

## Noxious weed declarations

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The Act aims to minimise the spread of weeds and prevent new costs from being imposed on communities.

The Act imposes restrictions and costs on individuals whose actions could result in the spread of noxious weeds (see box 2).

### Introduction

In New South Wales (NSW), the term 'noxious weed' is used to describe plants that have been declared as noxious weeds under the *Noxious Weeds Act 1993* (the Act).

The Act and the declaration of noxious weeds is the Government's response to the need to protect the economy, the environment and the community from the negative effects of serious weeds.

The Act provides the means by which the spread and establishment of serious weeds can be prevented.

When a plant is declared a noxious weed, land owners/occupiers have a legal responsibility to control that plant on their land. The sale and movement of noxious weeds may also be restricted to prevent their spread.

### Bearing the cost of weeds

Usually, the impact of weeds (see box 1) and the cost of their control is borne by landowners/occupiers and the community.

When a new weed is introduced into an area, it adds another cost to the community. However, there is no compensation given by the area where the weed has come from or from those whose lack of action resulted in the spread of the new weed.

#### Box 1. Some impacts of weeds

- Reduction in the production capacity of the land or waterways.
- Reduction in animal health through physical injury or poisoning.
- Contamination and downgrading of agricultural produce.
- Interference with harvesting operations.
- Expensive and time consuming to control.
- Reduction in biodiversity and threat to endangered species.
- Reduction in aesthetic and recreation value of natural environment.
- Threats such as asthma, hay fever, poisoning or dermatitis.
- Reduction in water quality.

#### Box 2. Some actions that contribute to weed spread

- The movement of stock, fodder or machinery contaminated with weed seed.
- The sale or purchase of prohibited plants.
- The movement of invasive plants into new areas.
- The failure to control a newly introduced weed.



## Why aren't all weeds noxious?

Plants that pose a serious threat to primary industries, the environment and/or the community are potential candidates for declaration as noxious weeds.

Noxious weeds are usually plants that currently have a limited distribution but have the potential, through human actions or inaction, to spread over a larger area.

Noxious weeds are declared when mandatory control of these weeds is expected to provide an overall benefit to the community.

Declaration of a weed can impose considerable costs on public and private landholders and local control authorities.

Declaration may also restrict personal freedom by forcing landholders to carry out activities which they would not otherwise carry out. It also removes freedom of choice as to what plants a person may grow or possess. Therefore, there must be a demonstrated public benefit from the declaration.

When a weed is widespread, even if some areas have more of that weed than others, the most effective use of resources is in the development and promotion of integrated management rather than enforced control.

## The Noxious Weeds Act 1993

The Act imposes an obligation on land owners/occupiers to control the plants that are declared as noxious in their area.

There are five control classes of noxious weeds (see table 1).

The Act is implemented by a local control authority (LCA). LCA's are:

- for land within a local government area, the council of the local government area or a noxious weeds county council having those functions,
- for land within the Western Division that is not within a local government area, the Western Lands Commissioner,
- for land within Lord Howe Island, the Lord Howe Island Board.

Weeds are declared noxious either state-wide or according to LCA boundaries.

LCAs are able to apply for a new declaration or to change the control class of a noxious weed. The process is outlined in Figure 1.

Alternatively a proposal to declare a noxious weed may be made by the Minister for Primary Industries (the Minister).

Table 1. Control classes of noxious weeds

Control Class	Weed type	Example control requirements
Class 1	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.	The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also 'notifiable' and a range of restrictions on their sale and movement exist.
Class 2	Plants that pose a potentially serious threat to primary production or the environment of a region to which the order applies and are not present in the region or are present only to a limited extent.	The plant must be eradicated from the land and the land must be kept free of the plant. The weeds are also 'notifiable' and a range of restrictions on their sale and movement exist.
Class 3	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.	The plant must be fully and continuously suppressed and destroyed.*
Class 4	Plants 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.	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.*
Class 5	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.	There are no requirements to control existing plants of Class 5 weeds. However, the weeds are 'notifiable' and a range of restrictions on their sale and movement exist.

NOTE: All class 1, 2 and 5 weeds are prohibited from sale in NSW.

\* In some cases the following wording has also been inserted: 'the plant may not be sold, propagated or knowingly distributed'.

