



# **ACT PEST LEGISLATION REFORMS**

## **DISCUSSION PAPER FOR PUBLIC CONSULTATION**

**May 2001**

## **INTRODUCTION**

The numbers of weeds invading the ACT and size of weed infestations are of ongoing concern. Legislation provides a means of enforcing pest control. The ACT Government is releasing this Discussion Paper on pest legislation reforms for consultation with rural lessees, the general community and other stakeholders with an interest in the weed problems in the ACT.

The purpose of the Paper is to canvass views on proposals for reducing the weed problem. Possible weed categories, control measures, mechanisms for enforcement, and economic incentives are among the sections for discussion.

This Paper provides a summary of approaches in New South Wales, Queensland and Victoria, as well as current ACT practice and provides some options for change which may assist in updating ACT's pest legislation. The release of this Paper correlates with the release of the draft ACT Vertebrate Pest Management Strategy and the review of the ACT Weeds Strategy.

Your views are sought on the potential effectiveness of a range of options for changing the way pest issues in the ACT are managed, the possible impact the changes might have on your current interest and on other possible changes which have not been raised in the Paper.

Meetings can be arranged if groups would like to discuss this paper before submitting their views. It is proposed to hold a public meeting at the end of the consultation period to help resolve any outstanding issues.

Please forward comments by 18 July 2001 to:

The Pest Reform Project  
Environment ACT  
PO Box 144  
LYNEHAM ACT 2602

Or contact the Pest Reform project officer on-

Telephone: 6207 2264; or  
Via email: [environmentACT@act.gov.au](mailto:environmentACT@act.gov.au)

## **THE ACT'S CURRENT POSITION**

### **BACKGROUND**

#### **National obligations**

The National Weeds Strategy was released in 1997 and provides guidelines to improve future weed management performance within Australia. The ACT is following these guidelines and has included those Weeds of National Significance that are present in the ACT in its declared pest plant list.

#### **ACT legislation**

The pest plant and animal provisions, Part 6 Division 3, of the *Land (Planning and Environment) Act 1991* ("the Land Act") provide for the making of an order in respect of pest animals or plants and also empower the Minister to declare a class of animals or plants as pest animals or plants. These provisions were incorporated into the Land Act in 1997. They replaced the *Rabbit Destruction Act 1919* and the *Noxious Weeds Act 1921*, which were repealed at the same time.

In November 2000 the National Competition Policy Review of the Pest Plant and Animal provisions of the Land Act found that most of the restrictions assessed by the review panel have a benefit to the community that outweighs any impact arising from the restriction on competition, but substantial changes to the weed legislation would improve their effectiveness. The principal issues related to the onerous and resource intensive enforcement provisions and the lack of controls on trade in pest plants and animals. There were also technical issues relating to some definitions under the provisions.

Related ACT legislation includes the *Nature Conservation Act 1980*, the *Animal Diseases Act 1993* and the *Plant Diseases Act 1936* (currently under review). Each of these Acts has emergency provisions which can be used where related to pest issues.

#### **Features of the pest plant provisions of the Land Act**

Under section 254 of the current legislation the Minister has the power to declare a pest plant after consultation with an expert group, for plants this is the Flora and Fauna Committee and for animals it is the Animal Welfare Committee. Unlike other jurisdictions there is only one category of pest plants and animals in the ACT, this includes 34 declared pest plants and no declared pest animals. Once a plant or animal is declared to be a pest, the Minister must arrange for development of a plan for the control of the propagation of the pest.

If a landholder fails to control the propagation of a declared pest plant on their property, an order can be given by the Minister requiring him or her to carry out the pest control. Failure to comply is an offence punishable by a fine up to \$5,000. A suitably qualified person can also be authorised to enter the property and carry out the requirements of the order. The cost associated with carrying out the order then becomes a debt payable by the land holder to the Territory.

### **Features of the of the *Nature Conservation Act 1980* relevant to pests.**

There are special provisions (Section 45 AA) to assist management of plants and animals that pose a threat to biodiversity. Species declared as *prohibited organisms* may not be held without a licence and species declared as *controlled organisms* may have particular controls applied to specific activities in relation to them. Currently no species are declared.

Under Section 47, part one the conservator may give directions to the occupier of land for the protection or conservation of native plants and animals. This provision could be used in the management of a pest species.

The handling and movement of plants and animals of concern are administered via a licensing system in accordance with specified criteria for conservation and protection of the natural environment. Licensing requirements for prescribed activities (such as the importing, keeping, selling and release of plants and animals) are relevant to species that have potential to become established in the wild or introduce disease into native populations.

The Minister may declare a threatening process in response to advice from the Flora and Fauna Committee that a process is a significant ecological threat (Section 21 part three). The spread or introduction of a pest species could constitute a threatening process. A conservation Action Plan must be produced outlining conservation issues and management proposals for each declared threatening process.

### **ACT Weeds Strategy**

The ACT Weeds Strategy has been in place for four years. It is a 10 year strategy coordinating government and community based activity to prioritise and take action against weed infestations in the ACT. In addition, it has a role in promoting awareness of weed issues in the community.

The ACT Weeds Strategy has been developed to enable effective and efficient weed control. Control will be achieved by implementing the processes described in the Strategy. It requires a focused, cooperative effort from government and community working in partnership.

### **Land Management Agreements**

A Land Management Agreement (LMA) is a requirement for rural leases under the Land Act and must be prepared at the time of the lease being purchased or renewed. Provisions concerning agreed pest plant and animal control measures are included in these agreements.

