

# Illawarra District Noxious Weeds Authority

## Inspections and Notices

The constituent councils of the IDNWA have authorised, in writing, officers from the IDNWA to enter land for the purpose of locating and identifying infestations of noxious weeds on the land. It is desirable that the owner/occupier is present during an inspection, however it is not necessary. Authority staff is available to assist in weed identification and to advise on weed control methods.

In accordance with Section 45 of the Noxious Weeds Act 1993, the IDNWA will notify all owners or occupiers of land of the intent to inspect their premises. This notification will be either in person on the day of the intended inspection or else by letter prior to the inspection day.

1. The Authority's method of implementing noxious weed control is by interview or by letter after the first inspection advising the owner and/or occupier of the presence of noxious weeds on the property, stating a reasonable period of time and area of control methods to be implemented.
2. If the subsequent inspection shows no action has been taken, a Notice of Intention to issue a Section 18 Notice is served. Under Section 18A of the Noxious Weeds Act, a local control authority must give prior notice of the intention to give a Section 18. The person given the notice then has the right to make submission to the local control authority about the proposed notice.

If reasonable excuse is not provided as to why control was not undertaken as initially requested a Notice under Section 18 of the Noxious Weeds Act is served.\* Failure to comply with this notice results in the Authority instituting legal proceedings for non-compliance and/or the issue of a second notice, under the Noxious Weeds Act after which the Authority may enter onto the property and carry out the work at the landowner's expense.

Under some circumstances, a penalty notice will be issued. This may be done separately to, or in conjunction with, some of the above procedures. Section 26(1) of the Act allows Local Control Authorities to charge an inspection fee for determining whether a Section 18 notice has been complied with.

\* *Note: If an occupier fails to comply with obligations under a weed control order, those obligations may be enforced against the owner of the land as well as the occupier by a weed control notice issued under Section 18.*

Inspectors will be required to prepare reports on all properties under Sections 18 and 20 and other sections, as appropriate, of the Noxious Weeds Act 1993, within the policy guidelines set down by the Authority from time to time.

Procedures in relation to constituent member council owned lands and other government lands under lease are to notify the relevant constituent council member or state government agency of the intention to issue a Section 18 Notice on any lessee. This forwarded notification will be undertaken at the same time as the lessee is sent the Notice of Intention to issue a Notice. This procedure will then allow the council or state agency to either:

1. Use its discretionary powers as landlord to instruct the lessee to undertake all necessary control works on the identified noxious weed(s) prior to reinspection, therefore avoiding any further enforcement action as described.
2. Evict the lessee, should they refuse to meet their noxious weed responsibilities.

In the case of the latter, the relevant agency then becomes the occupier of the said land and is responsible for the control of the noxious weeds.

Procedures in relation to private lands under lease are to send a duplicate copy of the initial property inspection report to the owner at the same time the original report is sent to the occupier (lessee). This forwarded notification will then allow the owner to be informed of any weed control requirements and liaise with the lessee over implementing appropriate control. Section 18A Notices can then be sent to both the lessee (occupier) and owner should adequate control not be implemented upon reinspection.