

[Act 1997 No 70]



New South Wales

# Noxious Weeds Amendment Bill 1996

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The *Noxious Weeds Act 1993* currently provides for the identification, classification and control of noxious weeds in New South Wales. The object of this Bill is to reinforce the existing measures for control of noxious weeds so as:

- to empower the Minister to quarantine an area in order to control or prevent the spread of the most noxious kinds of weeds while the weeds are being suppressed or destroyed,
- to empower local control authorities to impose temporary restrictions to protect the health and safety of persons and animals when weed control measures are being undertaken within their local areas,
- to enable inspectors to obtain information about the source or destination of noxious weed material, or other things (such as agricultural machinery or agricultural produce) that are or may be contaminated with such material,

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\* Amended in committee—see table at end of volume.

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- to ensure that agricultural machinery is free from noxious weeds (such as parthenium weed) before being brought into New South Wales from Queensland.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the proposed Act to commence on a day or days to be fixed by proclamation.

**Clause 3** is a formal provision that gives effect to Schedule 1, which amends the *Noxious Weeds Act 1993*.

## Schedule 1 Amendments

### Importation of agricultural machinery into New South Wales from Queensland

Section 31 of the *Noxious Weeds Act 1993* is to be replaced. The present section requires certain agricultural machines to be presented for inspection by an inspector when being brought into New South Wales from Queensland. The new section 31 will require a person who brings an agricultural machine into New South Wales from Queensland to lodge with an inspector a declaration certifying that the machine has been inspected and cleaned. It will be an offence to bring an agricultural machine into New South Wales from Queensland without having made such a declaration. It will also be an offence to make a declaration knowing it to contain false or misleading information. An inspector will be able to (but will no longer be obliged to) inspect an agricultural machine brought into New South Wales from Queensland. (See Schedule 1 [1] and [7])

### Quarantine areas

Proposed section 34A will confer on the Minister power to make orders declaring land to be a quarantine area in order to prevent the spread of W1 or W2 category weeds (which are the kinds most damaging or destructive to the environment and to primary industry). An order under the proposed section will be able to prohibit or restrict the movement of people, animals and things into, out of and within the quarantine area. Such an order will be capable of

remaining in force for up to 6 months. However, it will be possible to make a further order that will have effect from the expiry of an existing order. Proposed section 34B will confer powers on inspectors and authorised officers to stop or search vehicles leaving a quarantine area. (See Schedule 1 [3])

### **Temporary restrictions during noxious weed control**

Proposed section 36A will enable a local control authority to impose temporary restrictions within its local area to enable measures to control noxious weeds to be undertaken within the local area and to protect people and animals from risks to their health and safety. Under the proposed section animals may be prohibited from entering or remaining within the restricted area and roads and navigable waters may be temporarily closed or obstructed. (See Schedule 1 [4] and [5])

### **Power to ask questions in order to trace the source or destination of noxious weed material**

Proposed section 47A will enable inspectors and authorised officers to ask questions for the purpose of enabling the source or destination of noxious weed material to be traced. (See Schedule 1 [6])

### **Other amendments**

The power of the Minister to issue permits that authorise the possession, transport or growing of noxious weeds is extended to seeds and other parts of noxious weeds. (See Schedule 1 [2])

The dictionary is amended to insert a definition of *land*. This definition makes it clear for the purposes of the Act that a reference to land includes an area of water, such as a lake or river. (See Schedule 1 [8])