## **POSSIBLE AREAS FOR REFORM**

Experience with current mechanisms suggests that a number of changes to the legislation and policy framework may improve the ACT's management of pests.

### **Areas which may be improved include:**

1. Review of the ACT Weeds Strategy
2. Separate pest plant and animal legislation
3. The consultation process for declaring pests
4. Weed categories/control measures
5. Mechanisms for the enforcement of pest control
6. Pest plants on urban properties
7. Sale of weeds
8. Sale of weed contaminated material
9. Economic incentives for controlling pests
10. Pest animals

## **PROPOSED CHANGES**

### **1. REVIEW OF THE ACT'S WEED STRATEGY**

#### **Existing practice**

The ACT Weeds Strategy has been developed to ensure weeds are effectively and efficiently controlled in the ACT. The Strategy provides a mechanism for the government and the community, including those in neighbouring shires, to work in partnership to control weeds.

The ACT Weeds Working Group (WWG) is a committee set up under the ACT Weeds Strategy to introduce and coordinate weed priority action plans and propose weeds to be declared as pest plants in the ACT. The group is made up of representatives from both Territory and Commonwealth government land management agencies, the Conservation Council of Canberra and the South-East region and the ACT Rural Lessees' Association. Its role is to establish a priority weed control program for each financial year and report to the Catchment and Landcare Sub-Committee (for the ACT) on the program of the previous 12 months. The Catchment and Landcare Sub-Committee then reports these priority weed control programs to the ACT Environment Advisory Committee (EAC), who in turn reports to the Environment Minister.

#### **Discussion**

The Strategy calls for a priority weed control program to be established every six months. In practice this time frame has been found to be impractical and therefore the priority pest plant control program is now developed and reviewed every 12 months.

### **Issues for Comment**

As part of the review of the weeds strategy it would be valuable to receive comments on the following;

- What are the preferred outcomes of the Strategy?
- Is the present Strategy leading to these outcomes?
- What is the appropriate role of the Weeds Working Group? How effectively is it working?
- Due to developments in the last four years are there changes which need to be made to the ACT Weeds Strategy?

## **2. SEPARATE PEST PLANT AND ANIMAL LEGISLATION**

### **Existing practice**

The pest plant and animal provisions are currently found in the Land Act.

### **Discussion**

The inclusion of pest plant and animal provisions in the Land Act makes these provisions difficult to access and understand. Separate pest plant and animal legislation would make it easier for the community to know where to look when considering their responsibilities as land managers.

In addition, proposed controls on the sale of weeds (see below) do not belong in the Land Act as the Land Act deals principally with the management of land use and commerce in weeds is outside the scope of the Act.

### **Issue for Comment**

It would be valuable to receive comments on the following:

- What are the advantages and disadvantages of removing the pest plant and animal provisions from the Land Act and having separate pest plant and animal legislation?

## **3. THE CONSULTATION PROCESS FOR DECLARING PESTS.**

### **Existing practice**

The Land Act requires the Minister to consult with the Flora and Fauna Committee. Whilst the committees agreement is not sought they must be informed and consider any proposed pest declarations.

### **Discussion**

New South Wales, Queensland and Victoria, like the ACT, have a Committee or Council to provide advice as to which weeds should be declared. Unlike the ACT, the other three States have an Authority or a Board to develop weed management plans at a regional and local level. In the ACT the Weeds Working Group carries out this role.

## Issue for Comment

It would be valuable to receive comments on the following:

- Should other Committees be formed or recognised?

## 4. WEED CATEGORIES/CONTROL MEASURES

### Existing practice

There are currently two pest plant lists in the ACT, which is confusing. The first is the declared pest plant list under the Land Act. The second is the harmful weeds list maintained by the Weeds Working Group (see Appendix C). This second list has no status under the legislation.

There are presently 34 declared pest plants and 53 harmful weeds in the ACT. A landholder can only be issued with an order to control declared pest plants. There is no legal basis to take action in relation to harmful weeds.

### Discussion

A review of the ACT declared pest plant list and categories is necessary to ensure the list is meaningful and credible.

Consistency with Act's neighbouring NSW shires is particularly important in managing problem weed species successfully in this region (see Appendix C for a table listing the Act's and regions weed species).

The New South Wales, Victorian and Queensland pest plant categories have been included at Appendix A.

There are four weed categories used in New South Wales:

- W1 weeds: the presence of the weed on land must be notified and the weed must be fully and continuously suppressed and destroyed;
  - W2 weeds must be fully and continuously suppressed and destroyed;
  - W3 weeds must be prevented from spreading and its numbers and distribution reduced; and
  - W4 weeds the action as specified below must be taken in respect of the weed.
- (a) Where the letter "a" appears beside the control category W4 the weed must not be sold, propagated or knowingly distributed and any part of the weed must be prevented from growing within three metres of the boundary of a property.
  - (b) Where the letter "b" occurs the weed must not be sold, propagated or knowingly distributed and any existing weed must be prevented from flowering and fruiting.
  - (c) Where the letter "c" appears the weed must not be sold, propagated or knowingly distributed and the weed must be prevented from spreading to an adjoining property.
  - (d) Where the letter "d" appears the weed must not be sold, propagated or knowingly distributed and the weed must be fully and continuously suppressed and destroyed if it is:
    - three metres in height or less;
    - within half a kilometre of remnant urban bushland and is not deemed as having historical or heritage significance; or

- is over three metres in height and not included in an approved Management Plan.
- (e) Where the letter “e” appears the weed must be fully and continuously suppressed and destroyed. All reasonable precautions must be taken to ensure produce, soil, livestock, equipment and vehicles are free of the weed before sale or movement from an infested area of the property.
- (f) Where the letter “f” appears the weed must not be sold, propagated or knowingly distributed. Any biological control or other control program must be implemented.
- (g) Where the letter “g” appears the weed must not be sold, propagated or knowingly distributed.

