



NSW Government response:
Weeds – Time to get serious
Review of weed management in NSW
Natural Resources Commission

Introduction

Stakeholder feedback during the development of Local Land Services has reflected a general malaise in regard to weeds management in NSW. Although these concerns have been voiced in several fora over recent years, proposed changes in institutional arrangements and legislative instruments now present a unique opportunity to make beneficial adjustments to the overall weeds management framework.

The Natural Resources Commission review has explored several issues of considerable community concern and the Commission has provided eight recommendations for the NSW Government to consider.

A number of key themes identified by this review are accepted as important areas of weed management reform by the government including:

- community-wide shared responsibility
- consistent and transparent state level guidance
- consistent and coordinated regional planning and local delivery
- effective prevention measures and response to new incursions
- improved management of high-risk pathways
- accountability for weed management in NSW at all levels
- improving research and development.

Related reforms to achieve better land management outcomes across all tenures are underway, for example, the recent establishment of Local Land Services and the introduction of the *NSW Biosecurity Strategy*. These reforms will streamline the delivery of services to regional landholders across NSW and provide a vehicle to implement any new service delivery reforms consistently and efficiently. The reforms also provide opportunity to put widespread weed management clearly in the correct context by focussing on the underlying causative factors rather than the weed itself.

Other complementary changes proposed include the development of contemporary biosecurity legislation and the implementation of a 'state of the art' biosecurity information system for capturing spatial data.

This suite of policy and operational reforms and reviews reflect the government's commitment to exploring new approaches to delivering biosecurity outcomes including better weed management. The recommendations of this review have been considered within this framework.

This response addresses each of the review's eight recommendations.

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Recommendation 1

Promote shared responsibility for weed management across the whole community

a.	create clear accountabilities for: - prevention and eradication of weed incursions at the state scale - effective management of widespread weeds at the local and regional scales to reduce impacts	Supported	This recommendation is consistent with current government policy as detailed in the <i>NSW Biosecurity Strategy</i> .
b.	adopt a tenure-neutral approach to integrated weed management requiring both public and private landholders to meet common legislative requirements and regionally agreed obligations	Supported	The government supports the introduction of realistic and consistent weed management obligations across public and private land tenure.
c.	build community-wide shared responsibility for weed management through improved education, capacity-building and cooperative community-based responses	Supported	The government supports a community-wide shared responsibility for weed management. The Department of Primary Industries has an excellent relationship with local government and has invested significantly in building its capacity to undertake community based weeds management programs. The establishment of Local Land Services has potential to complement existing arrangements and may allow these programs to be extended to the broader community and industry.
d.	create a general biosecurity obligation that requires all stakeholders to take all reasonable and practical measures to minimise biosecurity risks	Supported	The introduction of a <i>general biosecurity obligation</i> is a central pillar of the proposed NSW Biosecurity Bill.

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Recommendation 2

Provide consistent and transparent state level leadership and accountability

a.	establish an independent Chair to lead a State Weed Committee as a statutory position appointed by the Governor	Not Supported	The government supports the establishment of a State Weed Committee with appropriate skills. However, the government has a commitment to reducing the number of statutory committees where they are not required. Statutory appointment is an inflexible process, creates red tape and does not result in any additional benefit. Similar committees operate effectively without a statutory basis.
b.	enable the Chair of the Committee to enforce public authorities' compliance with management obligations, including undertaking works and recovering costs, or taking legal action	Not supported	The government does not support the Chair of the State Committee having enforcement powers. This will not preclude the Chair of the Committee from taking legal action in accordance with the provisions of existing and future legislation.
c.	develop a skills and stakeholder representation based State Weed Committee to provide state-level oversight and governance functions including:	Supported	The Government will establish a State Weed Committee with responsibility to ensure coordinated and strategic weed management across NSW. The committee will be modelled on the Bush Fire Coordinating Committee under the <i>Rural Fires Act 1997</i> .
(i)	transparently evaluating weed declarations, based on assessment of potential long-term risks and impacts to the economy, environment and community	Supported	
(ii)	establishing and managing a high-risk incursion fund	Supported	The government will investigate establishment of a fund similar to the Pest Insect Destruction Fund. Management arrangements for that fund will be a matter for further consideration.
(iii)	commissioning independent audits of Local Control Authorities (LCAs), Local Land Services (LLS) and the Department of Primary Industries (DPI) against standards and implementation of agreements and plans, and taking action where necessary	Supported in Principle	The government agrees with the need for effective and ongoing evaluation of weed programs. There is statutory provision for audits of state and regional plans in accordance with the <i>Local Land Services Act 2013</i> .

