

# Noxious Weeds Regulation 1993

[1993-235]



New South Wales

## Status Information

### Currency of version

Repealed version for 22 October 1999 to 31 August 2003 (accessed 24 November 2024 at 18:34)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10 (2) with effect from 1.9.2003.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2003

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New South Wales

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# Noxious Weeds Regulation 1993



New South Wales

## 1 Name of Regulation

This Regulation may be cited as the *Noxious Weeds Regulation 1993*.

## 2 Commencement

This Regulation commences on 1 July 1993.

## 3 Certificates of authority

For the purposes of section 50 (2) (f) of the *Noxious Weeds Act 1993*, the officer whose signature is required on a certificate of authority is:

- (a) if the local control authority that issues the certificate is a council or a county council, the general manager of the council or county council, or
- (b) if the local control authority that issues the certificate is the Western Lands Commissioner, the Western Lands Commissioner, or
- (b1) if the local control authority that issues the certificate is the Lord Howe Island Board, the Manager, Lord Howe Island Board, or
- (c) if the certificate is issued by the Minister, the Director-General or the Chief, Division of Plant Industries.

## 4 Penalty notice offences

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.

## 5 Short descriptions

- (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.

- (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.

## 6 Cleaning of agricultural machines: section 31

For the purposes of section 31 of the Act, an agricultural machine to which that section applies is cleaned as required by the regulations if it is cleaned in accordance with Schedule 2.

## 7 Prescribed type of traffic sign: section 34B

- (1) For the purposes of section 34B (1) of the Act, the prescribed kind of traffic sign is a stop sign in or to the effect of the sign illustrated in Schedule 3.
- (2) The sign must, if not illuminated, be fitted with reflectors or other retro-reflecting material.

## Schedule 1

(Clauses 4, 5)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Short description</b>	<b>Penalty</b>
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
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 (4)	move/permit movement of/non-complying agricultural machine	\$200
Section 31 (7)	fail to produce declaration 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)	refuse/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

## Schedule 2 Cleaning of agricultural machines

(Clause 6)

### 1 Meaning of "clean"

In this Schedule, an obligation to clean an agricultural machine can be satisfied either:

- (a) by removing all plant material, dust or soil, and any accumulation of grease from the machine, or
- (b) by using a treatment to sterilise seed in or on that machine, but only if that treatment cannot contaminate any material harvested by the machine in the future.

## **2 Cleaning grain harvesters and comb trailers**

- (1) The exterior of a grain harvester or comb trailer (including any hollow sections of axles or structural components) must be cleaned.
- (2) The cabin and any storage containers attached to a grain harvester or comb trailer must be emptied and cleaned.
- (3) All parts of the interior of a grain harvester (including the areas above the stone guards/skid plates and within augers) must be cleaned. This must be done even if it requires the removal of inspection plates or other components of the machine to provide access to the relevant parts.
- (4) Any part of a grain harvester or comb trailer that has been sealed (either at manufacture or afterwards) is not required to be cleaned if it has been sealed in such a way that no plant material, dust or soil could enter the part.
- (5) Without limiting subclauses (1)–(4), the following areas of every grain harvester (as indicated in Diagram 1) must be cleaned:
  - (a) Area 1: the area under the skid plate,
  - (b) Area 2: each header knife and finger,
  - (c) Area 3: the auger located horizontally across the header,
  - (d) Area 4: the area behind any cover on the header,
  - (e) Area 5: the area within any belts on any draper front (if fitted),
  - (f) Area 6: the feeder house,
  - (g) Area 7: the driver's cab compartment floor area,
  - (h) Area 8: the cleaning fan and the area between the bottom of the fan housing and any shield under the fan housing,
  - (i) Area 9: the chassis, including the inside of any chassis rail ledges, back axle-beam and undercarriage areas,
  - (j) Area 10: any tailing auger,
  - (k) Area 11: any sieve area, including the full length and width of the grain pan,
  - (l) Area 12: any grain bin area, including any auger,
  - (m) Area 13: the engine compartment, including the radiator core,
  - (n) Area 14: any grain or "repeat" elevator including any cups and rubber flights,