There are three identified options for weed control measures:

1. ACT weed categories modelled on NSW.

Class 1 pests are of limited distribution or do not occur in the ACT. These weeds pose a severe threat to the environment or agriculture, for example Parthenium weed.

Action: the occupier of the land must notify the pests presence within 24 hours. The ACT government will arrange destruction of the pest and may pay the costs.

Class 2 pests pose a threat to agriculture and environment, or the community, but are not widespread and it would be reasonable to assume that the range of the pest could be significantly reduced and potentially eradicated, for example Nagoora Burr.

Action: the occupier must undertake integrated control to continually suppress or destroy these pests.

Class 3 includes traits as above but the pest is so widespread that eradication is impractical, for example Blackberry and Serrated Tussock.

Action: the occupier of the land must have an approved integrated program to ensure that infestations are reduced and the pest does not spread to other lands. The plan would be put together by the occupier and other agencies and have specific actions and time frames. It would contain greater detail than a Land Management Agreement.

Alternatively classes 2 & 3 could be combined.

Class 4 where some specific actions need to be taken, for example Pyracantha and Cotoneasters in urban areas.

Action: may include publicity and the use of alternative plants for urban gardens

Class 5 – Banned weeds for sale list.

Class 6 – Urban weeds list. Weeds that occur in the urban area where prescribed control measures must be taken.

2. Action Plans.

The second option is that the legislation could simply require that all landholders must undertake weed control as per the ACT Action Plan for each weed. This would require that action plans be completed for each declared weed.

3. Tailored Control Measures.

Under this option, a set of control measures would be developed. These measures would specify a given action that must be taken, or a given action that is prohibited.

A set of these classifications would be applied to each weed species, so that the actions that must be taken, and the actions that are prohibited for each weed can be individually tailored to the management issues for that weed.

A possible set of categories is:

- (a) The weed must be notified;
- (b) The weed must be continuously suppressed and destroyed;
- (c) The weed must be prevented from spreading and its numbers and distribution reduced;
- (d) The weed must not be sold, propagated or knowingly distributed.
- (e) An approved integrated management program must be developed and implemented;
- (f) The Action Plan must be followed;
- (g) The weed must be prevented from growing within three metres of the boundary of a property;
- (h) Any existing weed must be prevented from flowering and fruiting;
- (i) The weed must be prevented from spreading to an adjoining property;
- (j) If the weed is less than three metres in height it must be fully and continuously suppressed and destroyed;
- (k) A weed within half a kilometre of remnant urban bushland and is not deemed as having historical or heritage significance must be fully and continuously suppressed and destroyed; and/or
- (l) Any biological control or other control program must be implemented.

#### **Issues for Comment**

Your comments as to further possible measures, or a refinement of these measures are particularly welcome.

- Are there any advantages in retaining the current declared pest plant list?
- What are the advantages and disadvantages of modelling pest plant categories on other states systems?
- Which of the three proposals for listing/declaring weeds would be most effective? Why?

## **5. MECHANISMS FOR THE ENFORCEMENT OF PEST CONTROL**

### **Existing practice**

Currently if a landholder fails to control the propagation of a pest plant or animal, the Minister can issue an order. If this order to control the pest is not complied with, the land holder can be prosecuted and a fine issued. The Minister can also direct that a suitable authority enter a property and carry out the pest control, the cost of which is payable by the land holder. This power to give orders has never been exercised as it is difficult to prove if the land holder is allowing the weed to propagate.

### **Discussion**

It is proposed that the system allowing for orders to be made against land holders with declared pests on their property be retained with some changes. Contravening an order will remain an offence, and it is proposed that the penalty will remain the same (maximum \$5000). If the land holder does not carry out the order, the Minister (or a delegate) will have the power to have someone carry out the work on the landholder's behalf, at the expense of the landholder. Where the "someone" could be officers of the relevant part of Urban Services i.e. Parks and Conservation, Canberra Urban Parks and Places, Forestry or a private contractor.

It is proposed that an order would be available against a land holder if they were not fulfilling the requirements set out under the chosen weed category, action plan or control measure (refer to the previous section Weed Categories).

Similarly, it is proposed that it will be an offence for a landholder to have a declared pest on his or her property without taking the required control measure. The penalty for this offence would be substantially lower than the penalty for contravening an order (say a maximum of \$2000).

For each declared pest, guidelines would be developed to prescribe what action should be taken to control it. These guidelines would not be binding. However, if the guidelines are followed, the action taken to control a pest would be considered to be adequate for the purposes of determining whether an order can be made, or whether the land holder has committed an offence.

It is important for the ACT to be consistent in its weed management with neighbouring New South Wales Shires. These shires are Queanbeyan, Yarrowlunla, Cooma-Monaro and the Southern Slopes county council (which takes in Boorowa, Harden, Yass and Young). Please refer to Appendix C for a list of the declared weeds in these shires and in the ACT.

The Environment minister has the power to make orders; this power could remain with the Minister or reside with:

- the Conservator;
- the Head of Environment ACT; or
- The Chief Executive Officer (CEO) of Urban Services.

