

# **Submission to the Natural Resources Commission's Review of Weed Management in NSW**

December 2013

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## Opening

Local Government NSW (LGNSW) is the peak body for councils in NSW. It represents all the 152 NSW general-purpose councils, the special-purpose county councils and the NSW Aboriginal Land Council.

LGNSW is a credible, professional organisation representing NSW councils and facilitating the development of an effective community-based system of Local Government in NSW. LGNSW represents the views of councils to NSW and Australian Governments; provides industrial relations and specialist services to councils; and promotes NSW councils to the community.

LGNSW welcomes the opportunity to comment on the Issues Paper: Review of weed management in NSW and thanks the Natural Resources Commission (NRC) for its commitment to consulting with Local Government, a crucial stakeholder.

The Minister for Primary Industries has requested the Natural Resources Commission (NRC) to undertake an independent evaluation of the effectiveness and efficiency of weed management arrangements in NSW, with the view of informing the further development of the proposed NSW Biosecurity Act, and other relevant strategies under the NSW Biosecurity Strategy. The review will focus on existing good practice, opportunities and barriers that exist within current arrangements and ways to overcome barriers to inform the recommendations.

In responding to this Issues Paper, LGNSW has taken into consideration the significant amount of work that has been previously undertaken by LGNSW and its predecessor (LGSA) in the area of weed management in NSW. Specifically, this includes council and LGSA/LGNSW submissions to the 2011 statutory review of the *Noxious Weeds Act 1993*, the 2004 NSW Government Review of Weeds Management in NSW and the Ryan Review of Livestock, Health and Pest Authorities.

## Executive Summary

The CSIRO and the Federal Department of Agriculture report the estimated cost of weeds to agricultural industries is approximately \$4 billion per year, in lower farm incomes and higher food costs. In addition all spheres of Government spend well over \$100 million each year on monitoring, management, research and control of weeds. These costs do not include the impact on the natural environment, impacts on human health or the value of the 'volunteer army' active in weed control across Australia.

LGNSW considers that a good weed management framework:

- Enables for strategic regional planning and local delivery;
- Is adequately resourced to undertake the identified task;
- Has regional structures that provide flexibility to include input from all relevant players such as community land care groups, public and private land managers;
- Provides councils (whether individually or through a county council) with the autonomy to target and manage weeds specific to the local area/region

Local Government has been actively involved in weed management for over a century, and weed management is an important function of councils across the state. Local Government already provides contemporary, proactive, strategic management for weeds in NSW, and we

submit that this function should remain with Local Government as it is best placed to deliver strategic regional weed management plans at the local level.

The Weeds Action Program (WAP) has significantly improved weed management collaboration at the regional level, especially through the regional advisory committees. It has enhanced regional strategic planning and allowed for quality local delivery.

WAP has allowed for the State Government to partially fund Local Government to deliver key outcomes, and it has also allowed for Local Government to set their own targets specific to their area. However, WAP payments to local and regional bodies have only ever been confirmed for one year at a time, and usually half way through the financial year. This creates uncertainty and challenges in trying to implement multi-year programs. Greater security of funding is needed to tackle an ongoing issue such as weeds.

LGNSW supports the view that a key barrier to more effective weed management is lack of awareness and education. Local Government has developed innovative programs and collaborated with partners to engage the community, but there is scope to further develop the community's understanding as to the potential impacts of weeds, the difference between new and emerging weeds and widespread weeds, and why management approaches may be different across those weed types.

There is also room to further improve monitoring, reporting and evaluation of progress in tackling weeds, and moves to standardise data collection and streamline information sharing are supported. A number of councils are already embracing new technology and the significant opportunities this affords in tracking and analysing spatial information.

## **Response**

### **Community ownership**

Achieving effective weed management outcomes requires the cooperation and commitment from a wide range of organisations and individuals in the community - private landholders, councils, county councils/weed authorities, State Government agencies and community groups.

LGNSW acknowledges that there are different weed lists in existence in NSW and nationally that have been generated for different purposes – be they to recognise weeds of national significance, or weeds that pose a biosecurity threat on productive or environmental grounds. The NSW Invasive Species Plan provides the vision for a whole of government approach to preventing, containing and managing invasive species (animal and plant) in NSW. The next 'layer' of regional priorities is provided through regional weed plans and strategies.