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(iv)	promoting a coordinated and strategic state-wide approach to weed Management	Supported	The State Weed Committee will have a role to ensure regional weed committees operate on a tenure-blind basis and implement regional plans that are effective, risk-based and inclusive of all major stakeholders in the landscape.
d.	replace the current weed classes with three outcomes focused weed categories: weeds excluded from entering the state, weeds to be eradicated, and weeds to be effectively managed to reduce impacts on a regional basis	Supported	The proposed Biosecurity Bill will give effect to this recommendation through the range of tools available, including the declaration of prohibited matter, regulatory provisions for high risk weeds, and management of other weeds in accordance with regional plans, supported by the general biosecurity obligation
e.	include provisions in new legislation for permits to be issued by the NSW government for authorised use of “conflict species”, which may be declared but have economic value to some parties	Supported	The government agrees that industries that deal with high-risk species should have adequate risk mitigation in place to reduce the impact on the community and environment. Permits will be available under the proposed Biosecurity Bill.
f.	establish a service agreement to ensure taxonomy services are readily available and consistent protocols are used for identifying and recording potential new species	Supported	The government supports having a service agreement with the NSW Herbarium. The government will also update protocols for the identification and monitoring of new species. The Department of Primary Industries is currently liaising with local control authorities and other key stakeholders to finalise a NSW metadata policy for the consistent collection of weed data.

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Recommendation 3

Ensure consistent and coordinated regional planning and local delivery

a.	confirm and support local level service delivery by LCAs and define LCA statutory functions	Supported	
b.	replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members (similar to the Bush Fire Management Committee model) as subcommittees to LLS, and aligned with LLS borders	Partially Supported	The Government will establish regional weed committees under the <i>Local Land Services Act 2013</i> , with terms of reference similar to the role of Bush Fire Management Committees under the <i>Rural Fires Act 1997</i> . Membership will ensure that all major stakeholders have a say, and a primary responsibility will be to prepare and report on regional weed plans.
c.	provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for widespread weeds and surveillance	Supported	The planning provisions of the <i>Local Land Services Act 2013</i> coupled with provisions within the proposed Biosecurity Bill will require regional committees to develop risk-based strategic plans for weed management. These plans will be unambiguous, enforceable, tenure-blind, and inclusive of all relevant stakeholders.
d.	ensure all regional plans are based on best available local knowledge, research and technology, and promote behavioural change and adoption of integrated land management practices	Supported	
e.	encourage state bodies and the Australian Government to align funding with regional priorities identified in these strategic plans	Supported	
f.	ensure legislation allows for integration of pest plant and animal services and that LLS and LCAs work together to realise opportunities for efficiencies	Supported	The establishment of Local Land Services presents opportunities to realise efficiencies in local service delivery. The proposed Biosecurity Bill will allow for authorised officers to exercise powers to conduct pest plant and animal services.

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Recommendation 4

Improve prevention measures and response to incursions

a.	establish a reserve fund for responding to new high-risk incursions (similar to the pest insect destruction fund)	Supported in Principle	The government will investigate the establishment of a weed incursion fund similar to the Pest Insect Destruction Fund.
b.	prepare enforceable weed eradication plans consistent with response plans for other biosecurity responses, with funding arrangements to be negotiated between DPI, LLSs, LCAs, industry and other relevant stakeholders	Supported in Principle	The government will establish consistent approaches to managing new weed incursions through the use of enforceable response plans that may be funded through a mechanism similar to the pest insect destruction fund.
c.	implement a 'permitted list' for sale of plants in NSW, starting with aquatic plants and transitioning to all species within four years	Not supported	While the government supports the principle of regulating potential weed species coming into NSW and the 'ban from sale' of high-risk species within the state, the government does not support the process as proposed in the review paper. The proposed Biosecurity Bill instead focuses on prohibited matter which is a more efficient use of regulatory powers and available resources.
d.	advocate to the Australian Government for a review of the requirements for obtaining a minor use permit to improve access to herbicides for incursions	Supported	

