well be urged to see that repetition of this "development of waste land" is strenuously opposed. One thing is certain, as our system of land tenure stands, the main person concerned is the farmer himself. Acts of Parliament and the authority of inspectors may be called on in extreme cases, but the bulk of the work lies in the farmer's hands. Any factors which by their operation, render farming unprofitable or which render it difficult to carry on the work of farm maintenance (of which weed control is an important item) must sooner or later react adversely on our farming lands. Already considerable areas have been overgrown by noxious weeds and one of the principal jobs of the future should be to arrest their spread and to try, by whatever means may be found, to retrieve and bring back into production those already "reverted" areas. Modern machinery and recently developed weed killers should be used in the solving of the problem of weed control. With constructive action coupled with enlightened and determined legislation we may yet save much of our threatened country.

Copies of this Bulletin may be obtained from the Secretary, Canterbury Chamber of Commerce, P.O. Box 187, Christchurch.