



## Submission in response to the Proposed Framework for a NSW Biosecurity Act

The Natural Resources Commission (NRC) has prepared this submission in response to the Department of Primary Industry's request for comments on the "Proposed Framework for a NSW Biosecurity Act" (the framework). The NRC supports the efforts to modernise current biosecurity legislation and cut red-tape, however has concerns that the current framework lacks sufficient detail to give confidence that biosecurity risks will be effectively managed. The suggestions made in our submission are intended to help improve the draft legislation, and are informed by the NRC's findings in the recent weed management review.

Positive aspects supported by the framework include a strong focus on shared responsibility and a range of flexible tools for managing biosecurity. The NRC supports the expressed intent to institute tenure neutral legislation, risk-based decision making, greater self-regulation by competent parties, and to support stronger ownership for biosecurity by industry and community members.

The stated primary object of the Biosecurity Bill is to "*enable the prevention, elimination or minimisation of the risk of adverse impacts on the NSW economy, environment and community caused by biosecurity matter*". However, the limited detail provided makes it difficult to fully assess whether the proposed legislation will achieve outcomes such as secure market access, reduction of lost productivity at the farm gate and recovery of threatened species.

Current institutional arrangements have not been successful in fighting the "war on weeds". The NRC found that the current weed management arrangements are inadequate due to:

- ineffective regulation, planning and funding;
- ineffective implementation;
- a lack of enforcement and accountability.

The proposed Biosecurity Bill and centralised institutional arrangements appear to be at risk of being a streamlined version of the current arrangements. Without a strong focus on prevention, tenure neutrality, and accountability across the whole biosecurity system the NRC is not confident better outcomes will be achieved for the State or for farmers.

The NSW Department of Primary Industries has indicated that the Biosecurity Bill will reduce costs for the agricultural industry. The NRC believes that further strengthening of surveillance, control and accountability is necessary to achieve this aim. Weeds cost the NSW economy almost \$2 billion annually, not including social and environmental impacts, with agricultural business incurring an estimated \$1.3 - \$1.6 billion of these costs. This represents a significant proportion of value of agricultural production, with the annual Gross Agricultural Product for NSW reported at \$14.5 billion in June 2011.<sup>1</sup> Further, weed management was the highest land management expenditure reported by farmers in a 2007 ABARES report.<sup>2</sup> These long-term costs for the

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<sup>1</sup> Figure provided in 'Agriculture NSW (July 2012) - statistical indicators 4/12', by Nathan Wales on behalf of the NSW Parliamentary Research Service.

<sup>2</sup> Australian Bureau of Statistics 2008, *Natural resource management on Australian farms: 2006-07*, no. 4620.0, ABS, Canberra.

agricultural sector are likely to continue to increase without adequately resourced, robust surveillance programs for invasive species and enforcement of responsibilities for all landholders.

The NRC's key concerns based on review of the framework are summarised below. Details are provided in the following sections, organised according to the questions posed by DPI.