- (o) Area 15: any straw spreader or chopper,
  - (p) Area 16: any tyres and rims.
- (6) Without limiting subclauses (1)–(5), the following parts of any conventional harvester (as indicated in Diagram 1) must also be cleaned:
- (a) Area 17: the threshing or separating area, including the drum and concaves behind the rasp bars and lead-in plates and around concave wires,
  - (b) Area 18: the beater drum, including the area between the drum and walkers,
  - (c) Area 19: the straw walkers, including the beater and the chaff pan, underneath any straw walker and any concealed areas under rubber air flaps.
- (7) Without limiting subclauses (1)–(5), the following parts of any rotary harvester (as indicated in Diagram 2) must also be cleaned:
- (a) Area 17: the external top and sides of the conical section of the rotor cage,
  - (b) Area 18: the areas inside the top of the conical section,
  - (c) Area 19: the threshing or separating area, including along the rotor cage.

### **3 Bins for holding grain during harvest**

A bin for holding grain during harvest must be emptied and cleaned internally and externally.

### **4 Augers or similar equipment used for moving grain**

An auger, or any other similar equipment used for moving grain, must be cleaned internally and externally.

### **5 Vehicles used for transporting grain harvesters**

Any vehicle used for transporting a grain harvester across the border of New South Wales and Queensland must be cleaned by:

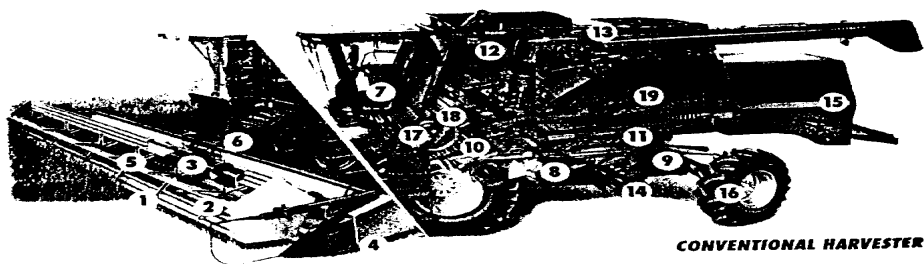
- (a) cleaning the cabin of the vehicle, and
- (b) cleaning all external areas of the vehicle, and
- (c) cleaning any storage container or box in or on the vehicle.

### **6 Vehicles used as support vehicles with grain harvesters and that have been driven in paddocks during harvest operations**

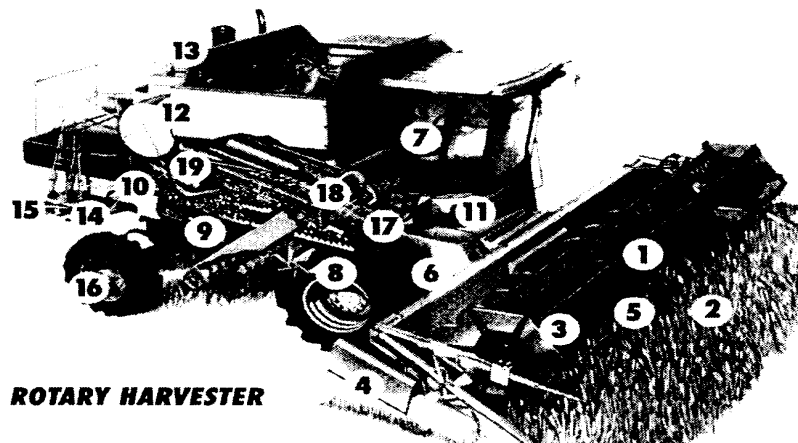
Any vehicle that has either a utility or truck body, that is accompanying a grain harvester as a support vehicle and that has been driven in a paddock during harvest operations must be cleaned by:

- (a) completely emptying any contents in the tray or top of the truck, and
- (b) cleaning all external areas of the vehicle, and
- (c) cleaning any storage container or box in or on the vehicle, and
- (d) cleaning the radiator of the vehicle.

**Diagram 1:**



**Diagram 2:**





### Schedule 3 Prescribed type of traffic sign

(Section 7)