The NRC's Issues Paper makes reference to there being a wide range of barriers to more effective weed management in NSW, with awareness and education being a central theme. LGNSW is of the view that councils, weed authorities (county councils) and regional weeds advisory committees are doing a good job of communicating with the community, raising awareness and providing a coordinated regional approach to weeds management.

Notwithstanding the above, LGNSW would agree that there is a need to increase general awareness in the community as to the potential impacts of weeds, the difference between new and emerging weeds and widespread weeds, and why management approaches may be

different across those weed types. For example, the community may be better able to accept and support efforts if they understand that:

- to completely control all weeds would require significantly higher levels of funding, and even then it would not necessarily see the complete eradication of all weeds; and
- in light of the above, the strategic focus is on the prevention, containment and eradication of new weeds, and the protection of critical productive or environmental assets from widespread weeds.

The growing prevalence of 'lifestyle' blocks on the fringes of metropolitan and regional centres is a key area for education and awareness-raising. Ensuring all landholders understand their responsibilities in relation to weed management – and act on those responsibilities - is paramount to a successfully functioning weed management framework. In fact, all parties need to be clear on what their roles and responsibilities are, and how they fit into a broader framework for tackling priority weeds in their region, and in turn how that fits in with state and national initiatives. The Invasive Species Plan and regional plans prepared by regional weed authorities / advisory committees provides that framework, but there is room to simplify the messaging and communication to better engage absentee landholders.

There are over 2,500 land care groups in NSW, many of which are supported by Local Government. These groups make a significant (and often unmeasured) contribution to the management of weeds, and engagement with these groups should continue primarily via local control authorities and regional weeds advisory committees.

Interaction between local control authorities occurs at the regional level at officer level and also via Regional Weeds Advisory Committees. These committees provide a forum for information sharing, regional planning, coordination and reporting. Some cross-regional interaction and information sharing occurs, particularly in relation to specific weed incursions or threats, and the bi-annual weeds conference is a well-attended forum for practitioners, planners and researchers in NSW. However more formal avenues for cross-regional interaction would be beneficial.

### **Policy and Regulatory Framework**

The *Noxious Weeds Act 1993* provides a reasonably clear regulatory framework for noxious weeds in NSW, and in a policy context this is supported by the NSW Invasive Species Plan and regional weed plans. There are, however some potential improvements that should be investigated as part of this review.

The Noxious Weeds Advisory Committee (NWAC) established under the *Noxious Weeds Act 1993* provides a state-wide forum for consultation on the control of noxious weeds, and advises the Minister on new noxious weed declarations. LGNSW understands the NWAC already takes a broader view of weed management (not just those declared noxious), however to embed this wholistic approach to weed management at the state level the scope of NWAC should be formally expanded to consult and advise on the management of all weeds in NSW.

Some LGNSW members have suggested that formal recognition of Regional Weeds Advisory Committees in the *Noxious Weeds Act* would enable them to have greater ability to coordinate efforts in a region. Others have noted that the county council provisions of the *Local Government Act* combined with the Local Control Authority provisions in the *Noxious Weeds Act* provide an adequate framework for attributing responsibility and 'authority' (in the broader

sense) for weed management planning and regulation. The common view however is that a good weed management framework:

- Enables for strategic regional planning and local delivery;
- Is adequately resourced to undertake the task;
- Has regional structures that provide flexibility to include input from all relevant players such as community land care groups, public and private land managers;
- Provides councils (whether individually or through a county council) with the autonomy to target and manage weed threats specific to the local area/region

Planning for weed management at local and regional scales is robustly supported. Local and regional plans are able to reflect the geographical context (landscape, climate, propensity for weed spread) and identify weeds that are a specific threat to an area, which in turn informs measures to build awareness and engagement within the community. There needs to be good coordination between the local and regional plans, and a mechanism of assigning or reflecting regional and local priorities through local operational plans.

For example, under the Bushfire Management Plan model regional committees develop plans to identify regional risks and priorities, which are included in formally endorsed annual works program. Relevant agencies with responsibility for delivering on components of the plan, must report on their activities. Such a model provides a direct link between regional planning and local, operational planning and delivery. It would also enable local control authorities, which have a high level of local knowledge, to have the power to allocate funds to weeds as and if seasonal conditions or growth rates of certain weeds dictate.

The *Noxious Weeds Act 1993* is reliant on effective and efficient implementation by Local Control Authorities (Local Government) and LGNSW is particularly focussed on ensuring that the legislation reflects the practical real-world issues that councils are dealing with in the ongoing challenge to manage weeds.

