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## Victorian weeds strategy: legislation and enforcement

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### Introduction

The need to manage weeds is now recognized as a major Resource Protection issue.

- The International Union for the Conservation of Nature claims that 'invasive species' is the second greatest threat to biodiversity preservation (the first is land clearing).
- Landcare groups across Australia list weeds as the most common top priority issue.
- Each of the 10 Regional Catchment Management Strategies in Victoria list weeds in the top priority issues to address.

### Legislation

The Quarantine Act 1908 controls the introduction of species into Australia and is the major barrier to weed introduction under Commonwealth legislation.

In Victoria three main pieces of legislation require action to be taken against weeds. These are:

- Catchment and Land Protection Act 1994,
  - National Parks Act 1975,
  - Flora and Fauna Guarantee Act 1988.
- In addition, several other Acts address some aspects of weed management. The Parliamentary Inquiry into Weeds in 1998 mentioned the following Acts:
- Conservation Forests and Lands Act 1987,
  - Crown Land (Reserves) Act 1978,
  - Land Act 1958.

Local Government Act 1989 and Planning and Environment Act 1987 provide the opportunity for local councils to enforce weed control.

Many other Acts impact on some aspects such as roadside weed management: viz Forests Act 1958, Transport Act 1983 and Country Fire Authority Act 1958.

#### *Catchment and Land Protection Act 1994*

This Act provides for the declaration of 'noxious weeds'.

A noxious weed is defined as 'a plant which has or may have the potential to become a serious threat to primary production, Crown land, the environment or community health in Victoria.'

Four categories of 'noxious weeds' are declared.

For the first three, State Prohibited Weeds, Regionally Prohibited Weeds and Regionally Controlled Weeds, the responsibility is with public and private landowners to eradicate or prevent the growth and spread of these weeds on their land. The government provides particular assistance for the eradication of the Prohibited species. Contaminated equipment, soil, stock, fodder or produce may not be moved without a permit. The plants themselves may not be moved, dumped, sold or grown without a permit.

The fourth category Restricted Weeds may not be sold or traded. No plants have as yet been listed in this category.

#### *National Parks Act 1975*

This Act requires that National and State Parks be managed in a manner that will:

- preserve and protect indigenous flora and fauna in the park and
- eradicate or control exotic flora in the park.

This is generally achieved by: the development of park management plans which

may include weed management plans, and contract arrangements with Parks Victoria for on-ground management of parks. These plans are strategic in nature and don't really get down to the operational requirements for dealing with weeds.

#### *Flora and Fauna Guarantee Act 1988*

This Act provides for the conservation of Victoria's flora and fauna, using various mechanisms for the conservation, management and control of flora and fauna and potentially threatening processes.

'Invasion of native vegetation by environmental weeds' is listed as a potentially threatening process. Some Action Statements for threatened species include measures to control weed invasion.

#### **Enforcement**

Under the Catchment and Land Protection Act 1994 the Department of Natural Resources and Environment conducts a substantial enforcement or compliance program. This is directed to priority species in each area and provides support to community groups which are undertaking planned, co-ordinated action. Although the major focus is on protecting the productive value of private land, a number of environmental weeds are targeted in each region. For example boxthorn and furze (gorse) are targeted in the north-west, serrated tussock and furze in the south-west, blackberry, St. John's wort and English broom in the north-east and blackberry, furze and English broom are targets in Gippsland.

Achievements of the Compliance Program in 1998-99 were:

- 87% compliance rate for landowners dealing with priority weeds,
- 13 771 properties covering over 1 million hectares were inspected,
- over 10 000 landowners were contacted,
- 344 Land Management Notices and 1119 Directions were served on landowners requiring action to be taken,
- 11 landowners were prosecuted for failing to undertake the required weed control.

A commitment has been made to continue and expand the Enforcement Program in the 1999-2000 financial year.

A Weedwatch project has just commenced under the Weeds Initiative and will develop co-operative mechanisms to stop the spread of weeds through the nursery, aquatic and seed trades.

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## Preventing the introduction of potential new weeds to Australia

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#### **Introduction**

New species and varieties of plants have been brought into Australia continuously since European colonization. While a proportion of these are beneficial and contribute to the quality of Australian life, a similar proportion have naturalized and become weeds of production or the natural environment. The demand to import new plants continues; in a global environment of free trade and easier access to novel plants, this demand is likely to continue to grow.

Eradication of weeds can be very expensive and is unlikely to succeed unless the infestation is detected at a very early stage. Containment and control are also costly and the cost persists indefinitely. The costs involved in identifying potential new weeds and denying their entry to Australia are very small by comparison.

The National Weeds Strategy (NWS; ARMCANZ 1997), which was formally implemented in 1997, identified the development and introduction of measures to exclude new weed introductions as a primary goal. A review of Australian quarantine (Nairn *et al.* 1996) made similar recommendations. In recognition of this, and with funding support from the NWS, the Australian Quarantine and Inspection Service (AQIS) has implemented a process to screen plant introductions for potential weeds.

#### **Barrier agencies**

Barrier agencies include customs, immigration and quarantine. The Australian Customs Service is the primary custodian of the international barrier, recording and regulating trade, imposing tariffs and policing contraband such as drugs, firearms and protected wildlife.

The role of quarantine is to regulate international trade and movement of people with the object of preventing the introduction, establishment or spread of diseases or pests affecting people, animals, or plants. AQIS is the Commonwealth provider of this function.

AQIS aims to achieve two outcomes through the services it provides. They are:

- improved market access opportunities for Australian food and other agricultural products; and
- protection of Australia's animal, plant and human health and the environment.

The role of AQIS is further described in the current Corporate Plan ([www.aqis.gov.au](http://www.aqis.gov.au)). Although AQIS traditionally has focused on protection of plant health in production systems, the second outcome clearly identifies protection of the environment as part of the overall scope.

#### **Trade vs. risk**

Quarantine risk can only be eliminated by eliminating all trade, tourism and other

movements across Australia's international borders. As Australia is largely dependent on trade and tourism for the quality of life Australians enjoy, AQIS imposes conditions on imported commodities to manage the quarantine risk and achieve an appropriate level of protection for animal, plant and human health and the environment. Appropriate level of protection refers to the need for consistency, net benefits over costs associated with a trade activity and the diminishing returns of additional measures to further reduce risk.

As a member of the World Trade Organization (WTO), Australia is committed to an open international trading environment. AQIS applies a conservative approach to the management of quarantine risks, but must justify the conditions and restrictions the Commonwealth imposes on the grounds of sound quarantine risk or be accused of erecting economic barriers to the detriment of traders seeking to buy or provide a cheaper or novel product.

Determining the quarantine risk of new plants requires scientific knowledge that may not be available. The precautionary principle in essence states that, in the absence of scientific information necessary to assess risk, the risk should be avoided, that is, the import should not be allowed.

The Sanitary and Phytosanitary (SPS) agreement between WTO members (WTO, 1994) allows for restrictions on trade where such trade can lead to adverse effects on plant health. The agreement requires a sound and clear technical basis for such restrictions. While the precautionary principle requires scientific data to justify trade, the SPS agreement requires such data to justify restrictions on trade.