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Recommendation 5

Improve management of high-risk pathways

a.	standardise inspection requirements to ensure all properties greater than one hectare are inspected at least once every five years	Not supported	<p>The government promotes strategic property inspections that prioritise high risk sites over properties that do not require inspection. Inspection regimes should be risk-based and allow for the potential establishment of third party auditing and self-certification schemes to reduce the need for arbitrary inspections.</p> <p>The government supports the use of inspection programs that are developed and approved at the regional committee level. These programs would focus surveillance and inspection activities at high-risk areas using tools such as pathway analysis to determine appropriate inspection intervals.</p>
b.	establish weed status certificates for each property inspected which would be:		
(i)	disclosed on planning information certificates for the sale of land included in any application for the subdivision of land greater than one Hectare	Not supported	<p>The purpose of property inspections is to determine if owner/occupiers are meeting their obligations to control weed species defined by legislation. Therefore 'weed status' certificates should only be used to provide compliance information.</p> <p>The establishment of weed status certificates is undesirable because they only measure the extent of weeds at the time of inspection. This information is likely to be dated and misleading when used by prospective buyers.</p> <p>Existing legislation already allows for a person to apply to a local control authority for a certificate as to weed control notices affecting particular land and as to any outstanding expenses payable to the authority or any resulting charge on the land.</p>
(ii)	provided to parties who lease public land	Not supported	As above.

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(iii)	required for registration as a producer of fodder for sale	Not supported	<p>The government does not support this proposal, as it is considered an unnecessary impost on producers. Given that the proposed inspection regime is to be around five years, the currency of the required certification is questionable and may not accurately reflect the weed status over the life of the certificate.</p> <p>The government supports the use of an industry managed vendor declaration process for fodder producers.</p> <p>Under the proposed Biosecurity Bill there will be a <i>general biosecurity obligation</i> to mitigate the risk of weed introduction. The availability of vendor declarations would assist purchasers of fodder to make an informed decision and meet their obligation.</p>
c.	require the registration of commercial entities whose activities generate weed risks, for example, nurseries and producers of fodder for sale, and making it an offence for unregistered entities to carry out these activities	Supported in Principle	<p>With the exception of fodder production, the need for mandatory registration is still being discussed and will be considered in consultation with industry as part of the implementation of the Biosecurity Bill.</p>
d.	encourage greater self-management of weed risks by competent parties by providing for the establishment of industry contribution schemes and auditable compliance agreements	Supported	
e.	appoint LLS to coordinate management of declared aquatic weeds within each region	Supported	<p>The government supports this role at the regional level. It should also be noted in most cases management and control of aquatic weeds requires specialist knowledge and equipment. It is important that broad oversight and technical input into these projects is provided at the state scale.</p>

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Recommendation 6

Improve accountability and enforcement at all scales

a.	strengthen the enforcement provisions in the new legislation by:		
(i)	providing for more substantial penalties, based on the severity and type of offence	Supported	The government is introducing substantial penalties as part of the Biosecurity Bill.
(ii)	allowing for weed notices to specify clear actions and outcomes that the landholder must demonstrate compliance with by a specified time	Supported	The proposed Biosecurity Bill provides for the issue of a Biosecurity Notice where it is considered a person/s is not discharging their general biosecurity obligation.
(iii)	escalating enforcement action to LLS after failure to comply with a weed control notice, and simplifying the requirements for taking control or enforcement actions	Supported	Under the Biosecurity Bill authorised Officers will have the power to issue biosecurity notices where a person has failed to discharge their general biosecurity obligation. This Notice will detail action to be taken by the person within a specified time. If action is not taken to rectify the situation, further compliance action may be initiated.
(iv)	enabling easier enforcement of obligations for public land managers through the independent Chair of the State Weeds Committee	Not Supported	The government does not support the Chair of the State Committee having enforcement powers. This will not preclude the Chair of the Committee from taking legal action in accordance with the provisions of existing and future legislation.
b.	require the State Weeds Committee to develop state-wide service delivery standards for LCAs. The Committee should commission independent audits of LCAs against these standards, with LLS given the resources and mandate to assume the LCA's surveillance responsibilities if the LCA is not meeting their obligations. LCAs would not be relieved of responsibilities to manage their own land or roadsides	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> . Plans will be developed based on broad consultation and with regard to available resources