- **Prevention** – The framework is meant to be more proactive than previous legislation, but the details emphasise efficiency and response measures, without indicating how prevention measures would be strengthened. Investment in prevention is far more cost effective than managing invasive species or diseases once they are established.
  - There is minimal focus on surveillance and it seems that the intent is to rely on the general biosecurity obligation and adequate local knowledge. Active surveillance is a critical component of effective prevention programs.
  - The framework does not include an option for a proactive preventative approach such as identifying species permitted to be sold, to ensure that any new introduction for sale is risk-assessed before being distributed through NSW.
- **Tenure neutrality** – DPI has indicated that a tenure neutral approach will be adopted, but the framework does not explain how a tenure neutral system will be supported or implemented, such as how public landholders would be held accountable.
- **Accountability and enforcement** – The framework does not provide confidence that sufficient mechanisms and resources will be provided to ensure that all landholders are held accountable and that enforcement will be carried out consistently and sufficiently to improve on-ground outcomes and compliance. The current system has been weakened by a lack of accountability. A firm commitment by government to enforce the general biosecurity obligation and a clear structure for audit and accountability are needed.
- **Governance** – The framework does not include clear governance structures making it difficult to determine how it will be implemented or how it will work, particularly in regard to management of invasive species.
- **Roles and responsibilities** – The framework does not provide sufficient detail regarding roles and responsibilities of various government agencies or landholders. While the NRC agrees that government needs to play a strong role in prevention and rapid response, there is a need for government roles beyond these functions in regard to coordination of activities, surveillance, enforcement and protection of environmental and social values.
- **General biosecurity obligation** – The NRC supports the general biosecurity obligation, but notes that there are potential risks if too much is left to this obligation without significant clarification in the form of guidelines, process and standards.
- **Stakeholder engagement** – The framework focuses predominantly on rapid response to emergencies such as disease outbreaks. As such, it leaves the impression of a highly centralised control approach. Many decisions are indicated to be made by the Secretary DTIRIS. While this may be necessary and appropriate in emergency situations, stakeholder inclusion, transparency and devolution should be a key component of other areas of biosecurity management.

In our consultation with industry and community across NSW we repeatedly encountered a lack of trust in government. The development of a new Biosecurity Act is an opportunity to show leadership and restore trust in government by listening to community concerns and delivering legislation that is proactive, specifies outcomes and holds public and private landholders and institutions to account.

## **Question 1: Does the framework include all mechanisms, instruments and powers necessary for the government to deal effectively with biosecurity management and emergency response?**

There are two main groups of biosecurity issues addressed by the proposed legislation: (1) diseases, pathogens and contaminants; and (2) pest plants and animals. The framework predominantly focuses on rapid response to diseases and pathogens. The tools provided may also work for addressing pest plants and animals, but different implementation procedures would be required. The framework would be strengthened by more fully explaining how it will be applied to invasive species management.

### **Surveillance and monitoring**

In indicating a more proactive approach to biosecurity management the framework has a strong focus on rapid response to biosecurity emergencies. The NRC fully supports strong emergency response mechanisms. However, rapid response can only be undertaken if it is supported by systematic and comprehensive early detection. The framework is relatively silent in regard to surveillance and reporting, which are critical elements. The first outcome listed in the Biosecurity Strategy for Goal 2 (“*Biosecurity contributes to sustainable economic growth*”) and Goal 3 (“*Biosecurity protects the environment and community*”), is “*improved identification, diagnostic, surveillance, reporting and tracing systems for pests, diseases and weeds*”. It is not clear from the framework how the legislation will ensure this outcome is achieved.

Prevention efforts are the most cost effective means to manage invasive species. The NSW Biosecurity Strategy indicates an indicative return on investment of 100 to 1 for prevention efforts.<sup>3</sup> If new weed incursions are not eradicated in a timely manner they will become widespread weeds with the costs borne by farmers, the environment and the broader community. Just one weed can result in tens of millions of dollars in economic impacts. For instance, it has been estimated that serrated tussock costs NSW \$45 million annually in control costs and lost production.<sup>4</sup>

The framework seems to rely predominantly on passive surveillance whereby individuals are expected to notify DPI of incursions as part of their general biosecurity obligation. Evidence and experience demonstrates that this alone is ineffective.<sup>5</sup> This is, in part, because not all landholders are present or able to identify weeds and there are disincentives to notification, regardless of legal obligations. A survey of weed inspectors across Australia found that “*over 74% of respondents have experienced hesitance on the part of landholders to report weeds because of the costs associated with weed control, fear of potential sanctions or enforcement, lack of interest and insufficient knowledge*”.<sup>6</sup>

The NRC’s draft weed management review report (draft report) notes that further improvements to surveillance and data management would contribute to better prevention of incursions. Currently Local Control Authorities (LCAs) have a responsibility to undertake surveillance on private land but there are no specific requirements as to the frequency of visits or the extent of land that must be inspected. This has led to inconsistent performance by LCAs. Further, there are no surveillance requirements for public land managers, leading to a fragmented surveillance system.

