



# Noxious Weeds legislation - for sustainable production & a healthy environment

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## IN A NUTSHELL

- ▶ Weeds cost the Australian public over \$4 billion annually
- ▶ Each year, 20 new foreign weed species are discovered growing in the wild in Australia, potentially further increasing the cost of weed control in agricultural production and the environment
- ▶ Recent amendments to "noxious weeds legislation" reflect a strategic approach to dealing with weed problems – early intervention is the key to preventing increased costs in the future
- ▶ Local government Noxious Weeds Officers work with the community to prevent unnecessary costs being incurred by noxious weeds

**Noxious weeds are a significant problem for farmers and land managers affecting both production and financial aspects of operations. Noxious weeds can put considerable strain on the resources of local and state governments, which ultimately means strain on rate and tax payers. Invasive plants cost the Australian economy an estimated \$4 billion annually, equivalent to building 60 new general hospitals or 1000 new primary schools.**

Listed below are some more interesting facts provided by the Cooperative Research Centre for Australian Weed Management about the impact of weeds in Australia.

- Invasive plants cost the national economy more than salinity, soil acidity and soil sodicity combined
- 65% of all current weed problems originated from ornamental gardens
- Each year 20 new foreign species are discovered growing in the wild in Australia
- Demand for exotic garden plants and garden plants that tolerate dry conditions are fuelling the potential for increased weed problems

## 100 years of weeds legislation

This year marks the 100th year that local government has been responsible for noxious weed control in its area of operation, under various Acts of Parliament. In New South Wales it is normally local government that applies to the Minister for Primary Industries to have specific weeds declared noxious – this should be done in consultation with

their communities. Once a weed is declared noxious there is a legal responsibility for land managers to control that weed as specified in the legislation.

In 2006 there are now some weeds that have been declared noxious for the entire 100-year period, and have had limited review of their fit under the legislation. Local and state governments are increasingly challenged to resource the needs of their communities. Money for weed management competes with other needs including roads, education and public health. Therefore, it is important that resources for noxious weed control are allocated strategically to ensure that the community obtains the greatest benefit from resources spent.

## What does "noxious" mean?

The word noxious can be interpreted in different ways. The Concise Macquarie Dictionary states the meaning to be:

- a) harmful or injurious to health or physical well being
- b) declared harmful by statute law for compulsory eradication

In the first meaning for the word (a), it is easy to fit many weeds into this category, examples include thistles, Bathurst burr, khaki weed, cats heads or spiny burr grass. The prickly seeds of these plants make it easy to call them noxious, or obnoxious! However, not all these plants fit the second meaning for the word (b): declared harmful by statute law for compulsory eradication.

When talking about weeds, the term noxious is applied to



those that have been legally declared as "noxious weeds" under the *Noxious Weeds Act 1993*.

The greatest potential to use noxious weeds legislation effectively is during the earliest stages of a weed's invasion. Therefore, weeds that are not yet widely established in the state or region and have the potential to have a significant negative impact, should be considered for noxious weed declaration. Weeds that are already widely distributed need careful consideration in order to critically appraise their continued fit under the declaration status.

### Review of Noxious Weeds Act 1993

The *Noxious Weeds Act 1993* was reviewed with input from local government, farmers, conservation groups and other key stakeholders (see review report at [www.agric.nsw.gov.au/reader/weed-legislation](http://www.agric.nsw.gov.au/reader/weed-legislation)). The amended *Noxious Weeds Act 1993* came into force on 1 March 2006.

Certain changes to the legislation reflect the need for a more strategic approach to weed management and the continued need to evaluate the allocation and use of public money. Existing declared noxious weeds have been placed into new weed control classes that reflect this strategic approach.

Another important change is that weeds will remain 'declared' for a specified period of time, this being no more than five years after which their status will be reviewed. This is in contrast to past practice where some weeds have been declared for 100 years despite the fact that the "horse has bolted" and that resources are better spent managing and preventing new threats.

