

## FACT SHEET:

# Legal responsibilities for weeds and pest animals



### Catchment and Land Protection Act 1994 (Victoria)

The main aim of the Act is to protect farms and primary production, Crown land, the environment and community health from the effects of noxious weeds and pest animals.

The Act prohibits the movement and sale of species declared as noxious weeds within Victoria. This includes plants of all categories in the species, including weed seeds occurring as contaminants in seed lots, plant products or on vehicles, machinery or animals. It also regulates the importation, keeping, sale and release of declared pest animals.

Under the Act, landowners are legally obliged to manage noxious weeds and pest animals on their land. They must take all reasonable steps to eradicate regionally prohibited weeds, prevent the growth and spread of regionally controlled weeds, and prevent the spread of – and as far as possible eradicate – established pest animals on their land.

The legislation must be kept up-to-date to deal with invasive species. Fortunately, recent changes to the Act have improved how noxious weed and pest animal declarations are made. In Victoria, weeds are now classified in three broad categories:

- Declared Noxious weeds gazetted under the Catchment and Land Protection Act 1994
- Environmental weeds
- Agricultural weeds.

Note that individual weed species may fit into more than one category. New noxious weed and pest animal declarations are released in the Victorian Government Gazette. The most recent release of new declarations was 1 October 2010.

## Declared Noxious weeds

The Act divides Victoria into 10 catchment regions and declares four categories of noxious weeds in the regions.

These categories are:

- State Prohibited weeds
- Regionally Prohibited weeds
- Regionally Controlled weeds
- Restricted weeds

**State Prohibited weeds** either do not occur in Victoria but pose a significant threat or occur in small infestations where they may be expected to be eradicated.

The Department Economic Development, Jobs, Transport and Resources (DEDJTR) is responsible for their control, eradication or exclusion.

**Regionally Prohibited weeds** are not widely distributed in a region but may spread further.

It is reasonable to expect their control or eradication from the region in which they are prohibited.

Public landowners must control these weeds on their property.

Private landowners must also control these weeds on their property and are encouraged but not legally required to control them on adjoining roadsides.



**Regionally Controlled weeds** are generally widespread in a region.

While eradication may not be possible, they should be continually controlled at an acceptable level.

Landowners must control and prevent the spread of them on their property and adjoining roadsides.

**Restricted weeds** are a serious threat to primary production, Crown land, the environment or community health in a state or territory other than Victoria.

They can potentially spread into and within Victoria and must not be sold or traded in Victoria.

Note that the responsibilities of landowners for the eradication and control of Declared Noxious weeds can be legally enforced. The DEDJTR can prosecute landowners who fail to eradicate or control weeds for which they are responsible, either on their property or adjoining roadsides.

**Environmental weeds** pose a serious threat to natural ecosystems in Victoria.

They can be very invasive and readily out-compete local indigenous plants, reducing plant diversity and indigenous habitat. Non-local native species can be classified as environmental weeds and that environmental weeds may also be declared noxious weeds. Examples of environmental weeds are Cootamundra Wattle (*Acacia baileyana*) and Sweet Pittosporum (*Pittosporum undulatum*).

**Agricultural weeds** mainly threaten crop, pasture and horticultural lands.

They may also be declared noxious weeds. An example is Serrated Tussock (*Nassella trichotoma*).

## Pest animals under the CALP Act

Under the *Catchment and Land Protection Act 1994 (CaLP)*, certain animals are declared as pest animals in Victoria. These animals are, or have the potential to become, a serious threat to primary production, Crown land, the environment or community health in Victoria.

Under the CaLP Act, animal species can be declared in one of four categories:

- Prohibited pest animals

- Controlled pest animals
- Regulated pest animals
- Established pest animals

Under the CaLP Act, Prohibited, Controlled and Regulated pest animals are collectively defined as Restricted pest animals.

### Restricted pest animals

These animals are not established in the wild in Victoria, however they are, or have the potential to become, a serious threat to primary production, Crown land, the environment or community health in Victoria.

The importation, keeping, breeding and trading of restricted pest animals without a permit is illegal and penalties apply.

Occurrences of restricted pest animals, in the wild or being illegally kept, should be reported to DEDJTR customer service centre on 9208 3333.

### Established pest animals

These animals are established in the wild in Victoria and are a serious threat to primary production, Crown land, the environment or community health in Victoria.

Land owners have the responsibility to take all reasonable steps to prevent the spread of, and as far as possible eradicate, established pest animals on their land.

It is not possible to eradicate these pest animals from the state, therefore asset protection is the most effective approach to minimise their impact on high value assets.

### Common pest animals:

**Foxes** are declared as established pest animals in Victoria under the CALP Act. Predation of small native animals by foxes is also listed as a threatening process under the *Flora and Fauna Guarantee Act 1988* (Victoria) because of the threat foxes pose to native wildlife populations. It is thought that, if rabies should ever enter Australia, foxes will be the major vector (carrier) for the spread of the disease.

**Rabbits**, feral or wild, are also declared as established pest animals under the Act.

[Wild dogs \(not meaning dingos\)](#) are declared 'established pest animals' under the CaLP Act 1994. They are a major threat to livestock and production on private land in provincial Victoria, and they prey on native fauna. Control programs should be developed in consultation with DEDJTRI and Nillumbik Shire Council. The DEDJTR offers support to producers after wild dog attacks.

**Deer** are a registered game animal and subject to seasonal hunting restrictions. Contact the DEDJTR for further advice on 9208 3333.

Licences are required to control certain animals that the landholder may consider pests.

Native animals and other declared wildlife (including kangaroos, possums and wedge-tailed eagles) are protected under the *Wildlife Act 1975* and are not declared pest animals under the CaLP Act.

When crops are being damaged by birds, flying foxes or other animals, farmers or horticulturalists can apply for an authority to control wildlife from the DEDJTR.

## Other pests include:

- Feral cats
- Indian myna's
- Feral pigs
- Goats

## Useful resources and links

Nillumbik Shire Council Environmental Weed Booklet

Nillumbik Shire Council Rabbit Control in urban and peri urban areas

[PestSmart Toolkit](#)

[Department of Economic Development Jobs Transport and Resources website](#)

