

# BIOSECURITY ACT 2015

## Biosecurity Regulation 2017

### Weed management on roads

#### Biosecurity Act 2015

Weed management in NSW is a shared responsibility under the *Biosecurity Act 2015* (the Biosecurity Act). This document addresses responsibility for management of road side weeds in NSW and how the Biosecurity Act and the *Road Act 1993* (the Roads Act) work together.

#### Who is responsible for weed management on roads?

The General Biosecurity Duty (section 22 of the Biosecurity Act) states that:

*“any person who deals with biosecurity matter or a carrier and who knows, or ought reasonably to know, the biosecurity risk posed or likely to be posed by the biosecurity matter, carrier or dealing has a biosecurity duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.”*

This means that a person or authority who has responsibility for the care, control or management of a road (and roadside), must prevent, eliminate or minimise weed biosecurity risks that they know about or could reasonably be expected to know about.

The Roads Act identifies the ‘roads authority’ responsible for the management of different types of roads within NSW. Table 1 provides a summary of the roads authority for different types of roads.

Table 1.

Type of road	Road authority
Freeways / gazetted roads	Roads and Maritime Services (RMS)
Crown roads	Minister for Lands and Forestry
Highways	Council of the local government area unless declared otherwise by the Roads Regulation 2008
State roads	Council of the local government area unless declared otherwise by the Roads Regulation 2008
Other public roads	Council of the local government area, unless declared otherwise by the Roads Regulation 2008

Councils are usually responsible for the road reserves except where Roads and Maritime Services (RMS) has specified otherwise, or there is an agreement with council that RMS is responsible. More information in relation to NSW Roads management arrangements can be found on the [RMS website](#).

#### What weed management must occur on road reserves?

There are 11 Regional Strategic Weed Management Plans ([the Plans](#)) that articulate how roads authorities, land managers and other stakeholders should prevent, eliminate, minimise and manage weed biosecurity risks in their regional area.

For more information about the Act, visit our website or contact us:

W [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

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Specifically, the plans:

- Outline strategic actions for local weed management, resource allocation and investment.
- Prioritise weed management based on risk, impact and feasibility of control in your local area.
- Explain clearly how land managers and general public can meet their general biosecurity duty and weed management expectations.

responsibilities, such as a requirement to regulate traffic when conducting weed management activities on road reserves.

The Plans were developed by local Regional Weeds Committees, whose membership includes government land managers (Local Government and County Councils, RMS, NSW Department of Primary Industries, Local Land Services, Office of Environment and Heritage/ National Parks and Wildlife Services, Forestry Corporation of NSW) and other key stakeholders (Aboriginal land managers, environmental interest groups, rural landholders and others). More information on the development of the Plans and Local Regional Weeds Committees is available at:

[www.ils.nsw.gov.au/biosecurity/weed-control](http://www.ils.nsw.gov.au/biosecurity/weed-control)

The actions and measures a roads authority must take to prevent, eliminate or manage biosecurity risks posed by weeds depends on what is 'reasonably practicable' for the prevention, elimination and minimisation of a biosecurity risk at a particular time, taking into account and weighing up all relevant matters. Relevant matters include the nature and potential impact of the biosecurity risk, and the cost, availability and suitability of any measures or actions. It is unlikely to be reasonably practicable if the cost is greatly disproportionate to the risk. What is reasonably practicable may also be influenced by other legislative

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