

## Guidelines for applicants

### Permit to use a declared weed or potential weed under section 30 *Weeds Management Act*

#### About Weeds

Weeds have major economic, environmental and social impacts in Australia, causing damage to natural landscapes, agricultural lands, waterways and coastal areas. Weeds impact on biodiversity by out-competing native plants and degrading habitats, interfering with recreational activities and can cause severe allergic reactions in people.

A declared weed is a plant or species of plant which has been identified for control, eradication or prevention of entry into or out of the Territory under the Northern Territory *Weeds Management Act*. Some plant species, although declared as a weed, continue to have a value and it may be appropriate to allow their continued use by way of a permit issued under strictly controlled conditions.

#### What is a permit to use a declared weed?

A person may apply to the Minister for Natural Resources, Environment and Heritage for a permit to use a declared weed under section 30 of the *Weeds Management Act*. The Minister has the right to grant, or refuse to grant, a permit.

#### Why do I need a permit to use a declared weed?

It is necessary to apply for a permit to use declared weeds to ensure that adequate safeguards are put in place to ensure the use of such weeds is strictly controlled and monitored.

#### What is the application process?

Applications to use a declared weed (section 30 *Weeds Management Act*) must be made in writing, in the format approved by the Minister from time to time, be signed by the applicant(s), and accompanied by the prescribed fee (if any).

The application process will consider a range of matters from the purpose of use, methods of distribution, security measures for the safe collection, use, transport and storage of a weed, environmental monitoring, other import/export permits and approvals, and methods of disposal or destruction.

It is the policy of the Northern Territory Government not to issue permits to use (except for scientific purposes) weeds which are not present in the Northern Territory and are assessed under the Northern Territory Weed Risk Assessment System as a very high or high weed risk.

A person who applies for a permit will be required to provide sufficient detail of the proposal to the extent that the Minister will be satisfied the weed will not be inadvertently or deliberately spread or contaminate other areas from the place of collection, propagation or distribution. An applicant will also be required to provide any other information which may be requested by the Minister (or his delegate) in assessing an application for a section 30 permit.

The grant of a permit is independent of any other licences, permits or other approvals which may be required to undertake the proposed project. The applicant is advised to seek advice from other authorities, agencies and organisations as may be required in regards to, (but not limited to):

- *Water Act* (for surface and ground water extraction and drilling enquiries);
- *Aboriginal Land Rights (Northern Territory) Act* (for entry to Aboriginal lands and waters);
- *Northern Territory Sacred Sites Act* (for a certificate to cover the proposed activities and for the protection of any sacred sites that might be affected by the proposed project);
- *Planning Act* (for all planning, development and land use consent issues);
- *Australian Quarantine and Inspection Service* (for permits to import plants into Australia).

### Are there any special conditions or restrictions?

The Minister may grant a permit subject to whatever conditions are determined appropriate to the application on a case by case basis. Under section 30(7) of the Act, the Minister *may* require an applicant for a permit to lodge a bond which is sufficient to provide a security against costs and expenses that may be incurred to prevent the spread of the weed or as a result of action taken under the permit.

### How long is a permit valid for and what is the process for renewal?

A permit granted under section 30 continues to be held until the expiry date listed on the permit, unless revoked, surrendered or cancelled sooner.

Permits will not be automatically extended or renewed on expiry. Having previously held a permit, does not automatically entitle an applicant to a further permit. Permits are not transferable.

### What penalties apply for failure to comply with a permit?

An offence against section 30(6) of the *Weeds Management Act* is considered to be an Environmental Offence Level 3 under the *Environmental Offences and Penalties Act*. Penalties for an offence against this section range between \$5 000 & \$50 000 for a person, or \$25 000 & \$250 000 for a Corporation.