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<sup>3</sup> NSW Department of Primary Industries, 2013, ‘New South Wales Biosecurity Strategy 2013-2021,’ viewed on 20 June 2014 at [dpi.nsw.gov.au/biosecurity/biosecurity-strategy](http://dpi.nsw.gov.au/biosecurity/biosecurity-strategy)

<sup>4</sup> McLaren, D, Anderson, FE Barton, J, 2012, *Nassella trichotoma* (Nees) Hack ex Arechav–serrated tussock *Nassella neesiana* (Trin. and Rupr.) Barkworth–Chilean needle grass, *Biological Control of Weeds in Australia*, p.404.

<sup>5</sup> Braithwaite, H and Timmins, SM, 1999, Weed surveillance – catching ‘em early, *Australian Weed Conference Papers and Proceedings*, pp. 47-50.

<sup>6</sup> Sindel, BM, Coleman, M, Schneider, A and Reeve, I. (2010). The detection of weeds on Australian farms. In *17th Australasian weeds conference. New frontiers in New Zealand: together we can beat the weeds*. Christchurch, New Zealand, 26-30 September, 2010. (pp. 186-189). New Zealand Plant Protection Society.

There is also no consistent data management system, which inhibits weed manager's ability to track the location and density of weed incursions across the state to improve planning.

The new biosecurity legislation should provide for greater consistency and standardisation of surveillance. It is uncertain from the information provided in the framework exactly what surveillance is proposed for invasive species. Section 2.5 indicates that LCAs "*are responsible for ensuring the control of noxious weeds on private land by its owners or occupiers, on land that the LCA itself owns or occupies, and on certain roads, rivers, watercourses and inland waters. It is proposed that LCAs will continue to fulfil this function under the proposed framework*". It is not clear whether this means LCAs are intended to continue their current surveillance, or if they would be expected to respond to notifications under the framework.

### **Local service delivery**

The NRC's draft report indicates that local service delivery is a key strength of NSW weed management programs, this should be used to strengthen the new biosecurity legislation. The framework does not provide confidence that current systems will be strengthened and not deteriorated. The 2013 review of the Western Australia *Biosecurity and Agriculture Management Act 2007*<sup>7</sup> demonstrates that loss of local service delivery and surveillance has negative effects on outcomes. The review found that between 2002-03 and 2011-12 there was a 55 percent fall in the number of property inspections by the Western Australia Department of Agriculture and Food.

### **Enforcement**

Effective regulation relies partly on a credible threat of enforcement and sanctions for non-compliance. The framework includes tools such as control orders, management zones and notices but does not provide sufficient detail about who will be responsible for implementing enforcement measures or when enforcement would be carried out. In Western Australia, a private landholder was 30 times less likely in 2011 – 12 to be issued with a compliance notice than they had been a decade earlier and there was little or no enforcement of pest management. The review found that this "*expose(s) the state to an increased risk that established pests will spread and have a growing impact on agriculture, forests, the environment, social amenity and public health.*"<sup>8</sup>

If the regulatory framework does not effectively enforce compliance, there is an increased risk that landholders will not take effective control measures reducing pest control activities or simply give up. While most landholders are likely to comply, once properly informed of their obligations, control of biosecurity risks requires everyone to participate. Enforcement mechanisms are needed so that those who are creating risk but refuse to play their part can be held accountable.

### **Permitted list**

Given the risk of potentially serious and irreversible damage that may be caused by new incursions, a precautionary approach should be used in assessing appropriate responses. The framework focuses on rapid response to identified incursions and as such is largely reactionary. The NRC supports a more proactive prevention measure of establishing a permitted list indicating the species that are permitted to be sold in NSW and prohibiting the sale of all other species until their weed risk can be assessed. The existing framework includes discussion of, and a definition for, "prohibited matter", but does not incorporate "permitted matter". A permitted matter

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<sup>7</sup> Office of the Auditor General Western Australia, 2013, Managing the impact of plant and animal pests: a state-wide challenge, viewed on 10 June 2014 at [audit.wa.gov.au/reports-and-publications/reports/managing-impact-plant-animal-pests-state-wide-challenge/](http://audit.wa.gov.au/reports-and-publications/reports/managing-impact-plant-animal-pests-state-wide-challenge/).