Where an order is issued, it is proposed to make the landholder liable to pay a fee that reflects the cost of issuing the order. This would be in addition to any costs of work carried out on behalf of the government where the land holder is in breach of the order. To facilitate the collection of fees and costs, they could be made a charge upon the land (and possibly be added to the rates). Interest would accrue on unpaid amounts.

It is proposed that notifiable pests that newly infest rural land and are not identified in the Land Management Agreement (LMA) are to be notified to the relevant authority within 24 hours of detection. This will enable new weed infestations and the spread of weeds to be

mapped and controlled. Failure to inform the relevant authority of a notifiable weed infestation would be an offence.

Buffer zones could be established within a one-kilometre radius of a National Park, Nature Reserve or an environmentally sensitive area. This buffer should also apply to a one kilometre boundary within the environmentally sensitive area to ensure a mutual benefit. Pest plant and animal control activities on land within the two-kilometre buffer zone must abide by a strict weed management plan and all notifiable pests must be eradicated.

### **Issues for Comment**

It would be valuable to receive comments on the following:

- What are the advantages and disadvantages of establishing guidelines for the control of each declared pest plant?
- What are the advantages and disadvantages of allowing the issuing of orders?
- At what level should the power to make orders reside?
- What are the advantages and disadvantages of having costs associated with issuing an order as a debt payable by the land holder?
- On land where an order has not been complied with who should be responsible for carrying out the pest control on the land holders behalf?
- What are the advantages and disadvantages of requiring rural lessees to notify the relevant authority within 24 hours of detecting a new infestation of a weed on their property?
- What are the advantages and disadvantages of establishing buffer zones around and within environmentally significant areas?

## **6. PEST PLANTS ON URBAN PROPERTIES**

### **Existing practice**

Residential properties are presently treated the same as their rural counterparts. All land holders under the Land Act should be controlling declared weeds, but to date urban areas have not been targeted.

### **Discussion**

All land holders should have an obligation to take reasonable steps to keep their land free of declared pests and not to carry out any activity that is likely to allow the survival or spread of declared pest plants. However, there is little point in imposing obligations on residential property owners if it will not make much or any difference to the control of weeds in the Territory.

The current arrangements allow the Minister to limit the geographic area in which a plant is a declared pest. If this provision were retained in the new scheme, then it would be possible for the Minister to effectively exempt urban areas of the Territory from the operation of the provisions. This option might be used if it were thought that weeds appearing in the urban area did not contribute significantly to problems with weeds in nature reserves and other rural areas or if control was impracticable.

A second option is to only place obligations on residential land holders where the presence of a weed poses a threat to an environmentally significant area (for example, where the property backs on to a nature reserve). This option would minimise the impact of the scheme on residential land holders. It is likely to be difficult for individual land holders to identify whether there is an environmental threat from the presence of the weed, which suggests that it may be best to have obligations arise only where an order is made requiring weed control by the land holder.

A third option is to impose the same obligations on residents that are imposed on rural land holders. There are numerous plantings of existing declared pest plants on private land in the urban area. To reduce the impact, a phase in period could be implemented, where residents were given until (say) July 2003 to remove declared pest plants from their gardens. After this time, an order could be issued to the resident requiring the removal of the declared pest plant, and prosecutions be brought for failing to adequately control the pest.

Options two and three pose resource and enforcement questions which to work effectively would need a team of "weed inspectors" to identify weed threats in the urban area. While this task could probably be undertaken by existing rangers to some degree, it is likely to require further investment of resources.

Any scenario where urban residents are going to be required to control pest plants on their properties should require a 'Pest Management Plan' to be drawn up with the land holder as part of the control measure.

The government needs to continue to set an example by first removing declared pest plants from public parks and forests to encourage the public to take greater responsibility for weed control.

### **Issues for Comment**

It would be valuable to receive comments on the following:

- Is there any need to have provisions that control weeds in the urban area? Do weeds in the urban area contribute to weed problems in nature reserves and other rural areas?
- What are the advantages of exempting urban residents from having to control declared pest plants?
- What are the advantages of residential land holders having the same obligations as other land holders?
- What are the advantages and disadvantages of having a phase in period for the removal of declared pest plants in residential areas?
- What are the advantages and disadvantages of requiring a 'Pest Management Plan' to be drawn up with the land holder?

## 7. SALE OF WEEDS

### **Existing practice**

There are currently no restrictions on the sale or trade of declared pest plants in the ACT. However most local nurseries have agreed not to sell weed species and are recommending non-invasive alternatives to their customers.

### **Discussion**

The absence of controls on commerce in pest plants means weed control objectives are unable to be fully met. It creates a situation where, while significant effort is put into weed control, commercial operators have no restrictions on selling pest species. Even though many local nurseries have verbally agreed to discontinue the sale of weedy plants there is still a problem due to non-compliant operators. Also the lack of an official ban makes it more difficult for some operators to refuse to supply the orders placed by paying customers. Some form of legal enforcement is required to prevent this source of weeds.

All other jurisdictions have legislation making the commercial trade in weeds an offence. In order to create consistency with the other states and the National Weeds Strategy it is important for the ACT to make it an offence to sell or display for sale specified plants.

Some organisations such as zoos, botanical gardens and scientific research bodies have special requirements that mean that they will have good reason to obtain pest plants. One option would be to have a permit system for such activity. If the plant is required as food for a particular animal, for a genuine scientific research program or as a legitimate part of a botanical collection, then a permit could be issued that would mean that no offence would be committed by a permit holder in obtaining these plants.

