

Weed Management Legislation is Changing

Photo by Erin Fardy

The NSW *Biosecurity Act 2015* (the Biosecurity Act), will come into effect 1 July 2017. It will repeal the *NSW Noxious Weeds Act 1993*. Priority weeds will no longer be defined as “noxious” and the noxious class listings will no longer apply.

Why is the legislation changing?

Weeds, and the risk they pose to agriculture, industry, the environment and human health cannot be managed effectively unless we all share responsibility for identification and control. The Biosecurity Act establishes a number of biosecurity duties that a person has which provides a framework for sharing biosecurity risk management between government, industry and the community. The new legislation provides greater flexibility to respond to, manage and control all weed species. This more flexible, outcomes-focused approach will overcome the deficiencies of the current Noxious Weeds Act by providing a range of tools and powers that support risk based decision making about weed infestations and decrease the time it takes to respond to problematic weeds. For the minority of people who do the wrong thing, the Biosecurity Act also includes stronger enforcement tools.

How will I know which weed species are priorities after 1 July?

Each region in NSW has a Regional Weed Committee and each committee has developed a Regional Strategic Weed Management Plan. The plans are available on the Local Land Services website for each region (lls.nsw.gov.au). Appendix 1 of each Regional Strategic Weed Management Plan identifies the priority weeds for control at a regional scale.

A local problem weed is not on my region's Appendix 1 regional priority list. Does that mean do nothing?

Land owners and managers should still take appropriate action to reduce the impact of the weed, as a general biosecurity duty applies to all problem weed species regardless of whether they are listed in the Regional Strategic Weed Management Plan or not. Local council management plans may also identify weeds that have been assessed as being priority species for a local government area. The general biosecurity duty applies to these species.

How will I know if my weed management measures are adequate?

Appendix 1 of the Regional Strategic Weed Management Plans details expected outcomes and recommended measures for controlling the regional priority weeds that are listed. If you are achieving the outcomes to demonstrate compliance with the general biosecurity duty, your weed management measures are adequate. If the weed is not listed in Appendix 1 then the general biosecurity duty still applies.

If you have any questions, you can contact your local council weed officer, your region's NSW Weeds Action Program project officer or nearest Local Land Services office.

Will the local control authority weed officer's role changed?

Local control authorities (usually local councils and county councils) will still be responsible for conducting inspections; providing education, training and resources for both the public and staff and; enforcing the Biosecurity Act. Local control authority weed officers will be appointed as authorised officers under the Biosecurity Act so that they can continue to exercise the functions of an authorised officer.

How will the weed management outcomes be enforced?

Under Section 23 of the Biosecurity Act, a person who fails to discharge a biosecurity duty is guilty of an offence. However, a guilty verdict in court does not in itself result in prevention, elimination or minimisation of the risk. The preferred approach to achieving the desired outcome if the general biosecurity duty is not discharged, is for an authorised officer to issue a biosecurity direction. This prescribes the actions the person must take to achieve the desired outcome and, normally, a time frame for those actions to be taken. A person who fails to comply with a biosecurity direction is also guilty of an offence, and an authorised officer may arrange for the work to be done and for the costs to be recovered from the person.

For information on how to identify and control 300 different weed species, visit NSW Weedwise

www.weeds.dpi.nsw.gov.au

Scenario: A weed not listed in the Priority Weed list
in Appendix 1 of Regional Strategic Weed Management Plan (RSWMP)

Weed 'X' - Growenium likecrazy



Authorised Officer conducts routine inspection and identifies dense stands of weed X which presents a clear biosecurity risk and/or impact.

Authorised Officer discusses problem with the owner of the property, explaining the biosecurity impact or risk to the community. Expected control outcomes and management options are discussed and the landowner referred to Best Practice guidelines if available.



Further inspection shows work still not done. Authorised officer has work undertaken by a local contractor and costs are recovered from the owner. Penalty notice may be issued.

Authorised Officer inspects a month later and landowner has not addressed the required outcomes. Biosecurity direction issued requiring specific actions. Failure to comply with a Biosecurity Direction is an offence.

What does general biosecurity duty mean?

Simply, the general biosecurity duty means that all public and private land owners or managers and all other people who deal with weed species (biosecurity matters) must use the most appropriate approach to prevent, eliminate or minimise the negative impact (biosecurity risk) of those weeds.

The general biosecurity duty is outcome focused. It recognises that in many circumstances the person with the general biosecurity duty is best placed to decide what is reasonable and practical to do to prevent, eliminate or minimise the biosecurity risk.

The general biosecurity duty provides flexibility for how biosecurity risks are managed and means everyone is doing what is reasonable for them to do to prevent, eliminate or minimise biosecurity risks.

What is the relationship between the Regional Strategic Weed Management Plans and the NSW Biosecurity Act?

Regional implementation of the new Act for weeds will be supported through Regional Strategic Weed Management Plans. Whereas the Act covers all biosecurity risks (e.g. pest animals, plant diseases etc), the Plans focus on managing weed biosecurity. The plans support the regional implementation of the NSW Biosecurity Act 2015 by articulating community expectations in relation to effective weed management and by facilitating a consistent and coordinated approach to weed management across entire regions. The plans relate to all lands and waters (excluding marine).

How can I find out more about the changes?

For more information on the NSW Biosecurity legislative framework, visit

www.dpi.nsw.gov.au/biosecurity

or contact your Local Land Services office

www.lls.nsw.gov.au

or contact your local council.

NEW SOUTH WALES
WEEDS ACTION PROGRAM

Scenario: Plant at nursery in the Priority Weed list
in Appendix 1 of Regional Strategic Weed Management Plan (RSWMP)

Weed 'X' - Growenium likecrazy



Outcomes and recommended measures to meet the General Biosecurity Duty listed in Appendix 1 of the Regional Strategic Weed Management Plan (RSWMP)

Authorised Officer discusses Priority Weed list with the owner of the business. Expected control outcomes and management options are discussed and the owner/manager referred to the outcomes and recommended measures in Appendix 1 of the RSWMP.



Authorised Officer negotiates a Biosecurity Undertaking with the owner of the business. Expected control outcomes and management options are discussed and the owner/manager referred to the outcomes and recommended measures in Appendix 1 of the RSWMP.

Authorised Officer conducts routine inspection of nursery / greenlife retailer and identifies Weed X for sale.



Authorised Officer inspects a month later and business has not addressed the required outcomes. Biosecurity direction issued requiring removal of plants. Failure to comply with a Biosecurity Direction is an offence.

Further inspection shows work still not done and penalty notice is issued.

Scenario: Plant in the Priority Weed list
in Appendix 1 of Regional Strategic Weed Management Plan (RSWMP)

Weed 'X' - Growenium likecrazy



Outcomes and recommended measures to meet the General Biosecurity Duty listed in Appendix 1 of the Regional Strategic Weed Management Plan

Expected control outcomes promoted through regional stakeholders and community education.



Authorised Officer discusses problem with the owner of the property and ensures the landowner understands the accepted measures for Weed X under the General Biosecurity Duty. Management options are discussed which may include referral to Best Practice guidelines if available. Authorised Officer may negotiate a Biosecurity Undertaking.

Authorised Officer identifies dense stands of Weed X along boundary fence of a property.



Authorised Officer inspects a month later and landowner has not implemented recommendations. Biosecurity direction issued - failure to comply with is an offence.

Further inspection shows work still not done. Authorised officer has work undertaken by a local contractor and costs are recovered from the owner. Penalty notice may be issued.