<sup>8</sup> *ibid*

approach is justified by the considerable potential costs and impacts of new incursions, and is consistent with the Australian Government quarantine program. The NRC found that there is strong support for a permitted list from a wide range of industry, community and government stakeholders.

A permitted list would improve the focus on prevention, ensuring that only low risk plants will be available for purchase in NSW. Historically over 60% of weeds in Australia have come from garden escapes. For instance, Mexican feathergrass and hawkweed were legally sold before they were assessed to be high-risk.

### **Government responsibilities**

One of the four goals of the NSW Biosecurity Strategy is *"Biosecurity protects the environment and the community."* Similarly, the framework states *"The government is a stakeholder on behalf of the public. Its role is to preserve the integrity of the economy, environment and community, and as a public landholder."* However, the framework focuses largely on threats to production and on private land as opposed to government responsibilities. The tools provided could be applied to threats to the environment, but it is not evident if, or how, this is intended. An explanation of how the government will ensure that biosecurity issues that threaten environmental or community values are assessed and controlled would provide greater confidence that the framework can and will be applied to both productive and environmental concerns.

### **Public accountability**

DPI has indicated in consultation that the framework would take a tenure neutral approach. However, the framework does not specifically discuss tenure neutrality or public landholder responsibilities. No mechanisms are proposed in the framework for enforcing compliance on public land, or for negotiating equitable, "reasonable and practical" measures for all landholders. The NRC's draft report found that the different requirements for public and private land managers under the current ineffective system are a source of considerable angst in the community.

### **Governance**

Implementation of the framework should be supported by sound governance structures that support devolution where appropriate and provide clear roles and responsibilities. The framework puts substantial powers in the hands of senior DTIRIS officials. This risks exacerbating stakeholder expressed concerns about a lack of transparency in decision-making under current arrangements. Additionally, DPI has a conflict of interest in regards to management of Crown Lands, which pose considerable pest plant and animal risks.

The framework would better support effectiveness and transparency if it allowed for the formation of an independent committee made up of a range of stakeholders to provide state level oversight. This committee could also be used as a means for enforcing requirements on public land. In the weed management review, most stakeholders supported such a state level committee.

### **Regional governance**

The NRC supports the notion that government should take primary responsibility for prevention and response to incursions with community and industry taking a stronger role in ongoing management. The NRC also supports the introduction of greater self-regulation by competent parties. However, there is still an important role for government in community and industry led

initiatives, which need to be supported by strong statutory and governance arrangements and clear roles and responsibilities, particularly at the regional and local scale.

The framework would be strengthened by the inclusion of a regional governance structure and an explanation of how communities and industries will be supported by government in tackling regional issues. The framework does not clearly indicate how management of ongoing issues such as weeds and feral animals will be addressed. This raises concerns that there will be no organisational structure or support for management of currently present pest animals and plants. While the government's role in on-ground activities can be reduced in non-emergency situations, it still needs to provide coordination and compliance services.

### **Regional roles and responsibilities**

The NRC's draft report indicates that there is currently confusion about roles and responsibilities for weed management at the regional level. This has led to overlapping and duplicative planning, inconsistent approaches across the state, and a lack of coordination and cooperation between many regional bodies. Additionally, public land managers generally do not participate in the regional committees, leading to fragmented approaches to weed management. The framework does not address these issues, variously indicating that industry, regions, LCAs and DPI might be responsible for developing the proposed standards, codes and guidelines. The scenario provided by DPI for fireweed suggests that a region might choose to establish a weed as a priority for the area and develop a best practice guideline, which landholders would then adopt but does not provide for a regional structure to enable this to work.