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c.	require the State Weeds Committee to commission audits of LLS and DPI's performance in weed management, and the extent to which funding has been allocated in line with strategic priorities	Supported	Independent audit provisions for state and regional plans are available under the <i>Local Land Services Act 2013</i> .
d.	provide for consistent, state-wide weed mapping including:		
(i)	adopting standard data protocols and record keeping requirements, which are mandatory for anybody receiving government funding for weed management	Supported	The department has commenced consultation for a draft metadata policy that will support the introduction of a state-wide <i>Biosecurity Information System</i> which is consistent with this recommendation. The implementation of the system and adoption of the metadata policy will be foundational to the next round of 'NSW Weeds Action Program' funding. There is also potential to use this policy for other funding programs.
(ii)	developing and maintaining a state-wide data sharing system for tracking weed distribution and density that has current data from all LCAs ensuring that data is readily available to stakeholders and regional managers or use in adapting management plans and actions	Supported	The implementation of the <i>NSW Biosecurity Information System</i> will act as a state-wide receptacle for weeds management information. Due to privacy concerns, access to this information will be subject to business rules, which may limit access to people with appropriate authority or requirements to use this information.

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Recommendation 7:

Support research and development

a.	commit long-term funding for the strategic rebuilding and maintenance of NSW weeds research capacity	Supported	The government supports this recommendation and has recently committed resources to employing an additional weed researcher with a key role in establishing better collaborative arrangements with other research institutions.
b.	prioritise and coordinate strategic research investment	Supported	The department has commenced consultation with the Commonwealth Government, other jurisdictions, industry and various universities to develop a Cooperative Research Centre for weeds, which would develop a national approach to research, development and extension (RDE).
c.	work with other states to establish a permanent, national weeds research, development and extension organisation funded jointly by industry and state and Commonwealth Government	Supported	The government is currently pursuing improved national collaborations for weeds research with industry, universities, states and the Commonwealth.
d.	actively participate in this organisation through secure long-term investment, expertise and in-kind contributions	Supported	The government will actively participate by pursuing national industry, government and university collaborations for weeds and has committed to increasing weeds RDE staff and funding (via Weeds Action Program – Innovation grants).
e.	develop a centralised, accessible, web-based portal for collating research outcomes and sharing weed identification, distribution and management information and supporting researchers to effectively communicate research findings to land managers	Supported	
f.	ensure best available research and chemical choices are available to manage the risk of herbicide resistance on roadsides and in other areas where herbicides are regularly applied	Supported	'Sustainability of herbicide use' is one of the four key RDE national priorities identified by NSW and other jurisdictions and industry. NSW is increasing its commitment in this area by providing staff and resources funded by Weeds Action Program Innovation grants and other state, national and industry funding.

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Recommendation 8:

Ensure effective implementation of reforms

a.	establish a working group of relevant agencies to detail the regulatory and administrative arrangements for implementation of the recommendations, oversee the transition and ensure the government's timeframes are met	Supported	
b.	allow for each LLS to establish a position for a regional project officer to oversee implementation of weed management programs within its region	Supported	The government supports the establishment of this role by either using existing weeds expertise within each of the Local Land Services or the absorption of the current regional project officers who are largely funded through the NSW Weeds Action program.
c.	commission an evaluation of the implementation of the new arrangements in five years	Supported	