

CONTROLLING WEEDS: OUR LEGAL RESPONSIBILITY

As a landholder (landowner or occupier) you are legally required to control declared 'noxious weeds' (in NSW) and declared 'pest plants' (in the ACT) present on your property. The following explains the relevant legislation and your responsibilities, and expands on the noxious weed and pest plant classes referred to in the status section of each fact sheet.

NSW Noxious Weeds Act 1993

In NSW, the Noxious Weeds Act 1993 is the primary legislative document on weed management. It sets out landholder legal responsibilities and aims to:

- a) reduce the negative impact of weeds on the economy, community and environment of NSW by establishing control mechanisms to:
 - (i) prevent the establishment in NSW of significant new weeds, and
 - (ii) restrict the spread in NSW of existing significant weeds, and
 - (iii) reduce the area in NSW of existing significant weeds, and
- (b) provide for the monitoring of and reporting on the effectiveness of the management of weeds in NSW.

Under this Act, weeds are declared noxious by the NSW Minister for Primary Industries, as advised by the Noxious Weeds Advisory Committee. When declared noxious, they are categorised into one of five noxious weed classes which indicate the characteristics of the weed in relation to its current distribution and outlines control objectives and methods. For up-to-date NSW noxious weed declarations visit www.dpi.nsw.gov.au. The following provides an explanation of the classes and you should refer back to this point for more detailed information when necessary.

NSW Noxious Weed Classes

» **CLASS 1 – STATE PROHIBITED WEEDS.**

- ♦ Class characteristics: class 1 noxious weeds are plants that pose a potentially serious threat to primary production or the environment and are not present in the State or are present only to a limited extent.
- ♦ Control objective: to prevent the introduction and establishment of those plants in NSW.
- ♦ Control measures: the plant must be eradicated from the land and the land must be kept free of the plant. The plant must not be sold, propagated or knowingly distributed.

» **CLASS 2 – REGIONALLY PROHIBITED WEEDS.**

- ♦ Class characteristics: class 2 noxious weeds are plants that pose a potentially serious threat to primary production or the environment of a region and are not present in the region or are present only to a limited extent.
- ♦ Control objective: to prevent the introduction and establishment of those plants in parts of NSW.
- ♦ Control measures: the plant must be eradicated from the land and the land must be kept free on the plant. The plant must not be sold, propagated or knowingly distributed.

» **CLASS 3 – REGIONALLY CONTROLLED WEEDS.**

- ♦ Class characteristics: class 3 noxious weeds are plants that pose a serious threat to primary production or the environment of an area to which the order applies, are not widely distributed in the area and are likely to spread in the area or to another area.
- ♦ Control objective: to reduce the area and the impact of those plants in parts of NSW.
- ♦ Control measures: the plant must be fully and continuously suppressed and destroyed AND for some specific weeds, the plant must not be sold, propagated or knowingly distributed.

» **CLASS 4 – LOCALLY CONTROLLED WEEDS.**

- ♦ Class characteristics: Class 4 noxious weeds are plant that pose a threat to primary production, the environment or human health, are widely distributed in an area to which the order applies and are likely to spread in the area or to another area.
- ♦ Control objective: To minimize the negative impact of those plants on the economy, community or environment of NSW.
- ♦ Control measures: The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority AND for some specific weeds, the plant must not be sold, propagated or knowingly distributed.

» **CLASS 5 – RESTRICTED PLANTS.**

- Class characteristics: class 5 noxious weeds and plants that are likely, by their sale or the sale of their seeds or movement within the State or an area of the State, to spread in the State or outside the State.
- Control objective: to prevent the introduction of those plants into NSW, the spread of those plants within NSW or from NSW to another jurisdiction.
- Control measures: the requirements of the Noxious Weeds Act 1993 for a notifiable weed must be complied with. The plant must not be sold, propagated or knowingly distributed.

ACT Pest Plants and Animals Act 2005

In the ACT, the Pest Plants and Animals Act 2005 is the primary legislative document on weed management. It sets out landholder legal responsibilities and aims to protect the ACT's land and aquatic resources from threats from pest plants and pest animals, and to promote a strategic approach to pest management.

Pest plants are declared as such by the Minister for Environment, Water and Climate Change and fall into one or more of the following four categories which, like noxious weed classes in NSW, indicate the spread of the weed in the region and the landholder's management responsibilities. Contact Parks, Conservation and Lands ACT for up to date pest plant declarations.

ACT Pest Plant Classes

- » **CLASS 1 – NOTIFIABLE PEST PLANTS.** The presence of this plant must be notified to the Chief Executive of the Department of Territory and Municipal Services, ACT.
- » **CLASS 2 – PEST PLANT WHICH MUST BE SUPPRESSED.** There is a requirement by the landholder/occupier to control the pest plant in such a manner that will result in a decrease in the size or density of the infestation and to prevent spread of the pest plant to adjoining land and areas that are currently not infested by the plant.
- » **CLASS 3 – PEST PLANT WHICH MUST BE CONTAINED.** There is requirement for the landholder/occupier to control the pest plant in such a manner that will result in the containment of the species to the area of infestation and to prevent spread to adjoining land and areas that are currently not infested by the plant.
- » **CLASS 4 – PROHIBITED PLANTS.** A plant whose supply is prohibited.

Other considerations

Tree removal

NSW: To ensure the long term aesthetic amenity afforded by trees, local councils have regulated the removal of any trees greater than 3 metres high or wide. If your plant exceeds this size, you may need to apply under the local Tree Preservation Order for permission to remove the tree. Contact your local council for more information.

ACT: On private land in the ACT, if you wish to remove a tree greater than 12m high OR 12m canopy spread OR circumference greater than 1.5m at 1m off the ground, you need to contact Environment, Protection and Heritage. If you believe a tree on public land requires removal you should contact Parks, Conservation and Lands. Both of these organizations are part of the ACT Department of Territory and Municipal Services and can be contacted through Canberra Connect on 13 22 81.

The Native Vegetation Act 2003 - NSW

Clearing to the minimum extent necessary to allow for the removal of noxious weeds (authorized under the Noxious Weeds Act 1993) does not require approval. If there is potential for harm to native vegetation when controlling a weed that is not declared noxious, you need to contact the Murrumbidgee Catchment Management Authority (CMA) for advice/approvals. Visit www.murrumbidgee.cma.nsw.gov.au or call 6128 3370.

Clearing Vegetation in a Riparian Zone in NSW

Approvals for clearing vegetation in riparian areas may be required depending on the circumstances at hand and site specifications. Contact the Murrumbidgee CMA for advice/approvals. Visit www.murrumbidgee.cma.nsw.gov.au or call 6128 3370.

The information pertaining to noxious weed and pest plant declarations is up to date at the time of writing (November 2007). However, users are reminded of the need to ensure that information on which they rely is up to date and to check currency of the information with the appropriate department (NSW Department of Primary Industries or Parks, Conservation and Lands ACT - part of the Department of Territory and Municipal Services). For advice on the Native Vegetation Act 2003, and/or clearing vegetation in a riparian area, contact the Murrumbidgee CMA. Visit www.murrumbidgee.cma.nsw.gov.au or call 6128 3370.