

Noxious Weeds Regulation 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Noxious Weeds Act 1993*.

Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, with minor changes, the *Noxious Weeds Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the manner in which certain agricultural machines that are brought into New South Wales from Queensland must be cleaned,
- (b) the kind of traffic sign directing drivers of approaching vehicles to stop that inspectors may display on or near the boundary of a quarantine area,
- (c) the offences under the *Noxious Weeds Act 1993* in respect of which a penalty notice (on the spot fine) may be issued and the amounts of penalty for those offences when dealt with in that way,
- (d) savings and formal matters.

This Regulation is made under the *Noxious Weeds Act 1993*, including sections 31, 34B (1), 63 and 73 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989* --namely, matters of a machinery nature.

1 Name of Regulation

This Regulation is the *Noxious Weeds Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

This Regulation replaces the *Noxious Weeds Regulation 2003* which is repealed on 1 September 2008 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation: "**the Act**" means the *Noxious Weeds Act 1993*.
- (2) Notes in this Regulation do not form part of this Regulation.

4 Cleaning of agricultural machines

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 1.

5 Prescribed type of traffic sign

- (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 2.
- (2) The sign must, if not illuminated, be fitted with reflectors or other retro-reflecting material.

6 Penalty notice offences

For the purposes of section 63 of the Act:

- (a) each offence created by a provision of the Act that is specified in Column 1 of Schedule 3 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 2 of Schedule 3.

7 Saving

Any act, matter or thing that, immediately before the repeal of the *Noxious Weeds Regulation 2003*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Cleaning of agricultural machines

(Clause 4)

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 and 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 Diagrams 1 and 2) 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.

graphic

[Note: This is a graphic. It has not been processed by the Point in Time system and may not be accurate at the selected working date.]

graphic

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Schedule 2 Prescribed type of traffic sign

(Clause 5)

graphic

[Note: This is a graphic. It has not been processed by the Point in Time system and may not be accurate at the selected working date.]

Schedule 3 Penalty notice offences

(Clause 6)

Column 1	Column 2
Provision	Penalty
Section 12	\$200
Section 15	\$200
Section 19	\$200
Section 27 (4) (a)	\$200
Section 27 (4) (b)	\$200
Section 27 (4) (c)	\$200
Section 28 (1) (a)	\$200
Section 28 (1) (b)	\$200
Section 28 (2)	\$200
Section 29	\$200
Section 30 (1)	\$200
Section 31 (4)	\$200
Section 31 (5)	\$200
Section 31 (7)	\$200
Section 32	\$200
Section 34A (7)	\$200
Section 34B (2)	\$200
Section 54 (1) (a)	\$200
Section 54 (1) (b)	\$200
Section 54 (1) (c)	\$200
Section 54 (1) (d)	\$200
Section 54 (2) (a)	\$200
Section 54 (2) (b)	\$200
Section 55	\$200

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision

GG	Government Gazette	Regs	Regulations	Subdivs	Subdivision s
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Noxious Weeds Regulation 2008 (299)*. GG No 88 of 18.7.2008, p 7197. Date of commencement, 1.9.2008, cl 2.