## Noxious Weeds Advisory Committee

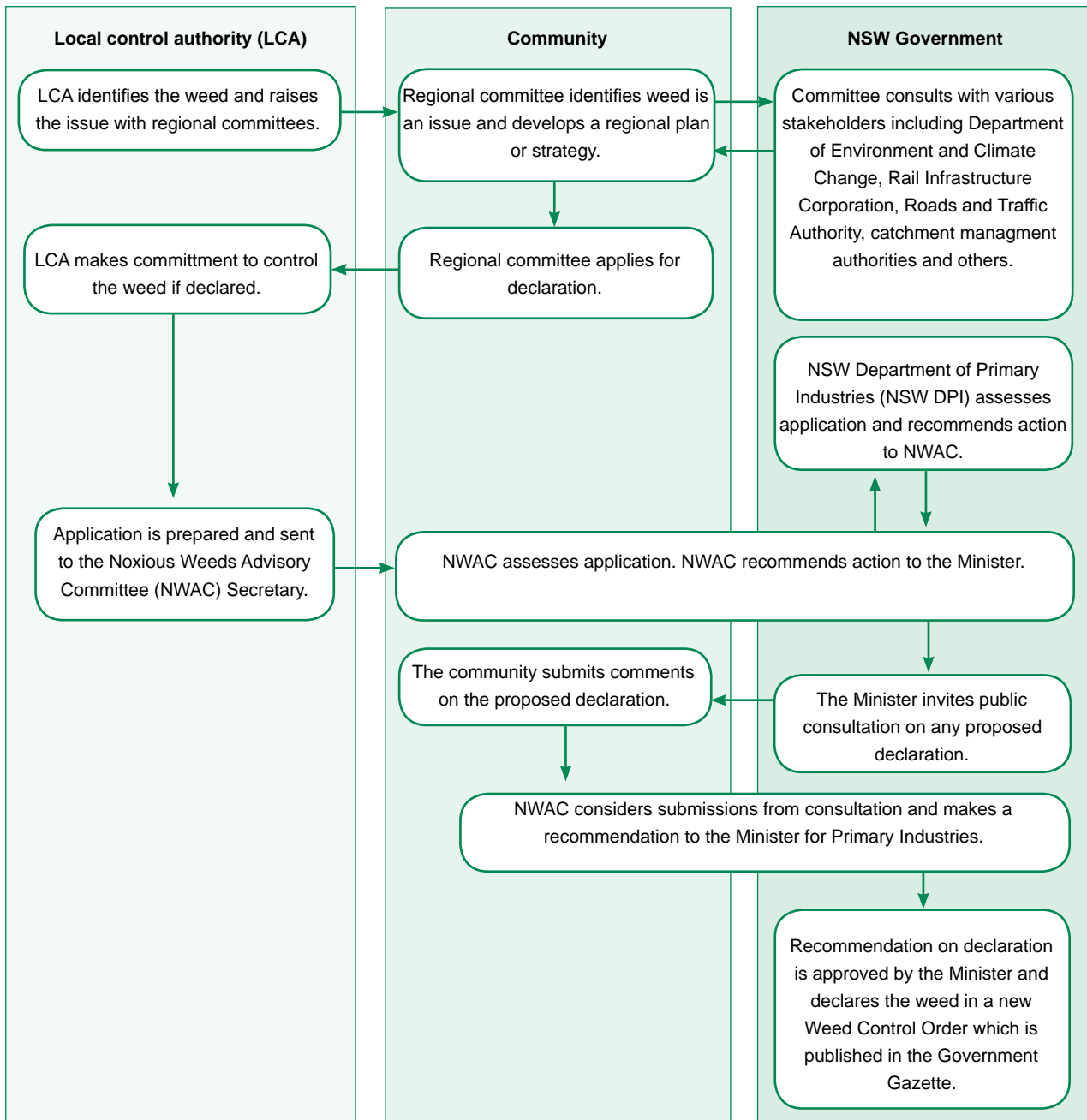
The Noxious Weeds Advisory Committee (NWAC) advises the Minister on all aspects of weed management. The Minister declares noxious weeds after receiving advice from the committee.

## What weeds are declared?

Some plants are declared across all of NSW; others are only declared in certain areas. Many weeds have different declaration categories in different areas.

The full list of declared species is available on the NSW DPI weeds website [www.dpi.nsw.gov.au/weeds](http://www.dpi.nsw.gov.au/weeds)

Figure 1. Process by which a local control authority seeks a noxious weed declaration.



## Further Reading

*Noxious Weeds Act 1993*

[www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/legislation](http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/legislation)

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*Noxious Weeds Act 1993*.  
[www.dpi.nsw.gov.au/weeds](http://www.dpi.nsw.gov.au/weeds)

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