

4th April 2014

Weed Management Review
Natural Resources Commission
GPO Box 4206
SYDNEY NSW 2001

By email: ria.pryce@nrc.nsw.gov.au

Dear Ms Pryce,

Review of the Weed Management in NSW – Draft Report

As an independent community legal centre specialising in public interest environmental law, EDO NSW welcomes the opportunity to comment on *the Weeds – Time to get Serious, Review of the Weed Management in NSW – Draft Report¹* (draft report).

We note that the draft report has been prepared in response to the Terms of Reference for review of weed management in NSW where the Minister for Primary Industries asked the NRC to undertake an independent evaluation of the effectiveness and efficiency of weed management arrangements in NSW with a view to inform the further development of the proposed NSW Biosecurity Act, and other relevant strategies under the NSW Biosecurity Strategy.

EDO NSW supports the recommendations made in the draft report. Weeds are serious environmental issue and strong cooperation and coordination between all landholders is necessary to ensure weeds are appropriately managed and ultimately eliminated. The proposals outlined in the draft report will make a significant contribution to improving weed management in NSW.

EDO NSW believes that the draft report recommendations could be strengthened in relation to the **9** issues outlined below.

1. Environmental weeds

The current review provides an opportunity to revisit the definition of noxious weeds to include environmental weeds. The draft report refers to the DPI definition of noxious weeds as “*plants that have potential to cause harm to the community and*

¹ February 2014. Accessed at: <http://www.nrc.nsw.gov.au/content/documents/Weed%20management%20-%20Draft%20report%20v1.1%20-%202013%20March%202014.pdf>.

*individuals, can be controlled by reasonable means and have the potential to spread within an area and to other areas. A weed is declared noxious because its control will provide a benefit to the community over and above the cost of implementing control programs.*² Expanding the definition to include environmental weeds will ensure a more consistent approach to all weeds in NSW. Such a change would need to be supported by documentation of the current status of NSW's environmental weeds, supporting coordination on environmental weed management and recognising the distinctive challenges of environmental weed management and the need to develop more effective ecological approaches to management.

2. *Marine species*

We note that this weed review has excluded marine species. Marine transport creates a significant risk of weed introduction into and movement throughout Australia. As an example, *Caulerpa taxifolia* is a marine alga that has colonised areas outside its natural tropical range. In NSW this has included spreading to 14 NSW estuaries and lakes and one oceanic area since its first detection in 2000³. The importance of maintaining and improving biosecurity around marine transport should not be overlooked in any proposed NSW Biosecurity Act.

3. *Permitted List*

EDO NSW supports the proposal for a permitted list of weeds, with aquatic weeds being the initial focus. We note that there are a number of known environmental weeds that continue to be sold as aquarium plants. These species should not be included on any list of permitted species and any industry proposals for permitted lists must be reviewed and endorsed by an independent expert group. This process should build on work previously conducted by the Department of Primary Industries (DPI) to conduct "a risk assessment of aquatic plants sold within the aquarium and nursery trade to identify any with high potential to become weeds"⁴. The use of a permitted weed list should be extended to species that can be brought into NSW from interstate.

4. *Tenure-neutral obligations*

EDO NSW supports the move to a tenure-neutral approach and general biosecurity obligation for weed management. While it is appropriate for widespread weeds to "recognise the varied management objectives of different land managers, and allow priorities and obligations to be negotiated with the community on a regional basis"⁵ it

² Draft report, p 15.

³ <http://www.dpi.nsw.gov.au/fisheries/pests-diseases/marine-pests/nsw/caulerpa-taxifolia>

⁴ <http://www.dpi.nsw.gov.au/archive/agriculture-today-stories/ag-today-archives/february-2007/fish-tank-plants-checked-for-menace>

⁵ Draft report, p 3.

must also be recognised that some tenures (for example, road and rail corridors) facilitate the spread of weeds. As such, there must be some acknowledgement of the need for compulsory preventative actions if the further spread of weeds is to be prevented (for example weed control activities must include actions that will lead to the permanent control of weeds, rather than one off treatments). The draft report notes that public land managers have expressed concern about the cost of a tenure-neutral approach⁶. Given the current weed burden in NSW this is not surprising. However the cost of controlling weeds should not be used as an excuse for avoiding management although it may appropriately be used for prioritisation of weed control. There must also be a clearer role for the State Government in ensuring prevention and eradication of weed species.

5. Levy

EDO NSW supports the proposal to allow a levy on LLS rate payers to address significant weed issues. This proposal should be expanded to include environmental weeds and to include urban rate payers. Such an expansion would also allow for the development of a reserve fund for responding to new high-risk incursions.

6. Partnerships

EDO NSW supports the statement that “widespread weeds should be managed through partnerships at the local and regional scales, guided by strategic regional priorities”⁷. The scale of such partnerships should be relevant to the dispersal mechanism of the weed species being targeted. Regional management committees should have a stronger focus on recruiting individuals with appropriate technical expertise.

7. Use of herbicides

EDO NSW supports the appropriate use of herbicide for weed control. EDO NSW has recently expressed concern about the proposed changes to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth) through the proposed *Agriculture and Veterinary Chemicals Legislation Amendment (Removing re-approval and re-registration) Bill 2013*⁸. The benefits of any off label use of herbicide must be carefully weighed against the environmental risk created by unregulated chemical use.

⁶ Draft report, p 45.

⁷ Draft report, p 3.

⁸ See: *Submission regarding the Agriculture and Veterinary Chemicals Legislation Amendment (Removing re-approval and re-registration) Bill 2013*, 7 March 2014 available at: http://d3n8a8pro7vhmx.cloudfront.net/edonsw/pages/1326/attachments/original/1394762054/ANEDO_submission_AGVET_BILL_070314.pdf?1394762054

8. Education and capacity-building

The draft report discusses the importance of education and capacity-building in managing weeds and highlights a number of successful program⁹. One important area for future education programs will be smaller landholders without experience in rural land management. The Rural Industries Research and Development Corporation found that over 4% of Australia's rural land changes ownership each year and in NSW this tends to be higher due to greater demand for non-agricultural purposes¹⁰. This high change in ownership and land use creates a significant risk of new landholders not meeting their weed management requirements. To address this risk, additional education programs are required. Education and capacity building must be done in the context of a strong weed research capacity to ensure that weed control techniques are consistently updated to be as effective as possible.

9. Conflict species

If so called 'conflict species'¹¹ are to be permitted, monitoring and reporting requirements should including the requirement to monitor surrounding properties to ensure that the species are not spreading off site.

If you require any further information, please contact rachel.walmsley@edonsw.org.au.

Yours sincerely,
EDO NSW



Rachel Walmsley
Policy & Law Reform Director

⁹ Draft report, p 65.

¹⁰ <http://www.rirdc.gov.au/news/2012/12/17/new-study-uncovers-how-often-rural-land-is-changing-hands>

¹¹ Draft report, p 89.