It is also proposed that the ACT like Queensland, impose large fines (up to \$60,000) on businesses found selling a class 1 weed (see Appendix A).

### **Issues for Comment**

It would be valuable to receive comments on the following:

- What are the advantages and disadvantages of prohibiting commerce in pest plants?
- What are the advantages and disadvantages of allowing commerce in pest plants for the special requirements of zoos, botanic gardens and scientific research?
- What are the advantages and disadvantages of placing large fines on people and businesses making a commercial profit from the sale of declared pest plants?

## 8. SALE OF WEED CONTAMINATED MATERIAL

### Existing practice

Currently there are no provisions made in the Land Act controlling the sale and distribution of weed contaminated materials.

However the Landscape Design and Construction Guidelines (currently under review) specify details for the weed seed testing of imported landscape materials. This testing is presently required for C grade soil and straw mulch which is used in dryland grass areas or on roadside verges.

### Discussion

Approaches in other jurisdictions suggest it is useful to make it an offence to sell or distribute material potentially contaminated with the viable seed or reproductive parts of a weed contained in stock fodder (including hay), straw, grain, machinery, soil and landscape products. Some States and Territories have provisions requiring the examination of these materials prior to transportation.

The current Landscape Design and Construction Guidelines are used for public land managed by Canberra Urban Parks and Places (CUPP). It is proposed that provisions be placed in the new pest legislation to make the new weed seed testing specifications enforceable.

A bond could be imposed in government landscape and road work contracts requiring follow up weed management for a specified period. All soil and landscaping materials should be tested for weed seed and a certificate issued if it is 'weed free'. There is an initial expense with such monitoring but compared with long-term weed control costs inspections are much more economical.

### Issues for Comment

It would be valuable to receive comments on the following:

- What are the advantages and disadvantages of making it an offence, in the new pest legislation, to sell or distribute a thing containing weed material declared as a pest plant?
- What are the advantages and disadvantages of adopting the reviewed weed seed testing specifications under the new legislation?

## 9. ECONOMIC INCENTIVES FOR CONTROLLING PESTS

### Existing practice

Where the government and a land holder have a common pest problem which is of particular concern a joint program may be undertaken. In this case the government may supply the herbicide in exchange for the land holder carrying out the weed control on the government land as well as their own. This may be the case where a lessee is on a 3-month tenure. The lessee has no financial gain in spending thousands of dollars on weed control if their lease is not renewed.

In some instances where the pest is a particular threat, and its removal and proper disposal is important, the government may step in and remove the offending pest at its own expense.

### Discussion

Where weed problems are beyond the capacity of a single land manager to bring under control, government has a role in co-ordinating and providing resources for weed control to the extent that the community as a whole benefits. On the other hand the

government does not want to create the expectation that they will always assist where there is a pest problem.

Land holders within established buffer zones for environmentally sensitive areas might be offered incentives for pest control, for example reduced land rates.

### **Issues for Comment**

It would be valuable for comments on the following:

- What are the advantages and disadvantages of having economic incentives for land holders to control pests?

## **10. PEST ANIMALS**

### **Existing practice**

The ACT *Nature Conservation Act 1980* and the *Land (Environment and Planning) Act 1991* provide for the identification and management of pest species. The ACT *Fisheries Act 2000* provides for the identification and management of noxious fish species. While the ACT Vertebrate Pest Management Strategy (currently out for public comment) promotes efficient and effective management of pest animal damage and will work alongside the new pest legislation.

The *Rabbit Destruction Act 1919* was repealed in 1996 and like pest plants the pest animal provisions became part of the Land Act. The present definition of “animal” in this Act limits the provisions to vertebrate animals.

### **Discussion**

The provisions for declaring pest animals need to be maintained even though, to date, no pest animals in the ACT have been declared.

The new pest legislation should include invertebrate animals. NSW, QLD and Victoria have provisions in their legislation to manage invertebrate pests, it would be useful for the ACT to also have these provisions to manage wasps for example. In-keeping with NSW, QLD and Victoria it will be an offence to move, keep, or sell pest animals (see Appendix B).

The National Vertebrate Pest Management Committee is currently revising the classification of pest animals. They are developing a Risk Assessment Model which when calculated gives each pest animal a quantifiable score based on the pest animals biology, ecology and distribution. The ACT may like to adopt this method at a later stage after it has been finalised.

The means of enforcing the control of pest animals would be the same as discussed for pest plants.

## Issues for Comment

It would be valuable to receive comments on the following:

- Are there any disadvantages of having the definition of animal include invertebrate animals?
- What are the advantages and disadvantages of declaring and enforcing the control of pest animals in the same way proposed for pest plants?

## SUMMARY

Weeds are a problem of growing significance nationally and in the ACT with the numbers of weeds and size of weed infestations invading the ACT of ongoing concern.

This Paper provides a summary of approaches in New South Wales, Queensland and Victoria, as well as current ACT practice and provides some options for change which may assist in resolving ACT's pest legislation.

The Paper's purpose is to canvass views on proposals for reducing the weed problem through the review of existing legislation. These reforms include revising pest control measures, discussing the issue of weeds in urban gardens and the sale in weeds and weed contaminated materials.

The support of the community, government and other stakeholders is required to develop and provide a process to best enable effective and efficient control of pest plants and animals.

## CONCLUSION

This paper is intended as a starting point for the discussion of reforms of the existing pest plant and animal provisions in the *Land (Planning and Environment) Act 1991*.

The options in this discussion Paper have not been endorsed by the Government and are provided to stimulate debate in the community on long-term solutions for resolving weed issues in the ACT.

