

Name of policy:	Biosecurity Weeds		
Adoption by Council:	22 May 2024	Minute number:	189/2024
Last review date:	8 May 2024		
Review timeframe:	4 years		
Next scheduled review date:	May 2028 or sooner if changes to legislation occur.		
Related legislation:	<i>Biosecurity Act 2015</i> <i>Biosecurity Regulation 2017</i>		
Associated policies/documents:	NSW Weeds Action Program 2020 - 2025 Hunter Regional Strategic Weed Management Plan 2023 – 2027 NSW Invasive Species Plan 2023 – 2028 NSW Biosecurity and Food Safety Strategy 2022 – 2030 MidCoast Council Delegations Register MidCoast Council Records Management Policy MidCoast Council Compliance Policy Weeds and the Biosecurity Act (2022) – A handbook for local councils and councillors in NSW		
Responsible division:	Liveable Communities		

Policy objective

To effectively manage weeds biosecurity as allowed and required in the *Biosecurity Act 2015* (NSW) (Act) and the *Biosecurity Regulation 2017* (NSW).

Biosecurity

Biosecurity means protecting the economy, environment, and community from the negative impacts of pests and diseases, weeds and contaminants.

Weeds biosecurity includes:

- preventing the entry of new weeds
- finding, containing and eradicating emerging weeds
- minimising the impacts from weeds that cannot be eradicated.

Policy statement

Council will:

- Ensure systems are in place to enable Council to effectively function as the Local Control Authority under the Act;
- Apply the NSW Weed Risk Management System process to the MidCoast local government area to determine local priority weeds; and
- Undertake compliance and enforcement activities to manage State, regional and local priority weed species as a Local Control Authority;
- Ensure our community is aware of the impact of weeds on natural resources and biodiversity, especially on agricultural lands, our bushland, foreshores and wetlands.

Coverage of the policy

This policy applies to Council staff and Authorised Officers who have responsibilities under the Act.

Strategic plan link

Community Outcome 2: An integrated and considered approach to managing our natural and built environments

<i>2.1 We protect, manage and restore our natural environment and our biodiversity</i>	<i>2.1.1 Protect, maintain and rehabilitate natural areas</i>
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Policy content

The control of weeds in NSW is specified by the *NSW Biosecurity Act 2015* and associated regulations.

MidCoast Council has obligations under the Act as a landholder, and as a Local Control Authority.

Under the Act, Council Authorised Biosecurity Officers are able to enter and inspect any land (private, Council and State) to which this Act applies for the purposes of a Biosecurity Weeds inspection. To ensure a land owner, occupier or a person in charge of, or has the care, custody or control of a premises, complies with the Act, instruments are provided that can be utilised by Authorised Officers, including but not limited to Control Orders, Individual Biosecurity Directions and Individual Biosecurity Undertakings.

Failure of a land owner, occupier or person in charge to discharge their Biosecurity Duty may result in Council issuing a Penalty infringement Notice, undertaking of recoverable works to rectify serious breaches of the Act, or implementing other actions where appropriate including initiating court proceedings.

Managing biosecurity risk

Council is committed to managing a biosecurity risk (posed, or potential risk), by reducing the impacts of local priority Biosecurity (Weeds) on human health, the economy, community and environment through the implementation of the following programs:

- Control Biosecurity Priority weeds on Council managed lands
- Inspect and manage Biosecurity Priority weeds on high-risk sites and pathways

- inspect private, public and Crown lands to ensure landowners and occupiers meet their obligations to manage the biosecurity risk identified under the Act,
- Implement an Inspection Program, focusing on early identification to meet Biosecurity objectives.
- Educate and advise landholders and the community so they are aware, willing and able to undertake weed control measures as required for priority and non priority weeds.
- Utilise legislative instruments and compliance tools (e.g. Infringements, Control orders, Recoverable works, Biosecurity Directions) where necessary and appropriate, to ensure landholders discharge their Biosecurity Duty.
- Control of non priority (widespread weeds) on lands owned and managed by Council where available resources and management priorities permit.

Records management

Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

Definitions

<u>Authorised Officer</u>	means a person who is appointed as an authorised officer under the Act and authorised by that appointment to exercise the function in relation to which the expression is used.
<u>Act</u>	means the <i>Biosecurity Act 2015</i>
<u>Biosecurity Direction</u>	means a direction that prohibits, regulates or controls (absolutely or conditionally) the doing of anything to enforce, administer or execute this Act.
<u>Biosecurity Matter</u>	Anything as defined in section 10 of the Act as being Biosecurity Matter.
<u>Biosecurity Undertaking</u>	means the measures that the person has agreed to implement to remedy or prevent the contravention, suspected contravention or likely contravention of a requirement imposed by or under this Act.
<u>Council</u>	Means MidCoast Council
<u>General Biosecurity Duty</u>	means any person who deals with Biosecurity Matter has a Biosecurity Duty to ensure that, so far as is reasonably practicable, the biosecurity risk is prevented, eliminated or minimised.
<u>Local Control Authority</u>	means Council as described in section 370 of the Act.
<u>NSW Weeds Risk Management System (WRM System)</u>	The NSW WRM system aims to provide a standard, nationally accepted and transparent process to help make decisions about the introduction, prioritisation and declaration of weed species.
<u>Pathways</u>	Are ways of identifying methods of distribution or transfer of weed matter

References and related documents

- NSW Weeds Action Program 2020 - 2025
- Hunter Regional Strategic Weed Management Plan 2023 – 2027
- NSW Invasive Species Plan 2023 – 2028
- NSW Biosecurity and Food Safety Strategy 2022 – 2030
- MidCoast Council Delegations Register
- MidCoast Council Records Management Policy
- MidCoast Council Compliance Policy
- Weeds and the Biosecurity Act (2022) – A handbook for local councils and councillors in NSW

Responsible officer

Manager Natural Systems