



Submission to Agriculture and Environment Committee

Inquiry into the impacts of invasive plants (weeds) and their control in Queensland

Response to the Inquiry Terms of Reference

The Agriculture and Environment Committee has resolved to investigate and report on the impacts of invasive plants (weeds) and their control in Queensland, particularly whether:

- the responsibilities of local governments in relation to the control of prohibited, restricted and invasive plants imposed under s.48 of the Biosecurity Act 2014 are reasonable, and local governments are meeting those obligations
- programs for the control of weeds on Crown land administered by the Department of Natural Resources and Mines are effective
- Biosecurity Queensland's weeds programs, including biological controls and new technologies, are adequately funded and effective at controlling weeds
- environmental programs administered by the Department of Environment and Heritage Protection impact favourably on weed control programs administered by the Department of Agriculture and Fisheries and local governments, and
- Federal, state and local government weeds programs are coordinated to maximise their achievements and to have a whole of government approach.

For the purposes of this submission, Ipswich City Council will focus comments on the responsibilities of local government, particularly how the legislation created barriers to Council meeting its obligations under s.48.

General Biosecurity Obligation

The repealed provisions of the *Land Protection (Pest and Stock Route Management) Act 2002* (the LPA) provided an obligation for a landowner to take reasonable steps to keep their land free of Class 1 and Class 2 pests.

The repealed provisions clearly:

- Identified the responsible person who was required to discharge the obligation as the landowner; and
- Provided the target level of control ('land free').

In contrast to this, the new General Biosecurity Obligation (GBO) appears to have been defined to capture a number of scenarios and states that the obligation relates to "a person".

While paraphrasing the provisions, the GBO applies to a person who knows, or ought reasonably to know, that dealing with or carrying out an activity, poses or is likely to pose a biosecurity risk. This person has an obligation to prevent or minimise adverse effects on a biosecurity consideration.

The obligation effectively creates a situation whereby the person could be, but not limited to, any of the following:

- A landholder;
- A tenant of a property;
- An agistor of livestock being kept on the land; or
- Potentially another person who may visit the land (if they deal with the matter, or carry out an activity that poses or is likely to pose a biosecurity risk).

The use of the term 'person' has the potential to create confusion in the community in terms of who is definitively responsible, as might be the case in a landowner verse tenant dispute.

Further, the term also has the potential to create difficulties for local government authorities attempting to enforce the act, particularly in terms of recouping costs incurred for works conducted to achieve compliance.

The consideration will then need to be assessed in context with the general locality (included in some cases, the uses of other properties) and if applicable, what each person is doing to prevent or minimise the adverse effects of the consideration. All of these factors must be established and considered by the relevant Council Officer where each infestation of an invasive plant is identified.

This contextualised risk assessment approach, whilst providing flexibility to local governments, also creates the potential for inconsistencies to occur across local governments areas, which may be particularly evident at properties located on the borders of the defined area.

Terminology

The terminology utilised throughout the *Biosecurity Act 2014* is quite complex and is a hurdle for Council Officers operating within this legislative framework within the general community.

It could be argued that the terminology used throughout the legislation is academic or legal in nature and unless tactfully communicated, may be confusing for a landholder, primary producer or relevant person who doesn't have an academic or legal background.

Previous experience with complex legislation has shown that this generally results in longer interactions with customers to ensure an understanding of the key terms and phrases has been communicated.

State Land Weed Management

The management of invasive species on State land in the Ipswich local government area appears to be limited. Regionally, a number of parcels (including the State road network) are infested with invasive plant species and little to no control appears to be undertaken.

This is in conflict with Council's message to landholders that weed management should be proactive and part of holistic property management. Often landholders highlight the state of these parcels to Council Officers in the course of their duties.

This represents a significant barrier to the 'hearts and minds' approach, making buy-in, particularly for people adjacent/nearby to largely infested state land, a very difficult proposition.

Risk Assessment and Definition

The Biosecurity Planning requirements defined in the *Biosecurity Act 2014* will allow Council's to define what the GBO will look like for each individual invasive species.

Unfortunately, there has been a gap in information surrounding how these assessments are undertaken, what aspects are considered, the relationship between current stake risk assessments, Council's position and most importantly, how Council's defend their position (in an enforcement context). This again creates the potential for inconsistency in the approach taken by different local governments.

Funding and Resourcing

The issues outlined up until this point due to the legislative change have required Council to provide an increase in human resources (in both policy and operations) to meet the community's weed management expectations and still comply with the *Biosecurity Act 2014* provisions.

Ipswich City Council recruited a dedicated officer to manage the City's Fireweed infestations alone during the last peak growth period. This expense was absorbed through the organisations operating budget, with no external funding assistance.

Ipswich City Council also provided free disposal at transfer stations for landholders who were pulling and bagging Fireweed to meet their GBO. This allowed landholders to comply with the provisions outlined in s.43 of the *Biosecurity Act 2014* and s.11 of *Biosecurity Regulation 2016* without incurring the standard waste disposal fees. This expense was absorbed through the organisations operating budget, with no external funding assistance.