Please see page 2 for details concerning where to send comments.

## APPENDIX A: State's Weed Legislation

	Sale and distribution of pest plants	Sale and distribution of pest plant contaminated material	Urban Properties	Consultation Process	Weed Categories/Control Measures	Mechanisms for the enforcement of pest control
<b>ACT's current position</b>  <i>Land (Planning and Environment) Act 1991</i>	Not an offence	Not an offence	Legislation is the same as for larger properties but not enforced	Flora and Fauna Committee	Declared pest plants - pose a serious threat, with the potential to spread to other areas. Action plans in place.	An order can be issued to have pest plants removed. If the order is not complied with a suitably qualified person can be authorised to carry out pest plant removal. The costs associated with pest plant removal are to be met by the land holder.
<b>ACT Proposal</b>  <i>Pest (Plant and Animal) Act</i>	Offence \$5,000	Offence \$5,000	Obligation for land holders to control declared pest plants	Flora and Fauna Committee	Three proposed options: 1. Weed categories modelled on NSW. 2. Action Plan developed for each weed. 3. Tailored control measures developed for each weed species.	It will be an offence for a land holder to have a declared pest plant on their property unless the required control measures are being carried out. An order can be issued to have pest plants removed. If the order is not complied with a suitably qualified person can be authorised to carry out pest animal removal. The costs associated with issuing an order and the costs associated with pest animal removal are to be met by the land holder.
<b>NSW under review</b>  <i>NSW Noxious Weeds Act (1993)</i>	Offence \$5,500	Offence \$5,500	Legislation is the same as for larger properties	Noxious Weeds Advisory Committee Local Control Authority (LCA)	Class W1 Notifiable, must destroy; Class W2 must destroy; Class W3 prevent spread; and Class W4 specified action.	Fined. Order issued. LCA may carry out a weed control order which has not been complied with. The land holder is liable for these expenses.

## State's Weed Legislation continued

	<b>Sale and distribution of pest plants</b>	<b>Sale and distribution of pest plant contaminated material</b>	<b>Urban Properties</b>	<b>Consultation Process</b>	<b>Weed Categories</b>	<b>Mechanisms for the enforcement of pest control</b>
<b>QLD Proposal-under review</b>  <i>Land Protection Act</i>	Offence Class 1 \$60,000 Class 2 \$30,000 Class 3 \$15,000	Offence Class 1 \$60,000 Class 2 \$30,000 Class 3 - not an offence	Removal of weeds will begin with public parks and gardens	State Land Pest Management Committee Rural Land Protection (RLP) Board	Class 1 - uncommon, eradicate if detected; Class 2 - established, causing adverse economic, environmental or social impacts; and Class 3 - established, causing an adverse environmental impact.	Obligation. Order issued. A suitably qualified person can be authorised to enter the private land to carry out requirements of the order. The private land holder is liable for the costs of the work and the full costs associated with rendering an order.
<b>VIC</b>  <i>Catchment and Land Protection Act (1994)</i>	Offence \$500	Offence \$500	Legislation is the same as for larger properties	Victorian Catchment Management Council Catchment Management Authority	State Prohibited weeds; Regionally Prohibited weeds; Regionally Controlled weeds; and Restricted weeds.	A direction may be given to a land holder to eradicate growth or spread of noxious weeds. The cost of removing or destroying noxious weeds may be recovered.

## APPENDIX B: State's Pest Animal Legislation

	<b>Sale and distribution of pest animals</b>	<b>Consultation Process</b>	<b>Pest Animal Categories/Control Measures</b>	<b>Mechanisms for the enforcement of pest control</b>
<b>ACT's current position</b>  <i>Land (Planning and Environment) Act 1991</i>	Not an offence	Animal Welfare Committee	None	An order can be issued to have pest animals removed. If the order is not complied with a suitably qualified person can be authorised to carry out pest animal removal. The costs associated with pest animal removal are to be met by the land holder.
<b>ACT Proposal</b>  <i>Pest (Plant and Animal) Act</i>	Offence \$5,000	Animal Welfare Committee	If there is a need for categories in the future adapt the Vertebrate Pest Committees strategy of the time.	It will be an offence for a land holder to have a declared pest animal on their property unless the required control measures are being carried out to. An order can be issued to have pest animals removed. If the order is not complied with a suitably qualified person can be authorised to carry out pest animal removal. The costs associated with issuing an order and the costs associated with pest animal removal are to be met by the land holder.
<b>NSW</b>  <i>Rural Lands Protection Board Act 1998</i>	Offence \$22,000	State Council Rural Lands Protection (RLP) Boards	National Vertebrate Pest Committee categories (under review) adopted by NSW Category 1-entry and keeping is prohibited Category 2-limited to restricted collections Category 3-permitted in other collections Category 4-entry and keeping unrestricted Category 5-already widespread	Notification obligation. An occupier of land on which a destruction obligation or eradication exists, commits an offence if they fail to control the pest. RLP Board may carry out a pest control order or an eradication order that has not been complied with. The land holder is liable for these expenses.