The Act currently sets different requirements for weed control on private versus public tenure. There is no clear rationale for why this is the case. All parties should be held accountable to the same standards, and in the case of neighbouring properties of different land tenures, ensure coordination of weed control efforts.

In a similar vein, the Act currently requires notices to public authorities to be issued via the Minister responsible for the Act. Again, there is no rationale as to why a separate approach for State authorities is warranted.

The existing penalty notice provisions have been used to good effect, however when compared to fines for similar offences under other environmental legislation the fines are quite low. For example, s63 of the *Noxious Weeds Act* provides for a maximum penalty notice offences of \$220 where the offence is not dealt with by a court. In many cases, this fine would be less than the cost of undertaking the required work, and therefore provides limited incentive for a landholder to comply with the notice. As a principle, the quantum of the fine should reflect the nature of the infringement as well as provide a deterrent to undesirable behaviour.

In addition to the above challenge for LCAs, the costs to the LCA of issuing the fine are currently not accounted for. It may be appropriate for the Act to include an administrative fee for the issuing of notices, similar to that provided for in the *Protection of the Environment Operations (POEO) Act*, to assist with covering LCA costs.

There have been some calls for the removal of Section 18A from the Act. This provision requires a landholder to be advised that they will be issued with a weed control notice to provide for procedural fairness, and mirrors similar provisions in other legislation. Whilst the provision can be cumbersome and time consuming for the LCAs, there are obvious legal merits in this procedural step, and there are also opportunities for streamlining this step e.g. templates. The earlier suggestion to introduce the ability for LCAs to recover notice costs could also lessen the burden on LCAs of implementing s18A.

### **Institutional Arrangements**

In NSW, Local Government plays a significant role in the management of weeds. It has responsibilities for controlling weeds on council-managed lands, and it is often the Local Control Authority performing education and regulatory functions under the *Noxious Weeds Act*.

While the NSW Government is providing \$11 million in grant funding for noxious weed management activities (via the NSW Weeds Action Program) in 2013-14, councils invest significantly more funds on a wide range of other weed actions. It has been estimated that councils spend almost triple this amount (up to \$30 million) per year in undertaking weed management functions.

In late 2010, the then Local Government and Shires Associations undertook a survey of all councils and county councils in NSW to understand the extent of the workforce employed in weed management by Local Government across the State. The survey found that there are over 300 people (staff and contractors) employed either full time or part time by councils in weed management across NSW outside the Sydney basin, with 150 of those employed in a full time capacity. A recent survey of the Sydney region by the Sydney Weeds Committee found that there are a further 300 people employed (full time or part time) in that region for weed management.

Many councils allocate considerable resources and expenditure to weed management in such areas as bushland reserves, urban parks and local roads. This additional resource allocation is rarely reported to a central authority (the collection of all such data would be extremely difficult) but represents a major investment by Local Government.

Councils and county councils have spent an enormous amount of time and money in training staff such that Local Government has highly skilled and experienced weed management officers. This commitment to weed management, and the resulting workforce, must be given due recognition in this review. Councils are committed to their roles and responsibilities in the field of weed management, and believe that with appropriate support (financial, legislative and policy) Local Government is best placed to deliver the services required by the community.

The WAP has seen improvements in the regional coordination of weeds programs, with LCAs developing multi-year strategies and weed programs. WAP has been recognised as such a success by the NSW Government that it has this year invested an additional \$1 million dollars for innovative weed projects that are largely being delivered by local government.

However the WAP program funding commitment does not match the planning cycle. While the WAP is designed to support implementation of the Invasive Species Plan over its eight-year timeframe (2008-15), WAP payments to local and regional bodies have only ever been confirmed for one year at a time, and usually half way through the financial year. This creates uncertainty and challenges in trying to implement multi-year programs. Regardless of the

institutional arrangements that are adopted as a result of the review, greater security of funding is needed to tackle an ongoing issue such as weeds.

During the community consultation process on Local Land Service (LLS), some stakeholders questioned the NSW Government's decision not to include weed management within the proposed new framework. However, LGNSW would like to restate its strong support for weed management to stay a Local Government responsibility. While some may think that moving weeds to LLS will be the 'silver bullet' that will solve all the problems, the management of weeds is a complex issue involving many players and interactions between those players. Due consideration must be given to the most practical and appropriate scale of delivery for weed management and regulation. LGNSW would urge the NSW Government to maintain its support for the current weed management framework.

