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## Regional Strategic Weed Management Plan 2017-22

# FREQUENTLY ASKED QUESTIONS

### What do Regional Strategic Weed Management Plans mean for individual landholders?

These plans are some of the first documents that will embrace the new tools available under the *Biosecurity Act 2015* when it comes into operation in 2017.

These plans will provide a mechanism for articulating community expectations for managing priority weeds and will support an enforceable general biosecurity duty.

### What is the general biosecurity duty?

The *Biosecurity Act* establishes a number of biosecurity duties, that a person has, providing a framework for shared biosecurity risk management between government, industry and the community.

The general biosecurity duty supports the principle of shared responsibility. Simply, this means doing what is reasonable to prevent, eliminate or minimise biosecurity risks.

- 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.
- The *Biosecurity Act* does include strong enforcement tools including significant penalty provisions for wilful or reckless acts and under Section 23 of the *Biosecurity Act*, a person who fails to discharge the person's general biosecurity duty is guilty of an offence.

### How do the new biosecurity legislation and Regional Strategic Weed Management Plans improve weed management?

The general biosecurity duty means all landowners, both public and private, and other people who deal with biosecurity matters must use the most appropriate approach to managing biosecurity risk in specific situations.

This more flexible outcome focused approach overcomes the deficiencies of the current *Noxious Weeds Act* that has resulted in perverse outcomes such as the use of inappropriate control techniques to meet regulatory requirements.

The plans clearly define priorities and community expectations for weed control based on risk and impact and provide reasonable options for management of priority weeds.

Benefits of new biosecurity legislation

- The *Biosecurity Act* provides greater flexibility and improved capacity in the response, management and control of biosecurity risks. It provides for a range of tools and powers that can be used to support risk based decision making and management and allow for increased efficiency and decreased regulation.
- The Act provides greater flexibility and choice for those who do the right thing in relation to biosecurity. For the minority of people who do the wrong thing, the *Biosecurity Act* includes strong enforcement tools, including significant penalty provisions especially for wilful or reckless acts.

### How do I know what the main weeds are for my area?

The regional priority weed list (Appendix 1 of the Regional Strategic Weed Management Plans) identifies the priority high-risk weeds for each region.

The management requirements for weeds, whether that includes specific regulatory measures (state-level priorities) or recommended measures to discharge the general biosecurity duty (regional priority weeds) are also listed in Appendix 1.

# FREQUENTLY ASKED QUESTIONS

## **A local problem weed is not on the regional priority list. Does that mean do nothing?**

Landholders should still take appropriate action to manage the weed, as a general biosecurity duty applies to all weed species regardless of whether they are listed in the plans or not.

## **How do I know if my weed management measures are adequate?**

Appendix 1 of the Regional Strategic Weed Management Plan details expected outcomes and recommended measures for controlling weeds listed in Appendix 1. 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. Appendix 2 of the plan includes other species of concern and may provide guidance if the weed is not listed in Appendix 1.

You can also find best practice guides and other information for control of various species online:

- <http://www.dpi.nsw.gov.au/biosecurity/weeds/publications/weeds-crc-pubs/wmg>.

If you have any questions, you can contact your local weeds officer, Landcare group or nearest Local Land Services office.

## **Has the local control authority weed officer's role changed?**

Local control authorities (usually local councils and county councils) are responsible for the implementation of priority weed control including 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* by their local control authority. That appointment will allow the officers to exercise the functions of an authorised officer for weeds within the area of operation of their local control authority.

## **How will the weed management outcomes be enforced?**

Under Section 23 of the *Biosecurity Act*, a person who fails to discharge the person's 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.

## **How was biosecurity (or weed) risk determined and who by?**

A regional weed prioritisation process was undertaken using the NSW Weed Risk Management System. This system provides a standard, nationally accepted and transparent process to help make decisions about the introduction, prioritisation and declaration of weed species.

The prioritisation was carried out using an expert regional panel on behalf of the Regional Weed Committee. The panel brought together practitioners with long-term on-ground experience with high priority species, including local experts previously involved in the weed advisory committees.

## **Where can I obtain information on any questions I might have about changes to weed priorities, my obligations, and the roles of government and local control authorities?**

For more information please click on the following links:

- [www.ils.nsw.gov.au/biosecurity/weed-control](http://www.ils.nsw.gov.au/biosecurity/weed-control)
- [www.dpi.nsw.gov.au/biosecurity/weeds](http://www.dpi.nsw.gov.au/biosecurity/weeds)
- [www.lgns.w.gov.au/policy/natural-resource-management/weeds-and-pests](http://www.lgns.w.gov.au/policy/natural-resource-management/weeds-and-pests)

## **Who can comment on the Regional Strategic Weed Management Plan?**

Anyone is welcome to provide feedback on the draft plans.

Visit: [open.ils.nsw.gov.au](http://open.ils.nsw.gov.au) to read through your regional plan and submit feedback.

The plan will be on public exhibition until 29 March 2017.

For further information about the plan phone 1300 795 299.