The NRC found strong stakeholder support, particularly from public land managers, for statutory regional committees such as used in the Bushfire Management Committee model. Public land managers noted that clear statutory responsibilities were very important for improving weed management on public lands. Other benefits of this type of committee are that they provide confidence in longevity; the composition is specified and includes a broad range of stakeholders; roles and responsibilities are clearly defined; and participants are made accountable for meeting obligations.

The framework would be strengthened by inclusion of statutory regional committees reporting to Local Land Services. The ability to form such committees would provide another powerful tool for assisting government to address biosecurity issues at the regional scale. For invasive species that are already present in NSW, statutory regional committees would establish one organisation responsible for determining regional priorities and reasonable actions for all landholders, clarifying for all landholders specific responsibilities in regards to the general biosecurity obligation.

### **Authorised officers**

The framework includes some contradictory language in regards to authorised officers. In Section 2.5 it indicates that LCAs will have the ability to control pest animals and nuisance bees if they desire. Section 6.1 indicates that LCA officers will only be authorised within the LCA borders for control of invasive plants, with other control authorisation allowed within their borders only through special authorisation from the Secretary. Findings in the NRC's draft report indicate that the inability of many LCA officers to work across borders is a current limitation that should be addressed in future legislation. The NRC supports providing authorised officers with the authority to address a range of issues across borders, where they are appropriately trained and cross-border work is agreed upon. This would improve efficiency of current arrangements.

## **Responsibility for marine pests**

The framework does not indicate who would be responsible for management of marine pest plants and animals. As LLS is indicated to be responsible for pest animals, it is assumed that they would have a role. The framework should explain what the legislation will mean for the Marine Estate Management Authority, LLS and LCAs in regards to management of marine pests and how management of marine pests would be coordinated and resourced.

## **Risk-based decision making**

The framework indicates that the level of government intervention will be based on risk. A more detailed explanation of the risk-assessment process and how risk assessments will be incorporated into the legislation would provide greater confidence in the framework. In the case of invasive species, there is often insufficient information to perform an accurate quantitative risk-assessment. Further, risks and impacts to the environment can be difficult, if not impossible, to quantify in economic terms. Given the limitations of quantitative risk assessment a range of experts should be involved in evaluating outcomes and deliberating responses. It is not evident from the framework whether deliberations by several experts will be incorporated into the risk assessments.

It may be difficult to assess long-term risks relative to emergencies such as disease outbreaks. The unique nature of biosecurity risks should be considered in designing any risk assessment process so that long-term impacts are properly evaluated. The NRC found in the weed management review that many stakeholders have concerns over the current lack of transparency in decision-making in regard to risk-assessment. The biosecurity legislation should establish the framework and methods that would be used for ensuring that risk assessment is transparent, informed by appropriate evidence and a range of inputs, and considers the long-term risks of biosecurity issues.

## **Cost-benefit analysis**

The framework includes a Biosecurity Threat Decision Tree which is indicated to include an assessment of the likely outcome of no intervention and a cost-benefit analysis. However, currently risk assessments for weed management do not include a true cost-benefit analysis, which considers long-term costs and benefits of an eradication program versus no action. Instead an assessment is made against readily available resources of what it would cost to control a weed. Given the high potential costs of a new weed infestation, an assessment of the long-term costs and benefits should be undertaken. The results should be provided to stakeholders and a decision then made as to whether additional resources are needed and should be raised.

## **Registration**

The NRC supports the inclusion of registration as a tool for management of biosecurity risks. The power to require registration should be made broad so that any identified high-risk pathway or risk creator could be required to be registered if appropriate due to the risks created. For example, the NRC's draft report identified nurseries and producers of fodder for sale as two of the highest-risk pathways for weed spread. The proposal to register biosecurity entities under the framework would allow for managing weed risks at the source, improve traceability of these high-risk pathways, provide these industries the opportunity to demonstrate that they have a quality product that meets agreed standards and be consistent with the requirements of the current Act.