### State's Pest Animal Legislation continued

	<b>Sale and distribution of pest animals</b>	<b>Consultation Process</b>	<b>Pest Animal Categories</b>	<b>Mechanisms for the enforcement of pest control</b>
<b>QLD Proposal- under review</b>  <i>Land Protection Act</i>	Offence Class 1 \$60,000 Class 2 \$30,000 Class 3 \$15,000	State Land Pest Management Committee Land Protection Board	Class 1-uncommon, eradicate if detected; Class 2-established, causing adverse economic, environmental or social impacts; and Class 3- established, causing an adverse environmental impact.	Obligation. Order issued. A suitably qualified person can be authorised to enter the private land to carry out requirements of the order. The private land holder is liable for the costs of the work and the full costs associated with rendering an order.
<b>VIC</b>  <i>Catchment and Land Protection Act (1994)</i>	Offence 1. \$5,000 2. \$3,000 3. \$2,000 4. \$1,000	Victorian Catchment Management Council Catchment Management Authority	1. Prohibited pest animals; 2. Controlled pest animals; 3. Regulated pest animals; and 4. Established pest animals.	A direction may be given to a land holder to eradicate (as far as possible) and prevent the spread of established pest animals. The direction must be complied with and the land holder must bear the cost of complying with the direction.

## APPENDIX C: Weeds in the ACT and Region

### ACT WEED CATEGORIES

<p><b>Declared Pest Plants;</b> these weeds pose a serious threat to agriculture, the environment and the community having the potential to spread to other areas. Where any of these species are deliberately planted the land manager is required by law to prevent spread.</p>	<p>Declaring plants “Pest Plants” is the legal means for the government to take action to stop the spread of these plants.</p>
<p><b>Harmful weeds;</b> widespread or localised weeds posing significant environmental or economic problems which require action to prevent their spread. Where deliberately planted species are listed the land manager is obliged to prevent spread and where practical replace with other species.</p>	<p>Harmful weeds must be controlled to contain them to the affected locality. * Some species may still be used (indicated by an asterisk), but should be clearly labelled with information that will assist in limiting their spread.</p>

Weeds		ACT declared weeds list	ACT harmful weeds list	Queanbeyan Shires weeds list	Yarrowlu mla Shires weeds list	Coom a-Monar o	Southern Slopes County Council (Boorowa, Harden, Yass, Young) weeds list
Botanical name	Common name						
<i>Acacia baileyana</i>	Cootamundra Wattle						
<i>Acacia karroo</i>	Karoo Thorn						
<i>Acacia paradoxa</i>	Kangaroo Thorn						
<i>Chillea vilifolium</i>	Yarrow						
<i>Chenatherum audatum</i>	Broad-kernel Espartillo						
<i>Ailanthus altissima</i>	Tree of Heaven						
<i>Alnus glutinosa</i>	Black Alder						
<i>Aiternanthera hioxeroides</i>	Alligator Weed						
<i>Abomba spp. except C. furcata</i>	Cabomba						
<i>Carduus nutans</i>	Nodding Thistle						
<i>Carduus cynocephalus</i>	Slender Thistle						
<i>Carduus tenuiflorus</i>	Slender Thistle						
<i>Carthamus lanatus</i>	Saffron Thistle						
<i>Cassinia arcuata</i>	Sifton Bush						
<i>Celtis australis</i>	Nettle Tree						
<i>Chenchrus incertus</i>	Spiny Burrgrass						

<i>Xenopus ingispinus</i>	Spiny Burrgrass						
<i>Centaurea aliptrata</i>	Star Thistle						
<i>Centaurea maculosa</i>	Spotted Knapweed						
<i>Centaurea nigra</i>	Black Knapweed						
<i>Cestrum parqui</i>	Green Cestrum						
<i>Chromolaena dorata</i>	Siam weed						
<b>Weeds</b>		<b>ACT declar ed weeds list</b>	<b>ACT harmful weeds list</b>	<b>Queanbey an Shires weeds list</b>	<b>Yarrowlu mla Shires weeds list</b>	<b>Coom a- Monar o</b>	<b>Southern Slopes County Council (Boorowa, Harden, Yass, Young) weeds list</b>
<b>Botanical name</b>	<b>Common name</b>						
<i>Cirsium arvense</i>	Perennial/Canada Thistle						
<i>Cirsium vulgare</i>	Spear Thistle						
<i>Conium maculatum</i>	Hemlock						
<i>Cortaderia spp.</i>	Pampas Grass						
<i>Cortaderia jubata</i>	Pampas Grass						
<i>Cortaderia selloana</i>	Pampas Grass						
<i>Cotoneaster ranchettii</i>	Cotoneaster						
<i>Cotoneaster laucophyllus</i>	Cotoneaster						
<i>Cotoneaster annosus</i>	Cotoneaster						
<i>Cotoneaster alicifolius</i>	Willow-leaf Cotoneaster						
<i>Cotoneaster imonsii</i>	Cotoneaster						
<i>Crataegus monogyna</i>	Hawthorn						
<i>Cuscuta campestris</i>	(Golden) Dodder						
<i>Cytisus scoparius</i>	Scotch/English Broom						
<i>Chium spp.</i>	Paterson's Curse, Vipers/Italian Bugloss						
<i>Chium lantagineum</i>	Paterson's Curse						
<i>Chium vulgare</i>	Vipers Bugloss						
<i>Eichornia crassipes</i>	Water Hyacinth						
<i>Equisetum spp.</i>	Horsetail						
<i>Equisetum arvense</i>	Horsetail						
<i>Eragrostis curvula</i>	African Love Grass						

