

## **Overview of the Noxious Weeds Act**

In New South Wales the administration of noxious weed control is the responsibility of the Minister for Primary Industries under the Noxious Weeds Act 1993. The Act is implemented and enforced by the Local Control Authority (LCA) for the area, usually local government.

In some areas, groups of LCAs have initiated co-operative structures to jointly implement the noxious weed control functions for their region.

The Act aims to:

- Ensure a uniform and coordinated approach to the control of noxious weeds throughout NSW
- Define the roles and responsibilities of all authorities and owners/occupiers of land.
- Provide powers to enable the coordinated control of weeds in NSW.
- Provide for funding assistance from the State Government, and
- Classify noxious weeds according to the level of control that is required for each weed and location.

Compliance with the Act provides the community with the following benefits:

- The financial impacts are reduced.
- The spread of noxious weeds is reduced.
- Damage to environment, biodiversity, waterways, infrastructure and water quality is reduced.
- Impacts on health and welfare of animals and the community are reduced.
- New or emerging weeds are identified and managed before they cause serious impact, and
- Weed management occurs in a coordinated manner making effective use of all available resources.

## **Control of noxious weeds on private property**

Both owners and occupiers of private land are required to control noxious weeds according to the control class for their area.

Where an owner or occupier fails to control weeds on their land, the council may issue a notice for the control of the weed.

If the owner or occupier fails to comply with a notice, the council may prosecute and/or enter the property and carry out any necessary weed control work, charging the landholder any reasonable expense incurred. Alternatively the council may issue an "on the spot" penalty for breaches of the Act.

## **Control of noxious weeds on public land**

Councils and public authorities are required to control noxious weeds on land under their control.

Only the Minister has the power to issue notices to public land managers and councils to control noxious weeds on their land.

## **The role of councils in noxious weed declarations**

Weeds are declared according to LCA boundaries. Control classes are also applied in this manner and specify the action that must be taken in respect to the weed. Councils are able to apply for new declarations or to change the control class of declared weeds.

A proposal for a new or changed declaration is considered by the Noxious Weeds Advisory Committee (NWAC), which then makes a recommendation to the Minister.

Members of the public and community groups are also able to initiate applications to change noxious weed declarations.

The Minister makes an order declaring a weed noxious, specifying the control class and area to which the declaration applies.

## **Summary of noxious weeds control classes.**

The following is a summary of NSW noxious weed control classes.

**Class 1** The plant must be eradicated from the land and the land must be kept free of the plant.

The control objective for weed control Class 1 is to prevent the introduction and establishment of those plants in NSW.

**Class 2** The plant must be eradicated from the land and the land must be kept free of the plant.

The control objective for weed control Class 2 is to prevent the introduction and establishment of those plants in parts of NSW.

**Class 3** The weed must be fully and continuously suppressed and destroyed.

The control objective for weed control Class 3 is to reduce the area and impact of those plants in parts of NSW.

**Class 4** The growth of the plant must be managed in a manner that reduces its numbers spread and incidence and continuously inhibits its reproduction. Many listed Class 4 weeds have an extra requirement that they not be sold, propagated or knowingly distributed.

The control objective for weed control Class 4 is to minimise the negative impact of those plants on the economy, community or environment of NSW.

**Class 5** The requirements in the Noxious Weeds Act 1993 for a notifiable weed must be complied with.

The control objective for weed control class 5 is to prevent the introduction of those plants into NSW, the spread of those plants within NSW or from NSW to another jurisdiction. The aim is to prevent their sale, propagation and distribution.