## **Question 2: Does the framework enable industry and the broader community of NSW to fulfil their general biosecurity obligation?**

### **General biosecurity obligation limitations**

While the NRC supports establishment of the general biosecurity obligation, it is not a panacea. There is a real risk that “everyone is responsible” becomes “no one is responsible”. Shared responsibility approaches require robust institutional arrangements that clearly define expectations and obligations and ensure effective monitoring and enforcement of provisions.<sup>9</sup> The proposed framework risks relying too heavily on the as yet unspecified general biosecurity obligation and leaving landholders unclear as to their specific responsibilities. While the general biosecurity obligation can be made specific through standards, guidelines and codes of practice, development and dissemination of these would require extensive work, time, and resources on the part of government and industry.

The NRC’s findings in the draft report indicate that landholders desire greater clarity on their specific weed management duties. There is a risk that confusion over what landholders are actually required to do to meet their obligation could be increased under this proposal. It seems that under the proposed framework landholders might merely have a responsibility to ensure that weeds don’t spread to their neighbours, without further indication of what this means, as is currently the case for public land managers. Public land managers interpret this obligation differently, leading to inconsistent and ineffective weed management. Public land managers consulted by the NRC indicated that unless they had clearer, legislated responsibilities, they were unlikely to undertake any additional weed management or participate more actively in regional planning.

A mechanism for establishing defined and reasonable control requirements for priority weeds, such as plans developed by the regional committees proposed above, would better ensure that landholders understand and meet their general biosecurity obligations.

### **Community participation and education**

The framework discusses the importance of engaging industry and the community, which the NRC agrees with. However, the focus is mainly on “*Government-industry partnerships whereby biosecurity risks are managed together.*” The NRC found that peri-urban development and the subdivision of productive land into lifestyle blocks introduce a range of factors that increase biosecurity risks. Small peri-urban landowners do not fit into formal industry structures and are not linked into producer networks where they might hear about biosecurity issues and management approaches. Focusing on industry alone makes sense in the context of biosecurity issues where an industry would be the predominant risk creator. However, the broader community often poses risks in the case of invasive species and for some animal diseases.

It is not clear from the framework how people, particularly outside of industry, will be informed about their general biosecurity obligations. DPI has described the need to change mindsets, so that people understand that we all have an obligation for biosecurity and has acknowledged that this will require a significant educational program. However, it is not evident if there is a strategy or governance structure for delivering that education, or how the educational program would be resourced. The framework identifies LCAs and the Local Land Services (LLS) as partners with DPI in the delivery of priority biosecurity programs, but does not indicate who will have responsibility for designing, coordinating and delivering services such as on-ground education. LLS is unlikely

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<sup>9</sup> Ostrom, E 2000, Collective Action and the Evolution of Social Norms, The Journal of Economic Perspectives, vol. 14, no. 3, pp. 137-158.



to be able to effectively undertake the education and extension necessary with existing staff and resources. Without clear responsibilities and substantial resourcing there is a significant risk that the proposed approach will fail to achieve the objective of shared-responsibility.

## Funding

The draft Independent Pricing and Regulatory Tribunal funding framework<sup>10</sup> indicates that, where they can be identified, risk creators should be held responsible for mitigating risks in the first instance, and as a secondary option, beneficiaries of intervention should be held responsible. As a final option, taxpayers at large are to be held responsible through government funds. It is frequently the case that all community members are risk creators, meaning the general taxpayer should be held responsible. However, with insufficient government funding, there is a risk that responsibility will be shifted to primary beneficiaries, creating an inequitable increase in costs to farmers.

The framework includes limited discussion of funding. It is made clear that the intent is to shift many of the current government responsibilities to industry, such as some types of surveillance and potentially the development of guidelines. This approach will only be effective in certain contexts. There are sound examples of industry biosecurity networks, and established deeds, which provide industry biosecurity services and raise fees via levies. These types of mechanisms will not address broader community concerns and responsibilities, or environmental weeds. The National Environmental Biosecurity Response Agreement, in theory, could be used for a weed invasion, but experience with tropical soda apple indicates that this may not be an effective tool, and it cannot be used for weeds that affect production.

