



15. Introduced plants and animals

Introduced plants and animals have become established in all biogeographic regions in Western Australia. Introduced animals compete with and prey upon native species, and graze native vegetation leading to land degradation and loss of biodiversity. Introduced plants (or weeds) also pose a significant threat to the State's biodiversity through direct competition with native plants and indirectly through increasing the threat of fire. In addition to the environmental impacts, introduced species also cause significant losses to agricultural and pastoral industries.

This fact sheet explains the laws relating to introduced plants and animals in Western Australia, and identifies the bodies responsible for their management. See also **Fact Sheet 8: Biodiversity conservation in Western Australia**, **Fact Sheet 9: Biodiversity conservation under Commonwealth law**, **Fact Sheet 32: Land degradation** and **Fact Sheet 34: Pastoral land management**.

What are “introduced plants and animals”?

Introduced plants and animals are species that are not native to Western Australia. Examples include animals such as the red fox, feral cat and rabbits, and plant species such as Patterson's Curse, Watsonia and Bridal Creeper. For the purposes of this fact sheet, the definition includes species that are not established in the State, but which pose a threat to the environment if introduced.

What controls apply to introduced species?

The controls on introduced plants and animals can be divided into two categories:

- laws directed at preventing the introduction of new species (“import controls”); and
- laws directed at controlling species that are already established (“declared species controls”).

Importing plants and animals to Western Australia

Controls on imports from overseas

There are a number of controls on importing plants and animals into Australia. The *Quarantine Act 1908* (Cth) is designed to prevent or control the introduction of pests that could cause significant damage to humans, animals, plants, the economy or the environment generally. Because of the significant threats posed to the Australian environment by the introduction of exotic pests, the list of species subject to import restrictions is extensive. The list includes any plant or animal, most food stuffs and most items made from wood. For further information on the restrictions that apply to a particular item, contact the **Australian Quarantine Inspection Service** (AQIS).

Other import controls may also apply, including restrictions on trading in endangered species (see **Fact Sheet 9: Biodiversity conservation under Commonwealth law**), customs (contact **Australian Customs Service**) and controls on importing genetically modified organisms (see **Fact Sheet 16: Genetically modified organisms**).

Controls on imports from other States or Territories

Is approval required to bring an animal into Western Australia?

There are a number of controls on bringing animals into Western Australia. These controls are designed to protect biodiversity and prevent the introduction or spread of diseases or pests that might affect agriculture and other industries.

Important disclaimer:

This Fact Sheet is for general information purposes. Important legal details have been omitted to provide a brief overview of this area of the law. If you require legal advice relating to your specific circumstances you should contact the Environmental Defender's Office WA (Inc) or your solicitor. The EDO takes no responsibility for any loss or damage resulting from any error in this Fact Sheet.

These controls can either prohibit or restrict the import or movement of animals, including the intrastate movement of certain animals. These controls are complex and apply to most species of animal. You should check with the **Department of Agriculture**, the **Department of Conservation and Land Management** and (in the case of fish species) the **Department of Fisheries** to see what controls apply before importing any animal into the State.

Is approval required to import plants or plant material into WA?

There are a number of restrictions applying to the import of plants and plant material (seeds, leaves etc) into Western Australia. These controls are primarily directed towards protecting the State's agricultural industry from pests and diseases that are present elsewhere in Australia.

Due to the number of plant species subject to restriction, it is not possible to explain all of the relevant controls in this fact sheet. It is recommended that you check with the Western Australian Quarantine and Inspection Service within the **Department of Agriculture** before importing any plant, plant material or seeds into the State.



Controls on declared species

What are “declared species”?

Under the *Agriculture and Related Resources Protection Act 1976*, plants and animals can be “declared” where they pose a threat to agricultural industries. Whilst this Act is not directed at protecting the environment, many species that threaten agriculture are also a threat to the environment. Therefore, the current lists of declared species include many environmental pests, such as the red fox, rabbits, starlings and all species of aquarium plants. However, there are many instances where species that do not pose a threat to agriculture are not declared, including the feral cat and *Watsonia*.

How are species “declared”?

The decision to declare a plant or animal is made by the Agriculture Protection Board, often on the advice of the Department of Agriculture, local governments or zone control authorities established under the Act. The declaration takes effect when the notice is published in the *Government Gazette*. This list is required to be published at least once a year.

If you believe you may have a declared plant on your land, the Department of Agriculture offers a free identification service.

There is no statutory process for nominating species to the lists, but anyone concerned that a species should be declared or its classification changed may make submissions to the Board through the relevant local zone control authority.

Can native species be declared?

Native species of plant and animal may be declared under the *Agriculture and Related Resources Protection Act*. If a native plant is declared, then the controls that would otherwise apply to that species under the *Wildlife Conservation Act 1950* do not apply.

Weeds

There are no State-wide laws controlling environmental weeds (as distinct from introduced plants that are controlled due to their impact on agriculture). However, local governments may make local laws controlling weeds within their district. For example, the Shire of Serpentine-Jarrahdale has a local law in place requiring landholders to control certain types of environmental weeds growing on their land.

What controls apply to declared species?

Landholders duty to control declared species

When a plant or animal is declared, it is assigned to one or more management categories (see Table 1). These categories specify what action needs to be taken with respect to the particular declared species.

The owner or occupier of land containing declared plants of category P2, P3, P4 or P5 or declared animals of category A2, A5 or A7, has a duty to control that species in accordance with the requirements of the management category.

