

1995—No. 616

NOXIOUS WEEDS ACT 1993—REGULATION

(Relating to short descriptions of offences)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Noxious Weeds Act 1993, has been pleased to make the Regulation set forth hereunder.

R. S. Amery
Minister for Agriculture.

The Noxious Weeds Regulation 1993 is amended by omitting clause 4 and by inserting instead the following clauses and Schedule:

Penalty notice offences

4. For the purposes of section 63 (Penalty notices for certain offences) of the Noxious Weeds Act 1993:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed; and
- (b) the prescribed amount of penalty for such an offence if dealt with under that section is the amount specified in Column 3 of Schedule 1.

Short descriptions

5. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

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(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

SCHEDULE 1

(C11. 4, 5)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Provision	Short description	Penalty
Section 12	fail to control noxious weeds	\$200
Section 15	fail to notify authority of weeds	\$200
Section 19	fail to comply with weed control notice (local authority)	\$200
Section 23 (1)	fail to comply with Minister's weed control notice	\$200
Section 27 (4) (a)	contravene prohibited plant (no action) direction	\$200
Section 27 (4) (b)	contravene prohibited plant (specific measures) direction	\$200
Section 27 (4) (c)	fail to give notice of prohibited plant action	\$200
Section 28 (1) (a)	sell/purchase weed material	\$200
Section 28 (1) (b)	sell/purchase animal/thing containing weed material	\$200
Section 28 (2)	remove animal/thing containing weed material	\$200

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Section 29	use/permit use of land for disposal/ transport/sale of soil/turf with weed on land	\$200
Section 30	scatter weed material on land or water	\$200
Section 31 (1)	fail to produce agricultural machine for inspection	\$200
Section 31 (3)	fail to produce inspection notice on demand	\$200
Section 32	transport/move/use agricultural machine having weed on or in it	\$200
Section 54 (1) (a)	prevent exercise of inspector's/authorised officer's functions	\$200
Section 54 (1) (b)	hinder or obstruct inspector/authorised officer	\$200
Section 54 (1) (c)	refusal/fail to comply with requirement of inspector/authorised officer	\$200
Section 54 (1) (c)	refuse/fail to answer question of inspector/ authorised officer	\$200
Section 54 (1) (d)	furnish inspector/authorised officer with false/misleading information	\$200
Section 54 (2) (a)	prevent exercise of authorised person's functions	\$200
Section 54 (2) (b)	hinder or obstruct authorised person	\$200
Section 55	impersonate inspector or other officer	\$200

EXPLANATORY NOTE

The object of this Regulation is to prescribe short descriptions for offences under the Noxious Weeds Act 1993 for use in describing those offences in informations, complaints, summonses, warrants, notices, orders and other documents. In particular the descriptions are for use in penalty notices.

The regulation also substitutes an existing provision that identifies and prescribes the penalty for offences that can be dealt with by penalty notice, so as to allow for the offence, its short description and the applicable penalty all to be listed in a Schedule.

This Regulation is made under sections 63 (Penalty notices for certain offences) and 73 (the general regulation making power) of the Noxious Weeds Act 1993, extended as provided by section 145B (3) of the Justices Act 1902 (which provides for the regulations under the Act creating an offence to prescribe a short description for the offence).