The objectives of the *Noxious Weed Act 1993* (as amended in 2005) are as follows:

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

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### New weed control classes & objectives

#### Class 1, State Prohibited Weeds

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 control objective is to prevent the introduction and establishment of those plants in NSW, eg parthenium weed and horsetail (Figure 1).

#### Class 2, Regionally Prohibited Weeds

Plants that pose a potentially serious threat to primary production or the environment of an area of the state and are not present in the area or present to a limited extent. The control objective is to prevent the introduction and establishment of those plants in parts of NSW, eg alligator weed and mesquite.

#### Class 3, Regionally Controlled Weeds

Plants that pose a potentially serious threat to primary production or the environment of an area of the state, and are not widely distributed in the area and are likely to spread in the area or to another area. The control objective is to reduce the area and the impact of these plants in parts of NSW, eg Chilean needle grass and black willow.

#### Class 4, Locally Controlled Weeds

Plants that pose a potentially serious threat to primary production, the environment or human health, are widely distributed in that area and are likely to spread in the area or to another area. The control objective is to minimise the negative impact of those plants on the economy, community or environment of NSW, eg African boxthorn and Bathurst burr (Figure 2).



**Figure 1** Paula Ash, Regional Noxious Weeds Project Officer for the Riverina, inspecting horsetail (*Equisetum* spp.) growing in a garden - the owner was not aware that the plant was illegal to grow. Horsetail is not widely spread in Australia but has potential to be a major weed in cereals, orchards, potatoes and vegetable crops. It is a Class 1, State Prohibited Noxious Weed.



**Figure 2** Under the reviewed noxious weeds legislation Bathurst burr requires Class 4 Weed Control, which will be determined in management plans by local council, based on the threat that weed poses within the area.



## Class 5, Restricted Plants

Plants that are likely, by their sale or the sale of their seeds or movement within the state or area of the state, spread in the state or outside the state. The objective here is to prevent the introduction and spread of these plant within NSW or to another state or jurisdiction, eg sagittaria

The local governments of the Riverina, through the Eastern and Western Riverina Noxious Weed Advisory Groups, are already coming to grips with the need to allocate resources strategically for weed management. They have developed a system (prioritisation process) that objectively prioritises weeds into categories that reflect the new weed control classes. This will assist the allocation of resources for weed management to get the best benefit for cost. Following on from this, the weed advisory groups are forming partnerships with Catchment Management Authorities and consulting widely with the general public and other stakeholders to develop catchment-wide weeds strategies.

## Landholder responsibilities

Briefly, under the revised legislation for Class 1 and 2 weeds, landholders will be required to eradicate those weeds from their land and keep the land free of that weed.

Class 3 weeds will require landholders to continuously suppress and destroy the weed and there may be restriction on the sale, propagation and movement of the plant.


Requirements for Class 4 weeds will vary throughout the state and between local government areas. Their control will be according to the measures specified in a management plan published by Councils.

## The final word

Noxious weeds legislation is not intended to force

unnecessary cost onto land managers. Its intent is to protect the environment, primary production and our health.

Each local council in NSW employs a noxious Weed Officer, they are the frontline defence against weeds. Your local council weed officer is a friend not foe – they are working to provide ongoing benefits to communities. Weed officers carry out a range of duties including: surveying or inspecting land in connection with noxious weeds, education to the community about weeds, proposing changes to weeds declared in their area, ensuring occupiers of private land fulfil their obligation for noxious weed control, and control weeds on council managed land.

Everyone can help to manage weed problems and prevent new ones from emerging. Knowledge of potential weed problems, using preventative measures and early intervention are the keys to minimising increased costs for weed management. 

## Further information

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## Internet sites

[www.agric.nsw.gov.au/reader/weeds](http://www.agric.nsw.gov.au/reader/weeds)  
[www.weeds.crc.org.au](http://www.weeds.crc.org.au)