For the current list of declared plants and animals, and for information on the applicable control measures for these species, contact the **Department of Agriculture**.

Table 1 - Controls applying to declared species in Western Australia

Plants		Animals	
Category	Control measure	Category	Control measure
P1	Introduction and movement prohibited	A1	Introduction prohibited
P2	Species should be eradicated	A2	Species should be eradicated (except native species)
P3	Numbers to be reduced	A3	Species prohibited
P4	Prevent from spreading	A4	Introduction subject to restrictions
P5	Special controls applying to public land	A5	Numbers to be reduced
		A6	Keeping subject to restrictions
		A7	Native animals subject to management program

Failure by a private landholder or local government to control declared species is an offence, punishable by a maximum fine of \$200 for a first offence, or \$1,000 for subsequent offences. Whilst other government authorities are required to control introduced species on their land, there is no penalty for non-compliance.

Controls on keeping certain introduced animals

A person must not keep a declared animal of category A3 or A6 without approval from the Department of Agriculture. In the case of A3 animals, a permit can only be issued where the animal is to be kept for scientific or educational purposes.

Failure to obtain a permit is an offence, the maximum fine being \$1,000 (first offence) or \$5,000 (subsequent offences).

Releasing introduced animals

It is an offence to release or abandon:

- declared animals (with the exception of category A7) in any part of the State where the animal is declared;
- any animal in a place where it is not normally found at liberty;
- any animal (except racing pigeons) in circumstances where the recovery of the animal is impossible or uncertain, without approval from the Executive Director of the Department of Conservation and Land Management;
- any noxious fish in Western Australian waters.

Abandoning an animal may also amount to 'cruelty' under the *Animal Welfare Act 2002*. The maximum penalty for this offence is a fine of \$50,000 and five years imprisonment.



Other controls

Disease and pest restrictions

In addition to the "declared" plant controls under the *Agriculture and Related Resources Protection Act*, there are certain restrictions on importing items that might carry diseases, weeds and or other substances that may damage the State's agricultural industries. Examples of the types of things subject to import restriction include honey, hay and fodder, any soil (except commercial potting mix and minor dirt splatter on vehicles) and used fruit containers.

Environmental harm

If a person releases or abandons a non-native species and damage is caused to the environment (for example, where a threatened ecological community is affected), significant penalties may apply under State environmental protection laws (see [Fact Sheet 27: Pollution and environmental harm](#)) and Commonwealth environmental impact assessment laws (see [Fact Sheet 9: Biodiversity protection under Commonwealth law](#)).

Interfering with Crown land

It is an offence under the *Land Administration Act 1997* to leave any thing on Crown land (which may include animals or plants) without approval or reasonable excuse (see [Fact Sheet 11: Crown land management](#)).

Common law

If you are being affected by introduced species entering your land from other land, you may have a claim under common law (see [Fact Sheet 2: Common law](#)).

How can you become involved?

If you are concerned about the impact introduced species are having on the environment, there are a number of things you can do:

- seek advice from the Department of Agriculture, the Department of Fisheries and CALM before importing any animal or plant into Western Australia;
- nominate species to the Agriculture Protection Board for inclusion on the declared plants and animals list;
- report plants or animals you suspect of being declared to the Department of Agriculture;
- recommend your local government adopt local laws for the purpose of controlling weeds;
- report possible illegal import or release of introduced plants or animals to the Department of Agriculture (WAQIS) or AQIS.

Contacts and further information

To report suspected quarantine breaches, telephone AQIS on **1800 803 006** or WAQIS on **0404 819 512**

Australian Quarantine Inspection Service, Canning Vale

Tel: (08) 9311 5333

Department of Agriculture, WA Quarantine and Inspection Service, Canning Vale

Freecall: 1800 084 881

Agriculture Protection Board, South Perth

Tel: (08) 9368 3942

Department of Conservation and Land Management, Kensington

Tel: (08) 9334 0333

Department of Fisheries, Perth

Tel: (08) 9482 7333

Department of Environmental Protection, Perth

Tel: (08) 9222 7000

Environment Australia, Canberra

Freecall: 1800 803 772

Department of Local Government and Regional Development, Animal Welfare Unit, Perth

Freecall: 1800 620 511

For copies of legislation considered in this fact sheet visit:

State Law Publisher (WA legislation)

Tel: (08) 9321 7688

Australian Legal Information Institute (Commonwealth legislation)

The Environmental Defender's Office WA (Inc)

The Environmental Defender's Office WA (EDO) is a community legal centre specialising in public interest environmental law.

The objects of the EDO include:

- ◆ to provide community groups and individuals with legal advice and representation to help protect the environment;
- ◆ to promote law reform that improves environmental protection; and
- ◆ to provide community education about environmental law.

The EDO is a non-profit, non-government organisation. The EDO receives its principal funding from the Federal Attorney-General's Department. However, these funds are limited and donations from the public provide a vital source of funds for many of our activities. Donations over \$2 are fully tax deductible. The EDO also welcomes people with a commitment to the environment to join as members.

If you require legal advice on an environmental issue or wish to find out more about the EDO, please contact us at the following address:

Environmental Defender's Office WA (Inc)
Second Floor, Kings New Office Tower
533 Hay Street, PERTH WA 6000

Tel: (08) 9221 3030 Fax: (08) 9221 3070

Email: edowa@edo.org.au Web: www.edo.org.au/edowa

This fact sheet was produced with the assistance of:

