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Legislating for sustainable weed management in Tasmania, Australia

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Abstract

In order to ensure the benefits of weed science are realised through the application of on-ground weed management activities, it is important that there is political, public, and legal support for these management activities. As part of an overall strategic approach to weed management in Tasmania, weed scientists extended their role to developing a scientifically sound weed management law to ensure there were legal requirements for integrated and sustainable weed management operations in the State. The *Weed Management Act 1999* places a statutory requirement for assessing the weed risk of plants if they are to be declared weeds under the Act. In addition, simply declaring a species as a weed under law is recognised as being insufficient to ensure action is taken against that weed. Therefore, once a plant species is declared a weed, there is a statutory requirement to develop a scientifically sound weed management plan for that species which not only contains details as to exact actions needed against the weeds, and the legal requirements to undertake those actions, it also details responsibilities for undertaking those actions. Further, the laws require regular review of these plans to ensure they are being implemented appropriately. Finally, both declaration and weed management plan preparation processes are subject to extensive consultation with the general public and provides anyone interested with opportunity to participate in the process. Such laws, as part of a government/community joint strategic approach to weed management, not only lead to a 'weeds-aware' society, they provide an atmosphere in which advances in weed science and improved weed management capabilities can be fully realised.

Introduction

Weeds have been estimated to cost Australia in excess of \$A3.3 billion each year (Combella, 1987; CoA, 1999) impacting on the agricultural sector. This figure does not include the cost of weeds on the environment (Parliament of Victoria, 1998). In the Australian State of Tasmania, weeds have been recognised as one of the most serious threats to primary production and the natural environment (DPIF, 1996). Costs to the island economy as a result of weed invasions have been estimated to be in excess of \$A30 million per year. In Tasmania in early 1994, a coordinated project to develop a strategic approach to weed management across the State was begun. It was

considered such an approach to weed management was a pro-active one which, over time, could reduce the need for costly ad-hoc treatment of weed problems (Bishop and Harradine, 1999) and minimise their impacts in Tasmania. An important component of this strategic approach was the identification and development of appropriate supportive legislation (DPIF, 1996). Tasmanian weed scientists were primarily responsible for extending their research and development role to developing a scientifically sound weed management law to ensure there were legal requirements for integrated and sustainable weed management operations. The result of four years of developmental work is the *Weed Management Act 1999* of Tasmania.

Development of the *Weed Management Act 1999*

During the public consultation process for the development of WeedPlan, the Tasmanian weed management strategy, public submissions were sought on weed management in Tasmania. The majority of responses received related to legislative aspects of weed management with regular references to weaknesses and shortcomings of the existing *Noxious Weeds Act 1964*. To address these concerns, a draft weed management Bill was developed with the intention of replacing the *Noxious Weeds Act 1964*. This was then subject to three rounds of stakeholder scrutiny via a representative organisation, called the Tasmanian Weed Management Committee. The result was a Bill tabled in the Tasmanian Parliament in late November 1999 based on sound weed management principals. Unique to the development process was the fact that the legislation was developed in response to identified shortcomings of existing legislation as a result of a strategically planned approach to weed management in Tasmania.

Major components of the *Weed Management Act 1999*

Declaration process

The Act defines a new consultative and objective process for declaring weeds based on a comprehensive process of weed risk assessment. Decisions to declare a plant species is objectively based and must be approved by the Government Minister in charge of administering the legislation. The Minister's intent to declare the species is advertised and subject to a period of 30 days comment during which time public submissions will be sought. Broad conditions for declaring a plant as a weed under legislation include potential adverse impact on Tasmania's productive capacity, natural or physical resources, genetic diversity, or maintenance of ecological processes. The Minister must have regard for nature conservation, social, and economic matters.

Weed Management Plans

Once a plant species is declared a weed, there is a statutory requirement to develop a scientifically sound weed management plan for that species which not only contains details as to exact actions needed against the weeds and legal requirements to undertake those actions, it also details responsibilities for undertaking those actions. The weed management plans must demonstrate the principles of integrated weed management and take into account weed management as a component of a broader approach to natural resource management. Further, the laws require regular review of

these plans to ensure they are being implemented appropriately. A declaration cannot persist without a weed management plan being developed and implemented. This requirement ensures appropriate actions are allocated and undertaken by the responsible parties.

Discussion

During the development of the new legislation, there was a growing community expectation as to what the new laws would achieve with respect to weed management in Tasmania. The author has been very conscious of this and has attempted to educate the community that legislation, although very important, is just one component of an integrated approach to managing weeds. Used as the primary process to encourage weed management in the State, it is unlikely to succeed, however used as an effective back up tool to an empowered community, the chances of this legislation enhancing weed management are great.

The success of this piece of legislation in terms of weed management is further enhanced by the extent of community consultation required to progress the declaration and management processes. The 30 day period of public comment during the declaration of a plant under the Act, and a similar consultation period for the development of the weed management plan for the declared species attempts to break down the barriers to community participation in the process of legally enforced weed management. This is very important if the principles of ownership of the weed problem by community (the basis of the community weed management philosophy in Tasmania) are to be underpinned by complementary legislation (Bishop, 1998; Welsh, Elliott, and Bishop, 1999).

Laws such as the *Weed Management Act 1999*, as part of a government/community joint strategic approach to weed management, not only lead to a 'weeds-aware' society, they provide an atmosphere in which advances in weed science and improved weed management capabilities can be fully realised with support for their implementation.

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