### **Evidence-based Decision Making**

In order to provide coordinated and weed management and effective biosecurity more broadly, agencies and all spheres of government must be able to collect, examine and share information. As part of their response to the draft NSW Biosecurity Strategy, Far North Coast Weeds made the following salient comment:

*Information gathering, surveillance and the confidential exchange of information with trusted partners are important tools in achieving biosecurity objectives. However the exchange of such information, especially from local control authorities to other agencies, is ad hoc and results mainly from relationships formed between individual officers of agencies.*

*It is proposed that the function of information sharing between local control authorities/local government and other levels of government be formalised.*

LGNSW supports this recommendation for a formalisation of information sharing functions in order to allow evidence-based decision making to occur consistently across NSW and Australia.

Monitoring, evaluation and reporting (MER) has been identified as an area of deficiency in natural resource management right across Australia, in all spheres of government, and within the general community. The current weed management MER processes in NSW are not immune from this criticism. The Invasive Species Plan, national programs such as 'Weeds of National Significance', and Integrated Planning and Reporting for Local Government, all place greater emphasis on improving this important area of activity.

It is vital that we integrate weed management MER with other local, regional and state frameworks, to ensure that weed management is seen as 'core business' and not as a separate 'add on'. Standardised state-wide MER strategies and processes for weed management will allow for all stakeholders involved in weed operations to have consistency and compatibility when it comes to the management of weed infestations.

Gauging the effectiveness of programs is also paramount in ensuring funding is allocated where and when it is most needed. In response to the 2011 statutory review of the *Noxious Weeds Act 1993*, the New England Weed Authority noted that "consideration needs to be given to the capacity for Industry and Investment NSW to collate and report on 'the effectiveness of the management of weeds in this State'". Adequate reporting on weed



management objectives will allow agencies to respond to emerging priorities in a more nimble fashion.

Standardised reporting and data collection systems would enable emergence and spread of weeds to be identified more readily, and to facilitate information exchange at local, regional and state level. Whilst it is easy to criticise Local Government for having varied data systems, it is worth noting that as technology has developed and become available Local Government has embraced the opportunities presented. As such, Local Government is already making good use of new technology to record and collate weed information, and it is noted that the 2013-14 round of WAP funding includes a project to progress standardised data collection.

Ultimately, it is the community that must be convinced of need for resourcing to tackle weeds in NSW. Fundamental to this is being able to demonstrate what the current level of funding towards weed management is achieving. We also need to understand what the community – an informed and aware community - expects 'effective weed management' to deliver. There will invariably be trade-offs between the funding available and what can be achieved, but it is the role of decision-makers to provide transparency and manage community expectations accordingly.

### **Research and Development**

Research and development is a critical component of a good weed management framework. Understanding the potential impact of new and emerging weeds, identifying high risk pathways for potential spread and the most effective methods of control are critical for early prevention and eradication. Of course, there is never enough funding to undertake the desired scale and scope of research.

The identification of research priorities in consultation with those working on the ground, and those monitoring regional and national trends for both weeds and biosecurity more generally, would help to focus research dollars and academic efforts where it is needed. For example, a research 'prospectus' informed by regional research priorities could be developed for the State. In this way, common research priorities are dealt with in an efficient way, allowing regional and local groups the flexibility to fund research on more localised priorities.

### **Conclusion**

Weed management is a shared responsibility, requiring the engagement and commitment of a wide range of players – private landholders, public land managers, Local Government, State Government, local land care/management groups, and combinations of these bodies.

Weeds have the potential to (and do) significantly impact on the productive capacity and environmental value of land, pose health risks to people and livestock, and can pose a biosecurity threat to native plants and animals.

The current framework for weed management firmly puts councils and county councils as lead regulators for weeds. Councils have taken this role seriously, investing significant time and resources in developing skills and expertise. They have worked with other councils on a regional basis to improve coordination and to develop innovative education and awareness campaigns, to monitor and understand how best to tackle weeds in their region.

This submission has identified some potential improvements that can be made to the overall framework for weed management in NSW, however our central argument is that Local Government is best placed to retain weed management functions because:

- It is the logical avenue for local delivery;
- Local Government has invested significant time and resources in building skills and expertise in weed management, and
- Local government has a proven record in weed management – over 100 years – demonstrating its commitment and ability to adapt to deliver contemporary weed management approaches.