<i>Foeniculum vulgare</i>	Fennel						
<i>Conyza bonariensis</i>	Madiera Broom						
<i>Synedrella nodiflora</i>	Senegal Tea Plant						
<i>Cylindropuntia spp.</i>	Harrisia Cactus						
<i>Hedera helix</i>	English Ivy						
<i>Heliotropium europaeum</i>	Common Heliotrope						
<i>Asteraceae spp.</i>	Hawkweeds						
<i>Hypericum perforatum</i>	St John's Wort						
<i>Impatiens capensis</i>	Devil's Claw (yellow-flower)						
<i>Kochia scoparia</i>	Kochia						
<i>Kochia scoparia</i> except subsp. <i>trichophylla</i>	Kochia						
<i>Lagarosiphon major</i>	Lagarosiphon						
<i>Ligustrum lucidum</i>	Privet						
<i>Ligustrum sinense</i>	Small-leaved Privet						
<i>Lonicera japonica</i>	Japanese Honeysuckle						
<b>Weeds</b>		<b>ACT declared weeds list</b>	<b>ACT harmful weeds list</b>	<b>Queanbeyan Shires weeds list</b>	<b>Yarrowlu mla Shires weeds list</b>	<b>Cooma-Monaro</b>	<b>Southern Slopes County Council (Boorowa, Harden, Yass, Young) weeds list</b>
<b>Botanical name</b>	<b>Common name</b>						
<i>Adiantum species</i>	African Boxthorn						
<i>Marrubium vulgare</i>	Horehound						
<i>Myriophyllum aquaticum</i>	Parrot's Feather						
<i>Miconia spp.</i>	Miconia						
<i>Pennisetum charruana</i>	Lobed Needle Grass						
<i>Pennisetum neesiana / tipa</i>	Chilean Needle Grass						
<i>Pennisetum richotoma</i>	Serrated Tussock						
<i>Thlaspi spp.</i>	Scotch/Illyrian/ Stemless thistles						
<i>Thlaspi canthium</i>	Scotch Thistle						
<i>Thlaspi illyricum</i>	Illyrian Thistle						

<i>Opuntia spp. except O. ficus-indica</i>	Prickly Pears						
<i>Parthenium hysterophorus</i>	Parthenium Weed						
<i>Pennisetum polystachyon</i>	Longstyle Feather Grass						
<i>Phyllostachys puberula</i>	Yellow Bamboo						
<i>Pinus radiata</i>	Radiata Pine						
<i>Pistia stratiotes</i>	Water Lettuce						
<i>Populus alba</i>	White Poplar						
<i>Populus nigra Italica</i>	Lombardy Poplar						
<i>Roboscoideia missouriensis</i>	Devil's Claw (purple flower)						
<i>Runus cerasifera</i>	Cherry Plum						
<i>Runus serotina</i>	Black Cherry						
<i>Racanthus argenteus</i>	a Firethorn						
<i>Racanthus coccineus</i>	a Firethorn						
<i>Racanthus vitifolius</i>	a Firethorn						
<i>Raphanus raphanistrum</i>	Wild radish						
<i>Robinia pseudoacacia</i>	False Acacia						
<i>Rosa rubiginosa</i>	Sweet Briar, Briar Rose						
<i>Rubus fruticosus</i> (agg. spp.)	Blackberry						
<i>Salix spp. except S. babylonica, S. reichertii and S. alodendron</i>	Willows						
<i>Salix alba var purpurea</i>	Golden Upright Willow						
<i>Salix caprea</i>	Goat or Pussy Willow						
<i>Salix cinerea</i>	Grey Sallow						
<i>Salix fragilis</i>	Crack Willow						
<b>Weeds</b>		<b>ACT declared weeds list</b>	<b>ACT harmful weeds list</b>	<b>Queanbeyan Shires weeds list</b>	<b>Yarrowlu mla Shires weeds list</b>	<b>Cooma-Monaro</b>	<b>Southern Slopes County Council (Boorowa, Harden, Yass, Young) weeds list</b>
<b>Botanical name</b>	<b>Common name</b>						
<i>Salix laucophylloides</i>							

<i>Salix matsudana</i> <i>Pendula</i>							
<i>Salix matsudana</i> <i>Tortuosa</i>	Tortured Willow						
<i>Salix matsudana</i> X <i>S. alba</i> (all clones)	Matsudana hybrid Willows						
<i>Salix nigra</i>	Black Willow						
<i>Salix purpurea</i>	Purple Osier						
<i>Salix viminalis</i>	Common Osier						
<i>Salix</i> X <i>rubens</i> ( <i>S.</i> <i>alba</i> X <i>S. fragilis</i> )	Gold-crack Willow						
<i>Salvinia molesta</i>	Salvinia						
<i>Sclerolaena birchii</i>	Galvinised Burr						
<i>Senecio</i> <i>madagascariensis</i>	Fireweed						
<i>Solanum</i> <i>laeagnifolium</i>	Silverleaf Nightshade						
<i>Solanum rostratum</i>	Buffalo Burr						
<i>Stemodia</i> <i>heterophylla</i>	W.A. Bluebell Creeper						
<i>Styphelia domestica</i>	Service Tree						
<i>Sorghum halepense</i>	Johnson Grass						
<i>Sorghum x almum</i>	Columbus Grass						
<i>Toxicodendron</i> <i>rupestris</i>	Rhus Tree						
<i>Tropaeolum</i> <i>andersonii</i>	Wandering Jew						
<i>Vicia europaea</i>	Gorse						
<i>Vincetoxicum</i> <i>major</i>	Periwinkle						
<i>Xanthium</i> spp.	Bathurst/Noogoora /California/Cockle Burrs						
<i>Xanthium</i> <i>occidentale</i>	Noogoora Burr						
<i>Xanthium</i> <i>pinosum</i>	Bathurst Burr						