The NRC's draft report indicates that there are currently insufficient funds available for immediate response to high-risk new incursions. The government would be better able to respond to new incursions in an efficient and effective manner if the framework included the ability to establish funds such as the pest-insect destruction fund, for a range of biosecurity issues.

**Question 3: Will the framework achieve the desired outcome of shared responsibility for effective biosecurity management in NSW through, for example, legislative powers and the roles of DPI, LCAs and LLS and the community?**

## Accountability

The framework currently does not provide sufficient details in regard to roles, responsibilities or accountability measures to provide confidence that outcomes will be achieved. The roles for LLS and LCAs in particular are very unclear. In DPI's webinar of 19 June 2014 on the framework, it was indicated that the specific roles and responsibilities will be worked out at a later date. It is difficult to respond fully to the framework while there is this level of uncertainty.

The NRC's review of weed management found that a major concern with current systems is a lack of accountability at all scales. It is difficult to comment specifically on what accountability measures would be appropriate under the framework as roles and responsibilities are not yet clear. In general, government should be held accountable for ensuring that strong prevention and eradication measures are resourced and implemented. The party responsible for performing risk assessments and developing regulations and guidelines should be evaluated to ensure that processes are evidence based, inclusive and transparent. At the local scale, a strong surveillance

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<sup>10</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2013), "Review of funding framework for Local Land Services: Other industries – draft report September 2013", Independent Pricing Regulatory Tribunal of New South Wales, Sydney.

and enforcement program is necessary to actively identify those who are not fulfilling their obligations and to hold them accountable.

**Question 4: Is the interaction between the various management tools (e.g. biosecurity control orders, biosecurity zones and regulatory Standards) clear, and will these tools be effective?**

The NRC supports use of the management tools specified. However, as discussed in responses to the previous questions, the framework could be improved by a more robust specification of how these tools will be developed and who would develop them. Centralised control and rapid decision-making are necessary and appropriate for emergency situations. Where there is time to take more measured action, decision-making should be inclusive, localised and transparent.

**Categories of invasive species**

The NRC supports simplifying the current five classes of declared noxious weeds, which many stakeholders reported confusing. However, reducing these classes to one list of prohibited matter, with all other weeds to be managed under the general biosecurity obligation may lead to greater confusion for landholders. The NRC recommends that DPI provide guidance in regards to how this system would work for biosecurity matter that is not prohibited and how the prohibited list would be determined. For example, there are many weeds that may not be included on the prohibited list that should still be regulated with enforceable mechanisms. Currently a wide range of weeds are covered by the weed control order. The scenarios provided imply that a separate order would be required for each weed, which would create unnecessary complexity.

While it is understood there is a desire to get rid of “lists”, realistically a list of all weeds subject to orders, regulatory standards, notices, etc. would be required for landholders to understand their obligations and for authorised officers to know what to look for. Otherwise landholders will not know which non-prohibited weeds they are obliged to manage. Alternatively, if the intent is that the majority of weeds currently subject to a control order as a Class 3, 4 or 5 weed would no longer be regulated, then this should be made clear so that stakeholders have the opportunity to respond.

The NRC supports using this opportunity to revise and rationalise the listing of organisms, but believes that a three category system would be more effective. The NSW framework was modelled closely after the recently adopted Queensland legislation. Despite its strong focus on reducing red tape as much as possible in its new legislation, Queensland felt it necessary to maintain a restricted category in addition to a prohibited matter category.

A three category system could help create some clarity around which tools would be applied to which biosecurity matter. The framework indicates that some issues would be important enough to warrant standards adopted in regulations, whereas others would only require guidelines or no action. Material subject to specific regulations and/or control orders, for instance, could be included in a restricted category so that landholders have a clear sense of their primary obligations. Other issues could be handled through guidance such as regional plans, which the NRC recommends should also be made enforceable. This additional category would provide clarity for landholders in regards to how to manage ongoing issues.